

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
July 9, 2013

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on July 9, 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 A. Catanzarite  
Mr. Mark Root

Present from the Auditor's office were Mr. Peter Mullen, St. Joseph County Auditor, Ms. Teresa Shuter, Chief Deputy Auditor. Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary. Mrs. Hess was not in attendance.

**Petitions, Communications & Miscellaneous Matters:**

Mr. Noland moved and was seconded by Mr. McCahill to have the minutes from the June 11, 2013 meeting. The motion passed by a voice vote; 8-0. No negatives were heard.

Mr. Root made a motion to withdraw the Treasurer portion of Bill No. 49-13.  
Mr. O'Brien seconded, the motion was passed by a voice vote; 8-0. No negatives were heard.

No report from the County Auditor.

No report from the County Commissioners.

No report from any Special Committees.

**First Readings:**

**BILL NO. 52-13:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY JEFFERY AND PATRICIA HOSHAW THE SAME BEING PETITION NO. 07-03-13-13 FILED WITH THE AREA BOARD OF ZONING APPEALS PETITIONER: JEFFERY AND PATRICIA HOSHAW  
Assigned to the Land Use Planning Committee

**BILL NO. 53-13:** AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE 3, ADMINISTRATION, CHAPTER 34, FINANCES BY ALL DEPARTMENTS OF THE COUNTY, OF THE ST. JOSEPH COUNTY, INDIANA CODE PETITIONER: TREASURER  
Assigned to the Budget and Administration Committee

**BILL NO. 55-13:** 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 15316 STATE ROAD 23, GRANGER, IN FROM RESIDENTIAL DISTRICT, TO OFFICER BUFFER DISTRICT PETITIONER: LARRY M & CHRISTINE A COLE  
Assigned to the Land Use Planning Committee

**BILL NO. 56-13:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL DECLARING A PORTION OF THE ST. JOSEPH COUNTY AN ECONOMIC REVITALIZATION AREA, PURSUANT TO IC, 6-1.1-12.1-1, ET SEQ. (TEJAS TUBULAR EAST, INC.; WHOLLY OWNED SUBSIDIARY OF TEJAS TUBULAR PRODUCTS, INC Assigned to the Land Use Planning Committee

**PUBLIC HEARING/PUBLIC COMMENT-FISCAL MATTERS**

Mr. Morton: Next on the agenda are financial issues were heard and discussed at our committee meeting on June 25, 2013. Is there anyone that would like to speak in favor of any financial issues on tonight's agenda?  
No one came forth.  
Is there anyone who would like to speak in opposition of any financial issues on tonight's agenda?  
No one came forth.

TRANSFER/APPROPRIATION BILL NO. 49-13  
TRANSFERS:

**1. GENERAL FUND**

Penn Township Assessor

FROM: 1000-45510-000-0150	Furniture	\$1,500.00
TO: 1000-44250-000-0150	Office Machines	1,500.00
	<b>TOTAL:</b>	<b><u>\$1,500.00</u></b>

Mr. Mullen, St. Joseph County Auditor, the transfer is housekeeping for money that was transferred in error earlier in the year and we are correcting.

Motion to pass Bill No. 49-13 was made by Mr. Root and seconded by Mr. O'Brien. Bill No. 49-13 was passed to-wit; 8-0.

**3. COUNTY HEALTH**  
Health Department

FROM: 4105-65030-814-0055	Inter Fund Transfer	\$6,981.84
TO: 1159-22118-000-0055	Office Supplies	\$ 1,000.00
1159-33368-000-0055	Public Info & Education	1,981.84
1159-36010-000-0055	Repairs-Bldg. & Structures	2,000.00
1159-44250-000-0055	Office Machines	2,000.00
	<b><u>TOTAL: \$6,981.84</u></b>	

Nick Molchan, Health Department, this request is for our Healthy Homes Project.

Motion to pass Bill No. 49-13 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 49-13 was passed to-wit; 8-0.

