

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
December 4, 2012

The regular meeting of the St. Joseph County Council was called to order at 7:05 p.m., on December 4, 2012, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Michael J. Hamann
Mr. Daniel G. Herbster
Mr. James O'Brien
Mr. Robert J. McCahill
Mr. Rafael Morton
Mr. Corey D. Noland
Mr. Mark Root
Mr. Mark Catanzarite

Present from the Auditor's office were Mr. Pete Mullen, Auditor and Ms. Teresa Shuter, Chief Deputy Auditor. Council staff present were Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary. Councilman Kruk was not in attendance.

Petitions, Communications & Miscellaneous Matters:

Mr. Herbster moved to reappoint Rafael Morton to the Airport Authority, Ralph J. Wolf to the Alcohol & Tobacco Board, Dorothy Wayne and Jessica to the County Redevelopment Commission, Corey D. Noland to the Data Board, Larry Catanzarite to the Park & Recreation Board, Belinda Gillespie and Ann C. Connors to the PTABOA, Mark Green to South Bend Public Library Board and Ms. Lisa Mills to serve out the remaining portion of appointment for Diane Miko to the New Carlisle/Olive Township Library Board. This motion was seconded by Mr. Hamann. The motion was passed by a voice vote 8-0. There were no other negatives heard.

Councilman Morton moved to reappoint Mark Catanzarite to the Northern Indiana Commuter Transportation District and our new Councilman, Councilman James O'Brien to the Emergency Management Advisory Board. Mr. Herbster moved to nominate Sara Williams for the Economic Development Commission of North Liberty. Mr. Catanzarite seconded that motion. The motion was passed by a voice vote 8-0.

Mr. Noland moved and was seconded by Mr. McCahill to approve the minutes of November 13, 2012. The motion passed by a voice vote; 8-0. No negatives were heard.

Mr. Noland made a motion to allow first reading and public hearings on Bills No. 169-12 and 174-12 tonight. Mr. Hamann seconded this motion. The motion was passed by a voice vote 8-0.

No report from the County Auditor.

Report from the County Commissioners: Commissioner Kostielney stated, tonight we want to take a few moments to honor and thank State Representative Elect and former County Councilman, Dale DeVon, for his over ten years of service to the St. Joseph County Council to the people of St. Joseph County. For the last decade Dale has been a steady force on the Council always acting with grace, dignity and class. He truly has a servant part of the public servant piece perfected. It is with sadness and joy that we send him off on his merry way to Indianapolis, where hopefully he can have the same positive impact there as he has had here. It is not my honor and privilege to present Councilman, State Rep. Elect, Dale DeVon, with this key to the County to commemoration of all the great things he did help build this community.

Mr. DeVon: I will cherish every moment I have had on this Council and working with each one of you gentlemen, and I truly call you gentlemen. I would encourage the public to get to know your Council member better, they really are men of good integrity and they do mean well, even though sometimes we disagree but a lot of times we agree to disagree and to do what's best what we feel on our hearts for our community and the people in the community and in our districts. I just encourage the public to come and continue to pray for these council members, our state leaders and our federal leaders, as much as we would like to complain about government, I would ask yourself, how many times do we pray for them. I just encourage you to change your heart sometimes because they are just like you and me. They are just here to serve and they want to do what is best for the community, so I just want to thank each and every one of you and I do cherish each, down in the state government it is similar to county government except it took me ten years to figure out all nine members of your names, I have a hundred and forty nine other colleagues to remember their names, I just thank you for all that you have done for me and what you mean to me so continue to work well, and Jamie, I know you will do well.

Councilman Herbster: I just would like to thank Dale for the example he has been to me, I was one of the newer members, and seeing how Dale carried himself, especially when he would deal with difficult situations, where different groups of constituents were not happy, I think he was just a great model of a peace maker, and that was something I really wanted to emulate, and so again, I thank Dale, and especially a man of faith, and a fellow evangelical Christian it was great to see someone like Dale, someone I could look up to and see as an example, so I wish you well in all your endeavors in the future, stay in touch.

Councilman Noland: I would like to echo Andy's congratulations on your ten years, especially those two good ones. It was great working with you, come back and see us.

Councilman Hamann: Dale it has been great working with you, I have known you a long time, you are a great public servant, I don't know how many of you know that Dale's dedication to the youth in this community, some of the more underserved, some of the kids we might judge as being unlovable, he loves them, he works so hard with the kids in the Juvenile Justice System and he is a tremendous public servant, he has an amazing heart. God bless you.

President Morton: Dale I would be remised if I didn't tell you how much I've sincerely enjoyed working with you, just your class your dedication and willingness to get the job done in a bipartisan way and when I reached out to you when I needed someone to fill a seat on the South Bend Housing Authority Board and especially in a time when we really needed it, you stepped up to the plate along with Commissioner Kostielney and I will never forget that, and like I said every time we have worked together it's always been a great experience and best of luck down state.

No report from any Special Committees.

First Readings:

BILL NO. 168-12: AN ORDINANCE TRANSFERRING THE SUM OF \$6000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0009 - Emergency Management) Assigned to Budget and Administration Committee

BILL NO. 169-12: AN ORDINANCE TRANSFERRING THE SUM OF \$6000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 002 - Auditor) *FOR PUBLIC HEARING*

BILL NO. 170-12: AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 OUT OF THE ST. JOSEPH COUNTY PUBLIC SAFETY LOIT FUND-6005 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0035 - County Council) Assigned to Budget and Administration Committee

BILL NO. 171-12: 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 13183 STATE ROAD 23, GRANGER, INDIANA 46530 FROM R-SINGLE FAMILY RESIDENTIAL DISTRICT, TO B-BUSINESS DISTRICT. PETITIONER: GFE ENTERPRISES, LLC Assigned to Land Use Planning Committee

BILL NO. 172-12: AN ORDINANCE APPROPRIATING THE SUM OF \$125,000.00 OUT OF THE ST. JOSEPH COUNTY CREDIT FUND 7312 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0057 - Parks & Recreation) Assigned to Budget and Administration Committee

BILL NO. 173-12: AN ORDINANCE APPROPRIATING THE SUM OF \$2,600,000.00 OUT OF THE ST. JOSEPH COUNTY LOCAL HWY. USER TAX PROJECTS FUND - 4923 AND \$1,350,000.00 OUT OF THE LOCAL ROADS & STREETS FUND - 1169 AND \$3,250,000.00 OUT OF THE LOCAL MAJOR MOVES CONST. FUND-1172 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE YEAR 2013 (Dept. 0023-County Engineer & Dept. 0060 Roads & Highways) Assigned to the Engineering and Transportation Committee

BILL NO. 174-12: AN ORDINANCE TRANSFERRING THE SUM OF \$500,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0034 - Commissioners) *FOR PUBLIC HEARING*

Resolution

Public Hearings:

BILL NO. 159-12: AN ORDINANCE TRANSFERRING THE SUM OF \$1,300.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0023 - County Engineer)

President Morton reported that Bill No. 159-12 comes with a favorable recommendation.

