

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
November 12, 2013

The regular meeting of the St. Joseph County Council was called to order at 6:15 p.m., on November 12, 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. Corey D. Noland  
Mr. James O'Brien  
Mrs. Hess  
Mr. Rafael Morton  
Mr. Daniel G. Herbster  
Mr. Mark A. Catanzarite  
Mr. Robert J. McCahill  
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.

**Petitions, Communications & Miscellaneous Matters:**

Mr. O'Brien moved and was seconded by Mr. McCahill to approve the minutes of the October 8, 2013. The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Catanzarite: I just ask that we take a brief moment of silence recognizing late Council member Hank Keultjes, the loss of his wife, Joanie, County Commissioner Andy Kostielney's mother in law. She was the matriarch of the Keultjes family, wish to extend our condolences to the Kostielney/Keultjes family. If we could just remember Joanie for a moment.

No report from the County Auditor.

No report from the County Commissioners.

No report from any Special Committees.

**First Readings:**

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**BILL NO. 77-13:** 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 31140 EDISON ROAD, NEW CARLISLE, INDIANA 46552 FROM M MANUFACTURING DISTRICT TO M MANUFACTURING DISTRICT PETITIONER: EDISON ROAD LLC Assigned to the Land Use Planning Committee

**BILL NO. 80-13:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY PAUL CHIMUTU OF DARDEN HOMES LLC FOR THE PROPERTY LOCATED AT 52358 PORTAGE ROAD, SOUTH BEND, IN 46628 THE SAME BEING PETITION NO. 11-06-13-21 FILED WITH THE AREA BOARD OF ZONING APPEALS PETITIONER: PAUL CHIMUTU OF DARDEN HOMES LLC Assigned to the Land Use Planning Committee

**BILL NO. 81-13:** ORDINANCE ESTABLISHING THE PUBLIC SAFETY COMMUNICATIONS CONSORTIUM OF ST. JOSEPH COUNTY PETITIONER: THE ST. JOSEPH COUNTY COMMISSIONERS Assigned to the Human Service/Criminal Justice Committee

**BILL NO. 82-13:** 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 15703 STATE ROAD 23, GRANGER, INDIANA FROM "R" SINGLE FAMILY DISTRICT TO "B" BUSINESS DISTRICT PETITIONER: THE STUDEBAKER CORPORATION C/O JOHN BECKER Assigned to the Land Use Planning Committee

**BILL NO. 83-13:** 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 17874 STATE ROAD 23, SOUTH BEND, INDIANA FROM "O/B" OFFICE/BUFFER DISTRICT TO "O" OFFICE DISTRICT PETITIONER: BPM CAPITAL LLC C/O TRICIA GREANEY 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 October 22, 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. 78-13

TRANSFERS:

Engineering Department  
County Highway

FROM: 1176-11428-000-0062	Part Time	\$339.88
TO: 1176-11447-000-0061	Construction Technician	339.88
		<b><u>TOTAL: \$339.88</u></b>

FROM: 1176-11428-000-0062	Part Time	\$1,051.73
TO: 1176-11407-000-0061	Supervisor	1,051.73
		<b><u>TOTAL: \$1,051.73</u></b>

FROM: 1176-11437-000-0064	Group C Mechanic	\$671.59
TO: 1176-11436-000-0064	Group B Mechanic	671.59
		<b><u>TOTAL: \$671.59</u></b>

FROM: 1176-11424-000-0062	Group 2	\$6,000.00
TO: 1176-22120-000-0064	Garage & Motor Supplies	6,000.00
		<b><u>TOTAL: \$6,000.00</u></b>

FROM: 1176-11424-000-0062	Group 2	\$10,000.00
TO: 1176-44250-000-0061	Office Machines	10,000.00
		<b><u>TOTAL: \$10,000.00</u></b>

FROM: 1176-11437-000-0064	Group C Machanic	\$11,000.00
TO: 1176-22120-000-0064	Garage & Motor Supplies	11,000.00
		<b><u>TOTAL: \$11,000.00</u></b>

FROM: 1176-11423-000-0062	Group 3	\$20,000.00
TO: 1176-23420-000-0062	Bituminous	20,000.00
		<b><u>TOTAL: \$20,000.00</u></b>

Jessica Clark, County Engineer, I am here for some straight out of line transfers for operational purposes within in the highway funds. The first three primarily having to adjust funds to offset where personnel had switched between their group classifications and/or we have had certain employees that retired and we had to pay out benefit time, so that wasn't in the original budget but we have monies within fund it's self to off set that so it's just transferring to be able to balance at the end of the year. The last four categories are to position monies for operation expenses for winter, mostly for salt and ice control. Also some leaking roofs that need to get addressed within central garage and other garages. And then we also had some office equipment that needs to be purchased as well.

