



OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: AUGUST 8, 2019
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, August 12, 2019:**

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

- 3:30 P.M.** **PERSONNEL & FINANCE** **CHAIRPERSON, WHITE**
1. [Bill No. 25-19](#)- Additional Appropriation Ordinance- Procurement
- 3:50 P.M.** **INFORMATION & TECHNOLOGY** **CHAIRPERSON, SCOTT**
1. **Update**- IT- Denise Riedl, Chief Information Officer
- 4:10 P.M.** **HEALTH & PUBLIC SAFETY** **CHAIRPERSON, BRODEN**
1. [Bill No. 24-19](#)- Handheld Device Ordinance
- 4:25 P.M.** **ZONING & ANNEXATION** **CHAIRPERSON, DAVIS**
1. **Update**: Zoning Ordinance- Tim Corcoran, Director of Planning- Community Investment
2. [Bill No. 70-18](#)- 131 Chapin Street Zoning Amendment
3. [Bill No. 22-19](#)- Building Permits Ordinance Amendment

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

- INFORMAL MEETING OF THE COMMON COUNCIL** **PRESIDENT, T. SCOTT**
1. Discussion of Council Agenda
 2. Update and Announcements
 3. Adjournment

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

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

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455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, August 12, 2019

7:00 P.M.

1. **INVOCATION- ED WILLIAMS, CODE ENFORCEMENT OFFICER- CITY OF SOUTH BEND**

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

5. **SPECIAL BUSINESS**

19-46 A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, HONORING JEFF KATONA AND HIS FAMILY FOR 20 YEARS OF DEDICATED SERVICE.

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME:_____

BILL NO.

70-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 131 CHAPIN STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

22-19 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, ARTICLE 1, SECTION 6-4 OF THE SOUTH BEND MUNICIPAL CODE TO REQUIRE PAYMENT OF ALL PAST PERMIT AND INSPECTION FEES AND COMPLIANCE ALL APPLICABLE ZONING ORDINANCES PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, EXCEPTING CERTAIN BUILDING PERMITS ISSUED IN ACCORDANCE WITH LAW PRIOR TO THE EFFECTIVE DATE OF THIS AMENDED ORDINANCE

24-19 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL

CODE BY REPEALING CURRENT CHAPTER 20, ARTICLE 13 AND THE INCLUSION OF NEW CHAPTER 20, ARTICLE 13, ENTITLED “REGULATIONS ON THE USE OF HAND-HELD MOBILE OR WIRELESS TELEPHONES, ELECTRONIC COMMUNICATIONS DEVICES AND TELECOMMUNICATIONS DEVICES WHILE DRIVING”

[25-19](#) 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 2019 OF \$180,070 FROM GENERAL FUND (#101)

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[70-18](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 131 CHAPIN STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[22-19](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, ARTICLE 1, SECTION 6-4 OF THE SOUTH BEND MUNICIPAL CODE TO REQUIRE PAYMENT OF ALL PAST PERMIT AND INSPECTION FEES AND COMPLIANCE ALL APPLICABLE ZONING ORDINANCES PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, EXCEPTING CERTAIN BUILDING PERMITS ISSUED IN ACCORDANCE WITH LAW PRIOR TO THE EFFECTIVE DATE OF THIS AMENDED ORDINANCE

[24-19](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE BY REPEALING CURRENT CHAPTER 20, ARTICLE 13 AND THE INCLUSION OF NEW CHAPTER 20, ARTICLE 13, ENTITLED “REGULATIONS ON THE USE OF HAND-HELD MOBILE OR WIRELESS TELEPHONES, ELECTRONIC COMMUNICATIONS DEVICES AND TELECOMMUNICATIONS DEVICES WHILE DRIVING”

[25-19](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2019 OF \$180,070 FROM GENERAL FUND (#101)

9. **RESOLUTIONS**

10. **BILLS ON FIRST READING**

BILL NO.

26-19 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 9-16 OF CHAPTER 9, ARTICLE 3, OF THE SOUTH BEND MUNICIPAL CODE TO ADDRESS AMBULANCE/MEDICAL SERVICE FEES

27-19 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 1, OF THE SOUTH BEND MUNICIPAL CODE OF BY THE INCLUSION OF NEW DIVISION I ENTITLED YOUTH ADVISORY COUNCIL

11. **UNFINISHED BUSINESS**

BILL NO.

19-50 A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 3423 MICHIGAN STREET

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 officiate 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.



2019 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-10-19)

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

Gavin Ferlic, Vice-Chairperson

John Voorde, Member

Jo M. Broden, Member

COUNCIL RULES COMMITTEE

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

Tim Scott, Member

Jake Teshka, 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

Karen L. White, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, 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

Jake Teshka, 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

Jake Teshka, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2019 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-10-19)

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
John Voorde, Vice-Chairperson

Regina Williams-Preston, Member
Jo M. Broden, 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
Karen L. White, 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
Sharon L. McBride, 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.

Jake Teshka, 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, Member
Jake Teshka, Member



2019 COMMON COUNCIL STANDING COMMITTEES (Rev.01-10-19)

TIM SCOTT, 1ST District Council Member

President

Information and Technology Committee, 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

Public Works & Property Vacation, Vice-Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member
Residential Neighborhoods 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
Community Relations Committee, Member
Personnel and Finance Committee, Member

JAKE TESHKA, 5TH District Council Member

Utilities Committee, Chairperson

PARC Committee, Vice-Chairperson

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

OLIVER J. DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

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

GAVIN FERLIC, AT LARGE Council Member

Community Investment Committee, Chairperson

Information & Technology Committee, Vice-Chairperson

Community Relations Committee, Vice-Chairperson

Council Rules Committee, Member
Zoning & Annexation Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Vice-President

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Council Rules Committee, Member
Public Works & Property Vacation, Member

JOHN VOORDE, AT LARGE Council Member

Chairperson, Committee of the Whole

Public Works & Property Vacation, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Personnel and Finance Committee, Vice-Chairperson

Community Relations Committee, Member
PARC Committee, Member
Health and Public Safety Committee, Member



BILL NO. 70-18 DISTRICT
NO. 2
(Councilmember Regina
Williams- Preston

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

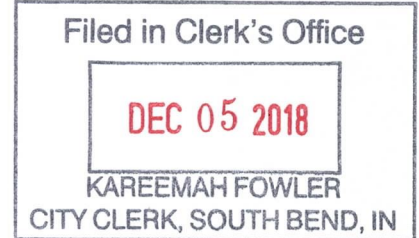
Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

December 5, 2018

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



RE: 131 Chapin Street
APC# 2885-18

Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment. Please include the attached Ordinance on the Council agenda for first reading at your December 10th, 2018 Council meeting, and set it for public hearing at your January 28th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the January 15th, 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

DEC 05 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 70-18

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 131 CHAPIN STREET, COUNCILMANIC DISTRICT NO. 2 IN THE
CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from SF2 to O for a hotel.

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:

A LOT OF PARCEL OF LAND FIFTY-TWO (52) FEET IN WIDTH FRONTING ON SOUTH CHAPIN STREET, AND BEING A PART OF LOT NUMBERED TEN (10) AS SHOWN ON THE PLAT OF ANN THOMAS' SUBDIVISION OF A PART OF BANK OUT LOT NUMBERED SEVENTY-FOUR (74) OF THE FIRST PLAT OF OUT LOTS OF THE TOWN, NOW CITY OF SOUTH BEND, PLATTED BY THE STATE BANK OF INDIANA, WHICH PART IS BOUNDED BY A LINE RUNNING AS FOLLOWS:

BEGINNING ON THE WEST LINE OF SOUTH CHAPIN STREET AT A POINT 70 FEET SOUTH OF THE NORTHEAST CORNER OF SAID BANK OUT LOT NUMBERED SEVENTY-FOUR (74); THENCE RUNNING WEST 146.90 FEET TO A POINT 50 FEET EAST OF THE EAST LINE OF THE LOT NUMBERED TWENTY-NINE (29) IN ANN THOMAS' SUBDIVISION OF THE NORTHWEST PART OF SAID BANK OUT LOT NUMBERED SEVENTY-FOUR (74); THENCE SOUTH 52 FEET; THENCE EAST TO THE WEST LINE OF CHAPIN STREET; THENCE NORTH 52 FEET TO THE PLACE OF BEGINNING.

ALSO, THE EAST FIVE (5) FEET OF THE PRIVATE OR VACATED PUBLIC ALLEY LYING WEST AND ADJACENT TO THE ABOVE DESCRIPTION.

be and the same is hereby established as O Office District.

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

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

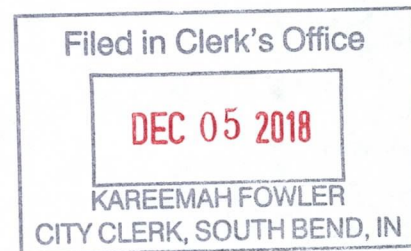
Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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:
131 Chapin Street (just south of Washington on the west side) 1st house north of the Studebaker National Museum.
South Bend, IN 46601-2519
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s)*
- 3) Legal Descriptions: *Part of Lot 10 in Ann Thomas' Subd of Part of Bank Out Lot 74 of the 1st. Plat of Lots of the City of South Bend, IN*
- 4) Total Site Area: *7,899 sq. ft. .18 Ac*
- 5) Name and address of property owner(s) of the petition site:
Donald R. Lindner (Trustee Lindner Family Trust dated 3/21/2014.
900 Thomas Street
South Bend, IN 46601-2537
314-973-8686
dlindner@mac.com



Name and address of additional property owners, if applicable: Other address 1447 Rose Hill Lane, St. Peters, MO 63376-3744

- 6) Name and address of contingent purchaser(s), if applicable:
N/A Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address



Name and address of additional property owners, if applicable: Wife, Janet V. Lindner, same Missouri address.

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

From: *SF2 Single Family Two Family District* Additional zoning district, if applicable

To: *O Office District*
- 8) This rezoning is requested to allow the following use(s): *Hotel 6 Rooms (Already own B&B).*

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

- 1) *From the required perimeter landscape to none.*
- 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: *There is already existing landscape on the site.*
 - (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: *Improving and updating the property*

jl
sl

- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *This is a museum area zoned office. Strict application would require us to remove existing landscaping.*

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

- 1) The Special Exception Use(s) being requested: *Insert text*

- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Please explain how your Special Exception Use petition addresses this criteria*

 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Please explain how your Special Exception Use petition addresses this criteria*

 - (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: *Please explain how your Special Exception Use petition addresses this criteria*

 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Please explain how your Special Exception Use petition addresses this criteria*

* 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:

*Donald Lindner
900 Thomas Street
South Bend, IN 46601-2537
Cell 314-973-8686
dlindner@mac.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.