Jessica Clark, County Engineer, this request is for us to pay the remaining bills for this year. This is our surveyors operating fund.

Motion to pass Bill No. 159-12 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 159-12 was passed to-wit; 8-0.

BILL NO. 151-12: AN ORDINANCE TRANSFERRING THE SUM OF \$71,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Various Highway Departments)

President Morton reported that Bill No. 151-12 comes with a favorable recommendation.

Roger Mathia, Highway Commissioner, here tonight to ask for two out of line transfer, the first one being from our group three heavy equipment account, a total of seventy thousand, moving that into our garage and motor supplies. The second half, thirty thousand dollars would be for repairs or road equipment.

Motion to pass Bill No. 151-12 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 151-12 was passed to-wit; 8-0.

BILL NO. 158-12: AN ORDINANCE TRANSFERRING THE SUM OF \$46,457.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0018 - Prosecutor)

President Morton reported that Bill No. 158-12 comes with a favorable recommendation.

Robert Risenhoover, Prosecutors Office, this is a request for an out of line transfer moving from funds from various salary accounts into operating expenses for the adult protective services and metro homicide.

Motion to pass Bill No. 158-12 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 158-12 was passed to-wit; 8-0.

BILL NO. 139-12: AN ORDINANCE TRANSFERRING THE SUM OF \$162.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0028–Voters Registration)

President Morton reported that Bill No. 139-12 comes with a favorable recommendation.

Terry Coleman, Member of St. Joseph County Board of Voters Registration, this is an out of line transfer for the purpose of paying our annual newspaper bill.

Motion to pass Bill No. 139-12 was made by Mr. Root and seconded by Mr. Noland. Bill No. 139-12 was passed to-wit; 8-0.

BILL NO. 145-12: AN ORDINANCE TRANSFERRING THE SUM OF \$6,112.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0010 - County/South Bend Archives)

President Morton reported that Bill No. 145-12 comes with a favorable recommendation.

Vicky Rydzynski, is asking the funds be transferred to be able to purchase a new scanner for the micro film department. This includes the price of the scanner, a USB interface and also set up.

Motion to pass Bill No. 145-12 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 145-12 was passed to-wit; 8-0.

BILL NO. 150-12: AN ORDINANCE TRANSFERRING THE SUM OF \$900.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0008 - Agri Agent)

President Morton reported that Bill No. 150-12 comes with a favorable recommendation.

Edie Sutton, Purdue Extension, this transfer is being requested for equipment repair.

Motion to pass Bill No. 150-12 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 150-12 was passed to-wit; 8-0.

BILL NO. 157-12: AN ORDINANCE APPROPRIATING THE SUM OF \$13,000.00 OUT OF THE ALTERNATIVE DISPUTE RESOLUTION FUND–4901 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0054 - Domestic Relations)

President Morton reported that Bill No. 157-12 comes with a favorable recommendation.

Lisa Plencner, St. Joseph Circuit Court Administrator, this request it to ask to take thirteen thousand dollars out of the ADR fund and put it into the appropriate line items to pay for mediators.

Motion to pass Bill No. 157-12 was made by Mr. O'Brien and seconded by Mr. Catanzarite. Bill No. 157-12 was passed to-wit; 8-0.

BILL NO. 144-12: AN ORDINANCE TRANSFERRING THE SUM OF \$1,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0019 - Circuit Court)

President Morton reported that Bill No. 144-12 comes with a favorable recommendation.

Lisa Plencner, St. Joseph Circuit Court Administrator, this is just an end of year transfer, we have a thousand dollars left in our grand jury line item that we would like to move over to instruction training.

Motion to pass Bill No. 144-12 was made by Mr. Root and seconded by Mr. McCahill. Bill No. 144-12 was passed to-wit; 8-0.

BILL NO. 143-12: AN ORDINANCE TRANSFERRING THE SUM OF \$457.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0003 - Treasurer)

President Morton reported that Bill No. 143-12 comes with a favorable recommendation.

Sean Coleman, St. Joseph County Treasurer, we are requesting this out of line transfer owing to less than budgeted expenses for postage as a result of outsourcing our tax billing this year, we came into a significant savings and want to be able to apply those dollars to refresh our depleted supplies.

Councilman Catanzarite: Mr. Coleman, Treasurer, I just want to commend you on your eight years of service to us as County Treasurer and many years of service to the citizens of South Bend as an at large city council member, you truly have been a public servant, and our relationship on the county side of things, you have brought expenditures down, you've reduced staff and you have gotten more done with less. It has been an honor to work with you Mr. Coleman.

President Morton: Sean, I would like to echo those comments, you have been outstanding as far as innovative, techniques within the office and like Mark said, getting the job done with a lot less and adhering and even going above that every budget cycle and coming in either under or exactly what we asked you to be, and you have just been an outstanding public servant. Thank you very much, sincerely/

Councilman Hamann: Sean, I too want to thank you for your public service, I remember when you got involved back in 1987, you have been a wonderful public servant, you have been a great mentor for me and I just want to thank you so much for your friendship and it means the world to me for your support especially in the last year and a half. Thank you so much.

Councilman Noland: Thank you so much for your service and good luck moving forward.

Motion to pass Bill No. 143-12 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 143-12 was passed to-wit; 8-0.

BILL NO. 146-12: AN ORDINANCE TRANSFERRING THE SUM OF \$2,265.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0003)

President Morton reported that Bill No. 146-12 comes with a favorable recommendation.

Sean Coleman, St. Joseph County Treasurer, again owing to a less than budget cost due to outsourcing of the mailing of the tax bills this year, we had a significant savings and would like to use to pay for part time help to see us through the remaining weeks of the calendar year.

