



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, March 27, 2017

7:00 P.M.

1. **INVOCATION- DEACON RYAN PIETROCARLO, CSC FROM ST. ADALBERT'S CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

[17-16](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DECLARING THE WEEK OF MARCH 24 – 31 AS FARMWORKER AWARENESS WEEK IN SOUTH BEND, INDIANA

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

[10-17](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1905 E. GOODSON COURT, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[15-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2017

[16-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2017 OF \$143,000 FROM GENERAL FUND (#101), \$225,347 FROM PARKS FUND (#201), \$200,000 FROM GIFT, DONATION, BEQUEST FUND (#217), \$10,000 FROM CENTRAL SERVICES FUND (#222), \$33,671 FROM EMERGENCY TELEPHONE

SYSTEM FUND (#244), \$8 FROM EXCESS WELFARE DISTRIBUTION FUND (#252), \$1,000,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$2,000,000 FROM LOCAL ROAD & BRIDGE MATCHING GRANT FUND (#265), \$400,000 FROM EMS CAPITAL FUND (#287), \$137,000 FROM EMS OPERATIONS FUND (#288), \$108,300 FROM COPS MORE GRANT FUND (#295), \$150,000 FROM COUNTY OPTION INCOME TAX FUND (#404), \$57,700 FROM ECONOMIC DEVELOPMENT INCOME TAX FUND (#408), \$735,236 FROM SOUTH BEND REDEVELOPMENT AUTHORITY FUND (#752), AND \$250 FROM ERSKINE VILLAGE BOND FUND (#758).

[17-17](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2017 OF \$400,000 FROM SEWAGE WORKS DEPRECIATION FUND (#642) AND \$40,071 FROM 2011 SEWER BOND FUND (#659).

[66-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS NEW WATER RATES AND CHARGES

8. **BILLS ON THIRD READING** **TIME:_____**

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[66-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS NEW WATER RATES AND CHARGES

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9. **RESOLUTIONS**

BILL NO.

[17-15](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, URGING THE INDIANA STATE LEGISLATURE, OUR GOVERNOR AND ALL UNITED STATES SENATE AND CONGRESSIONAL REPRESENTATIVES OF THE PEOPLES OF INDIANA TO JOIN WITH OUR COMMUNITY AND PASS LEGISLATION TO KEEP GUNS OUT OF THE HANDS OF VIOLENT CRIMINALS, DOMESTIC ABUSERS AND SEVERELY MENTALLY ILL PERSONS BY CLOSING THE LOOPHOLES IN THE FEDERAL BACKGROUND CHECK SYSTEM AND STRENGTHENING STATE DOMESTIC VIOLENCE LAWS.

10. **BILLS ON FIRST READING**

BILL NO.

[18-17](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE PORTION OF W. MONROE STREET THAT LIES APPROXIMATELY 179 FEET WEST OF S. LAFAYETTE BLVD.

[19-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 5, SECTION 2-52 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE ADDITIONAL FACILITIES TO BE OPERATED,

MAINTAINED AND MANAGED BY THE SOUTH BEND CIVIC
CENTER BOARD OF MANAGERS

20-17 FIRST READING ON AN ORDINANCE OF THE CITY OF SOUTH BEND,
INDIANA, CORRECTING A SCRIVENER'S ERROR IN ORDINANCE
NO. 9717-06 AS TO THE DESCRIPTION OF REAL PROPERTY FOR THE
VACATION OF CERTAIN PARTS OF FRANCES STREET

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. PRIVILEGE OF THE FLOOR

14. ADJOURNMENT

TIME: _____

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

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: MARCH 23, 2017
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, MARCH 27, 2017** at:

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

- 3:30 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 10-17](#)- Rezoning at 1905 E. Goodson Court
- 3:45 P.M.** **PERSONNEL AND FINANCE** **KAREN WHITE, CHAIRPERSON**
1. [Bill No. 15-17](#)- March Budget Transfers
2. [Bill No. 16-17](#)- March Civil City Funds
3. [Bill No. 17-17](#)- March Enterprise Funds
- 4:00 P.M.** **HEALTH & PUBLIC SAFETY** **JO M. BRODEN, CHAIRPERSON**
1. [Bill No. 17-15](#)- Gun Violence Prevention Resolution
- 4:25 P.M.** **UTILITIES** **DR. DAVID VARNER, CHAIRPERSON**
1. *Substitute* [Bill No. 66-16](#)- New Water Rates & Charges

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

INFORMAL MEETING OF THE COMMON COUNCIL **TIM SCOTT, COUNCIL PRESIDENT**

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

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

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

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY
DIRECTOR OF OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK



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

COMMUNITY INVESTMENT COMMITTEE

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

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

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

Regina Williams-Preston, Chairperson

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

Karen White, Member

COUNCIL RULES COMMITTEE

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

Tim Scott, Member

Jo Broden, Member

Dr. David Varner, Member

Karen White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

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

Jo Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE

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

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dave Varner, Member

Randy Kelly, Member

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

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

Randy Kelly, Chairperson

Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member

John Voorde, Member



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

PERSONNEL AND FINANCE COMMITTEE

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

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

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

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

John Voorde, Chairperson
Randy Kelly, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

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

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

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

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

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Dr. David Varner



2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-4-17)

TIM SCOTT, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

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

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson
Community Investment Committee, Vice-Chairperson

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

RANDY KELLY, 3rd District Council Member

PARC Committee, Chairperson
Community Relations Committee, Vice Chairperson
Public Works & Property Vacation, Vice Chair

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

JO BRODEN, 4TH District Council Member

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

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

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson
PARC Committee, Vice-Chairperson

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

OLIVER DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson
Utilities Committee, Vice-Chairperson

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

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson
Information & Technology Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

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

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

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

JOHN VOORDE, AT LARGE Council Member

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

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



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DECLARING THE WEEK OF MARCH 24 – 31 AS FARMWORKER AWARENESS WEEK IN SOUTH BEND, INDIANA

Whereas, the South Bend Common Council notes that National Farmworker Awareness Week (NFAW) is a week of action to raise awareness about farmworker issues in our communities; and

Whereas, this year marks the 18th Annual Farmworker Awareness Week which provides opportunities to learn about farmworker conditions and to honor their important contributions to society; and

Whereas, 85% of our fruits and vegetables are handpicked by an estimated 2-3 million men, women, and children working in farm fields throughout the United States. Farms are in every state yet farmworkers remain largely invisible and continue to live and work in horrific conditions. Farm work is the third most dangerous job in the United States; and

Whereas, this year Farmworker Awareness Week coincides with Cesar Chavez’s birthday on March 31st. Cesar Chavez dedicated himself to non-violent organizing for fair wages, safer working conditions and dignity for the men, women and children who work in the fields.

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

Section I. On behalf of the residents of the City of South Bend, the South Bend Common Council is proud to honor all of the thousands of men, women and children who plant, cultivate, harvest and process our agricultural products throughout the State of Indiana and throughout the United States.

Section II. The Common Council hereby declares the week of March 24 – 31, 2017 as **Farmworker Awareness Week in South Bend, Indiana**, and calls upon everyone to reflect upon the tireless efforts of Cesar Chavez whose dedication and commitment to raise awareness has helped bring justice to those who toil in the fields.

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

Tim Scott, 1st District

Oliver J. Davis, 6th District

Regina Williams Preston, 2nd District

John Voorde, At Large

Randy Kelly, 3rd District

Gavin Ferlic, At Large

Jo M. Broden, 4th District

Karen L. White, At Large

Dr. David Varner, 5th District

Council Attorney

Attest:

Approved this _____ day of March, 2017

Office of the City Clerk

Pete Buttigieg, Mayor of South Bend



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

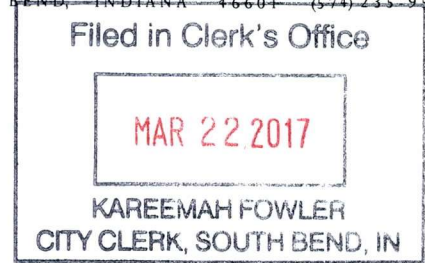
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

Wednesday, March 22, 2017

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



RE: A public hearing on a proposed ordinance of David & Susan Nufer to zone from GI General Industrial District to CB Community Business District property located at 1905 Goodson Court, City of South Bend - APC# 2813-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of David & Susan Nufer was legally advertised on March 9, 2017 and that the Area Plan Commission at its public hearing on March 21, 2017 took the following action:

Upon a motion by John DeLee, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of David & Susan Nufer to zone from GI General Industrial District to CB Community Business District, property located at 1905 Goodson Court, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning the property to CB Community Business will allow for the reuse of a former industrial site. The proposed development will provide a series of upgraded improvements that will mitigate the negative impact on surrounding properties and enhance the area.

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

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: David & Susan Nufer
Danch, Harner & Associates, Inc.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

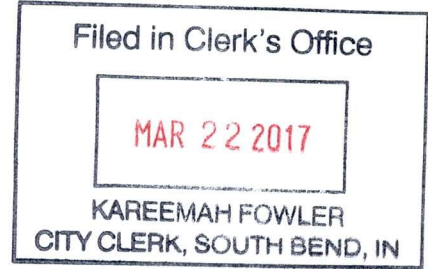
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

March 22, 2017

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



RE: Bill # 10-17
Rezoning: APC#2813-17 - 1905 Goodson

Dear Council Members:

The Area Plan Commission held a public hearing on March 21, 2017 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, March 27, 2017.

Ordinance & Petition Amendments:

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

Petition:

- 1.) Variances were added to the petition.

A copy of the revisions are attached.

Public Hearing Summary:

There were 3 people that spoke in opposition to the proposed rezoning. Their concerns included noise, traffic/parking, and hours of operation.

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

Sincerely,

David M. Stanton, Jr., Planner

CC: Aladean DeRose

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

REQUESTED VARIANCES:

- 1). From the minimum 30 ft. Front Residential Bufferyard and 20 ft. Side Residential Bufferyard to 5 ft. for parking.
- 2). From the required landscaping of required residential bufferyards with Type "B" Landscaping to allow 6 ft. high solid screening fence on the south and a 6 ft. high chain link fence on the west;
- 3). From the required minimum of 380 parking spaces for the proposed Event Center to a minimum of 110 parking spaces;
- 4). From the minimum allowed parking aisle width of 24 ft. to a minimum of 22 ft.;
- 5). From the required 1 loading space for buildings containing 10,000 sq.ft. but less than 100,000 sq.ft. to providing no loading space;
- 6). From the required landscaping of required perimeter yards to none;
- 7). From the required foundation landscaping to no foundation landscaping;
- 8). From the required off-street parking screening adjacent to residential to no screening along the west property line and to a proposed 6 ft. high solid screening fence along the south property line as shown.

The owners of the shown real estate desire to take the existing old Auction Center and storage building and convert it into an Event Center for group gatherings. The building shown has existed for decades and is located in an area of mixed uses. The uses range from residential homes to the south, a city retention basin on the west, the Conrail Railroad and commercial uses along Lincolnway East on the north and commercial and industrial uses to the east. The owners had discussions with the Building Department and it was determined that the property would need to be rezoned from the present industrial zoning classification to the CB Community Business District zoning classification to allow for the Event Center. Since the property was being rezoned and the use of the building was changing, the zoning ordinance also requires that the proposed use meet all the development standards for the CB Community Business District. Due to the fact that this project would be a reuse and renovation of an existing building located in an urbanized area of South Bend, the owners would ask for approval of variances from certain developmental standards of the CB Community Business District. Those Variance requests are as follows:

The first Variance request is from the minimum 30 ft. Front Residential Bufferyard and 20 ft. Side Residential Bufferyard to 5 ft. for parking. This property is located in a limited area between the railroad tracks and an alley and enlarged alley called Goodson Court. The properties' front yard was determined to be the south property line which also was determined to create a Front Residential Bufferyard. Even though this area was used for parking previously, the proposed change in use restricts this area to open space and Type "B" landscape screening. The owners desire to organize the property to create an efficient parking area to service the Event Center. The site plan shows that a new screening fence will be installed to screen the parking from the rear of the residential homes and the existing 14 ft. wide public alley. This is more screening than what previously existed. The owners do not believe approval of this variance request would be detrimental to surrounding properties.

FILED
MAR 06 2017
AREA PLAN COMMISSION

MAR 22 2017

KAPPAU...
CITY CLERK, SOUTH BEND, IN

The second Variance request is from the required landscaping of required residential buffer yards with Type "B" Landscaping to allow 6 ft. high solid screening fence on the south and a 6 ft. high chain link fence on the west. This request is required since the properties to the South and West are zoned residential. The owners desire to place a screening fence along the South property line as mentioned above to allow for efficient parking layout for vehicles. They will attempt to keep as much of the existing vegetation as possible. Along the West line the request is to place a fence and parking to a minimum of 5 ft. from the property line. To the West of the site is a City owned retention basin. No home will ever be placed on this adjacent property and will be used to store surface runoff from the existing neighborhood. The owners do not believe approval of this request would have an adverse affect on any surrounding properties.

