

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
January 9, 2018

The regular meeting of the St. Joseph County Council was called to order at 6:00 p.m., on January 9, 2018, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Robert L. Kruszynski
Mr. Corey Noland
Mr. James O'Brien
Ms. Diana Hess
Mr. Rafael Morton
Mr. Mark P. Telloyan
Mr. Mark A. Catanzarite
Mr. Robert J. McCahill
Mr. Mark Root

Present from the Auditor's office were Michael Hamann, Auditor and John Murphy, Chief Deputy Auditor. Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Ms. Hess made a motion to approve the minutes of the December 5, 2017 meeting and was seconded by Mr. O'Brien, the motion was passed by a voice vote; 9-0.

No report from the County Auditor

No report from the County Commissioner:

First Readings:

BILL NO. 1-18: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT 14017 DRAGOON TRAIL AND VACANT LAND WEST OF THE ADJACENT TO 14017 DRAGOON TRAIL FROM R: SINGLE FAMILY DISTRICT TO C: COMMERCIAL DISTRICT
PETITIONER(S): SAMUEL A. MERCANTINI
Assigned to the Land Use Planning Committee

BILL NO. 2-18: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT SOUTH-EAST CORNER OF EDISON ROAD AND WALNUT ROAD FROM A: AGRICULTURAL DISTRICT TO M: MANUFACTURING INDUSTRIAL DISTRICT AND GRANTING A SPECIAL USE PERMIT FOR A READ MIX CONCRETE PRODUCING FACILITY
PETITIONER(S): GOLDEN REALTY, LLC
Assigned to the Land Use Planning Committee

BILL NO. 3-18: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 10250 MCKINLEY FROM R: SINGLE FAMILY DISTRICT TO C: COMMERCIAL DISTRICT
PETITIONER(S): CRAIG E. AND DEBRA D. ANTHONY
Assigned to the Land Use Planning Committee

BILL NO. 4-18: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN ST. JOSEPH COUNTY, INDIANA AND THE TELECOMMUNICATORS OF ST. JOSEPH COUNTY, INDIANA (AFSCME) PETITIONER(S):

Assigned to the Budget and Administration Committee

Resolution(s):

BILL NO. 5-18: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL IN REMEMBRANCE OF AND TO HONOR BEVERLY D. CRONE

Mr. Hamann, St. Joseph County Auditor: Normally, these resolutions are read by the President of the county council Rafael Morton, however, he was kind enough to ask me to do this in honor of Beverly Crone with whom I've served with Cindy Bodle who is here in the audience as County Commissioner from 1999-2003, she was a dear friend and I am honored to read this resolution:

COMES NOW the St. Joseph County Council and for its Resolution of Remembrance says and states as follows:

WHEREAS, Beverly D. Crone passed away on December 31, 2017; and

WHEREAS, Beverly was a graduate of Riley High School in South Bend before being elected to two (2) terms as City Councilwoman at Large for the City of South Bend; and

WHEREAS, Beverly subsequently served for ten (10) years as the St. Joseph County Auditor becoming the first woman to serve as County Auditor; and

WHEREAS, Beverly was subsequently elected to two (2) terms as a St. Joseph County Commissioner becoming the first woman President of the Board of Commissioners; and

WHEREAS, during her long career of public service, Beverly drafted South Bend's sewer insurance program ordinance, spearheaded the effort to save the 1855 Courthouse from demolition, and oversaw its renovation to a functioning court facility. Beverly also played a major role in the construction of the Fredericks Juvenile Justice Center, the Mishawaka AM General plant, the INTEK facility in New Carlisle, and the ethanol plant in South Bend. Beverly was well known for her understanding and familiarity with governmental budgets; and

WHEREAS, among Beverly's many awards were the Sagamore of the Wabash Award from Governor Evan Bayh, the Women's Fest Lifetime Achievement Award, and the Ideal Baldoni Distinguished Achievement Award. Beverly was awarded keys to the cities of South Bend and Mishawaka along with St. Joseph County. In 2012 the St. Joseph County Commissioners and the County Parks Board named a 100-acre recreation area the Beverly D. Crone Park; and

WHEREAS, Beverly was a wife, mother, grandmother, great grandmother, aunt, great aunt, sister and friend to many. Beverly is survived by her three (3) children, Judge Terry A. Crone, Gary L. Crone and Larry A. Crone.

