

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
FEBRUARY 14, 2012

The regular meeting of the St. Joseph County Council was called to order at 7:01 p.m., on February 14, 2012, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Mark Catanzarite
Mr. Dale DeVon
Mr. Michael J. Hamann
Mr. Daniel G. Herbster
Mr. Michael J. Kruk
Mr. Robert J. McCahill
Mr. Rafael Morton
Mr. Corey D. Noland
Mr. Mark Root

Present from the Auditor's office was Mr. Peter H. Mullen, Auditor and Ms. Teresa Shuter, Chief Deputy Auditor. Council staff present were Mr. Michael A. Trippel, Attorney and Ms. Joan M. Pawlowski, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Mr. Kruk moved and was seconded by Mr. Herbster to approve the minutes of January 10, 2012. The motion passed by a voice vote; 9-0. No negatives were heard.

No report from the County Auditor.

No report from the Board of Commissioners.

No report from any Special Committees.

First Readings:

BILL NO. 5-12: AN ORDINANCE APPROPRIATING THE SUM OF \$73,170.00 OUT OF THE ST. JOSEPH COUNTY COMMUNITY TRANSITION PROGRAM FUND - 0803 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012. (Dept. 0080 - Comm Base - D.O.C.) {inter fund transfer} - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 6-12: AN ORDINANCE APPROPRIATING THE SUM OF \$70,828.00 OUT OF THE ST. JOSEPH COUNTY COMMUNITY BASED CORRECTIONS FUND - 0800 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012. (Dept. 0080 - Comm Base D.O.C.) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 7-12: AN ORDINANCE APPROPRIATING THE SUM OF \$131,500.00 OUT OF THE ST. JOSEPH COUNTY COMMUNITY BASED CORRECTIONS FUND - 0800 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012. (Dept. 0795 - C.B.C. - User Fees) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 8-12: AN ORDINANCE APPROPRIATING THE SUM OF \$25,000.00 OUT OF THE ST. JOSEPH COUNTY SURVEYOR SECTION CORNER PERPETUATION FUND - 0081 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Surveyor Section Corner Perpetuation Fund - Dept. 0002 - Auditor) - Assigned to the Engineering and Transportation Committee

BILL NO. 9-12: AN ORDINANCE APPROPRIATING THE SUM OF \$5,631.00 OUT OF THE ST. JOSEPH COUNTY USER FEE FUND - 0058 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Dept. 0005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 10-12: AN ORDINANCE APPROPRIATING THE SUM OF \$50,000.00 OUT OF HEALTH S.T.D. FUND - 0405; \$71,647.00 OUT OF HEALTH LOCAL HLTH SERVICES GRT FUND - 0505; \$11,000.00 OUT OF THE HEALTH BIOTERRORISM GRANT FUND - 0510 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012. (Dept. 0055 - Health) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 11-12: AN ORDINANCE AMENDING ORDINANCE 108-11, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2012. (Dept. 0018 - Prosecutor) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 12-12: AN ORDINANCE APPROPRIATING THE SUM OF \$48,248.00 OUT OF THE ST. JOSEPH COUNTY CLERK'S RECORD PERPETUATION FUND - 0083 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Dept. 0001 - Clerk & Dept. 0002 - Auditor) - Assigned to the Budget and Administration Committee

BILL NO. 13-12: AN ORDINANCE AMENDING ORDINANCE 108-11, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2012. (Dept. 0001 - Clerk) - Assigned to the Budget and Administration Committee

BILL NO. 14-12: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 18980 AUTEN ROAD, SOUTH BEND, INDIANA 46635 FROM: R SINGLE FAMILY DISTRICT TO P.U.D. DISTRICT, PLANNED UNIT DEVELOPMENT DISTRICT. (Petitioner: Ralph & Judith White) - Assigned to the Land Use Planning Committee

BILL NO. 15-12: 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 25698 S.R. #2, SOUTH BEND, INDIANA 46619 FROM R SINGLE FAMILY DISTRICT AND B BUSINESS DISTRICT TO C COMMERCIAL DISTRICT. (Petitioners: Brown Real Estate and Investments, LLC) - Assigned to the Land Use Planning Committee

