

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
June 12, 2012

The regular meeting of the St. Joseph County Council was called to order at 7:05 p.m., on June 12, 2012, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

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 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. Mr. Mark Catanzarite was absent.

**Petitions, Communications & Miscellaneous Matters:**

Mr. Kruk moved to reappoint the following:

Domestic Violence Fatality Review Team:

Judy Jankioski  
Linda S. Baechle  
Tom Baker  
Kristin Brandon Snyder  
Jesse Carlton  
Liz Hurley  
Joseph Prahlow  
Hon. Michael G. Gotsch  
Linda L. Cioch  
Cory D. Noland  
Victoria R. Wolf  
Virginia Calvin  
Mary Butiste-Jones  
Patricia Hancock

This motion was seconded by Mr. Noland and passed by a voice vote; 9-0.

No negatives were heard.

Mr. Herbster Nominated Gene Reese to the Economical Development Commission - Walkerton

This motion was seconded by Mr. Kruk and passed by a voice vote; 9-0

Mr. Noland moved and was seconded by Mr. Kruk to approve the minutes of June 12, 2012. The motion passed by a voice vote; 9-0. No negatives were heard.

Mr. DeVon requested Bill No. 25-12 be tabled to next month. This motion seconded Mr. Noland. Mr. Morton stated that for point of clarification the Council did receive notice today and they did contact the neighborhood association and it is tabled to next month.

No report from the County Auditor.

No report from the Board of Commissioners.

No report from any Special Committees.

**First Readings:**

**BILL NO. 56-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$4,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0062 - Highway Maintenance, Dept. 0061 - Highway Adm.) Assigned to Engineer and Transportation

**BILL NO. 57-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$170,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 012 - County Assessor) Assigned to Budget and Administration

**BILL NO. 58-12:** AN ORDINANCE TO REDUCE THE 2012 ST. JOSEPH COUNTY REASSESSMENT FUND- 0008, 2012 BUDGET REDUCTION (Dept. 012 - County Assessor) Assigned to Budget and Administration

**BILL NO. 59-12:** 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. 0012 - Assessor) Assigned to the Budget and Administration

**BILL NO. 60-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$7,000.00 OUT OF THE ST. JOSEPH COUNTY 2012 JAG GRANT AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0018 - Prosecutor - 8109 JAG Grant) Assigned to Human Services & Criminal Justice

**BILL NO. 61-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$20,500.00 OUT OF THE ST. JOSEPH COUNTY INELIGIBLE DEDUCTION FUND 1216 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 - Auditor) Assigned to Budget and Administration

**BILL NO. 62-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$40,000.00 OUT OF THE ST. JOSEPH COUNTY INELIGIBLE DEDUCTION FUND 1216 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 - Auditor) Assigned to Budget and Administration

**BILL NO. 63-12:** AN ORDINANCE AMENDING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, BY ADDING A NEW SUB CHAPTER 154.602, COMBINED PUBLIC HEARING PROCEDURE. Assigned to Land Use Planning

**BILL NO. 64-12:** 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. 0023 - Engineer) Assigned to Engineering and Transportation

**BILL NO. 65-12:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE BOOK, AS AMENDED, FOR PROPERTY LOCATED AT 10649 MCKINLEY HWY. OSCEOLA, IN 46561 FROM C - COMMERCIAL DISTRICT, TO C - COMMERCIAL DISTRICT PETITIONER: RESOLVE MORTGAGE & FINANCE, LLC.; GERMAN CONCEPTS LLC. Assigned to Land Use Planning

**BILL NO. 66-12:** AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO WIT: WOODLAWN AVENUE BETWEEN TOLEDO AVENUE AND MCKINLEY HWY OF LAWNDALE ACRES, PART OF THE NW 1/4 OF SEC. 4, T37N, R4E, PENN TOWNSHIP ST. JOSEPH COUNTY, INDIANA (Petitioner: John Ferguson; Resolve Mortgage and Finance, LLC; German Concepts, LLC) Assigned to Land Use Planning

