

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
September 11, 2012

The regular meeting of the St. Joseph County Council was called to order at 7:05 p.m., on September 11, 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
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.

Petitions, Communications & Miscellaneous Matters:

No report from the County Auditor.
No report from the Board of Commissioners.
No report from any Special Committees.

First Readings:

1st reading and Public Hearing on the St. Joseph County's Budget

BILL NO. 93-12: AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY, INDIANA FOR THE YEAR 2013

BILL NO. 94-12: AN ORDINANCE APPROPRIATING MONEYS FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SEVERAL DEPARTMENTS OF THE COUNTY GOVERNMENT OF ST. JOSEPH COUNTY, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013, INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

BILL NO. 95-12: AN ORDINANCE LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013, FOR THE COUNTY OF ST. JOSEPH, INDIANA

Peter Mullen, St. Joseph County Auditor, the three ordinances before you all tonight are establishing our budget for the year 2013, the public hearing is open tonight, the public is welcome to speak on this, we will take a vote at our October meeting on our budget. The first ordinance, 93-12 is establishing salaries for the employees of the county. Ordinance 94-12 is an appropriation, appropriating the monies, to pay all the bills we will incur in 2013. Bill 95-12 is an ordinance levying the taxes through a tax rate on the budget and on the ordinance of 95-12 and 93-12.

BILL NO. 112-12

ORDINANCE NO. 91-12: ORDINANCE/RESOLUTION FOR APPROPRIATION AND TAX RATE FOR THE ST. JOSEPH COUNTY BUDGET.

Peter Mullen, St. Joseph County Auditor, is an ordinance of the combination of all three of the above bills we just discussed, this is an ordinance resolution that sets the appropriation, the tax rate and the salary ordinance's all together.

BILL NO. 104-12: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY KAREN L. HORVATH FOR THE PROPERTY LOCATED AT 64750 KENILWORTH RD LAKEVILLE, INDIANA THE SAME BEING PETITION NO. 90-05-12-20 FILED WITH THE AREA BOARD OF ZONING APPEALS. PETITIONER: KAREN L. HORVATH Assigned to the Land Use Planning Committee

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 Assigned to the Land Use Planning Committee

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 6 SINGLE FAMILY DISTRICT, TO C 6 COMMERCIAL DISTRICT PETITIONER: TODD VELDMAN 6 ALL SECURE SELF STORAGE Assigned to the Land Use Planning Committee

BILL NO. 107-12: AN ORDINANCE APPROPRIATING THE SUM OF \$13,100.00 OUT OF THE ST. JOSEPH COUNTY - COUNTY GENERAL FUND 1000 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0048 - Prosecutor Title IV) Assigned to the Human Services/Criminal Justice Committee

BILL NO. 108-12: AN ORDINANCE TRANSFERRING THE SUM OF \$500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0037 - Historic Preservation) Assigned to the Budget and Administration Committee

BILL NO. 109-12: AN ORDINANCE APPROPRIATING THE SUM OF \$31,660.17 OUT OF THE ST. JOSEPH COUNTY COMMUNITY BASED CORRECTIONS FUND -1122 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0797 6 Juvenile Monitoring) Assigned to the Human Services/Criminal Justice Committee

BILL NO. 110-12: AN ORDINANCE TRANSFERRING THE SUM OF \$9,500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0025 Juvenile & Probate Court) Assigned to the Human Services/Criminal Justice Committee

BILL NO. 111-12: AN ORDINANCE APPROPRIATING THE SUM OF \$45,000.00 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 the Budget and Administration Committee

A recess to hold a Public Hearing on Solid Waste Management Budget and Public Hearing on Airport Authority Budget.

BILL NO. 113-12

ORDINANCE NO. 92-12: ORDINANCE/RESOLUTION FOR APPROPRIATION AND TAX RATE FOR THE SOLID WASTE MANAGEMENT.