Motion to pass Bill No. 78-13 was made by Mr. Catanzarite and seconded by Mr. Herbster. Bill No. 78-13 was passed to-wit; 9-0.

Andy Kostielney, County Commissioner, I come before you tonight asking you to modify some salaries amounts in this years budget, as you recall, two or three months ago the Highway Commissioner stepped down and we chose not to replace Roger Mathia in that capacity, then we looked at distributing those work responsibilities among existing employees, so this is an opportunity to compensate these employees for their additional responsibilities that began roughly September 4, 2013. There is no additional monies being appropriated, money to be taken from the remainder of the Highway Commissioner fund. This will be revenue neutral to the 2013 budget.

Motion to pass Bill No. 78-13 was made by Mr. Hamann and seconded by Mr. O'Brien. Bill No. 78-13 was passed to-wit; 9-0.

**BILL NO. 79-13: AN ORDINANCE AMENDING ORDINANCE 110-12, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBER OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2013 PETITIONER: DEPT. 0023 COUNTY ENGINEER, DEPT. 0061 HIGHWAY ADMIN AND DEPT. 0062 HIGHWAY MAINTENANCE**

Mr. Morton: Bill No. 79-13 needs to be amended. Ms. Shuter read the amendment: the line item under engineer is to be eliminated entirely, the supervisor should read five at forty eight thousand, eight hundred and the assistant supervisor should read five at thirty five thousand four hundred.

Motion to pass amended Bill No. 79-13 was made by Mr. O'Brien and seconded by Mr. Herbster. Bill No. 7-13 was passed by a voice vote 9-0.

Andy Kostielney, County Commissioner, this is the companion bill to the action you just took in transferring the money, this will actually transfer the actual salary ordinance to reflect the previous action.

Mr. Noland: Not necessarily in reference to the bill, but in not replacing the Highway Commissioner, how is that working?

Mr. Kostielney: So far, it's working very well, we are also in the process of working with Infocus, to look at further consolidating highway, surveyor and engineering into more comprehensive role so this works nicely with that.

Motion to pass Bill No. 79-13 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 79-13 was passed to-wit; 9-0.

Health Department  
Health H.U.D. Grant

FROM: 9103-22148-000-0055	Field Supplies	\$3,000.00
TO: 9103-33368-000-0055	Public Info & Education	3,000.00
		<b><u>TOTAL: \$3,000.00</u></b>

Nick Molchan, Administrator, County Health Department, this is within our HUD grant in order to pay for advertising.

Motion to pass Bill No. 78-13 was made by Mr. Catanzarite and seconded by Mrs. Hess. Bill No. 78-13 was passed to-wit; 9-0.

County Police Department  
Public Safety LOIT

6005-14830-000-0005	Police Pension	\$120,000.00
		<b><u>TOTAL: \$120,000.00</u></b>

Bill Thompson, Assistant Chief of the County Police Department, this particular action balances the county police pension fund.

Motion to pass Bill No. 78-13 was made by Mr. Noland and seconded by Mr. Herbster. Bill No. 78-13 was passed to-wit; 9-0.

Health Department  
CUM Cap Development

1138-39750-000-0055	Data Processing	\$80,000.00
		<b><u>TOTAL: \$80,000.00</u></b>

Nick Molchan, Administrator, County Health Department, this appropriation is to enable us to purchase a new vital records computer system and some associated hardware.

Motion to pass Bill No. 78-13 was made by Mrs. Hess and seconded by Mr. Catanzarote. Bill No. 78-13 was passed to-wit; 9-0.

Health Department  
Health H.U.D. Grant

9103-11164-000-0055	Environmental/Food Specialist	\$9,560.71
9103-11718-000-0055	Soc Sec Cont & Grant Fringe	680.21
9103-11728-000-0055	Retirement Cont Health	951.51
9103-11738-000-0055	Group Insurance	3,907.57
9103-33368-000-0055	Public Info & Education	17,000.00
		<b><u>TOTAL: \$32,100.00</u></b>

Nick Molchan, Administrator, County Health Department, this is apart of our HUD grant again, HUD did change our requirements, it requires us to do more work in our risk assessments on houses. We received additional funding from HUD in this grant.

Motion to pass Bill No. 78-13 was made by Mr. Noland and seconded by Mrs. Hess. Bill No. 78-13 was passed to-wit; 9-0.

**BILL NO. 76-13:** AN ORDINANCE TO ESTABLISH AND APPROPRIATE THE 2014 ANNUAL BUDGET OF THE ST. JOSEPH COUNTY BOARD OF MANAGERS FOR HOTEL-MOTEL TAX, IN THE AMOUNT OF \$3,812,450.00 OUT OF THE ST. JOSEPH COUNTY CONVENTION EXHIBITION FUND – 7304 (Hotel/Motel Budget)

Mr. Root reported that Bill No. 76-13 comes with a favorable recommendation.

