

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
November 13, 2012

The regular meeting of the St. Joseph County Council was called to order at 7:05 p.m., on November 13, 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. Michael J. Kruk  
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 Devon has resigned effective November 7, 2012.

**Petitions, Communications & Miscellaneous Matters:**

Mr. Catanzarite moved and was seconded by Mr. McCahill to approve the minutes of October 9, 2012. The motion passed by a voice vote; 8-0. No negatives were heard.

Mr. Kruk made a motion for Bill No. 136-12 to be tabled at the request of the petitioner. Mr. Catanzarite seconded this motion, there was a vote; 8-0, 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. 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) Assigned to Budget and Administration Committee

**BILL NO. 140-12:** ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING THE AIR POLLUTION CONTROL LEAF BURNING CODE PETITIONER: MICHAEL HAMANN Assigned to Land Use Planning Committee

**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) Assigned to Budget and Administration Committee

**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

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**BILL NO. 152-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$3,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0020 - Superior Court) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**BILL NO. 154-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$8,000.00 OUT OF THE FAMILY COURT GRANT FUND -9105 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0054 - Domestic Relations) Assigned to Budget and Administration Committee

**BILL NO. 155-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$158.07 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0054 - Domestic Relations) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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) Assigned to Budget and Administration Committee

**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

**BILL NO. 166-12:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT 18290, 18330 & 18370 DUNN ROAD & VACANT PROPERTIES LOCATED SOUTHEAST AND ADJACENT TO 18290, 18330 & 18370 DUNN ROAD, SOUTH BEND, INDIANA 46637 FROM R SINGLE FAMILY DISTRICT AND PUD PLANNING UNIT DEVELOPMENT DISTRICT TO PUD PLANNING UNIT DEVELOPMENT DISTRICT PETITIONERS: DUNN PLACE, LLC Assigned to the Land use planning Committee

**Resolution: BILL NO. 167-12:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING THE MARIAN HIGH SCHOOL GIRL'S SOCCER TEAM FOR WINNING THE 2012 INDIANA STATE 1A CHAMPIONSHIP.

Mr. Hamann stated that he is going to read the Resolution. He also stated that he is a Marian High School graduate and that he is very proud of the players. Mr. Hamann read the Resolution along with the coach's names and players names.

Commissioners Kostielney, St. Joseph County Commissioner, stated, he would like to echo the words of Mr. Hamann, Also, this is a very well deserved honor, when Marian won the State Championship a few weeks ago, they became the second school in the history of St. Joseph County to win the State Championship. It became only the eighth school in the history of Indiana to win a girls State Championship in soccer. This is a very rare era. They finished co champs of the NIC and finished nice eighteen, four and two record. As impressive as their accomplishments have been on the field, they're even more impressive off the field. This is truly a great group of young ladies and the represent St. Joseph County very well. Once again, congratulations to the Marian family for doing it right and for representing St. Joseph County in all of Northern Indiana as well as you did.

**Public Hearings:**

**BILL NO. 123-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$25,000.00 OUT OF THE SURVEYOR CORNER FUND – 1202 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept.0023 - County Engineer)

Mr. Catanzarite reported that Bill No. 123-12 comes with a favorable recommendation.

John McNamara, County Surveyor, stated that this is an appropriation out of the Section Corner Perpetuation Fund that the recorder takes five dollars out of every deed that is recorded, so it's not property tax money, it's money that is designated for this particular use, and I am here to appropriate it for the rest of this year.

Motion to pass Bill No. 123-12 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 123-12 was passed to-wit; 8-0.

Mr. Morton stated that we will have a combined public hearing and a separate vote on Bill No. 118-12, 119-12, 120-12, 131-12, 132-12 133-12 and 134-12.

**BILL NO. 118-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$155,532.00 OUT OF THE STOP VIOLENCE AGAINST WOMEN GRANT FUND 8106 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE FISCAL YEAR 2013 (Dept. 0018 - Prosecutor)

Mr. Hamann reported that Bill No. 118-12, 119-12, 120-12, 131-12, 132-12 133-12 and 134-12 comes with a favorable recommendation.