Motion to pass Bill No. 146-12 was made by Mr. O'Brien and seconded by Mr. Herbster. Bill No. 146-12 was passed to-wit; 8-0.

BILL NO. 141-12: AN ORDINANCE APPROPRIATING THE SUM OF \$300,000.00 OUT OF THE ST. JOSEPH COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND - 1138 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 - Auditor)

President Morton reported that Bill No. 141-12 comes with a favorable recommendation.

Peter Mullen, St. Joseph County Auditor, this is the housekeeping bill that we do the last meeting of every year. We must be paying our bills between now and the end of the year by state law, we have pay our vendors of our soft ware. We are fortunate to have, our data processing did a spectacular work setting up the court system, primary work in the sheriffs department and iPad coordination with Apple and help development our office in the on line payroll system for our own employees.

Motion to pass Bill No. 141-12 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 141-12 was passed to-wit; 8-0.

BILL NO. 142-12: AN ORDINANCE APPROPRIATING THE SUM OF \$40,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 - Auditor) Assigned to Budget and Administration Committee

President Morton reported that Bill No. 142-12 comes with a favorable recommendation.

Peter Mullen, St. Joseph County Auditor, this is a companion bill, a housekeeping bill to appropriate money out of the general fund to data processing.

Motion to pass Bill No. 142-12 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 142-12 was passed to-wit; 8-0.

BILL NO. 164-12: AN ORDINANCE APPROPRIATING THE SUM OF \$1,495,000.00 OUT OF THE ST. JOSEPH COUNTY EMERGENCY TELEPHONE SYSTEM FUND 1153 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 Auditor E-911)

President Morton reported that Bill No. 164-12 comes without a recommendation.

Commissioner Kostielney, St. Joseph County Commissioner, this is our annual appropriation of 911 funds. Seven hundred thousand dollars goes to pay telecommunication expenses, the remaining go to the different governmental units that handle dispatch and both emergency and police.

Motion to pass Bill No. 164-12 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 165-12 was passed to-wit; 8-0.

BILL NO. 169-12: AN ORDINANCE TRANSFERRING THE SUM OF \$6000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 002 - Auditor) *FOR PUBLIC HEARING*

Peter Mullen, St. Joseph County Auditor, this is a correction of an error in our office, we appropriated money into the Auditors Ineligible Deduction Fund, we must take it out and put it into the General Fund.

Motion to pass Bill No. 169-12 was made by Mr. Catanzarite and seconded by Mr. Noland. Bill No. 169-12 was passed to-wit; 8-0.

BILL NO. 174-12: AN ORDINANCE TRANSFERRING THE SUM OF \$500,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0034 - Commissioners) *FOR PUBLIC HEARING*

Peter Mullen, St. Joseph County Auditor, again, another housekeeping ordinance transferring from group insurance into liability insurance.

Motion to pass Bill No. 174-12 was made by Mr. Catanzarite and seconded by Mr. Noland. Bill No. 174-12 was passed to-wit; 8-0.

BILL NO. 149-12: AN ORDINANCE APPROPRIATING THE SUM OF \$2,000 OUT OF THE INDIANA STATE GRANT-9107 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0034 - Commissioners) Assigned to Budget and Administration Committee

President Morton reported that Bill No. 149-12 comes without a recommendation.

Commissioner Kostielney, St. Joseph County Commissioner, this is a two thousand dollar installment towards a GIS data exchange program, a grant we have with a state of Indiana.

Motion to pass Bill No. 149-12 was made by Mr. Root and seconded by Mr. Herbster. Bill No. 149-12 was passed to-wit; 8-0.

BILL NO. 153-12: AN ORDINANCE APPROPRIATING THE SUM OF \$45,000.00 OUT OF THE ST. JOSEPH COUNTY CREDIT FUND 7312 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0009 - Emergency Management Agency)

President Morton reported that Bill No. 153-12 comes without a recommendation.

Mr. Morton stated Bill No. 153-12 needs to be amended.

Ms. Shuter read the amendment: The requested amount is to be amended to twelve thousand from forty five thousand.

Mr. Morton made the motion to have the amendment Bill No. 153-12, It was moved by Mr. Root and seconded by Mr. Catanzarite.

Rick Tripp, the Deputy Director of Emergency Management Agency, the amendment is based off the fact that we do not have to narrow ban the entire tornado siren system throughout the county, they are already narrow banded.

Mr. Catanzarite: Mr. Tripp, in committee, Director Zimmerman had mentioned the amount should be thirteen thousand, has there been a change since in committee?

Mr. Tripp: From what I remember right I thought he said thirteen thousand, Mr. Catanzarite.

Mr. Catanzarite: I noticed in my notes and my colleague's note next to me says the same thing. Is twelve going to be enough. Does anyone have an estimate?

Ms. Shuter: We don't, that is what was said at committee, but we have a letter that says twelve.

Mr. Catanzarite: Ok, but we have a letter from Bill that says twelve?

Ms. Shuter: Yes, I have if you would like to see it.

Mr. Catanzarite: Ok, this is more recent.

Bill No. 153-12 was passed as amended by a voice vote 8-0.

Motion to pass amended Bill No. 153-12 was made by Mr. Noland and seconded by Mr. McCahill. Bill No. 153-12 was passed to-wit; 8-0.

BILL NO. 147-12: AN ORDINANCE APPROPRIATING THE SUM OF \$42,077.00 OUT OF THE ST. JOSEPH COUNTY LOCAL EMERGENCY PLANNING FUND - 0063 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2013
(Dept. 0009 - Emergency Management Agency)

President Morton reported that Bill No. 147-12 comes with a favorable recommendation.

Rick Tripp, the Deputy Director of Emergency Management Agency, this fund is done annually, it is to support the budget for the local emergency planning fund. Those funds are used for both equipment and for training for local responders.

Motion to pass Bill No. 147-12 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 147-12 was passed to-wit; 8-0.

BILL NO. 148-12: AN ORDINANCE TRANSFERRING THE SUM OF \$650.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY
(Dept. 0009 - Emergency Management)

President Morton reported that Bill No. 148-12 comes with a favorable recommendation.

Rick Tripp, the Deputy Director of Emergency Management Agency, this is an out of line transfer to create a uniform fund for our department.