Randy Przybysz, Director of Solid Waste Management District, as you are aware, the County Council has had binding authority the last two or three years to pass the districts budget, prior to that, it was done by the board. I just want to take a quick minute to explain, our board is made up, by law, of the Mayor of South Bend, the Mayor of Mishawaka, a representative of the County Council, who at this time is Mr. Morton, all three County Commissioners, a representative of the Mishawaka City Council, a representative of the South Bend Council and also a town council member who is appointed by the circuit court judge for a term of two years, that's in a state statute, that is a gentlemen at this time from the town of New Carlisle. Basically, we are here tonight because they have changed the process, from in the past the way it was done so we have to stop your meeting and have a specific meeting for us. What I have passed out, each of you have two sheets of paper, one has our line items on it, that is what I will refer to, and the other is a resolution from our board which was signed yesterday, in support of our budget. What is being proposed in the budget is a 3% raise for employees, honestly, the board, as of yesterday was unsure if that is what they wanted to do, they are waiting to see what the County does, as well as the City's. They did sign the resolution in support of this proposal, as it is, and if the decision is made to not go with that level of a raise, of course then, that would be lowered.

The other items that are being proposed to be raised, some of it comes from programs we run. We are charged with overseeing Curbside Recycling for the City of South Bend, New Carlisle, North Liberty. We service approximately 75,000 houses, twice a month, each one. We also have a household waste that anyone can use, at this time, it is free to the public. Old paints, motor oils, antifreeze, mercury contained items, tires, old electronics, those kinds of things can be brought there, and those are all contracted to be taken away and recycled appropriately, or destroyed appropriately. We also have an education program, where we have a staff member goes into the schools and talks about the recycling, the benefits of it, the community groups and organizations. The last couple of years we have been averaging contacting approximately 7,500 people in the form of groups and outreach programs. We are county wide, we also are not funded locally by property taxes. We have a special assessment, our funding comes from fee to each household in our program. For the past fifteen years of the Curbside Program, the original fees that were instituted back then are the same fees as today, there has never been an increase, ever. Our other funding sources are, we share the sale of recyclables but that is market based and it fluctuates, drastically. The other source of income is tipping fees. In the law, the owner of the local landfill could enter into an agreement with Solid Waste District to pay anywhere from fifty cents to two dollars and fifty cents a ton towards local recycling efforts. Here, locally, it was set up at two dollars a ton. The last two to three years, that has averaged about seven hundred and fifty or so thousand dollars a year. That has offset the fees and kept us off property taxes. Unlike approximately forty four of the seventy districts in the state. Temporary labor, our program at 5th Street in Mishawaka, The Household Hazardous Waste, has had unprecedented use, we are averaging, right now, through the end of August, a hundred and twenty three more people per month coming through than last year, we are also having a higher amount of materials dropped off.

Mr. Kruk asked Mr. Przybysz, you have the three Commissioners on your board, have you ever discussed if it's even possible to bring your employees on board with the County employees insurance. Mr. Przybysz stated, that was the hope, the problem was the County having the Stop Loss Policy, and I believe it's two hundred thousand, they were not willing to be magnanimous and put our employees on that part. We looked to see if we could get a writer of our own, but because it was not our insurance, we could not legally, there has been very recently been a discussion that there is a potential for something to be worked out. I don't know the details. If that happens, and we are now able to be on the County's insurance, in some way, the amount spent out of this would decrease drastically.

Mr. Kruk stated, I noted the same thing when looking at the Airport's budget as well and thought they could do the same thing, they are in the same position as you are, they have a small group of employees that they are insuring.

