

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
September 10, 2013

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on September 10, 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
Ms. Diana L. 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. Catanzarite: I ask that we observe a moment of silence for Patriot Day is tomorrow and the events twelve years ago on September 11, 2001, horrific acts that were committed against our county, I just ask the we observe a moment of silence for the three thousand plus American civilians and police officers and fire fighters that were killed in that event.

Mr. Morton: Thank you very much.

Mr. Noland moved and was seconded by Mr. McCahill to have the minutes from the August 13, 2013 Public Hearing meeting and the August 27, 2013 special meeting. The motion passed by a voice vote; 9-0. No negatives were heard.

No report from the County Auditor.

No report from the County Commissioners.

No report from any Special Committees.

First Reading for Public Hearing on the Airport Authority, Solid Waste Management, Walkerton Library and St. Joseph County 2014 Budget

BILL NO. 65-13: PUBLIC HEARING OF THE AIRPORT AUTHORITY 2014 BUDGET

Michael Daigle, Executive Director of the Airport Authority: Thank you for your time. We have before your consideration for our twenty fourteen budget for the Airport Authority, as you know, as of twenty ten the airport is no longer on tax (inaudible) from debt service stand point. Our twenty fourteen expense fund budget shows approximately over nine percent decrease from our twenty thirteen, we are pretty excited about that. We have been on a path now for several years, continuing to work diligently toward controlling expenditures. So budget expenditures projections continue to go down or have gone down while revenue has increasing, so good news for the Airport Authority. As you know, approximately sixteen months ago we starting participation in the county health plan at the end of twenty twelve. So far we have saved about thirty percent of what our total health care budget was. I know at the last meeting we had I threw out a number, that number was incorrect. The savings is approximately three hundred thousand dollars that we have saved in health care costs at this point. We are also happy to announce today, we just received permission today to announce that we are going to bring forty new jobs to the airport. The company is called Skywest inc. They are going to create a maintenance base on the airport. Of the forty jobs, sixteen are going to be local hire's. The remaining ones are FAA licensed airframe and power plant employees that will move to our part of the world, hopefully brining their families and staying a very long time. This is a one year agreement with another year option after that and then we will be discussing whether they want to build an infrastructure or a facility of their own and we have talked about that, this is a temporary stop gap for them. They have never been in a facility or in a community of our size. They are located in Salt Lake City, Chicago, Nashville, Tucson, communities of that size, so we are pretty excited about that, again contribute some more to the local economy and make another economic impact. Another item we are working on and we hope to bring to the area in October or November is an educational conference for business' and people on what a foreign trades own can do for their business if they are involved in either international export/international import. It can be something as simple as helping them with cash flow or actually eliminating import fees and duties through the laws of the United States. That is where we are headed at this point in time and take any questions you may have.

Motion to pass Bill No. 65-13 was made by Mr. Catanzarite and seconded by Mr. Herbster. Bill No. 65-13 was passed to-wit; 9-0.

BILL NO. 66-13: PUBLIC HEARING OF THE SOLID WASTE MANAGEMENT 2014 BUDGET

Randy Przybysz: The budget before you for the Solid Waste Management District, which we are now calling ourselves as St. Joseph County Recycling Program. The budget is an increase of twenty five thousand, thirty four dollars or point nine one percent. The program is very healthy, we have been able to do this by doing some reductions. One thing I do want to mention following the Airport Authority is we are now to the point also of our attorney and Mr. Agostino working out the inner local governmental agreement so our employees can also join the county's health insurance and hopefully we will see a similar savings, because, for a small office, with six employees, a hundred and twenty five thousand dollars is a lot to pay, and every year that is going up. The projected income will cover this budget amount of two million seven hundred ninety thousand dollars. This is the fourth body that our budget had to go before. First was our citizens advisory committee, they gave a positive recommendation, next was the Council and Commissioners budget review committee where seem to be positive response also our board of directors has reviewed the budget proposal and approved it to come to the Council as evidence by the attached resolution by our board. I would request that the council continue with those warm and fuzzy feelings about this budget and pass it. If there are any questions, I would be happy to answer.

Motion to pass Bill No. 66-13 was made by Mr. Hamann and seconded by Mrs. Hess. Bill No. 66-13 was passed to-wit; 9-0.