Motion to pass Bill No. 148-12 was made by Mr. McCahill and seconded by Mr. Herbster. Bill No. 148-12 was passed to-wit; 8-0.

BILL NO. 156-12: AN ORDINANCE APPROPRIATING THE SUM OF \$5,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE YEAR 2012 (Dept. 0025 - Juvenile & Probate Court)

President Morton reported that Bill No. 156-12 comes with a favorable recommendation.

Peter Morgan, Executive Director of St. Joseph Probate Court, this ordinance is to pay for furniture in the office of the Judge of the St. Joseph Probate Court. Judge Nemeth will be retiring at the end of the year and had his own furniture in that office he will be taking with him when he leaves. We want to provide new furniture for the new judge when he comes in.

Motion to pass Bill No. 156-12 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 156-12 was passed to-wit; 8-0.

BILL NO. 163-12: AN ORDINANCE APPROPRIATING THE SUM OF \$29,700.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND 1000 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 {increase/decrease appropriation}
(Dept. 0025 - Juvenile & Probate Court & Dept. 0049 - Juvenile Justice Center)

President Morton reported that Bill No. 163-12 comes with a favorable recommendation.

Peter Morgan, Executive Director of St. Joseph Probate Court, we are seeking to decrease the probate court budget by twenty nine thousand seven hundred dollars, transfer that into the over time budget to pay kitchen staff.

Motion to pass Bill No. 163-12 was made by Mr. O'Brien and seconded by Mr. Herbster. Bill No. 163-12 was passed to-wit; 8-0.

BILL NO. 160-12: AN ORDINANCE TRANSFERRING THE SUM OF \$13,400.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY
(Dept. 0798 Juvenile Electronic Monitoring Fees & 0797 Juvenile Monitoring)

President Morton reported that Bill No. 160-12 comes with a favorable recommendation.

Peter Morgan, Executive Director of St. Joseph Probate Court, the purpose of this bill is to transfer this into allowing to pay benefits for the staff of our juvenile community corrections program, these funds are all reimbursed, the county is reimbursed by the Indiana Department of Corrections, through a grant.

Motion to pass Bill No. 160-12 was made by Mr. Herbster and seconded by Mr. Noland. Bill No. 160-12 was passed to-wit; 8-0.

BILL NO. 161-12: AN ORDINANCE TRANSFERRING THE SUM OF \$22,700.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY
(Dept. 0049 Juvenile Justice Center)

President Morton reported that Bill No. 161-12 comes with a favorable recommendation.

Peter Morgan, Executive Director of St. Joseph Probate Court, this request accompanies the earlier request to fund over time for our detention and kitchen staff.

Motion to pass Bill No. 161-12 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 161-12 was passed to-wit; 8-0.

BILL NO. 162-12: AN ORDINANCE TRANSFERRING THE SUM OF \$62,300.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0025 - Juvenile & Probate Court)

President Morton reported that Bill No. 162-12 comes with a favorable recommendation.

Peter Morgan, Executive Director of St. Joseph Probate Court, this request it to transfer money to allow us to make into our building and repairs line item to allow us to make a number of improvements to the JJC.

Motion to pass Bill No. 162-12 was made by Mr. Noland and seconded by Mr. Root. Bill No. 162-12 was passed to-wit; 8-0.

BILL NO. 130-12: 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 15051 CLEVELAND ROAD, GRANGER, INDIANA 46530 FROM R SINGLE FAMILY DISTRICT TO O OFFICE DISTRICT PETITIONERS: WILLIAM & HELEN KELPER
TO BE AMENDED

President Morton reported that Bill No. 130-12 comes with a favorable recommendation.

Mr. Morton: Bill No. 130-12 needs to be amended. Clerk, please read the amendment

Ms. Shuter: The petitioner name was changed from William & Helen Kelper to Keith L. Kelper

A motion was made and seconded to amend Bill No. 130-12 was made.

Christa Nayder, Area Plan Commission, this is a rezoning from the R single family district to O office district to allow a dental clinic. There have been changes to the area lately, most notably the updates to the Fir and Cleveland intersection. Based on these changes, this comes to you with a favorable recommendation from the Area Plan.

Mr. Root: Do you have any correspondence from the city of Mishawaka on this particular rezoning?

Christa Nayder: No, we did send it to them for their approval since it is so close and the petitioner also indicated that they were using their utilities.

Mike Danch, Danch Harner Associates, yes, I do agree with the amendment. What we are asking to do is rezone this property. Dr. Tate Anderson right now is renting space on Bittersweet Road. He would like to build his own oral surgery facility at this particular location. We would have one access point off of Cleveland Road. I have had both contact with the city engineer office of Mishawaka and the Mishawaka water department. They will allow us to connect to both of those facilities.

Motion to pass Bill No. 130-12 was made by Mr. Hamann and seconded by Mr. O'Brien. Bill No. 130-12 was passed to-wit; 8-0.

BILL NO. 165-12: AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT: DOUGLAS ROAD FROM THE EAST LINE OF STATE ROUTE 933 EXTENDING EAST TO 550 FEET EAST OF THE CENTERLINE OF JUNIPER ROAD; ALSO, JUNIPER ROAD FROM THE CENTERLINE OF DOUGLAS ROAD EXTENDING NORTH TO THE SOUTH LINE OF BRAYTON AVENUE AS SHOWN ON THE RECORDED PLAT OF THE TOWN OF INDIAN VILLAGE; AND ALSO, THE WEST HALF OF JUNIPER ROAD (EDDY STREET) FROM THE SOUTH LINE OF BRAYTON AVENUE WITH SUCH WEST HALF EXTENDING NORTH, TO THE NORTH LINE OF LOT 4 EXTENDED WEST, ALL AS SHOWN ON THE RECORDED PLAT OF THE TOWN OF INDIAN VILLAGE; SUBJECT TO ANY UTILITY EASEMENTS. PETITIONER: UNIVERSITY OF NOTRE DAME DU LAC Assigned to the Land use planning Committee

President Morton reported that Bill No. 165-12 comes with a favorable recommendation.

