

I. EXECUTIVE SESSION

The Board of Public Safety met in the Executive Session on Wednesday, August 21, 2024 at 8:49 a.m. with Board President Dan Jones and Board Members, Darryl Heller, Lee Ross, Al Kirsits, Pamela Claeys and Attorney Danielle Weiss. Also in attendance was Attorney Adam Taylor, Chief Carl Buchanon and Assistant Chief Andy Myer. The meeting was held in the Boardroom, 13<sup>th</sup> Floor., County-City Bldg., 227 W. Jefferson Blvd., South Bend, Indiana and virtually via Microsoft Teams for the purposes specified in I.C. 5-14-1.5-6.1(b)(2)(A) for discussion of strategy with respect to collective bargaining and I.C. 5-14-1.5-6.1(b)(9) to discuss a job performance evaluation of an individual employee. The meeting ended at 9:17 a.m.

BOARD OF PUBLIC SAFETY

\_\_\_\_\_  
Daniel Jones, President



\_\_\_\_\_  
Darryl Heller, Member



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Lee Ross, Member



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Al Kirsits, Member



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Pamela Claeys, Member

ATTEST:



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Theresa Heffner, Clerk

I. REGULAR MEETING

The Board of Public Safety met in the Regular Meeting at 9:23 a.m. on Wednesday, August 21, 2024, with Board President Dan Jones, and Board Members Darryl Heller, Lee Ross, Al Kirsits, and Pamela Claeys were present. Also, Police Chief Scott Ruskowski, Fire Chief Carl Buchanon, and Attorneys Danielle Campbell Weiss, Adam Taylor, Kylie Connell, and Board Clerk Theresa Heffner. The meeting was held in the Council Chambers 4<sup>th</sup> Floor, County-City Bldg., 227 W. Jefferson Blvd., South Bend, Indiana and virtually via Microsoft Teams at the following link: <https://tinyurl.com/2024BPSHybrid>

Attorney Weiss asked that everyone mute their microphone when not speaking and reminded attendees that comments from the public should be saved for the Privilege of the Floor portion of the meeting. Attorney Weiss then read through the agenda to note any additions or corrections.

A. ROLL CALL OF MEMBERS

Board President Dan Jones welcomed the public, called roll, and confirmed the presence of the Board Members.

B. APPROVE MINUTES OF PREVIOUS MEETINGS

Upon a motion by Pamela Claeys, seconded by Al Kirsits, and carried by roll call, the Board approved the Minutes of the July 17, 2024, regular meeting and the August 6, 2024 special meeting. Lee Ross abstained from voting on the special meeting on August 6, 2024, because he was not in attendance.

C. **TABLED - APPROVE RESOLUTION NO. 02-2024 ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CLAY TOWNSHIP (FOX CREEK ANNEXATION AREA).**

Michael Divita, Principal Planner with Community Investments, did a summary of the below

resolution.

Mr. Divita explained that the annexation has been requested by the property owner of 17023 Hepler St., which is the northwest corner of Hepler St. and Hickory Rd. The proposed annexation area is about seven and a half (7½) acres and currently vacant. The petition proposes to construct approximately forty (40) homes, primarily in the form of duplexes. The annexation area would be added to police beat 11 and Serviced by Fire Station 3 and Medic 9, with comparable response times. There is no need for additional equipment or personnel.

Ms. Claeys had several concerns about the annexation. She asked if the city has worked with the developer in the past and asked if there have been any problems or any history that we need to know about. Neighbors were opposed to the razing of trees in on of this developer's projects. Mr. Divita advised that the city has not worked with him directly, but he has done work in the broader region and has not heard about any problems with his product or developments.

Ms. Claeys noted that back in 2017 when neighbors were opposed to the razing of trees. She then asked who the two (2) officers were in the corporation. Mr. Divita advised that Tim Saylor and Pat Matthews are the two (2) officers.

Ms. Claeys noted concerns about the clarity of the annexation and has concerns about water and sewer mains due to Juday Creek being nearby. She also noted concerns about things not being done correctly and it turning into a legal issue.