Section 1. NOW THEREFORE, BE IT RESOLVED by the St. Joseph County Council, we hereby acknowledge Beverly's great service to the citizens of St. Joseph County, and extend our deepest sympathy to her family and many friends.

Section 2. This Resolution shall be in full force and effect from and after its passage.

Dated this 9th day of January 2018.

Mr. Morton: On behalf of the Commission President, Andy Kostielney, I just talked to Andy and he is under the weather and he asked me to let the family know how much he respected Bev and he wanted me to make sure I said as far as flying the county flag at half-staff, that is not done on a regular basis and he said he definitely felt honored to do that in honor of Bev. From my perspective, I worked with Bev when I was young councilmen and she was even more than a mentor to me, she instilled confidence in me that I didn't even know where there when it came to

working with county government and she was always there for me as far as any questions and I learned so much from her and she was a dear friend and my respect for her is, hard to put into words, I mean that from the bottom of my heart. A lot of you might know my uncle who worked with Steve Luecke and Joe Kernan and he worked directly with Bev, Jack Reed, we were talking about Bev over the weekend and he shared some stories, some of the accomplishments that she basically did for him, in the mayor's office that I was unaware of, blew me away, to be honest. Just a great lady and I feel honored to have had the privilege of working with her.

Mr. Catanzarite: Much like yourself, Mr. Morton, I took office the same year that Bev became a county commissioner, she had already had a lot of political experience under her belt at that time, she had been a city councilmember and an auditor for many years prior to that. One of the many accomplishments that I am really proud of that she and Cindy and Dick Larrison were able to put together which is near and dear to my heart, which I think is important to many people in the county which we take for granted today is the inter-governmental agreement that was forged with the city of South Bend and the county to provide paramedic ambulance service to people in incorporated parts of the county. Prior to that, there was kind of a willy nilly agreement with a private ambulance service that when you called for an ambulance sometimes you would get one and sometimes you wouldn't. I think Bev and Cindy and Dick recognized how important that was and that agreement remains in place today and there are three ambulances dedicated to the St. Joseph County unincorporated areas that largely are because of the work of Bev, Cindy and Dick Larrison. That is one of the major accomplishments, countless bridges got built during her tenure as commissioner, most notably for me I can think of the Lincolnway East Ironwood underpass which it is a convenience for us and the motoring public but if you work in public safety and you know you have to get to somebody's house for a fire or a medical emergency, that bridge is really important in our community, that along with the Main Street bridge in Mishawaka. She was, as Rafael said, a great person to work with, a gentle giant and she carried a big stick but she didn't use it too often, when she did, you had to watch out. She will be dearly missed, we missed her when she missed county government, we will especially miss her now. Know that her legacy lives on with her family and with her grandchildren and great grandchildren, she will never be forgotten.

Mr. Kruszynski: My deepest sympathy to the family of Beverly Crone. I was there that night when Cindy and Bev got elected and I couldn't have been any prouder of two individuals in this county. As everyone knows that Ms. Crone was a very intelligent woman and that evening kind of stuck me a little bit when she said Bobby, it is going to be a pleasure to work with you. Evidently, she didn't know me that well and work for her I did and she was always there when I needed her as Highway Commissioner, Cindy and her were always there. I can't thank the late Beverly Crone enough because I probably wouldn't be where I am at right now if it wasn't for her and Cindy Bodle and others. I have always been told be nice to the people going up the ladder because you may see them when you come down. As everyone knows, I umpired baseball for twenty-three years and I would always see the family out there at John Glenn High School, the late Phil and Bev would sit right up on the hill there as the umpires came out of the school and walked to the diamond and Bev would always look at me and say "Bobby have a good game, but remember now, Philip or Patrick's batting third in the lineup today." I said Bev, I probably will notice that when I get the lineup card but I appreciate you telling me that. Phil would always let me know if the pitch was too low or high and then Bev would have to calm him down a little but then we would always talk about that as we would be leaving the field. They were always very supportive of their grandchildren as was told over the weekend. I couldn't be any prouder to have worked for her, not only Bev but for Cindy and Mike also.