Steve Ellison, President of the Hotel/Motel Tax Board of St. Joseph County, highlights of this years budget, we are asking for your approval, we are asking for three million, eight hundred twelve thousand, four hundred and fifty, it's up over the year before, but we are able to do that because of significant changes and increases in the revenue that we have received and also because we have been frugal in terms of what we have been able to hold on to and how we have allocated previously. We continue to fund the financing and bonds for Century Center to the tune of about five hundred and fifty thousand in two different lumps there, Century Center operations, we subsidize that to the tune of one million, three thirteen four fifty, that is the same amount we have done for the last couple of years, trying to maintain some stability for that agency and we are looking forward to being able to hopefully reduce that because of the new management and operations and their projections relative to what they think is going to take place. This year we are also increasing the allocation and proposed increase allocation to the convention of visitor's bureau from eight hundred thousand to nine hundred thousand. In addition to that, we will be making a special allocation for the county wide grant program of a hundred thousand dollars, program that began three years with seventy five thousand dollars and one that's been very popular and very successful we continue to monitor that work and monitor the feed back of the impact of those specific grants who are non traditional agencies have upon tourism and hotel/motel tax in this community, it's been fun to receive those applications and fun to see how those things take place within our

community as well. In addition to that, we are proposing eight hundred and forty nine thousand dollars for Century Center capital improvements, that is up about three hundred and forty nine thousand dollars over what we were able to do last year, we are working now with SMG and with Scott Hersig the engineer with what is really a very comprehensive five and ten year plan for the capitol improvements necessary to upgrade that facility. Some of those things you have seen in the past and this years budget includes eight hundred and forty nine thousand dollars, we are not the only ones contributing to that fund to see those capital improvements take place. One other thing this year is a hundred thousand dollars which is under the capital allocation or CDB allocation for a special use, that one hundred thousand dollars this year is intended to buy a mobile visitors center. We are very pleased to be able to present this budget to you and would be open to any questions.

Motion to pass Bill No. 76-13 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 76-13 was passed to-wit; 9-0.

Land Use Planning Public Hearing:

**BILL NO. 61-13: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY RUTHANNE DONAHUE FOR THE PROPERTY LOCATED AT 10679 IRELAND ROAD THE SAME BEING PETITION NO. 09-04-13- 11 FILED WITH THE AREA BOARD OF ZONING APPEALS PETITIONER: RUTHANNE DONAHUE**

Mr. Noland reported that Bill No. 61-13 comes with a favorable recommendation.

Chuck Bulot, Building Commissioner, at the October 2, 2013, this petition for a special use to allow for a group home in a residential district at 10679 Ireland Road is sent to the Council with a favorable recommendation subject to a total of twelve occupants and written commitments and if the commitments are not provided then the recommendation will be changed to unfavorable.

Russell Sanford, Attorney, 328 S. Eddy Street, South Bend, I think all of you have heard or read that Ruthann Donahue also known as Dolly Donahue over the last twenty seven years has provided a safe haven to hundreds of people. So she filed this special use permit as a means to try to safe guard her present extended family, which there is twenty one people in the household. As a means to continue to serve the community by opening her home on occasion to people who are in dyer need of a place to have a short term housing. Now, according to the commitments for example, that we revised and filed last week, Ruthanne Donahue recognizes that the zoning compliance is only one component of a larger program by which, she must be in compliance with zoning laws, not only zoning laws but the building code, health regulations, safety regulations and she recognizes that there are local and state authorities with the responsibility to enforce those rules and regulations, whatever they may be. The questions is, if she is not in compliance now, how does she become in compliance and if we are talking about household size, how and when to get down for an example, from twenty one to sixteen. I have two observations about that. Number one, if in fact the rule that we are looking at says it's ok to have sixteen people in the house at that time, that tells me there is no sudden emergency for there to be twenty one people over a period of time until you, by attrition reduce by death or voluntary departure, reduced down from twenty to sixteen, or twenty one to sixteen. Second observation is, whatever the rule may be that might require a reduction from twenty one to sixteen, the intent and the purpose of that rule was to protect a class of people like the people in Dolly's house. That is the intent and purpose of that rule. And if that rule is misapplied, to do harm, rather than to do good, now then we have a problem with the application of that rule because the application of that rule needs to be applied in light of all of the circumstances, questions need to be asked, how are these people doing now, what would happen to these people who were many of them quite frail before they came to live in Dolly's house, what's going to happen to these people by some sudden mandate only providing a short period of time to reduce from twenty one to sixteen. We need a proper application of that rule but we recognize, let me step back for a moment, that your area of responsibility is the zoning component. We may need to do battle of these other components in a different forum, but we would ask you to go forward tonight and take a vote, not table, move forward tonight and decide the issue of whether this, Dolly's house is entitled to a special use permit and if we have to do battle someplace else then we will do battle someplace else.