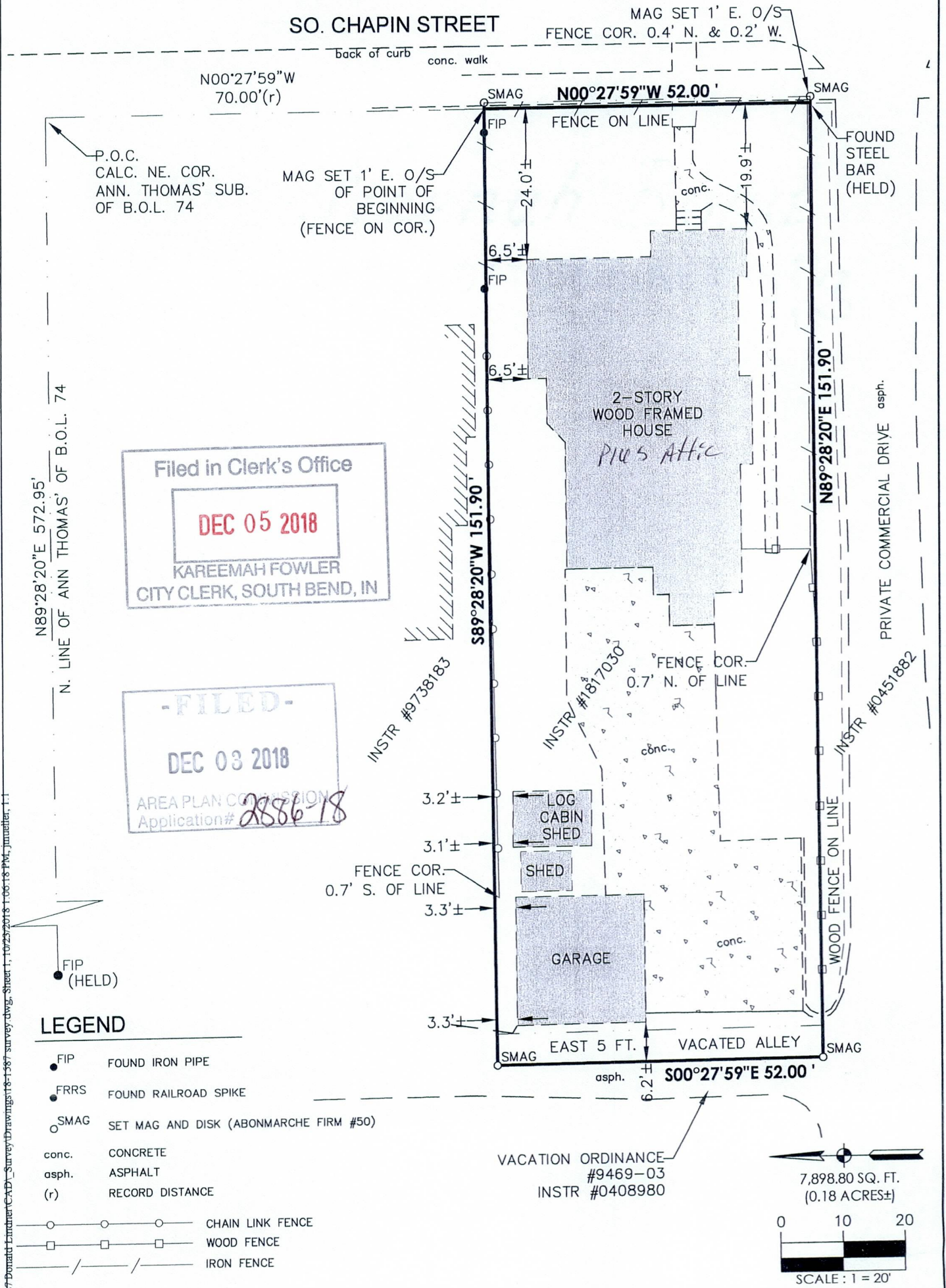
Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

Donald R. Lindner

Jane V. Lindner



RULE 12 BOUNDARY SURVEY



Filed in Clerk's Office
DEC 05 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

-FILED-
DEC 03 2018
 AREA PLAN COMMISSION
 Application # *2886-18*

LEGEND

- FIP FOUND IRON PIPE
- FRRS FOUND RAILROAD SPIKE
- SMAG SET MAG AND DISK (ABONMARCHE FIRM #50)
- conc. CONCRETE
- asph. ASPHALT
- (r) RECORD DISTANCE
- CHAIN LINK FENCE
- WOOD FENCE
- / — IRON FENCE

PROPERTY ADDRESS:
 131 S. CHAPIN ST., SOUTH BEND, IN. 46601
 PROPERTY DESCRIPTION:
 PART OF LOT 10 IN ANN THOMAS' SUBDIVISION OF
 A PART OF BANK OUT LOT 74 OF THE 1ST. PLAT OF
 OUT LOTS OF THE CITY OF SOUTH BEND, IN.
 COPYRIGHT 2018 - ABONMARCHE CONSULTANTS, INC.

DATE OF FIELDWORK: 10/04/18	DATE: 10/22/18
FIELDBOOK: RBS 9, PG. 1	DRAWN BY: CMR
REVIEWED BY: MJR	SECTION: 11-T37N-R2E
SCALE: 1"=20'	SHEET 1 OF 3

JOB NO. 18-1587-250

O:\Projects\2018\18-1587-Donald-Lindner-CAD-Survey\Drawings\18-1587-survey.dwg, Sheet 1, 10/23/2018 1:06:18 PM, Junfelder, J

750 Lincoln Way East
 South Bend, IN. 46601
 T 574.232.8700
 F 574.251.4440
 abonmarche.com

Battle Creek Goshen
 Benton Harbor Hobart
 Manistee Lafayette
 South Haven South Bend
 Valparaiso
 Engineering · Architecture · Land Surveying

RULE 12 BOUNDARY SURVEY

LEGAL DESCRIPTION: (PER DEED)

A LOT OR PARCEL OF LAND FIFTY-TWO (52) FEET IN WIDTH FRONTING ON SOUTH CHAPIN STREET, AND BEING A PART OF LOT NUMBERED TEN (10) AS SHOWN ON THE PLAT OF ANN THOMAS' SUBDIVISION OF A PART OF BANK OUT LOT NUMBERED SEVENTY-FOUR (74) OF THE FIRST PLAT OF OUT LOTS OF THE TOWN, NOW CITY OF SOUTH BEND, PLATTED BY THE STATE BANK OF INDIANA, WHICH PART IS BOUNDED BY A LINE RUNNING AS FOLLOWS: BEGINNING ON THE WEST LINE OF SOUTH CHAPIN STREET AT A POINT 70 FEET SOUTH OF THE NORTHEAST CORNER OF SAID BANK OUT LOT NUMBERED SEVENTY-FOUR (74); THENCE RUNNING WEST 146.90 FEET TO A POINT .50 FEET EAST OF THE EAST LINE OF THE LOT NUMBERED TWENTY-NINE (29) IN ANN THOMAS' SUBDIVISION OF THE NORTHWEST PART OF SAID BANK OUT LOT NUMBERED SEVENTY-FOUR (74); THENCE SOUTH 52 FEET; THENCE EAST TO THE WEST LINE OF CHAPIN STREET; THENCE NORTH 52 FEET TO THE PLACE OF BEGINNING.

ALSO, THE EAST FIVE (5) FEET OF THE PRIVATE OR VACATED PUBLIC ALLY LYING WEST AND ADJACENT THE ABOVE DESCRIPTION.

Filed in Clerk's Office
DEC 05 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

-FILED-
DEC 03 2018
 AREA PLAN COMMISSION
 Application# *2886-18*

C:\projects\2018\18-1587-Donard Landmark CAD_Survey Drawings\18-1587 survey dwg. Sheet 2, 10/23/2018 1:05:26 PM, jmueller, 1:1

JOB NO. 18-1587-250

PROPERTY ADDRESS: 131 S. CHAPIN ST., SOUTH BEND, IN. 46601 PROPERTY DESCRIPTION: PART OF LOT 10 IN ANN THOMAS' SUBDIVISION OF A PART OF BANK OUT LOT 74 OF THE 1ST. PLAT OF OUT LOTS OF THE CITY OF SOUTH BEND, IN. <small>COPYRIGHT 2018 - ABONMARCHE CONSULTANTS, INC.</small>	DATE OF FIELDWORK: 10/04/18	DATE: 10/22/18
	FIELDBOOK: RBS 9, PG. 1	DRAWN BY: CMR
	REVIEWED BY: MJR	SECTION: 11-T37N-R2E
	SCALE: N/A	SHEET 2 OF 3

750 Lincoln Way East
 South Bend, IN. 46601
 T 574.232.8700
 F 574.251.4440
 abonmarche.com

Battle Creek
 Benton Harbor
 Manistee
 South Haven
 Goshen
 Hobart
 Lafayette
 South Bend
 Valparaiso
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RULE 12 BOUNDARY SURVEY

SURVEYOR'S REPORT:

IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS RESULT OF:

- A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS;
- B) OCCUPATION OR POSSESSION LINES;
- C) CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USED AND OF ADJOINERS' DESCRIPTIONS AND THE RELATIONSHIP OF THE LINES OF THE SUBJECT TRACT WITH ADJOINERS' LINES;
- D) THE RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS.

CLIENT NAME: DONALD LINDER
 OWNERS OF RECORD: DEWISEES OF DELORES KWIECINSKI, DECEASED
 TYPE OF SURVEY AND PURPOSE: RETRACEMENT SURVEY

- A) THE REFERENCE MONUMENTS USED AND HELD ARE AS SHOWN ON THE FACE OF THE SURVEY.
- B) RIGHT-OF-WAYS, ROAD IMPROVEMENTS AND FENCES AS SHOWN.
- C) AMBIGUITY OF RECORD DESCRIPTIONS: NONE
- D) THE CLASSIFICATION OF THIS SURVEY IS A SUBURBAN SURVEY: 0.13 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION.

Filed in Clerk's Office
DEC 05 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

THEORY OF LOCATION:

THE EAST AND WEST LINES OF THE SUBJECT PARCEL WERE ESTABLISHED BY SPLITTING THE EXISTING CURB ON CHAPIN STREET. THIS THEORY AGREED WITH THE FOUND STEEL BAR AT THE SOUTHEAST CORNER OF THE SUBJECT TRACT. FROM SAID FOUND BAR AND PARALLEL WITH THE BEFORE MENTIONED CURB. A RECORD DISTANCE WAS CALCULATED UP TO THE NORTHEAST CORNER OF ANN THOMAS SUB. THE NORTH AND SOUTH LINES OF THE SUBJECT TRACT WERE CALCULATED PARALLEL TO THE NORTH LINE OF SAID SUBDIVISION.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:

DUE TO VARIANCES IN REFERENCE MONUMENTS: 0.5'N/S & 2' E/W
 DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: NONE
 DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: 3'+/-

NOTES: PLATS AND NOTES USED.

1. ABONMARCHE RECORDS
2. COUNTY GIS.
3. ADJOINING DEEDS
4. ANN THOMAS SUBDIVISION
5. SURVEY BY LEO WITUCKI DATED 10/22/42

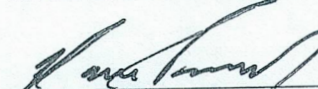
A ROBOTIC TOTAL STATION AND GPS WERE USED TO COLLECT THE DATA FOR THE PROJECT.
 THE FIELD WORK FOR THIS PROJECT WAS PERFORMED IN OCT. 4TH 2018.
 TITLE WORK WAS PROVIDED BY METROPOLITAN TITLE 4041-122373
 BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM (INDIANA EAST)

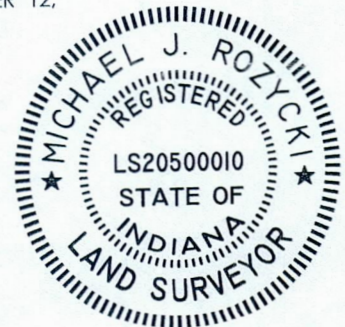
-FILED-
DEC 03 2018
 AREA PLAN COMMISSION
 Application# 2886-18

LAND SURVEYOR'S CERTIFICATE:

I, MICHAEL J. ROZYCKI, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT THIS SURVEY WAS PERFORMED WHOLLY BY OR UNDER MY DIRECTION ON OCTOBER 4, 2018 AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, WAS EXECUTED ACCORDING TO THE SURVEY REQUIREMENTS IN TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 29 OF THE INDIANA ADMINISTRATIVE CODE (IAC).

I AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.


 MICHAEL J. ROZYCKI, PS
 PROFESSIONAL LAND SURVEYOR #20500010
 STATE OF INDIANA
 10/23/18
 DATE



PROPERTY ADDRESS:
 131 S. CHAPIN ST., SOUTH BEND, IN. 46601
 PROPERTY DESCRIPTION:
 PART OF LOT 10 IN ANN THOMAS' SUBDIVISION OF A PART OF BANK OUT LOT 74 OF THE 1ST. PLAT OF OUT LOTS OF THE CITY OF SOUTH BEND, IN.
 COPYRIGHT 2018 - ABONMARCHE CONSULTANTS, INC.

DATE OF FIELDWORK: 10/04/18	DATE: 10/22/18
FIELDBOOK: RBS 9, PG. 1	DRAWN BY: CMR
REVIEWED BY: MJR	SECTION: 11-T37N-R2E
SCALE: N/A	SHEET 3 OF 3

C:\Projects\2018\18-1587-250\Drawings\18-1587-250-01.dwg, Sheet 3, 10/23/2018 1:00:34 PM, jrmiller, 1:1

JOB NO. 18-1587-250



LAWRENCE P. MAGLIOZZI
EXECUTIVE 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

July 17, 2019

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

RE: Bill # 70-18
Rezoning: APC#2886-18
131 Chapin Street

Dear Council Members:

The Area Plan Commission held a public hearing on July 17th, 2019 for the above reference petition. This petition is set for public hearing before the County Council on Monday, July 22nd, 2019.

Ordinance & Petition Amendments:

No changes.

Public Hearing Summary:

There was no one to speak in favor of the petition, but we received two petitions in favor of the rezoning. There were 5 letters and 9 people to speak in opposition of the petition. Their biggest concern was going against all of the efforts in the 90s to return this area to owner occupied single-family dwellings. They were worried of the precedence this could set in future rezonings. Parking was another concern brought up by the citizens.

If you have any further questions, please feel free to contact me at (574) 235-7800.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joydan Wyatt', written over a horizontal line.

Joydan Wyatt
Planner



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, July 17, 2019

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

RE: A proposed ordinance of Donald R. Lindner, Trustee Lindner Family Trust to zone from SF2 Single Family & Two Family District to O Office District, property located at 131 S. Chapin Street, City of South Bend - APC# 2886-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Donald R. Lindner, Trustee Lindner Family Trust was legally advertised on July 4, 2019 and that the Area Plan Commission at its public hearing on July 16, 2019 took the following action:

Upon a motion by John McNamara, being seconded by Harry Dudeck and carried, a proposed ordinance of Donald R. Lindner, Trustee Lindner Family Trust to zone from SF2 Single Family & Two Family District to O Office District, property located at 131 S. Chapin Street, City of South Bend, is sent to the Common Council with an UNFAVORABLE recommendation.

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

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'. The signature is written in a cursive style with a large, stylized 'L' and 'M'.

Lawrence P. Magliozzi

Attachment

CC: Donald R. Lindner, Trustee Lindner Family Trust

Staff Report

7/5/2019

APC # 2886-18
Owner: Donald R. Lindner, Trustee Lindner Family Trust
Location: 131 S. Chapin Street
Jurisdiction: City of South Bend
Public Hearing Date: 7/16/2019

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to O Office District.

Land Uses and Zoning:

- On site: On site is a single-family home and a two car garage.
- North: To the north are single-family homes zoned SF2 Single Family & Two Family District.
- East: To the east are single-family homes zoned SF2 Single Family & Two Family District.
- South: To the south is the Studebaker National Museum and the History Museum zoned O Office District.
- West: To the west is the Studebaker National Museum and the History Museum zoned O Office District.

District Uses and Development Standards:

The O - Office District is established to promote the development of: general office uses and complexes; professional health care uses and complexes; limited public and semi-public uses; and, other uses which are generally compatible in physical appearance and service requirements to office uses. The potential for the development of multifamily dwellings is also provided. The O District is intended for areas with easy access and high visibility from primary transportation routes.

Site Plan Description:

The site plan shows the single-family home being converted into a hotel with 6 guest rooms. Parking will be located in the two car garage and on-street. The proper landscaping is provided. Future development will need to meet the development standards of the O Office District.

Zoning and Land Use History And Trends:

The single-family homes have been zoned SF2 Single Family & Two Family District and the museums have been zoned O Office District since the adoption of the zoning ordinance in 2004.

Traffic and Transportation Considerations:

Chapin Street is two lanes with on-street parking.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The City Engineer offers a favorable recommendation. The Department of Community Investment offers an unfavorable recommendation. They stated that the neighborhood, with the support of the City, has successfully worked on a long-term revitalization strategy to preserve and enhance the historic residential character of the area. DCI suggested, if Council were to approve it, that commitments be made limiting the use to a hotel with 6 guest rooms, maintain the property's character, provide off-street parking at the rear of the property hidden from view from Chapin Street, and make any signage consistent with that found in residential areas.

Commitments:

The petitioner is proposing a written commitment to limit the use to a hotel with 6 guest rooms.

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 (2006), Objective ED 1: Stimulate the rehabilitation and adaptive reuse of property in the city; and Objective ED 9.1: Promote tourism opportunities in the city by actively highlighting the assets of South Bend.

Land Use Plan:

The Future Land Use Plan identifies this area for medium-density residential uses.

Plan Implementation/Other Plans:

The West-Washington-Chapin Development Area Plan identifies this site for residential development.

2. Current Conditions and Character:

The current conditions of the area are single-family uses and the institutional use of the museums.

3. Most Desirable Use:

The most desirable use for the property is one that preserves the character of the residential neighborhood.

4. Conservation of Property Values:

The site is adjacent to the History Museum zoned O Office District. With the proposed written commitments, the rezoning should not adversely affect adjacent property values.

5. Responsible Development And Growth:

It is responsible development and growth to allow the adaptive reuse of existing structures with conditions that fit it in the context of the neighborhood in which its locating.

Staff Comments:

The staff is requesting two written commitments: 1) to limit signage to a maximum of 16 square feet and, if illuminated, that only external illumination be utilized; and 2) the single-

family residential form and character of the building shall be maintained. Access to the guest rooms will occur internally through one primary entrance.

Recommendation:

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

Analysis:

Rezoning the site to O Office District with the written commitments will allow for the adaptive reuse of an existing structure that conforms with the character of the existing neighborhood.

REZONING
#2886-18

LAPORTE

WASHINGTON

CHAPIN

JEFFERSON

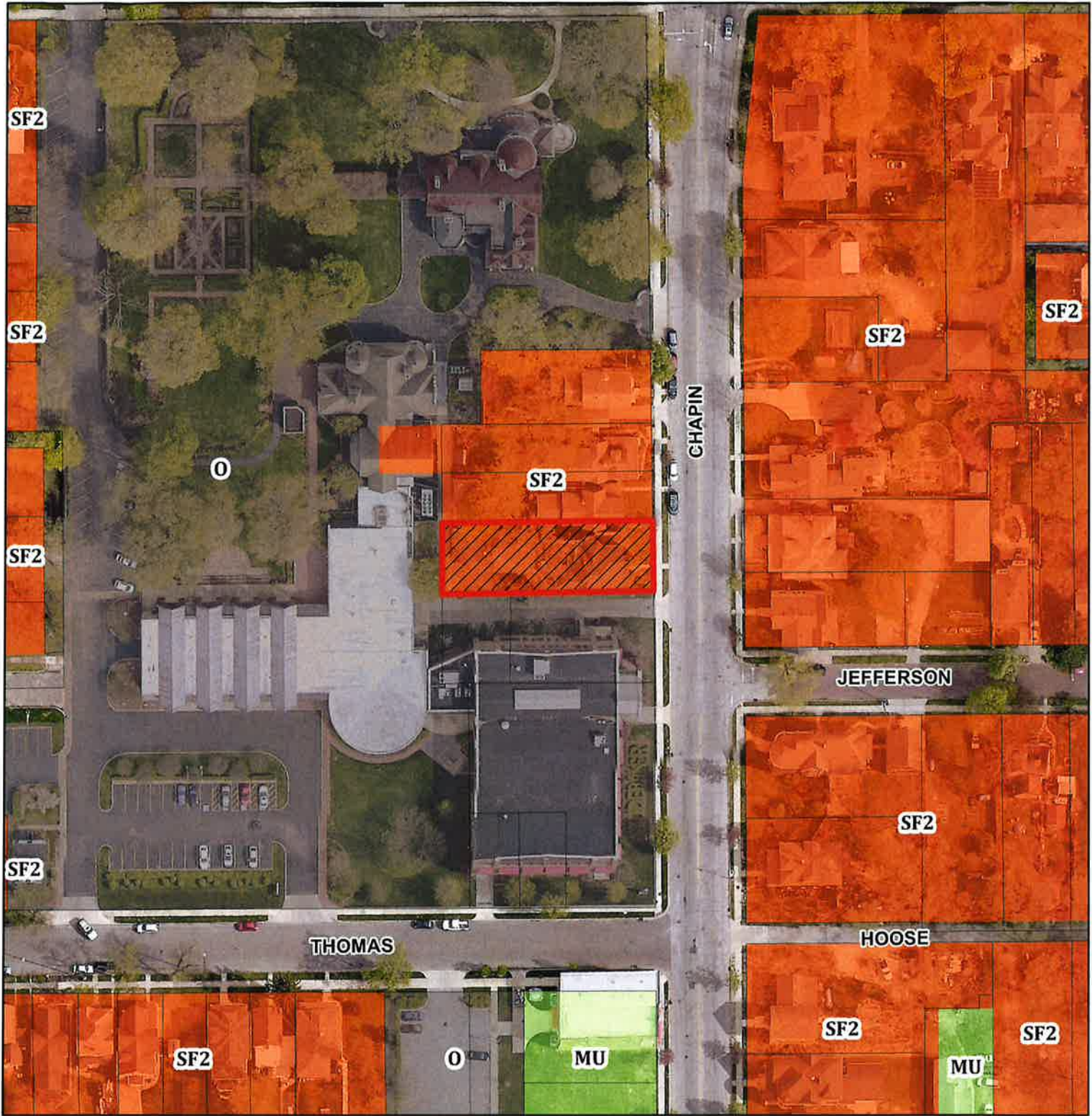
THOMAS

HOOSE

PORTAGE TOWNSHIP
1 inch = 100 feet




WAYNE

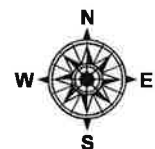




Rezoning from: SOUTH BEND SF2 SINGLE FAMILY AND TWO FAMILY DISTRICT TO O OFFICE DISTRICT

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "O" OFFICE DISTRICT



1 inch = 100 feet

APC # 2886-18

THE NEAR WESTSIDE NEIGHBORHOOD ORGANIZATION

[Resolution]

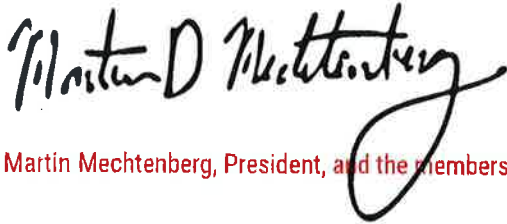
Near Westside Neighborhood Organization
South Bend, IN 46601

February 12, 2019

To the Area Plan Commission and the South Bend Common Council,

The Near West Side Neighborhood Organization (NWSNO) voted on Tuesday, February 5th, 2019 to oppose the proposed switch to "O" zoning for 131 Chapin Street.