Robert Risenhoover, Prosecutors Office, stated we are asking for appropriation from various grants that we have received. The first one, Bill No. 118-12 is for \$155,532.00 and from grant fund 8106, the grant was issued by the Department of Justice, it's a Stop Violence Against Women Grant. We refer to it at the STOP grant. It's for the Special Victims Unit, under the prosecutors for the period July 1, 2012 through June 30, 2013. The next Bill for \$40,000.00 from grant fund 8102, the agency issuing the grant is the Department of Justice, it's a Stop Violence Against Women, it's an AARA grant which is Stop Recovery grant, it's also for the Special Victims Unit. It's for the period September 1, 2012 through June 30, 2013. The next bill is 120-12, it's for \$246,668.00 from grant fund 9108, it's from the Family and Social Services Administration, it's for adult protective services, for the period July 1, 2012 through June 30, 2013. And it is a mandated account, by the state. The next one is 131-12 for \$10,000.00, it's from grant fund 8112 issued by the Department of Justice, Stop Violence Against Women, it's a Weed and Seed Grant, which pays for prosecutors that are handling in areas of St. Joseph County that has been designated as high crime or high gang activity. This reimburses the fees for some of the prosecutions. This period is July 1, 2011 through June 2012. It's a retro grant. The next one is 132-12, the appropriation is for \$81,799.00, that is from grant fund 8117, Department of Justice, this is a VOCA grant, period covered is October 1, 2012 through September 30, 2013. Then next bill, 133-12 is for \$299,748.00, the grant fund is 8116, again the Department of Justice, this is a pass through grant for the Family Justice Center, and the period for that is October 1, 2012 through September 30, 2014, it's a two year grant. The last one is Bill No. 134-12 is for \$39,000.00, the fund is 8115, it's a FACT grant, for the period October 1, 2012 through September 30, 2013 and there is no match required on that.

Mr. McCahill, stated, the FACT Grant, 134-12 has been cut by the federal grant, you started that in 2006 or 2007, St. Joseph County Indiana has a 100% conviction rate, there is a lot more fatal accidents in St. Joseph County Indiana than there are homicides in St. Joseph County Indiana. And we have a 100% conviction rate. I spoke with the commander of the FACT team, Tim Spencer, he told me he took a pay cut because they cut the grant. Is that true?

Mr. Risenhoover: Not for Tim.

Mr. McCahill: No but the prosecutor's office.

Mr. Risenhoover: Oh yes, substantially, and it's gone down each year by 30%.

Mr. McCahill: And yet we still have a 100% conviction rate.

Mr. Risenhoover: For every call out we send two deputy prosecutors on that site. And they gather the information, they make sure everything is in line, and that is one of the reasons you have 100% conviction rate.

Mr. McCahill: Can this be amended? To add \$5,000.00 to this amount? We have a 100% conviction rate.

Mr. Morton: But it's a Federal Grant. It's an appropriation of a grant.

Mr. Risenhoover: We can do it in the budget process.

Mr. Morton: I understand what you are saying Bob, and your point is well taken, but not with these grant monies that we want to talk about some negation.

Mr. McCahill: But in the future, we can appropriate more money.

Mr. Risenhoover: It's not only the prosecutors but it's also the law enforcement people that go out there. They really are a dedicated group of men and they are always undergoing training with this. Tim Spencer is recognized as one of the top people in the state.

Mr. McCahill: Actually, St. Joseph County is probably the top FACT team in the state of Indiana, and he goes to other states and trains, and I don't think we give these guys enough credit.

Mr. Moron: Your point is well taken.

Mr. McCahill: Thank you sir.

Mr. Risenhoover: The grant does pay the overtime for the officers that go out to call outs.

Mr. McCahill: As long as they have enough money.

Mr. Risenhoover: Right.