Third variance request is from the requirement of providing a minimum of 380 parking spaces for the proposed Event Center to a minimum of 110 parking spaces. The proposed use, an Event Center, is required by the zoning ordinance to provide one of the highest on-site parking of any use under the CB Community Business District. This is due to the fact that the parking number is based on the square footage of the building at a rate of 1 space per 25 sq.ft. of event space. The remaining portions of the building also have parking requirements based on the use in the building such as office space, kitchen area and storage space. The end result is that the number of parking spaces required becomes quite large and does not necessary reflect the real amount of parking needed. The owners have total control over how the Event Center will handle the various gatherings in the building. They would not host events for the building which would exceed the amount of available on-site parking. This particular site does not have street parking readily available and the result would be the Event Center would not be able to rent out the event space to their clients if parking cannot be provided. The site as shown does maximize the amount of parking that can be located on the property. The owners would ask not be required to provide an unreasonable amount of parking for the proposed use. They do not believe approval of this request would have a negative effect on surrounding properties.

The fourth variance request is from the minimum allowed parking aisle width of 24 ft. to a minimum of 22 feet. This request is to allow for flexibility in the aisle width of the driveways within the site. The owners would use 22 ft. wide driveway along a limited area of the parking lot as shown and at the entrance driveway. The use of a 22 ft. wide driveway should not impact the flow of vehicles using the site and with parking spaces having a 20 ft. depth there should be no conflicts in backing out of the shown spaces. The owners do not believe approval of this variance request would be detrimental to surrounding properties.

The fifth variance request is from the requirement of providing 1 loading space for buildings containing 10,000 sq.ft., but less than 100,000 sq.ft., to providing no loading space. The proposed Event Center facility does not have the type of deliveries that require a dedicated off-street loading space for a semi-truck. The deliveries would be done by smaller vehicles such as step vans or smaller trucks. The owners would ask not to be required to provide a loading space. The owners do not believe approval of this variance request would have an adverse affect on any surrounding properties.

The sixth variance request is from the requirement of providing perimeter landscaping to no perimeter landscaping. This property is located away from any main public street and backs up to railroad tracks, a retention basin an alley and a commercial/industrial use. The ordinance requires providing over-story trees at a minimum of every 40 ft. along such uses and an alley. There are existing trees and scrub vegetation along the north, west and a portion of the south property lines now. The property to the east

FILED

MAR 06 2017

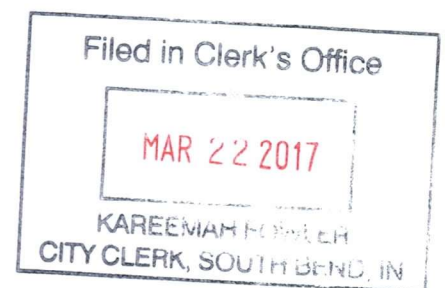
GEN. PLAN COMMISSION

has an existing building with no windows in the facing building façade. The owners plan to keep as much of the existing landscaping as they can with the proposed site improvements. They do not believe approval of this variance request will have a negative impact on any surrounding properties.

The seventh variance request is from the requirement of providing foundation landscaping to no foundation landscaping. The owners have attempted to design the property with the existing building. They wanted to provide as many parking spaces for the facility working within the confines of the property. They have shown walks along the building to allow for patrons to access the building entrance. They have provided for some landscaping at the building entrance. They do not believe approval of this variance request would be detrimental to any adjacent properties.

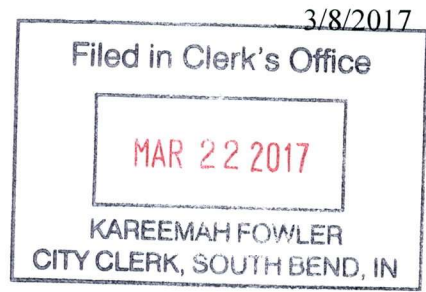
The last variance request is from the required off-street parking screening adjacent to residential to no screening along the west property line and to a proposed 6 ft. high solid screening fence along the south property line as shown. The owners propose no additional screening along the west property line as that is the location of an existing City retention basin as mentioned above and no home will be built on that property. Along the south property line a proposed 6 ft. high screening fence is proposed and will provide an adequate buffer between the homes to the south and the proposed parking area shown. The owners do not believe that approval of this request will have an adverse affect on any surrounding property.

The owners would ask the Commission members to agree that the approval of the above requested Variances, will not be injurious to the public health, safety, morals and general welfare of the community and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and, that the strict application of the terms of this Ordinance would result in practical difficulties in the use of the property.



Staff Report

APC # 2813-17
Owner: David & Susan Nufer
Location: 1905 Goodson Court
Jurisdiction: City of South Bend
Public Hearing Date: 3/21/2017



Requested Action:

The petitioner is requesting a zone change from GI General Industrial District to CB Community Business District and seeking 8 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a large commercial building with its associated parking and a cellular tower.
- North: To the north across the railroad are business zoned CB Community Business District and GB General Business District.
- East: To the east is an industrial building zoned GI General Industrial District.
- South: To the south are single family homes zoned SF2 Single Family & Two Family District.
- West: To the west is a rention area zoned SF2 Single Family & Two Family District.

District Uses and Development Standards:

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

Site Plan Description:

The site contains and 19,200 square foot building used as an event center. The preliminary site plan shows the addition of a paved parking lot with 110 spaces to serve the associated use. Interior off-street parking landscaping is provided throughout the parking lot. The proposed screening to the south of the site, along the alley, includes a 6' heigh landscape screening fence. The remainder of the site is enclosed with a 6' chain link fence.

Zoning and Land Use History And Trends:

This site has been zoned GI General Indsutrial

Traffic and Transportation Considerations:

Goodsoon Court and Hoke Street have 2 lanes. Both streets dead-end at the subject property.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The petitioner is seeking the following variance(s):

- 1) from the minimum 30 ft. Front Residential Bufferyard and 20 ft. Side Residential Bufferyard to 5' for parking
- 2) from the required landscaping of required residential bufferyards with Type "B" Landscaping to allow 6 ft. high solid screening fence on the south and a 6 ft. high chain link fence on the west
- 3) from the required landscaping of required perimeter yards to none
- 4) from the required foundation landscaping to none
- 5) from the minimum allowed parking aisle width of 24 ft. to a minimum of 22 ft.
- 6) from the required minimum of 380 parking spaces for the proposed Event Center to a minimum of 110 parking spaces
- 7) from the required 1 loading space for buildings containing 10,000 sq.ft. but less than 100,00 sq.ft. to providing no loading space
- 8) from the required parking area screening to none

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

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

The proposed development variances should have no impact on the public health, safety, and general welfare of the community.

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

The use and value of adjacent properties should not be adversely affected by the requested variances. The redevelopment of this site will allow for additional parking, improved landscaping, and increased screening from the previous industrial use.

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

Strick application of the ordinance would require either a portion of the building to be demolished or additional land acquired to accommodate the parking, setbacks, and associated screening. The site is bounded by a railraod on the north, a municipal retention basin on the west, an alley and single family homes on the south, and an active industrial business on the east.

Staff Comments:

The staff has no additional comments.

Recommendation:

Based on information available prior to the public hearing, the staff recommends the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances, subject to installing a minimum 6' solid wood or vinyl fence along the south property line.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

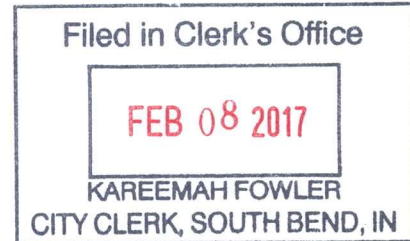
Angela M. Smith
Deputy Director

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

February 8, 2017

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

RE: Rezoning for 1905 Goodson
APC#2813-17



Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your February 13, 2017 Council meeting, and set it for public hearing at your March 27, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the March 21, 2017 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

A handwritten signature in black ink that reads "Angela M. Smith".

Angela M. Smith
Deputy Director

CC: Adriana Rodriguez

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1905 E GOODSON COURT, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The rezoning request is to allow the property to be used as an event center.

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

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

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS : BEGINNING AT A POINT ON THE NORTH LINE OF THE PLAT OF "ROSELAND PARK" SUBDIVISION AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, SAID POINT BEING LOCATED NORTH (ALL BEARINGS ASSUMED) A DISTANCE OF 16 FEET MORE OR LESS FROM THE NORTHEAST CORNER OF LOT # 17 IN SAID PLAT; THENCE WEST ALONG THE NORTH LINE OF SAID PLAT AND THE NORTH LINE OF A 16 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 300 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 219.7 FEET MORE OR LESS THE SOUTH RIGHT-OF-WAY LINE OF THE CONRAIL RAILROAD (A.K.A. PENN CENTRAL RAILROAD); THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 380 FEET MORE OR LESS; THENCE SOUTH A DISTANCE OF 215.7 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF GOODSON COURT, A 20 FOOT WIDE RIGHT-OF-WAY, THENCE ALONG SAID NORTH LINE FOR THE NEXT TWO (2) COURSES, WEST A DISTANCE OF 30 FEET MORE OR LESS AND SOUTH A DISTANCE OF 4 FEET MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID 16 FOOT WIDE PUBLIC ALLEY; THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 50 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 1.91 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

be and the same is hereby established as CB Community Business.

SECTION II.

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

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

Member of the Common Council

Attest:

City Clerk

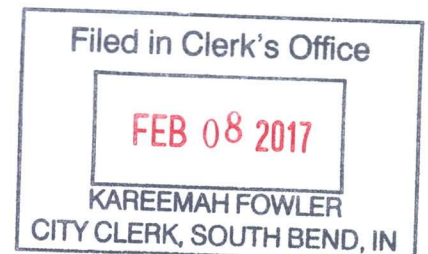
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

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



476

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

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

*1905 Goodson Court
South Bend, IN 46613*

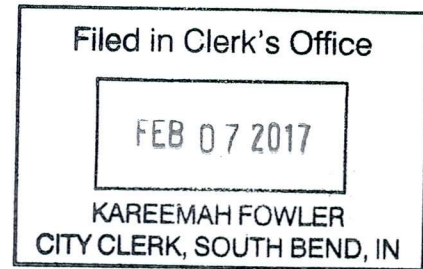
2) The property Tax Key Number(s) is/are: *71-09-18-428-003.000-026*

3) Legal Descriptions: *Parc of land 380'x219.3' Beg 689'W of W Line Ironwood Dr & 20'N of NE Cor Lot 17 Roseland Park Cont 1.57 Acres 18-37-3E*

4) Total Site Area: *1.87*

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

*David and Susan Nufer
2409 Mishawaka Avenue
South Bend, IN 46615
574-255-6101
susan.nufer@fastsigns.com*



Name and address of additional property owners, if applicable:

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

Name and address of additional property owners, if applicable:

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

From: *GI General Industrial District* Additional zoning district, if applicable

To: *CB Community Business District*

8) This rezoning is requested to allow the following use(s): *We are asking for the rezoning so we can use the property as an event center.*

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

1) *Unknown.*

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

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

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

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

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

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

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

CONTACT PERSON:

Susan M Nufer
2409 Mishawaka Avenue
South Bend, IN 46615
574-255-6101
susan.nufer@fastsigns.com

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

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

Susan M. Nufer 2-6-17

Susan M. Nufer

David A Nufer 2/6/17 2-6-17

DAVID A NUFER 2.

CERTIFICATE:

J.S.L. & Associates, Inc.
 119 S. 26TH STREET
 SOUTH BEND, IN 46815
 E. MAIL: jsl@jssl.com
 P. 734.229.7552
 F. 734.229.7551

CONTRACTOR

PROJECT NUMBER: 405 1025
 DATE: 04-29-05
 CITY/TOWN, IN.

PLAN TITLE: Preliminary Site Plan
 Lyle's Auction Company
 SOUTH BEND, INDIANA

SHEET NUMBER: ONE
 OF: SEVEN
 REVISIONS:
 ON: 10-05

LAND USAGE:
 1. 1000 S.F. = 100K
 2. 2000 S.F. = 200K
 3. 4000 S.F. = 400K
 4. 8000 S.F. = 800K
 5. 16000 S.F. = 1.6M
 6. 32000 S.F. = 3.2M
 7. 64000 S.F. = 6.4M
 8. 128000 S.F. = 12.8M

BUILDING RATIO:
 1. 100% = 100%
 2. 200% = 200%
 3. 400% = 400%
 4. 800% = 800%
 5. 1600% = 1600%
 6. 3200% = 3200%
 7. 6400% = 6400%
 8. 12800% = 12800%