Christa Nayder, Area Plan Commission, this staff has reviewed the petition relative to the Indiana Code 36-7-3-13, it is the staffs opinion that the vacation would not hinder the growth or orderly development of the unit or neighborhood of which it is located. The vacation would not make access to the lands or the garages by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public place or building. The vacation would hinder the use of the public way by the neighborhood in which it is located. Staff recommends this street be vacated subject to the dedication acceptance and the proposed opening of the new Douglas Road.

Doug Marsh, the Associate Vice President of University Architect, University of Notre Dame, Notre Dame Indiana, eight years ago, the county council approved a vacation of Juniper Road and portion of Edison Road to allow the frame work for a transformation. A transformation that took the University and it's connections with the community to a new step. Over two hundred million dollars of public community economic development occurred build on the frame work of this vacation and it's in the spirit of that project and the process that we went through eight years ago that we are here tonight asking for vacation of portion of Douglas and Juniper Road. All total we have had over one hundred meetings with key stake holders in and around the University, neighbors, residents and institutional leaders. We have five major public forums for this interaction. The project is much better based on the input we have received during this process. From the onset we have stated five major goals. First and foremost, always safety, the second major goal is to extend the public bike trail network in this region. Thirdly, this project gives us the opportunity as a community to continue the construction and reinvestment in the quarter as we know as Douglas Road quarter from Ash Road over to 933, so this the very west end to fulfill the long term transportation plan to build Douglas Road as a four lane major artery. Number four, this project gives us the opportunity to enhance a major intersection a major gateway into the community, and lastly, it will give the University the opportunity to do some long term planning and

actually have a hundred and twenty acres glued to the campus proper, not separated by public road. The western part of the project connects with the Indiana Toll Road. It will be moved to the University Village. The University Village is a residential community of Notre Dame graduate students, spouses and children, of about ninety total apartment units occupied, it is a fifty year facility nearing the end of its service life, the University has plans to replace that facility, not on this site but on other sites yet to be determined. We have had great interaction with the community, especially with the level five pedestrian crossing, outside of the University Village to cross the new right of way. The level five pedestrian crossing treatment is often referred to as a Hawk system, there are overhead light systems, and signage that alert drivers to the presence of a crosswalk. This has proven to be highly effective in stopping traffic.

Mr. Noland: You talk about the orientation of the round-a-bout at Twyckingham and Douglas, how is that worked out.

Mr. Marsh: I have some data on that, we solicited crash data from the county sheriffs department for the period of 2009 through 2011, and the experience shows us, we have 1.81 crashes per one million entering vehicles, what that translates down to is we average about eleven accidents at that round-a-bout per year and that was consistent with round-a-bout national data. In that period of time, those crashes resulted in virtually no injuries aside from three small non incapacitating injuries reported.

Mr. Noland: Do you have other specific examples of ideas or concerns that were brought from the area residents, the community you have incorporated into this? I personally am very grateful for the Hawk System, I think it's even more than what I was asking for or expecting, but are there other items you can speak to?

Mr. Marsh: Yes, relative to that particular round-a-bout at Douglas and Twyckingham, one of the community members that lives in and around the campus talked about the existing crossing just west of the round-a-bout and that northern edge to it is too close to the round-a-bout, it does not give drivers enough line of sight, so we are actually as part of this project proposing to move that leg further west to give longer line of sight.

Mr. Noland: One of the other thing I have had several conversations about was a traffic light at Welworth.

Mr. Marsh: We heard that in our meetings with Indiana Village residents and so they asked us to look into it, and we did, and actually have some data, we looked at it by technology out, people on the sight, in cars through our consultants, DLZ to measure the traffic volume, what we found was in an average class day, class week periods of time, Juniper averages about sixty five hundred cars per twelve hour period, meaning 6:00 a.m. to 6:00 p.m. On Welworth, we averaged about a hundred and fifty seven total during that twelve hour period. So that translates down to thirteen cars per hour. We also looked at concerns that were brought forward by residents on the time it takes people to turn left coming out of Welworth on to Juniper. We also counted two consecutive days in October, 6:00 a.m. to 9:00 a.m. the peak period obviously in the morning commute time frame. We found that there were forty nine total cars on the first day, the average delay time was ten seconds to make that an either left or right turn, the maximum delay by any one car was fifty seven seconds. Total left turns were thirty four of those forty nine and only six vehicles waited longer than thirty seconds. Day two had very similar results.

Mr. Noland: What would be the University's thoughts or feelings, I know it's a little early, but, if this project were completed, the northeast corner and the southeast and/or the southeast corner at Douglas and 933 if that was appealing, for some kind of private development in that area?

Mr. Marsh: There is no immediate plan for any kind of development; it's not on our immediate radar screen.

Mr. Noland: I was more along the lines that there was a private developer that was interested in putting something there.

Mr. Marsh: We have heard from the Holladay Corporation about a potential proposal, but nothing as been brought to us at this particular point in time.

Mr. Catanzarite: Can you speak to how residents of Indian Village will be impacted on game day?

Mr. Marsh: We work with our Notre Dame security police, the plan is that Douglas Road, will remain open to both emergency vehicles and residents of Indian Village.

Ken Prince, City Planner for Mishawaka, as Mr. Marsh mentioned, this has ramifications beyond just Notre Dame, St. Joseph County, Indian Village, it impacts South Bend and Mishawaka directly. We are here to support the continued improvements. When you look at the inner changes on Capitol Avenue as a point of reference of roads that go east and west, that connect on the east side of the city, north of the river we have Jefferson, McKinley, Day, Douglas and Cleveland, all of which have various limitations or issues associated with them, including Douglas. However, when you look at them independently, Douglas is the only one that provides a continuous connection on that north side from 933. We would encourage you to make this corridor a priority for those reasons.

Scott Ford, Executive Director of Community Investment, I am here to speak in favor of this project. This expansion will allow for future growth for the University. In the past in Notre Dame has had a multiplier effect in the community, with additional faculty, staff and students, we have seen more people buying homes, shopping in our store and dining in our restaurants. Further, through this project, Notre Dame has demonstrated it is a good neighbor to this community.

Rob DeClen, Executive Director of Visit South Bend Mishawaka, 401 E. Colfax, South Bend, I speak to you tonight as a proud representative of the tourism industry in St. Joseph County, it's a four hundred and forty seven million dollar industry as proven by 2011 economic study we implemented and published this past August. This project provides a positive first impression of our community.

