



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
DATE: SEPTEMBER 5, 2019
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, September 9, 2019:**

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

- 3:30 P.M.** **COMMUNITY INVESTMENT** **CHAIRPERSON, FERLIC**
1. [Bill No. 19-51](#)- Waiver of Non-Compliance for JSK Development Inc./Ireland Hospitality LLC (Holiday Inn Express Hotel)
 2. [Bill No. 19-52](#)- Waiver of Non-Compliance for JSK Development Inc./Southhold LLC (Marriott Hotel)
 3. [Bill No. 19-53](#)- Waiver of Non- Compliance for Development Inc./Southhold LLC (former Hall of Fame)
 4. [Bill No. 19-54](#)- Waiver of Non-Compliance for the LaSalle Apartments LLC
- 3:50 P.M.** **PERSONNEL & FINANCE** **CHAIRPERSON, WHITE**
1. [Bill No. 28-19](#)- Amendment to City's Sick and Vacation Municipal Code Provisions
- 4:10 P.M.** **ZONING & ANNEXATION** **CHAIRPERSON, DAVIS**
1. **Update:** Zoning Ordinance- Tim Corcoran, Director of Planning- Community Investment
 2. [Bill No. 29-19](#)- City Establishing Advisory Plan Commission and Advisory Board of Zoning Appeals

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

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JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

GRAHAM D. SPARKS
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



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



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, September 9, 2019

7:00 P.M.

1. **INVOCATION- APOSTLE MICHAEL PATTON, SENIOR PASTOR- KINGDOM LIFE CHRISTIAN CATHEDRAL**

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

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

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

28-19 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 8, SECTIONS 2-119 AND 2-220 OF THE SOUTH BEND MUNICIPAL CODE, TO ADDRESS SICK LEAVE AND VACATIONS FOR OFFICERS AND EMPLOYEES

29-19 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WITHDRAWING FROM THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, ESTABLISHING THE CITY OF SOUTH BEND ADVISORY PLAN COMMISSION AND THE SOUTH BEND ADVISORY BOARD OF ZONING APPEALS EFFECTIVE DECEMBER 1, 2019, AND APPROVING CONSISTENT HERewith AN AMENDMENT TO THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 2 ARTICLE 5

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[28-19](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 8, SECTIONS 2-119 AND 2-220 OF THE SOUTH BEND MUNICIPAL CODE, TO ADDRESS SICK LEAVE AND VACATIONS FOR OFFICERS AND EMPLOYEES

[29-19](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WITHDRAWING FROM THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, ESTABLISHING THE CITY OF SOUTH BEND ADVISORY PLAN COMMISSION AND THE SOUTH BEND ADVISORY BOARD OF ZONING APPEALS EFFECTIVE DECEMBER 1, 2019, AND APPROVING CONSISTENT HERewith AN AMENDMENT TO THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 2 ARTICLE 5

9. **RESOLUTIONS**

BILL NO.

[19-51](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED DEDUCTION APPLICATION (FORM 322/RE) AND COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) BY JSK DEVELOPMENT INC./IRELAND HOSPITALITY, LLC FOR CERTAIN REAL PROPERTY KNOWN AS HOLIDAY INN EXPRESS AND LOCATED AT 210 E. CALLANDER STREET, SOUTH BEND, IN 46614 DESIGNATED AS AN ECONOMIC REVITALIZATION AREA UNDER RESOLUTION 4467-15

[19-52](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED DEDUCTION APPLICATION (FORM 322/RE) AND COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) BY JSK DEVELOPMENT INC./SOUTHOLD, LLC FOR CERTAIN REAL PROPERTY KNOWN AS COURTYARD BY MARRIOTT AND LOCATED AT 121 DR. MARTIN LUTHER KING, JR. DRIVE, SOUTH BEND, IN 46601 DESIGNATED AS AN ECONOMIC REVITALIZATION AREA UNDER RESOLUTION 4457-15

[19-53](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED DEDUCTION APPLICATION (FORM 322/RE) AND COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) BY JSK DEVELOPMENT INC./SOUTHOLD, LLC FOR CERTAIN REAL PROPERTY KNOWN AS FORMER HALL OF FAME BUILDING AND LOCATED AT 111 DR. MARTIN LUTHER KING, JR. DRIVE, SOUTH BEND,

IN 46601 DESIGNATED AS AN ECONOMIC REVITALIZATION AREA UNDER RESOLUTION 4456-15

[19-54](#) A RESOLUTION OF THE CITY OF SOUTH BEND WAIVING PETITIONER, THE LASALLE APARTMENTS, LLC NON-COMPLIANCE WITH IND. CODE §6-1.1-12.1.6 *ET SEQ.*

10. **BILLS ON FIRST READING**
BILL NO.

[30-19](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 13, ARTICLE 5, SECTION 13-75.5 OF THE SOUTH BEND MUNICIPAL CODE TO ADD DEALING IN A CONTROLLED SUBSTANCE ANALOG TO THE LIST OF PROHIBITED ACTIVITIES CONSTITUTING A DISORDERLY HOUSE

[31-19](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2019

[32-19](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2019 OF \$35,000 FROM SEWAGE WORKS O&M RESERVE FUND (#643)

[33-19](#) FIRST 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 \$50,000 FROM GENERAL FUND (#101), \$2,900,000 FROM PARKS AND RECREATION FUND (#201), \$64,316 FROM MOTOR VEHICLE HIGHWAY FUND (#202), \$491,466 GIFT, DONATION, BEQUEST FUND (#217), \$4,801,561 FROM CENTRAL SERVICES FUND (#222), \$64,316 FROM LOCAL ROAD & STREET FUND (#251), \$76,493 FROM HUMAN RIGHTS FEDERAL GRANT FUND (#258), \$23,325 FROM IT/INNOVATION/311 CALL CENTER FUND (#279), \$80,000 FROM COPS MORE GRANT FUND (#295), AND \$13,260 FROM COIT FUND (#404).

[34-19](#) FIRST READING ON AN ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020

[35-19](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF SEVERAL DEPARTMENTS OF THE CIVIL CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

[36-19](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE DESIGNATED ENTERPRISE FUNDS OF THE CITY OF SOUTH BEND, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020 INCLUDING ALL OUTSTANDING CLAIMS, AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

[37-19](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION'S 2020 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020

[38-19](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 19 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE AN AMENDED ARTICLE 2 REGARDING ABATEMENT REGULATIONS ADDRESSING TALL GRASS, WEEDS, NOXIOUS WEEDS, AND RANK VEGETATION

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the 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

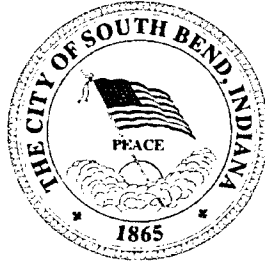
Public Works & Property Vacation, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Personnel and Finance Committee, Vice-Chairperson

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

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

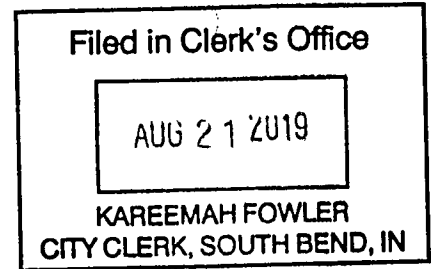


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EMAIL KCLARK@SOUTHBENDIN.GOV

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
HUMAN RESOURCES DEPARTMENT

August 20, 2019

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



Re: Amendment to City's Sick and Vacation Municipal Code Provisions

Dear Council President Scott:

The South Bend Municipal Code currently contains two provisions governing sick leave and vacation for City non-bargaining and Teamster employees. The substance of these provisions is also contained in the City's Vacation policy at page 35 of the Employee Handbook and the Sick Leave policy at page 38 of the Employee Handbook. The Handbook is distributed to every employee and is readily available on the City's intranet, in Human Resources, and in the Clerk's office. Employees and administration rely heavily on these policies in implementing the City's vacation and sick leave programs.

Recently, Human Resources has taken steps to revise the City's Vacation policy to provide vacation to new hires, improve equity across employee groups, and modify terms related to payout of vacation upon separation. In evaluating these revisions, Chapter 2, Article 8, Sections 2-119 (regarding sick leave) and 2-120 (related to vacation) of the Municipal Code provisions came to light. To improve clarity and avoid possible confusion, Human Resources is proposing consolidating these two Code provisions and incorporating by reference the City's Employee Handbook which contains the relevant policies and is readily available for inspection by employees and the public. This proposal, along with a proposed revision to the City's vacation policy, has been discussed and distributed to members of the Council's Personnel and Finance Committee. We are now pleased to present it to the full Council for consideration.

I will present this ordinance to the Council for committee hearing and for second and third Council reading. An attorney from the City Legal Department may also be present.

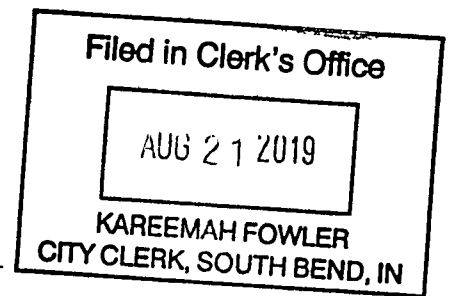
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Kyra Clark". The signature is written in a cursive, flowing style.

Kyra Clark
Director of Human Resources

Bill NO 28-19
ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 8, SECTIONS 2-119 AND 2-220 OF THE SOUTH BEND MUNICIPAL CODE, TO ADDRESS SICK LEAVE AND VACATIONS FOR OFFICERS AND EMPLOYEES

STATEMENT OF PURPOSE AND INTENT

The current version of the South Bend Municipal Code at Chapter 2, Article 8 contains specific provisions for City personnel regarding sick leave at Section 2-119, and for annual vacations at Section 2-219. Sick leave and annual vacations of City employee and officers are further described in greater detail within the City's Personnel Policies and Procedures manual which is available for public review on the City's website, and in the offices of the City Clerk and the City Department of Administration and Finance.

For better clarity and to reduce any confusion, it is preferable that details of personnel policies concerning sick leave and annual vacations be contained solely within the City's Personnel Policies and Procedures manual.

It is in the best interest of the City of South Bend to amend the South Bend Municipal Code for the above stated reasons.

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

SECTION I. Chapter 2 Article 8, Section 2-119. Sick leave for all officers and employees shall be deleted in its entirety.

SECTION II. Chapter 2, Article 8, Section 2-120 shall be recodified as Section 2-119 and shall be amended to read in its entirety as follows:

Sec. 2-12019. **Sick Leave and Annual vacations for officers and employees.**

(a) All officers and employees of the City shall be subject to the sick leave and the vacation schedules set forth in the City's Personnel Policies and Procedures as it may be amended from time to time which shall be available for public inspection in the office of the City Clerk and the office of the City Administration and Finance Department., and further as such schedules may be

~~amended in the annual salary ordinances enacted by the Common Council. The annual vacation privileges of officers and employees of the City whose anniversary date falls on or before December 31, 1986 shall be preserved.~~

~~(b) — "Years of service" means uninterrupted employment with the City. All references to years indicate a complete year of employment upon the employee's anniversary date rather than fiscal years.~~

~~(c) — Vacation time is not cumulative, and any days of vacation not actually used during the calendar year in which they accrue shall be lost with no additional compensation paid to employees not using those lost vacation days, subject to the City's Personnel Policies and Procedures which may allow use during the first quarter of the calendar year following the year in which the vacation days accrue.~~

~~(bd) This section shall not apply to sworn police officers and firefighters.~~

~~(ce) The Mayor at his or her discretion may alter the vacation schedule for heads of City Departments or for key employees having specialized expertise.~~

(Ord. No. 7731-87, § 1; Ord. No. 9612-05, § 1, 9-16-05)

SECTION III. All Sections of Chapter 2, Article 8 of the South Bend Municipal Code following recodified Section 2-219 shall be recodified in turn as follows:

Sec. 2-~~121.~~ 120. Holidays.