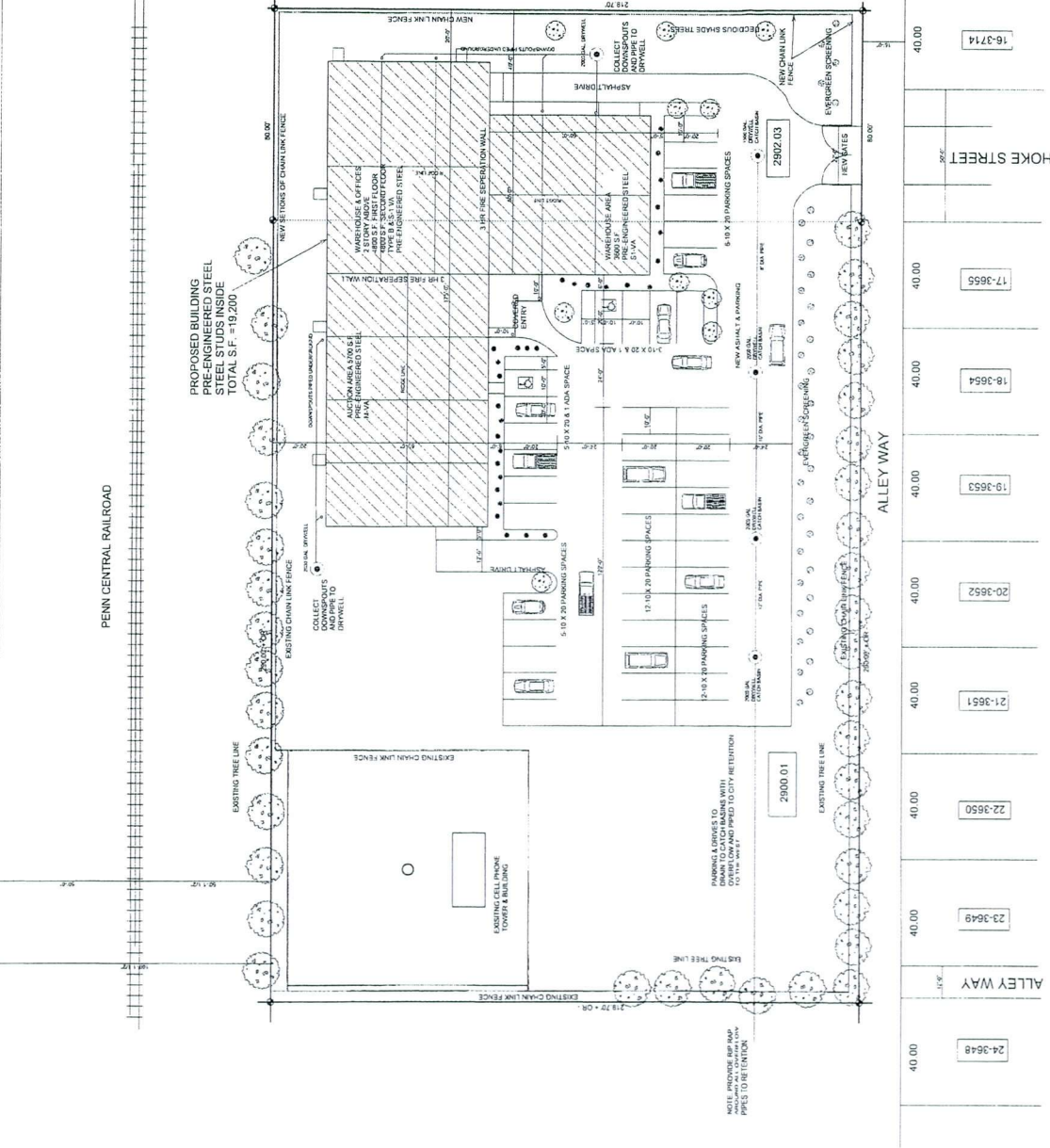
- NOTES:**
- BUILDING PROPOSED TO BE ONE STORY & TWO UNIT BUILDING.
 - ALL PARKING SPACES SHALL BE 20' EXCEPT FOR HANDICAP WHICH SHALL COMPLY WITH ADA REQUIREMENTS.
 - DRAINAGE CAPACITY IS BASED ON CALCULATIONS SHOWN.
 - ENTRANCE OPENINGS SHALL BE REQUIRED TO MEET CITY, COUNTY, OR STATE HIGHWAY REQUIREMENTS.
 - ALL SCREENING, GREEN AREAS, & SIGNAGES SHALL MEET THE CITY'S LATEST REQUIREMENTS.
 - SWAYE AND STAKE SHALL BE IN ACCORDANCE WITH LOCAL AREA'S STATE CODES.
 - ALL NEW CONSTRUCTION TO BE FIELD STAKED BY INDIANA REGISTERED SURVEYOR.
 - REPAIR ANY EXISTING PAVEMENT & CURBS DUE TO CONSTRUCTION.
 - CONTRACTOR TO SECURE ALL PERMITS REQUIRED FOR WORK AT STREETS.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ALL UTILITIES AND STRUCTURES TO BE REMOVED.
 - FINISH GRADE TO BE SHOWN TO CORNER AND REDISTRIBUTED EVENLY.
 - CONTRACTOR TO VERIFY ALL UTILITIES AND ALL SPACES TO BE 20' DEEP.
 - VERIFY ALL LOCATIONS FOR UTILITY FEEDS WITH ALL LOCAL UTILITY PROVIDERS.
 - RETENTION STORAGE FROM 1' TO 4' DEEP.
 - RETENTION TANK SHALL BE FINISHED DUE TO SCOPE IF REQUIRED.
 - FUTURE DEVELOPMENT OF SITE WILL REQUIRE ADDITIONAL REFINANCE.

PARKING RATIO:
 1. 1000 S.F. = 100K
 2. 2000 S.F. = 200K
 3. 4000 S.F. = 400K
 4. 8000 S.F. = 800K
 5. 16000 S.F. = 1.6M
 6. 32000 S.F. = 3.2M
 7. 64000 S.F. = 6.4M
 8. 128000 S.F. = 12.8M



SITE PLAN
 SCALE: 1" = 20'

CHANGE: 30 GAL PER 100 S.F. OF HARD SURFACE
 30,000 S.F. = 1000 GALS = 1000 GALS
 SHOWN: 115,000 GALS WITH OVERFLOW TO CITY RETENTION



Filed in Clerk's Office
FEB 08 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

FILED
FEB 06 2017
 AREA PLAN COMMISSION
 2813-17

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

- 1) The property sought to be rezoned is located at:
*1905 Goodson Court
South Bend, IN 46613*
- 2) The property Tax Key Number(s) is/are: *71-09-18-428-003.000-026*
- 3) Legal Descriptions: *Parc of land 380'x219.3' Beg 689'W of W Line Ironwood Dr & 20'N of NE Cor Lot 17 Roseland Park Cont 1.57 Acres 18-37-3E*
- 4) Total Site Area: *1.87*
- 5) Name and address of property owner(s) of the petition site:
*David and Susan Nufer
2409 Mishawaka Avenue
South Bend, IN 46615
574-255-6101
susan.nufer@fastsigns.com*

Name and address of additional property owners, if applicable:

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



Name and address of additional property owners, if applicable:

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

From: GI General Industrial District Additional zoning district, if applicable

To: CB Community Business District

- 8) This rezoning is requested to allow the following use(s): *We are asking for the rezoning so we can use the property as an event center.*

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

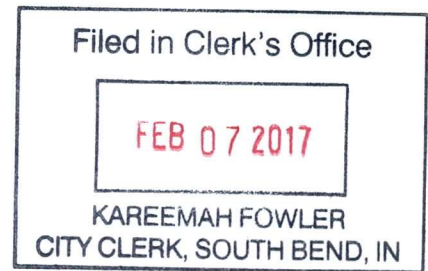
- 1) *Unknown.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community:
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and:

476

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

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*David and Susan Nufer
2409 Mishawaka Avenue
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574-255-6101
susan.nufer@fastsigns.com*



Name and address of additional property owners, if applicable:

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

From: GI General Industrial District Additional zoning district, if applicable

To: CB Community Business District

- 8) This rezoning is requested to allow the following use(s): *We are asking for the rezoning so we can use the property as an event center.*

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

- 1) *Unknown.*

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






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

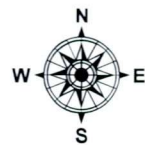
(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and:



**Rezoning from: CITY OF SOUTH BEND
"GI" GENERAL INDUSTRIAL DISTRICT
to "CB" COMMUNITY BUSINESS DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
-  SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
-  SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
-  SOUTH BEND "GI" GENERAL INDUSTRIAL DISTRICT



1 inch = 150 feet

APC # 2813-17

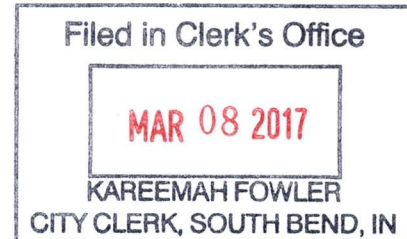


CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

March 8, 2017

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

RE: March 2017 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 2017, we plan to propose adjustments during four time periods—March, June, September and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 13, 2017 with 2nd reading, public hearing and 3rd reading scheduled for March 27, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

John H. Murphy
City Controller



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 2017

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10457-16 and 10458-16 passed on October 24, 2016) 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 2017.

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:

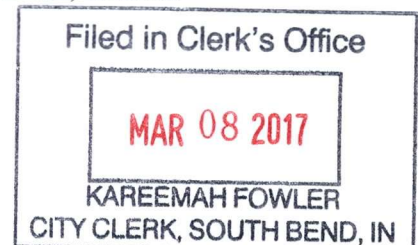
City Clerk

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

Deputy City Clerk

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

Mayor, City of South Bend, Indiana



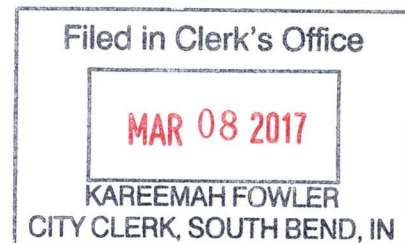
1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



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

March 8, 2017

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



RE: March 2017 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 2017, 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 March 13, 2017 with 2nd reading, public hearing and 3rd reading scheduled for March 27, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

John H. Murphy
City Controller

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 2017 OF \$143,000 FROM GENERAL FUND (#101), \$225,347 FROM PARKS FUND (#201), \$200,000 FROM GIFT, DONATION, BEQUEST FUND (#217), \$10,000 FROM CENTRAL SERVICES FUND (#222), \$33,671 FROM EMERGENCY TELEPHONE SYSTEM FUND (#244), \$8 FROM EXCESS WELFARE DISTRIBUTION FUND (#252), \$1,000,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$2,000,000 FROM LOCAL ROAD & BRIDGE MATCHING GRANT FUND (#265), \$400,000 FROM EMS CAPITAL FUND (#287), \$137,000 FROM EMS OPERATIONS FUND (#288), \$108,300 FROM COPS MORE GRANT FUND (#295), \$150,000 FROM COUNTY OPTION INCOME TAX FUND (#404), \$57,700 FROM ECONOMIC DEVELOPMENT INCOME TAX FUND (#408), \$735,236 FROM SOUTH BEND REDEVELOPMENT AUTHORITY FUND (#752), AND \$250 FROM ERSKINE VILLAGE BOND FUND (#758).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2017 operating and capital budgets in 2016 (Ordinance #10457-16 passed on October 24, 2016) 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 2017 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
General Fund (#101)	\$ 143,000
Parks Fund (#201)	225,347
Gift, Donation, Bequest Fund (#217)	200,000
Central Services Fund (#222)	10,000
Emergency Telephone System Fund (#244)	33,671
Excess Welfare Distribution Fund (#252)	8
LOIT 2016 Special Distribution Fund (#257)	1,000,000
Local Road & Bridge Matching Grant Fund (#265)	2,000,000
EMS Capital Fund (#287)	400,000
EMS Operations Fund (#288)	137,000
COPS MORE Grant Fund (#295)	108,300
County Option Income Tax Fund (#404)	150,000
Economic Development Income Tax Fund (#408)	57,700

South Bend Redevelopment Authority Fund (#752)	735,236
Erskine Village Bond Fund (#758)	<u>250</u>
TOTAL	<u>\$ 5,200,512</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 _____, 2017 at _____ o'clock __ . m.

Deputy City Clerk

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

Mayor, City of South Bend, Indiana

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

Filed in Clerk's Office
MAR 08 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana
March 2017 Additional Appropriation Requests - Civil City Funds
 (increase or decrease in total fund expenditures)
 March 6, 2017