John VanBruenz, Penn Fire Department, 13960 Jackson Road Mishawaka, Indiana, our commitment to this issue is always and always will be the welfare of the residents in this facility. We have had some concerns in the past and I will say that, related to fire safety, we have taken great strides in improving what we have asked of them in that regard, we have made multiple visits in the last four to five weeks, they have greeted us with open arms, they continue to make those strides to assure the safety of those residents and they also have assured us that they would work with us in the future for any concerns.

Chuck Strawtz, 117 N. Bolws Ave. Osceola, IN 46561, come from a family of ten, I am the eldest son so I am an expert in family and chaos and earlier this year I had a friend who was in dyer need, I went to several what I would call institutional places, showing him through, I did not like the environment, I had the good chance of happening at Dolly's house. I, the decision was his own but what I found there was not an institution but a family, a community. I have visited numerous times since then and I am welcome there, I did want to say, interesting enough, the same week that Dolly place was brought to the forefront of the news media of one of the residents wondering off, that same week, I found out in Granger at ten o'clock in the morning a man who had wondered from a well known care taking facility that is a multi million dollar organization wondering approximately five miles from his residence. Picked him up, got on the phone with my wife and we were eventually able to relocate him, so things like that do happen. But I just want to appeal to you that there needs not to be one Dolly's House in our community, there needs to be hundreds. I see someone who has opened up her heart of compassion to these people, and by the way, when I went there, took my friend there, never once was there any mention to what it was going to cost to bring my friend in. Never once, and of course when I went to the other places that was the very first thing is, what does he have, this friend of mine is living there and he is doing quite well, he was suffering from incredible clinical depression and I have no idea where I would have felt comfortable in putting him other than at Dolly's house, so just want to appeal to your compassion that we need to be supportive of people like her. I really wish, I mean, to designate who are we going to eliminate and who's houses are we going to open up, are we willing to open up our homes to these people who maybe have to make a decision of where they have to go. Thank you very much.

Joseph Bleich, 2504 Pleasant St. South Bend, I am clinical social worker at St. Joseph Regional Medical Center, I just want to speak and I don't want to be redundant, I have used Dolly's house for years to place people. We have some very fine facilities in South Bend, the Center for the Homeless, Salvation Army many other facilities, but there is a number of people that don't fit into those facilities whether they have medical needs, whether they can't deal with living with a bunch of other people, whether they need a family environment and not some of the treatment programs offered to others and Dolly, when she has room has always opened up her house to let some of the people in there and most of the people have done extremely well, have been extremely nurtured at Dolly's house. I just want to say, just like the other gentleman said, we could use more facilities like this but we do have Dolly's house and I ask that in some way, you approve this petition so that Dolly's house can stay open.

John Muday, Dolly's house, I have been there on and off for thirteen years, I will try and not be redundant, my story basically is that, I was a life long alcoholic and drug addict, chronic dozens of treatments and just the legal system and I was just a cost on society. When everything in my life became to where I was at a point where I might be able to absorb or manifest a change in my life, I really had nowhere to go and do it anymore. I had no where to go and try and I found out from a friend of mine I heard of Dolly's place, I went out there and told her I was wanting to change and that the only other places I had to stay were just basically party houses or just riff raff and I wandering homelessly to stay out of those place and looking for a job and I moved in there, I got a job and I eventually, was still a process but I learned to live sober and now it's been ten years since I've had a drink or a drug and I am a productive member of society now and I also work with others in recovery. I can go in and out of the St. Joseph County jail freely, for AA but as a pastor and I work with some hard cases and sometimes I can reach them when others can't. My brother also stays there and he works with regular basis, at least six recovering alcoholics, a lot of them are young. He is able to somehow reach some of the younger guys before they have to go to the extreme suffering distance that I and my brother had to go. He is much more clean cut than me but he really reaches the guys and he works with them and he lives there also, and we both work now at the same place, we both work at Master Brand in Goshen. What she's done for me is just incredible and I'm just a small drop in the bucket, what she does for people that can't do for themselves. Like when I came in there I was walking and I could have walked out but there's people that she gets that can't walk. Some people in there, came in there horizontal and now they are vertical and sparkey and sharp. They add a great deal of quality to the lives of the other handicap that are there. It's just something I have never seen anywhere. It was Christmas several years ago and the house was pretty full and people were bumping into each other but we are still going to have a Merry Christmas and she got a phone call from either a jail or somewhere they had a man that was homeless, he was from another state, he didn't have anywhere to go. The house was full, basically, Dolly talked to him on the phone, I asked what, and yes, this fellow is coming out, it's Christmas night and my thought was another person. It was much fuller than it is now and I thought, I just kind of asked, I never questioned her, because I have no grounds to, but somehow asked, what would make you bring another person out here on Christmas and she said, I just can't imagine anybody being homeless on Christmas. Then I thought, I didn't say it, but Dolly there's millions of people homeless tonight. And if I verbalized that her view, yes but this is the one that was presented to her that she had to power to provide right then and there, to her it was her Christmas present. There is just one other thing, I think there has been a lot of nine one one calls out there and I know that's costly on the system and sometimes, a lot of the times is when somebody finds an emergency that they can't find their other slipper and they got a hold of the phone, a lot of times it's been that, it's been some relative the significant issues but I'd like to think, like the guy who came out there on Christmas day, that there might have been more nine one one calls from someone freezing to death or horrible things happening.