Sec. 2-~~122.~~ 121. Use of private vehicles for City business.

Sec. 2-~~123.~~ 122. Regulation of City-owned vehicles.

Sec. 2-~~123.1.~~ 122.1 Discretionary ~~V~~vehicle ~~A~~ allowance to City Department ~~H~~head or key employee.

Sec. 2-~~123.2.~~ 122.2. Regulations and reporting mechanisms on City usage of alternative fuels—~~C~~compressed natural gas (CNG) and liquefied natural gas (LNG).

Sec. 2-~~124.~~ 123. ~~Addressing~~ Retirement gifts for public safety personnel.

Sec. 2-~~125.~~ 124. "Operation Safe Neighborhoods" program.

Sec. 2-~~125.1~~ 125. Whistleblower protection.

Sec. 2-~~125.2.~~ 125.1 Sexual ~~H~~harassment ~~T~~training and ~~P~~prevention ~~A~~awareness and ~~P~~prevention ~~T~~training for City of South Bend ~~E~~elected ~~O~~officials and ~~E~~employees.

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

Member of the Common Council

Attest:

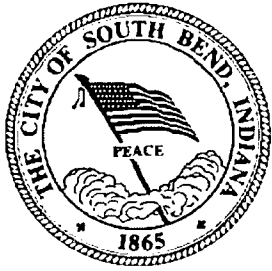
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 20____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 20____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

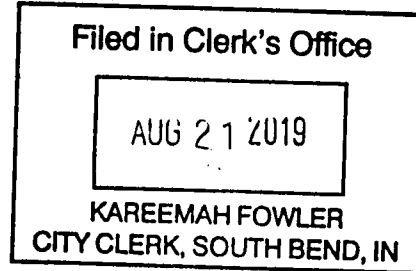


City of South Bend Common Council

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.southbend.in.gov>

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



August 21, 2019

Re: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WITHDRAWING FROM THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, ESTABLISHING THE CITY OF SOUTH BEND ADVISORY PLAN COMMISSION AND THE SOUTH BEND ADVISORY BOARD OF ZONING APPEALS EFFECTIVE DECEMBER 1, 2019, AND APPROVING CONSISTENT HERewith AN AMENDMENT TO THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 2 ARTICLE 5

Dear Council Members:

Currently, the Area Plan Commission of St. Joseph County administers the zoning ordinance and development review procedures for the City.

The City is governed by the current zoning ordinance which went in to effect May 7, 2004 and which has been updated numerous times to respond to changing development practices. The Department of Community Investment, on behalf of the City, is actively working to reformat and revise the South Bend Zoning Ordinance with the intent that the new ordinance will take effect on January 1, 2020.

As part of the revisions of the South Bend Zoning Ordinance, and to streamline the process and aid in property development, this Ordinance confirms and approves the formation of the City of South Bend Advisory Plan Commission and Advisory Board of Zoning Appeals under Ind. Code 36-7-4, et seq. It further provides for the City's withdrawal from the St. Joseph County Area Plan Commission, which pursuant to Ind. Code 36-7-4-204, is permissible upon the municipality passing an ordinance to that effect.

This ordinance also amends the South Bend Municipal Code to reflect these changes, all of which is in the best interest of the City of South Bend, Indiana, the concept of which was approved by the South Bend Common Council in its Resolution No. 4769-19 passed unanimously on March 11, 2019.

I request first reading at the August 26 Council meeting with second and third readings and public hearing at the September 9 meeting. I also ask for your support.



City of South Bend Common Council

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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

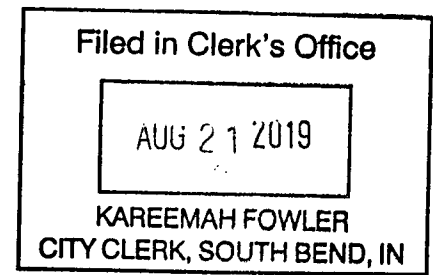
John Voorde
At Large

Karen White
At Large

Sincerely Yours,

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

Bill No. 29-19



Ordinance No. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WITHDRAWING FROM THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, ESTABLISHING THE CITY OF SOUTH BEND ADVISORY PLAN COMMISSION AND THE SOUTH BEND ADVISORY BOARD OF ZONING APPEALS EFFECTIVE DECEMBER 1, 2019, AND APPROVING CONSISTENT HERewith AN AMENDMENT TO THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 2 ARTICLE 5

STATEMENT OF PURPOSE AND INTENT

On February 13, 1922, the City of South Bend, Indiana (the City) approved Ordinance No. 2233 establishing a "City Plan Commission" consisting of nine members as provided by the Acts of the General Assembly of the State of Indiana at its Regular Session of 1921. On September 28, 1964, the City passed Ordinance No. 4691-64 which adopted the provisions of the Area Planning Act of 1957 and resulted in the City joining the Area Plan Commission effective on January 1, 1965. As a member of the Area Plan Commission, the South Bend Common Council passed Ordinance No. 9917-09 on April 28, 2009, allowing the City to join the Area Board of Zoning Appeals, effective May 22, 2009. At this time, the Area Plan Commission of St. Joseph County continues to administer the zoning ordinance and development review procedures for the City.

The City is governed by the current zoning ordinance which went in to effect May 7, 2004 and which has been updated numerous times to respond to changing development practices. The Department of Community Investment, on behalf of the City, is actively working to reformat and revise the South Bend Zoning Ordinance with the intent that the new ordinance will take effect on January 1, 2020. As part of the revisions of the South Bend Zoning Ordinance, and to streamline the process and aid in property development, this Ordinance confirms and approves the formation of the City of South Bend Advisory Plan Commission and Advisory Board of Zoning Appeals under Ind. Code 36-7-4, et seq. It further provides for the City's withdrawal from the St. Joseph County Area Plan Commission, which pursuant to Ind. Code 36-7-4-204, is permissible upon the municipality passing an ordinance to that effect. (See 1977 Ind. Op. Atty. Gen. 64 interpreting the former version of that statute.) This ordinance also amends the South Bend Municipal Code to reflect these changes, all of which is in the best interest of the City of South Bend, Indiana, the concept of which was approved by the South Bend Common Council in its Resolution No. 4769-19 passed unanimously on March 11, 2019.

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

SECTION I. The Common Council hereby affirms its intent to form and support the City of South Bend Advisory Plan Commission and Advisory Board of Zoning Appeals as provided in IC 36-7-4, et seq. each of which Commission and Board shall become operative on December 1, 2019.

SECTION II. In conjunction with formation of the South Bend Advisory Plan Commission and the Advisory Board of Zoning Appeals under Section I of this ordinance, the City of South Bend by December 31, 2019 and upon due appointment by law of all members of each body, shall be deemed to have withdrawn respectively from the St. Joseph County Area Plan Commission and the St. Joseph County Area Board of Zoning Appeals, and will promptly, formally send notice of such withdrawal to each St. Joseph County entity.

SECTION III. The South Bend Advisory Plan Commission and South Bend Advisory Board of Zoning Appeals shall have jurisdiction as of January 1, 2020 over all matters within the current edition of the South Bend Zoning Ordinance, and within the revised South Bend Zoning Ordinance upon that ordinance's effective date. Should any zoning application be pending before the St. Joseph County Area Plan Commission or the St. Joseph County Board of Zoning Appeals at the time of the revised zoning ordinance's effective date, either Board may require the affected property owner to withdraw the original application and to reapply for consideration under the revised Zoning ordinance, or to amend the original application under the contents of the new zoning ordinance. Any such new application shall be at no additional cost to the applicant.

SECTION IV. The South Bend Municipal Code is hereby amended at Chapter 2, Article 5, to add a new Section 2-60 which shall read in its entirety as follows:

Sec. 2-60. South Bend Advisory Plan Commission.

(a) The City of South Bend, prior to joining the St. Joseph County Area Plan Commission on January 1, 1965, had its own municipal plan commission, and it is now appropriate to return to a separate municipal plan commission as provided by Indiana law.¹

(b) The South Bend Advisory Plan Commission is established in the public interest of the City of South Bend with an effective date of December 1, 2019.

(c) The representatives of the South Bend Advisory Plan Commission shall be nine (9) in number as prescribed in IC 36-7-4-207 as follows:

One (1) member appointed by the Common Council from its membership,

One (1) member appointment by the park board from its membership,

One (1) member or designated representative appoint by the city works board,

¹ Currently Ind. Code 36-7-4-202, and 204

The city civil engineer or a qualified assistant, appointed by the city civil engineer, and

Five (5) citizen members, of whom no more than three (3) may be of the same political party, appointed by the Mayor.

(d) The term of office of the members appointed by the Common Council, the City's Parks Board, and its Board of Public Works is co-extensive with that member's term of office on the Council or Board, unless the Council or Board appoints at its first regular meeting in any year, another to serve as its representative. The qualifications of and the terms of membership of all other members of the South Bend Advisory Plan Commission shall be as required and provided by IC 36-7-4-200 et seq., and most applicably, IC 36-7-4-216 and IC 36-7-4-218.

SECTION V. The South Bend Municipal Code is hereby amended at Chapter 2, Article 5, to add a new Section 2-61 which shall read in its entirety as follows:

Sec. 2-61. South Bend Advisory Board of Zoning Appeals.

(a) The City of South Bend joined the St. Joseph County Area Board of Zoning Appeals effective May 22, 2009, and it is now appropriate for the City to have its own Advisory Board of Zoning Appeals as provided by Indiana law.

(b) The South Bend Advisory Board of Zoning Appeals is established in the public interest of the City of South Bend with an effective date of December 1, 2019.

(c) The representatives of the South Bend Advisory Board of Zoning Appeals shall be five (5) in number as provided in IC 36-7-4-902 as follows:

Three (3) citizen members appointed by the Mayor, of whom one (1) must be a member of the plan commission and two (2) must not be members of the plan commission,

One (1) citizen member appointed by the Council, who must not be a member of the plan commission, and

One (1) member appointed by the South Bend Advisory Plan Commission from its membership, who must be a citizen member of commission other than the member appointed by the Mayor above.

(d) The qualifications of and the terms of membership of the South Bend Advisory Board of Zoning Appeals shall be as required and provided by IC 36-7-4- 900 et seq., and most applicably, IC 36-7-4-905 through IC 36-7-4-907 inclusive.

SECTION VI. The City of South Bend will formally resign from the St. Joseph Area Plan Commission and the St. Joseph Area Board of Zoning Appeals on December 31, 2019.

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

Member of the Common Council

Attest:

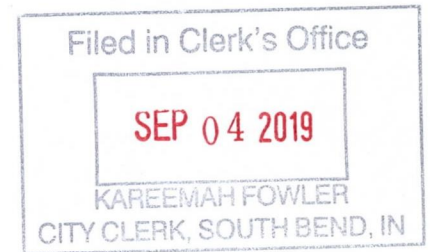
City Clerk

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

City Clerk

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

Mayor, City of South Bend, Indiana



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JITIN KAIN, INTERIM DIRECTOR

September 4, 2019

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

RE: Submission of Resolutions Approving Waivers of Non-Compliance for: JSK Development Inc./Ireland Hospitality LLC, JSK Development Inc./Southhold LLC, JSK Development Inc./Southhold LLC (former Hall of Fame)

Dear Council Member Ferlic:

Attached please find proposed forms of resolutions approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for **JSK Development Inc./Ireland Hospitality LLC, JSK Development Inc./Southhold LLC, JSK Development Inc./Southhold LLC (former Hall of Fame)**. The South Bend Common Council (the "Common Council") adopted three Confirming Resolutions confirming the designation of certain areas in the City of South Bend, Indiana as an Economic Revitalization Area for the purposes of granting tax abatement for real and vacant properties in conjunction with investment in construction of two new hotels and improvements to existing vacant building Hall of Fame.

Confirming Resolution # 4467-15 for JSK Development (Ireland Hospitality/Holiday Inn Express):
A six (6) year tax abatement for real property was granted on July 13, 2015. The project was completed in April 2018. The company has invested \$6.7 million and created 36 new jobs.