BILL NO. 16-12: AN ORDINANCE APPROPRIATING THE SUM OF \$24,251.00 OUT OF THE ST. JOSEPH COUNTY PLAT BOOK MAINTENANCE FUND - 0037 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012. (Dept. 0002 - Auditor) - Assigned to the Budget and Administration Committee

BILL NO. 17-12: AN ORDINANCE AMENDING ORDINANCE 108-11, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2012. (Dept. 0002 - Auditor) - Assigned to the Budget and Administration Committee

BILL NO. 18-12: AN ORDINANCE APPROPRIATING THE SUM OF \$982.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012. (Dept. 0002 - Auditor) - Assigned to the Budget and Administration Committee

Public Hearings

Mr. Morton announced that there would be a combined Public Hearing on Bill No. 1-12 and 2-12 but would be voted on separately.

BILL NO. 1-12: AN ORDINANCE AMENDING ORDINANCE 108-11, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2012. (Dept. 0025 - Juvenile & Probate Court & 0049 - JJC) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 2-12: AN ORDINANCE APPROPRIATING THE SUM OF \$55,620.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Dept. 0025 - Juvenile & Probate Court & Dept. 0049 - Juvenile Justice Center) {increase/decrease appropriation} - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 1-12 and 2-12 come with a favorable recommendation.

Peter Morgan, Executive Director, stated that the purpose of the request is that in the 2012 budget they had two positions in the Detention area and now have determined that there is a more immediate need to fund a Probation Officer position in the Assessment and Diversion Team and to use part time funds for an additional Probation Officer.

Motion to pass Bill No. 1-12 was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 1-12 passed to-wit; 9-0. Motion to pass Bill No. 2-12 was made by Mr. Kruk and seconded by Mr. No land. Bill No. 2-12 passed to-wit; 9-0.

BILL NO. 160-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE IX, GENERAL PROVISIONS, CHAPTER 90, ANIMALS, OF THE ST. JOSEPH COUNTY, INDIANA CODE. - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 160-11 comes with a favorable recommendation.

The Clerk read the amendment stating that under Section 1. 90.61 Delete (C) (1) and replace with the following: All fees and permits under the "Animal Control Licensing Chapter" shall be retained by the Animal Control Agency. Under 90.64 Change "All dogs, cats and ferrets" to "All dogs and cats". Delete D., F., G., H., and I., and replace with the following: (entire rest of new Ordinance was read). Under 90.99, add (f) All fines collected by the Animal Control Agency shall be remitted to the St. Joseph County auditor's office.

Motion to amend was made by Mr. Herbster and seconded by Mr. Kruk.

Mr. Morton asked the petitioner if they agreed with the amendment? The response was yes.

Dr. Carol Ecker, DMV, Executive Director of the Humane Society, stated that this will clarify the meaning of the Ordinance.

Motion to pass Bill No. 160-11 was made by Mr. Herbster and seconded by Mr. Catanzarite.

Mr. Catanzarite asked if ferrets were vaccinated against rabies? Dr. Ecker's responded yes, it was a State law.

Bill No. 160-11 passed as amended; 9-0.

BILL NO. 142-11: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 11480, 11510, 11532 & 11590 MCKINLEY HIGHWAY, OSCEOLA, INDIANA 46561 FROM "B" BUSINESS DISTRICT, "C" COMMERCIAL DISTRICT & "R" SINGLE FAMILY DISTRICT TO "C" COMMERCIAL DISTRICT. (Petitioner: MCKH Properties, LLC) - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 142-11 comes with a favorable recommendation.

Christa Nader, Area Plan Commission, to allow for the expansion they have to come before you since this property is tired to a site plan. The total area to be rezoned is 10.76 acres. The houses will be removed to allow for the expansion of the parking and volleyball court. The Area Plan Commission has sent this with a favorable recommendation.

Bernard Feeney, Lang, Feeney and Associates, explained that the site will remain pretty much the same. Part of the rezoning is for expansion of parking to allow continued use. The rezoning is to consolidate all the property to C Commercial and to allow for volleyball courts.

Motion to pass Bill No. 142-11 was made by Mr. Root and seconded by Mr. McCahill. Bill No. 142-11 passed to-wit; 9-0.

Unfinished Business:

New Business:

Privilege of the floor:

Adjournment:

Mr. Morton stated that the meeting was adjourned at 7:25 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council