BILL NO. 67-13: PUBLIC HEARING OF THE WALKERTON TOWN LIBRARY 2014 BUDGET

Steve Mockler, Representative of the Walkerton Public Library: I do not sit on their board. I come to you tonight, we have been ordered by the Department of Local Government Finance to have the St. Joseph County Council approve our budget. I don't really know how much more we can say other than you have the budget in front of you. The previous budget, they have never had a budget since two thousand eight so this budget is the same budget that's been carrying all the way through the increase in the actual budget was two point six percent increase of the two thousand eight and that the levy that was presented in this budget was actually set by the Department of Local Government Finance. That is really about all I can add to that.

Mr. Catanzarite: Mr. Mockler, on an unrelated note, but somewhat budgetary, are there new internal controls in place to prevent some of the things that might have happened in the past.

Mr. Mockler: We are in the process, I am trying to help the library at this point work with that, State Board of Accounts has been very good about helping us and we are in the process, we have instituted a couple of different resolutions in order to make sure that the change fund, the petty cash fund and all the checks are being followed every month, we are in the process of balancing our check book every single month now. Hopefully we are on our way.

Mr. Catanzarite: Thank you.

Mr. O'Brien: I see on here the maximum levy is eighty nine thousand but the (inaudible) is a hundred twenty nine thousand, not sure how that will work out. Isn't that suggested a forty thousand dollar deficit?

Mr. Mockler: This was hopefully in the refunds from the federal government that we are waiting in return on right now plus whatever monies are in the bank. Like I said, these levies and a lot of this information was set for us by the Department of Local Government Finance on their budget hearing.

Mr. Root: Mr. O'Brien, if you look at the second to last page you will see the eighty six thousand levy at the bottom but in the middle you will see funds on hand or to be received from other sources other than the proposed tax levy and they have sixty six thousand, which I think should be enough to cover the amount in question.

Mr. O'Brien: Thank you Mr. Root.

Motion to pass Bill No. 67-13 was made by Mr. Herbster and seconded by Mr. O'Brien. Bill No. 67-13 was passed to-wit; 9-0.

BILL NO. 68-13: AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY, INDIANA FOR THE YEAR 2014

Mr. Mullen, St. Joseph County Auditor: The first ordinance you are looking at is the establishment of salaries and fixing the number of St. Joseph County for two thousand and fourteen, it will be taken into conjunction with all three of the ordinances. The raises that were shown in the salary ordinance as well as the budget is a two percent across the board increase with the floor of twenty five thousand dollars that nobody would be paid any less than the twenty five thousand dollars. There are several increases are also shown that we will be discussing at a later point. This is a third year in a row that we have been able to give increases. After six or more, as some have said that we have not given raises what so ever.

Motion to pass Bill No. 68-13 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 68-13 was passed to-wit; 9-0.

BILL NO. 69-13: 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, 2014, AND ENDING DECEMBER 31, 2014, INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

Mr. Mullen, St. Joseph County Auditor: Before I start, I would like to point out, I believe I sent it to all the council members yesterday that we received a notification from Standard & Poor's rating service that confirmed their financial rating for St. Joseph County as being A+ stable, which excellent, they pointed out in their narrative that our debt burden was moderate at three point one percent of assessed valuation with a low per capita amount of one thousand six hundred fifty eight dollars. They went on to say that it basically it is based upon our strong overall reserves that we have kept and that the management team project maintenance of reserves at levels that we feel are (inaudible) with the ratings. The rating is stable and reflects a strong finances in each entity as well as each managements commitment to maintain a reserves at levels we feel commensurate with ratings. This as the fiscal body you have to be complimented for keeping the reserves where they belong. This rating is good for two years, this is the fifth or sixth year in a row that we have had an A+ rating and it's quite an increase over what we had up until that point. My compliments to the fiscal body, Mr. President. The Budget you have in front of you for the general fund is an increase of four hundred and seventy nine thousand dollars on a general fund budget of fifty eight million two hundred and twelve dollars and based upon what we have discussed a bit earlier of moving the Public Safety LOIT of three hundred ninety three thousand dollars that we can move the dispatchers from the Sheriff's budget put in the Public Safety LOIT budget. We will virtually have a flat line budget of fourteen over thirteen. That is good news, that's a great thing to achieve. We have created other funds as you well know for two thousand and fourteen, the total budget for all the funds including the general fund is ninety six million, eight hundred, seventy four thousand, six hundred and eighty dollars which is five point six percent increase with all the funds taken into consideration we have now have a separate budget LRSA and sur tax. Staying in harmony with Standard & Poor's and Frick as well as other rating services, keeping reserve is very important. At this point, I ask you for your approval.