Tim Medlem, Dolly's house, I was moved into Dolly's house four years ago and I was dying and she brought me back. I have heard a number, about the number of people at Dolly's, I have been there for four years, over four years now and I've noticed there is a lot of private places for everyone to be, there is a lot of peace at Dolly's house and no matter how many people are there, Dolly has the time and she feeds everyone nutritiously delicious food from her garden and she takes care of everyone personally. No matter how, I have heard the comment, "they didn't realize how large Dolly's house was for that many people to be there" they couldn't believe how many people were there but everybody has enough food, clothing and more importantly, love from this lady to go around, it's amazing.

Father O'Connor, Corby Hall, Notre Dame, Indiana, I have known Dolly for about thirty years, I got to know her when she was still raising her little children at home before she had taken in anybody else and over the years I've been able to observe how things went out there. She never deliberately planned to take in people of any sort, it was just that somebody needed a place to stay and so she had room and so she took him in and then somebody else for an entirely different reason and so on it went. There were little babies when she took them because there was nobody to take care of them and now they are grown people and all of this as I've watched her through the years I have felt that this is the most remarkable work of charity that I've ever seen in my life. I have contact with a lot of them but I don't know of any that matches this. It's true, Dolly apparently violated some technicality's because she didn't know them, she never planned to make this a home for a lot of people, it just came about little by little as there was need and she was simply responding to the need of the people that were there and so I would hope that the greatness and the beauty of what she has been doing there would surpass the technicality's that have been violated because she was unaware of them and therefore I would hope you can except her work with understanding.

Holly Brandewie, 1802 Old Oak Dr. Valparaiso, Indiana, I am here tonight I'd like to tell you that I also lived at Dolly's. I graduated from Notre Dame in nineteen eighty one with my masters and I didn't have a job and although I had a house on Leeper Ave. I couldn't live alone because I was just going through a really hard time and I needed to be with people and Dolly took me in and I lived there for about a year an I taught part time at IUSB at the same time and now I go visit and it is, as Father said, it is a remarkable situation, I mean these people, they really feel the love of God and because Dolly takes them in and they have a home and they have companionship and it's a community and it's wonderful. I just ask you to consider that. Thank you.

Jack Daly, 217 W. Michigan Street New Carlisle, Indiana, I work in social services mostly with people with special needs and my connections with Dolly in the work that we do consist largely with folks that are in need of short term housing who find themselves in situations they need to be removed from because they're abused or in danger or exploited in some way and we help them apply to the system for supports and for placement but the wheels of the state, they move slowly and the need is immediate. Dolly has stepped into that gap time and again and made it possible for people to have a place, the alternative being the street with the dangers of that and ultimately sometimes to cost to the county. I want to mention that Dolly does this without state funding and we have been reaping the benefits

of that for decades here in the community and it's been fine while it's been under the radar but I think that we should recognize what she does and the value of it and the need for it considering the economic climate it becomes harder and harder to provide those services, to secure those services for people who are without. We should try to work with Dolly and enable her to continue, I know that she wants to do that, she wants to achieve the posture that will allow her to comply with the rules. What I ask you to do is to remain aware of the human ramifications of your decisions on the statues and to enable Dolly to continue to do what she is doing because the community needs it.

Lisa Deputy, 52148 Lakeshore Drive Granger, Indiana, I met Dolly I think in nineteen ninety four, I'm in Junior League and we have collaborated with her and have done projects at her house, also, my husband at Rotary, they do the Christmas party for them, she always brings her kids, which now are not kids anymore, she's adopted handicapped children, I've been in her house two or three times a year every year for the last fourteen-fifteen years, I've never seen anything but loving compassion, never heard the woman complain about one iota of anything and for people to take these little insignificant things that are supposed to be wrong with her house it's a tragedy, she is the Mother Teresa of the United States. There is not another woman on this planet that I know who is as compassionate and loving and giving as this woman, Dolly.