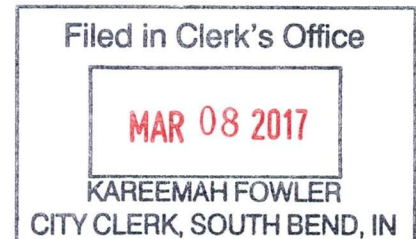
Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
General Fund	Fire Department	Radio Equipment	T. Skwarcan/D. Cocanower	101-0901-422-36-06	--	125,000	Replacement radios missed in 2016 appropriation; should have been encumbered in 2016 blue card (incidence command system) training for all employees with a rank of Captain and above
General Fund	Fire Department	Education & Training	T. Skwarcan/D. Cocanower	101-0901-422-39-70	--	18,000	
						143,000	
Parks Department	Maintenance	Part-time Seasonal	Cecil Eastman	201-1101-452-10-03	K1PROP	114,500	Parks now performs maintenance on City-owned properties.
Parks Department	Maintenance	Overtime	Cecil Eastman	201-1101-452-10-04	K1PROP	1,000	Appropriation is for the cost of that maintenance. Funded by interfund transfers
Parks Department	Maintenance	FICA	Cecil Eastman	201-1101-452-11-01	K1PROP	9,300	from COIT and EDIT
Parks Department	Maintenance	UIC	Cecil Eastman	201-1101-452-11-07	K1PROP	2,267	
Parks Department	Maintenance	Gas	Cecil Eastman	201-1101-452-22-01	K1PROP	4,200	
Parks Department	Maintenance	Oil	Cecil Eastman	201-1101-452-22-03	K1PROP	400	
Parks Department	Maintenance	Medical/Safety	Cecil Eastman	201-1101-452-22-22	K1PROP	830	
Parks Department	Maintenance	Maint Supplies	Cecil Eastman	201-1101-452-22-24	K1PROP	3,400	
Parks Department	Maintenance	Chemicals, seed & fertilizer	Cecil Eastman	201-1101-452-22-25	K1PROP	500	
Parks Department	Maintenance	Repair Parts	Cecil Eastman	201-1101-452-23-10	K1PROP	5,000	
Parks Department	Maintenance	Small Tools	Cecil Eastman	201-1101-452-23-20	K1PROP	2,500	
Parks Department	Maintenance	R&M Materials	Cecil Eastman	201-1101-452-23-99	K1PROP	70,100	
Parks Department	Maintenance	Contracted Services	Cecil Eastman	201-1101-452-39-89	K1PROP	1,500	
Parks Department	Maintenance	Transfers Out	Cecil Eastman	201-1101-452-50-02	K1PROP	9,850	Transfer to Parks Cap Fund (466)
						225,347	
Gifts, Donations & Bequest	Community Investment	Miscellaneous Charges & Services	Jilin Kain/Beth Leonard-Inks	217-1086-415-39-89		200,000	Expenses of erecting a statue of Dr. King & Fr. Hesburgh in Leighton Plaza. Funded by corporate donations, crowdfunding, state revenue, etc. \$72,000 paid in January plus \$128,000 to complete the project. \$97,000 paid in 2016. Total estimated project costs in 2016/2017 - \$297,000.
Central Services	Sustainability Grants	Grants & Subsidies	Therese Dorau	222-0627-419-39-30		10,000	To appropriate NLC Resilience Event Grant funds received for use in 2017
Emergency Phone System	Emergency Phone System	PSAP Payment	Jen Hockenhuil	244-0802-423-31-07		33,671	To appropriate remaining cash balance to close out fund; will reduce regular PSAP transfer to County from EDIT of \$2,054,124 for 2017. Cash balance in Fund 244 is \$33,671 and represents unspent monies from State 911 distributions of \$215,000 per year received prior to consolidation.
Excess Welfare Distribution	Police	Operating Supplies	Jen Hockenhuil	252-0801-421-22-24		8	To appropriate remaining cash balance to close out fund. Fund formerly used for police and fire radios.
LOIT 2016 Special Distribution	Public Works	Interfund Operating Transfers	Ron O'Connor	257-0608-452-50-02		1,000,000	Transferring to new fund #265 which is State required to be set up to account for Community Crossings Grant revenues and expenditures.
Local Road & Bridge Matching Grant	Public Works	Street Maintenance	Ron O'Connor	265-0608-431-36-10		2,000,000	Community Crossing Matching Funds - 50% of expenditures covered by community crossings grant. \$1.0 million dollar grant revenue received from INDOT on 2/2/17.
EMS Capital Fund	Fire Department	Land	Danny Cocanower	287-0902-422-42-01		400,000	Land purchase for Fire Station 9; balance of fire station to be paid from TIF. Land acquisition costs funded with a \$1.79 million dollar medicare reimbursement payment for fiscal year 2014 received on 2/8/17.
EMS Operations Fund	Fire Department	Refunds, Rewards, Indemnities	Danny Cocanower	288-0902-422-39-01		60,000	Higher Neo-Natal charges and collections causing higher payment to Memorial Hospital
EMS Operations Fund	Fire Department	Education & Training	Danny Cocanower	288-0902-422-39-70		77,000	International Association of Fire Fighters (IAFF) Survival School Hosting
						137,000	
COPS More Grant	Police Department	Miscellaneous Charges & Services	Ken Glowacki	295-0801-421-39-89		108,300	Reimbursing sub recipients of grant funding. Claims not submitted to City until after 2017 budget was set. Cash balance available for reimbursements.
COIT	Community Investment	Streets & Alleys	Elizabeth Leonard Inks	404-1001-460-42-03		150,000	Bus shelter project budgeted in 2016, bid in late 2016 but not awarded until 2017. Thus, the City could encumber the funds
EDIT	Parks Maintenance	Motorized Equipment	Cecil Eastman	408-1101-452-43-02	K6TEMT	57,700	Re-appropriate for (2) ATVs with plows for downtown sidewalks; missed in 2016 encumbrance process.
South Bend Redevelopment Authority	Debt Service	Interfund Transfer	Jen Hockenhuil	752-0000-472-50-02		735,236	Close out trustee account - bonds paid off in 2017 - transfer in to EDIT Fund 408. Final payment on 2009 Morris Performing Arts Center bonds was made on 2/1/17.
Erskine Village Bonds	Community Investment	Interfund Transfer	Elizabeth Leonard Inks	758-1001-460-50-02		250	Transfer cash from escrow account to pay off bond. Early payoff of 2005 Erskine Village bonds of \$3,961,667 made on 1/18/17
		Grand Total				5,200,512	



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

March 8, 2017

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



RE: March 2017 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 2017, 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 March 13, 2017 with 2nd reading, public hearing and 3rd reading scheduled for March 27, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

John H. Murphy
City Controller



OK
AD

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 2017 OF \$400,000 FROM SEWAGE WORKS DEPRECIATION FUND (#642) AND \$40,071 FROM 2011 SEWER BOND FUND (#659).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City’s 2017 operating and capital budgets in 2016 (Ordinance #10458-16 passed on October 24, 2016), 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 2017 and set apart within the following designated funds for operational expenses as follows:

<u>Fund</u>	<u>Amount</u>
Sewage Works Depreciation Fund (#642)	\$ 400,000
2011 Sewer Bond Fund (#659)	<u>40,071</u>
TOTAL	<u>\$ 440,071</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

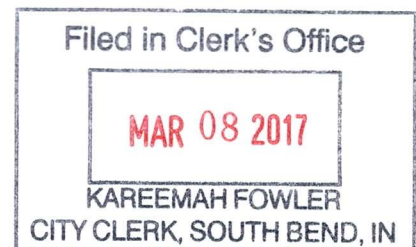
Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2017, at _____ o'clock ____ . m.

Deputy City Clerk

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

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED



City of South Bend, Indiana

March 2017 Additional Appropriation Requests - Enterprise Funds
(increase or decrease in total fund expenditures)

March 6, 2017

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Sewage Works Depreciation Fund	Wastewater	Treatment & Disposal Equipment	Carol Kurzhals	642-0630-415-43-66	16T008	400,000	The Pokagon Band agreed to contribute \$400,000 to the City to assist with the cost of replacement and upgrading the Calvert Street Lift station. Funds were received on 2/15/17.
2011 Sewer Bond	Wastewater	Capital Improvements - Wastewater	Carol Kurzhals	659-0630-415-42-06		40,071	To encumber remaining unencumbered cash balance in bond. Change order for project #114-053 approved 12/13/16 by BPW. Fund 659 has a remaining cash balance of \$57,718.38 at 1/31/17.
		Grand Total				440,071	

Filed in Clerk's Office

MAR 08 2017

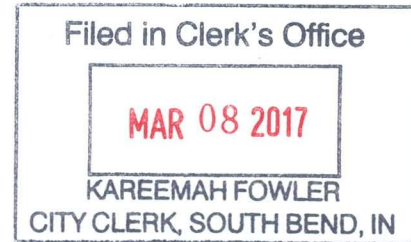
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



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

March 7, 2017

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



Re: Bill No. 66-16 Water Rates & Charges

Dear President Scott:

I am requesting that Bill No. 66-16, an Ordinance amending various sections of the South Bend Municipal Code at Chapter 17, Articles 4 and 6 to address new Water Rates & Charges, that was continued indefinitely, be heard at the Council Utilities Committee meeting and placed on the Council Agenda for 2nd and 3rd hearing on March 13, 2017.

In consideration of Council requests, I will be submitting a substitute bill that reflects a 20% increase in year 1 and an additional 20% increase in year 2. I have discussed these changes with most of the Council members, and I will present changes to the ordinance at the committee meeting. If you have any further questions or need additional information, please let me know.

As always, thank you for your consideration.

Sincerely,

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

Substitute Bill No. 66-16

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS NEW WATER RATES AND CHARGES

STATEMENT OF PURPOSE AND INTENT

The City of South Bend owns and operates a water utility and this Council has caused to be prepared a study which recommends new water rates and charges. Per the recommendations of this study, the City has determined that water rates and charges should be increased per the revised rates set forth herein, and those should become the new water rates and charges, subject to approval of the Indiana Utility Regulatory Commission (“IURC”). This Ordinance also reinserts former Article 6 of Municipal Code Chapter 17 covering a water service charge to be used for repair or replacement of leaking water service lines. These provisions which were previously, inadvertently deleted, are codified at their former location within the Municipal Code, i.e., Chapter 17, Article 6, Sections 17-44 through 17-49. This reinserted Article 6 may also be subject to IURC approval.

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

SECTION I. Chapter 17, Article 4, Section 17-45 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-45. Water Works rates and charges.

There shall be and are hereby established for the use of and the services rendered by the Water Works System of the City of South Bend, the following rates and charges, based upon the use of water and facilities furnished by said Water Works System:

<i>(a) Usage per Monthly Billing Period</i>	<i>Rate per 100 Cubic Feet (upon effective date)</i>	<i>Rate per 100 Cubic Feet (12 months after effective date)</i>
First 500 cubic feet	\$1.716 <u>2.094</u>	<u>2.554</u>
Next 1,500 cubic feet	1.490 <u>1.818</u>	<u>2.218</u>
Next 5,500 cubic feet	1.310 <u>1.598</u>	<u>1.950</u>
Next 22,500 cubic feet	1.153 <u>1.407</u>	<u>1.716</u>
Next 90,000 cubic feet	0.905 <u>1.104</u>	<u>1.347</u>

Over 120,000 cubic feet ...~~0.701~~ 0.855 1.043

(b) *Minimum charge:*

<i>Meter size</i>	<u>Allowed Usage (in cubic feet)</u>	<u>Minimum Monthly (upon effective date)</u>	<u>Minimum Monthly (12 months after Effective date)</u>
5/8-inch meter .. \$ 7.76	<u>452</u>	<u>9.46</u>	<u>11.54</u>
3/4-inch meter 11.19	<u>675</u>	<u>13.65</u>	<u>16.65</u>
1-inch meter 19.90	<u>1,260</u>	<u>24.28</u>	<u>29.63</u>
1½-inch meter 44.72	<u>3,053</u>	<u>54.56</u>	<u>66.57</u>
2-inch meter 79.54	<u>5,711</u>	<u>97.04</u>	<u>118.39</u>
3-inch meter 178.96	<u>14,090</u>	<u>218.33</u>	<u>266.37</u>
4-inch meter 318.16	<u>26,163</u>	<u>388.16</u>	<u>473.56</u>
6-inch meter 716.02	<u>69,073</u>	<u>873.54</u>	<u>1,065.72</u>
8-inch meter 1,272.95	<u>133,701</u>	<u>1,553.00</u>	<u>1,894.66</u>
10-inch meter 1,988.53	<u>235,781</u>	<u>2,426.01</u>	<u>2,959.73</u>
12-inch meter 2,863.10	<u>360,542</u>	<u>3,492.99</u>	<u>4,261.45</u>

(c) *Computation of charges.* Metered water charges shall be the larger of the minimum charges of Subsection (b) ~~and~~ or the rate charges of Subsection (a) of this Section. In the case of multiple meters under a single billing entity, the charges shall be computed for each meter separately, not the summation of usage.

(d) *Monthly public fire protection charges.* All customers located within the corporate limits and all customers outside the corporate limits and located within one thousand (1,000) feet of a public fire hydrant shall also pay a monthly public fire protection charge based upon the size of the customer's meter as follows:

	<u>Upon Effective date</u>	<u>12 Months After effective date</u>
5/8-inch connection \$ 2.25	<u>2.75</u>	<u>3.35</u>
3/4-inch connection 2.25	<u>2.75</u>	<u>3.35</u>
1-inch connection 5.77	<u>7.04</u>	<u>8.59</u>
1½-inch connection 12.98	<u>15.84</u>	<u>19.32</u>
2-inch connection 23.06	<u>28.13</u>	<u>34.32</u>
3-inch connection 51.90	<u>63.32</u>	<u>77.25</u>

4-inch connection	92.28	<u>112.58</u>	<u>137.35</u>
6-inch connection	207.62	<u>253.30</u>	<u>309.02</u>
8-inch connection	369.08	<u>450.28</u>	<u>549.34</u>
10-inch connection	576.70	<u>703.57</u>	<u>858.36</u>

(e) *Private Fire Protection Service, Automatic Sprinkler, per annum.*

1-inch connection	\$ 35.62	<u>43.46</u>	<u>53.02</u>
2-inch connection	71.77	<u>87.56</u>	<u>106.82</u>
3-inch connection	143.53	<u>175.11</u>	<u>213.63</u>
4-inch connection	286.80	<u>349.90</u>	<u>426.87</u>
6-inch connection	355.56	<u>433.78</u>	<u>529.22</u>
8-inch connection	610.60	<u>744.93</u>	<u>908.82</u>
10-inch connection	954.38	<u>1,164.34</u>	<u>1,420.50</u>
12-inch connection	1,375.98	<u>1,678.70</u>	<u>2,048.01</u>

(f) *Temporary Service.* Temporary service where metered shall be calculated upon the registration of a meter or meters installed at the approved meter rates. In such cases as the Utility may deem it impracticable to install a meter for temporary service, there shall be a minimum monthly charge of twenty-nine dollars (\$29.00). If the water consumption computed at approved rates is known to be in excess of the twenty-nine dollars (\$29.00) minimum charge, an authorized agent of the Utility shall have the right to estimate said water usage and the estimated usage shall be billed at the approved meter rates.

SECTION II. Chapter 17, Article 4, Section 17-46 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-46. Collection or deferred payment charge.