**BILL NO. 67-12:** AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF ST. JOSEPH, INDIANA, APPROPRIATING THE PROCEEDS DERIVED FROM THE BONDS HERETOFORE AUTHORIZED TO BE ISSUED AND DESIGNATED AS "COUNTY OF ST. JOSEPH, INDIANA, MENTAL HEALTH REVENUE REFUNDING BONDS, SERIES 2012" FOR THE PURPOSE OF PROVIDING FUNDS TO CURRENTLY REFUND CERTAIN OUTSTANDING ST. JOSEPH COUNTY, INDIANA, ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS, SERIES 1997 (MADISON CENTER PROJECT), TOGETHER WITH EXPENSES INCIDENTAL THERETO, INCLUDING EXPENSES IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

Assigned to Budget and Administration

**BILL NO. 68-12:** AN ORDINANCE OF THE COUNTY OF ST. JOSEPH, INDIANA, AUTHORIZING THE ISSUANCE AND SALE FO COUNTY MENTAL HEALTH REVENUE REFUNDING BONDS OF THE COUNTY PAYABLE FROM THE MENTAL HEALTH LEVY TAX LEVY FUNDS MADE AVAILABLE FOR SUCH PURPOSE TO PROVIDE FUNDS TO CURRENTLY REFUND CERTAIN OUTSTANDING ST. JOSEPH COUNTY, INDIANA, ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS, SERIES 1997 (MADISON CENTER PROJECT) Assigned to Budget and Administration

**BILL NO. 69-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$55,000.00 OUT OF THE ST. JOSEPH COUNTY INELIGIBLE DEDUCTION FUND 1216 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 - Auditor) Assigned to Budget and Administration

**BILL NO. 70-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$37,000.00 OUT OF THE ST. JOSEPH COUNTY INELIGIBLE DEDUCTION FUND 1216 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 - Auditor) Assigned to Budget and Administration

**BILL NO. 71-12:** 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 Human Services & Criminal Justice

**Bill No. 72-12:** 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. 0048 - Prosecutor Title IV) Assigned to Human Services & Criminal Justice

**Bill No. 73-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$1,500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0055 - Health) Assigned to Human Services & Criminal Justice

**Bill No. 74-12:** AN ORDINANCE DECREASING AN APPROPRIATION IN THE SUM OF \$157,594.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 1000 FROM VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (0018 - Prosecutor) Assigned to Human Services & Criminal Justice

**Bill No. 75-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$250,674.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 1000 FROM VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (0018 - Prosecutor) Assigned to Human Services & Criminal Justice

**BILL NO. 76-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$8,709.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 1000 FROM VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (0018 - Prosecutor) Assigned to Human Services & Criminal Justice

#### **Resolutions**

#### **Public Hearings:**

**BILL NO. 42-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$17,500.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Dept. 0056 - C.S.A.P.) - ***TO BE AMENDED***

Mr. Ha mann reported that Bill No. 42-12 comes with a favorable recommendation.

Teresa Shuter, Chief Deputy Auditor read the amendment to change the ordinance title to reflect the new fund number, as mandated by state as well as deleting the object code.

Mr. Morton made a motion to amend Bill No. 42-12.

Eric Ivory, coordinator for the Drug Court, spoke about what they would do with this money. This money is from a Grant, which will be used to expand and or enhance the Drug Court services.

Motion to amend No. 42-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No 42-12 was passed to-wit; 8-0.

**BILL NO. 46-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$15,373.00 OUT OF THE ST. JOSEPH

COUNTY GENERAL FUND - 0001, \$176,285.00 OUT OF THE ST. JOSEPH COUNTY HIGHWAY FUND - 0002, \$36,694.00 OUT OF THE ST. JOSEPH COUNTY PORTAGE MANOR FUND - 0015, \$67,527.00 OUT OF THE ST. JOSEPH COUNTY PARK & RECREATION FUND - 0007 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012. (2012 Budget Corrections - Various Departments)

Mr. Kruk reported that Bill No. 46-12 comes with a favorable recommendation.