Ms. Hess: I'd also like to offer my condolences to the family as the only woman on the council still here, I didn't have the privilege of working with Bev, I have heard lots of stories about her and how gracious she was to everyone who came to her office to have conversations with her and made everybody feel well respected and that she really cared about their problems and their issues. I was fortunate enough to work with Larry, her son, who helped me on my campaign, he had lots of wisdom from working on the many many campaign's, very knowledgeable so I think she certainly was a good role model, now just for women to get into government here in the county but for everybody in government in the county here in St. Joseph County so we appreciate her and she will be missed.

Mr. Hamann: My condolences also to the family. I worked with Beverly, I was a young neophyte in county government, Bev taught me a lot. I am telling you every single day, she talked about the grandkids. My kids and her grandkids are roughly the same age but before we did any business, we would just sit and talk about the kids and she was so dedicated to you kids. She worked with you in the mornings and then in the afternoon, it was just a beautiful thing to see the heart of a grandmother. She can also be tough when she needed to be. County police were

always a little bit nervous dealing with her and asking for raises and if you came to the commissioners and wanted something, you better have your facts in order and a little bit of tough love with me, she gave me the best political advice I have ever gotten in my life. Early on, I went tenure, I was in some sort of goofy political situation, it was a bit uncomfortable and I asked her, "hey do you mind if I kind of take a back seat on this and you and Cindy can deal with this?" She grabbed me by my lapel and she pulled close to me and she said "you are a county commissioner now, act like it." She saw I was a little bit shell-shocked she said, "look, what I am trying to tell you is, you have to do what's right. You do what's right. You not always going to be able to do things that make you popular, you are going to be unpopular, do the right thing." Then she used a phrase I have heard Judge Crone use many times before, "good government is good politics." Have courage and do the right thing and things will be fine. I have tried all these years to do that. I thank her for that and God bless you all.

Terry Crone: I am Beverly's son. On behalf of the family I want to express our sincere gratitude for this honor and the kind words that everybody had to say about my mother. There has been a lot of reflection and a lot of discussion with a lot of people over the last couple of weeks after she turned ill and there are many people in this room who were instrumental in helping her do the things that she did. It's nice to hear a list because quite frankly, many of the things that people have told me that she did either publicly or for them, I was unaware of because mom was not the kind of person that did things for credit, she did things because she wanted to get them done. It was a different time in 1979, her kids grown, she decided that she wanted to become involved in government and back in those days we had kitchen table campaigns, we didn't have a whole lot of money so she, dad and I would sit down at the table and at that time, you would try and come up with a slogan that you could use that people would identify with that would set you apart from other people, establish an identity, she had never run for office before. She came up with the slogan "The key to good government is participation." She believed that because those of you that knew here and worked with her knew that she didn't say anything that she didn't believe in. She never lost an election. She worked very hard running for office but she also worked very hard being in office as Mike said, she believed that the best politics was good government. She believed that a good idea was not necessarily only on one side of the isle or the other. She would agree with anybody that she though had a good idea. She understood that politics and government is about inclusion and not exclusion and you don't make permanent enemies, you may disagree with somebody, you do so respectfully and civilly and hopefully in the future, you can find common ground and work together. That is my observation on her in her public life. I didn't really appreciate the significance that she had to so many women of my generation and a little younger because mom never made any big deal out of gender and she did what she thought was best. A female judge sent me an email when she heard that mom died and I want to read two sentences out of it. What she said was that mom was always prepared, she was a total professional and that she never doubted herself, she never limited her possibilities, she believed she could do anything that anybody else could do if you just worked hard enough and got along with people. In addition to that, she was a mother, a grandmother and a great grandmother and a wife. On behalf of the family, I want to thank you for this honor.

Cindy Bodle: I was very fortunate to be able to serve our community especially with Mrs. Crone. She was the Auditor, I was the Treasurer, we were commissioners together. We have lot and lots of stories that she loved winter, I hate winter. We just have lots of good times that go back and there has been a lot of very good things, very nice things that have been said. But more than anything, what's most important to me is thanking her family for sharing her with all of us in our community and helping us do the right things at the right times. She was very easy to work with, she was very easy to talk to and she instilled good in anything and everything she did and we did together. I haven't said much of anything else, that is all I'm going to say and you all know how much you all mean to me.