Sincerely,



Martin Mechtenberg, President, and the membership of the NWSNO

-FILED-

JUN 28 2019

AREA PLAN COMMISSION
Application# _____

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

In accordance with I.C. 36-7-4-1015, the Owner of the real estate located in St. Joseph County, Indiana which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

A LOT OF PARCEL OF LAND FIFTY-TWO (52) FEET IN WIDTH FRONTING ON SOUTH CHAPIN STREET, AND BEING A PART OF LOT NUMBERED TEN (10) AS SHOWN ON THE PLAT OF ANN THOMAS' SUBDIVISION OF A PART OF BANK OUT LOT NUMBERED SEVENTY-FOUR (74) OF THE FIRST PLAT OF OUT LOTS OF THE TOWN, NOW CITY OF SOUTH BEND, PLATTED BY THE STATE BANK OF INDIANA, WHICH PART IS BOUNDED BY A LINE RUNNING AS FOLLOWS:

BEGINNING ON THE WEST LINE OF SOUTH CHAPIN STREET AT A POINT 70 FEET SOUTH OF THE NORTHEAST CORNER OF SAID BANK OUT LOT NUMBERED SEVENTY-FOUR (74); THENCE RUNNING WEST 146.90 FEET TO A POINT 50 FEET EAST OF THE EAST LINE OF THE LOT NUMBERED TWENTY-NINE (29) IN ANN THOMAS' SUBDIVISION OF THE NORTHWEST PART OF SAID BANK OUT LOT NUMBERED SEVENTY-FOUR (74); THENCE SOUTH 52 FEET; THENCE EAST TO THE WEST LINE OF CHAPIN STREET; THENCE NORTH 52 FEET TO THE PLACE OF BEGINNING.

ALSO, THE EAST FIVE (5) FEET OF THE PRIVATE OR VACATED PUBLIC ALLEY LYING WEST AND ADJACENT TO THE ABOVE DESCRIPTION.

STATEMENT OF COMMITMENTS:

1. The use of the property will be limited to hotel with a maximum of 6 quest rooms.

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

COMMITMENTS contained in this instrument shall be effective upon the approval of petition APC #2886-18 pursuant to the City of South Bend Zoning Ordinance, and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Plan Commission of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

1. The Area Plan Commission of St. Joseph County;
2. The City of South Bend, Indiana;
3. Owners of all parcels of ground adjoining the real estate within three-hundred (300) feet of the subject parcel and all owners of real estate within the area included in the petition who were not petitioners for approval;
4. The City of South Bend Attorney, Zoning Administrator, appropriate enforcement official, and other specially affected persons designated in such commitments; and
5. _____

The undersigned hereby authorizes the Executive Director of the Area Plan Commission of St. Joseph County to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of petition APC #2886-18.

IN WITNESS WHEREOF, Owner has executed this instrument this ___ day of _____, _____.

(Individual Owner)

Signature _____ (Seal)

Signature _____ (Seal)

Printed _____

Printed _____

(Organization Owner)

By _____

Printed _____

Title _____

(Individual Acknowledgment)

STATE OF _____)

)

SS:

COUNTY OF _____)

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

Witness my hand and Notarial Seal this ____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF _____)

)

SS:

COUNTY OF _____)

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

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

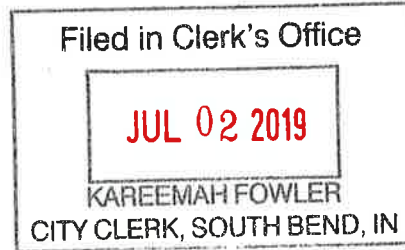
This instrument was prepared by Jordan Wyatt, Area Plan Commission.
I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Jordan Wyatt.



City of South Bend Common Council

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

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



July 2, 2019

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

Re: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, ARTICLE 1, SECTION 6-4 OF THE SOUTH BEND MUNICIPAL CODE TO REQUIRE PAYMENT OF ALL PAST PERMIT AND INSPECTION FEES AND COMPLIANCE ALL APPLICABLE ZONING ORDINANCES PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, EXCEPTING CERTAIN BUILDING PERMITS ISSUED IN ACCORDANCE WITH LAW PRIOR TO THE EFFECTIVE DATE OF THIS AMENDED ORDINANCE

Dear Council Members:

Under our current building permit ordinance, applicants are allowed to receive building permits even if they have past due building permit or inspection fees owing to the City. Fiscal responsibility requires these applicants to pay those past due fees prior to obtaining a new building permit.

More troubling, however, is the fact that applicants can receive building permits without any showing that the completed project will comply with applicable zoning ordinances. This is a classic example of putting the horse before the cart. The result is that the applicant often times must later apply for variances, special exception or zoning changes and risk that he receives an unfavorable recommendation and/or rejection by the Council. At best, even if those petitions are favorably acted upon, there is a waste of time and money in processing those petitions.

This amendment cures that problem. Under this amendment, an applicant must show that the completed project will comply with applicable zoning ordinances prior to obtaining a building permit.

Finally, this amendment "grandfathers" in building permits received prior to the effective date of the amended ordinance so long as certain conditions for completion are met. There will therefore be no prejudice to those who have acted under current law.

I request first reading at the July 8 Council meeting with second and third readings and public hearing at the July 22 meeting. I also ask for your support.



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>

Tim Scott
President

Karen White
Vice-President

John Voorde
Chairperson,
Committee of the Whole

Tim Scott
First District

Regina Williams-Preston
Second District

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

Jake Teshka
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

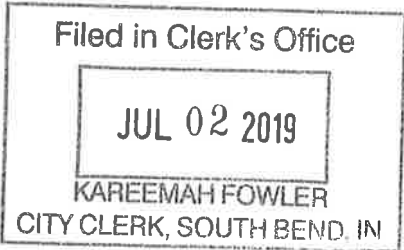
John Voorde
At Large

Karen White
At Large

Sincerely Yours,

Tim Scott, South Bend Common Council
President and 1st District Representative

Oliver Davis, 6th District Representative



BILL NO. 22-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, ARTICLE 1, SECTION 6-4 OF THE SOUTH BEND MUNICIPAL CODE TO REQUIRE PAYMENT OF ALL PAST PERMIT AND INSPECTION FEES AND COMPLIANCE ALL APPLICABLE ZONING ORDINANCES PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, EXCEPTING CERTAIN BUILDING PERMITS ISSUED IN ACCORDANCE WITH LAW PRIOR TO THE EFFECTIVE DATE OF THIS AMENDED ORDINANCE

STATEMENT OF PURPOSE AND INTENT

Under the current structure of the ordinance providing for the issue of building permits, a permit may be issued to persons or entities that have past due building and/or inspection fees owed to the City. Financial responsibility requires that any such past due amounts be paid in full prior to the issuance of a building permit. This amendment requires such payment.

The current ordinance also allows the issuance of a building permit with no showing that the proposed project will be in compliance with all applicable zoning ordinances. This leads to the possibility that construction may begin and be substantially completed with no assurance that the proposed project will be permitted under the zoning ordinances. This results in a waste of time and money by either requiring changes in the construction and use of the proposed project and/or the filing and consideration of petitions seeking exceptions from the applicable zoning ordinances or for zoning changes. This amendment requires a showing that the proposed project, when completed, will comply with all applicable zoning ordinances.

Finally, in order to not prejudice any entity that has been issued a building permit under the ordinance prior to it being amended, this ordinance “grandfathers” in building permits issued under current law so long as certain conditions for completion are met.

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

SECTION I. Chapter 6 (Building), Article 1, Section 6-4 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 6-4. Permit Fees

- (a) No person shall build or construct any new building or structure, or alter, repair, remodel, demolish, or move an existing structure, or install a sign, billboard, fence, in-ground pool, or wood burning stove within the City without obtaining, in advance, a permit from the Department.
- (b) Withhold issuance of permits.

1. Whenever a person who is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to the South Bend Municipal Code, or inspection fees owed pursuant to the South Bend Municipal Code) to the Building Department, the Building Commissioner shall withhold the issuance of subsequently requested permits until such time that the debt is satisfied.
2. Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner shall withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

(c) Permit revocation. The Building Commissioner may [shall] revoke a building permit when any of the following are applicable:

1. The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
2. The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.
3. There is failure to comply with the Building Ordinance.
4. The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

(d) Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance from which this section is derived, and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, that building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.

(e) Unless otherwise provided in the Building Code, the fees to be charged for the issuance of permits by the Department shall be paid at the time the permit is issued.

(1) The fee for permits issued for residential and commercial new construction and building additions shall be based upon the following:

- a. Cost per Square Foot (CSF) times the total square footage (TSF) times the Local Variable Factor (LVF) of \$0.00098.
- b. Cost per square foot (CSF) shall be determined by the International Code Council Building Valuation Table in effect in January of each year.
- c. The cost per square foot (CSF) by occupancy classifications shall be amended as follows:
 1. Groups F-1, F-2, H-1, H-2, H-3, H-4, and M shall have the same rate as A-3.
 2. Groups I-4, R-2, and R-4 shall have the same rate as I-1.
 3. Groups S-1, S-2, and U shall have the same rate as R-3.

d. Minimum fee—Forty dollars (\$40.00).

(2) Permits issued for all alterations, repairs, remodeling of existing structures over five hundred dollars (\$500.00), fence installations, in-ground pool installations, communication towers, and utilities shall be subject to the following fee schedule:

<i>Estimated Construction Costs</i>	<i>Permit Fees</i>
\$1.00 to \$3,000.00	\$ 40.00
3,001.00 to 4,000.00.....	45.00
4,001.00 to 5,000.00	50.00
5,001.00 to 6,000.00	55.00
6,001.00 to 7,000.00	60.00
7,001.00 to 8,000.00	65.00
8,001.00 to 9,000.00	70.00
9,001.00 to 10,000.00	75.00
10,001.00 to 11,000.00	80.00
11,001.00 to 12,000.00	85.00
12,001.00 to 13,000.00	90.00
13,001.00 to 14,000.00	95.00
14,001.00 to 15,000.00	100.00
15,001.00 to 16,000.00	105.00
16,001.00 to 17,000.00	110.00
17,001.00 to 18,000.00	115.00
18,001.00 to 19,000.00	118.00
19,001.00 to 20,000.00	121.00
20,001.00 to 21,000.00	124.00
21,001.00 to 22,000.00	127.00
22,001.00 to 23,000.00	130.00
23,001.00 to 24,000.00	133.00
24,001.00 to 25,000.00	136.00
25,001.00 to 26,000.00	139.00
26,001.00 to 27,000.00	142.00