Confirming Resolution # 4457-15 JSK Development (Southhold/Courtyard Marriott Downtown):
A nine (9) year tax abatement for real property was granted on June 22, 2015. The project was completed in April 2018. The company has invested \$12.4 million and created 76 new jobs.

DANIEL J. BUCKENMEYER ALKEYNA ALDRIDGE PAMELA MEYER TIM CORCORAN
BUSINESS DEVELOPMENT ENGAGEMENT & ECONOMIC EMPOWERMENT NEIGHBORHOOD DEVELOPMENT PLANNING & COMMUNITY RESOURCES

CITY OF SOUTH BEND | COMMUNITY INVESTMENT

Confirming Resolution # 4456-15 JSK Development (Southhold/Hall of Fame):

A two (2) year tax abatement was granted on June 22, 2015. The future use of the former College Football Hall of Fame Building was directly tied to the construction and subsequent opening of the Courtyard Marriott Downtown Hotel. The hotel project was completed in April 2018.

The Department of Community Investment endorses and supports these requests for a waiver of non-compliance as these companies have met and/or exceeded their abatement milestones and commitments.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

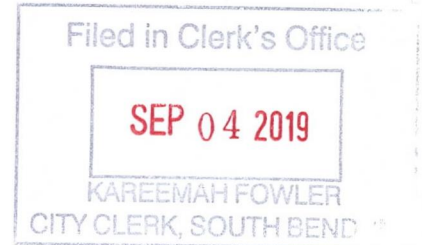


Daniel J. Buckenmeyer

Director of Business Development and Economic Resources

JSK DEVELOPMENT, INC.

**247 DIXIEWAY NORTH
SOUTH BEND, IN 46637
574.387.4466**



July 12, 2019

RE: Abatement for 111 S. Dr. Martin Luther King, Jr. Blvd, South Bend, IN 46601
121 S. Dr. Martin Luther King, Jr. Blvd, South Bend, IN 46601
210 Callander St., South Bend, IN 46614

To Whom It May Concern:

Since the inception of the abatement process of the three above locations, Dan Boecher, the VP of Asset Management of JSK Development, Inc., had been handling all of the paperwork concerning the abatements. Last year we did not receive a Form 11, therefore, Dan wrote a letter from me stating that we did not receive the Form 11 for the different locations to file for Form 322/RE. I trust Dan, so I just signed the letter as he always took care of abatements and such. All of these forms and numbers were foreign to me at the time and I did not take notice of what was being done. This year as Dan is no longer with us, I knew I had to take care of renewals for abatements.

I was anxious as it was my first time having to fill out abatement document so I emailed Daniel Buckenmeyer on February 1, 2019. I did not know the timeframe of when I would receive the forms. He assured me on the dates and if I did not receive them to reach out to his office. I did receive forms CF-1s and with Angelina Billo's help, I submitted the forms on time. Even though I signed a letter the year prior in regards to Form 11, I did not understand what it was for and that it was even required. Not until later this year, did I fully understand the complete process of the CF-1, Form 11, and Form 322/RE. This all came to my knowledge as I received a tax bill for the properties and was notified by Kathy in the assessor's office and Angelina from the Community Investment office. As I still had not received a Form 11 this year, I went down to the assessor's office to get the information I needed to fill out Form 322/RE with them. I did not realize that I could file this form late, otherwise I would have filed when I found out that I was supposed to which would still have been late.

Long story short, Dan Boecher has worked very hard to get the abatement process started. My husband, AJ Patel, and I have invested more than 20 million dollars into our community along with employing over 120 people between 2 properties and are asking in good faith for a

waiver for the items that were not filed due to my lack of knowledge of the process. I can say that I am fully aware of the process. I can't express enough how committed I am to making sure all forms will be filled out properly and on time...it will be my personal promise.

Our investments in our community were based upon the abatements that we were going to be receiving. Without having these abatements, it would hurt our business and hinder our growth in the community. Please consider the situation and provide us a waiver of non compliance. Thank you for your time and consideration.

Sincerely,

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

Priti Patel, CFO
JSK Development, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED DEDUCTION APPLICATION (FORM 322/RE) AND COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) BY JSK DEVELOPMENT INC./IRELAND HOSPITALITY, LLC FOR CERTAIN REAL PROPERTY KNOWN AS HOLIDAY INN EXPRESS AND LOCATED AT 210 E. CALLANDER STREET, SOUTH BEND, IN 46614 DESIGNATED AS AN ECONOMIC REVITALIZATION AREA UNDER RESOLUTION 4467-15

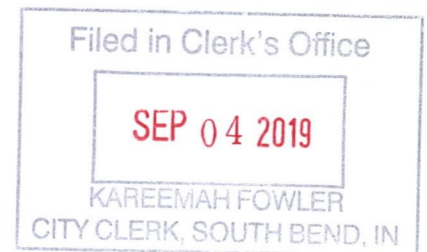
WHEREAS, the Common Council of the City of South Bend, Indiana (the "**Common Council**") at its meeting held on **July 13, 2015** adopted its Confirming Resolution 4467-15 (the "**Confirming Resolution**") confirming the designation of a certain area within the City of South Bend, Indiana (the "**City**") commonly known as 210 E. Callander Street, South Bend, Indiana (the "**Real Property**") pursuant to Indiana Code 6-1.1-12.1 (the "**Act**"), as an Economic Revitalization Area for the purposes of granting a six (6) year tax abatement for real property to **JSK Development Inc./Ireland Hospitality, LLC** (the "**Company**").

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

Lot 1 Ireland Hospitality LLC Minor Sub 16/17NP#7215 09-09-2015 and which has Parcel ID Number 023-1035-1768; and

WHEREAS, the Common Council determined that the **Company** qualified for and the Common Council granted a real property tax deduction for a period of six (6) years as provided in the alternate abatement schedule pursuant to the Section 17 of the Act set forth below:

<u>Year</u>	<u>Real Property Abatement</u>
1	100%
2	85%
3	66%
4	50%
5	34%
6	17%



commencing upon the expiration of the designation period and based upon the re-assessment of the Real Property; and

WHEREAS, the Company was granted a two-year designation period in the Confirming Resolution, but because the Real Property was not re-assessed until July 2018, the Common Council extended the designation period by an additional two years to July 13, 2019 in Resolution 4736-18; and

WHEREAS, the St. Joseph County Assessor's office issued Notices of Assessment of Land and Improvements (Form 11) (each, the "**Notice of Assessment**") dated as of January 1, 2018 and January 1, 2019 with respect to the Real Property; and

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

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

WHEREAS, the Company filed a Form CF-1/Real Property with the City of South Bend on or about April 19, 2018 and May 6, 2019, however, the Company inadvertently did not file the Forms 322/RE with the Auditor; and

WHEREAS, the Company subsequently received a Tax Bill in April 2019 (the "**Tax Bill**") providing that the spring installment of 2018 property taxes on the Parcel were due May 10, 2019; and

WHEREAS, upon receipt of the Tax Bill, the Company filed Form 322/RE with the Auditor's office on or about June 20, 2019; and

WHEREAS, the Tax Bill, without the application of the abatement previously approved by the Common Council, results in a tax being due of \$56,784.56; and

WHEREAS, the Company timely remitted payment of \$28,397.28 to St. Joseph County Treasurer prior to the May 10, 2019 due date for Spring Taxes; and

WHEREAS, in order to receive the benefit of the granted tax abatement for two periods 2018 Pay 2019 and 2019 pay 2020 the Company has requested that the Common Council exercise its authority as the designating body to waive noncompliance by adopting a resolution pursuant to Section 11.3 of the Act;

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

SECTION I. The Company has presented testimonial evidence of the following facts in support of this resolution:

- A. The Company states that while the Company did file a Form CF-1/Real Property Form with the City of South Bend, the Company mistakenly and inadvertently failed to file a Form 322/RE with the Auditor's office before May 10, 2018 and May 10, 2019.
- B. Upon receipt of the 2018 Tax Bill in April 2019, the Company filed with the County Auditor the Form 322/RE on or about June 20, 2019.
- C. The Company exceeded the project cost stated in the original petition for tax abatement. The initial cost of the project was estimated to be \$6,000,000 and the actual cost was \$6,604,373, which sum is made up of a land acquisition cost of \$581,067 and construction costs of \$6,023,306. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating, until the present date.
- D. The project is a positive development to this community. The Company has enhanced the curb appeal of the area. The Company has created a beautiful lodging facility that was well needed to serve the Southside of South Bend.
- E. All other required documentation has been received from the Company by the required dates.

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

SECTION III. The Common Council hereby waives the filing deadline of Form 322/RE by May 10, 2018 and May 10, 2019, and pursuant to Section 4.8 of the Act and Section 11.3 of the Act, adopts this resolution that authorizes acceptance.

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

Member of the Common Council



Filed in Clerk's Office

SEP 04 2019

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

CITY OF SOUTH BEND

COMMUNITY INVESTMENT

JITIN KAIN, INTERIM DIRECTOR

September 4, 2019

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

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BUSINESS DEVELOPMENT

ALKEYNA ALDRIDGE
ENGAGEMENT & ECONOMIC EMPOWERMENT

PAMELA MEYER
NEIGHBORHOOD DEVELOPMENT

TIM CORCORAN
PLANNING & COMMUNITY RESOURCES

CITY OF SOUTH BEND | COMMUNITY INVESTMENT

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The Department of Community Investment endorses and supports these requests for a waiver of non-compliance as these companies have met and/or exceeded their abatement milestones and commitments.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

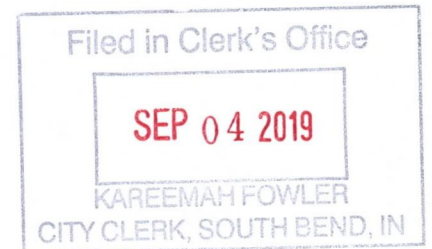
Sincerely,

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Daniel J. Buckenmeyer

Director of Business Development and Economic Resources

JSK DEVELOPMENT, INC.
247 DIXIEWAY NORTH
SOUTH BEND, IN 46637
574.387.4466



July 12, 2019

RE: Abatement for 111 S. Dr. Martin Luther King, Jr. Blvd, South Bend, IN 46601
121 S. Dr. Martin Luther King, Jr. Blvd, South Bend, IN 46601
210 Callander St., South Bend, IN 46614

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waiver for the items that were not filed due to my lack of knowledge of the process. I can say that I am fully aware of the process. I can't express enough how committed I am to making sure all forms will be filled out properly and on time...it will be my personal promise.