Harry Tiebout, Chairman of the Parks Commission Niles, 320 Bell Rd., for the last four years I have served on a trails task force, our thinking of when we put this task force together was that if we build this trail highway, that other trails would be able to connect to it in and out of that trail system, with a goal of having a trail integrated community. I was

very excited to read about this in the paper, because part of that plan, as we have seen is to put off road trails the entire length of 933 out to Ironwood Road. I am in full support of this system.

Albert Gutierrez, President and CEO St. Joseph Regional Medical Center, I stand here in support of the application before you. I have three perspectives in which we are supporting this modification. Number one, the continued growth and economic development of the region, it was our honor to donate our land and our former site to the development of the new St. Joseph High School, and the growth that it's promoting. Second, the ongoing day to day utilization of our facility by individuals in the region, and in many of those cases patients arriving to our facility sometimes a little compromised and can benefit from the type of widening that the development can bring. And the third prospective is one of emergency management, the immediacy of having to bring in a large supportive vehicles from the toll road to our location is a very important aspect, having to be repopulated quickly with supplies and individuals required that you have infrastructure that you identify as primary road way to bring those items in.

Jim Pinkerton, Communications Director for INDOT in LaPorte, we have been involved in this project simply because it will connect to our state highway, SR 933, in the Roseland area, I wanted to ensure you that the University of Notre Dame has met with us several times, they have shared their designs, have assured us that they are going to go through the proper permitting procedures, so they are working with us and have kept us in the loop during this whole process.

Mr. McCahill: Mr. Pinkerton, currently if you are coming east out on the toll road, exit 72 and I believe 77 say that the next two exits are for South Bend, if this is proposed being that there is going to be Douglas Road corridor could exit 77 and exit 83 say both South Bend and Mishawaka?

Mr. Pinkerton, actually that would be something you would need to work with the toll road company, they entirely responsible for signage and that sort of thing. But I can definitely work with you and get you in touch with the proper people for that.

Mr. McCahill: Thank you sir.

Jeff Rae, President CEO of Chamber of Commerce St. Joseph County, here this evening speaking on behalf of some eleven hundred member businesses that we represent, that include about ninety thousand employees within their work force, I wanted to ask for your favorable approval of this request, for many of the reasons you have heard from previous speakers, the business community knows how important transportation connections and those links are, this is an important transportation corridor for us. Notre Dame has been an outstanding partner to the local business community. We also think that Notre Dame as a reputation of doing quality projects that have enhanced the community and believe this is an exciting opportunity for our community as we position ourselves for continued growth, with that, I ask for your favorable consideration.

Jim Scheetz, President of the St. Joe Valley Building Trades Council, I see this bill as a job trading bill for construction workers. Jobs are important to us. We are in favor of this project and we hope this moves forward.

Glenda LaMont, President of Bike the Bend, we think that this project shows tremendous leadership and is a great example of a complete streets project. It is something that will put our community on the cutting edge. We think this project will be a great showcase of how wonderful our community can be.

Steven Studer, Attorney, 4101 Edison Lake Parkway Mishawaka, this is a wonderful gift, a long term gift that should be fully embraced by this council and the community. This will open up the corridor providing wonderful entrance to east to both South Bend and Mishawaka. We strongly support this project.

Nancy Sriver, I am here speaking in opposition of the closing of Douglas Road, as is not proposed by the University of Notre Dame. We travel Douglas Road often, we have yet to see many, if yet, crossing the part of Douglas the University wants to close. The closing of this road is another attempt of the University to close all public roads that may infringe on their boundaries.

Bill Partridge, Indian Village, I am opposed to this project. I don't think this project has anything to do with developing the east/west corridor, you said this has the potential for positive impact on our community, again I agree with you, I think the potential is there, but not in the way it's being presented. I think a lot of changes have to be made, we are not against this, we are all for progress, but we just don't think it's there yet. All we are asking for is for a little more time.

Sarah Ellis, University Village, I would like to see this project slowed down, just as Bill said.

Tim Cantu, University Village, we feel this project is moving too fast. We feel more time is needed and more consideration is to be had.

Marie Cantu, University Village, I too agree this project needs to slow down for two main reasons. First, counties cross the United States are reducing four lane roads to two or three lanes because of the cost for maintaining them, also the University insists on a high speed limit. Because of these concerns and many others, I do believe this project needs to be slowed down and reconsidered.

Paul Guetz, there have been many projects that have benefited the University but not the citizens of South Bend. The property taxes for St. Joseph County were mysteriously reassessed to coincide with this proposal from Notre Dame. I ask you, why were the property taxes mysteriously reassessed? People have gone down to the Auditors office to find out why and they get no answers, all they get is an appeal form. Is that why my property taxes are being jacked up?

Mr. Morton: Sir, I can assure you that property tax assessments have nothing, absolutely nothing to do with this project.

Paul Guetz: No one can get any answers, and it coincides with the proposal.

Mr. Morton: Sir, I will say it again, property taxes assessments have nothing, what so ever to do with this project.

Mr. O'Brien: In 2012 is a general reassessment year, everyone's property taxes in the whole county are reassessed. This is across the state, March 1, 2012 is a general reassessment.

Paul Guetz: The assessments went out first in the spring. Just like they always do, this is the first time they have been reassess the second time in the same year, as far as I remember.

Mr. O'Brien: 2012 is a general reassessment year.

Dawn Furlong, Greens keeper Indian Village, we have enjoyed much beauty here, much wild life, even growing up on a farm in Wisconsin; I have never seen such beauty. The noise of the machines on Douglas, brought the animals back and digging where many family grow food to feed their families.

Mary Dominick, Resident of Indian Village, 53588 Pinehurst St., I agree with many of the benefits of this project, but one important question is has the county researched the environmental hazards of road contaminants such as motor oils and salts which threatens our ground water quality.

Jean Anne Yackshaw, Indian Village resident, has the council researched the safety of three round-a-bouts in a row within a miles length of roads?

Bruce Gordon, the safety issue has not been addressed, this is a major concern. I have an idea to protect the students, it's called crossing guards. I'm not joking. When someone is walking and texting, they need someone to say hey, stop. That is my recommendation.

Charles Clark, 18838 Welworth, Indian Village, I'm against this project, I'm not against everything in the project, just don't move the road.

William Gae, University Village, my opposition is of the current proposal in which the speed this is moving.