Ms. Claeys brought up the difference in the tax rate for unincorporated Clay Township versus Clay Township in South Bend. She is concerned that the city will be losing money on this deal. Mr. Divita noted that it is admittedly a bit of a crude model and probably front loads the costs a little bit based on the model after development the project would be a net loss of about \$28,000 a year. This is based on assumptions of what assessed values might be. The calculations are based on a \$250,000 per year assessed value, so if it came back higher that would close or potentially eliminate that gap. Any smaller housing product like a single-family home generally will have a negative fiscal impact of that. That means it costs more to serve than we get back in revenue. We make that up just based on commercial industrial projects. He added that it's based on heavily being owner occupied, which would be subject to the one percent (1%) tax cap. There's certainly benefits to owner occupied housing from a pure fiscal perspective, sometimes that's a disbenefit. If it was a rental property, it would be subject to a two percent (2%) tax cap, so the revenues would double.

Ms. Claeys stated it doesn't look that bad from a fiscal impact perspective, but she had concerns that if requirements are not followed, what would be done to help protect Juday Creek. Principal Planner Divita stated that this this is only annexation. A lot more will come in when they submit for construction permits to do anything through the city's plan review process. They would be subject like any other property to the city standards around drainage, sewers, housing setbacks, tree preservation, et cetera.

Mr. Heller asked the Chiefs how it would affect their services. Chief Buchannon stated that it wouldn't change their curve one way or the other, but obviously it would increase their call volume. Chief Ruszkowski stated that it's doable, but we won't truly know until houses are built there and what, if any, issues there may be in those houses add to the gravity of those issues.

Ms. Claeys and Mr. Heller noted that a little bit more information is needed, so it was tabled until the September meeting. This does not interfere with the schedule for getting it approved by the Common Council.

#### **RESOLUTION NO. 02-2024**

#### **A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CLAY TOWNSHIP**

**(FOX CREEK ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Clay Township, St. Joseph County, Indiana, which is more particularly described at Page 13 of Exhibit “A” attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately 7.5 acres of vacant land, which property is at least 12.5% contiguous to the current City limits, i.e., 57.9% contiguous, generally located at the northwest corner of Hepler Street and Hickory Road (17023 Hepler Street). It is anticipated that the annexation area will be used for residential development, primarily in the form of duplexes; and

WHEREAS, this use will require a basic level of municipal public services, including the provision of police and fire protection; and

WHEREAS, the Board of Public Safety now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of police and fire protection to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that those services will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria; and (5) the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 13 of Exhibit “A” attached hereto be annexed to the City of South Bend.

Section II. It shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Safety, to furnish to said territory police and fire services within one (1) year of the effective date of annexation in a manner equivalent in standard and scope to similar services furnished by the City to other areas regardless of similar topography, patterns of land use, or population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

Section III. The Board of Public Safety shall and does hereby now establish and adopt the Fiscal Plan, attached hereto and incorporated herein as Exhibit “A”, and made a part hereof, most particularly those provisions pertaining to police and fire protection at pages 7 and 8 of Exhibit “A”, for the furnishing of said services to the territory to be annexed.

**D. POLICE DEPARTMENT****1. APPROVE PROMOTIONS TO PATROLMAN 1<sup>ST</sup> CLASS**

Kassandra Duran  
Robert Neuffer  
Quentin Phillips  
Faith Quintana

Police Chief Scott Ruszkowski submitted letters of recommendations for the above officers to be promoted to Patrolman 1<sup>st</sup> Class and stated the officers have successfully met the requirements outlined in the working agreement to become a PFC within the SBPD, with an effective date of August 30, 2024.

Upon a motion by Pamela Claeys, seconded by Darryl Heller, and followed by a roll call, the Board approved the Promotions to Patrolman 1<sup>st</sup> Class.

2. ACCEPT LETTER OF RESIGNATION – BENJAMIN CANARECCI

Chief Scott Ruskowski submitted a letter of resignation for Officer Benjamin Canarecci. Chief Ruskowski stated Officer Canarecci was sworn into the Department March 15, 2017 and his effective date of resignation was August 10, 2024. Chief noted Officer Canarecci is resigning due to Pension Disability. Board President Dan Jones accepted the letters on behalf of the Board.

3. APPROVE LEXIPOL POLICES

- 412 – Summons, Promise to Appear and Release
- 430 – First Amendment Assemblies

Attorney Kylie Connell submitted the above Lexipol policies for approval and reminded the Board Members and the public that the above policies were submitted to the Board at the July 2024 Board of Public Safety Meeting. She noted minor changes in each of the policies.