27,001.00 to 28,000.00	145.00
28,001.00 to 29,000.00	148.00
29,001.00 to 30,000.00	151.00
30,001.00 to 31,000.00	154.00
31,001.00 to 32,000.00	157.00
32,001.00 to 33,000.00	160.00
33,001.00 to 34,000.00	163.00
34,001.00 to 35,000.00	166.00
35,001.00 to 36,000.00	169.00
36,001.00 to 37,000.00	172.00
37,001.00 to 38,000.00	175.00
38,001.00 to 39,000.00	178.00
39,001.00 to 40,000.00	181.00
40,001.00 to 41,000.00	184.00
41,001.00 to 42,000.00	187.00
42,001.00 to 43,000.00	190.00
43,001.00 to 44,000.00	193.00
44,001.00 to 45,000.00	196.00
45,001.00 to 46,000.00	199.00
46,001.00 to 47,000.00	202.00
47,001.00 to 48,000.00	205.00
48,001.00 to 49,000.00	208.00
49,001.00 to 50,000.00	211.00
50,001.00 to 51,000.00	214.00
51,001.00 to 52,000.00	217.00
52,001.00 to 53,000.00	220.00
53,001.00 to 54,000.00.....	223.00
54,001.00 to 55,000.00	226.00
55,001.00 to 56,000.00	229.00
56,001.00 to 57,000.00	232.00

57,001.00 to 58,000.00	235.00
58,001.00 to 59,000.00.....	237.00
59,001.00 to 60,000.00	239.00
60,001.00 to 61,000.00	241.00
61,001.00 to 62,000.00.....	243.00
62,001.00 to 63,000.00	245.00
63,001.00 to 64,000.00	247.00
64,001.00 to 65,000.00	249.00
65,001.00 to 66,000.00	251.00
66,001.00 to 67,000.00	253.00
67,001.00 to 68,000.00	255.00
68,001.00 to 69,000.00	257.00
69,001.00 to 70,000.00	259.00
70,001.00 to 71,000.00	261.00
71,001.00 to 72,000.00	263.00
72,001.00 to 73,000.00	265.00
73,001.00 to 74,000.00	267.00
74,001.00 to 75,000.00	269.00
75,001.00 to 76,000.00	271.00
76,001.00 to 77,000.00	273.00
77,001.00 to 78,000.00	275.00
78,001.00 to 79,000.00	277.00
79,001.00 to 80,000.00	279.00
80,001.00 to 81,000.00	281.00
81,001.00 to 82,000.00	283.00
82,001.00 to 83,000.00	285.00
83,001.00 to 84,000.00	287.00
84,001.00 to 85,000.00	289.00
85,001.00 to 86,000.00	291.00
86,001.00 to 87,000.00	293.00

87,001.00 to 88,000.00	295.00
88,001.00 to 89,000.00	297.00
89,001.00 to 90,000.00	299.00
90,001.00 to 91,000.00	301.00
91,001.00 to 92,000.00	303.00
92,001.00 to 93,000.00	305.00
93,001.00 to 94,000.00	307.00
94,001.00 to 95,000.00	309.00
95,001.00 to 96,000.00	311.00
96,001.00 to 97,000.00	313.00
97,001.00 to 98,000.00	315.00
98,001.00 to 99,000.00	317.00
99,001.00 to 100,000.00	320.00
100,000 and up	320.00

Plus, per [one] thousand dollars (\$1,000.00) of estimated construction cost thereafter, up to one million dollars (\$1,000,000.00) total estimated construction cost 0.90

Plus, per one thousand dollars (\$1,000.00) of estimated construction costs thereafter 0.60

(3) Forty dollars (\$40.00) for each reinspection made by department inspectors of commercial and industrial projects.

(4) Sixty dollars (\$60.00) for each additional final inspection necessitated by the failure to pass the previous final inspection.

(5), (6) Reserved.

(7) Sign Permits. Fees shall be charged for the issuance of permits for the installation or erection of freestanding signs; billboards, including outdoor and off-premises signs; fascia signs; marquee or canopy signs and for lettering on buildings as follows:

- a. Under one (1) square foot or less of display area and embellishments: No fee;
- b. One (1) square foot to twenty-five (25) square feet of display area and embellishments: Forty dollars (\$40.00);
- c. Twenty-six (26) square feet to fifty (50) square feet of display area and embellishments: Sixty dollars (\$60.00);

- d. Fifty-one (51) square feet to one hundred (100) square feet of display area and embellishments: Eighty-five dollars (\$85.00);
- e. In excess of one hundred (100) square feet of display area and embellishments: One hundred twenty dollars (\$120.00);
- f. Temporary signs: Initial permit, Forty dollars (\$40.00); each extension of a temporary permit, Forty-five dollars (\$45.00).

(8) Wrecking and demolition permit fees shall be as follows:

a. Residential:

1. \$0.02 per square foot, with a minimum fee of Forty dollars (\$40.00).

b. Commercial:

1. \$0.015 per square foot, with a minimum fee of Forty dollars (\$40.00).

(9) Move any one- or two-story building over public streets or alleys: One hundred twenty-five dollars (\$125.00).

(10) Move any building greater than two (2) stories in height over public streets or alleys: One hundred seventy-five dollars (\$175.00).

(11) The fee for installation of a wood-burning stove shall be forty dollars (\$40.00) per flue (including chimney and chimney connector).

(f) The fees provided in this section shall not include permits for plumbing, heating or electrical installations covered by other provisions of this Code or other ordinances of the City.

(g) Refunds of fees paid for permits which have been revoked for any reason, or which have expired prior to full completion of work shall not be made; nor shall such fee be applied to reduce the fee of any subsequent permit issued by the Department, including any permit which may be issued for any structure at the same location.

(h) Where a person shall unlawfully proceed to do any work or construction without a required permit, the applicable permit fees shall be tripled as a penalty. The payment of such penalty shall not release the person in default from any other penalties hereafter provided, nor from compliance with any relevant provisions of the Building Code.

(i) The Building Commissioner shall periodically review the permit fees charged by the Department, comparing the fees to those charged by other local governmental entities and comparing the total annual fees collected to the annual cost of operating the Building Department. Such a review shall be made at least once every three (3) years. The Building Commissioner shall report the findings and conclusions from such review to the Common Council of the City.

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 Building Commissioner shall apply this ordinance to all requests for building permits made after the date the amended ordinance becomes effective.

SECTION IV. This Ordinance shall be in full force and effect from and after the date of adoption by the City Council of the City of South Bend, St. Joseph County, Indiana.

Tim Scott, Council President
South Bend Common Council

Oliver Davis, 6th District Representative

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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

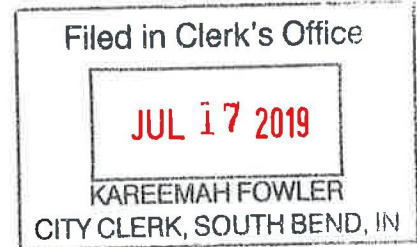
Pete Buttigieg, Mayor
City of South Bend, Indiana



City of South Bend Common Council

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

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



Tim Scott
President

July 17, 2019

Karen White
Vice-President

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

John Voorde
Chairperson, Committee
of the Whole

Re: AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE BY REPEALING CURRENT CHAPTER 20, ARTICLE 13 AND THE INCLUSION OF NEW CHAPTER 20, ARTICLE 13, ENTITLED "REGULATIONS ON THE USE OF HAND-HELD MOBILE OR WIRELESS TELEPHONES, ELECTRONIC COMMUNICATIONS DEVICES AND TELECOMMUNICATIONS DEVICES WHILE DRIVING"

Tim Scott
First District

Dear Council Members:

Regina Williams-Preston
Second District

As you know, the South Bend Municipal Code prohibits the use of many hand-held communication devices by drivers in school zones. Many studies, however, have determined that the problem with distracted driving, together with resultant property damage and personal injuries, is not limited to school zones, but exists on virtually every roadway.

Sharon L. McBride
Third District

This proposed ordinance repeals the current ordinance and, in its place, expands the regulations on the use of hand-held communication devices while driving on all roadways in South Bend. The proposed ordinance also creates very limited exceptions, primarily for police, fire and other first responders acting within the course and scope of their employment.

Jo M. Broden
Fourth District

Distracted driving is a danger to everyone in the community, be it the distracted driver himself, other motorists using the roadway, pedestrians and all who are connected to anyone injured or killed. This proposed ordinance is a step in the right direction and within the jurisdiction of the Common Council to reduce distracted driving.

Jake Teshka
Fifth District

I am requesting that this proposed ordinance be given first reading at the Council meeting on July 22, 2019 with the public hearing and second and third readings at the following meeting.

Oliver Davis
Sixth District

I appreciate your support.

Gavin Ferlic
At Large

Sincerely Yours,

John Voorde
At Large

Karen White
At Large

Gavin Ferlic, South Bend Common Council Member at-Large.

Filed in Clerk's Office

JUL 17 2019

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 24-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA,
AMENDING THE SOUTH BEND MUNICIPAL CODE BY REPEALING CURRENT
CHAPTER 20, ARTICLE 13 AND THE INCLUSION OF NEW CHAPTER 20, ARTICLE 13,
ENTITLED "REGULATIONS ON THE USE OF HAND-HELD MOBILE OR WIRELESS
TELEPHONES, ELECTRONIC COMMUNICATIONS DEVICES AND
TELECOMMUNICATIONS DEVICES WHILE DRIVING"

STATEMENT OF PURPOSE AND INTENT

The current version of Chapter 20, Article 13 of the South Bend Municipal Code prohibits the use of certain hand-held communication devices only in school zones. Subsequent data has made it clear that distracted driving through use of hand-held communication devices has increased accidents resulting in personal injuries and property damages on all types of roadways, not just in school zones. Indiana Code 9-21-1-2 provides local authorities, with the right to adopt, by ordinance, traffic regulations with respect to highways under the local authority's jurisdiction, as long as the ordinance does not conflict with, or duplicate, a statute. This ordinance does not conflict with or duplicate a statute and is designed to reduce the number of motor vehicle accidents caused by distracted driving by expanding the prohibition on the use of hand-held communication devices while driving on any roadway within the City of South Bend.

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

Section I. Chapter 20, Article 13 is hereby amended to read in its entirety as follows:

ARTICLE 13.- REGULATIONS ON THE USE OF HAND-HELD MOBILE OR WIRELESS
TELEPHONES, ELECTRONIC COMMUNICATIONS DEVICES
AND TELECOMMUNICATIONS DEVICES WHILE DRIVING

Sec. 20-130. - Definitions.

In this article:

- (1) *Electronic communications device*, except as provided in subsection (h), means any of the following:
 - (a) A broadband personal communications device.
 - (b) A gaming system or device capable of displaying games.
 - (c) A handheld device, laptop computer, or tablet computer

with mobile data access.

(d) A pager or two-way messaging device.

(e) A personal digital assistant.

(f) A mobile or wireless telephone.

(g) The functional equivalent or successor to any device listed in subdivisions (a) through (f).

(h) The term does not include the following:

(1) Amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97.

(2) A communications system installed in a commercial motor vehicle weighing more than ten thousand (10,000) pounds.

- (2) *Engaging in a call* means talking into, dialing or listening on a hand-held mobile or wireless telephone, but does not include holding a mobile telephone to activate or deactivate the telephone by pressing not more than one (1) button to initiate or terminate a voice communication or other transmission described in this article.
- (3) *Hand-held mobile telephone* means a mobile or wireless telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).
- (4) *Hands-free mobile telephone* means a mobile or wireless telephone that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the mobile or wireless telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person) whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile telephone.
- (5) *Mobile communication device* means a text-messaging device or other electronic, two-way communication device that is designed to receive and transmit voice communication, text communication, or both. The term includes a mobile telephone and a personal digital assistant (PDA).
- (6) *Mobile telephone* means a device used by subscribers and other users of wireless telephone service to access such service.
- (7) *School crossing zone* means a part of a roadway distinctly indicated for crossing by children on the way to or from school by lines or other markings on the surface of the roadway or by signs as addressed by Indiana Code §9-13-2-161.5.
- (8) *Text message* means a two-way communication (whether real-time or asynchronous) in which data (composed in whole or in part of text, numbers, images or symbols) is sent, entered or received by a method other than by voice and transmitted through either a short message service (SMS) or a computer network. The term includes electronic or e-mails. The term does not include a communication transmitted through a global positioning or navigation system.