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Priti Patel, CFO
JSK Development, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED DEDUCTION APPLICATION (FORM 322/RE) AND COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) BY JSK DEVELOPMENT INC./SOUTHOLD, LLC FOR CERTAIN REAL PROPERTY KNOWN AS COURTYARD BY MARRIOTT AND LOCATED AT 121 DR. MARTIN LUTHER KING, JR. DRIVE, SOUTH BEND, IN 46601 DESIGNATED AS AN ECONOMIC REVITALIZATION AREA UNDER RESOLUTION 4457-15

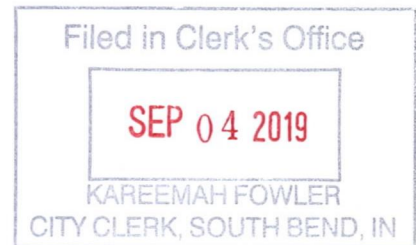
WHEREAS, the Common Council of the City of South Bend, Indiana (the "**Common Council**") at its meeting held on **June 22, 2015** adopted its Confirming Resolution 4467-15 (the "**Confirming Resolution**") confirming the designation of a certain area within the City of South Bend, Indiana (the "**City**") commonly known as 121 Dr. Martin Luther King, Jr., Dr., South Bend, Indiana (the "**Real Property**") pursuant to Indiana Code 6-1.1-12.1 (the "**Act**"), as an Economic Revitalization Area for the purposes of granting a nine (9) year tax abatement for real property to **JSK Development Inc./Southhold, LLC** (the "**Company**"); and

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

Lot 38A Hall of Fame & Chocolate Café Minor Sub and the Original Town of South Bend 1st RP RP6363 09-30-08 09/10 and which has Parcel ID Number 018-3001-0024; and

WHEREAS, the Common Council determined that the Company qualified for and the Common Council granted a real property tax deduction for a period of nine (9) years as provided in the alternate abatement schedule pursuant to the Section 17 of the Act set forth below:

<u>Year</u>	<u>Real Property Abatement</u>
1	100%
2	88%
3	77%
4	66%
5	55%
6	44%
7	33%
8	22%
9	11%



commencing upon the expiration of the designation period and based upon the re-assessment of the Real Property; and

WHEREAS, the Company was granted a two-year designation period in the Confirming Resolution, but because the Real Property was not re-assessed until July 2018, the Common Council extended the designation period by an additional two years to June 23, 2019 in Resolution 4737-18; and

WHEREAS, the St. Joseph County Assessor's office issued Notices of Assessment of Land and Improvements (Form 11) (each, the "**Notice of Assessment**") dated as of January 1, 2018 and January 1, 2019 with respect to the Real Property; and

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

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

WHEREAS, the Company filed a Form CF-1/Real Property with the City of South Bend on or about April 19, 2018 and May 6, 2019, however, the Company inadvertently did not file the Forms 322/RE with the Auditor; and

WHEREAS, the Company subsequently received a Tax Bill in April 2019 (the "**Tax Bill**") providing that the spring installment of 2018 property taxes on the Parcel were due May 10, 2019; and

WHEREAS, upon receipt of the Tax Bill, the Company filed Form 322/RE with the Auditor's office on or about June 20, 2019; and

WHEREAS, the Tax Bill, without the application of the abatement previously approved by the Common Council, results in a tax being due of \$140,233.10; and

WHEREAS, the Company timely remitted payment of \$70,116.55 to St. Joseph County Treasurer prior to the May 10, 2019 due date for Spring Taxes; and

WHEREAS, in order to receive the benefit of the granted tax abatement for two periods 2018 Pay 2019 and 2019 pay 2020 the Company has requested that the Common Council exercise its authority as the designating body to waive noncompliance by adopting a resolution pursuant to Section 11.3 of the Act;

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

SECTION I. The Company has presented testimonial evidence of the following facts in support of this resolution:

- A. The Company states that while the Company did file a Form CF-1/Real Property Form with the City of South Bend, the Company mistakenly and inadvertently failed to file a Form 322/RE with the Auditor's office before May 10, 2018 and May 10, 2019.
- B. Upon receipt of the 2018 Tax Bill in April 2019, the Company filed with the County Auditor the Form 322/RE on or about June 20, 2019.

- C. The Company exceeded the project cost stated in the original petition for tax abatement. The initial cost of the project was estimated to be \$9,250,000 and the actual cost was \$12,127,749. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating, until the present date.
- D. The project is a positive development to this community. The Company has added 140 guestrooms to the downtown market which now helps the Century Center capture larger events and bring more business to our area.
- E. All other required documentation has been received from the Company by the required dates.

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

SECTION III. The Common Council hereby waives the filing deadline of Form 322/RE by May 10, 2018 and May 10, 2019, and pursuant to Section 4.8 of the Act and Section 11.3 of the Act, adopts this resolution that authorizes acceptance.

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

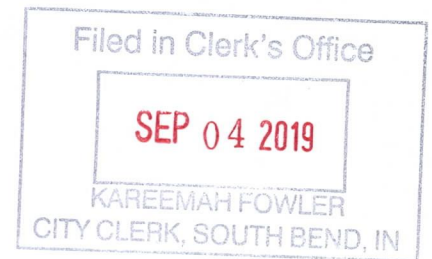
Member of the Common Council



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JITIN KAIN, INTERIM DIRECTOR

September 4, 2019

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



RE: Submission of Resolutions Approving Waivers of Non-Compliance for: JSK Development Inc./Ireland Hospitality LLC, JSK Development Inc./Southhold LLC, JSK Development Inc./Southhold LLC (former Hall of Fame)

Dear Council Member Ferlic:

Attached please find proposed forms of resolutions approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for **JSK Development Inc./Ireland Hospitality LLC, JSK Development Inc./Southhold LLC, JSK Development Inc./Southhold LLC (former Hall of Fame)**. The South Bend Common Council (the "Common Council") adopted three Confirming Resolutions confirming the designation of certain areas in the City of South Bend, Indiana as an Economic Revitalization Area for the purposes of granting tax abatement for real and vacant properties in conjunction with investment in construction of two new hotels and improvements to existing vacant building Hall of Fame.

Confirming Resolution # 4467-15 for JSK Development (Ireland Hospitality/Holiday Inn Express):
A six (6) year tax abatement for real property was granted on July 13, 2015. The project was completed in April 2018. The company has invested \$6.7 million and created 36 new jobs.

Confirming Resolution # 4457-15 JSK Development (Southhold/Courtyard Marriott Downtown):
A nine (9) year tax abatement for real property was granted on June 22, 2015. The project was completed in April 2018. The company has invested \$12.4 million and created 76 new jobs.

DANIEL J. BUCKENMEYER ALKEYNA ALDRIDGE PAMELA MEYER TIM CORCORAN
BUSINESS DEVELOPMENT ENGAGEMENT & ECONOMIC EMPOWERMENT NEIGHBORHOOD DEVELOPMENT PLANNING & COMMUNITY RESOURCES

CITY OF SOUTH BEND | COMMUNITY INVESTMENT

Confirming Resolution # 4456-15 JSK Development (Southhold/Hall of Fame):

A two (2) year tax abatement was granted on June 22, 2015. The future use of the former College Football Hall of Fame Building was directly tied to the construction and subsequent opening of the Courtyard Marriott Downtown Hotel. The hotel project was completed in April 2018.

The Department of Community Investment endorses and supports these requests for a waiver of non-compliance as these companies have met and/or exceeded their abatement milestones and commitments.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

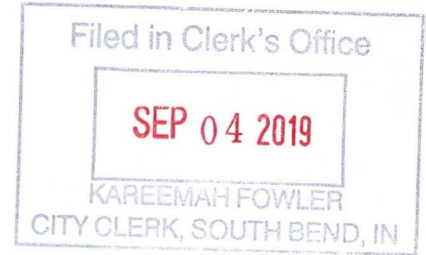
Sincerely,

A handwritten signature in black ink, appearing to read 'D. Buckenmeyer', with a long horizontal flourish extending to the right.

Daniel J. Buckenmeyer

Director of Business Development and Economic Resources

JSK DEVELOPMENT, INC.
247 DIXIEWAY NORTH
SOUTH BEND, IN 46637
574.387.4466



July 12, 2019

RE: Abatement for 111 S. Dr. Martin Luther King, Jr. Blvd, South Bend, IN 46601
121 S. Dr. Martin Luther King, Jr. Blvd, South Bend, IN 46601
210 Callander St., South Bend, IN 46614

To Whom It May Concern:

Since the inception of the abatement process of the three above locations, Dan Boecher, the VP of Asset Management of JSK Development, Inc., had been handling all of the paperwork concerning the abatements. Last year we did not receive a Form 11, therefore, Dan wrote a letter from me stating that we did not receive the Form 11 for the different locations to file for Form 322/RE. I trust Dan, so I just signed the letter as he always took care of abatements and such. All of these forms and numbers were foreign to me at the time and I did not take notice of what was being done. This year as Dan is no longer with us, I knew I had to take care of renewals for abatements.

I was anxious as it was my first time having to fill out abatement document so I emailed Daniel Buckenmeyer on February 1, 2019. I did not know the timeframe of when I would receive the forms. He assured me on the dates and if I did not receive them to reach out to his office. I did receive forms CF-1s and with Angelina Billo's help, I submitted the forms on time. Even though I signed a letter the year prior in regards to Form 11, I did not understand what it was for and that it was even required. Not until later this year, did I fully understand the complete process of the CF-1, Form 11, and Form 322/RE. This all came to my knowledge as I received a tax bill for the properties and was notified by Kathy in the assessor's office and Angelina from the Community Investment office. As I still had not received a Form 11 this year, I went down to the assessor's office to get the information I needed to fill out Form 322/RE with them. I did not realize that I could file this form late, otherwise I would have filed when I found out that I was supposed to which would still have been late.

Long story short, Dan Boecher has worked very hard to get the abatement process started. My husband, AJ Patel, and I have invested more than 20 million dollars into our community along with employing over 120 people between 2 properties and are asking in good faith for a

waiver for the items that were not filed due to my lack of knowledge of the process. I can say that I am fully aware of the process. I can't express enough how committed I am to making sure all forms will be filled out properly and on time...it will be my personal promise.

Our investments in our community were based upon the abatements that we were going to be receiving. Without having these abatements, it would hurt our business and hinder our growth in the community. Please consider the situation and provide us a waiver of non compliance. Thank you for your time and consideration.

Sincerely,

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

Priti Patel, CFO
JSK Development, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED DEDUCTION APPLICATION (FORM 322/RE) AND COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) BY JSK DEVELOPMENT INC./SOUTHOLD, LLC FOR CERTAIN REAL PROPERTY KNOWN AS FORMER HALL OF FAME BUILDING AND LOCATED AT 111 DR. MARTIN LUTHER KING, JR. DRIVE, SOUTH BEND, IN 46601 DESIGNATED AS AN ECONOMIC REVITALIZATION AREA UNDER RESOLUTION 4456-15

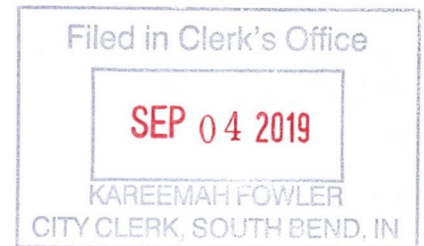
WHEREAS, the Common Council of the City of South Bend, Indiana (the "**Common Council**") at its meeting held on **June 22, 2015** adopted its Confirming Resolution 4456-15 (the "**Confirming Resolution**") confirming the designation of a certain area within the City of South Bend, Indiana (the "**City**") commonly known as 111 Dr. Martin Luther King, Jr. Dr., South Bend, Indiana (the "**Real Property**") pursuant to Indiana Code 6-1.1-12.1 (the "**Act**"), as an Economic Revitalization Area for the purposes of granting a two (2) year tax abatement for real property to **JSK Development Inc./Southhold, LLC** (the "**Company**"); and

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

Lot 1 Hall of Fame Second Minor 16/17 NP#5417 07-22-2015 and which has Parcel ID Number 018-3091-347405; and

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

<u>Year</u>	<u>Real Property Abatement</u>
1	100%
2	50%



commencing upon the expiration of the designation period and based upon the re-assessment of the Real Property; and

WHEREAS, the Company was granted a two-year designation period in the Confirming Resolution, but because the Company did not have its project completed within the original designation period, the Common Council extended it by an additional two years to May 26, 2018 in Resolution 4633-17; and

WHEREAS, the Company again requested an extension of the designation period due to project delays, which the Common Council granted pursuant to Resolution 4738-18, extending the designation period to May 26, 2019; and

WHEREAS, the St. Joseph County Assessor's office issued a Notice of Assessment of Land and Improvements (Form 11) (the "**Notice of Assessment**") dated as of January 1, 2019 with respect to the Real Property; and

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

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

WHEREAS, the Company filed a Form CF-1/Real Property with the City of South Bend on or about May 6, 2019, however, the Company inadvertently did not file the Forms 322/VBD with the Auditor. The Company filed Form 322/VBD with the Auditor's office on or about June 20, 2019; and

WHEREAS, in order to receive the benefit of the granted tax abatement for one period 2019 pay 2020 the Company has requested that the Common Council exercise its authority as the designating body to waive noncompliance by adopting a resolution pursuant to Section 11.3 of the Act;

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

SECTION I. The Company has presented testimonial evidence of the following facts in support of this resolution:

- A. The Company states that while the Company did file a Form CF-1/Real Property Form with the City of South Bend, the Company mistakenly and inadvertently failed to file a Form 322/VBD with the Auditor's office before May 10, 2019.
- B. The Company filed with the County Auditor the Form 322/VBD on or about June 20, 2019.
- C. The Company exceeded the project cost stated in the original petition for tax abatement. The initial cost of the project was \$653,683.