Evie Kirkwood, Director of St. Joseph County Parks, I too send my condolences to the family. I had mentioned to Judge Crone and many members of the family this same comment that many of you have also already expressed about what an inspiration Beverly was to me as a woman working in government as well as to anyone working in government. On behalf of the St. Joseph County Parks Board and the St. Joseph County Parks staff and the Department of Public Works that help us comanage the Crone restoration area also known as Crone Park, we are very honored to be able to carry on her name and her legacy. She worked very hard on that Jackson Road landfill site. She knows, as I believe maybe even Mike that excepting the management of that site was something that I was not too keen on. However, the wonderful story for that site is that it has become an amazing bird watching site and it's a place where many endangered grassland birds now nest and it's become popular with people who come from out of town just to see those birds so it is definitely a story that Beverly and the other commissioners at the time had a passion for and I did not but I have certainly become a convert.

John McNamara, County Surveyor, I want to say, arguably, probably, that Cindy Bodle and Bev Crone and Mike Hamann were the best county commissioners we have ever had. They weren't afraid to ask questions. Bev and I would sit down when a complaint would come in and she would say ok what is happening here. I would explain it from a technical stand point and she would say ok, at least I understand. The only thing that I can say about Bev is, when her time was done, it's true, she was well done my good and faithful servant.

Motion to pass Bill No. 5-18 was made by Mr. McCahill and seconded by Ms. Hess. Bill No. 5-18 was passed to-wit; 9-0

Salary Amendment(s):

BILL NO. 96-17: AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0012 ASSESSOR) *COMBINED WITH BILL NO. 95-17 E*

Ms. Hess reported that Bill No. 96-17 comes with a favorable recommendation.

Rosemary Mandrici, St. Joseph County Assessor, Michael Castellon, Penn Township Assessor.

Ms. Mandrici: We are requesting the appropriation for two positions one would be from the Cumulative Reassessment Fund for a Real Estate Deputy that would be assisting the Penn Township office and then one from the County General Fund for a Senior Commercial/Industrial specialist for my office and will also, I think will coordinate on some commercial and industrial review county wide for some more uniformity as we proceed in our next four-year cycle of cyclical reassessment.

Motion to pass Bill No. 96-17 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 96-17 was passed to-wit; 9-0

BILL NO. 97-17: AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0012 ASSESSOR) *COMBINED WITH BILL NO. 95-17 F*

Ms. Hess reported that Bill No. 97-17 comes with a favorable recommendation.

Ms. Mandrici: For the previous bill that was combined, I had combined the positions. This appropriation is for a Real Estate Deputy I.

Mr. O'Brien: There are two employees, the one we just voted on, that ordinance was just for one. And it's just coming from different sources of revenue.

Ms. Mandrici: Correct.

Motion to pass Bill No. 97-17 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 97-17 was passed to-wit; 9-0

BILL NO. 98-17: AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0034 COMMISSIONER) *COMBINED WITH BILL NO. 95-17 G*

Ms. Hess reported that Bill No. 98-17 comes with a favorable recommendation.

Bill Schalliol, Economic Development Director for St. Joseph County, here today to talk about a new position, an Economic Development Planner position that would serve to do a variety of economic development functions within the economic development group also would serve as a resource to Area Plan Commission and several of the other offices within the development team. That position is proposed to be paid out of CEDIT.

Mr. O'Brien: Would this additional worker, any chance that we'll be able to internalize the role that the Chamber has been playing?

Mr. Schalliol: As we had this conversation at committee, we have had conversations with the Chamber what exactly could be removed the LEDO positions, if you will. Those conversations are ongoing. But certainly, will add functionality to our office to help with lead response and cover a lot of those duties that are currently covered by the Chamber.

Mr. O'Brien: The logical extension would be if we are able to cover a lot of the responsibilities that are currently handled by the Chamber would you anticipate that our fee or contribution to the Chamber would decrease?

Mr. Schalliol: I think that is certainly part of the conversation, that's correct.

Mr. Telloyan: Who would be the decision maker on this hiring?

Mr. Schalliol: It will be a job posted by the HR department, I don't know if we have talked about who the hiring team will be for this position. I would imagine I would be apart of the conversation, I would imagine the Commissioners would have some role of the hiring and Jessica Clark and some others. But at this point in time, we have not talked through that process.

Mr. Telloyan: How would the job be advertised?

Mr. Schalliol: Through the typical measures that we advertize county jobs. I haven't hired anybody through the county process so I am not really sure what the HR process is, I know that the HR process is changing with some changes that are happening in HR right now.