- (9) *Telecommunications device* means an electronic or digital telecommunications device or digital telecommunications device as addressed in Indiana Code §9-13-2-177.3 and includes hand-held mobile or wireless telephones and mobile communication devices.
- (10) *Wireless telephone* means a device used by subscribers and other users of wireless telephone service to access such service.
- (11) *Wireless telephone service* means two-way, real time voice telecommunications service that is interconnected to a public switched telephone network and is commonly referred to as cellular service or personal communication service.

Sec. 20-131. - Drivers prohibited from using hand-held mobile or wireless telephones, mobile communication devices and telecommunication devices while driving .

- (1) Except as provided in Sec. 20-132, a person may not:
 - (a) hold or handle an electronic communications device;
 - (b) participate in text messaging; or
 - (c) view, record, or broadcast images or video;

while operating a moving motor vehicle.

- (2) An operator of a motor vehicle who holds a mobile telephone or telecommunications device or an electronic communications device to or in the immediate proximity of his or her ear while the vehicle is in motion is presumed to be engaging in a call under this article. Immediate proximity is any distance that permits the user of a mobile telephone or telecommunication device to hear telecommunications transmitted over the telephone or device and does not require physical contact with the user's ear.

Sec. 20-132. - Limited exceptions.

Section 20-131 does not apply to the following:

- (1) A law enforcement officer who is operating within the scope of the officer's employment, including while the law enforcement officer is:
 - (A) working in a plainclothes capacity;
 - (B) working in an undercover capacity; or
 - (C) responding to an emergency.

(2) A firefighter, emergency medical technician (EMT), paramedic, other first responder or other emergency personnel while acting within the scope of their employment and while responding to an emergency.

(3) A driver using an electronic communications device for the sole purpose of communicating with emergency personnel or law enforcement regarding an emergency.

(4) A driver using an electronic communications device by means of hands free or voice operated technology, including by:

(A) use of a headset or earpiece to conduct a voice communication;

(B) use of a device that is:

(i) designed to be worn on the wrist; and

(ii) capable of being used to conduct hands free voice communication;

(C) use of technology that uses voice recognition to convert a voice communication into text for purposes of transmission as a text message, electronic mail message, or other electronic data; if the device requires the driver to press not more than one (1) button to initiate or terminate a voice communication or transmission described in this subdivision.

(4) A driver using an electronic communications device while parked on the shoulder of a public highway.

(5) A driver using an electronic communications device when:

(A) the vehicle is not in motion; and

(B) the vehicle's transmission is in "park".

(6) A driver using:

(A) a navigation or global positioning feature of an electronic communications device; or

(B) a fixed device that is designed to continuously record or broadcast video from within or outside a motor vehicle; without holding or handling the device.

(7) A driver using a manufacturer installed system that is embedded or integrated into the vehicle.

Sec. 20-133. - Violations and penalties.

(1) Any person violating any provisions of this article shall be issued a citation and be subject to the following fines:

- (a) Seventy-five dollars (\$75.00) for the first violation;
- (b) One hundred twenty-five dollars (\$125.00) for the second violation;
- (c) Two hundred fifty dollars (\$250.00) for all subsequent violations.

However, if a person is violating any provisions of this article in a school crossing zone, the citation shall automatically result in a fine of two hundred fifty dollars (\$250.00).

- (2) Any person issued a citation for violating any provision of this article shall make payment through the Ordinance Violations Bureau. Failure to make payment within thirty (30) days of the issuance of the citation shall result in the assessment of a late fee of fifty dollars (\$50.00).
- (3) Each violation of this article shall constitute a separate offense.

Sec. 20-134. - Deposit of fine monies into Police Department Training Fund.

- (1) All monies collected and retained by the City for violation of this article shall be deposited into the Police Department Training Fund (Fund #220). Such monies shall be used solely for the purposes designated for such fund. All interest earned on the monies deposited in Fund #220 shall not revert to the General Fund.
- (2) The Department of Administration and Finance shall send monthly written reports to the Office of the City Clerk detailing the amount of money collected and the amount of interest earned, with such reporting being filed no later than the last business day of each month.

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

Section I. 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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock
____.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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



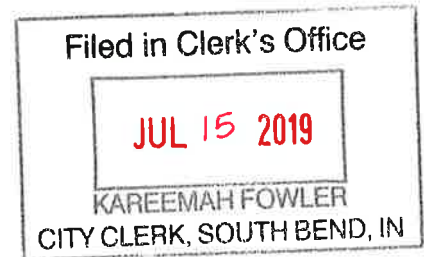
PHONE 574.235.9216
FAX 574.235.9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

July 15, 2019

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



RE: Additional Appropriation Ordinance

Dear President Scott,

City administration is requesting a special additional appropriation outside of our normal, quarterly appropriation process. This special appropriation ordinance relates to the procurement of professional services for the South Bend Police Department.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on July 22, 2019 with 2nd reading, public hearing and 3rd reading scheduled for August 12, 2019.

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

Regards,

Daniel T. Parker
City Controller

BILL NO. 25-19

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 2019 OF \$180,070
FROM GENERAL FUND (#101)

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2019 operating and capital budgets in 2018 (Ordinance #10615-18 passed on October 8, 2018), 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 2019 and set apart within the following designated funds for expenditures as follows:

FUND	<u>Amount</u>
General Fund (#101)	<u>\$180,070</u>
TOTAL	<u><u>\$180,070</u></u>

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 _____, 2019, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2019, at _____
o'clock
____.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

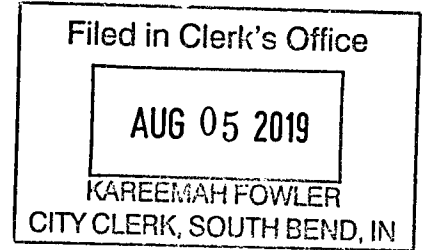
1222 S. MICHIGAN STREET
SOUTH BEND, INDIANA 46601-2821



PHONE 574/ 235-9255
FAX 574/ 235-9305

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
SOUTH BEND FIRE DEPARTMENT

STEPHEN F. COX
FIRE CHIEF



July 30, 2019

President Tim Scott
South Bend Common Council
Suite 441 S
County-City Building
South bend, IN 46601

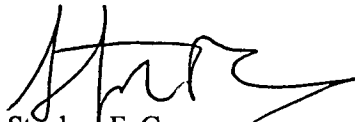
President Scott,

I am respectfully requesting the South Bend Common Council consider my recommendation to increase the Ambulance User Fees charged by the South Bend Fire Department. As required by *The South Bend Municipal Code*, Chapter 9, Article 3, Section 9-18, I have provided the required 2019 Annual Review of User Fees with the recommendation for an increase that reflects the increase in reimbursement amounts allowed by Medicare. These amounts are current to this year. As I have stated in the past, Medicare typically adjusts this reimbursement allowance at least annually, which usually includes an increase in the rate of reimbursement. If adjustments are not made to our user fees periodically, we are unable to take advantage of Medicare's reimbursement increases.

This ordinance also includes a provision for self-effectuating annual fee increases based on Medicare or similar federal or state annual rate adjustments. I recommend adoption of this self-effectuating provision because Medicare and similar rates provide a reliable, pre-approved standard for reasonableness and relationship of cost to service. Additionally, there is a provision to recover fees for services provided by a paramedic intercept vehicle. The Sbfd recently put into service a paramedic intercept concept by which a lead paramedic is called to provide advanced life support services to the most critical patients.

I appreciate your consideration in this matter. I look forward to presenting the ordinance to Council at your committee and regular meetings.

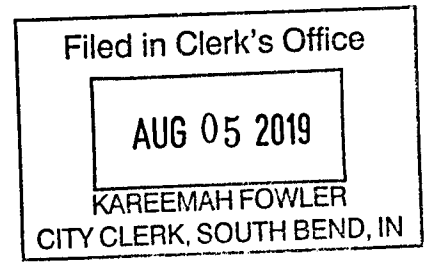
Sincerely,


Stephen F. Cox
Fire Chief

OK

BILL NO. 26-19

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 9-16 OF CHAPTER 9, ARTICLE 3, OF THE SOUTH BEND MUNICIPAL CODE TO ADDRESS AMBULANCE/MEDICAL SERVICE FEES

STATEMENT OF PURPOSE AND INTENT

Since 1981, the City of South Bend, Indiana has codified the regulation of ambulance and medical user fees into the *South Bend Municipal Code*. South Bend's current ambulance and medical user fees took effect on June 27, 2016 (Ordinance No. 10444-16).

The South Bend Fire Administration has regularly reported to the Common Council its ambulance service activity pursuant to Chapter 9, Section 9-18 of the *South Bend Municipal Code*, and has provided its recommendation regarding adjustment of user fees. The Fire Chief's most recent report was submitted to the South Bend Common Council on May 31, 2019.

The City's ambulance and medical user fees have remained unchanged for over three years but based on its recent survey of these fees and charges, and due to increased costs to the City for personnel training and necessary medical supplies, it is recommended that ambulance and medical user fees be adjusted consistent with the 2019 Medicare Fee Schedule. To help recover the costs and expenses of the Fire Department paramedic branch in providing ambulance and emergency medical services, an adjustment is required of the current rates.

It is also necessary to add and define a new category of ambulance and medical user fee for "paramedic intercept" services which are now reimbursed by Medicare. Such services are provided when paramedic support is rendered to an advanced life support non-paramedic ambulance in order to give a higher level of service to a patient in need of paramedic care.

It is further recommended by the Fire Administration that hereafter the South Bend Fire Chief be authorized to adjust these user fees once annually and automatically by the same percentage rate as any adjustments made to the Medicare Fee Schedule rates, with notice to the City Clerk after which such new rates will take effect. These changes are reasonable, appropriate, based on the cost of service as reasonably determined by Medicare, and in the best interests of the City of South Bend.

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

Section I. Chapter 9, Article 3, Section 9-16 of the *South Bend Municipal Code* shall be amended to read in its entirety as follows:

Sec. 9-16. Ambulance/medical user fee--Established.

(a) The following user fee schedule shall be charged for all ambulance/medical services provided by the City through its paramedic branch of the Fire Department:

	Resident	Non-Resident	Resident	Non-Resident
(1) Basic Life Support (BLS Non-Emergency)	\$322.19	\$428.51	<u>\$331.82</u>	<u>\$470.74</u>
(2) Basic Life Support (BLS Emergency)	515.49	685.60	<u>530.91</u>	<u>753.18</u>
(3) Advanced Life Support (ALS Non-Emergency)	386.63	514.20	<u>398.18</u>	<u>564.89</u>
(4) Advanced Life Support--Emergency (ALS-1 Emergency)	612.12	814.16	<u>630.45</u>	<u>894.40</u>
(5) Advanced Life Support (ALS-2 Emergency)	886.01	1,178.39	<u>912.50</u>	<u>1,294.53</u>
(6) Paramedic Intercept (PI)	-	-	<u>580.68</u>	<u>823.79</u>
(7) Mileage, Basic (Within City Limits) (per patient miles, minimum one (1) mile)	12.66	12.66	<u>12.66</u>	<u>12.66</u>
(8) Mileage, Rural (per patient miles, minimum one (1) mile)	19.16	19.16	<u>19.16</u>	<u>19.16</u>
(9) Non-Transport Medical Calls	150.00	200.00	<u>200.00</u>	<u>200.00</u>
(10) Specialized Care (AO 434)	1,047.09	1,392.63	<u>1,078.41</u>	<u>1,529.90</u>

(b) The above fees shall be charged per patient run occurrence; however, when ambulance/medical services are provided for a patient using a private ambulance, the mileage fee shall not be charged; and further provided that when more than two (2) members of an immediate family residing at the same address are transported per incident, the basic fee, mileage fee, and emergency fee shall only be billed for two (2) persons.