D. The project will be a positive development to this community. The Company will be moving its corporate offices into the building. The Company is continually recruiting tenants for retail spaces to complement the downtown area.

E. All other required documentation has been received from the Company by the required dates.

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

SECTION III. The Common Council hereby waives the filing deadline of Form 322/VBD by May 10, 2019, and pursuant to Section 4.8 of the Act and Section 11.3 of the Act, adopts this resolution that authorizes acceptance.

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

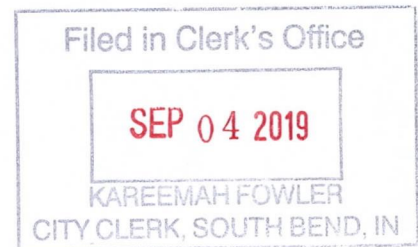
Member of the Common Council



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JITIN KAIN, INTERIM DIRECTOR

September 4, 2019

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



RE: Submission of Resolution Approving Waiver of Noncompliance for Real Property Tax Abatement for the LaSalle Apartments, LLC

Dear Council Member Ferlic,

Attached please find a proposed form of resolution approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for the LaSalle Apartments, LLC (the "Company"). The South Bend Common Council (the "Common Council") adopted its Reconfirming Resolution 4417-15 confirming the designation of a certain area in the City of South Bend, Indiana as an Economic Revitalization Area for the purposes of granting a ten (10) year tax abatement for real property in conjunction with remodeling the building formerly known as the LaSalle Hotel.

The Company has recently received its Tax Year 2018 (Pay in 2019) tax bill from the St. Joseph County Treasurer. The bill does not account for the company's full abatement of approximately \$2,883,820 and, instead, only deducts approximately \$1,463,475 of assessed value. That tax abatement was not recognized by the St. Joseph Auditor because the LaSalle Apartments, LLC did not file a form 322/RE in the string 2018.

Upon receipt of the Tax Bill, the Company filed Form 322/RE with the Auditor's office on or about August 30, 2019. The Company timely remitted payment of \$41,599.53 to St. Joseph County Treasurer prior to the May 10, 2019 due date for Spring Taxes. The Company is requesting that the Common Council waive noncompliance with the filing

DANIEL J. BUCKENMEYER ALKEYNA ALDRIDGE PAMELA MEYER TIM CORCORAN
BUSINESS DEVELOPMENT ENGAGEMENT & ECONOMIC EMPOWERMENT NEIGHBORHOOD DEVELOPMENT PLANNING & COMMUNITY RESOURCES

CITY OF SOUTH BEND | COMMUNITY INVESTMENT

deadline for the Form 322/RE.

The Department of Community Investment endorses and supports this waiver as the Company has exceeded their abatement milestones. The Company exceeded the project cost stated in the original petition for tax abatement. The initial cost of the project was estimated to be \$9,537,076 and the actual cost was \$12,709,426. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating until the present date.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

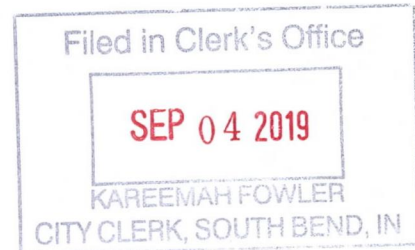
A handwritten signature in black ink, appearing to read 'DJB', with a long horizontal line extending to the right.

Daniel J. Buckenmeyer

Director of Business Development and Economic Resources

August 29, 2019

City of South Bend Common Council
227 West Jefferson Blvd., Suite 400S
South Bend, IN 46601



RE: The LaSalle Apartments, LLC – 237 N. Michigan St.

Dear Common Council:

Please find enclosed the Petition for Waiver of Non-Compliance associated with the development referenced above. We request that this Petition be taken before the Common Council as soon as possible so that we can rectify this situation.

Based on discussions with the St. Joseph County Auditor, The LaSalle Apartments, LLC has learned that its tax abatement was only partially recognized by the Treasurer because The LaSalle Apartments, LLC inadvertently did not re-file Form 322RE in the spring of 2018.

While not a good reason for failing to file the proper form, we were unaware of the requirement to file Form 322RE in more than just the first year of the property tax abatement. Since our project was completed before the end of the year we assumed the full assessed value was being picked up in the first year and therefore there was no need to re-file Form 322RE. According to our property tax attorney, this requirement is fairly unique to St. Joseph County in Indiana. Again, we need to follow your rules, but this was an inadvertent oversight on our part. Other than this paperwork, we have fulfilled our commitments and delivered and have maintained a beautifully transformed building in downtown South Bend.

If there are any questions or additional information needed regarding the Petition or getting it heard before the Common Council, please contact me directly at 317-815-5929.

Sincerely,



Jeffrey A. Ryan
Vice President of Development

SEP 04 2019

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN**BILL NO. 19-54****RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY OF SOUTH BEND
WAIVING PETITIONER, THE LASALLE APARTMENTS, LLC NON-COMPLIANCE
WITH IND. CODE §6-1.1-12.1.6 ET SEQ.**

WHEREAS, The LaSalle Apartments, LLC is the owner of real property in the City of South Bend commonly called The LaSalle Apartments, South Bend, Indiana, on which The LaSalle Apartments, LLC has remodeled a nine story building formerly known as The LaSalle Hotel, which has been re-purposed as apartments and commercial space.

WHEREAS, in conjunction with The LaSalle Apartments, LLC's development of the former LaSalle Hotel, the City of South Bend granted The LaSalle Apartments, LLC a ten-year tax abatement which remains in effect and was codified as Resolution 4417-15, and

WHEREAS, it has come to the City of South Bend's attention that The LaSalle Apartments, LLC failed to timely file an abatement deduction application with the St. Joseph County Auditor for the following tax periods: Tax Year 2018 (Pay 2019), and, as a result, The LaSalle Apartments, LLC may lose the benefit of the ten-year tax abatement for following: Tax Year 2018 (Pay 2019), and

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-11.3 (2017), the City of South Bend has the authority to waive The LaSalle Apartments, LLC's failure to comply with Indiana's tax abatement laws and, specifically, the authority to waive The LaSalle Apartments, LLC's failure to file a timely or complete abatement deduction application with the county auditor, and

WHEREAS, the City of South Bend accepts that The LaSalle Apartments, LLC's failure to timely file its abatement deduction application was an excusable mistake which resulted through inadvertent over-sights, acknowledges that The LaSalle Apartments, LLC filed a deduction application promptly after learning of its mistake, and accepts that The LaSalle Apartments, LLC is taking steps to avoid this problem in the future, and

WHEREAS, pursuant to I.C. § 6-1.1-12.1-11.3(c), the City of South Bend has heard and considered The LaSalle Apartments, LLC's request for a waiver of non-compliance at a duly-called and public meeting of the Council,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF SOUTH BEND, INDIANA, THAT:

SECTION 1. Acting pursuant to the authority granted to it by I.C. § 6-1.1.-12.1-11.3 the City of South Bend hereby waives The LaSalle Apartments, LLC's failure to comply with Indiana's abatement laws and, specifically, waives The LaSalle Apartments, LLC's failure to file a timely or complete abatement deduction application with the county auditor for the following: Tax Year 2018 (Pay 2019).

SECTION 2. The City of South Bend hereby affirms that the ten-year tax abatement previously granted to The LaSalle Apartments, LLC as Resolution 4417-15 remains in effect and directs The LaSalle Apartments, LLC to file this resolution for record with The St. Joseph County Auditor and/or St. Joseph County Assessor.

SECTION 3. This Resolution shall be in full force and effect from and after its passage and approval, as required by law.

Passed and adopted this September __, 2019.

COMMON COUNCIL OF THE CITY
OF SOUTH BEND

By: _____

ATTEST:

Clerk, City of South Bend



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

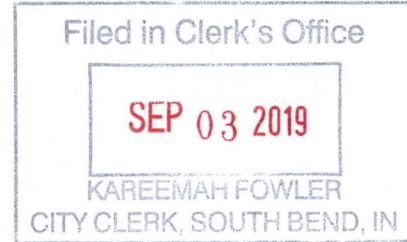
Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

September 3, 2019

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



Re: An Ordinance of the Common Council Amending Chapter 13, Article 5, Section 13-75.5 of the Municipal Code to Add Dealing in a Controlled Substance Analog to the List of Prohibited Activities Constituting a Disorderly House

Dear Council Members:

We are filing the attached proposed amended ordinance to add dealing in a controlled substance analog to the list of activities constituting a disorderly house. The current ordinance refers to synthetic look alike drugs within prohibited activities. The Indiana legislature, effective July 1, 2019, eliminated this terminology from the statutes by repealing certain statutes and enacting new statutes referring to a "controlled substance analog."

This text amendment to the current ordinance updates the statutory references and terminology to make the ordinance consistent with state statutes.

Please schedule this for first reading on September 9, 2019 with public hearing, second and third readings and public hearing on September 23, 2019.

Thank you for your consideration.

Sincerely Yours,

Tim Scott, South Bend Common Council President

Karen White, South Bend Common Council Member at Large

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



BILL NO. 30-19

ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 13, ARTICLE 5, SECTION 13-75.5 OF THE SOUTH BEND MUNICIPAL CODE TO ADD DEALING IN A CONTROLLED SUBSTANCE ANALOG TO THE LIST OF PROHIBITED ACTIVITIES CONSTITUTING A DISORDERLY HOUSE

STATEMENT OF PURPOSE AND INTENT

The South Bend Municipal Code prohibits various conduct which would constitute a disorderly house. The prohibited conduct includes, among other things, dealing with substances including synthetic drugs or synthetic drug lookalike substances. The current ordinance refers to State statutes in defining violations. The purpose of this amendment is to conform with recent amendments to State statutes defining “controlled substance analog” and eliminating the terminology “synthetic drug lookalike” which became effective July 1, 2019. The amendment also updates statutory references after the State Legislature repealed a number of statutes and enacted new statutes to replace them.

Sec. 13-75.5. - Disorderly houses; prohibited.

(a) *Definitions.*

- (1) For purposes of this section, *disorderly house* means a building, dwelling, establishment, premises or place where prohibited conduct occurs and it includes the outside area contiguous to and surrounding the structure such as a yard or lot under the same ownership. If the building, dwelling, establishment, premises or place is a multiple-unit dwelling or residence, hotel or motel, or commercial or office building, this definition applies only to that dwelling unit, room or suite of rooms in the hotel or motel, office rooms or suite, store, lot or yard in or on which prohibited conduct occurs.
- (2) For purposes of this section, *owner* means:
 - (a) The recorded owner of the property, as determined by the records of the St. Joseph County Assessor's Office;
 - (b) Any party with an equitable interest in the property, provided that such equitable interest is recorded; and
 - (c) The trustee of a land trust, if the land trust holds title to such property.