Mr. Mullen stated they have received their final budget order from the Department of Local Government. This is the first of the housekeeping ordinances.

Motion to pass Bill No. 46-12 was made by Mr. Hamann and seconded by Mr. Kruk. Bill No. 46-12 was passed to-wit; 8-0.

**BILL NO. 48-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$3,966.00 OUT OF THE ST. JOSEPH COUNTY PARKS & RECREATION FUND (0007) AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0057 - Parks & Recreation)

Mr. DeVon reported that Bill No. 48-12 comes with a favorable recommendation.

Evelyn Kirkwood, Director of St. Joseph County Parks, stated this money is to be appropriated into their group insurance line, to replace, in part, some of the appropriations that were lost through the Department of Local Government and Finance reductions that Auditor Mullen was just discussing.

Motion to pass Bill No. 48-12 was made by Mr. McCahill and seconded by Mr. Kruk. Bill No. 48-12 was passed to-wit; 8-0.

**BILL NO. 49-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$41,853.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0048 - Pros. Title IV-D)

Mr. Hamann reported that Bill No. 49-12 comes with a favorable recommendation.

Bob Risenhoover, with the Prosecuting Attorney's office. Mr. Risenhoover stated he is requesting a transfer of funds from the General Fund 0001 to 0109, this represents the check that was drawn against the incentive funds transferred into the general fund that the check was voided, we need to transfer the money back into the incentive fund because it is state and federal funds.

Motion to pass Bill No. 49-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 49-12 was passed to-wit; 8-0.

**BILL NO. 50-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$8,174,400.00 OUT OF THE ST. JOSEPH COUNTY C.E.D.I.T. FUND - 0009 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Commissioners)

Mr. Kruk reported that Bill No. 50-12 comes with a favorable recommendation.

Andy Kostielney, County Commissioner, stated we have a bi-subsidy of \$1,157,700.00, a (tape inaudible) \$1,301,700.00, emergency dispatch radios, \$1,000,100.00, county building rehab, \$1.5 million, highway equipment, \$200,000.00, storm water sewer mandate, \$250,000.00, Jackson Road landfill, \$40,000.00, grate separation for Mishawaka, \$125,000.00, highway appropriation, \$300,000.00, road program transfer of \$2,000,000.00 and environmental controls of \$200,000.00, that brings a total allocation of \$8,174,400.00. This appropriation is half a million dollars below what they anticipate to bring in (tape inaudible) ...in the event that we have any unforeseen expenses that come up.

Motion to pass Bill No. 50-12 was made by Mr. Hamann and seconded by Mr. Kruk. Bill No 50-12 was passed to-wit; 8-0.

**BILL NO. 52-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$352,254.00 OUT OF THE ST. JOSEPH COUNTY 2006 REASSESSMENT FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0012 - County Assessor)

Mr. Kruk reported that Bill No. 52-12 comes with a favorable recommendation.

Rosemary Mandrici, St. Joseph County Assessor, this is a request to transfer 2006 reassessment funds into the 2017 reassessment fund, and close out the balance of that appropriation

Motion to pass Bill No. 52-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 52-12 was passed to-wit; 8-0.

**BILL NO. 55-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$392,060.00 OUT OF THE ST. JOSEPH COUNTY HEALTH H.U.D GRANT FUND - 02122 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0055 - Health) **TO BE AMENDED**

Mr. Hamann reported that Bill No. 55-12 comes with a favorable recommendation.

Mr. Morton stated this bill needs to be amended and asked the Clerk to read the amendment, which was a date change.

Nick Molchan, Administrator of the County Health Department, agrees with the amendment. This money will be used for lead testing of children, risk assessment of homes with lead hazards, community outreach activities, and also to coordinate a program to provide supplies, equipment and contractual services to assist residents with hazards in their homes other than lead.

Mr. Morton asked Mr. Molchan if his previous concerns with the Housing Authority have been worked out. Mr. Molchan stated that all concerns with the last grant have been fulfilled and taken care of.