(c) Non-resident: Is defined as a person whose primary residence at the time of the service is outside the corporate boundaries of the City of South Bend, Indiana.

(d) Basic Life Support (BLS): Means transportation by ground ambulance vehicle and medically necessary supplies and services, plus the provision of BLS ambulance services. The ambulance must be staffed by an individual who is qualified in accordance with State and local laws as an Emergency Medical Technician (EMT)¹.

¹ ALS1, ALS2 and BLS definitions track the language codified in Title 42 of the Code of Federal Regulations, Chapter IV, §414.605 entitled "Fee Schedule for Ambulance Services".

- (e) Advanced Life Support, Level 1 (ALS1): Means transportation by ground ambulance vehicles, medically necessary supplies and services and either an ALS assessment by ALS personnel or the provision of at least one ALS intervention.
- (f) Advance Life Support, Level 2 (ALS2): Means either transportation by ground ambulance vehicle, medically necessary supplies and services, and the administration of at least three (3) medications by intravenous pus/bolus or by continuous infusion excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate); or transportation, medically necessary supplies and services, and the provision of at least one (1) of the following:
 - (1) Manual defibrillation/cardioversion
 - (2) Endotracheal intubation
 - (3) Central venous line
 - (4) Cardiac pacing
 - (5) Chest decompression
 - (6) Surgical airway
 - (7) Intraosseous line
- (g) Non-Transport Medical Calls: Means a response to a medical emergency call by ambulance vehicle and the administration of ALS skills upon or medication given to a patient who then refuses transport to the hospital.
- (h) Paramedic Intercept Services: Means the rendering of lead paramedic advanced life support (ALS) services, Level 1 or Level 2 during ambulance transport when the patient needs lead paramedic ALS service that the transporting ambulance is unable to provide. The lead paramedic is dispatched to meet the transport ambulance to provide the necessary lead paramedic - services.
- (h) (i) Mileage, Rural, shall apply to vehicle runs made to areas in zones or zip codes designated as rural by Medicare and the U.S. Department of Health and Human Services in its Medicare regulations.
- (i) The above fees shall take effect on ~~August 1, 2016~~ September 1, 2019.
- (k) Hereafter, and in the event Medicare or other federal or State health care regulations require or allow an adjustment to ambulance/ medical user fees, the South Bend Fire Chief is authorized to and may amend once annually the user fees set out in subpart (a) of this Section by the same percentage as the Medicare Fee Schedule rates for such services have been adjusted. This adjustment shall be effective on the calendar date immediately following the date on which written notice of said fee rate adjustment is filed in the office of the City Clerk. At the time such notice is filed, a copy of the new rates shall be made available in paper form for public viewing in the South Bend Central Fire Station, and such new rates shall also be published promptly on the City's web site.

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and any publication required by law, or by September 1, 2019, whichever is later.

Tim Scott, Council President
South Bend Common Council

Attest:

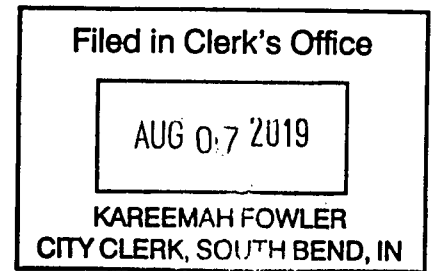
City Clerk
Office of the City Clerk

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 _____, 2019, at _____ o'clock ____ . m.

City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 1, OF THE SOUTH BEND MUNICIPAL CODE OF BY THE INCLUSION OF NEW DIVISION I ENTITLED YOUTH ADVISORY COUNCIL

STATEMENT OF PURPOSE AND INTENT

On April 14, 2003 the South Bend Common Council passed Ordinance No. 9414-03 which created the Youth Advisory Council. That ordinance has been codified as Division 1 of Article 1 of Chapter 2 of the *South Bend Municipal Code*. The ordinance created a mechanism for youth to provide input and become involved in the civic process so both youth and the city can benefit. It also provides opportunities for close engagement between Common Council Members, members of the City Administration, City agencies, boards, and commissions.

Strong neighborhood organizations are the building blocks of our local democracy. One strategy for creating healthier neighborhoods is “community organizing to motivate action, bringing people together to work collectively to improve neighborhoods.” While there are individuals who demonstrate passion for improving the quality of life in their neighborhoods, many do not have the skills to effectively organize, lead, and sustain momentum to catalyze change.

The NRC and the City have committed to collaborating to ensure we are rebuilding the base of our local democracy through civic leadership education. Resident capacity to organize and communicate effectively with their government is critical to ensuring inclusive, representative civic voice. There are many issues in city government, in the South Bend community, and in its many neighborhoods that may be of interest to youth; such topics may include, but are not limited to, violence, educational and recreational opportunities, employment, homelessness, and climate change.

The Youth Advisory Council would provide a means for youth to positively connect with city government, explore local social justice and policy issues, and think critically about their role in potential policy and community development solutions through exploration of the arts and community-based research pedagogies developed in partnership by the NRC and the University of Notre Dame through their longstanding Engaging Youth, Engaging Neighborhoods program.

City government can directly benefit from the input of the youth in our community by developing a concept of positive youth involvement and providing an educational partnership with schools and other youth serving community-based organizations in the City of South Bend, Indiana.

The following regulations are believed to enhance and improve the overall operations and sustainability of the City of South Bend's Youth Advisory Council through collaboration with the NRC. This ordinance is aimed at streamlining many of the provisions of the current ordinance so that the Council can be more effective.

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, Indiana, hereby amends Chapter 2, Article 1 of the *Municipal Code of South Bend* by the inclusion of the new Division I which shall read in its entirety as follows:

DIVISION I. YOUTH ADVISORY COUNCIL.

Section II.

SEC. 2-12.1.1 YOUTH ADVISORY COUNCIL CREATED- PURPOSE.

(a) A Youth Advisory Council is created for those of high school age grades 10-12. A Youth Advisory Council is established to enhance citizenship skills and to serve the best interests of youth in the City of South Bend, Indiana.

(b) A Junior Youth Advisory Council, under the supervision of the Youth Advisory Council, to foster citizenship skills of youth of intermediate center age. The Youth Advisory Council would be required to prepare and file proper legislation for Common Council consideration, when it has determined that the Junior Youth Advisory Council should be created. Such Junior Youth Advisory Council would be representative of all public and private intermediate centers operating within the City of South Bend, Indiana.

SEC. 2-12.1.2 MEMBERSHIP OF THE YOUTH ADVISORY COUNCIL.

The Youth Advisory Council shall be composed of eleven (11) to twenty (20) new members per cohort. Membership shall represent the rich diversity of the city's youth regarding gender, race, ethnic, socio-economic, and religious backgrounds. Youth Council Advisory Council Members shall include:

- (a) At least one (1) Youth Member shall be appointed to represent each of the six (6) Councilmanic Districts.
- (b) Upon passage of this ordinance, the Office of the City Clerk shall see that the "Application Form" for the Youth Advisory Council is able to be downloaded from the city website and shall also provide to each Council Member and make

available to the public the Mayor, and each High School Principal, Youth Advisory Council application forms which shall be completed by youth interested for consideration on the Youth Advisory Council. The Office of the City Clerk shall see that information on the activities of the Youth Advisory Council are kept updated on the City's internet website. Hard-copy application forms shall be available and kept on file in the Office of the City Clerk during regular business hours. Additionally, applications forms shall be made available on the City's website <http://www.southbendin.gov> on a 24/7 basis.

- (1) All youth interested in consideration shall obtain and complete in its entirety an application form and file it, along with two (2) written references from non-related adults, with the Office of the City Clerk.
- (2) The Office of the City Clerk, by the application deadline, shall assimilate all information and timely distribute copies of all applications and references to the appropriate offices for consideration.
- (3) Each District Common Council Member shall review all applications received from the Office of the City Clerk requesting consideration for appointment as the District Youth Council Member. All youth interested in representing a Councilmanic District must be a resident of the City of South Bend, Indiana.
- (4) The Community Relations Committee Chair shall appoint an application review board comprised of Common Council, City Clerk, City administration, and NRC representative(s) and Youth Advisory Council Alumni members, Application Review Board members shall review all applications received from the Office of the City Clerk requesting consideration for appointment as a Youth Advisory Council Member. All youth interested in serving as a Youth Advisory Council member must be a resident of the City of South Bend and must represent the rich diversity of the community.
- (5) All Youth Advisory Council applications must be submitted by the end of September each year.
- (6) Council's Community Relations Committee shall appoint youth mentors of college and/or graduate school age who will provide assistance and guidance throughout the year to the Youth Advisory Council Members. The youth mentors shall interface with the legislative, administrative and educational liaisons identified in Sec. 2-12.1.5.

SEC. 2-12.1.3 OFFICERS AND TERMS OF OFFICE OF THE YOUTH ADVISORY COUNCIL.

(a) The Youth Advisory Council shall call an organizational meeting to select a Chairperson, Vice-Chairperson and Recording Secretary.

(b) The selected recording secretary, shall provide a listing of all Youth Advisory Council members by name, address, telephone number, email address, school, and year of education shall be submitted to the Office of the City Clerk by email for distribution to the Common Council, the city administration, School Superintendents and the Principal of each high school., the Neighborhood Resources Connection.

(c) Terms of office of Youth Advisory Council members shall be for one (1) year, with reappointments of the same youth member permitted for one (1) additional year.

(d) The Youth Advisory Council shall maintain a record of their meetings. Such meeting minutes shall be submitted to the Office of the City Clerk by email by the elected recording secretary.

SEC. 2-12.1.4 DUTIES OF YOUTH ADVISORY COUNCIL MEMBERS.

(a) Each Youth Advisory Council Member shall be required to attend meetings of the Youth Advisory Council, with three (3) excused absence permitted each year.

(b) Each Youth Advisory Council Member shall be required to attend not less than two (2) committee meetings of any Standing Committee of the South Bend Common Council, one (1) neighborhood association meeting, and one (1) school board meeting by the end of December of each year.

(c) Each Youth Advisory Council Member shall be required to attend the 2nd Common Council meeting in January where the Mayor presents his or her annual State of the City Address.

(d) Each Youth Advisory Council Member shall participate in the annual "Civic Day" activities occurring in February at the County-City Building, and other planned social or political action events.

(e) The Youth Advisory Council may monitor other city boards and commissions for issues related to youth and make recommendations for such boards or

commissions consideration when deemed appropriate.

SEC. 2-12. 1.5 INITIATIVES, RESPONSIBILITIES AND GOALS TO BE ADDRESSED BY MEMBERS.

(a) The Youth Advisory Council may develop:

- (a) Mission Statement;
- (b) Committee structure if deemed necessary;
- (c) Composite of the youth in the high school or district he or she is representing;
- (d) Newsletters and other means of community with youth in the city;
- (e) Grant proposals;
- (f) Initiatives and Goals to be addressed, including but not limited to:
 - a. Leadership opportunities;
 - b. Civic responsibilities;
 - c. Arts & Activism;
 - d. Educational opportunities;
 - e. Youth perspectives on local issues;
 - f. Creating a means of formal communication between city officials and youth in our community;
 - g. Creating a model for youth involvement; and
 - h. Partnering with local, state, federal, and international organizations which focus on youth involvement and development.
 - i. Indicators of measuring success.