- (3) For purposes of this section, *occupant* means any person over sixteen (16) years of age whose domicile is the property upon which the prohibited conduct has been found to have occurred.
- (4) For purposes of this section, *vacant* means a building which is lacking the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased.
- (5) For purposes of this section, *prohibited conduct* means activities occurring in violation of the statutes or ordinances relating to any of the following:
- a. Gambling, as defined in IC 35-45-5-1;
 - b. Battery, as defined in IC 35-42-2-1;
 - c. Contributing to the delinquency of a minor, as defined in IC 35-46-1-8;
 - d. Resisting law enforcement, as defined in IC 35-44-3-3;
 - e. Disorderly conduct, as defined in IC 35-45-1-3;
 - f. Criminal recklessness, as defined in IC 35-42-2-2;
 - g. Discharge of firearms, as prohibited by Section 13-58 of the South Bend Municipal Code;
 - h. Unreasonable noise, as prohibited by Section 13-57 of the South Bend Municipal Code;
 - i. Failure to keep vacant property secured against entry, in violation of Section 6-37 or 9-2 of the South Bend Municipal Code, or IC 36-7-9-1 et seq. (Unsafe Building Law) or any other fire or property maintenance codes constitutes prohibited conduct regardless of whether the City has issued a citation for the violation, issued an order to secure, or taken action to abate the condition;
 - j. Failure to comply with Section 16-53, (Conditions Constituting Public Nuisances), Section 16-58, (Duties of Owners or Persons in Control of Vacant Lots), or Section 16-59, (Removal of Vegetation) of the South Bend Municipal Code constitutes prohibited conduct whenever the City has verified with the Department of Code Enforcement that such violation has occurred at the property three (3) or more times within a calendar year. Such violation constitutes prohibited conduct regardless of whether the City has taken action to abate the condition or conduct and regardless of whether the City has issued a citation for the violation;
 - k. Violations of any of the following Indiana statutes governing the sale, possession, delivery or receipt of alcoholic beverages:
 1. Sales, delivery or possession in violation of IC 7.1-5-1-1;
 2. Illegal possession by a minor in violation of IC 7.1-5-7-7;
 3. Furnishing alcohol to a minor in violation of IC 7.1-5-7-8;
 4. Inducing a minor to possess alcohol in violation of IC 7.1-5-7-15;
 5. Sale or delivery of alcoholic beverages to intoxicated persons in violation of IC 7.1-5-10-15;

6. Receipt of alcoholic beverages from a person who does not hold a permit in violation of IC 7.1-5-10-5;
 7. Purchase of alcoholic beverages from a person who does not hold a permit in violation of IC 7.1-5-10-7; or
 8. Visiting or maintaining a common nuisance or any other violation of IC 35-45-1-5.
- l. Violations of any of the following Indiana statutes governing:
 1. Prostitution in violation of IC 35-45-4-2;
 2. Making an unlawful proposition in violation of IC 35-45-4-3; or
 3. Promoting prostitution or juvenile prostitution in violation of IC 35-45-4-4.
 - m. Violations which constitute "racketeering activity" as defined by IC 35-45-6-1.
 - n. Violations of any of the following Indiana statutes governing:
 1. Criminal gang activity in violation of IC 35-45-9-3;
 2. Criminal gang intimidation in violation of IC 35-45-9-4; or
 3. Criminal gang recruitment in violation of IC 35-45-9-5.
 - o. Violations of any of the following Indiana statutes governing:
 1. Dealing in cocaine or a narcotic drug in violation of IC 35-48-4-1;
 2. Dealing in methamphetamine in violation of IC 35-48-4-1.1 and/or manufacturing methamphetamine in violation of IC 35-48-4-1.2;
 3. Dealing in a schedule I, II or III controlled substance or controlled substance analog in violation of IC 35-48-4-2;
 4. Dealing in a schedule IV controlled substance or controlled substance analog in violation of IC 35-48-4-3;
 5. Dealing in a schedule V controlled substance or controlled substance analog in violation of IC 35-48-4-4; or
 6. Dealing in marijuana, hash oil, hashish, salvia, a synthetic drug, as defined by IC 35-31.5-2-321 or IC 25-26-13-4.1 as those statutes are from time to time amended, or a controlled substance analog, as defined in IC 35-48-1-9.3 and/or IC 35-48-4-0.5 as from time to time amended, 35-48-4-4.6, 35-48-4-5, or IC 35-48-4-10. The distribution of low THC hemp extract in full compliance with IC 24-4-21-1 et seq. is excluded from this subpart.
 7. Use or possession of any of the substances described in subsections o.1. through and including 6., above, or the sale, use or possession of any other illicit narcotics or dangerous controlled substances.
 8. Dealing in a controlled substance by a practitioner in violation of IC 35-48-4-1.5

- (b) *Public nuisance.* Whenever prohibited conduct as defined in subsection (a) of this section occurs in or upon a building, dwelling, establishment, premises or place, the City deems the building, dwelling, establishment, premises or place to be a disorderly house and a public nuisance.
- (c) *Notice to abate.* Whenever the South Bend Police Department, or the Department of Code Enforcement, when acting alone or upon information from the Fire Department, the St. Joseph County Health Department, or other reliable source has a reasonable belief that prohibited conduct has occurred in or upon a building, dwelling, establishment, premises or place, the City shall notify the owner of the property, and the occupants of the property that the building, dwelling, establishment, premises or place is a disorderly house and as such constitutes a public nuisance and that they must abate the public nuisance.
- (d) *Manner of serving notice.* The City shall provide notice to the owner of the property and the occupants of the property in the manner provided by IC 36-7-9-25. The City deems the owner of the property and the occupants of the property responsible for any and all prohibited conduct occurring upon the premises after receipt of the notice.
- (e) *Penalty, injunctive relief, and business license action.* Whenever prohibited conduct occurs upon a property after the City has provided notice to abate the public nuisance, the City may file an action in any court of general jurisdiction against the owner and/or occupants to enjoin the nuisance and to recover a fine of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00) with each day of violation constituting a separate offense. In determining the amount of the fine to be imposed, the court may consider the attempts of the property owners or occupants to address the public nuisance. The City may also suspend, revoke, or deny renewal of the business license of the owner and/ or occupant of the building, dwelling, establishment, premises or place where a violation of this section has occurred, as more specifically provided in Chapter 4, Article 2, Section 4-16 of this Code.
- (f) *Eviction proceedings as a defense.* No owner shall be liable for a violation of this section if such owner initiates an eviction proceeding within thirty (30) days of receipt of notice of the prohibited conduct set forth in this section, and diligently pursues eviction proceedings to completion.

(Ord. No. 8427-93, § I; Ord. No. 9240-01, § I; Ord. No. 9602-05, § I, 7-25-05; Ord. No. 10168-12, § I, 7-9-12; Ord. No. [10533-17](#), § I, 8-14-17; Ord. No. [10604-18](#), § I, 7-23-18)

9. 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:

Dawn M. Jones, 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.

Dawn M. Jones, 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



BILL NO. 31-19

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

September 3, 2019

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

RE: September 2019 Transfer Ordinance

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2019, we plan to propose adjustments during four time periods—March, June, October and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on September 9, 2019 with 2nd reading, public hearing and 3rd reading scheduled for September 23, 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. 31-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN
THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2019

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10615-18 and 10616-18 passed on October 8, 2018) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2019.

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

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

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

Member of the Common Council

Attest:

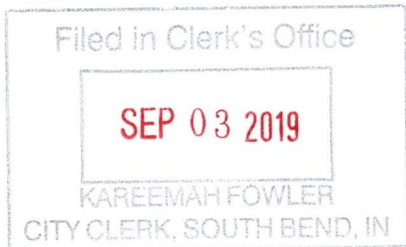
City Clerk

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

Deputy City Clerk

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

Mayor, City of South Bend, Indiana



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

Mayor, City of South Bend, Indiana

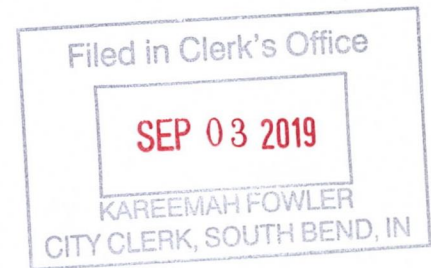


BILL NO. 32-19

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

September 3, 2019

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



RE: September 2019 Appropriation Ordinance – Enterprise Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2019, we plan to propose adjustments during four time periods—March, June, October and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on September 9, 2019 with 2nd reading, public hearing and 3rd reading scheduled for September 23, 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. 32-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2019 OF \$35,000 FROM SEWAGE WORKS O&M RESERVE FUND (#643).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2019 operating and capital budgets in 2018 (Ordinance #10616-18 passed on October 8, 2018), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2019 and set apart within the following designated funds for operational expenses as follows:

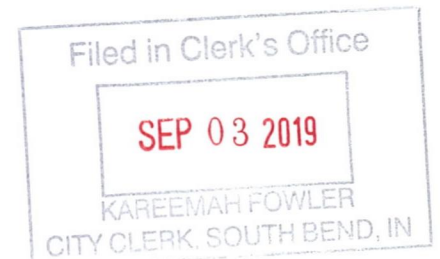
FUND	<u>Amount</u>
Sewage Works O&M Reserve (#643)	<u>\$35,000</u>
TOTAL	<u>\$35,000</u>

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.

Member of the Common Council

Attest:

City Clerk



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

Deputy City Clerk

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

Mayor, City of South Bend, Indiana

City of South Bend, Indiana
September 2019 Additional Appropriation Requests - Enterprise Funds
(increase or decrease in total fund expenditures)
August 30, 2019

Common Council Approved 09/##/19 - Bill No. ##-19

Fund Name	Dept Name	Division Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Code	Budget Increase/ (Decrease)	Justification
Administrative Items								
Sewage Works O&M Reserve	Public Works	Wastewater	Interfund Transfer Out	Susan Zeeb	643-0630-415.50-02		\$ 35,000	Increased interest earnings need to be transferred to Sewage Works Operating Fund 641
							\$ 35,000	
					Total Enterprise		\$ 35,000	

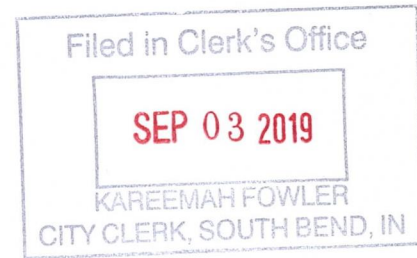


BILL NO. 33-19

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

September 3, 2019

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



RE: September 2019 Appropriation Ordinance – Civil City Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2019, we plan to propose adjustments during four time periods—March, June, September and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on September 9, 2019 with 2nd reading, public hearing and 3rd reading scheduled for September 23, 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. 33-19

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 \$50,000 FROM GENERAL FUND (#101), \$2,900,000 FROM PARKS AND RECREATION FUND (#201), \$64,316 FROM MOTOR VEHICLE HIGHWAY FUND (#202), \$491,466 GIFT, DONATION, BEQUEST FUND (#217), \$4,801,561 FROM CENTRAL SERVICES FUND (#222), \$64,316 FROM LOCAL ROAD & STREET FUND (#251), \$76,493 FROM HUMAN RIGHTS FEDERAL GRANT FUND (#258), \$23,325 FROM IT/INNOVATION/311 CALL CENTER FUND (#279), \$80,000 FROM COPS MORE GRANT FUND (#295), AND \$13,260 FROM COIT FUND (#404).

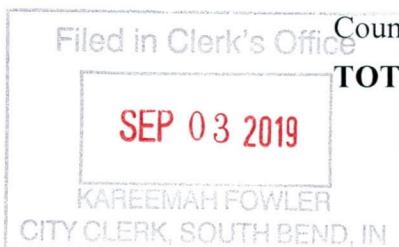
STATEMENT OF PURPOSE AND INTENT

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	Amount
General Fund (#101)	\$50,000
Parks & Recreation (#201)	2,900,000
Motor Vehicle Highway Fund (#202)	64,316
Gift, Donation, Bequest Fund (#217)	491,466
Central Services (#222)	4,801,561
Local Road & Street (#251)	64,316
Human Rights Federal Grant (#258)	76,493
IT / Innovation / 311 Call Center (#279)	23,325
COPS MORE Grant (#295)	80,000
County Option Income Tax (#404)	13,260
TOTAL	<u><u>\$8,564,737</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.