**4. GENERAL FUND**  
Juvenile Justice Center

FROM: 1000-24100-000-0049	Food	\$15,500.00
TO: 1000-44600-000-0049	Special Equipment	\$15,500.00
	<b><u>TOTAL: \$15,500.00</u></b>	

Peter Morgan, Executive Director Juvenile Justice Center, this transfer is to allow us to purchase new radios and upgrade existing equipment to allow radios used by our detention staff to continue to function in our detention department.

Motion to pass Bill No. 49-13 was made by Mr. Noland and seconded by Mr. Herbster. Bill No. 49-13 was passed to-wit; 8-0.

**APPROPRIATIONS:**

**5. GENERAL FUND**  
Prosecutor

1000-44600-000-0018	Special Equipment	\$20,500.00
1000-39750-000-0018	Data Processing	3,500.00
1000-32050-000-0018	Training	25,000.00
	<b><u>Total: \$49,000.00</u></b>	

Mr. Dvorak, St. Joseph County Prosecutor, we are very proud of what the Fatal Alcohol Crash Team has done. We came into being under a Federal grant, it became effective January 2006. Folks from that unit have presented at National conference, our success rate in the prosecution of a fatal alcohol crash case's was spiked dramatically, I think the Courts recognize the effort an energies put into it by well trained law enforcement officers with the appropriate equipment. Unfortunately some of that equipment is now old, the grant money we are using now to sustain what effectively is a lot of overtime pay for the officers that are called out to participate, that's about all we have left in that Federal grant. If we want to keep their training up to date and if we want to see to it they have a new equipment, in order to stay abreast of the technology and to have officers that have equipment that works and know how to use it, we need to do that special equipment and training.

Mr. McCahill: Unfortunately I've had the opportunity to watch the FACT team in action a couple weeks ago, the bicyclist who was struck. In my personal opinion, I have seen their training, I work accident car every day with the Mishawaka Police Department and the team work was incredible. These guys know what they are doing, they have a one hundred percent conviction rate and it was good to see your guys out there Captain.

Motion to pass Bill No. 49-13 was made by Mr. McCahill and seconded by Mr. Hamann. Bill No. 49-13 was passed to-wit; 8-0.

**6. COMMUNITY BASED CORRECTIONS**  
Juvenile Monitoring

1122-11217-014-0797	Home Detention Case Manager	\$64,934.00
1122-11334-014-0797	Controller	3,672.00
1122-11646-014-0797	Secretary/Program Support Spec.	28,337.00
1122-11950-014-0797	Part Time	16,712.00
1122-11967-014-0797	Day Reporting Caseworker	100,670.00
1122-14800-014-0797	FICA	16,390.00
1122-14810-014-0797	PERF	17,145.00
1122-22417-014-0797	General Supplies	1,000.00
1122-32020-014-0797	Travel	6,500.00
1122-32050-014-0797	Instruction & Training	5,000.00
1122-32208-014-0797	Telephones & Beepers	850.00
1122-36015-014-0797	Contractual Services	17,562.00
	<b><u>Total: \$278,772.00</u></b>	

Peter Morgan, Executive Director, Juvenile Justice Center, we are seeking to appropriate; this amount reflects a Community Corrections Grant, for the operation of our day reporting and community transition programs. The budget is spelled out there for you.

Motion to pass Bill No. 49-13 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 49-13 was passed to-wit; 8-0.

**7. COMMUNITY BASED CORRECTIONS**  
Juvenile Electronic Monitoring Fees

1122-14840-014-0798	Insurance	\$65,401.00
1122-32020-014-0798	Travel	750.00
1122-32050-014-0798	Instruction & Training	7,000.00
1122-32053-014-0798	Public Relations	10,000.00
1122-39750-014-0798	Data Processing	500.00
1122-45500-014-0798	Furniture & Fixtures	500.00
	<b>Total:</b>	<b><u>\$84,151.00</u></b>

Peter Morgan, Executive Director, Juvenile Justice Center, this is an appropriation of the grant money that would reflect the grant monies given by the Department of Corrections specifically for our electronic monitoring program, which is overseen by the same person.