Motion to pass Bill No. 69-13 was made by Mr. Noland and seconded by Mr. Hess. Bill No. 69-13 was passed to-wit; 9-0.

BILL NO. 70-13: 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, 2014 FOR THE COUNTY OF ST. JOSEPH, INDIANA

Mr. Mullen, St. Joseph County Auditor: This ordinance in front of you for levying taxes and fixing your rate is blank because we don't have the rates yet. When we get that, we will plug that in at that time.

Motion to pass Bill No. 70-13 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 70-13 was passed to-wit; 9-0.

First Readings:

BILL NO. 61-13: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USEFILED 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
Assigned to the Land Use Planning Committee

BILL NO. 71-13: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XV, LAND USAGE OF THE ST. JOSEPH COUNTY CODE BY ADDING THERETO SUBSECTION 154.032, EXISTING BUILDINGS AND STRUCTURES – CHANGE OF ZONING DISTRICT; AMENDING CHAPTER 154.070 ACCESSORY USES, BUILDINGS AND STRUCTURES; AMENDING CHAPTER 154.391, PERMITTED SIGNS IN O/B: OFFICE/BUFFER DISTRICT; AND AMENDING CHAPTER 154.392, PERMITTED SIGNS; O: OFFICE DISTRICT
Assigned to the Land Use Planning Committee

RESOLUTION

BILL NO. 64-13: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE ISSUANCE OF GENERA OBLIGATION REFUNDING BONDS BY THE MISHAWAKA-PENN- HARRIS-PUBLIC LIBRARY

Patty Zelmer, Ice Miller: I am here on behalf of the Mishawka Penn-Harris Library. The library is requesting that County Council approve by adoption of a resolution the issuance of refunding bonds by the library and the refunding is being done to affect a savings. With me this evening, I have three folks, David Eisen, the library director, Dick Curry, the attorney for the library and Lindsay (no spelling of last name) with HJ Bond Associates serving as financial advisor. The library board has already taken the first step to approve the issuance of the refunding bonds and pursuant to state statute, the library board has to obtain the approval of the County Council to complete the process for the approval of the issuance of the bonds and assuming the County Council approves by resolution this evening the library board will meet two days from now to complete it's process and then be in a position to market the refunding bonds. I'm happy to answer any questions.

Mr. O'Brien: Is the duration going to be extended as well or is it just refinancing over the same period but at a lower rate?

Ms. Zelmer: The maturity will not be extended.

Mr. O'Brien: So basically you're just getting a lower rate?

Ms. Zelmer: Exactly.

Motion to pass Bill No. 64-13 was made by Mr. Root and seconded by Mr. McCahill. Bill No. 64-13 was passed to-wit; 9-0.

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. 62-13

TRANSFERS:

EMERGENCY MANAGEMENT
LEPC

FROM: 1152-31070-000-0009	Other Contractual Services	\$5,000.00
TO: 1152-44650-000-0009	Professional Equipment	5,000.00
	<u>TOTAL: \$5,000.00</u>	

Rick Tripp, Interim director for Emergency Management Agency: This request is to purchase hazmat equipment for Clay Fire territory for initial hazmat response.

Motion to pass Bill No. 62-13 was made by Mr. O'Brien and seconded by Mr. Noland. Bill No. 62-13 was passed to-wit; 9-0.

EMERGENCY MANAGEMENT
General Fund

FROM: 1000-11101-000-0009	Deputy Directors Salary	\$2,400.00
TO: 1000-11957-000-0009	Intern Account	2,400.00
	<u>TOTAL: \$2,400.00</u>	

Rick Tripp, Interim director for Emergency Management Agency: This is an amendment for a salary adjustment. Requesting one month's the deputy director salary of twenty four hundred dollars be moved so we can hire an intern while I am waiting on a final approval before I can hire a deputy director.

BILL NO. 63-13: 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 2014 (Dept. 0009 - Emergency Management)

Motion to pass Bill No. 63-13 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 63-13 was passed to-wit; 9-0.

JUVENILE JUSTICE CENTER
General Fund

FROM: 1000-11332-000-0049	Psychologist I	\$35,700.00
TO: 1000-11332-000-0049	Other Contractual Services	35,700.00
	<u>TOTAL: \$35,700.00</u>	

Peter Morgan, Executive Director of the St. Joseph Probate Court and Juvenile Justice Center: We are seeking an out of line transfer is to pay so we can continue to work with this new psychologist for the rest of the calendar year.