Ms. Hess: I know it's hard to speculate, do you have any idea when you will have a better idea what the Chambers role would be moving forward.

Mr. Schalliol: We are trying to schedule something this week, as early as this week. One of our problems we have right now, and we actually have a economic development professionals meeting tomorrow morning at eight o'clock where we, the city of South Bend, city of Mishawaka and IEDC get together with the Chamber to talk about development prospects, one of the things we are trying to do is really understand how we need to be focusing on lead responses as a county, as a group of economic developers professionals. We are trying to sort through what the role is and really how active the Chamber needs to be or who the LEDO could be for the region.

Mr. O'Brien: I would make a motion that we table this bill for one month to get answers to lean who is going to make the hiring decision and how much less the county will pay the chamber.

Mr. Noland: I am not necessarily opposed to tabling it but, what the county to chooses to pay the Chamber is completely up to the people sitting at this table so it's not anything that we are going to find out in a months' time the other part of that sort of makes sense as far as who the team is, how it's going to operate or about how it's going to be advertised but I don't think they are going to be able to determine and come back to us and tell us what the county is going to pay the Chamber because the people at this table decide that.

Mr. O'Brien: My colleague's points are well taken although I would point out that I believe that part of the LEDO payment for the Chamber is now coming from Redevelopment which is not under our super oversight and personally, it could impact my vote knowing how much this is going to save us like anything else, if we create this new position and it costs us forty thousand and we save sixty, that's great. If we create the new position and it costs us eighty and don't save anything, that's not great.

Motion to table Bill No. 98-17 was made by Mr. O'Brien and seconded by Mr. Kruzynski. Bill No. 98-17 was tabled

to-wit; 8-1

Against: Mr. Root

Public Hearing/Public Comment:

BILL NO. 95-17: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFERS:

A. General Services
General Fund

FROM: 1000-14850-000-0040	Unemployment	\$157,000.00
TO: 1000-39401-000-0040	Mandates	96,000.00
1000-16200-000-0040	Petit Jurors	61,000.00
	<u>TOTAL: 157,000.00</u>	

APPROPRIATE:

B. Juvenile Justice Center
General Fund

1000-44010-000-0049	Equipment	\$19,164.73
	<u>TOTAL: \$19,164.73</u>	

C. Department of Public Works
Perpetuation Fund

1202-31070-000-0023	Contractual Services	\$50,000.00
	<u>TOTAL: \$50,000.00</u>	

D. Health Department
Health Immunization CoAg Grant

8131-11950-000-0055	Part Time	\$21,424.00
8131-14800-000-0055	FICA	1,640.00
8131-21030-000-0055	Office Supplies	250.00
8131-32020-000-0055	Travel	1,810.00
8131-32203-000-0055	Cell Phones	325.00
8131-33118-000-0055	Immunization Supplies	400.00
8131-33368-000-0055	Public Info & Education	15,662.00
8131-44010-000-0055	Equipment	200.00
	<u>TOTAL: \$41,711.00</u>	

E. Assessor
General Fund

1000-11110-000-0012	SR. Commercial/Industrial Deputy Assessor	\$40,000.00
1000-14800-000-0012	FICA	3,060.00
1000-14810-000-0012	PERF	4,480.00
1000-14840-000-0012	Group Health Ins.	16,300.00
	<u>TOTAL: \$63,840.00</u>	

F. Assessor
Cumulative Reassessment Fund

1188-11107-000-0012	Real Estate Deputy I	\$32,000.00
1188-14800-000-0012	FICA	2,448.00
1188-14810-000-0012	PERF	3,584.00
1188-14840-000-0012	Group Health Ins.	16,300.00
		<u>TOTAL: \$54,332.00</u>

G. Commissioners
LIT-CREDIT Fund

1112-11039-000-0034	Economic Dev. Planner	\$58,000.00
1112-14800-000-0034	FICA	4,437.00
1112-14810-000-0034	PERF	6,496.00
1112-14840-000-0034	Health Ins.	16,300.00
		<u>TOTAL: \$85,233.00</u>

Motion to pass Bill No. 95-17 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 95-17 was passed to-wit; 9-0

Land Use:

BILL NO. 88-17: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 12743 HEATHER PARK DRIVE AND 12748 SANDY DRIVE FROM M: MANUFACTURING INDUSTRIAL DISTRICT TO C: COMMERCIAL DISTRICT
PETITIONER(S): MERRILL REALTY LLC

Mr. Noland reported that Bill No. 88-17 comes with a favorable recommendation.