All bills for water services, not paid within five (5) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of ~~six (6) percent of the current monthly bill.~~ ten percent (10%) of the first three dollars (\$3.00) of the water charge and three percent (3%) on any amount in excess of three dollars (\$3.00) of the water charge. All bills for water services which are turned over to a collection agency shall be subject to a collection charge equal to twenty (20) percent of the unpaid bill.

SECTION III. Chapter 17, Article 4, Section 17-46.1 shall be amended to read in its entirety as follows:

Sec. 17-46.1 Suburban rates.

Customers with water service outside the City limits shall incur an additional surcharge of ~~twenty (20) percent~~ fourteen percent (14%) of the rates and charges. The surcharge is to recover additional costs including capital expenditures incurred by the Water Works to furnish services to customers outside the City limits.

SECTION IV. Chapter 17, Article 4, Section 17-46.4 shall be deleted in its entirety and is not replaced.

SECTION V. Chapter 17, Article 4, Section 17-47 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-47. Nonrecurring charges.

(a) *Deposits:* Security deposits, payable upon service initiation and refundable upon service termination, shall be no more than one-sixth of the estimated annual bill for each meter size. Governmental entities shall be exempt from deposits.

(b) *Tap charges:* The charge for installation of a one-inch tap shall be ~~three hundred seventy dollars (\$370.00)~~ Five hundred dollars (\$500.00), which shall include the installed tapping valve and the material for the curb valve and box, but shall not include any service line. Charges for taps larger than one (1) shall be at cost.

(c) *Other nonrecurring charges:*

Disconnect for non-payment		\$11.00
Reconnection		\$8.00
<u>Delinquency Processing fee (Disconnect/reconnect)</u>		<u>\$33.00</u>
Bad checks <u>Non-Sufficient Funds/Charge-back Fee</u>		20.00
Service initiation <u>fee</u>	20.00	30.00
Meter downsize (<u>to change a meter that is</u> 1" <u>inch and or</u> smaller <u>without re-plumbing</u>)		32.00
Inspection and testing fee for backflow prevention devices; -1- <u>½ " inch meter and or</u> smaller		50.00
Inspection and testing fee for backflow prevention devices; -2" <u>inch or and</u> larger		75.00
Frozen/ <u>Damaged/Missing</u> or lost meter, at cost depending upon size and type of meter.		At cost

<u>Missed or R-return trip fee</u>	15.00
Unauthorized use of water system	200.00
<u>Water sewer verification fee</u>	<u>4.00</u>
<u>Stop Box Disconnection & Reconnection fee</u>	<u>750.00</u>
<u>Demolition fee (inspection fee)</u>	<u>75.00</u>

SECTION VI. Chapter 17, Article 6, of the South Bend Municipal Code shall be amended to reinsert Sections 17-49 through 17-55 regarding water service charges to be used for repair or replacement of leaking water service lines, to read in its entirety as follows:

ARTICLE 6. RESERVED. WATER SERVICE FUND AND CHARGES

Sec. 17-49. Assessment of charges; purpose.

- (a) The sum of two dollars and ten cents (\$2.10) per month shall be added to the water service charge of all water users.
- (b) All of said sums of money so collected shall be used solely for the repair and/or replacement of leaking water service lines.

Sec. 17-50. Application of funds.

Funds so collected shall be used for the payment of repairs and/or replacement as provided herein from the water main to the front wall of any building, or line extended therefrom, but it shall not insure any water service line under any porch, steps, slab foundation, hard surface driveway, parking lot, crawl space or in any room or space under any sidewalk. In the case of two-inch lines or larger, the repairs provided hereunder shall extend from the water main to the property line only.

Sec. 17-51. Limitation on use of funds.

Water sprinkler service lines shall not be insured under this article; however, if the domestic service line has a lawn-sprinkler connection tee in it, said domestic service line and the tee will be insured, but not beyond the tee nor any costs of repair to the lawn-sprinkling system proper.

Sec. 17-52. Use of funds when accounts delinquent prohibited.

The insurance for repair and/or replacement shall not be in force on any account if the charge for such insurance has not been paid for four (4) consecutive months.

Sec. 17-53. Approval of repair orders.

No claim for the repair of a water service line under this article will be honored unless said repair order is approved by the Department of Water Works .

Sec. 17-55. Maintenance of service line excluded from provisions of article.

This article shall not cover the maintenance of any service line.

SECTION VII. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

SECTION VIII. This Ordinance shall take effect the first day of the month immediately following all of the following: passage by this Common Council, approval by the Mayor, approval by the IURC, and any publication required by law.

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

Member, Common Council of the
City of South Bend

ATTEST:

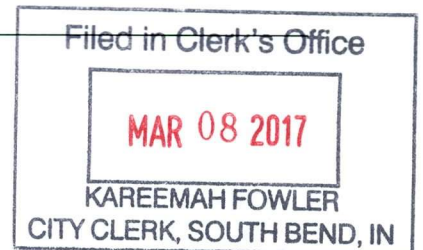
Kareemah Fowler, Clerk

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

Kareemah Fowler, Clerk

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this _____ day of _____, 2016.

Pete Buttigieg, Mayor



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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
 CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS
 SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT
 CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS
 NEW WATER RATES AND CHARGES**

Filed in Clerk's Office
MAR 08 2017
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

STATEMENT OF PURPOSE AND INTENT

The City of South Bend owns and operates a water utility and this Council has caused to be prepared a study which recommends new water rates and charges. Per the recommendations of this study, the City has determined that water rates and charges should be increased per the revised rates set forth herein, and those should become the new water rates and charges, subject to approval of the Indiana Utility Regulatory Commission ("IURC"). This Ordinance also reinserts former Article 6 of Municipal Code Chapter 17 covering a water service charge to be used for repair or replacement of leaking water service lines. These provisions which were previously, inadvertently deleted, are codified at their former location within the Municipal Code, i.e., Chapter 17, Article 6, Sections 17-44 through 17-49. This reinserted Article 6 may also be subject to IURC approval.

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

SECTION I. Chapter 17, Article 4, Section 17-45 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-45. Water Works rates and charges.

There shall be and are hereby established for the use of and the services rendered by the Water Works System of the City of South Bend, the following rates and charges, based upon the use of water and facilities furnished by said Water Works System:

<i>(a) Usage per Monthly Billing Period</i>	<i>Rate per 100 Cubic Feet (upon effective date)</i>	<i>Rate per 100 Cubic Feet (12 months after effective date)</i>
First 500 cubic feet	1.716 2.454	<u>2.094</u> <u>2.554</u>
Next 1,500 cubic feet	1.490 2.131	<u>1.818</u> <u>2.218</u>
Next 5,500 cubic feet	1.310 1.873	<u>1.598</u> <u>1.950</u>
Next 22,500 cubic feet	1.153 1.649	<u>1.407</u> <u>1.716</u>
Next 90,000 cubic feet	0.905 1.294	<u>1.104</u> <u>1.347</u>
Over 120,000 cubic feet ...	0.701 1.002	<u>0.855</u> <u>1.043</u>

(b) *Minimum charge:*

<i>Meter size</i>	<i>Allowed Usage (in cubic feet)</i>	<i>Minimum Monthly (upon effective date)</i>	<i>Minimum Monthly (12 months after Effective date)</i>
5/8-inch meter ..\$ 7.76	<u>452</u>	<u>\$11.09</u>	<u>9.46</u>
3/4-inch meter 11.19	<u>675</u>	<u>16.00</u>	<u>13.65</u>
1-inch meter 19.90	<u>1,260</u>	<u>28.47</u>	<u>24.28</u>
1½-inch meter 44.72	<u>3,053</u>	<u>63.96</u>	<u>54.56</u>
2-inch meter 79.54	<u>5,711</u>	<u>113.74</u>	<u>97.04</u>
3-inch meter 178.96	<u>14,090</u>	<u>255.92</u>	<u>218.33</u>
4-inch meter 318.16	<u>26,163</u>	<u>455.00</u>	<u>388.16</u>
6-inch meter 716.02	<u>69,073</u>	<u>1,023.88</u>	<u>873.54</u>
8-inch meter 1,272.95	<u>133,701</u>	<u>1,820.16</u>	<u>1,553.00</u>
10-inch meter 1,988.53	<u>235,781</u>	<u>2,843.00</u>	<u>2,426.01</u>
12-inch meter 2,863.10	<u>360,542</u>	<u>4,093.11</u>	<u>3,492.99</u>

(c) *Computation of charges.* Metered water charges shall be the larger of the minimum charges of Subsection (b) ~~and~~ or the rate charges of Subsection (a) of this Section. In the case of multiple meters under a single billing entity, the charges shall be computed for each meter separately, not the summation of usage.

(d) *Monthly public fire protection charges.* All customers located within the corporate limits and all customers outside the corporate limits and located within one thousand (1,000) feet of a public fire hydrant shall also pay a monthly public fire protection charge based upon the size of the customer's meter as follows:

		<i>Upon Effective date</i>	<i>12 Months After effective date</i>
5/8-inch connection\$ 2.25	<u>\$3.22</u>	<u>2.75</u>	<u>3.35</u>
3/4-inch connection 2.25	<u>3.22</u>	<u>2.75</u>	<u>3.35</u>
1-inch connection 5.77	<u>8.25</u>	<u>7.04</u>	<u>8.59</u>
1½-inch connection 12.98	<u>18.56</u>	<u>15.84</u>	<u>19.32</u>
2-inch connection 23.06	<u>32.98</u>	<u>28.13</u>	<u>34.32</u>
3-inch connection 51.90	<u>74.22</u>	<u>63.32</u>	<u>77.25</u>
4-inch connection 92.28	<u>131.96</u>	<u>112.58</u>	<u>137.35</u>

6-inch connection	207.62	<u>296.90</u>	<u>253.30</u>	<u>309.02</u>
8-inch connection	369.08	<u>527.78</u>	<u>450.28</u>	<u>549.34</u>
10-inch connection	576.70	<u>824.68</u>	<u>703.57</u>	<u>858.36</u>

(e) *Private Fire Protection Service, Automatic Sprinkler, per annum.*

1-inch connection	\$ 35.62	<u>\$50.94</u>	<u>43.46</u>	<u>53.02</u>
2-inch connection	71.77	<u>102.63</u>	<u>87.56</u>	<u>106.82</u>
3-inch connection	143.53	<u>205.25</u>	<u>175.11</u>	<u>213.63</u>
4-inch connection	286.80	<u>410.12</u>	<u>349.90</u>	<u>426.87</u>
6-inch connection	355.56	<u>508.45</u>	<u>433.78</u>	<u>529.22</u>
8-inch connection	610.60	<u>873.16</u>	<u>744.93</u>	<u>908.82</u>
10-inch connection	954.38	<u>1,364.26</u>	<u>1,164.34</u>	<u>1,420.50</u>
12-inch connection	1,375.98	<u>1,967.65</u>	<u>1,678.70</u>	<u>2,048.01</u>

(f) *Temporary Service.* Temporary service where metered shall be calculated upon the registration of a meter or meters installed at the approved meter rates. In such cases as the Utility may deem it impracticable to install a meter for temporary service, there shall be a minimum monthly charge of twenty-nine dollars (\$29.00). If the water consumption computed at approved rates is known to be in excess of the twenty-nine dollars (\$29.00) minimum charge, an authorized agent of the Utility shall have the right to estimate said water usage and the estimated usage shall be billed at the approved meter rates.

SECTION II. Chapter 17, Article 4, Section 17-46 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-46. Collection or deferred payment charge.

All bills for water services, not paid within five (5) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of ~~six (6) percent of the current monthly bill.~~ ten percent (10%) of the first three dollars (\$3.00) of the water charge and three percent (3%) on any amount in excess of three dollars (\$3.00) of the water charge. All bills for water services which are turned over to a collection agency shall be subject to a collection charge equal to twenty (20) percent of the unpaid bill.

SECTION III. Chapter 17, Article 4, Section 17-46.1 shall be amended to read in its entirety as follows:

Sec. 17-46.1 Suburban rates.

Customers with water service outside the City limits shall incur an additional surcharge of ~~twenty (20) percent~~ fourteen percent (14%) of the rates and charges. The surcharge is to recover

additional costs including capital expenditures incurred by the Water Works to furnish services to customers outside the City limits.

SECTION IV. Chapter 17, Article 4, Section 17-46.4 shall be deleted in its entirety and is not replaced.

SECTION V. Chapter 17, Article 4, Section 17-47 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-47. Nonrecurring charges.

(a) *Deposits:* Security deposits, payable upon service initiation and refundable upon service termination, shall be no more than one-sixth of the estimated annual bill for each meter size. Governmental entities shall be exempt from deposits.

(b) *Tap charges:* The charge for installation of a one-inch tap shall be ~~three hundred seventy dollars (\$370.00)~~ Five hundred dollars (\$500.00), which shall include the installed tapping valve and the material for the curb valve and box, but shall not include any service line. Charges for taps larger than one (1) shall be at cost.