Motion to pass Bill No. 62-13 was made by Mr. Herbster and seconded by Mr. Hess. Bill No. 62-13 was passed to-wit; 9-0.

DUCOMB CENTER
CBC

FROM: 1122-65030-013-0975	Out of Line Transfer	\$60,816.45
TO: 9114-31015-014-0795	Consulting Services	\$60,816.45
	<u>TOTAL: \$60,816.45</u>	

Sharon McBride, Director of Community Corrections: Asking for approval for our community based grant, out of line transfer.

Motion to pass Bill No. 62-13 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 62-13 was passed to-wit; 9-0.

DUCOMB CENTER
CTP

FROM: 1123-65030-0013-0795	Out of Line Transfer	\$5,480.00
TO: 9115-21030-014-0795	Office Supplies	\$200.00
9115-22120-014-0795	Garage & Motor	600.00
9115-22215-014-0795	Drug Testing	2,280.00
9115-24110-014-0795	Clothing	500.00
9115-32020-014-0795	Travel	400.00
9115-32350-014-0795	Postage	200.00
9115-36050-014-0795	Leasing Equipment	1,000.00
9115-39010-014-0795	Dues and Subscriptions	300.00
	TOTAL:	\$5,480.00

Sharon McBride, Director of Community Corrections: Requesting this transfer for the above accounts.
Motion to pass Bill No. 62-13 was made by Mr. Noland seconded by Mr. Catanzarite. Bill No. 62-13 was passed to-wit; 9-0.

APPROPRIATIONS

AUDITOR

Ineligible Deduction Fund

1216-21030-000-0002	Office Supplies	3,500.00
1216-30202-000-0002	Travel	5,000.00
	TOTAL:	\$8,500.00

Mr. Mullen, St. Joseph County Auditor: This appropriation you have before you is from our Ineligible Deduction Fund for office supplies and travel that we ordinarily would have taken out of the g
General Fund, which we have money for but rather than spending General Fund money, we will take it out of the Ineligible Deduction Fund.

Motion to pass Bill No. 62-13 was made by Mr. Noland seconded by Mrs. Hess. Bill No. 62-13 was passed to-wit; 9-0.

COMMUNITY BASE

Project Income

Director	9114.11009.014.0080	55,000.00
Executive Administrator, CCAB	9114.11032.014.0080	50,000.00
Program Manager	9114.11601.014.0080	45,000.00
Security Manager	9114.11800.014.0080	45,000.00
Administrative Assistant	9114.11077.014.0080	24,700.00
Financial Coordinator	9114.11211.014.0080	38,800.00
Director of Kitchen Services	9114.11706.014.0080	37,250.00
Case Manager (WR)	9114.11216.014.0080	61,000.00
Case Manager (HD)	9114.11217.014.0080	86,530.00
Case Manager (R/D)	9114.11291.014.0080	38,835.00
Detention Officers	9114.11370.014.0080	436,939.00
Receptionist	9114.11405-014.0080	18,851.00
Case Manager (FD)	9114.11645.014.0080	-
Director of Kitchen Services	9114.11706.014.0080	37,250.00
Case Manager (DR)	9114.11967.014.0080	28,400.00
Maintenance Tech	9114.11959.014.0080	30,385.00
FICA	9114.14800.014.0080	76,767.00
PERF	9114.14810.014.0080	54,944.00
Group Insurance	9114.14840.014.0080	130,556.00

PERSONNEL TOTALS 1,296,207.00

SUPPLIES

Office Supplies	9114.21030.014.0080	4,500.00
-----------------	---------------------	----------