Mr. McCahill: As long as we don't have a bunch of fatal's and we never know when that is going to happen.

Mr. Kruk asked, Bill No. 133-12, that is for the Family Justice Center?

Mr. Risenhoover: That is correct.

Mr. Kruk: I see an amount of rent and office space. Was there an issue with the rent not being paid out there.

Mr. Risenhoover: I think there was an issue with that but we have the funds now released through the grant and we are writing checks to pay the rent.

Mr. Morton: That is a good question, our esteemed Auditor and I believe Mr. Kostielney and myself have worked on that and believe it has been resolved.

Motion to pass Bill No. 118-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 118-12 was passed to-wit; 8-0.

**BILL NO. 119-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$40,000.00 OUT OF THE STOP AARA GRANT FUND 8102 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE FISCAL YEAR 2013 (Dept. 0018 - Prosecutor)

Motion to pass Bill No. 119-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 119-12 was passed to-wit; 8-0.

**BILL NO. 120-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$246,668.00 OUT OF THE ADULT PROTECTIVE SERVICES (APS) GRANT 71-11-PV-1244-03 FUND 9108 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0018 - Prosecutor)

Motion to pass Bill No. 120-12 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 120-12 was passed to-wit; 8-0.

**BILL NO. 131-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 OUT OF THE WEED AND SEED FUND - 8112 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0018 - Prosecutor)

Motion to pass Bill No. 131-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 131-12 was passed to-wit; 8-0.

**BILL NO. 132-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$81,799.00 OUT OF THE VOCA GRANT 12VA1391 FUND 8117 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0018 - Prosecutor)

Motion to pass Bill No. 132-12 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 132-12 was passed to-wit; 8-0.

**BILL NO. 133-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$299,748.00 OUT OF FUND 8116 THE FAMILY JUSTICE CENTER AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0018 - Prosecutor)

Motion to pass Bill No. 133-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 133-12 was passed to-wit; 8-0.

**BILL NO. 134-12:** AN ORDINANCE APPROPRIATING THE SUM OF \$39,000.00 OUT OF THE FACT GRANT 1581 – FUND 8115 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0018 - Prosecutor)

Motion to pass Bill No. 134-12 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 134-12 was passed to-wit; 8-0.

**BILL NO. 135-12:** 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 Justice Center)

Mr. Hamann reported that Bill No. 135-12 comes with a favorable recommendation.

Peter Morgan, Executive Director at the St. Joseph Probate Court, the reason this is necessary, the person previously as our probation supervisor was mandated by the state salary schedules, because of her experience and degrees and the amount allotted to a supervisor to have a salary of \$49,490.00. We have a new supervisor, that person's experience, degree and the amount mandated for a probation supervisor requires an amount of \$51,715.00 to pay her what is required by the probation officer schedule.

Mr. Noland: I believe you answered this in committee, but you have made arrangements for this in the 2013 budget or not yet?

Mr. Morgan: Not yet. We expect to do that.

Motion to pass Bill No. 135-12 was made by Mr. Catanzarite and seconded by Mr. Kruk. Bill No. 135-12 was passed to-wit; 8-0.

**BILL NO. 122-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$3,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0028 – Voters Registration)

Mr. Kruk reported that Bill No. 122-12 comes with a favorable recommendation.

Mr. Terry Coleman, Member of Board of Voters Registration, this is to transfer \$3,000.00 into two different line items for the purpose of purchasing new office chairs for our office as well as purchasing two new scanners.

Motion to pass Bill No. 122-12 was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 122-12 was passed to-wit; 8-0.

**BILL NO. 124-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$700.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0054 - Domestic Relations)

Mr. Hamann reported that Bill No. 124-12 comes with a favorable recommendation.

Beth Kerns, Director of Domestic Relations, we are requesting \$700.00 be moved from our travel account into our supply account so we have sufficient money to finish out this year.

Motion to pass Bill No. 124-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 124-12 was passed to-wit; 8-0.