(c) *Other nonrecurring charges:*

Disconnect for non payment		\$11.00
Reconnection		\$8.00
<u>Delinquency Processing fee (Disconnect/reconnect)</u>		<u>\$33.00</u>
Bad checks <u>Non-Sufficient Funds/Charge-back Fee</u>		20.00
<u>Service initiation fee</u>	20.00	30.00
<u>Meter downsize (to change a meter that is</u>		
<u>1" inch and or smaller without re-plumbing)</u>		32.00
<u>Inspection and testing fee for backflow prevention devices;</u>		
<u>-1- 1/2 " inch meter and or smaller</u>		50.00
<u>Inspection and testing fee for backflow prevention devices;</u>		
<u>-2" inch or and larger</u>		75.00
<u>Frozen/Damaged/Missing or lost meter, at cost depending upon size and type of meter.</u>		At cost
<u>Missed or R-return trip fee</u>		15.00

Unauthorized use of water system	200.00
Water sewer verification fee	4.00
Stop Box Disconnection & Reconnection fee	750.00
Demolition fee (inspection fee)	75.00

SECTION VI. Chapter 17, Article 6, of the South Bend Municipal Code shall be amended to reinsert Sections 17-49 through 17-55 regarding water service charges to be used for repair or replacement of leaking water service lines, to read in its entirety as follows:

ARTICLE 6. RESERVED. WATER SERVICE FUND AND CHARGES

Sec. 17-49. Assessment of charges; purpose.

- (a) The sum of two dollars and ten cents (\$2.10) per month shall be added to the water service charge of all water users.
- (b) All of said sums of money so collected shall be used solely for the repair and/or replacement of leaking water service lines.

Sec. 17-50. Application of funds.

Funds so collected shall be used for the payment of repairs and/or replacement as provided herein from the water main to the front wall of any building, or line extended therefrom, but it shall not insure any water service line under any porch, steps, slab foundation, hard surface driveway, parking lot, crawl space or in any room or space under any sidewalk. In the case of two-inch lines or larger, the repairs provided hereunder shall extend from the water main to the property line only.

Sec. 17-51. Limitation on use of funds.

Water sprinkler service lines shall not be insured under this article; however, if the domestic service line has a lawn-sprinkler connection tee in it, said domestic service line and the tee will be insured, but not beyond the tee nor any costs of repair to the lawn-sprinkling system proper.

Sec. 17-52. Use of funds when accounts delinquent prohibited.

The insurance for repair and/or replacement shall not be in force on any account if the charge for such insurance has not been paid for four (4) consecutive months.

Sec. 17-53. Approval of repair orders.

No claim for the repair of a water service line under this article will be honored unless said repair order is approved by the Department of Water Works .

Sec. 17-55. Maintenance of service line excluded from provisions of article.

This article shall not cover the maintenance of any service line.

SECTION VII. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

SECTION VIII. This Ordinance shall take effect the first day of the month immediately following all of the following: passage by this Common Council, approval by the Mayor, approval by the IURC, and any publication required by law.

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

Member, Common Council of the
City of South Bend

ATTEST:

Kareemah Fowler, Clerk

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

Kareemah Fowler, Clerk

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this _____ day of _____, 2016.

Pete Buttigieg, Mayor

South Bend Gun Violence Prevention Resolution 2017

BILL NO. 17-15
RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, URGING THE INDIANA STATE LEGISLATURE, OUR GOVERNOR AND ALL UNITED STATES SENATE AND CONGRESSIONAL REPRESENTATIVES OF THE PEOPLES OF INDIANA TO JOIN WITH OUR COMMUNITY AND PASS LEGISLATION TO KEEP GUNS OUT OF THE HANDS OF VIOLENT CRIMINALS, DOMESTIC ABUSERS AND SEVERELY MENTALLY ILL PERSONS BY CLOSING THE LOOPHOLES IN THE FEDERAL BACKGROUND CHECK SYSTEM AND STRENGTHENING STATE DOMESTIC VIOLENCE LAWS.

Whereas, our city continues to experience significant harm from gun violence, despite hard work to reduce the number of incidents and prevent spikes of gun violence that have happened in other cities. It is clear that the easy availability of firearms to criminals is an important factor, so we look to our broader community of lawmakers to do their part to help South Bend curb the gun violence impacting our city.

Whereas, the city of South Bend feels that it can protect the lives of its citizens and at the same time protect gun owners' Second Amendment rights.

Whereas, to date, background checks have blocked over 2.3 million gun sales to prohibited people, with 88,203 of those occurring in 2013 alone, according to the F.B.I. Unfortunately, millions of firearms are sold in unlicensed sales, including anonymous transfers between strangers at gun shows and online.

Whereas, Indiana does not require private sellers (sellers who are not federally-licensed dealers) to initiate a background check before transferring a firearm.

Whereas, Indiana has a high rate of gun purchases that are unregulated by existing laws, which results in more illegal guns on our streets and more gun trafficking to other states. In addition, the prohibition on sales to those adjudicated severely mentally ill is not properly enforced, and Indiana's rate of submission of mental health records is little more than one-eighth of the national average.

Whereas, some of our lawmakers argue that we do not need any new laws, that we should fix our existing laws before creating any new ones. We feel that our Indiana leaders have a responsibility to make our community safer by making all firearms subject to background checks at the point of sale, so that felons and those with severe mental illnesses are barred from possessing guns.

Whereas, we believe Indiana can be a good example and do the right thing. As a model, we ask our leaders to consider the bi-partisan Manchin-Toomey Senate bill, or the Thomson-King House bill, both of which close the gun show and internet sales loopholes in the federal background check system. Indiana's U.S. senators and representatives should co-sponsor and vote for these bills in their respective chambers.

Whereas, we ask our Indiana State legislators to craft legislation to close these loopholes in the federal background check system as implemented in Indiana, in light of the present inability of our federal legislators to support these bipartisan bills.

Whereas, we also ask our Governor to support and sign into law such legislation. 89% of Hoosier citizens (insert citation) and 74% of the NRA's own members support background checks. The citizens of Indiana deserve safer communities in which to live and work.

Whereas, we ask our elected officials in the Hoosier state to strengthen state laws to keep guns out of the hands of domestic abusers. Domestic violence often involves firearms, and when it does women and children are more likely to die or suffer severe injury. Many states have passed their own laws prohibiting domestic abusers from owning or purchasing firearms. We ask our state representatives to pass laws protecting those who suffer domestic violence, and our congressional representatives to vote for bills like Senator Klobuchar's (D-MN) Protecting Domestic Violence and Stalking Victims Act of 2013 (S.1290), which would close the loopholes in federal law that allow certain domestic abusers and stalkers to possess guns.

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

We in South Bend invite our Indiana lawmakers and representatives to an honest dialogue about the responsible solutions to gun violence that are available to those who are willing to work together. We ask them to sit down with our South Bend officials, civic leaders and survivors of gun violence and see what they are willing to do to strengthen our gun laws and at the same time protect our Second Amendment rights.

Tim Scott, 1st District

Oliver J. Davis, 6th District

Regina Williams Preston, 2nd District

John Voorde, At Large

Randy Kelly, 3rd District

Gavin Ferlic, At Large

Jo M. Broden, 4th District

Karen L. White, At Large

Dr. David Varner, 5th District

Council Attorney

Attest:

Approved this _____ day of March, 2017

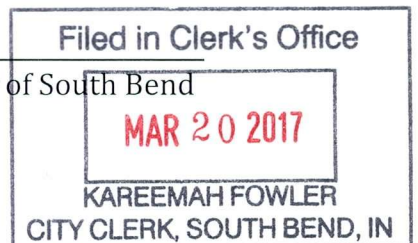
Kareemah N. Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend

PRESENTED

NOT APPROVED

ADOPTE





March 21, 2017
 Common Council
 City of South Bend
 Room 455 County-City Building
 South Bend, IN 46601

Re: Vacation Petition – Monroe Street Vacation

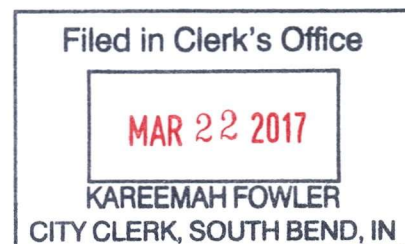
To the Common Council,

Heading for Home, LLC. / South Bend Cubs wishes to vacate the following described alley to accommodate future development for apartment units as part of the Berlin Place Mixed use project adjacent to Four Winds Field: A part of the Southwest Quarter of Section 12, Township 37 North, Range 2, East, City of South Bend, Portage Township, St. Joseph County, Indiana, and described as follows: Beginning at the southeast corner of Lot 3 of the Coveleski park Minor Subdivision, the plat of which is recorded in Instrument No. 1503430, in the Office of the Recorder of St. Joseph County, Indiana; thence South 0 degrees 56 minutes 17 seconds East 82.50 feet to the northeast corner of Lot 4 in said Subdivision and being on the south right-of-way line of Monroe Street; thence South 89 degrees 13 minutes 50 seconds West 178.75 feet along the south right-of-way line of Monroe Street to the southwest corner of the Monroe Street right-of-way and being on the east line of Lot 1 in said Subdivision; thence North 0 degrees 59 minutes 56 seconds West 82.50 feet along the east line of said Lot 1 to the northwest corner of the Monroe Street right-of-way; thence North 89 degrees 13 minutes 50 seconds East along the north right-of-way line of Monroe Street 178.84 feet to the point of beginning and containing 14,750 square feet, more or less.

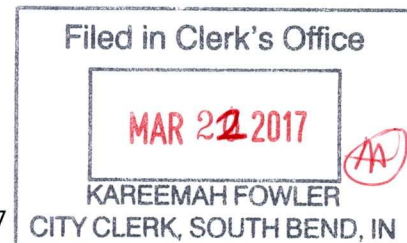
The approval of this vacation shall not be injurious to the use of other property in the immediate vicinity. It shall not be detrimental to or endanger the public health, safety, morals, or general welfare. This vacation also shall not constrict the use or deter the value of adjacent church as access will be maintained at all times.

Sincerely,

Joe Hart
 President
 Heading for Home, Inc. / South Bend Cubs



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



TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA

DATE: _3-23-17

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

A. THE ALLEY DESCRIBED AS:

N/A

B. THE STREET DESCRIBED AS:

A part of the Southwest Quarter of Section 12, Township 37 North, Range 2, East, City of South Bend, Portage Township, St. Joseph County, Indiana, and described as follows: Beginning at the southeast corner of Lot 3 of the Coveleski park Minor Subdivision, the plat of which is recorded in Instrument No. 1503430, in the Office of the Recorder of St. Joseph County, Indiana; thence South 0 degrees 56 minutes 17 seconds East 82.50 feet to the northeast corner of Lot 4 in said Subdivision and being on the south right-of-way line of Monroe Street; thence South 89 degrees 13 minutes 50 seconds West 178.75 feet along the south right-of-way line of Monroe Street to the southwest corner of the Monroe Street right-of-way and being on the east line of Lot 1 in said Subdivision; thence North 0 degrees 59 minutes 56 seconds West 82.50 feet along the east line of said Lot 1 to the northwest corner of the Monroe Street right-of-way; thence North 89 degrees 13 minutes 50 seconds East along the north right-of-way line of Monroe Street 178.84 feet to the point of beginning and containing 14,750 square feet, more or less.

NAME (signed & printed)	ADDRESS	LOT #
 _____ (signature)		018-3014-051503
City of South Bend	227 E. Jefferson Blvd., Suite 1400S	018-3014-051502
Department of Community Investment	South Bend, IN 46601	018-3015-056301

By TIM CORCORAN _____ (print name)

CONTACT PERSON (S)

NAME: Joe Hart

RETURN TO:

OFFICE OF THE CITY CLERK
JOHN VOORDE, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221

ADDRESS: 501 W. South Street
South Bend, IN 46601
PHONE: 574-235-9988 ext. 201

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The portion of W. Monroe Street that lies approximately 179 feet west of S. Lafayette Blvd.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

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

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

A part of the Southwest Quarter of Section 12, Township 37 North, Range 2, East, City of South Bend, Portage Township, St. Joseph County, Indiana, and described as follows: Beginning at the southeast corner of Lot 3 of the Coveleski park Minor Subdivision, the plat of which is recorded in Instrument No. 1503430, in the Office of the Recorder of St. Joseph County, Indiana; thence South 0 degrees 56 minutes 17 seconds East 82.50 feet to the northeast corner of Lot 4 in said Subdivision and being on the south right-of-way line of Monroe Street; thence South 89 degrees 13 minutes 50 seconds West 178.75 feet along the south right-of-way line of Monroe Street to the southwest corner of the Monroe Street right-of-way and being on the east line of Lot 1 in said Subdivision; thence North 0 degrees 59 minutes 56 seconds West 82.50 feet along the east line of said Lot 1 to the northwest corner of the Monroe Street right-of-way; thence North 89 degrees 13 minutes 50 seconds East along the north right-of-way line of Monroe Street 178.84 feet to the point of beginning and containing 14,750 square feet, more or less.