Mr. Magliozzi, Executive Director of the Area Plan Commission, this is a rezoning in the industrial park that is up in Granger. Essentially, it's to accommodate a new tenant in one of his buildings. That new tenant was not able to fit in the industrial district from our zoning perspective. It is being sent favorably from the Area Plan Commission.

Mr. Merrill: Basically, what we would like to do is correct and bring up to date the zoning for that part of Princess Way Park where most of the tenants that are using it have a commercial basis rather than more of an industrial basis.

Motion to pass Bill No. 88-17 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 88-17 was passed to-wit; 9-0

BILL NO. 94-17: AN ORDINANCE APPROVING THE PETITIONER FOR SPECIAL USE FILED BY STEPHEN AND CYNTHIA MEYER FOR THE PROPERTY LOCATED AT 53590 FIR ROAD GRANGER INDIANA 46530 THE SAME BEING PETITION 12-06-17-5 FILED WITH THE AREA BOARD OF ZONING APPEALS
PETITIONER(S): STEPHEN AND CYNTHIA MEYER

Mr. Noland reported that Bill No. 94-17 comes with a favorable recommendation.

Ayoka Paek, Zoning and Business Services Administrator with the Building Department, this special use petition for a equestrian sport activities on R Zoned Single Family District property comes to you with a favorable recommendation from the Area Board of Zoning Appeals.

Bernard Feeney, 715 S. Michigan Street, South Bend, as we discussed in committee, this is an amendment to the special use they received in 1998. They have operated under that special use since that time. They have been given a free barn but the people who are developing the apartment project across the street from them.

Motion to pass Bill No. 94-17 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 94-17 was passed to-wit; 9-0

Miscellaneous

BILL NO. 89-17: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III OF THE ST. JOSEPH COUNTY CODE BY AMENDING CHAPTER 32 PETITIONER(S): COREY NOLAND

Ms. Hess reported that Bill No. 89-17 comes with a favorable recommendation.

Mr. Noland: This, as it's proposed here just added three additional members to the existing Data Board mainly for the purpose of over this next year, the Data Board responsibilities are going greatly expand and become the executive committee of the soon to be IT Governance committee. Mike's suggestion was that we add two more council members and an at large department head. We have two council members that have agreed to serve, Mr. O'Brien and Ms. Hess, thank you very much.

Mr. O'Brien: This is for our attorney, is there any problem with Ms. Hess and I voting on this since we know we are the people being appointed?

Mr. Trippel: No, you are fine.

Motion to pass Bill No. 89-17 was made by Mr. Catanzarite and seconded by Mr. O'Brien. Bill No. 89-17 was passed to-wit; 9-0

BILL NO. 93-17: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XV, CHAPTER 154: LAND USAGE OF ST. JOSEPH COUNTY CODE BY AMENDING VARIOUS SECTIONS TO HARMONIZE THE HISTORIC DISTRICT PROVISIONS WITH THE INTERLOCAL AGREEMENT BETWEEN ST. JOSEPH COUNTY AND THE CITY OF SOUTH BEND PETITIONER(S): ST. JOSEPH COUNTY COUNCIL

Mr. Noland reported that Bill No. 93-17 comes with a favorable recommendation.

Mr. Trippel: As mentioned at the committee meeting, where this was discussed, this is the ordinance that is revising various county zoning ordinances to comply with the inner local agreement between the city and the county to allow Historic Preservation to be taken over by the city.

Mr. Magliozzi: Since the historic district is part of the zoning ordinance it had to go through the Area Plan Commission as a text change to the zoning ordinance. Plan Commission heard this at their December 19th meeting and is passing this on to you with a favorable recommendation.

Motion to pass Bill No. 93-17 was made by Mr. Catanzarite and seconded by Mr. Noland. Bill No. 93-17 was passed to-wit; 9-0

BILL NO. 99-17: AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION AMENDING TITLE XV, CHAPTER 154: LAND USAGE OF THE ST. JOSEPH COUNTY CODE BY AMENDING SECTION 159.600 MODIFICATION OR TERMINATION OF COMMITMENTS; SECTION 154.615 AUTHORITY; AND SECTION 154.620 VIOLATIONS TO ADD THE AREA PLAN COMMISSION AS THE RESPONSIBLE DEPARTMENT FOR EACH SECTION; AND SECTION 154.636 DEFINITIONS BY ADDING A DEFINITION FOR ZONING ADMINISTRATOR PETITIONER(S): AREA PLAN COMMISSION

Mr. Noland reported that Bill No. 99-17 comes with a favorable recommendation.