Mr. Noland, stated, interesting they wouldn't allow you to participate in the regular plan, seems odd, hopefully we can get that straightened out soon. Mr. Przybysz stated, the concern is on our side, that we have a reserve and the program is healthy. But if we had a couple people get hurt and something happened, and it went over two hundred thousand for each one, we are not County employees, so it would not be right for the county to cover that, but at the same time, our reserve would be gone. So that seemed to be a risk no one wanted to take at that time. Mr. Noland, asked, not related to the budget, do you have any reason for the drastic increase in utilization at the Mishawaka facility. Mr. Przybysz stated, when this started very early in the year, when the weather was nice, we just assumed people were out cleaning their basements and garages, they weren't, they never did. Again, not sure why all of the sudden it's been being used. We do have an advertising budget legal and then advertising that when I became director was ten thousand and I cut it to two thousand, the only things we've ever done to advertise, I don't think that's the only reason, we are getting a lot of people coming in that say they didn't know about this place till their neighbor mentioned it, it's been around long enough, it's word of mouth. It's caused us to have to do things differently in how we handle stuff there, office staff, myself included, were spending whole days doing nothing but emptying cans of paints in the drum, drums of oil, and packaging things, so much time that things were not happening in the office that should be happening. So in early July, I brought in, under the temporary labor line item, someone, that works one day a week, all he does is seven hours straight is empty paints. It's great, we just never had this before, we could not anticipate the expense that we've had in having this stuff taken out.

Mr. Catanzarite asked, in your line item, down towards the thirty six thousand series, fiscal assist, for ten thousand dollars. Mr. Przybysz stated, it's to the Auditors Office, or financial system is tied in through them. And they also help process a lot of things.

A motion to adjourn the Solid Waste Management Budget was made by Mr. Morton.

A public hearing was opened to hear the Airport Authority Budget.

BILL NO. 114-12

ORDINANCE NO. 92-12: ORDINANCE/RESOLUTION FOR APPROPRIATION AND TAX RATE FOR THE AIRPORT AUTHORITY.

Mr. Mike Daigle, Executive Director of the St. Joseph County Airport Authority, we are completing several years of the terminal building expansion, a multi year project. A little background on the Airport, the Airport Authority is comprised of twenty two hundred acres of land, over forty building structures, miles of pavements, over fifty three vehicles and motorized equipment. We currently have fifty two full time positions, and four part time positions authorized. This past summer, we also have eight seasonal summer workers. In the 2013, we plan on filling one currently empty position, and eliminating two positions, from the 2013 budget. The Airport is unique in that it is a true multimodal facility, one of very few within the county, with air, rail and bus all operating out of the Airport. We have many challenges ahead of us, however, probably the very top of this, is what I call "grow the business." For us that means more flights and hopefully more airlines. We need to have a consistent message that we use over and over again with airlines, to increase service from our facility. This consistent message in future airline meetings must continue to identify the opportunity that make economic sense for them and are good for our markets and our customers. I bring these items to your attention because you will find a small increase in our budget expenditure in the coming year of 2.65%. This increase is primarily the use and expenditure of the Small Community Air Service Development Grant the Authority received in 2011 from the FAA. Without the grant counting in our budget would have contracted approximately one half of one percent for 2013. Additionally in our budget we have moved several items around to identify cost centers and thereby had better internal controls and accountability. We have included a maximum of 3% of increase in wages in budget, however, the actual amount to be determined or recommended, will be completed through our negotiations and complete several more months of our current fiscal year. In the last four years, two of those have been no wage increase at all for the employees at the Airport. We have also made some increases in adding automation in bringing technology to play for the team members to do so more efficiently. We need to keep moving forward with improvements to our buildings, our equipment and our pavements. We also need to be ready fiscally to take advantage for opportunities that come our way by private entities that want to grow or relocate their business to South Bend Airport. This means we have to be flexible.

Mr. Catanzarite asked Mr. Daigle, we currently have a foreign trade zone, I believe. Mr. Daigle stated, two seventy five. Mr. Catanzarite asked him to comment on the value on that trade zone or plans for the future? Mr. Daigle stated, the Foreign Trade Zone is actually a great tool for business to use that is doing international commerce.

A motion to adjourn was made by Mr. Morton, was moved Mr. Kruk and seconded by Mr. McCahill.

The Public Hearing is now resumed.