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

County Tax ID No. (no lot numbers)

018-3014-051503; 018-3014-051502; 018-3014-0515; 018-3015-0544

SECTION IV. The purpose of the vacation of the real property is
Heading for Home, LLC. / South Bend Cubs wishes to vacate the following described alley to accommodate future development for apartment units as part of the Berlin Place mixed use project adjacent to Four Winds Field

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

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the

_____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at

_____ o'clock _____. m.

Mayor, City of South Bend, Indiana

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

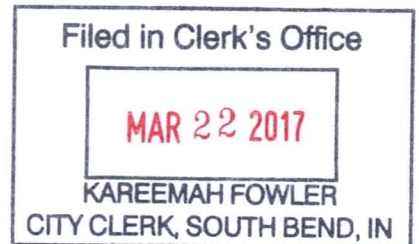


Exhibit "A"

Project: Monroe Street Vacation

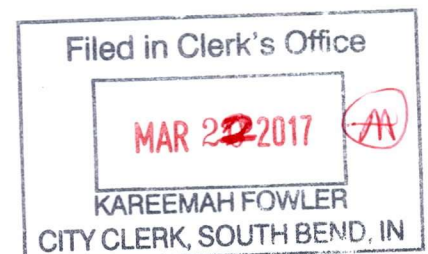
Sheet 1 of 1

A part of the Southwest Quarter of Section 12, Township 37 North, Range 2, East, City of South Bend, Portage Township, St. Joseph County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Vacation Sketch, marked EXHIBIT "B", described as follows: Beginning at the southeast corner of Lot 3 of the Coveleski park Minor Subdivision, the plat of which is recorded in Instrument No. 1503430, in the Office of the Recorder of St. Joseph County, Indiana; thence South 0 degrees 56 minutes 17 seconds East 82.50 feet to the northeast corner of Lot 4 in said Subdivision and being on the south right-of-way line of Monroe Street; thence South 89 degrees 13 minutes 50 seconds West 178.75 feet along the south right-of-way line of Monroe Street to the southwest corner of the Monroe Street right-of-way and being on the east line of Lot 1 in said Subdivision; thence North 0 degrees 59 minutes 56 seconds West 82.50 feet along the east line of said Lot 1 to the northwest corner of the Monroe Street right-of-way; thence North 89 degrees 13 minutes 50 seconds East along the north right-of-way line of Monroe Street 178.84 feet to the point of beginning and containing 14,750 square feet, more or less.

Reference Document and bearing basis: Coveleski Park Minor Subdivision, recorded in Instrument No. 1503430

This description was written from information obtained from the St. Joseph County Recorder's Office and other sources that were not necessarily checked by a field survey.

Prepared for: City of South Bend
By: Jeffrey S. Barnes, PS JSB 03/22/17
Firm: Jones Petrie Rafinski
Date: March 21, 2017
Job Number: 2016-0269



Parcel No: na
Des. No.: na
Project: na
Road: Monroe Street
Sec:12 Town: 37N Range: 2E

Vacation Sketch EXHIBIT "B"

Prepared for: City of South Bend
Owner: City of South Bend

Code: na

Drawn: jsb
Checked: phs
County: St. Joseph

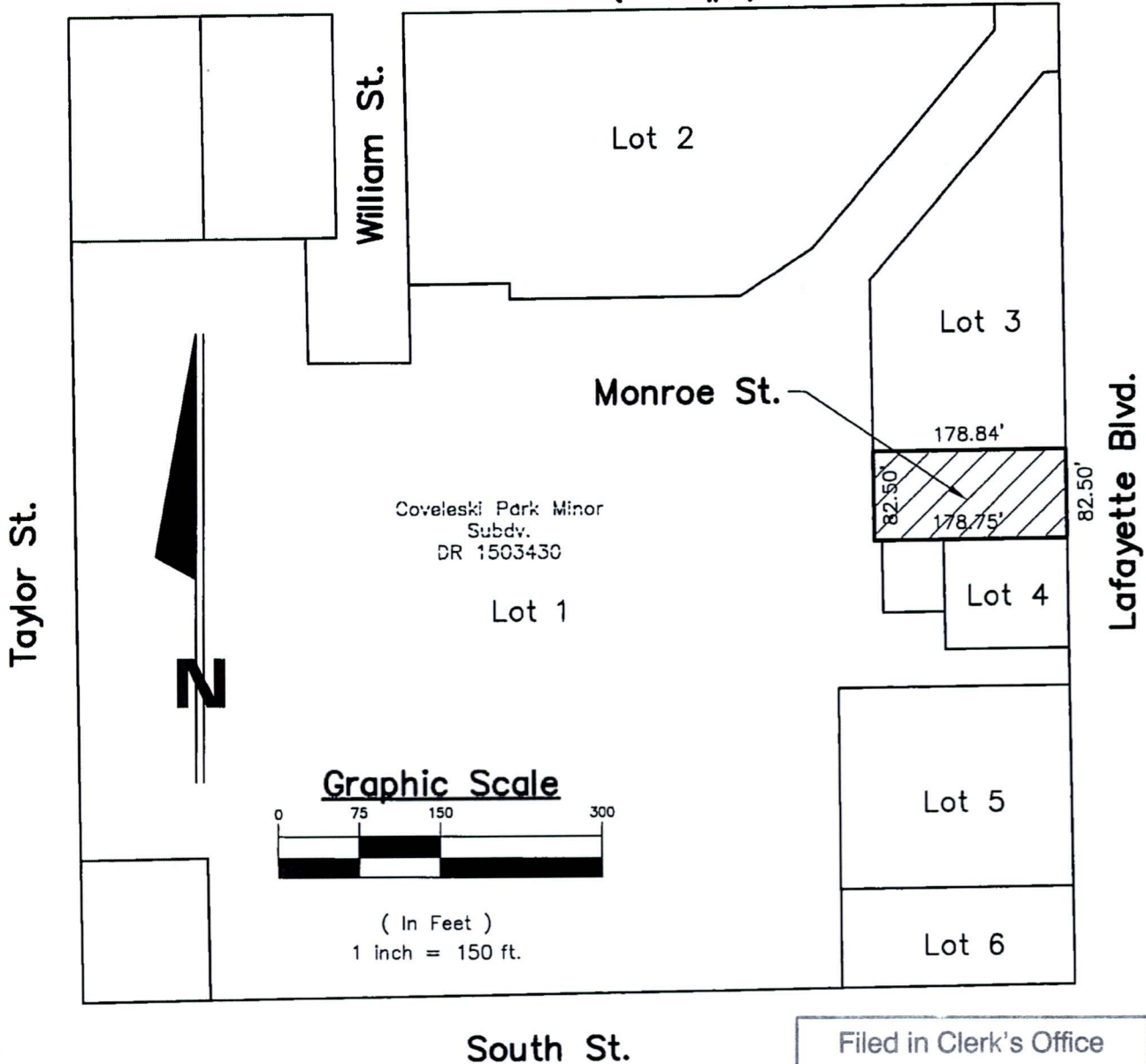


Hatched area is approximate vacation

Deed Rec.: na
Key Number: na

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey. Dimensions shown are from listed record documents.

Western Ave. (Ind. #2)



Section 12 T. 37 N. R. 02 E. JOB No. 2016-0269

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

JPR JONES PETRIE RAFINSKI
your one single source
Surveying • Engineering • Planning • Architecture • Utility Management
GIS • Environmental • Renewable Energy • Landscape Architecture

Elkhart, IN
p: 574.293.7762
South Bend, IN
p: 574.232.4388
Fort Wayne, IN
p: 260.422.2522

JSB 03/22/17

Monroe Street Alley Vacation

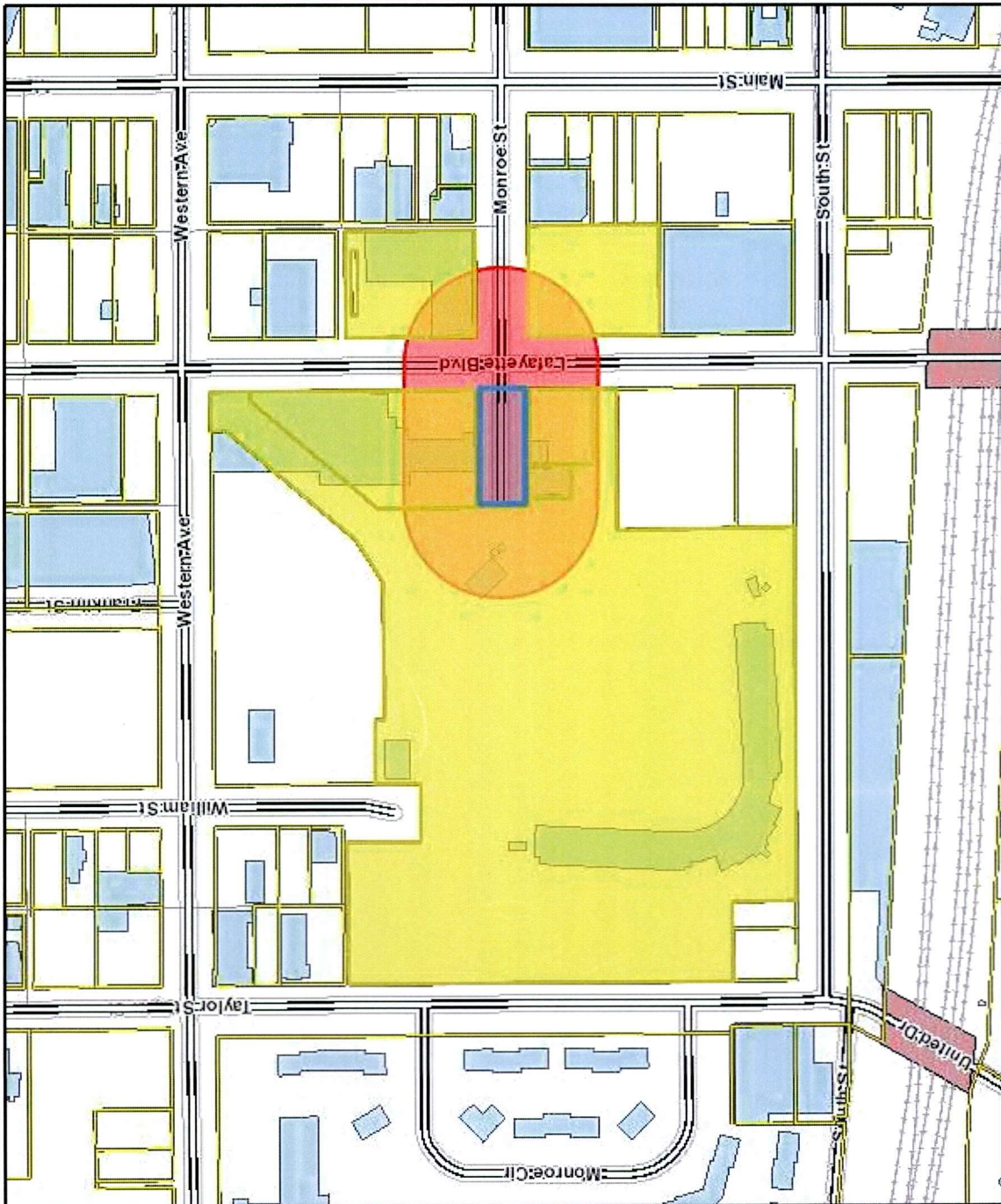
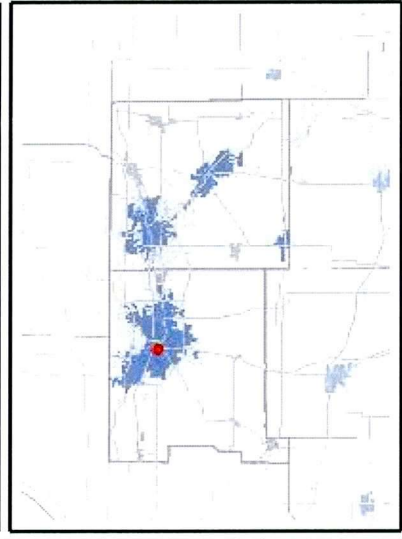
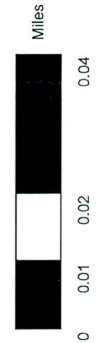
Berlin Place

Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge
- Major Roads
- 1
- 10
- Primary Roads
- Secondary Roads
- Local Roads
- Rivers
- Local Roads

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

1 inch = 187.50 feet



Date Printed: 3/17/2017

Map Generated By: DCH

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.

Michiana Area Council of Governments | Geographic Information System
Elkhart and St. Joseph Counties, IN





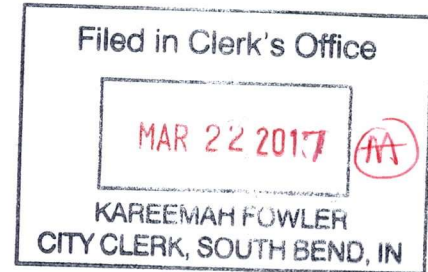
321 E. Walter St
South Bend, IN 46614
O: 574.299.4765
F: 574.299.4783
sbvpa.org

PETE BUTTIGIEG
Mayor

AARON PERRI
Executive Director

March 22, 2017

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



RE: Civic Center Board of Managers

Dear President Scott,

Attached for the Common Council's consideration is an amendment to Chapter 2, Article 5, Section 2-52 of the South Bend Municipal Code. In fall of 2016, the Common Council created the City Department of Venues, Parks & Arts through both the budget approval process and a vote to amend Chapter 2, Article 4, Section 2-13. Among other duties, the Department of Venues, Parks & Arts is responsible for the Morris Performing Arts Center, Palais Royale and the Century Center.

Indiana Code 36-10-10 creates the Civic Center Board of Managers to oversee the Century Center and also grants this board the ability to have authority over "any other public facility owned or leased by the city or by an agency of it." The amendment before you extends general management authority of the Civic Center Board of Managers to include the facilities of the Morris Performing Arts Center and the Palais Royale.

This amendment is consistent with the Venues, Parks & Arts Department's expressed organizational goal to unite the Century Center, Morris Performing Arts Center and the Palais Royale under one management structure. This change has the broad support of the Civic Center Board of Managers as discussed at its public meeting on February 15, 2017 and empowers the body to change their by-laws accordingly.

Thank you for your consideration. I will attend the Committee and Council meeting to address any questions.