David Horvath, 53241 Crestview Drive South Bend, Indiana, I am Dolly's son in law. I met Dolly for the first time in nineteen eight one when I was singing in a choir at St. Patrick's and didn't know it at the time but I also met my wife that night, my late grandfather once told me something very wise, before you get married, take a good long look at her mother because that's what you're going to get. I got a winner on both counts. You are going to hear a lot of that tonight from everyone here. I would just like to remind the board that for decades, county office and city offices from Elkhart County and South Bend County have been calling Dolly when they were in need to place someone. You as a city and a county have been taking advantage of that situation for decades and if you pull the police records and you pull the sheriffs records you'll find out that's the case. I know first hand that many people that have stayed at Dolly's house in the thirty some years I've known her have been brought there by the police department, the sheriffs department because they didn't have anywhere else to put these people. The county and the city of South Bend, Elkhart and Osceola has been taking advantage of this situation so I would ask you keep that in mind when you make your decision. Give her the time to be compliant, give her the opportunity, I think that's the only fair thing you can do.

Gus Zuehlig, 134 S. Greenlawn South Bend, Indiana, I have known Dolly since nineteen eight one when Dolly took my sister, Holly Brandiwie in to live with her. The other experience I had was when I was visiting the sick, I visited a prominent person who has now died, so I can tell you without offending regulations who it was, it was Steve McTeigue, the banker, and he said to me, the same thing we have already heard about this lady being like Mother Teresa and I remember it very vividly because it was one of the last times I saw my friend Steve. I just thought I should remember him tonight as a wonderful man from South Bend who represented a lot of us and knew a lot of us and he knew a good thing when he saw one too.

Patricia Bayless, 15332 Hunting Ridge Trail Granger, Indiana, I have been a regular volunteer at Dolly's house for the last eighteen years. My husband has been employed by the University of Notre Dame as a coach and there are a number of Notre Dame students who have gone out to Dolly's over the years to see first hand what real charity is all about. Father O'Connor says mass every Saturday evening at Dolly's house. I present this to you so you will understand the atmosphere in the home and the holiness of this lady and the good fruit that her work as born.

Cindy Stutesman, 3820 Rosemont Place Mishawaka, Indiana, I am the guardian of my younger brother who is a resident at Dolly's house, he's been there for almost five years. Before he went to Dolly's house as a family we were struggling with him, he has Asperger's Disease and for those that don't know what that is, it limits his social abilities and makes him kind of difficult and we were passing him from family to family in our family and we were having some real difficulties with him and he was becoming angry at being passed around. He was very close to going to the homeless shelter and having no where else to go because he was obstinate. We had tried all the social services in town and for my brother who isn't severely mentally capacitated, there is not a lot out there for him and one of the social workers recommended that we call Dolly. He called him for us, Dolly gave him a place to stay temporarily until we could find somewhere for him and what he found there was a place where he thrives. It's hasn't changes his social awkwardness, he's still socially awkward, he still has all the same limitations he has from his disease but what he has found there is people that care about him, people that he cares about and someone looking out for him every day which gives our family a lot of peace. One of the things that has helped him thrive is she actually has rules there, like a family does. He has to answer to his behavior, he has jobs that he does that makes him feel useful to the home. She has taught him some new things that he loves, that he brags to us all the time about his gardening skills now, he takes care of the chickens on the property, he is very proud of a rock garden that he helped form in the back yard with a fountain in it, so he has really come out of his shell and become a better person being at Dolly's house. I really hope that you guys give her the special use permit because her house is really a special place to be.

Matthew Klemczenski, Dolly's house, I came to Dolly's house in April of this year after being hospitalized because of conditions of being homeless on the street. I was greeted by Dolly in April and was instantly aware of her warmth, compassion and her comforting nature. Since then, I have had a safe and nurturing environment which has allowed me to heal myself after having my basic needs being neglected as a result of my condition. I finally have a support system now and a place I can settle myself and it has allowed me to enroll in the University of Mexico in January. Without this opportunity at Dolly's house I would not have been able to get out of rock bottom. Because of the compassion and comfortable nature of a family environment in the house, I have become a much more balance and a calm person after recovering from a situation like being homeless on the streets in South Bend. My father, James Klemczenski who works at Adult Protection Services of South Bend and he always spoke very highly of Dolly's house for the past seven years that he's been in contact with her. He has referred many people to Dolly's house and gets dozens of calls from the police department, hospitals and other social services in the area. Lately he has been receiving many calls from hospitals and patients and police departments asking to take people who are in need to Dolly's house but he's having a lot of trouble explaining why they are unable to do so and to have a lot of these people back into dangerous environments with nobody to help them. He can't answer that and I'm also having trouble finding any reason for inadequate care or safety concerns at her home after I've received nothing but love from Dolly. Because of the gifts that she has given me, I'm never going fully repay her and I hope that her house remains open and

gets future support from the community and the community leaders so that other may have the opportunity of experiencing Dolly's love.