Motion to pass Bill No. 49-13 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 49-13 was passed to-wit; 8-0.

**BILL NO. 48-13: AN ORDINANCE AMENDING ORDINANCE 110-12, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2013 (Dept. 0025 Juvenile Justice Center)**

Peter Morgan, Executive Director, Juvenile Justice Center, this is to amend the salary of our Truancy PO, we have one probation officer who is specifically listed in our budget as a Truancy PO. He is obtaining his Masters degree, anticipated, he will have this within a few weeks and we need to comply with the State mandated schedule.

Motion to pass Bill No. 48-13 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 48-13 was passed to-wit; 8-0.

**9. GENERAL FUND**  
County Council

1000-39600-000-0035	Refunds, Awards and Indemnities	\$25,000.00
	<b>Total:</b>	<b><u>\$25,000.00</u></b>

Mr. Root: Mr. President, I do have a point of order on this, did this bill come out of committee? Has it gone through the committee process?

Mr. Morton: I thought it did.

Mr. Root: We heard a presentation on it but I don't believe it's been through the first reading and committee process.

Ms. Shuter: It does not require first reading as long as it's been published ten day prior to the public hearing.

Mr. Root: We never sent it formally through the committee process.

Ms. Shuter: No, just a discussion.

Mr. Morton: And an a discussion and agreement. It was properly advertised. I am correct in that?

Ms. Prawat: Correct.

Becky Zasek, CEO of Real Services, my request relates to an investment in improved housing for seniors. A study conducted by the community foundation of St. Joseph County notices that ninety five percent of all seniors want to remain in their homes, yet only fifty five percent in St. Joseph County believe they can do so. Nationally, fourteen percent of seniors believe they can modify their homes while in St. Joseph County only twenty one percent believe this. Real Services is submitting a grant to Indiana Housing and Community Development Authority to modify twenty one homes in St. Joseph County, that includes bathroom modifications, roll in showers, handicap toilets, widen door ways, provide ramps, home repairs, including roofs. We believe this program is not only good for seniors but it is good for the County. For seniors, because they will have accessible and safe homes, for the County, because we will do lead testing, we will contract with local contractors and actually do bidding. We will provide stable and improve the housing stock in the County, plus we will provide about ten thousand dollars on average per home. We are suggesting that the County provide twenty five thousand dollars in match for a two hundred and ten thousand dollar investment, if the grant is provided. The City of South Bend has contracted with Real Services with over seven hundred thousand dollars the past three years to do this very program in the city. On behalf of Real Services and the elderly we serve, we thank you for your positive consideration at this request.

Mr. O'Brien: When we met a couple of weeks ago, you were explaining there is a nine for one or a ten for one potential match, I was hoping you could explain that again.

Becky Zasek: The grant request is for twenty one homes in St. Joseph County an average cost of ten thousand dollars per home. The state is requesting a ten percent match and so we are asking the County to provide twenty five thousand dollars.

Mr. Noland: You mentioned the City of South Bend's, seven hundred and some odd dollars....

Becky Zasek: Yes, over the last four years.

Mr. Noland: Each year or is that combined?

Becky Zasek: Over the last four years. Correct.

Mr. Noland: And that was all a nine to one or so match also?

Becky Zasek: No, that was all city money, there was no matching, all city money to do ageing and place, home modifications, ramps and repairs, for city seniors.

Motion to pass Bill No. 49-13 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 49-13 was passed to-wit; 8-0.