Cordially,

Aaron Perri
Executive Director,
Venues, Parks & Arts



Bill No. _____

Ordinance No. _____-17

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 2, ARTICLE 5, SECTION 2-52 OF THE SOUTH
BEND MUNICIPAL CODE TO INCLUDE ADDITIONAL FACILITIES TO BE
OPERATED, MAINTAINED AND MANAGED BY THE SOUTH BEND CIVIC
CENTER BOARD OF MANAGERS**

STATEMENT OF PURPOSE AND INTENT

Indiana law at Ind. Code § 36-10-10, and more particularly §36-10-10-29, specifically grants to the city of South Bend, Indiana, the authority to create a nine-member Board of managers to operate, maintain, and manage its civic center, which is known as the Century Center. That authority extends to “any other public facility owned or leased by the city or by an agency of it” IC §36-10-10-29(a) (2). Pursuant to that statute, the City of South Bend designated the South Bend Civic Center Board of Managers to manage, operate, and maintain “Century Center and its programs.” (*South Bend Municipal Code*, Chapter 2, Article 5, Section 2-52). As identified at IC 36-10-2-5, city facilities include “neighborhood centers, community centers, civic centers, convention centers, auditoriums, arenas and stadiums.” At this time the general management authority of the Civic Center Board of Managers should be expanded to include the facilities of the Morris Performing Arts Center and the Palais Royale.

As downtown South Bend continues to grow as an entertainment and convention center with increased hotel and tourist options, and with local population growth, and more restaurant/entertainment facilities, the success of the City’s Century Center, Morris Performing Arts Center, and Palais Royale become increasingly intertwined. Uniting these entities under one management board with the goal of maximizing overall benefit will improve the ability of each entity to thrive. This ordinance is a critical step toward that goal and is in the best interest of the City of South Bend and its citizens.

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

SECTION I. Chapter 2, Article 5, Section 2-52 of the South Bend Municipal Code is amended to read in its entirety as follows:

The South Bend Civic Center Board of Managers, a board of managers for the purpose of supervising, managing, operating, and maintaining Century Center, the Morris Performing Arts Center, the Palais Royale and ~~its~~ their programs, is hereby continued pursuant to IC 36-10-2-5.

Section II. This Ordinance shall be in full force and effect upon its passage by the Common Council and approval by the Mayor.

Member of the Common Council

ATTEST:

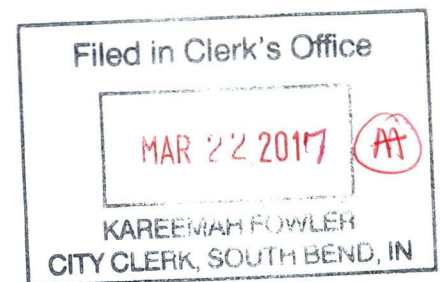
Kareemah Fowler, City Clerk

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

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

Pete Buttigieg
Mayor of the City of South Bend, Indiana

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

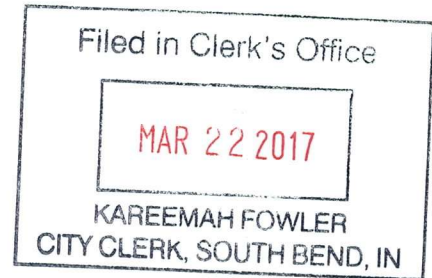




CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS
Eric Horvath, Director

March 22, 2017

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



Re: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CORRECTING A SCRIVENER'S ERROR WHILE OTHERWISE REAFFIRMING ORDINANCE 9717-06 FOR THE VACATION OF CERTAIN PARTS OF FRANCES STREET

Dear President Scott:

The purpose and intent of this ordinance is to correct a scrivener's error in Ordinance 9717-06 which addressed the vacation of certain parts of Frances Street. The previous iteration of the Ordinance referred to a non-existent North/South alley. The alley in question is correctly identified as East/West alley which is now reflected in the updated Ordinance. Ordinance 9717-06 is otherwise reaffirmed in its entirety.

I look forward to discussing this ordinance at the Council's Committee meeting and at the public hearing. If you have any further questions or need additional information, please let me know.

As always, thank you for your consideration.

Sincerely,

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

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA, CORRECTING A
SCRIVENER'S ERROR IN ORDINANCE NO. 9717-06 AS
TO THE DESCRIPTION OF REAL PROPERTY FOR THE
VACATION OF CERTAIN PARTS OF FRANCES STREET**

STATEMENT OF PURPOSE AND INTENT

The purpose and intent of this ordinance is to correct a scrivener's error in Ordinance 9717-06 (vacating certain parts of Frances Street) which was adopted by this Council on November 29, 2006, a copy of which is attached for reference. Ordinance 9717-06 is otherwise reaffirmed in its entirety.

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

SECTION I. The caption of Ordinance No. 9717-06 is amended to read in its entirety as follows:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first East/West ~~North/South~~ alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.

SECTION II. Section I of Ordinance Numbered 9717-06 shall be corrected to read in its entirety as follows:

The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first East/West ~~North/South~~ alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.

hereby determines that it is desirable to vacate said property.

SECTION III. The rest and remainder of Ordinance No. 9717-06 is hereby and in all ways reaffirmed, a copy of which is attached hereto for informational purposes.

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, South Bend Common Council

ATTEST:

Kareemah Fowler, City Clerk

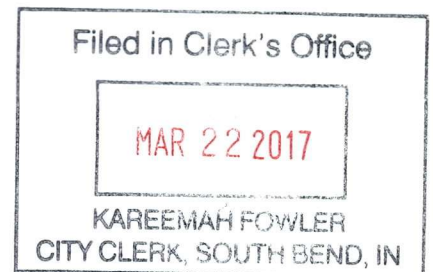
Presented by me, to Pete Buttigieg the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2017, at _____ o'clock _____.m.

Kareemah Fowler, City Clerk

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

Pete Buttigieg, Mayor

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



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

ORDINANCE No. 9717-06

Passed by the Common Council of the City of South Bend, Indiana _____


_____ November 27, 2006

Attest:  City Clerk
JOHN VOORDE


Attest: Timothy A. Rouse President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana _____

_____ November 28, 2006

 City Clerk
JOHN VOORDE

Approved and signed by me _____ November 29, 2006

 Mayor

MAR 22 2017

ORDINANCE NO. 9717-06

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first North/South alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

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

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first North/South alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

- | | | | |
|-----------------|-------------------|-----------|-------------------|
| 18-5016-0516-01 | South Bend Clinic | 18-5016-1 | South Bend Clinic |
| 18-5016-0516-02 | South Bend Clinic | 18-5016-4 | South Bend Clinic |
| 18-5016-0564 | South Bend Clinic | 18-5016-5 | South Bend Clinic |
| 18-5016-0564 | South Bend Clinic | 18-5016-6 | South Bend Clinic |

SECTION IV. The purpose of the vacation of the real property is:

To allow the property owner of all the adjacent properties, South Bend Clinic to construct an addition to their medical clinic and add additional parking without patients and staff having to cross a public street.

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

Timothy A. Rouse
Member of the Common Council

Attest:

John Voorde
City Clerk

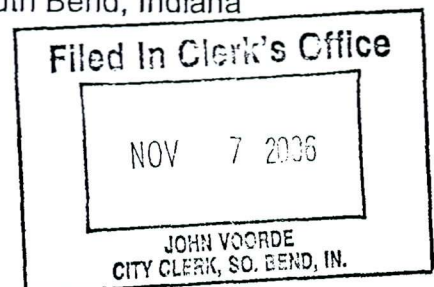
Presented by me to the Mayor of the City of South Bend, Indiana on the 28th day of November, 2006, at 3:00 o'clock p. .m.

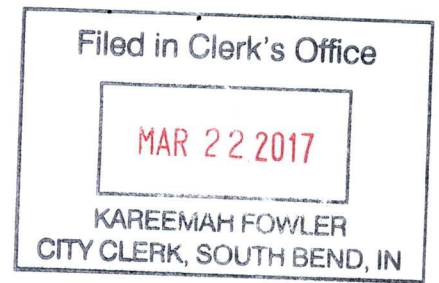
Jamie Tallon
City Clerk Deputy

Approved and signed by me on the 29th day of Nov, 2006, at 9:30 o'clock a. .m.

Stephen J. Truex
Mayor, City of South Bend, Indiana

1st READING 11-13-06
PUBLIC HEARING 11-27-06
3rd READING 11-27-06
NOT APPROVED
DEFERRED
PASSED 11-27-06





TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

Your Committee of the Whole, to whom was referred:

BILL NO.

80-06 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE STREET TO BE VACATED IS FRANCES STREET FROM THE NORTH RIGHT OF WAY LINE OF COLFAX AVENUE TO THE FIRST NORTH/SOUTH ALLEY NORTH OF COLFAX AVENUE FOR A DISTANCE OF 198 FEET AND A WIDTH OF 66 FEET. ADDITIONALLY, AN AREA 45 FEET NORTH OF THE SOUTH RIGHT OF WAY OF LUTHER COURT AND 23 FEET WEST OF THE EAST RIGHT OF WAY LINE OF FRANCES STREET. BEING A PART OF THE ORIGINAL TOWN OF LOWELL, NOW CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

Respectfully report that they have examined the matter and that in their opinion, this bill is being recommended to the full Council with a favorable recommendation.

Karen L. White
Chairperson

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

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

**TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA**

DATE: 10/11/06

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

A. THE ALLEY DESCRIBED AS:

N/A

B. THE STREET DESCRIBED AS:

South portion of Frances Street from the South R.O.W. of Luther Court to Colfax
Street, plus an area 45 feet North of the South R.O.W. of Luther Court and
23 feet West of the East R.O.W. line of Frances Street.


NAME (signed & printed)

ADDRESS

LOT #

Paul Meyer

211 N. Eddy Street



Filed In Clerk's Office
NOV 7 2006
JOHN VOORDE
CITY CLERK, SO. BEND, IN.

CONTACT PERSON (S)

NAME: Paul Meyer

RETURN TO:

**OFFICE OF THE CITY CLERK
JOHN VOORDE, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221**

ADDRESS: 211 N. Eddy Street

South Bend, IN 46617

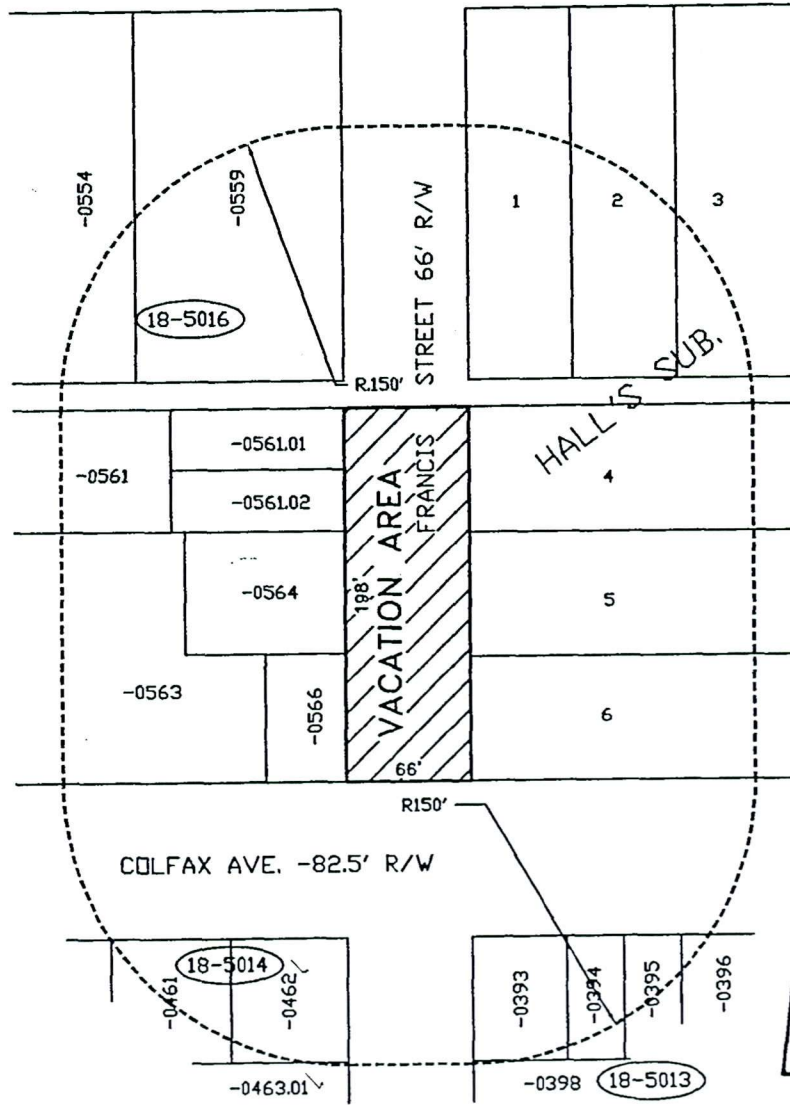
PHONE: (574) 234-8161

Filed in Clerk's Office

MAR 22 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

LASALLE ST. -82.5' R/W



Filed In Clerk's Office

NOV 7 2006

JOHN VOORDE
CITY CLERK, SO. BEND, IN.

LEGAL DESCRIPTION:

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first North/South alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.



DEPARTMENT OF PUBLIC WORKS
CITY OF SOUTH BEND, INDIANA

- DIVISION
- CIVIL
 - TRAFFIC
 - WATER
 - WASTEWATER

SOUTH BEND CLINIC
FRANCIS STREET VACATION