**BILL NO. 125-12:** AN ORDINANCE TRANSFERRING THE SUM OF \$1,200.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0023 - County Engineer)

Mr. Catanzarite reported that Bill No. 125-12 comes with a favorable recommendation.

John McNamara, Department of Public Works, we are taking money out of different accounts and putting it into the gas line item.

Motion to pass Bill No. 125-12 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 125-12 was passed to-wit; 8-0

**BILL NO. 138-12:** AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XI, BUSINESS REGULATIONS CHAPTER 113, MASSAGE ESTABLISHMENTS/MASSAGE THERAPISTS BY CERTAIN DEPARTMENTS OF THE COUNTY, OF THE ST. JOSEPH COUNTY, INDIANA CODE (DEPT. 0055 HEALTH)

Mr. Hamann reported that Bill No. 138-12 comes with a favorable recommendation.

Mark Nelson, Health Department, the Health Department proposes this change to the ordinance to ensure we have only valid message therapists licensed in our County and to ensure that they perform in a safe and sanitary manner.

John Goodson, 500 Lincolnway West Apartment 605, Mishawaks, I am a member of North by Southwest Human Trafficking Project, we support Bill No. 138-12 which will require stricter requirements for the licensing of message therapists.

Mr. Herbster: I just wanted to express my thanks for the gentleman who came out tonight from North by Southwest, I heard a little about the big problem we have with human trafficking around the world and even in the US, and I just consider you folks modern day Wilberforce's and encourage you to keep up the good work and if there is anything we can do in the future on this issue, I hope you will get in touch with us.

Motion to pass Bill No. 138-12 was made by Mr. Herbster and seconded by Mr. Kruk. Bill No. 138-12 was passed to-wit; 8-0

**BILL NO. 116-12:** AN ORDINANCE TO ESTABLISH AND APPROPRIATE THE 2013 ANNUAL BUDGET OF THE ST. JOSEPH COUNTY BOARD OF MANAGERS FOR HOTEL-MOTEL TAX, IN THE AMOUNT OF \$3,263,436.00 OUT OF THE ST. JOSEPH COUNTY CONVENTION EXHIBITION FUND – 7304 (Hotel/Motel Budget)

Mr. Kruk reported that Bill No. 116-12 comes with a favorable recommendation.

Mr. Ellison, President of St. Joseph County Hotel/Motel Tax Board of Managers, I am here to present our budget, which we met in committee and had a chance to review some points I'd like to call to your attention. This years budget appropriate any funds for the Collage Football Hall of Fame and as much as it is our understanding, they will be ceasing operations by the end of this month, therefore that money is being set aside and not being appropriating, however there are some things that we are doing in addition to our regular obligation for debt services for the Century Center lease. We will continue to fund the operation of the Century Center at the same amount as last year. Even though we do anticipate our revenue will be higher. We are excited about we are able to contribute from our reserves, not from Hall of Fame related money, \$500,000.00 towards the improvements necessary to keep the Century Center functioning and operational from a capital improvement standpoint. In addition to that, we will be increasing by \$95,000.00, the amount we allocate to our convention and visitors bureau for their work on behalf on all of the citizens of the county. And in addition to that, we will be increasing the tourism grant program that you were helpful in bringing to our attention. So our total budget of \$3,263,436.00 is less than last years.

Motion to pass Bill No. 116-12 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 116-12 was passed to-wit; 8-0

**BILL NO. 137-12:** AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE NO. 100-07 PERTAINING TO THE ST. JOSEPH COUNTY, INDIANA VARIABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2007 (HANNAH & FRIENDS PROJECT) (THE "BONDS"), APPROVING THE FORM OF, AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS AMENDING THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER DOCUMENTS RELATED TO THE BONDS AND AUTHORIZING PROPER OFFICERS TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

Mr. Kruk reported that Bill No. 137-12 comes with a favorable recommendation.