Public Hearings:

BILL NO. 87-12: AN ORDINANCE APPROPRIATING THE SUM OF \$22,000.00 OUT OF THE ST. JOSEPH COUNTY PUBLIC DEFENDER FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0036 - Public Defenders) Assigned to Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 87-12 comes with a favorable recommendation.

Jim Korpala, Chief Public Defender for St. Joseph County, stated, the purpose for this transfer is for their instruction and training budget.

Motion to pass Bill No. 87-12 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 87-12 was passed to-wit; 9-0.

BILL NO. 91-12: AN ORDINANCE APPROPRIATING THE SUM OF \$78,432.00 OUT OF THE SOLID WASTE MANAGEMENT DISTRICT AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Solid Waste Management) Assigned to Budget and Administration

Mr. Kruk reported that Bill No. 91-12 comes with a favorable recommendation.

Randy Przybysz, Executive Director of Solid Waste Management District, stated, because this is a procedural change, this did not occur last year, basically, when the Gateway System went in, what everyone one was explaining the process was and should be, went ahead and did it that way, then later was told no, we were not informed quite

correctly, so our budget was reduced, from last year. This additional appropriation is not an actual increase in the salary, it is to restore our budget to what the Council passed last year. It is not additional money beyond that.

Motion to pass Bill No. 91-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 91-12 was passed to-wit; 9-0.

BILL NO. 103-12: AN ORDINANCE APPROPRIATING THE SUM OF \$5,000.00 OUT OF THE 2012 PROBLEM SOLVING GRANT FUND 9104 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012 (Dept. 0056 - C.S.A.P.) Assigned to Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 103-12 comes with a favorable recommendation.

Eric Ivory, Coordinator for the Drug Court, stated this appropriation is being used for enhance our drug testing abilities and that will purchase additional drug testing kits so that we can more effectively manage our drug testing participants and they are in compliance with our no alcohol/drug policy.

Motion to pass Bill No. 103-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 103-12 was passed to-wit; 9-0.

BILL NO. 96-12: AN ORDINANCE APPROPRIATING THE SUM OF \$38,500.00 OUT OF THE ST. JOSEPH COUNTY INELIGIBLE DEDUCTION FUND 6 1216 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2012 (Dept. 0002 - Auditor) Assigned to Budget and Administration

Mr. Kruk reported that Bill No. 96-12 comes with a favorable recommendation.

Peter Mullen, St. Joseph County Auditor, stated this appropriation is being used for carpet the Auditors office.

Motion to pass Bill No. 96-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 96-12 was passed to-wit; 9-0.

BILL NO. 98-12: 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. 0056 - C.S.A.P.) Assigned to Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 98-12 comes with a favorable recommendation.

Jesse Carlton, Chief Probation Officer for the St. Joseph County Adult Probation Department, stated this ordinance is being requested due to a change in staff and the requirement to maintain compliance with the 2012 minimum salary schedule for probation officers. No additional funds are being requested as the total salary will be paid from this line item is less than what was actually appropriated for this year.

Motion to pass Bill No. 98-12 was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 98-12 was passed to-wit; 9-0.

BILL NO. 100-12: 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. 0049 Juvenile Justice Center) Assigned to Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 100-12 comes with a favorable recommendation.

Peter Morgan, Executive Director of the St. Joseph Probate Court and Juvenile Justice Center, stated this amendment would allow for the use of funds which presently exist within the same line item, which is the line item that funds our Mental Health and Social Services Department. It would allow unused funds to be transferred to upgrade a position from a Bachelors level Child Behavior Specialist position to a Masters level position.

Motion to pass Bill No. 100-12 was made by Mr. Catanzarite and seconded by Mr. Hamann. Bill No. 100-12 was passed to-wit; 9-0.

BILL NO. 85-12: AN ORDINANCE TRANSFERRING THE SUM OF \$4,496.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0055 - Health Department) Assigned to Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 85-12 comes with a favorable recommendation.