Garage & Motor Supplies	9114.22120.014.0080	1,000.00
Drug Testing & Supplies	9114.22215.014.0080	5,500.00
Food	9114.24100.014.0080	85,000.00
Wearing Apparel	9114.24110.014.0080	10,500.00
SUPPLIES TOTALS		106,500.00
SERVICES		
Professional Services	9114.31015.014.0080	6,600.00
Equipment Leasing	9114.36050.014.0080	5,652.00
Travel & Training	9114.32020.014.0080	9,000.00
Telephone & Telegraph	9114.32200.014.0080	1,000.00
Postage	9114.32350.014.0080	2,250.00
Printing	9114.33100.014.0080	750.00
Insurance	9114.34030.014.0080	250.00
Utilities	9114.35015.014.0080	5,000.00
Dues & Subscriptions	9114.39010.014.0080	1,000.00
Assessments	9114.33140.014.0080	-
Total Services		31,502.00
TOTAL 9114.0080 GRANT		1,434,209.00
Director	9114.11009.014.0795	1,650.00
Executive Administrator, CCAB	9114.11032.014.0795	1,500.00
Program Manager	9114.11601.014.0795	1,350.00
Security Manager	9114.11800.014.0795	1,350.00
Admin Assistant	9114.11077.014.0795	5,300.00
Financial Coordinator	9114.11211.014.0080	1,140.00
Director of Kitchen Services	9114.11706.014.0795	1,320.00
Case Manager (WR)	9114.11216.014.0795	5,280.00
Case Manager (HD)	9114.11217.014.0795	35,696.00
Case Manager (R/D)	9114.11291.014.0795	1,165.00
Detention Officers	9114.11370.014.0795	338,317.00
Receptionist	9114.11405.014.0795	1,000.00
Cook	9114.11716.014.0795	52,650.00
Dietary Aide	9114.11717.014.0795	11,050.00
Part-time Officers	9114.11950.014.0795	131,600.00
Maintenance Tech	9114.11959.014.0795	31,615.00
Day Reporting Case Manager	9114.11967.014.0795	1,000.00
		622,983.00
FICA	9114.14800.014.0795	45,574.00
PERF	9114.14810.014.0795	168,076.00
Group Insurance	9114.14840.014.0795	91,878.00
PERSONNEL TOTALS		928,511.00
Office Supplies	9114.21030.014.0795	2,000.00
Garage & Motor Supplies	9114.22120.014.0795	27,200.00
Household Supplies	9114.22200.014.0795	5,000.00

Drug Testing & Supplies	9114.22215.014.0795	12,000.00
Other Supplies	9114.24010.014.0795	7,500.00
Food	9114.24100.014.0795	156,520.00
Maintenance Supplies	9114.23010.014.0795	3,000.00
Wearing Apparel	9114.24110.014.0795	-
SUPPLIES TOTALS		213,220.00

SERVICES

Professional Services	9114.31015.014.0795	10,000.00
Contractual Services	9114.31070.014.0795	82,200.00
Travel & Training	9114.32020.014.0795	13,000.00
Telephones	9114.32200.014.0795	7,400.00
Cellular Telephones	9114.32203.014.0795	6,900 .00
Printing	9114.33100.014.0795	1,250 .00
Insurance	9114.34030.014.0795	1,250.00
Utilities	9114.35015.014.0795	53,600.00
Repair & Maintenance	9114.36011.014.0795	3,500.00
Equipment Leasing	9114.36050.014.0795	14,561.00
Dues & Subscriptions	9114.39010.014.0795	700.00
SERVICES TOTALS		194,361.00

EQUIPMENT

Office Equipment	9114.44250.014.0795	1,000.00
Security Equipment	9114.44438.014.0795	5,000.00
Vehicles	9114.45010-014-0795	-
Other Equipment	9114.44600.014.0795	5,000.00
Data Equipment	9114.45520.014.0795	2,500.00
Home Monitoring Equipment	9114.45521.014.0795	25,000.00
EQUIPMENT TOTALS		38,500.00

Total 9114.0795 Project Income 1,374,592.00

Case Manager (CTP)	9115.11219.014.0795	12,285.00
FICA	9115.14800.014.0795	940.00
PERF	9115.14810.014.0795	1,136.00
Group Insurance	9115.14840.014.0795	5,710.00
Office Supplies	9115.21030.014.0795	500.00
Garage & Motor Supplies	9115.22120.014.0795	500.00
Drug Testing & Supplies	9115.22215.014.0795	500.00
Wearing Apparel	9115.24110.014.0795	2,500.00
Travel & Training	9115.32020.014.0795	2,150.00
Postage	9115.32350.014.0795	500.00
Equipment Leasing	9115.36050.014.0795	6,000.00
Dues & Subscriptions	9115.39010.014.0795	500.00

Total 9115.0795 CTP 33,221.00

Sharon McBride, Director of Community Corrections: I did see a few numbers that, the amount is the same but I am seeing, if you look into our Detention Officer's line item, the amount submitted is saying four three six, nine three nine, and it should read, four six nine five four zero. Also, the next line item, Receptionist, it reads eighteen eight five one, and it should read two three five zero zero. And also the Director of Kitchen Services is a duplicate of thirty seven two fifty. But with those totals, it still totals the amount that was submitted at the last Council report that was submitted in the amount of one million two ninety six two zero seven. I wanted the record to reflect that the grant portion of Project Income portion are the same but the numbers are not as it was presented you all, according to my report.