Member of the Common Council

Attest:

City Clerk

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

Deputy City Clerk

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

Mayor, City of South Bend, Indiana

City of South Bend, Indiana
September 2019 Additional Appropriation Requests - Civil City Funds
(increase or decrease in total fund expenditures)
August 30, 2019

Common Council Approved 09/##/19 - Bill No. ##-19

Fund Name	Dept Name	Division Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Code	Budget Increase/ (Decrease)	Justification
Supported by New Revenue								
Gift, Donation, Bequest	Public Works	Engineering	Services / Other Professional Services	Ron O'Connor	217-0602-431.31-06		\$ 100,000	Request an additional appropriation to spend the \$100,000 donation from the St Joseph Chamber of Commerce for wayfinding signage.
Gift, Donation, Bequest	IT	Innovation	Services / Other Professional Services	Amy Shirk	217-0674-415.31-06		\$ 391,466	We are requesting to appropriate a portion of the project costs for the Bloomberg Mayors Challenge Award project for the 2019 budget year. The City will receive \$1,000,000 over the span of the project. This is a 3-year project, starting in 2019 and finishing in 2021.
IT / Innovation / 311 Call Center	IT	Information Technology	Services / Other Communica/Transport	Amy Shirk	279-0672-415.32-05		\$ 23,325	Appropriate the remaining amount left to spend from the original \$100,000 award from Bloomberg. <i>(\$57,707 spent in 2018 and \$17,968 already budgeted in 2019)</i>
COPS MORE Grant	Police	Police Department	Capital / Police Equipment	Renata Matousova	295-0801-421.43-06		\$ 80,000	Purchase equipment for 3-D crime scene processing. Funding is provided by the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.
COIT	Public Works	Utilities & Services	Services / Building R&M	Ron O'Connor	404-0617-431.36-01		\$ 13,260	Received refund check from Crumlish & Crumlish Architect firm for overpayment on County-City Building remodel project. Request an additional appropriation to spend the \$13,260 reimbursement on the County-City Building remodel project.
							\$ 608,051	
Capital Projects								
General Fund	Public Works	Sustainability	Capital / Building Improvements	Ron O'Connor	101-0616-419.42-02		\$ 50,000	Solar panels for new Howard Park facility
Parks & Recreation	VPA	Parks Maintenance	Capital / Land Improvements	Ken Glowacki	201-1101-452.42-01		\$2,900,000	Provide funding for Howard Park-identified in original plan
							\$2,950,000	
Administrative Items								
Motor Vehicle Highway	Public Works	Streets	Capital / Motor Equipment	Terri Swift	202-0607-431.43-02		\$ 64,316	Request an additional appropriation to spend insurance proceeds towards the purchase of a new vehicle. This is covered by the interfund transfer in from Local Road & Street Fund 251.
Central Services	Admin & Finance	Equipment Services	Supplies / C.S. Gasoline	Maricela Juarez	222-0605-419.22-01		\$1,826,090	Correct historical accounting practices, stop recording revenue against expense accounts
Central Services	Admin & Finance	Equipment Services	Supplies / Reimbursed Parts	Maricela Juarez	222-0605-419.23-12		2,891,606	
Central Services	Admin & Finance	Equipment Services	Bad Debt Expense	Maricela Juarez	222-0605-419.39-38		83,865	Record bad debt expense
							\$4,801,561	
Local Road & Street	Public Works	Local Roads & Streets	Interfund Transfer Out	Ron O'Connor	251-0608-431.50-02		\$ 64,316	Insurance reimbursement received in 2018 in Local Road & Street Fund 251 that should have been deposited into Motor Vehicle Highway Fund 202. Need to transfer insurance proceeds to Fund 202 since Fund 202 is paying for the new vehicle to replace the damaged one.
Human Rights Federal Grant	Admin & Finance	Human Rights	Interfund Transfer Out	Rahman Johnson	258-1040-415.50-02		\$ 76,493	Transfer Human Rights scholarship program cash from Human Rights Federal Grant Fund 258 to the Gift, Donation, Bequest Fund 217. This will help track the scholarship cash and separate it from the HUD and EEOC grant activity.
							\$5,006,686	
							\$8,564,737	
Total Civil City							\$8,564,737	

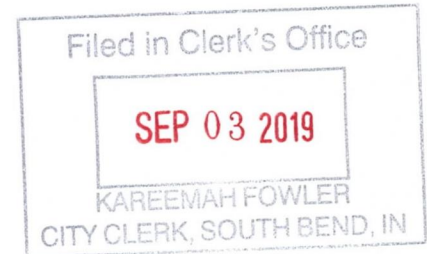


BILL NO. 34-19

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

August 26, 2019

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



Re: Ordinance Levying taxes and fixing the rate of Property Taxation to meet City Expenses for the fiscal year ending December 31, 2020

Dear Council President Scott:

Attached, please find a bill for consideration by the Common Council of the City of South Bend fixing the property tax rate for the City of South Bend for the fiscal year commencing January 1, 2020 and ending December 31, 2020. This tax rate will apply for property tax assessments in fiscal 2019 with taxes payable in fiscal 2020.

Similar to prior years, this bill has been filed with estimated property tax rates. The final property tax rates for each municipality in the State of Indiana are determined by the Department of Local Government Finance (DLGF) as part of the "1782" budget review process which, according to the state budget calendar, must be completed in February 2020. The actual property tax rates will depend on the 2019/pay 2020 net assessed valuation of property in South Bend.

This bill is respectfully submitted for 1st reading filing with the Common Council for the council meeting on September 9, 2019, 2nd reading and public hearing at the council meeting on September 23, 2019, with 3rd reading and council vote at the council meeting on October 14, 2019.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,

Daniel T. Parker
City Controller

BILL NO. 34-19

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020

STATEMENT OF PURPOSE AND INTENT

It is necessary to pass this Ordinance in order to levy taxes and fix the rate of taxation for the purpose of raising revenue to meet the necessary expenses for 2020.

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

SECTION I. There shall be levied upon each One Hundred Dollars of Assessed Valuation of Taxable Property of the City of South Bend, Indiana, for the fiscal year 2019 to be collected in the year 2020 the following:

For CORPORATION GENERAL FUND, the sum of **\$3.6406** on each one hundred dollars of Taxable Property.

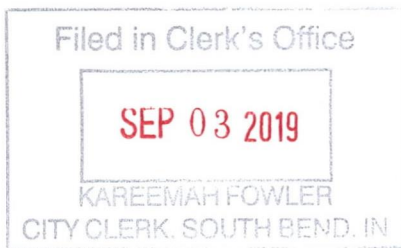
For PARK AND RECREATION FUND, the sum of **\$0.8566** on each one hundred dollars of Taxable Property.

For CUMULATIVE CAPITAL DEVELOPMENT FUND, the sum of **\$0.0375** on each one hundred dollars of Taxable Property.

For PARK BOND DEBT SERVICE FUND, the sum of **\$0.0802** on each one hundred dollars of Taxable Property.

Total Civil City Rate \$4.6149

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



Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 20____, at _____ o'clock ____ m.

City Clerk

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

Mayor, City of South Bend, Indiana

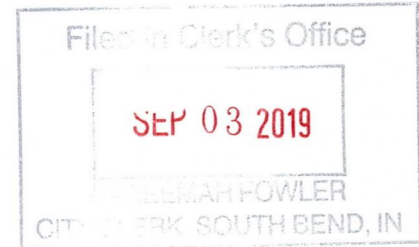


BILL NO. 35-19

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

August 26, 2019

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



Re: Ordinance Appropriating Monies for the purpose of Defraying the Expenses of Departments and Funds of the Civil City of South Bend for the fiscal year ending December 31, 2020

Dear Council President Scott:

Attached, please find a bill for consideration by the Common Council of the City of South Bend appropriating monies for civil city expenditures for the fiscal year commencing January 1, 2020 and ending December 31, 2020.

This bill is respectfully submitted for 1st reading filing with the Common Council for the council meeting on September 9, 2019, 2nd reading and public hearing at the council meeting on September 23, 2019, with 3rd reading and council vote at the council meeting on October 14, 2019.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,

Daniel T. Parker
City Controller

BILL NO. 35-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF SEVERAL DEPARTMENTS OF THE CIVIL CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

STATEMENT OF PURPOSE AND INTENT

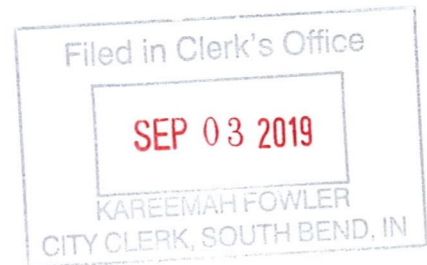
It is necessary to pass this Ordinance in order to appropriate monies to defray the expenses of several Departments of the Civil City of South Bend, Indiana for 2020.

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

SECTION I. For the expenses of the Civil City Government, its various Departments, Funds, Commissions, and institutions for the fiscal year ending December 31, 2020, the following sums of money, as set forth in the attached budget which is made a part hereof, are hereby appropriated and ordered set apart out of the Funds hereinafter named, and for the purposes hereinafter specified, subject to the laws governing the same. The sums herein appropriated shall be deemed to include all expenditures authorized to be made in said year, unless otherwise expressly stipulated or provided by the laws.

SECTION II. For the fiscal year ending December 31, 2020, there is hereby appropriated out of the General Fund Number 101 and from Funds other than the General Fund, of said City to wit:

- (201) Park and Recreation Fund
- (202) Motor Vehicle Highway Fund
- (209) Studebaker Oliver Reverting Grants
- (210) Economic Development Grant Fund
- (211) Community Investment Administration Fund
- (212) Community Investment Grant Fund
- (216) Police State Seizures Fund
- (217) Gift, Donation, Bequest Fund
- (218) Police Curfew Violations Fund
- (219) Unsafe Building Fund
- (220) Law Enforcement Continuing Education Fund
- (221) Landlord Registration Fund
- (222) Central Services Fund
- (224) Central Services Capital Fund
- (226) Liability Insurance & Premium Reserve Fund
- (227) Loss Recovery Fund
- (230) Code Enforcement Operations
- (249) Public Safety Local Option Income Tax Fund
- (251) Local Roads and Streets Fund
- (258) Human Rights – Federal Fund
- (265) Local Road & Bridge Grant Fund
- (273) Morris PAC/Palais Royale Marketing Fund
- (274) Morris PAC Self Promotion Fund
- (278) Police Take Home Vehicle Fund
- (279) IT / Innovation / 311 Call Center Fund
- (289) Hazmat Fund



- (291) Indiana River Rescue Fund
- (294) Regional Police Academy Fund
- (295) COPS More Grant Fund
- (299) Police Federal Drug Enforcement Fund
- (312) 2017 Parks Bond Debt Service Fund
- (401) Coveleski Stadium Capital Fund
- (404) County Option Income Tax Fund
- (406) Cumulative Capital Development Fund
- (407) Cumulative Capital Improvement Fund
- (408) County Economic Development Income Tax Fund
- (410) Urban Development Action Grant Fund
- (412) Major Moves Construction Fund
- (416) Morris Performing Arts Center Capital Fund
- (450) Palais Royale Historic Preservation Fund
- (655) Project ReLeaf Fund
- (701) Fire Pension Fund
- (702) Police Pension Fund
- (705) Police K-9 Unit Fund
- (711) Self-Funded Employee Benefit Fund
- (713) Unemployment Compensation Fund
- (714) Parental Leave Fund
- (730) City Cemetery Trust Fund
- (750) Equipment/Vehicle Leasing Fund
- (755) South Bend Building Corporation Fund
- (756) Smart Streets Debt Service
- (757) Parks Bond Debt Service Fund
- (760) Eddy Street Commons Phase II Debt Service Fund

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

Member, South Bend Common Council

Attest:

City Clerk

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

City Clerk

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

Mayor, City of South Bend, Indiana

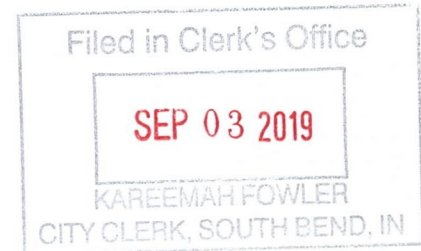


BILL NO. 36-19

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

August 26, 2019

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



Re: Ordinance Appropriating Monies for the purpose of Defraying the Expenses of Designated Enterprise Funds of the City of South Bend for the fiscal year ending December 31, 2020

Dear Council President Scott:

Attached, please find a bill for consideration by the Common Council of the City of South Bend appropriating monies for enterprise fund expenditures for the fiscal year commencing January 1, 2020 and ending December 31, 2020.