Nick Molchan, Administrator of St. Joseph County Health Department, stated this transfer is being requested so that all funds available to the Health Department for the Health Lead Elimination Grant can be utilized before the end of the grant.

Motion to pass Bill No. 85-12 was made by Mr. McCahill and seconded by Mr. Kruk. Bill No. 85-12 was passed to-wit; 9-0.

BILL NO. 86-12: AN ORDINANCE TRANSFERRING THE SUM OF \$705.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0055 Health Department) Assigned to Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 86-12 comes with a favorable recommendation.

Nick Molchan, Administrator of St. Joseph County Health Department, stated, this transfer is a grant and is being requested to cover the increase group insurance cost so all funds available to the health department can be utilized before its expiration at the end of the year.

Motion to pass Bill No. 86-12 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 86-12 was passed to-wit; 9-0.

BILL NO. 101-12: AN ORDINANCE TRANSFERRING THE SUM OF \$130,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0005 - County Police) Assigned to Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 101-12 comes with a favorable recommendation.

Michael Grzegorek, Sheriff, St. Joseph County, stated, this transfer is to increase our fuel/gas/oil & lubricant, that is to cover the fuel cost for the unanticipated rise in fuel prices as well as a short fall for tires.

Motion to pass Bill No. 101-12 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 101-12 was passed to-wit; 9-0.

BILL NO. 88-12: 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. 0003 - Treasurer) Assigned to Budget and Administration

Mr. Kruk reported that Bill No. 88-12 comes with a favorable recommendation.

Sean Coleman, St. Joseph County Treasurer, stated this transfer is to provide greater customer service at our period of business in the upcoming tax season as well as to cover our tax sale period and a time when vacations are happening in our office. Funds are available due to lower than expected budgeted cost for our other contractual services related to tax billing services.

Mr. McCahill asked Mr. Coleman, what are the other contractual services? Mr. Coleman stated the other contractual service specifically is for the outsourcing of our tax billing this year and the cost came in lower than we expected.

Motion to pass Bill No. 88-12 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 88-12 was passed to-wit; 9-0.

BILL NO. 97-12: AN ORDINANCE TRANSFERRING THE SUM OF \$2,900.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0003 - Treasurer) Assigned to Budget and Administration

Mr. Kruk reported that Bill No. 97-12 comes with a favorable recommendation.

Sean Coleman, St. Joseph County Treasurer, stated this transfer is for the expected purchase for the new desk top printers for use by the Treasures office clerk cashiers and their daily duties. Current printers are inadequate to meet our needs.

Motion to pass Bill No. 97-12 was made by Mr. McCahill and seconded by Mr. Kruk. Bill No. 97-12 was passed to-wit; 9-0.

BILL NO. 92-12: AN ORDINANCE TRANSFERRING THE SUM OF \$300,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2012 BUDGET OF ST. JOSEPH COUNTY (Dept. 0064 Highway Department) Assigned to Engineering and Transportation

Mr. Catanzarite reported that Bill No. 92-12 comes with a favorable recommendation.

Roger Mathia, St. Joseph County Highway Commissioner, stated that earlier this year \$300,000.00 in CEDIT money was appropriated for the Highway Department for use for fuels, to purchase gasoline for all the county vehicles, unfortunately, due to an error of some kind, itø placed in the highway materials account instead of the lube/oil/gas account, and we are here to get this money put in the right account.

Motion to pass Bill No. 92-12 was made by Mr. Noland and seconded by Mr. McCahill. Bill No. 92-12 was passed to-wit; 9-0.

BILL NO. 102-12: 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 - Registration) Assigned to Budget and Administration

Mr. Kruk reported that Bill No. 102-12 comes with a favorable recommendation.

Terry Coleman, Member of the Board of Voters Registration, stated, this transfer is being used to purchase new chairs for the staff, as well as two additional scanners.

Motion to pass Bill No. 102-12 was made by Mr. Noland and seconded by Mr. Kruk. Bill No. 102-12 was passed to-wit; 9-0.