Motion to pass Bill No. 62-13 Grant Portion was made by Mr. Catanzarite seconded by Mr. O'Brien. Bill No. 62-13 was passed to-wit; 9-0.

Motion to pass Bill No. 62-13 Project Income portion was made by Mrs. Hess seconded by Mr. Noland. Bill No. 62-13 was passed to-wit; 9-0.

Motion to pass Bill No. 62-13 Community Based Correction Community Transition Program Project Income portion was made by Mrs. Hess seconded by Mr. O'Brien. Bill No. 62-13 was passed to-wit; 9-0.

EMERGENCY MANAGEMENT

General Fund

1000-11009-000-0009	Director's Salary Account	\$2,994.00
		<u>TOTAL: \$2,994.00</u>

Rick Tripp, Interim director for Emergency Management Agency: This is a request for the previous directors pay out for vacation time and personal days.

Motion to pass Bill No. 62-13 was made by Mr. Hamnn seconded by Mrs. Hess. Bill No. 62-13 was passed to-wit; 9-0.

PROSECUTOR TITLE IV

General Fund

1000-32020-000-0048	Travel	\$2,238.34
		<u>TOTAL: \$2,238.34</u>

Bob Risenhoover, Prosecutor's Office: We are asking for an appropriation to reimburse the Prosecutor's budget for travel expenses that were reimbursed by the state for our director of child support to attend two seminars where he gave lectures.

Motion to pass Bill No. 62-13 was made by Mr. McCahill seconded by Mrs. Hess. Bill No. 62-13 was passed to-wit; 9-0.

JUVENILE & PROBATE COURT

GAL/CASA Program

1213-44250-000-0025	Office Machine	\$12,000.00
1213-32051-000-0025	Promotion	9,235.48
		<u>TOTAL: \$21,235.48</u>

Brenda Matuszkiewicz, Executive Director of the CASA Program for St. Joseph County: At the end of each fiscal year, the Indiana State office of Guardian Ad Litem CASA has matching funds left over from counties that are unable to meet their match for some reason, they may not also have a certified CASA program in their community. The twenty thirteen left over funds distributed to the CASA program is twenty one thousand, two hundred thirty five dollars and forty eight cents. That amount was received by the Auditor of St. Joseph County in July of twenty thirteen. Our program did submit a budget to our state office and it was accepted and approved. We are requesting that twelve thousand in state funds be appropriated into office machines. We are also requesting that nine thousand, two hundred thirty five dollars and forty eight cents be appropriated into a recruitment/advertising account. This does not require a match by the county.

Motion to pass Bill No. 62-13 was made by Mr. Noland seconded by Mrs. Hess. Bill No. 62-13 was passed to-wit; 9-0.

CSAP

Drug Test Fees Sprm. Ct. Drug

9104-31215-000-0056	Drug Test Fees	\$4,000.00
		<u>TOTAL: \$4,000.00</u>

Eric Ivory, Coordinator for the Drug Court: This amount represents the amount awarded to the drug court from the Indiana Supreme Court, these funds will be used to sustain and expand our drug screen abilities.

Motion to pass Bill No. 62-13 was made by Mr. O'Brien seconded by Mrs. Hess. Bill No. 62-13 was passed to-wit; 9-0.

CSAP
Alcohol Drug Program

2502-22448-000-0056	Books	\$3,100.00
		<u>TOTAL: \$3,100.00</u>

Jesse Carlton, Chief Probation Officer: The money that is receipted into this account is a result of a fee that is imposed by the court when a defendant is ordered to participate in the CSAP program. The money will be used for buying education materials.

Motion to pass Bill No. 62-13 was made by Mr. O'Brien seconded by Mrs. Hess. Bill No. 62-13 was passed to-wit; 9-0.

HEALTH DEPARTMENT
Health Trust Fund

9111-11157-000-0055	Epidemiologist/EmerPre Super	\$53,856.00
9111-11718-000-0055	Soc Sec Cont & Grant Fringe	4,119.98
9111-11728-000-0055	Retirement Cont Healt	4,308.48
9111-11738-000-0055	Group Insurance	28,928.56
9111-22328-000-0055	Equipment Repairs	800.00
9111-33118-000-0055	Immunization Supplies	31,983.95
9111-33238-000-0055	Travel Expense	6,550.00
9111-33368-000-0055	Public Info. & Educ.	9,900.00
9111-39750-000-0055	Data Processing	3,000.00
		<u>TOTAL: \$143,449.97</u>

Amy Ruppe, Finance Manager for the Health Department: The Health Department Trust Fund is money we receive from the Indiana State Department of Health as part of the Master Tobacco Settlement Fund and is issued to supplement programs and services our department provides. This grant appropriation covers an eighteen month period so that this grant will now match the calendar year.