Crystal Risacher and Nole Risacher, it is obvious this project needs to be tabled for further research for safety consideration.

Izzy Cherrone, 53721 Pinehurst, Indian Village, my concern is you are setting the precedence for our county road ways to be made available to private entities. Which Notre Dame is a private entity which is being allowed to do this.

Wes Hamrich, University Village, I have questions about cost. One question is what is the annual cost of the maintenance of the road? And who will cover the electricity cost for all the lighting? If it is the county, what is the estimated cost for that? The second question, who will cover the bike path up keep in snow removal, and if it is the county, what is the estimated cost?

Dallin Lewis, Indian Village, there are too many lingering questions on this project, the first is safety, the Hawk system.

Sarah Sehorn, I agree with much of what was said tonight. I do not oppose this project, but there is one part of the presentation I wanted to make known that a lot of people don't know, when talking about the safety of the people on campus, the University Village, you can see on the map see how very close it goes right to the University Village, we are talking a hundred and twenty feet from front doors. The University was very insistent it was not an option a hundred feet further where the current dirt road is, that would even be a better plan.

Angela Campbell, 100 University Village, having a road that close is scary for me, it's going to increase my commute to campus when I am going there to meet my husband during lunch time, instead of the straight shot down we would have to go all the way up to the access road, around, down, and back up. I am really disappointed this is being pushed through so quickly, I hope you would table this tonight to give this project other options.

Reverend Ted Penn, Town Councilman of Roseland, I think their concerns can be solved by taking the existing roadway, making a four lane and it will not affect Indian Village.

Samone Hamrick. There are so many other options, it does not have to affect two villages, University Village and Indian Village, it does not have to affect the county like this. I ask you to just table this and explore the options and do to what is right for the county.

Dave Schron, 53712 Pinehurst, Indian Village, my concerns for this project is in the way this has been handled. It is a major project and it has been fast tracked. My concern is we need to stop and take a look at things.

Name unknown: The Notre Dame is the jewel of South Bend, I have a couple of businesses in South Bend, on the West side, creating jobs for our community. Notre Dame does the same thing, creating jobs for our community. Without South Bend, Notre Dame is nothing, without Notre Dame, South Bend is nothing, we are both together in it. We have to support Notre Dame 100%.

John Affleck-Graves, Executive Vice President of the University of Notre Dame, thank you for all who spoke for and against this project. I and Notre Dame recognize this is a significant project and we respect the views of everybody and who spoke this evening. First we acknowledge, this project is a benefit to the University, it allows us to grow our research profile, it allows us to expand the opportunities we offer our students and in particular as we do that, it allows us to enhance the safety of our campus by avoiding the need for our staff, our students and visitors to cross a major thoroughfare. The second realignment will benefit the county by acting as a catalyst for future economic growth by improving traffic flow on a major east west artery in the county and by developing a more welcoming gateway so that

visitors to the county feel more welcome as they come off the toll road. I behalf of the University of Notre Dame, I thank you for your consideration and look forward to your support.

Mr. McCahill: Being that the University of Notre Dame, of their main concerns is safety, also is one of the main concerns of the people that live in Indian Village and other places I was wondering if it was appropriate if we could bring up an outside source, he's not a member of the University, not a member of the community, and he's not an elected official, the St. Joseph County FACT Team Commander Tim Spencer, I was wondering if we could ask him a couple questions.

Mr. Morton: Yes.

Mr. McCahill: Mr. Spencer.

Mr. Spencer: Captain of the Mishawaka Police Department and coordinator/commander of the St. Joseph County Fatal Alcohol Crash Team.

Mr. McCahill: Thank you. Some of the concerns were a 30 mph or a 40 mph speed limit also that there are more than one hundred children, a lot of them under the age of five years old that live in close proximity, we also heard some people say 30 mph as apposed to 40 mph, two lane road and four lane road, can you expound and your feelings on the safety of this project. You saw some of the video of the Hawk system; can you give us your honest opinion?

Mr. Spencer: In my almost twenty three years of police experience, I have testified as an expert witness in several different courts across the state, been involved with the investigation of nearly three hundred fatalities a lot of which involve pedestrians. It is my experience; the primary factor in pedestrian related fatalities is the engineering of the roadway. Engineering in my opinion, is the single most important factor in how safe a road is. There were a couple different studies mentioned by folks in the audience tonight, one of which if you lower the speed limit from 40 mph to 30 mph it drops your fatalities in half, I believe was the statistic you mentioned. That to me could possibly be so, if the street is engineered to be a 30 mph speed limit. If that street is engineered to be a 40 mph speed limit, I would question the validity of that study. There seems to be a lot of engineering going into this project regarding safety of pedestrians crossing the street.

Mr. McCahill: As far as two lanes or four lanes do you find one to be safer or less safe, or what are your feelings on that?

Mr. Spencer: All other things being equal, I would tend to feel there is probably not a significant danger factor one versus the other, but rarely do we find a situation where all other things are equal, I don't believe this is the case, if you compare the proposed four land versus the current two lane, there are quite different.

Mr. McCahill: That's all I have.

Mr. Hamann: I have a couple questions for Jessica Clark. You have been involved in this project since the beginning, I have a question about the speed limit too, with the current design, would it be necessarily be the case if you dropped the speed limit to 30 that the speeds would decrease or given the design of the road, they would probably go faster than the 40 mph. Isn't that what we found on Cleveland Road, east of 933?

Jessica Clark: What I can speak to, in our industry, there are a lot of standards, there is also a category that is called driver perception and that is, engineers are largely to factor that into their decisions, there is a number of assumption and decisions engineers go through when they make a decision on designing that road way. Facilities that a driver is more comfortable driving at a higher speed, they tend to then drive a higher speed. A facility that has pot holes you tend to slow down. Driver perception does factor into that, however, when we do set speeds we are supposed to set them at a safe and reasonable speed, and you also look at driver perception and the definition of reasonable. If someone wants to drive 40 mph on a roadway or 30 mph on a roadway, you better design for 30 mph or 40 mph also to provide them a safe way. I don't want to say one way, are people going to drive faster or slower, but what I will say is, they are going to drive the speed they are comfortable driving.