Cherul Lutson, 514 Vistula Elkhart Indiana, I am a former resident of Dolly's house. I came there from the women's shelter in Elkhart, I was age sixty one, I was completely homeless, I had just had heart surgery. My time at the women's shelter was over because you were only allowed to stay forty five days. They had no place to put me, Faith Mission was full and I really didn't want to go there to begin with. They asked me about coming to Dolly's house and I had never heard of it, so I said ok fine, whatever, I went out there, they showed me the place, I met Dolly, I liked her instantly. I stayed there because I was waiting for housing to come through for me. I was in there little nitch when you were sixty one you could not get into senior housing because you had to be sixty two. I had no place else to go. I went there, I stayed there approximately six months, I can tell you, had I not have gone there, I know I would not have gone to Faith Mission. I would have to back to living in my car which is where I was living right after heart surgery before I went to the women's shelter. I would have gone back to living in my car again, I know I would have. She was gracious enough to let me stay there, I told her I could not walk the stairs, she let me stay on the first floor and I had everything I needed plus I made a wonderful friend. That place is not a shelter and if people think that it is it's not. That is family oriented. You become a family once you get there. It's not longer a shelter and I can't see how anybody cannot keep that going. I don't care what you have to do, that place needs to stay open, no matter what it takes.

Debbie, Dolly's house, all I want to say is, please don't think of the numbers, think of the people as people, as humans, I mean, if you throw some of us out you are breaking up our family, think of us as humans, not as numbers.

Marvin Woolet, 10693 Ireland Road, I have got a lot of phone calls this past month about, from a lot of neighbors complaining about people being from Dolly's house into their pastures, into the buildings, we got farm land out there and it's got a lot of large animals, lot of out buildings that aren't locked and have a lot of dangerous materials in them and don't need a lot of people wondering around getting into it. What this does is, she can't control, she does a good job, I can't complain about Dolly. She does a good job. You can't control all the people all the time. And a lot of them, when you get too many of them a lot of bad things can happen. There are times that I don't know whether to call nine one one or just mind my own business when there is a lot of screaming and yelling next door, I know a few of the people over there, but to have a house like this with that many people in it, that many cars around, they have a little u drive over there you got four cars in that drive and they are out in that road, so it's a hazard out there at all times. That's all I got to say about that at all times.

Russell Sanford: In terms of trying to satisfy some of the concerns of the neighbors, we try to address that in commitments, for example, as far as littering and loitering, that just came to Dolly's attention this past summer, so at the end of the second commitment, I think it is, she would assign a responsible adult to people with say a short term basis, they could not leave the premises by foot without a responsible adult from the house with them. We submit that that's a practical way to alleviate some of the problems that of loitering or littering that come to our attention and then also, Dolly is a spring chicken, in the first commitment, we try to address the concern of neighbors in terms of special use will come to an end when she passes or she is no longer to be at the premises because as we heard tonight, she would be a very difficult act to replace. It's not that we are not concerned about the neighbors, I think that's part of what she needs to do but we have apparently other more serious problems with complying other rules and regulations beyond the zoning issue.

Mr. Root: As the councilman who represents the area surrounding Dolly's house and Dolly's house, I have never been more proud to make a motion of a bill in all my years here. And so I make a motion in favor that we pass this bill.

Mr. Hamann: Mr. President, are we able to talk to Mr. Bulot?

Mr. Morton: Yes, this is the time for Council discussion.

Mr. Hamann: Mr. Bulot, I have a couple of questions for you. Just so folks understand here, basically, I'm very strongly in support of changing the zoning to allow Dolly's house to go on, regardless of what we do here, apparently, how to explain to you all, told some very compelling and beautiful stories, Dorothy Day is who that is right there, amazing. Regardless of what we do, you will then be running a foul of the building department and that's why I want to talk to Mr. Bulot, I want to understand something, answer a couple questions. Mr. Bulot, you say that if they have more than sixteen residents that you are compelled by the International Building Code to act to have them reduce their numbers or I guess, shut them down or something, is that correct at this point?

Mr. Bulot: Basically that is correct, anything over sixteen puts the residents into a different category, becomes a commercial operation as recognized by the International Building Code, becomes an I1 which is recognized as an institutional operation, automatically you are required to sprinkle and there are a host of other items that need to be complied with.

Mr. Hamann: So basically the code book for the International Code and your concern is for the safety of these folks, you would automatically what would trip then, is that these other requirements especially as related to fire code.

Mr. Bulot: That is correct.

Mr. Hamann: We heard the gentleman from Penn Township Fire Department gave in his judgment, he's looked, I'm not talking about saying these rules are invalid, I have no basis, my point is, are you satisfied that his testimony that the residents are safe.

Mr. Bulot: When I enforce the building code....