Mr. Magliozzi: This one and the next one is part of the transition of responsibilities that you are well aware of that were taken over from the Building Department relevant to the Area Board of Zoning Appeal. This particular one reflects the responsibility of the BZA from Building Department to the Plan Commission in one of the sections in the zoning ordinance, we update a couple of other sections to allow the area plan commission as an enforcement entity. We were not a part of that in the previous version of the zoning ordinance and since we did not have a definition for zoning administrator we had to add that, this is what this is comprised of. The Plan Commission send this with a favorable recommendation.

Motion to pass Bill No. 99-17 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 99-17 was passed to-wit; 9-0

**BILL NO. 101-17: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III, CHAPTER 32: COUNTY ORGANIZATIONS, AND TITLE XV, LAND USAGE OF THE ST. JOSEPH COUNTY CODE, AMENDING SECTION 32.02 AREA PLANNING DEPARTMENT AND SECTION 150.02 FILING FEES AND IMPROVEMENT LOCATION PERMIT
PETITIONER(S): AREA PLAN COMMISSION**

Mr. Noland reported that Bill No. 101-17 comes with a favorable recommendation

Mr. Magliozzi: This is the last administrative piece we need to do to accomplish a transition, this is apart of the code that allows the collection of fees by various departments, we had to have the Area Plan Commission in that category so we could begin collecting fees for the Board of Zoning Appeals.

Mr. Noland: Not on this particular bill but with all this going on, have you been able to replace your two staff members?

Mr. Magliozzi: It's been a challenge. We actually have one of them starting tomorrow, a young gentleman, a recent graduate of Ball State University and the second position which mostly handles subdivision reviews and answers a lot of questions from the public on zoning issues and subdivision issues had a challenge filling that one, we made an offer to a young gentleman out of Ohio, he decided to decline that offer because he wanted to stay a little closer to home. We are going to look at something a little bit different in covering the activities in that position. At the moment, I am handling that on a day to day basis. It has been a challenge.

Motion to pass Bill No. 101-17 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 101-17 was passed to-wit; 9-0

New Business:

Mr. Catanzarite: I'd be remiss if I didn't take a moment to recognize the Boy Scouts that are here. Boy Scout Troop 325, I presume you guys are trying to meet one of your requirements. We thank you guys for coming tonight.

Privilege of the Floor:


Tom Gill, 17770 Ashford Hill, Granger, I am president of St. Joseph County Right to Life, first of all, let me assure you, we don't have thirty people here to tie you up tonight. I did want to take this opportunity to thank the council for listening to those thirty-people last meeting in December, we really appreciate your attention, we appreciate your interest and we appreciate your respect. I also want to encourage you to contact us anytime you might have questions about this new abortion clinic that is coming into town and encourage you to keep this on your radar because it is something that we are concerned about and we hope you are concerned about and we are more than willing to answer any questions you have. We just hope you will keep abreast of what is going on so that if it becomes necessary for the council to address something, that you will be prepared to do that.

Mr. Catanzarite: Mr. Gill, do you happen to have an update as to how that process is going with the State of Indiana?

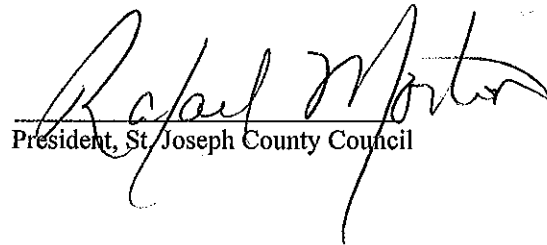
Mr. Gill: The state is still considering the license, the last we heard they had requested information from the facility, I can't tell you whether they have received that information or now but the last we heard was, they were waiting to get that information so the license has not been issues yet.

Mr. Catanzarite: Thank you.

Adjournment: Mr. Morton stated that the meeting was adjourned 7:04 p.m.



Auditor, St. Joseph County



President, St. Joseph County Council