Mr. Hamann: Now that makes sense to me, now as it relates to some mention of having the necessity of a four lane road and a two lane road, you know there are other places in the country that are recognizing that you can just get by just fine with a two lane road. I know with the closing of Juniper road, we did a MACOG study and future traffic, my assumption and looked at numbers like that and tried to project out five, ten, twenty five years, would a construction of a two lane road suffice not merely now but later down the road, in your opinion.

Jessica Clark: MACOG actually did modeling for this realignment as well and provided input on the projected traffic volumes and what those traffic projections needed to be for the growth rate to compare the existing volumes today on the existing facility versus what this alignment does, and we don't just look at the realignment, we look at the entire network surrounding that realignment and trying to project what traffic is going move here and there. Typically for our capitol improvement program, traffic volume's near ten thousand vehicles a day is where you start looking at added capacity.

Mr. Hamann: If you are tying to move the road a hundred feet south, what would that do to the safety of the road if you were to drop it one hundred feet?

Jessica Clark: If you are looking to maintain the northern most rout, again without having a survey and numbers, you are start looking at having reverse curves. That would either lower speeds, it would lower the ability of that design speed could be and there are a number of traffic factors you would have to look at. Again, this not a finished design, I don't want to speak on behalf of the University, this is their proposed alignment and there is still more design work that needs to be done.

Mr. Hamann: Because that would be helpful, finally a road maintenance see a significant increase in road maintenance on this section as opposed to what we we're doing on Douglas Road, it wouldn't seem to be but I just wanted to ask you.

Jessica Clark: Well the existing condition of the roadway is such that it is a high cost in maintenance for the county currently, or a higher cost than what a new facility would be. The monies that we do receive from the gas tax, they are about eleven hundred dollars to twelve hundred dollars per lane mile, that's the formula, basically, there is a complicated formula, but it boils down to this.

Mr. Hamann: Thank you, you have been very helpful.

Mr. Root: There was a concern about the proximity of the round-a-bout to each other, can you address that?

Jessica Clark: Well, I am not a round-a-bout expert, I am familiar with them but, I don't design them on an every day basis, I can review the design. Again, as they go through the engineering to finalize the design, that spacing will be evaluated and looked at and there is extensive computer modeling programs that also play into that.

Mr. Root: Does the new road, in your opinion, how badly will it adversely affect the stretch from the round-a-bout to Ironwood and is that a legitimate concern and how bad is it going to make that section of the road?

Jessica Clark: We, when I say we, the county and the Department of Public Works have been in communication, obviously on this project but then also looking at the intersection of Ironwood, while again, that stretch could use added capacity, my larger concern is actually the signal itself. We are looking at alternatives that can be made at that signal to improve that capacity until the county is in a funding position to add travel lanes further east all the way to SR 23 and the section between Twyckingham and Ironwood.

Mr. Root: Considering I don't think we are in the short term prepared to do that funding, how much will this road impact that stretch, are we looking at creating a major problem if we allow the timing, if we don't line up the timing with the two projects?

Jessica Clark: I think that's why the focus of the intersection by doing that improvement would alleviate any issues within that segment on that road itself, I think that intersection is what needs to be addressed more so than the segment.

Mr. Noland: The comment about not being in a financial situation to put a section there, with that being the case, I know you can't see this far in the future, but, what would be your estimation, your guess, on how far in the future it would be before the county could afford to increase this section of Douglas Road.

Jessica Clark: Well, we actually for the past three four years have been applying for funding for the intersection reconstruction at Douglas and would include that segment, once we secure funding we will move forward and then it's a three to five year time frame to completion.

Mr. Noland: You're talking about Ironwood though.

Jessica Clark: That intersection and that including that segment.

Mr. Noland: Ok, I'm talking about the segment this proposal would replace.

Jessica Clark: Oh, excuse me. Oh, we are further down the road, because again, our focus is looking at the intersection of Ironwood and Douglas first and then head west.

Mr. Catanzarite: Appreciate your expertise Mrs. Clark. Would you have any way of knowing the current value of the existing stretch of Douglas Road and in it's current condition.

Jessica Clark: I can give you an estimate as to what it would be to replace it, at the county's level or what Notre Dame is proposing?

Mr. Catanzarite: Let's go with the county.

Jessica Clark: Ok, the county's level is roughly for that segment of road is about going to be about four hundred thousand dollars per mile.

Mr. Catanzarite: So three point two million we are guessing at the county's level of improvement?

Jessica Clark: For just that roadway, it would be four hundred thousand.

Mr. Catanzarite: Would that be resurfacing?

Jessica Clark: That is just basically about four inches of asphalt. That is typically about what we are able to program or afford.

Mr. Catanzarite: Two lanes of travel like it is currently.

Jessica Clark: Yes.

Mr. Catanzarite: Four hundred thousand per mile. And what is the amount of vestment we are looking at the University is planning on this project.

Jessica Clark: I don't have that off the top of my head but I am sure they could answer that, I know it's significant.

Mr. Catanzarite: People ask questions, who is going to pay for the maintenance for the trail, the lights, the plowing of the trails.

Jessica Clark: That is an item of negation, the county up front basically said with our limited resources we really don't have the ability to maintain those facilities, the University within the deed of dedication agreement that will come before the council, if you were to pass this tonight, it's constructed the right of way is vacated and they dedicate the right of way will all be University will maintain the lighting, the Hawk signal, and the trail system is what they are offered.

Mr. Catanzarite: We are responsible for the road way?

Jessica Clark: We would maintain the roadway because it's public right of way.

Mr. Catanzarite: In your opinion as the engineer, would this proposed alignment, vacation of Douglas Road, is that something you would like to see?

Jessica Clark: The proposed project and the overall plan, absolutely is an improvement for the county.

Mr. Root: As proposed by Notre Dame, what would be your projection as to the life span to the road their proposing to build?

Jessica Clark: As with any capitol improvement, it's typically your design for twenty five years.

Mr. Catanzarite: Mr. Marsh, do you have that dollar amount figure that I was looking for as to what the total investment is?

Mr. Marsh: We have estimated that the entire project costs, construction, soft cost fees, etc., will approach eleven million dollars.

Motion to pass Bill No. 165-12 was made by Mr. Hamann and seconded by Mr. Herbster. Bill No. 165-12 was passed to-wit; 7-0.

Mr. O'Brien has requested to abstain from the vote.

New Business:

Privilege of the floor:

Adjournment: Mr. Morton stated that the meeting was adjourned at 10:45 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