This bill is respectfully submitted for 1st reading filing with the Common Council for the council meeting on September 9, 2019, 2nd reading and public hearing at the council meeting on September 23, 2019, with 3rd reading and council vote at the council meeting on October 14, 2019.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,

Daniel T. Parker
City Controller

BILL NO. 36-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE DESIGNATED ENTERPRISE FUNDS OF THE CITY OF SOUTH BEND, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020 INCLUDING ALL OUTSTANDING CLAIMS, AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.

STATEMENT OF PURPOSE AND INTENT

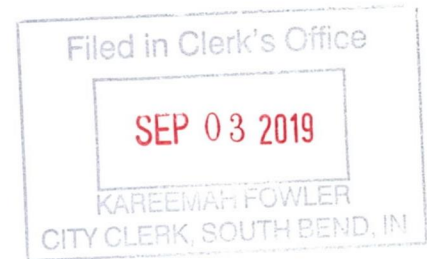
It is necessary to pass this Ordinance in order to appropriate monies to defray the expenses of designated Enterprise Funds of the City of South Bend, Indiana for 2020.

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

SECTION I. For the expenses of designated Enterprise Funds of the City of South Bend, Indiana its various Departments, Funds, Commissions and institutions for the fiscal year ending December 31, 2020, the following sums of money, as set forth in the attached budget which is made a part hereof, are hereby appropriated and ordered set apart within the Funds hereinafter named in Section II, and for the purposes hereinafter specified in Section II, subject to the laws governing the same. The sums herein appropriated shall be deemed to include all expenditures authorized to be made in said year, unless otherwise expressly stipulated or provided by law.

SECTION II. For the fiscal year ending December 31, 2019 the above appropriations are made within the following Funds of the City:

- (287) EMS Capital Fund
- (600) Consolidated Building Fund
- (601) Parking Garages Fund
- (610) Solid Waste Operating Fund
- (611) Solid Waste Depreciation Fund
- (620) Water Works General Operations Fund
- (622) Water Works Capital Fund
- (624) Water Works Customer Deposit Fund
- (625) Water Works Sinking Fund
- (626) Water Works Bond Reserve
- (629) Water Works O&M Reserve Fund
- (640) Sewage Repair Insurance Fund
- (641) Sewage Works General Operations Fund
- (642) Sewage Works Capital Fund
- (643) Sewage Works O&M Reserve Fund
- (649) Sewage Works Bond Sinking Fund
- (653) Sewage Works Debt Service Reserve Fund
- (654) Sewage Works Customer Deposit
- (667) Storm Sewer Fund
- (670) Century Center Operating Fund
- (671) Century Center Capital Fund
- (672) Century Center Energy Savings Debt Service Fund



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

Member of the Common Council

Attest:

City Clerk

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

City Clerk

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

Mayor, City of South Bend, Indiana



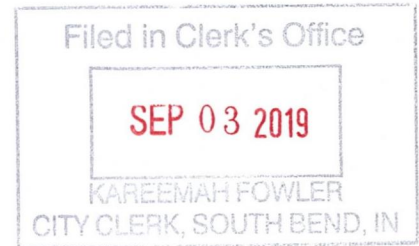
BILL NO. 37-19

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

August 26, 2019

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



Re: Ordinance Appropriating, Adopting, and Approving the South Bend Public Transportation Corporation's 2020 Budget and Levying the Tax and Fixing the Rate of Taxation for the Purpose of Raising Revenue to Fund the South Bend Public Transportation Corporation, South Bend, Indiana, for the Fiscal Year ending December 31, 2020

Dear Council President Scott:

Attached, please find a bill for consideration by the Common Council of the City of South Bend appropriating, adopting and approving monies for the South Bend Public Transportation Corporation (Transpo) for the fiscal year commencing January 1, 2020 and ending December 31, 2020.

This bill is respectfully submitted for 1st reading filing with the Common Council for the council meeting on September 9, 2019, 2nd reading and public hearing at the council meeting on September 23, 2019, with 3rd reading and council vote at the council meeting on October 14, 2019.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council. Employees of the South Bend Public Transportation Corporation will also be available at these meetings.

Respectfully submitted,

Daniel T. Parker
City Controller

BILL NO. 37-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION'S 2020 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020

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

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

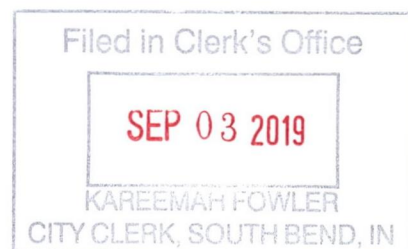
SECTION 1. The South Bend Public Transportation Corporation's budget for the year ending December 31, 2020 in the sum of **\$12,267,937.00**, as shown on Budget Form 4-A, filed with the Common Council on August 22, 2019, is appropriated, adopted, approved and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purpose of raising revenue to meet the necessary expenses of the South Bend Public Transportation Corporation, a total property tax levy of **\$4,728,495.00** and a total tax rate of **0.1261** as shown on Budget Form 4-B are also appropriated, approved and adopted.

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

Member, South Bend Common Council

Attest:

City Clerk



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

City Clerk, Deputy

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

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

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

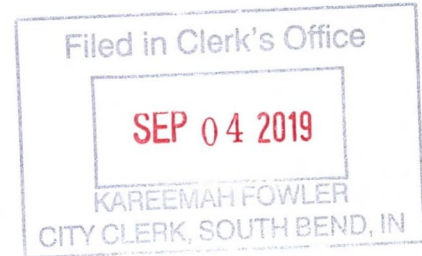
Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

September 4, 2019

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



Re: An Ordinance of the Common Council Amending Chapter 19 to include an amended Article 2, of the Municipal Code regarding abatement regulations addressing tall grass, weeds, noxious weeds, and rank vegetation

Dear Council Members:

An Indiana statute, 36-7-10.1-3 authorized the Common Council to enact ordinances requiring real estate owners to cut and remove weeds and other rank vegetation on the property. The statute requires that such an ordinance defines certain specified words and terms.

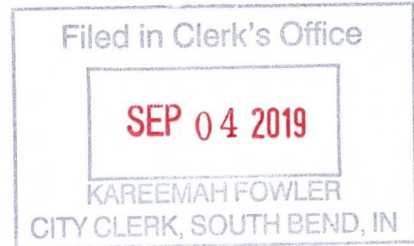
I am filing the attached proposed amendment to the Municipal Code to amend and clarify the necessary definitions of "Noxious weeds" and "Rank vegetation" in the current ordinance and to eliminate the unnecessary definition of "Natural Landscaping Vegetation". The elimination of "Natural Landscaping Vegetation" narrows the exemption to the nine-inch height limit to "hydrophytic vegetation."

I ask that this proposed amended ordinance be scheduled for first reading at our September 9, 2019 meeting with second and third readings and public hearing scheduled for September 23, 2019.

Thank you for your consideration.

Sincerely Yours,

Tim Scott, South Bend Common Council
President



BILL NO. 38-19

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 19 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE AN AMENDED ARTICLE 2 REGARDING ABATEMENT REGULATIONS ADDRESSING TALL GRASS, WEEDS, NOXIOUS WEEDS, AND RANK VEGETATION

STATEMENT OF PURPOSE AND INTENT

Indiana Code 36-7-10.1-3 authorizes the legislative body of a municipality to enact ordinances requiring owners of real property to cut and remove weeds and other rank vegetation growing on the property. An ordinance adopted under the statute must meet certain requirements, including the definition of specified words and terms. This amendment amends and clarifies some necessary definitions and eliminates an unnecessary definition of "Natural Landscaping Vegetation". The elimination of this unnecessary definition narrows the exemption to the nine-inch height limit to "hydrophytic vegetation".

ARTICLE 2. - ABATEMENT REGULATIONS ADDRESSING TALL GRASS, WEEDS, NOXIOUS WEEDS, AND RANK OR OVERGROWN VEGETATION

Sec. 19-32. - Definitions.

For purposes of this article, the following definitions shall apply:

- (a) *City* shall mean the City of South Bend, Indiana.
- (b) *Enforcement Authority* shall mean the Department of Code Enforcement.
- (c) *Hydrophytic vegetation* are plants living in wetlands governed by the federal Clean Water Act.
- (d) *Noxious weeds* shall have the definition set forth in *Indiana Code* § 15-16-7-2 as that statute is amended from time to time.
- (e) *Owner* shall mean the owner of record listed in the records of the St. Joseph County Recorder's Office.
- (f) *Rain garden* shall mean a type of natural landscaping vegetation which are shallow, vegetated basins which collect and absorb runoff from rooftops, sidewalks, and streets.
- (g) *Rank vegetation* shall mean any plant growth, which is or may be harmful to the senses, health, or well-being of others. Trees, shrubberies, flowers, ornamental grasses

are not considered rank vegetation. Pursuant to Indiana Code § 36-7-10.1-3 rank vegetation does not include agricultural crops, such as hay and pasture.

- (h) *Sustainable landscaping* includes vegetation which is carefully selected to avoid the use of invasive species which are in balance with the local climate and requires minimal use of fertilizers, pesticides, and water which are functional, visually pleasing and environmentally friendly.
- (i) *Vegetation* shall mean all plants, trees, shrubs and weeds.
- (j) *Vegetation management tools* include but not are limited to mowing, trimming, and using herbicides.
- (k) *Weed* shall have the definition set forth in *Indiana Code* § 15-16-4-40.

Sec. 19-33. - Maintenance and landscape regulations; excessive growth prohibited.

- (a) The owners of real estate located in the City shall use vegetation management and sustainable landscaping tools on the real estate's vegetation so that they are in compliance with this article, and do not become a public nuisance.
- (b) It is unlawful for the owner of real estate in the City to allow his or her real estate to become overgrown with weeds, grass, noxious weeds, rank vegetation or other vegetation in excess of the height of nine (9) inches or to such extent that the growth is detrimental to the public health and constitutes a public nuisance. It is unlawful for the owner of real estate in the City to allow any sidewalk or alley abutting such real estate to become overgrown with vegetation.
- (c) In light of the self-sustaining nature of hydrophytic vegetation and its ecological benefit, such vegetation is exempt from the nine (9) inch height requirement.

Sec. 19-34. - Consequences of failure to comply and continuous enforcement.

- (a) Any owner of real estate located in the City who fails to comply with the provisions of this article shall be subject to the enforcement procedures set forth in Section 16-59 of the South Bend Municipal Code.
- (b) A continuous abatement notice will serve as notice to the owner that each subsequent violation during the same calendar year in which the initial notice of violation was provided may be abated by the City without further notice. Such notice shall comply with Indiana Code § 36-7-10.1-3.

Sec. 19-35 - Penalties.

- (a) Any person found in violation of a provision of this article shall be fined the sum of two hundred fifty dollars (\$250.00) per violation. Each day after the expiration date of any time limit ordered by the Board of Public Works or its designee for abating a nuisance condition shall constitute a distinct and separate offense. Any person found in violation of a provision of this article whose property becomes listed as a continuous enforcement property shall be fined the sum of five hundred dollars (\$500.00) per violation in that first calendar year of being listed.

Thereafter, each violation shall be fined and assessed administrative fees related to costs incurred by the City for inspections, abatement and administration and a penalty which shall be as follows:

	Fine Per Violation	Continuous Enforcement Fee for Administrative Expenses
2 nd year	\$750.00	\$400.00
3 rd year	1,000.00	450.00
4 th year and thereafter	1,500.00	500.00

- (b) This section supplements and does not limit any other remedy or action available in law or in equity being pursued by the Department of Law.
- (c) 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:

 Dawn M. Jones, 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.

 Dawn M. Jones, 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