Motion to amend Bill No. 55-12 was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 55-12 was passed to-wit; 8-0.

**BILL NO. 47-12:** AN ORDINANCE DECREASING AN APPROPRIATION IN THE SUM OF \$94,921.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 FROM VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Various Departments) {decrease appropriation}

Mr. Kruk reported that Bill No. 47-12 comes with a favorable recommendation.

Mr. Peter Mullen, County Auditor. This is the 2<sup>nd</sup> of the 3 ordinances before the Council. This is a decrease appropriation.

Motion to pass Bill No. 47-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 47-12 was passed to-wit; 8-0.

**BILL NO. 43-12:** 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)

Mr. Ha mann reported that Bill No. 43-12 comes with a favorable recommendation.

Bob Risenhoover, Prosecuting Attorney's office, requesting an amendment to the salary ordinance, changing one of their salary levels that they are using in the 2012 budget. There is no increase in funds, it will all be handled internally with an in-line transfer.

Motion to pass Bill No. 43-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No 43-12 was passed to-wit; 8-0.

**BILL NO. 45-12:** 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. (Various Departments)

Mr. Kruk reported that Bill No. 45-12 comes with a favorable recommendation.

Mr. Peter Mullen, County Auditor, this is the 3<sup>rd</sup> and final of the housekeeping bills, this is the adjustment of the salaries. This is the final part of the budget order from the State of Indiana. This should wrap up the housekeeping for 2012.

Motion to pass Bill No. 45-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 45-12 was passed to-wit; 8-0.

**BILL NO. 35-12:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY ST. JOSEPH COUNTY REGIONAL WATER AND SEWER DISTRICT (SJCRWSD) FOR THE PROPERTY LOCATED AT 15505 SHIVELY ROAD, WYATT, INDIANA, 46595 THE SAME BEING PETITION NO. 04-04-12-20 FILED WITH THE AREA BOARD OF ZONING APPEALS.

Mr. De Von reported that Bill No. 35-12 comes with a favorable recommendation.

Mark Lyons, Building Department, stated this is a rate stabilization project for the Wyatt sewer and water district. Comes with a favorable recommendation.

Kenneth Jones Jr., White and Petrie, this project would echo what Mr. Lyons just said. We agree with the Board of Zoning Appeals recommendation.

Motion to pass Bill No. 35-12 was made by Mr. Herbster and seconded by Mr. Kruk. Bill No. 35-12 was passed to-wit; 8-0.

**BILL NO. 31-12:** 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 17060 STATE ROAD 23, SOUTH BEND, INDIANA 46635 FROM "O/B" OFFICE/BUFFER DISTRICT TO "B" BUSINESS DISTRICT. (Petitioner: Hyeon Heui Jo)

Mr. De Von reported that Bill No. 31-12 comes with a favorable recommendation.

Christa Nader, Area Plan Commission, this request is a zone change from O/B to B Business to allow a tailor shop. South Bend nor Mishawaka can provide sewer at this time. Comes with a favorable recommendation from Area Plan subject to a written commitment that excludes liquor stores, restaurants, taverns and any and all controlled uses. Mr. DeVon asked what the intentions of the space would be. Ms. Nader stated an alteration shop. The business has been up and running for a year or so.

Mr. Bernie Feeney, Registered Land Surveyor, to clarify, this property is a converted single family residence, a small 900 square foot, south of the Toll Road. In 2005 it was re-zoned to O/B office buffer district to allow acupuncture business to locate to that home and was converted to that use at that time. Recently it was discovered the tailor shop was not in compliance with the zoning ordinance. As soon as the Jo's found out, they contracted with Mr. Feeney to re-zone the property.

Mr. DeVon, asked if they decided to stop tailoring there, what other businesses can go in there. Mr. Feeney stated anything except what was on Ms. Nader's recommendation. Mr. Feeney stated we are willing to enter in that commitment. Mr. DeVon stated he would like to have it restricted to just tailoring purposes, also stating that later on down the line, he does not want to see anything else that could be open to come in. Mr. DeVon would like to see the written commitments for this use only. Mr. Feeney said he would be happy to accommodate.