Mr. Hamann: That's not my question, I got it. It seems to me, you would have to acknowledge a reasonable person would acknowledge that, that is the expert there, that these folks are safe, that the law, which is intending to help these people, looks like the situation is handled, regardless of what the law says. Now, my next question is this, do you have any discretion what so ever, any discretion, you hear these folks are making a very compelling case, we have

folks that are in need, ok, do you have any discretion, as it relates to giving them some time, do you have to be out there tomorrow zero eight hundred or whatever to enforce this or can you, in your capacity, can you give some lead time to try and work this out, do you have any discretion in terms of time, as it relates to the number.

Mr. Bulot: My discretion comes into play in terms of what kind of resistance, the severity of the offense and what I see as being fair and reasonable. Now by law, if this passes, legally tomorrow morning I could go out at six a.m. if I so chose. Odds are I will not do that, I have other things that are on my plate that are of more important. I don't want to say that I'm never going to go out there, because I probably, eventually will and if their attorney would like to meet with the Area Board of Zoning Appeals attorney and have them possibly work out some kind of time line, I'm sure we'd be open to something along that line.

Mr. Hamann: That's what I'm aiming for. That's what I'm aiming for. That's very helpful and I appreciate that.

Mr. Bulot: Also, I'd like to say that believe it or not, I come across as being the enforcer from time to time, my roll in this community is to look out for the health, safety and welfare of the entire community and I do that through the building codes, to make sure that everybody, no matter where they live, what they are doing in that building, that they are going to be safe and that's why we have the rules and regulations, guidelines that have been tested over the years that have been working. And to blatantly ignore these guidelines and to do nothing would, I would not be following the duties of my job. I would not be serving the community.

Mr. Hamann: And I agree with you on that, I know that's, I've worked with you before and I know that's how you operate and I respect that and think we are in a kind of funny situation here, a grey area and that's where I'm asking, maybe we can all just step back and use some discretion here and try to find out what's best for the common good and work within these parameters. Thank you very much, I really appreciate it.

Mr. Root: I need to amend my motion, I didn't quite realize the written commitments were not part of the original one, so I'd like to amend my motion to include the written commitments submitted by the petitioner in my approval of the motion.

Mr. Catanzarite: I just want to say that the evidence is very compelling that this a great facility, our law enforcement, our mental health agencies have used this facility for a long time, it's a necessary part of our, fabric of our community and it's commendable what Dolly has done. My support does however hinge upon Dolly's house becoming safe, but it's not safe now but becoming safe for the residents and being in compliance with International Building Codes because they are there for a reason and they are there because past precedence of people dying in fires so, I just want to say my support of this measure tonight doesn't ignore the fact that Mr. Bulot's got a job to do and I think he's got an important job and we call upon him to do that job every day in our community so I just want say, when I vote for this tonight and I support it, my support is for the special use for Dolly's house but it is not for us to ignore the rules she must comply with in the future. Thank you.

Mr. O'Brien: I'd like to observe that from the background investigation I've done in speaking with Mr. Sanford as well, I've learned that not a single tax dollar has ever gone to Dolly's house and the observation that we could use Dolly's house's is very true in times of particularly difficult tight budgets and individuals that don't have the resources that fall through the cracks because, the woman that was sixty one wasn't quite sixty two yet, limited resources, this is not just Dorothy Day like, it's a tremendous benefit to the county as a whole and I'm very enthusiastic about my support for this variance.

Mr. Herbster: I'd just like to say I think this is a wonderful example of the power of the individual of volunteers and a volunteer organizations, volunteer associations that's really one of the things that makes our county great. I'm also just pleased to see someone of faith seeking to live out their faith by showing love to other in a real tangible way, so I think it's ..... for us to allow for us to allow for a special use is very reasonable and would be beneficial to our community and allowing a safety valve, if you will, for a lot of the placements for folks with these special needs so I am happy support it.

Mr. Root: I'd just like to take a moment and personally thank Dolly for all the work and all the time and all the effort that you have given to this community. In some way we should be sitting here honoring you tonight rather than making you through this process and I wish there were a way we could do that tonight as well. But I do want to say thank you for everything you've done for our community.

Applause from the entire chamber as well as a standing ovation.

Mr. Morton: Dolly, before we take the roll, I would just like to make an observation, this has been a, I'm sure a very difficult journey for you and I'd like to say that I've noticed, even at the committee meeting as well as tonight you've been extremely cool, calm and collected and very classy throughout this whole process, but I've also noticed that when Mr. Sanford said you weren't a spring chicken you didn't seem to like that too much.

Motion to pass amended Bill No. 61-13 was made by Mr. Root and seconded by Mr. Herbster.  
Amended Bill No. 61-13 was passed to-wit; 9-0.

**Unfinished Business:**

**New Business:**

**Privilege of the floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned at 8:00 p.m.