Alan Feldbaum, Barnes and Thornburg, we are pleased to be serving as bond council for Hanna and Friends, the purpose of this ordinance is to permit Hanna and Friends to amend documents to enable it to restructure bonds that were issued in 2007. Those bonds were used to help finance some homes for special needs individuals in our community, these bonds do not constitute a debt of the county and are payable solely from monies paid by Hanna and Friends.

Motion to pass Bill No. 137-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 137-12 was passed to-wit; 8-0

**BILL NO. 115-12:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY HARRIS TOWNSHIP FOR THE PROPERTY LOCATED AT 10650 BRUMMITT ROAD GRANGER, IN 46530. THE SAME BEING PETITION NO. 10-03-12-07 FILED WITH THE AREA BOARD OF ZONING APPEALS

Mr. Morton reported that Bill No. 115-12 comes with a favorable recommendation.

Mr. Lyons, Building Department, the petitioner is seeking a special exception for soccer fields. It comes to you with a favorable recommendation from the Area Board of Zoning Appeals.

Robert Wood, Harris Township Trustee in Granger, several months ago we were approached by Michiana Youth Soccer League, they do not have a home soccer field and we have roughly thirty two acres on Brummitt Road. We are going into a joint venture with Michiana Youth Soccer to build four soccer fields to play their home games. Right now they go to Newton Park in Lakeville. And there are about four hundred to four hundred and fifty kids that belong to this and about 80%-90% of them are Granger residents anyway. At our Board of Zoning meeting, they did recommend fencing, so we have contracted with a local fence company, we are spending roughly about \$14,000.00 in putting a six foot high chain link fence along the east side of the property and along Brummitt Road, a split rail fence, with a gate.

Mr. Root: I know at present, the facility does not have any restrooms, are you planning on putting some in there?

Mr. Wood: Yes, probably the Joey John's, for a temporary use. The long term goal, in a few years, a concession stand built and permanent restrooms.

Mr. Noland: Any plans for lights for night activities?

Mr. Wood: No, there will not be any night games and we ensured the homeowners of that. Everything will be concluded by dusk. We have included, at our expense, we have put some security lights up around the play ground area.

Janice Betcher, 52357 Crimson Maple Drive, I am one of those home owners, I really don't favor it, I really don't say no. I just want to know if I can express my opinion. After the Zoning Board meeting, there were four of us property owners who's property is being affected. We suggested in our letter to Mr. Wood's that we wanted a green chain link fence, similar to Newton Park as well as trees to protect our privacy. Today, they finished up the fence, it's a green chain link fence and at the beginning of the toll road, it's nineteen feet from the edge of the property, and at my end, which is the north end of the section, it's nine feet from the property. And there is no way they are going to be able to plant trees on our side of the fence to give us more security. The property was never surveyed; they don't even know where our property lines are. We have never gotten anything in writing and we have not gotten what we asked for, just to protect our property.

Mr. Woods: The property she is referring to that butt up to the property on the east, they originally wanted an eight foot fence, the county code only allows you six without doing a special permit. I asked the zoning people when we had our meeting, there is no requirement on where the fence has to be set from property lines. We are going to put trees on the opposite side of the fence. The trees were never to hide the fence. We said we would put trees in there so we didn't have to look at it.

Mr. Cantazarite: Mr. Woods, what kind of plantings are you planning on putting out there? What kind of trees or plantings?

Mr Woods: The homeowners suggested pine trees. Also, I'd like to say, it's safer now and more secure than it was before.

Mr. Noland: When you say the trees are going to be on the opposite side of the fence, what does that mean?

Mr. Woods: On our property.

Motion to pass Bill No. 115-12 was made by Mr. Root and seconded by Mr. Hamann. Bill No. 115-12 was passed to-wit; 8-0

**BILL NO. 117-12:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY PAUL E. & KATIE MARIE KUHN FOR THE PROPERTY LOCATED AT 12530 SHIVELY RD. BREMEN, IN 46506. THE SAME BEING PETITION NO. 10-03-12-08 FILED WITH THE AREA BOARD OF ZONING APPEALS

Mr. Morton reported that Bill No. 117-12 comes with a favorable recommendation.

