

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
January 8, 2013

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on January 8, 2013, 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 Ms. Teresa Shuter, Chief Deputy Auditor.
Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Mr. O'Brien stated before approving the minutes from the last meeting, I would like to ask that they be amended to reflect my abstention with regard to the board appointments for PTABOA only that aspect for the board appointments, as to want to make sure to avoid potential conflicts with clients.

Mr. Morton moved and was seconded by Mr. Herbster to have the minutes from the December 2012 meeting with the abstention from Councilman O'Brien from the PTABOA appointments were approved. The motion passed by a voice vote; 8-0. No negatives were heard.

A motion to reappoint the following was made by Mr. Catanzarite:

David H. Eckrich – Water Resource Advisory Board

This motion was seconded by Mr. McCahill. There were no other nomination and the motion passed by a voice vote; 8-0. No negatives were heard.

The motion to nominate Mr. Hamann to St. Joseph County Sewer & Water District to replace Member Williams who can no longer finish out his term. There were no other nominations and the motion was passed by a voice 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.

Public Hearing/Public Comment:

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

Rick Tripp, Deputy Director of St. Joseph County Emergency Management Agency, we are here tonight to request an out of line transfer, basically to create a professional equipment line, in the LAPC budget. The LAPC is requested to do that so they can buy equipment for first responders throughout the county to help with hazmat incidents.

Motion to pass Bill No. 168-12 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 168-12 was passed to-wit; 8-0.

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

Jessica Clark, the Bill 173-12 before you tonight is our annual appropriation for our road paving and our maintenance programs as well as our capitol improvement program which utilizes federal aid dollars. As always, we will review the road program come spring time once we get out of the freeze/thaw to identify if there are any additional roads or adjustments we need to make and will then provide that program to you for our information.

Mr. Noland made the motion to amend Bill No. 173-12 and was seconded by Mr. Catanzarite. Bill No. 168-12 as amended was passed to-wit; 8-0

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

Evelyn Kirkwood, Director of the St. Joseph County Parks, this is a request for a transfer of CREDIT funds into our Repairs-Building & Structure line item and our Contractual line item, both of those line items were zeroed out in 2013 budgetary process and this money would reinstate those funds with an increase of approximately sixty six thousand dollars which will enable us to do some of the smaller repairs, repairs needed in the county parks.

Mr. O'Brien made a motion to amend Bill No. 172-12 and was seconded by Mr. Hamann. Bill No. 172-12 as amended was passed to wit; 8-0.

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

Cindy Kilgore, South Bend Police Officer, we are a non profit organization that pays cash rewards for anonymous tips leading to the arrest of felony offenders and solving felony cases.

Motion to pass Bill No. 170-12 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 170-12 was passed to-wit; 8-0.

Resolution

First Readings:

BILL NO. 175-12: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE BY RAE AND JAY CORP (RACHEL AND JASON SPARKE) FOR THE PROPERTY LOCATED AT 52170 S.R. 933, SOUTH BEND INDIANA 46637 THE SAME BEING PETITION NO. 01-19-13-08 FILED WITH THE AREA BOARD OF ZONING APPEALS Assigned to Land Use Planning Committee

BILL NO. 176-12: 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 33771 CHICAGO TRAIL NEW CARLISLE, INDIANA 46552 FROM “A” AGRICULTURAL DISTRICT, TO PUD – PLANNED UNIT DEVELOPMENT DISTRICT PETITIONER: LORI A. KIMMEL & VIRGINIA C. SZYMANSKI CREDIT TRUST 52510 TIMOTHY ROAD NEW CARLISLE, INDIANA 46552 Assigned to Land Use Planning Committee

BILL NO. 3-13: AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT 1ST ALLEY TO NORTH OF DRAGOON TRIAL, GOING WEST TO EAST, ENDING AT PROPERTY LINE OF 58836 STATE STREET APPROXIMATELY 125 FEET GOING EAST FROM STATE STREET PETITIONER: JOHN A. KWIST
Assigned to Land Use Planning Committee

BILL NO. 4-13: 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 52565 S.R. 933, SOUTH BEND, IN 46637 FROM PUD DISTRICT (MULTI-USE), TO PUD PLANNING UNIT DEVELOPMENT DISTRICT (SINGLE USE) PETITIONER: MS SOUTH BEND, LLC
Assigned to Land Use Planning Committee

Unfinished Business:

New Business:

Privilege of the floor:

Mr. Kruk, I wasn't able to attend the County Council Meeting last month, which would have been my last meeting of my service on the Council and I didn't get a chance to formally tell you all how much I have enjoyed working with you in the past nine years, at least a couple of you for nine years, and some of you for just one committee meeting. It has been my pleasure, I have valued my time on the Council, I have enjoyed every meeting I have attended with you all, I take a lot from the last nine years of being on the Council. I look forward to working with you in my new capacity as County Treasurer. I wish you all the continued success on the Council, and in any way I can help you, please let me know. Again, I thank you for all the time I got to spend with you.

Mr. Morton: It seems like yesterday when I was standing at the West Side Democratic Club and you were making your first speech there, running, I believe in a special election, if I am not mistaken, it's very hard to believe that was nine years ago, obviously, you have hit the ground running and your commitment is just been indescribable. From the budget process in every meeting, the questions that you ask, you have been a great, great councilman and is much appreciated. Thank you very much for your service.

Mr. Hamann: Mike you and I ran together in 2010, you had a billboard and the phrase was "He Listens." That is the truth, you really do. I am really impressed by the way that you deal with our constituent's and there have been a couple, that I have dealt with that have been difficult and you picked up the ball and you ran with them. You have a lot of compassion for folks and it's really obvious. I know you are going to bring the same compassion for people to the Treasurer, I am glad we still get to work with you.

Mr. Catanzarite: Everything that has been said here tonight is very accurate. Our county is a much better place because you have served here for the last nine years; it's going to be better when you decide finish serving as county Treasurer. From your humble roots as a carpenter to a guy who gave up being a certified public account because you didn't like the rat race of working in the office and wanted to work with your hands, to the fact that our county is healthier and safer than it was nine years ago. We wouldn't have a smoking ordinance in St. Joseph County if you would not have pushed for that. We would not have Animal Control ordinance if you wouldn't have helped push for that. We would not have the Tax Abatement ordinance, whether you support it or you don't support it, had you had not helped forward that legislation through, so those are just a few of the small but big Hallmark legislation's that you have had a big part of, I am proud to have worked with you. You are truly are a listener and you're a person who likes to reach across the isle and make compromise, I have learned a lot from you. I look forward to working with you in the future as Treasurer. Thanks for your friendship. Did I say that you are a great humanitarian? Thanks Mike.

Adjournment: Mr. Morton stated that the meeting was adjourned at 6:15 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