Upon a motion by Pamela Claeys, seconded by Darryl Heller, and followed by a roll call, Lexipol Policies 412 and 430 were approved.

4. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR JULY 2024

Chief Scott Ruskowski submitted the July 2024 Monthly Statistical Analysis Report. Chief Ruskowski noted that there was a seventeen percent (17%) decrease in Part One Offenses.

The JULY 2024 analysis is as follows:

<u>PART 1 OFFENSES</u>	<u>YEAR TO DATE</u>					
	<u>2023</u>	<u>2024</u>	<u>CHANGE</u>	<u>2023</u>	<u>2024</u>	<u>CHANGE</u>
HOMICIDE/ MANSLAUGHTER	3	1	-2	13	7	-6
JUSTIFIABLE HOMICIDE*	0	0	0	1	2	1
RAPE	6	4	-2	37	39	2
ROBBERY	14	22	8	157	122	-35
AGGRAVATED ASSLT	124	98	-26	691	643	-48
BURGLARY RES	40	53	13	268	241	-27
BURGLARY NON RES	31	28	-3	144	112	-32
LARCENY	199	189	-10	1334	998	-336
MOTOR VEH THEFT	38	42	4	284	244	-40
ARSONS	1	12	11	9	26	17
GRAND TOTAL	456	449	-7	2937	2432	-505

Respectfully submitted,

  
 Scott Ruskowski  
 Chief of Police

Month: JULY 2024

<u>PART 1 OFFENSES</u>	<u>2023</u>	<u>2024</u>	<u>CHANGE</u>
HOMICIDE/ MANSLAUGHTER	13	7	-46%
JUSTIFIABLE HOMICIDE*	1	2	100%
RAPE	37	39	5%
ROBBERY	157	122	-22%
AGGRAVATED ASSLT	691	643	-7%
BURGLARY RES.	268	241	-10%
BURGLARY NON RES.	144	112	-22%
LARCENY	1334	998	-25%
MOTOR VEH THEFT	284	244	-14%
ARSONS	9	26	189%
GRAND TOTAL	2937	2432	-17%

-17% CHANGE IN PART 1 CRIMES THROUGH

JULY 2024 

E. FIRE DEPARTMENT1. APPROVE PROMOTIONS TO FIREFIGHTER 2<sup>ND</sup> CLASS

Cody MacLeod  
 Jacob Beebe  
 Jake Whitesel  
 Tim Born  
 Stephen Margaritis  
 Paige Burkus  
 Justin Miller  
 Caleb Fischer  
 Matt Petrie  
 Jordan Walthall  
 Zach Amberg

Fire Chief Carl Buchanon submitted a Letter of Recommendation for the above Firefighters to be promoted to Firefighter 2<sup>nd</sup> Class effective August 16, 2024.

Upon a motion by Darryl Heller, seconded by Lee Ross, and followed a roll call the Board approved the promotions to Firefighter 2<sup>nd</sup> Class for the above Firefighters.

2. APPROVE APPLICATION AND DECLARATION FOR RETIREMENT - JOHN JENNINGS

Chief Carl Buchanon submitted a letter of Application and Declaration for Retirement for Firefighter John Jennings, Badge #356. Chief Buchanon noted that Firefighter Jennings was appointed to the Sbfd on February 20, 1991, and was a pump engineer of Engine #9, B-Shift. Chief Buchanon asked the Board to join him in appreciation and gratitude to Firefighter Jennings for his dedication and commitment to the Sbfd, and the citizens of the City of South Bend for over thirty-three (33) years of service. President Jones stated that Firefighter Jennings would receive a commendation coin for his years of service.

Upon a motion by Pamela Claeys, seconded by Darryl Heller, and followed by a roll call, the Application and Declaration for Retirement was approved.

3. RECEIVE UPDATE MEMORANDUM OF UNDERSTANDING SOUTH BEND COMMUNITY SCHOOL CORPORATION AND CITY OF SOUTH BEND FIRE DEPARTMENT.

Attorney Adam Taylor explained that this is a fully executed document and thanked the Board for having a special meeting to approve it.

4. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR JULY 2024

Chief Carl Buchanon submitted the monthly statistical analysis report for July 2024. He noted that property damage costs were similar to that of a year ago, and he couldn't really give a description as to why. He added that they have improved their public education to ensure that homes within the city limited have working smoke alarms and carbon monoxide detectors. They also educate the public on how best to get out of their house and the procedures they should take when there is a fire.

Chief Buchanon noted that the number of incidents they responded to for the month of July was 2038, but the overall amount of times that particular apparatuses responded for the month of July was 6005 calls.

Mr. Heller asked about hazmat incidents and asked if hazmat incidents are a subset of a fire incidents. Chief Buchanon advised that they are totally separate. This could include commercial trailers, semis, or railroad systems passing through. Some businesses can also promote a hazmat incident.

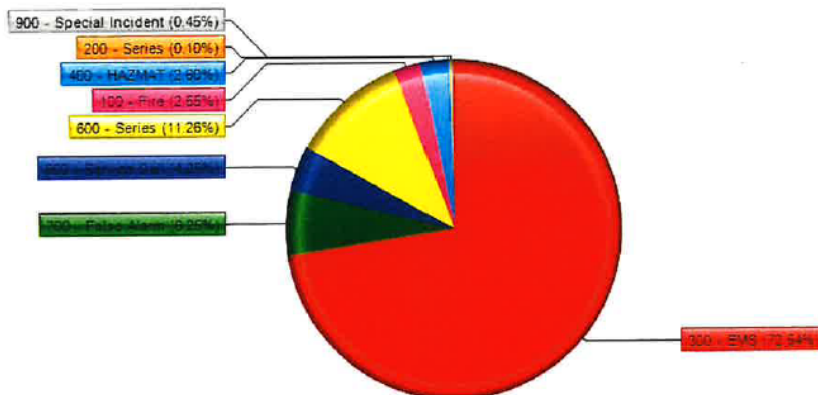
Mr. Kirsits asked if Sbfd still goes to the schools to educate them on fire safety. Chief Buchanon responded that they still do that and that their public information officer, Suzie Krill, is very adamant about educating in our schools about fire safety. Mr. Claeys noted

that the presentation that officer Krill gave a neighborhood association was wonderful. They also put it in the newsletter and she is still hearing kudos about that.

Ms. Claeys also asked about the Fire Index Incident form that was included in their packet and asked Chief Buchanon what it was meant for. Chief Buchanon advised that Captain Tony Nani is a fire investigator guru and came up with these numbers in order for the department to have the right data to increase our ability to be able to be a more effective Fire Department and not just go through the motions. He also requires Assistant Chief Derek Erquhart who is the Fire Marshal to do the same. This is an effort to be the best department they can be. This will also give the Board a better idea of what the SBFD does and why.

JULY 2023	JULY 2024
<b>STRUCTURE FIRES</b> Property Damage--Buildings & Contents (Estimates)	
\$425,850	\$407,406
<b>INSPECTION DIVISION</b>	
115 Inspections	146 Inspections
<b>INVESTIGATION DIVISION</b>	
18 Investigations	26 Investigations
5 Incendiary 9 Accidental 0 Natural 4 Undetermined	5 Incendiary 12 Accidental 0 Natural 6 Undetermined 3 Under Investigation

2024 July	Fire Department
Incident Type	Monthly Breakdown
100 - Fire	58
200 - Series	2
300 - EMS	1479
400 - HAZMAT	52
500 - Service Call	87
600 - Series	225
700 - False Alarm	126
900 - Special Incident	9
<b>Monthly Total</b>	<b>2038</b>



E. PRIVILEGE OF THE FLOOR

Attorney Weiss reminded the public to use the hand-raising function of Microsoft Teams to indicate their desire to speak during Privilege of the Floor. She reminded attendees that they would be allotted three (3) minutes to speak.

There was no one present or virtual that wanted to speak.

F. ADJOURNMENT

There being no further business to come before the Board, upon a motion by Lee Ross, seconded by Darryl Heller, and carried by roll call, the meeting was adjourned at 10:05 a.m.

BOARD OF PUBLIC SAFETY

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Daniel Jones, President



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Darryl Heller, Member

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Lee Ross, Member



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Al Kirsits, Member



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Pamela Claeys, Member

ATTEST:



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Theresa Heffner, Clerk