Mr. De Von stated he would like to make an amendment to the motion, that would keep the use for tailor purposes only. Mr. Kruk stated he would like to reword his motion, to make a motion for passage with the commitments that were expressed by Mr. Feeney.

Motion to amend Bill No. 31-12 was made by Mr. Kruk and seconded by Mr. Herbster. Bill No. 31-12 was passed to-wit; 8-0.

**BILL NO. 39-12: 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 12815 S.R. #23, GRANGER, INDIANA 46530 FROM R SINGLE FAMILY DISTRICT AND C COMMERCIAL DISTRICT TO C COMMERCIAL DISTRICT. (Petitioners: McCombs Family, LLC)**

Mr. De Von reported that Bill No. 39-12 comes with a favorable recommendation.

Christa Nayder, Area Plan Commission, the site is approximately 7 ½ acres, they are proposing a 30,000 square foot building, a 72 display spaces for cars and 90 parking spaces. They do have landscaping around the whole site. It comes with a favorable recommendation from Area Plan Commission.

Mike Danch, Danch Harner Associates, stated they would like to re-zone this property so that Gates Automotive can open up a sales facility that will have 28 service bay's. There will be a 30,000 square foot building that would be constructed on site. This will be connected to St. Joseph County sewer once it is constructed.

Mr. De Von asked if they have talked to the KOA as far as any kind of lighting. Mr. Danch stated they did talk to them. The lights will be shone away from the KOA campgrounds. Tape inaudible.

Motion to pass Bill No. 39-12 was made by Mr. DeVon and seconded by Mr. Kruk. Bill No. 31-12 was passed to-wit; 8-0.

**BILL NO. 40-12: 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 55100 FIR ROAD, MISHAWAKA, INDIANA, FROM "M" INDUSTRIAL/MANUFACTURING DISTRICT, TO "R" SINGLE-FAMILY DISTRICT. (Petitioner: Joseph and Julia A. Ciszczon)**

Mr. De Von reported that Bill No. 40-12 comes with a favorable recommendation.

Christa Nayder, Area Plan Commission, stated, in 1988 this property was re-zoned to M Manufacturing to allow a two man machine shop and home. The machine shop has ceased operation, therefore the owner would like to re-zone it back all to R residential district. The property contains a house and an accessory building. Comes with a favorable recommendation from Area Plan Commission.

Motion to pass Bill No. 40-12 was made by Mr. Kruk and seconded by Mr. Root. Bill No. 40-12 was passed to-wit; 8-0.

**Unfinished Business:**

**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)

Mr. McCahill, stated this is not a tradition use for a PUD, but personally feels like everything goes by an individual basis, case by case basis, when visiting the White's property, did not see a safety issue, that was brought up previously. Mr. McCahill was previously on the fence with this issue, but after speaking to several neighbors and both sides make very valid points. Mr. McCahill stated he is for it.

Mr. Herbster, stated he also visited the neighborhood and met with the White's, he voted for this last time and is even more convinced now. There is no safety issue. Mr. Herbster does not see any problem.

Mr. Kruk stated he also went out to look at the property. Mr. Kruk stated he can see both sides of this, he agrees there is no safety issue nor seeing a devaluation of property. However, he does see it as a use as not in compliance with what the PUD states what it's intended use is. Mr. Kruk stated he is trying to stay as close to our intent as possible.

Mr. Hamann, stated he agrees with Councilman Kruk as it relates to the PUD. Mr. Hamann, when looking at the property also did not see a safety issue. Mr. Hamann also stated he has supported this in the past and strongly supports it now.

Motion to override the Commissioners Veto on Bill No. 14-12 was made by Mr. DeVon and seconded by Mr. Herbster. Bill No. 14-12 was passed to-wit; 7-1.

Mr. Kruk

**New Business:**

**Privilege of the floor:**

**Adjournment:**

Mr. Morton stated that the meeting was adjourned at 8:15 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council