Motion to pass Bill No. 62-13 was made by Mr. Root seconded by Mr. McCahill. Bill No. 62-13 was passed to-wit; 9-0.

HEALTH DEPARTMENT
Influenza Immunization Grant

9109-11155-000-0055	Nurses	\$5,000.00
9109-33238-000-0055	Travel Expense	500.00
9109-33368-000-0055	Public Info & Educ	44,500.00
		<u>TOTAL: \$50,000.00</u>

Amy Ruppe, Finance Manager for the Health Department: The health department was again selected by the Indiana State Department of Health to provide services related to seasonal flu to residents of the County and residents of surrounding counties who access the health department services.

Motion to pass Bill No. 62-13 was made by Mr. O'Brien seconded by Mr. Hamann. Bill No. 62-13 was passed to-wit; 9-0.

BILL NO. 140-12: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING THE AIR POLLUTION CONTROL LEAF BURNING CODE

Mr. Noland reported that Bill No. 140-12 comes with a favorable recommendation.

Mr. Morton sated the above bill needs to be amended.

Ms. Shuter: The amendment is in section one, seventh line down, after the word character, we are adding without limitation as allowed during one week in the spring and one week in the fall periods to be determined by the St. Joseph County Commissioners semi-annually.

A motion to amend was made by Mr. Hamann and seconded by Mr. Root.

Mr. Hamann: This leaf burn ban is a two year effort, there has been a lot of lengthy and fruitful collaboration between folks that are advocating for this, the citizens group and whatnot, between Council members, County Commissioners, attorneys, etc. What we have here is a truly bipartisan effort, it's not perfect, I think it's safe to say it's a work in progress, we know that. We thought it was long over due in terms of looking after the health and safety of our citizens. Any piece of legislation like this, you are going to have clash of values and a clash of rights. Folks that live out in the county feel they have the right to burn, the right to do things and it shouldn't be as regulated as it is in the city, and to some extent, that's true. When you have that balance against people's health and safety, you have people that sometimes can't breathe or go out of their houses, then you have to make a judgment on that. My personal opinion, makes more sense to limit that right so that people have a right to clean air and breathe. It's not unlike someone who says they have a right to listen to music or play music, how loud, how late. I want to thank my colleagues for all their hard work on this and the advocates.

Alan Engel, 615 N. Michigan Street South Bend, 46601: I am a radiologist here in South Bend at Memorial Hospital. Statistics about the children in St. Joseph County being affected by leaf burning were offered. A petition was read to ban leaf burning and was signed by physicians.

Mr. Catanzarite: Are you speaking in favor of the ban?

Alan Engel: Yes, I am speaking in favor of the proposed ban.

Mr. Catanzarite: I have a question for you, you realize the amendment of this ban allows for one week of burning both one in the spring and one in the fall. Is your group advocating that or are you guys endorsing that?

Alan Engel: Tough question, I think a partial ban is better than no ban at all. Do I approve of one week amnesty in the spring and one in the fall? That would not be my optimal solution. It's optimal but it's better than nothing.

Frank Yehas, 19572 Oakdale Ave. South Bend 46637: I have been burning for years. People don't think, they just pile everything up. Containers don't work, it just smokes. I'd rather not burn leaves. The leaf pick up in the past years, that company was great, but now, for some strange reason, they gave it to the highest bidder. I take it now it's up to the individual residence to get a leaf pick up service, is that right?

Mr. Root: The Commissioners have approved funding for a leaf pick up starting this fall, there will be a leaf pick up program coming, it will be at least once, potentially two.

Frank Yehas: Well you need two, the same thing with the leaf burning, you need two periods, you can't predict weather.

Mr. Morton: If I understand you correctly, sir, with what we are trying to incorporate with a burn ban/amnesty week in the all and in the spring, that.....

Frank Yehas: What I am saying, you need more than once, you can't predict the weather.