(b) The Youth Advisory Council shall make recommendations to enhance participation of youth throughout the community, to improve communications with school and governmental entities, and to improve employment opportunities for youth in the community.

(c) The Youth Advisory Council shall provide an annual report of its activities, initiatives and objectives.

(d) At the first Common Council meeting of each year, the Youth Advisory Council shall address the Common Council under the "Special Business" portion to provide an annual report of its activities, initiatives and objectives.

SEC. 2-12.1.6 LIAISONS TO THE YOUTH ADVISORY COUNCIL.

- (a) The Chairperson of the Common Council's Community Relations Committee shall be the legislative liaison to the Youth Advisory Council and be available for mentoring duties.
- (b) The City Administration shall designate a point of contact as a liaison to the Youth Advisory Council and be available for mentoring duties.
- (c) The Neighborhood Resources Corporation shall designate a point a contact as a program coordinator to the Youth Advisory Council to be responsible for coordinating programming duties.

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

Tim Scott, Council President
South Bend Common Council

Attest:

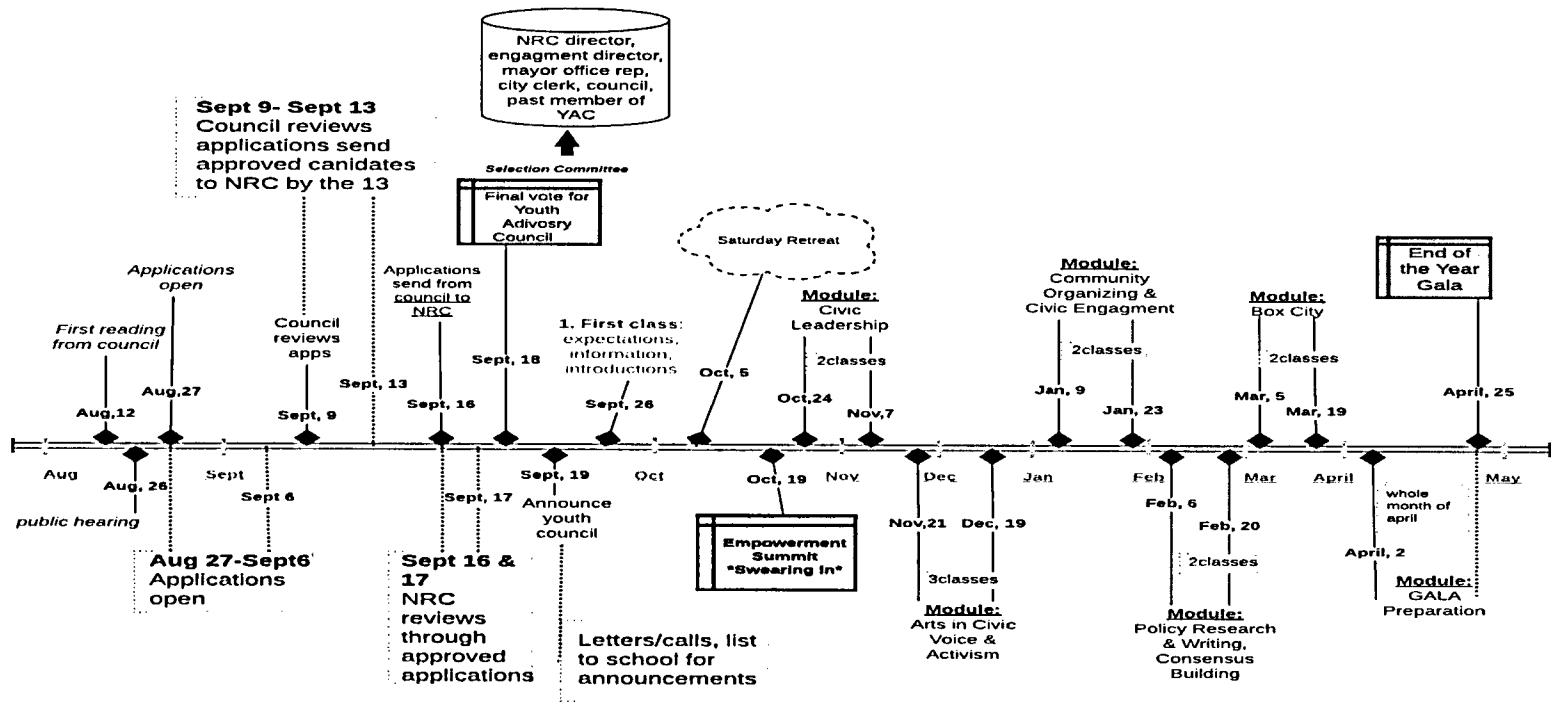
South Bend City Clerk

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 _____, 2019, at _____ o'clock ____ . m.

South Bend City Clerk

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



Between September 26th and April 25th, there will be a total Of 16 classes-

Modules

- Civic Leadership- 2 classes
- Arts in Civic Voice & Activism- 3 classes
- Community organizing & Civic Engagement- 2 classes
- Policy Research & Writing, and Consensus Building- 2 classes
- Box City- 3 classes
- Gala Preparation- 3 classes

Important Dates

- School starts- August 16th
- Thanksgiving break- November 21st-24th
- Winter break- December 24th-January 7th
- Spring break- April 1st-5th
- Last day of school- June 5th

Filed in Clerk's Office

AUG 07 2019

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Projected Timeline

	Summer 2019; August	Project Lead (s)
	Finalize curriculum, program schedule, and syllabus	NRC, EET
	Develop Marketing & Recruitment	NRC, EET
	Review last revision of ordinance	Council, Clerk
	Public hearing for ordinance	Council, Clerk
	Applications open, send out nominee letter, send information to schools for recruitment	Clerk, NRC, EET,
	Fall 2019; September	Project Lead (s)
	Close applications, council reviews applications	Clerk, Council
	Gather approved applications from council/clerk and review	NRC, EET
	Send referral form to interested applicants	EET, NRC
	Collaborate final vote from applicants	Clerk, NRC, Council, EET, ND staff, ND Youth Mentor, Mayors office
	Inform applicants on admissions status	Clerk, Council, EET
	FIRST CLASS; expectations, curriculum packet, parent signature forms, handbook, introductions	EET, NRC
	Fall 2019; October-November	Project Lead (s)
	Team building youth retreat	NRC, EET
	Official swearing in at Empowerment Summit	Mayor, Clerk, Council
	<u>YAC Fall Classroom Modules</u> Civic Leadership Arts in Civic Voice & Activism	
	Winter 2019; December-February	Project Lead (s)
	<u>YAC Winter Classroom Modules</u> Community Organizing & Civic Engagement Policy Research & Writing, and Consensus Building	
	Spring 2020; March-April	Project Lead (s)
	<u>YAC Spring Classroom Modules</u> Box City Gala Prep	
	Social action project	
	Host gala	
	Evaluate program, set fundraising goals, next steps to new year	

**Youth Advisory Council
South Bend, Indiana
Application**

1. Complete and submit this application online or download and mail or deliver to:

**Office of the City Clerk
4th Floor County-City
Building South Bend,
Indiana 46601**

2. Obtain your parent or guardian's signature to participate.

3. Your completed application and written nomination letters from two (2) adults unrelated to the applicant must be postmarked **no later than Friday, September 6th, 2019**

Student Name: _____ Age: _____ Gender: M _ F _

Name of High School: _____ Grade: _____ GPA: _____

Residential Address: _____ Zip: _____

Student Telephone: _____

Student Email: _____

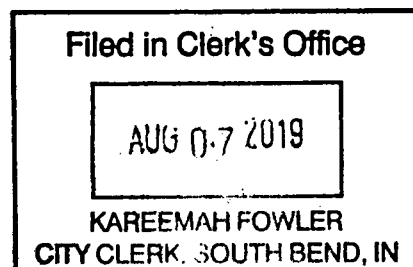
Please check which applies to you:

I have my own transportation to and from Youth Advisory Council (YAC) meetings.

I will be able to use public transportation to attend YAC

meetings. Please check which applies to you: (You may select more

than one (1) category)



1. Explain why you would like to serve on the City of South Bend's Youth Advisory Council.

2. What are the three (3) most important issues which you believe face youth living in our community.

A.

B.

C.

3. Select one (1) of your important issues and briefly describe your proposed ideas to address it:

4. List any extra-curricular activities in which you are involved during the current year, including but not limited to part-time employment, community volunteering, faith-based activities, athletics, high school activities, etc.

5. What do you believe are your strongest personal skills which would make an effective Youth Member of the Youth Advisory Council for the City of South Bend?

6. What are some personal skills which you would like to be enhanced from this experience?

7. List the name, address & phone number of your two (2) adult references unrelated to you. (at least one teacher nomination is requested)

Benefits of being on Youth Council

- Highlight experiences for college admissions and post-secondary education
- Scholarship qualification upon program completion and HS diploma receipt
- Increase knowledge of local government
- Engagement with city officials
- Raise awareness on youth issues
- Play a role in the decisions that affect the youth
- Build social network in the city
- Develop transferable leadership skills

I have completed this application with accurate information and wish to have it considered for a Youth Member position on the Youth Advisory Council of the City of South Bend, Indiana. If selected, I will make the necessary personal and time commitments necessary to serve the youth of our community.

Youth signature

Date

Parent/Legal Guardian Permission/Release:

I give my permission for my son/daughter to seek the position of a Youth Member to the Youth Advisory Council of the City of South Bend, Indiana. If selected, I will make sure that my son/daughter will make the necessary personal and time commitments necessary to serve the youth of our community. I further understand that as a member of the Youth Advisory Council my son/daughter may have photos, film, digital imaging, videos, verbal and written statements of his or her likeness for promotional, web usage or other uses associated with the Youth Advisory Council. To that end, I grant permission for such usage.

Parent/Legal Guardian signature

Date

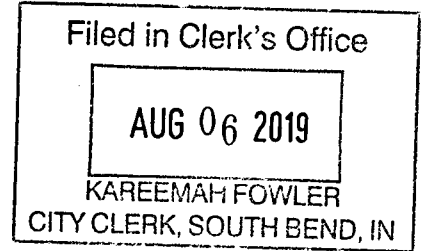


AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

August 6, 2019

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



RE: 3423 Michigan Street
Special Exception Use

Dear Council Members:

Enclosed is a Resolution for the proposed Special Exception Use for a Child Care Center at the above referenced location. Please include the attached Resolution on the Council agenda for unfinished business at your August 12th, 2019 Council meeting and set it for public hearing at your August 26th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the August 14th, 2019 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.

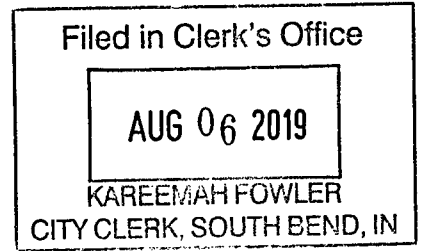
If you have any questions, please feel free to contact our office.

Sincerely,


Jordan Wyatt
Planner

BILL NO. 19-50

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
3423 MICHIGAN 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:

3423 MICHIGAN STREET

In order to permit a child care center.

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.

Member of the Common Council