Mark Lyons, Building Department, this was again given public hearing at the October 3 meeting of the Area Board of Zoning Appeals, this is a special exception request to expand an existing home based business. The gentleman has a manufacturing business for buggies. Comes to you with a favorable recommendation.

Mr. Kuhns, 12530 Shively Road. Bremen, I have no further comments, I would be happy to answer any questions.

Motion to pass Bill No. 117-12 was made by Mr. Herbst and seconded by Mr. Root. Bill No. 117-12 was passed to-wit; 8-0

**BILL NO. 105-12:** 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 12692 SANDY DRIVE, GRANGER, IN FROM M-MANUFACTURING DISTRICT TO C- COMMERCIAL DISTRICT PETITIONER: MERRIL REALITY LLC

Mr. Morton reported that Bill No. 105-12 comes with a favorable recommendation.

Christa Nayder, Area Plan, this is rezoning from M Manufacturing District to C Commercial District to open up the uses allowed in this site to all those allowed under the C Commercial District. It's located within the Princess Way Industrial Park, which is in the Granger area. There is an existing ten thousand square foot building, there are twenty eight parking spaces. It comes to you with a favorable recommendation from Area Plan Commission.

Mark Merrill, Owner of Merrill Pharmacy and Merrill Reality LLC, I built this building in 2007 right before the recession. It has been 60%-80% vacant since that period of time. We have an opportunity to lease this property to a hair salon and photography studio.

Mr. McCahill: Is the photography studio going to do their lab work on site?

Mr. Merrill: No.

Mr. McCahill: Is it going to be primarily digital or conventional color?

Mr. Merrill: Digital.

Mr. McCahill: So there will not be any hazardous waste?

Motion to pass Bill No. 105-12 was made by Mr. McCahill and seconded by Mr. Root. Bill No. 105-12 was passed to-wit; 8-0

**BILL NO. 106-12:** 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 55020 MAYFLOWER ROAD, SOUTH BEND, IN 46628 FROM R – SINGLE FAMILY DISTRICT, TO C – COMMERCIAL DISTRICT PETITIONER: TODD VELDMAN – ALL SECURE SELF STORAGE

Mr. Morton reported that Bill No. 106-12 comes with a favorable recommendation.

Mr. Morton stated that Bill No. 160-12 needs to be amended.

Ms. Shuter read the proposed amendment: Paragraph two under section one, the property description is to be changed to the southern ninety three feet of lot A, baugo replatt of lots 1,2,3,4 and 5 of Carpenters Mayflower Road addition.

A motion to amend Bill No. 106-12 was made by Mr. Catanzarite and seconded by Mr. Kruk.

Christa Nayder, Area Plan, this is rezoning from R single family to C commercial to allow the expansion of existing storage site. There are three existing building, they would like to build a fourth. It comes with a favorable recommendation from Area Plan.

Motion to pass Bill No. 106-12 was made by Mr. Noland and seconded by Mr. Herbster. Bill No. 106-12 was passed to-wit; 8-0

**BILL NO. 127-12:** AN ORDINANCE AMENDING AND SUPPLEMNTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, SUB-CHAPTER 154.151, O; OFFICE DISTRICT, PERMITTED USES, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, TO ALLOW PHOTOGRAPHY STUDIOS (Dept. 0032 – Area Plan)

Mr. Morton reported that Bill No. 127-12 comes with a favorable recommendation.

Christa Nayder, Area Plan, this is just a text change, a few months ago it was brought up before the council, someone wanted to put up a photograph studio in the office district and I think the question was, well why isn't that allowed, because it is not in the code, so we discussed it and added photography studio to the O office district. This comes to you with a favorable recommendation.

Motion to pass Bill No. 127-12 was made by Mr. Noland and seconded by Mr. Kruk. Bill No. 126-12 was passed to-wit; 8-0

**New Business:**

**Privilege of the floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned at 8:30 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council