Mr. Root: First of all I'd like to say I'm going to support the bill tonight, but I do want to voice one concern. Not particularly with this specific project but with this whole classification. This is the second maybe the third non profit group that has come before the council in the last year, year and a half asking for money. My concern is we don't seem to have a very good process to do this. I would like to see us set up a policy book, first of all that would delineate a certain amount of money to be put into the budget for transparency purposes so that the public can know exactly how much we are sending to each of these non profit agencies and then second of all, that there would be some sort of procedure, probably something similar to what is done with the Hotel/Motel tax money where the non profits could then compete or file grants for that money. My concern if we are doing this willy nilley, and we have hundreds of non profits in St. Joe County, most of them probably pretty deserving of funding and I hate to sit up here and pick winners and losers on funding for non profits in the community. Who's to say Real Services should get more money than the Center for the Homeless or Hanna and Friends or the Food Bank or any of the hundreds of this county, so I do think if we are going to continue to do this we need to look at putting some policies and procedures in place and putting a little transparency in the budget as to how much we are going to commit every year to doing these types of things. Thank you.

Mr. Hamann: I'd like to echo that, I think it's a very good idea Mark.

Mr. O'Brien: I do echo Mark's observation as well and I'd like to point out, particularly with this project, I'm very impressed with the ninety one or ten to one match and at least, in my mind, that's something that makes this particular project very attractive and would commend you on your efforts to find this opportunity, my recollection is when we met a couple weeks ago, you have just located this or just identified this a week or two before that and regardless of how the process fits together and what we put in place I think a match like that is something that is very impressive.

Mr. Catanzarite: I may have missed in your presentation, in committee you were going to do some more research for more money locally from.....

Becky Zasek: We are still seeking matches from other locations, there are two foundations that we are requesting matches from right now. The grant was submitted and what we said is that we would use our current services, it's kind of soft match in order to make sure we would comply with the grant. The grant is more compelling and we receive more points if we have county or public funding matching it. And we are competing against other communities across the state for this grant as well.

Mr. Catanzarite: Ok, so no report yet on how you're.....

Becky Zasek: No.

Mr. Catanzarite: And should you not receive the grant, you'd not be needing our money then?

Becky Zasek: Should be not receive the grant, you have two options, you can chose not to match it or we can do a few homes with the dollars that you have allocated. We'd be happy to work in either way.

Mr. Catanzarite: I would like to know whether you get the grant or not and a report.....

Becky Zasek: Absolutely.

Mr. Catanzarite: How soon will we know that, when is.....

Becky Zasek: August 22<sup>nd</sup> we will know.

Mr. Catanzarite: Thank you.

Mr. Morton: I would like to echo Mr. Root's comments, sitting here thinking about exactly what he said. I first thought is Mark is, I think a lot of the reason we are seeing some of the non for profit such as Real Services, Youth Services Bureau, Center for the Homeless coming back to us obviously it's no secret of what we have gone through in the last four or five years in having to unfortunately cut all this funding, but at the same time, listening to what your comments are and also listening to the explanation from you ma'am as far as the detailed situation that you are in as far as needing local funding to help you get the actually funding from the state is exactly what you are talking about as far as individual applications so we can go and look at those individually, I think that's an excellent ideal, so with that, I will definitely support it.

Motion to pass Bill No. 49-13 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 49-13 was passed to-wit; 8-0.

**BILL NO. 42-13: 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 14515 STATE ROAD 23, GRANGER, IN 46530 FROM RESIDENTIAL SINGLE FAMILY DISTRICT, TO OB OFFICE BUFFER DISTRICT PETITIONER: LOIS E. HOSTETLER**

Mr. Noland reported that Bill No. 42-13 comes with a favorable recommendation.

Christa Nayder, Area Plan, there is currently a house on the site, the petitioner would like to change the zoning from single family to office buffer district. They proposed seven parking spaces that will cover thirteen percent of the site, the driveway will remain in the same location but will be widened per INDOT. Some foundation landscaping has been added along the house and in front of the new parking area. This comes to you with a favorable recommendation from the Area Plan Commission.

Mr. Noland: Could you please explain how this bill was amended from the first reading, it was amended by the petitioner. There is a note from Area Plan stating that.