BILL NO. 82-12: 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 THE SOUTHEAST CORNER OF U.S. #20 & SMILAX ROAD, NEW CARLISLE, INDIANA 46552 FROM A AGRICULTURE DISTRICT TO C COMMERCIAL DISTRICT.
PETITIONERS: REBECCA ROEGIERS

Mr. DeVon reported that Bill No. 82-12 comes with a favorable recommendation.

Christa Nayder, Area Plan Commission, stated, the petitioner is requesting a zone change from A Agricultural District to C Commercial District to allow a retail sales warehouse and office facility. It comes with a favorable recommendation from Area Plan.

Mike Danch, Danch, Harner and Associates, 1643 Commerce Drive in South Bend, stated we are asking to rezone so that the petitioner can put a seed and fertilizer store this location. They want to be able to service farmers in that area. Access would be directly off of Smilax Road and will work with county engineer for the driveway opening. This will also be hooked up with water and sewer as well.

Motion to pass Bill No. 82-12 was made by Mr. Herbster and seconded by Mr. Kruk. Bill No. 82-12 was passed to-wit; 9-0.

Mr. Morton stated we will have a combined public hearing and a separate vote on Billø No. 83-12 and 84-12.

BILL NO. 83-12: 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 WEST AND ADJACENT TO 1441 NORTH MICHIGAN STREET FROM SINGLE FAMILY DISTRICT TO UNIVERSITY DISTRICT. PETITIONER: BROTHERS OF HOLY CROSS, INC.

Mr. DeVon reported that Bill No. 83-12 and 84-12 come with a favorable recommendation.

Christa Nayder, Area Plan, stated, this is the former St. Joseph High School site. She pointed out the dotted blue line that is running through the area photograph is the city boundary of South Bend, so everything to the South of that is in South Bend and everything to the North and west of that is in the county. The City approved the city pieces be rezoned to U University. At the public hearing there were five people asking questions with the site. The petitioner answered those questions. Area plan brings this to you with a favorable recommendation.

Rich Deal, Barnes and Thornburg, 100 North Michigan Street, South Bend, stated this rezoning will change this zoning from R residential to U University to permit this site to be used by the purchaser of this site including the University of Notre Dame and Brothers of Holy Cross for expansion for University purposes.

Motion to pass Bill No. 83-12 was made by Mr. Herbster and seconded by Mr. Catanzarite Bill No. 83-12 was passed to-wit; 9-0.

P. BILL NO. 84-12: 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 WEST OF 1441 NORTH MICHIGAN STREET FROM SINGLE FAMILY DISTRICT TO UNIVERSITY DISTRICT. PETITIONER: DIOCESE OF FORT WAYNE & SOUTH BEND, INC.

Motion to pass Bill No. 84-12 was made by Mr. Kruk and seconded by Mr. McCahill Bill No. 84-12 was passed to-wit; 9-0.

Resolutions

Unfinished Business: At the August 14, 2012 meeting Bill No. 139-10 was tabled.

BILL NO. 139-10: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III, ADMINISTRATION, CHAPTER 35, TAXATION OF THE ST. JOSEPH COUNTY, INDIANA CODE BY REPEALING IN ITS'S ENTIRETY. PETITIONER: DALE DEVON

Mr. DeVon requested that Bill No. 139-10 be tabled.

Motion to table failed, 6-3.

Mr. Trippel stated the options are to withdraw the bill, send it back to committee or public hearing. Those are the only three options at this point.

Motion to withdraw Bill No. 139-10 was made by Mr. DeVon and seconded by Mr. Kruk.

Motion to withdraw Bill No. 139-10 was passed to-wit; 7-2. Yes: Mr. Noland, Mr. DeVon, Mr. Kruk, Mr. Catanzarite, Mr. Root, Mr. Hamann and Mr. Morton. No: Mr. Herbster and Mr. McCahill.

New Business:

Privilege of the floor:

Adjournment: Mr. Morton stated that the meeting was adjourned at 8:26 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