Christa Nayder: We removed the word residential before single family in the title and in section one. It originally read R residential single family and it should read R single family. It was more or less a typo.

Motion to pass Bill No. 42-13 was made by Mr. Noland and seconded by Mr. Noland. Bill No. 42-13 was passed to-wit; 8-0.

**BILL NO. 47-13: AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF TITLE XV, LAND USAGE, CHAPTER 154: PLANNING & ZONING; AMENDING SUBCHAPTER 154.636 DEFINITIONS BY ADDING MANUFACTURING RETAILER AS DEFINED USE; AND AMENDING SUBCHAPTER 154.166 BUSINESS DISTRICT, SUBSECTION (B) SPECIAL USES TO ADD MANUFACTURING RETAILER AS A SPECIAL USE (Dept. 0032 Area Plan)**  
Assigned to the Land Use Planning Committee

Mr. Noland reported that Bill No. 47-13 comes with a favorable recommendation.

Angela Smith, Area Plan, the bill before you is to add manufacturing retailer, we have seen a growing niche of brew pubs and similar type operations where they want to be able to manufacture the product on site and sell a small amount of that on site as well. The County did not have provisions for such type uses so this would add that as defined use and allow for it a special use which would require it to come to you for final decision with the recommendation from the Area Plan Commission as any other special use would so you would have final say on all of those items. This comes to you with a favorable recommendation from the Plan Commission because it would help to provide for these locations in a responsible manner.

Mr. Hamann: So this would be like, a while back we approved a winery out on Brick Road, I think it was, so this might apply specifically to that, something like that?

Angela Smith: It could, in that particular situation because they were in agricultural type area, they chose to approach it as a Planned Unit Development instead, what this would give them that option....

Mr. Hamann: This would make more sense, wouldn't it?

Angela Smith: It would depend because in that situation you would first have to rezone the property to B or C commercial and you may not want to rezone the whole property to B or C Commercial in an agricultural area but this would allow for instance in the Granger station area where you have some areas that already zoned B business and you might have a small brew pub that might want to move into a restaurant that moved out, this would then allow them to do that through a special use process.

Mr. Hamann: Got it, thank you.

Motion to pass Bill No. 47-13 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 47-13 was passed to-wit; 8-0.

**BILL NO. 46-13: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY SCOTT C. RYAN FOR THE PROPERTY LOCATED AT 12131 STATE ROAD 23 SUITE M GRANGER, IN 46530 THE SAME BEING PETITION NO. 06-05-13-10 PETITIONER: SCOTT C. RYAN HOSTETLER** Assigned to the Land Use Planning Committee

Mr. Noland reported that Bill No. 46-13 comes with a favorable recommendation.

Mark Lyons, Building Department, this was a special exception request heard at the June 5, 2013 meeting of the Area Board of Zoning Appeals. This will allow a tattoo and body piercing establishment.

Scott Ryan, 26295 Carol Lou Drive South Bend, Indiana 46619, I am just looking to get this special use. I have been running, managing a tattoo shop in the local area for over seven years and I was looking to open my own and Granger looked like a great place to have one. I am familiar with the laws of the health and safety of the area. I just keep up on all the information I need to know and just want to have a great tattoo and piercing facility.

Mr. Catanzarite: You mentioned you are familiar with the laws of the area, you are familiar with St. Joseph County's tattoo ordinance, our health department's....

Scott Ryan: Yes, I have been tattooing in St. Joe County for over eight years now so I have definitely been familiar with the health department and dealing with them and helping with them and learning as much as I can.

Mr. Catanzarite: Have you ever been sited for any health concerns?

Scott Ryan: I don't know if the shop that I managed ever did. None that I know of.

Mr. Catanzarite: Ok, thank you.

Motion to pass Bill No. 4-13 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 46-13 was passed to-wit; 8-0.

**Unfinished Business:**

**New Business:**

**Privilege of the floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned at 6:45 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council