Mr. Morton: Like Councilman Hamann stated, this is one of those issues that's not going to be perfect no matter what we do but at the same time, like the Dr. stated, he's not in favor with the amnesty but there again, this was collaborative effort to cut down, limit, leaf burning in a major way but at the same time, give our citizens a week a designated week to burn leaves.

Frank Yehas: But if you have a week or two burning, that will take care of a lot of the leaves, so if the county will pick up the leaves, they won't have that much.

Doug Dunham, 52473 Swanson Dr. South Bend 46635: I encourage you to vote to pass the leaf burning ban in front of you.

Jill Cecil, 55235 Butternut Road, South Bend: I have asthma and my father has COPD. I am in a real life situation with leaves that we have no idea what do with. We have three quarters of an acre. What I want to know, what do we do with our leaves. If leaf burning goes on, I can't breathe, if they just sit there, I can't breathe, I guess what I am asking is, while you are working on this ordinance, at some point we can come up with some other compromise where we are not spending hundreds of thousands dollars to take leaves away and yet we are not polluting the air either. So I feel like I am stuck between a rock and a hard place. I can't breath when we burn, but I don't know what to do with the leave we do have.

Mr. Root: Your concern is one I have heard many times out in my district because we have a lot of citizens that don't live in subdivisions, that live on county roads, have been there a long time, property sizes are fairly significant. What we have tried to do is, a combination of the amnesty week and hopefully the two pickups, hopefully we will meet that need, but we will be watching very carefully this fall to see how this works, to see how both sides of the equation works, the pick up and burning. Our intent is not to see our citizens that have larger plots out in the county really get penalized, it's been a concern of mine for many, many years and we will be watching so that you guys to not get hammered in that way.

Mr. Hamann: Are you in a subdivision?

Jill Cecil: I always call it the airport expansion zone.

Mr. Hamann: How far away are your neighbors?

Jill Cecil: They are close.

Mr. Hamann: I wasn't even sure it applied to you, people are out in the county, they can still burn, but you are not. Makes sense.

Motion to pass amended Bill No. 140-12 was moved and seconded by a voice vote 9;0

Motion to pass Bill No. 140 was made by Mr. Hamann seconded by Mrs. Hess. Bill No. 140-12 was passed to-wit; 8-0. Against: Mark Catanzarite

Land Use Planning Public Hearing:

BILL NO. 51-13: 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 63992 STATE ROAD 331 SOUTH BEND INDIANA, 46544 FROM A AGRICULTURAL DISTRICT TO CO COMMERCIAL DISTRICT
PETITIONER: LEONA M. & BRADLEY L. KLINE

Mr. Noland reported that Bill No. 51-13 comes with a favorable recommendation.

Mr. Morton stated the above bill needs to be amended.

Ms. Shuter: It is to be changed A Agricultural District to B Business District

A motion to amend was made by Mr. Herbster and seconded by Mr. O'Brien.

Christa Nayder, Area Plan: This property is the Woodland Inn. It has been here for many years, probably pre dates any zoning ordinance which is why it's been zoned agricultural all these years. Some construction was done to the property therefore losing its legal non conforming status which is why they are here before you today with the rezoning.

Adam Sczezanski, 115 S. Main Street Mishawaka 46544: I am here to field any questions you may have.

Mr. Morton: Do you agree with the proposed amendment?

Mr. Sczezanski: Yes, yes I do.

An amendment vote was heard by a voice vote of 9;0. No negatives were heard.

Motion to pass Bill No. 51-13 was made by Mr. Herbster and seconded by Mr. O'Brien. Bill No. 51-13 was passed to-wit; 9-0.

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

Mr. Noland reported that Bill No. 55-13 comes with a favorable recommendation.

Christa Nayder, Area Plan: There is currently a house on the property, petitioner is wishing to convert it into an office for his real estate office or maybe a small insurance office, something of that nature. The office buffer district does limit the size of the business to five thousand square feet, the house is currently thirteen hundred square feet. To the north, west and east are single family homes, to the south is vacant land owned by St. Pius and is used for their soccer field or recreation area for the school. We were provided by the petitioner with letters in favor from seven of the nine surrounding property owners on there three hundred foot list. We did receive two letters in opposition to the petition; there were two people to speak in opposition to the petition at the area plan commission meeting. It comes to you with an unfavorable recommendation from the plan commission, we feel that at this time it is premature to rezone in the middle of the block, there are commercial notes at Fir to the east and west at Filbert and keep the focus for business developments at those intersections.

Mrs. Hess: Could explain why you sent this with an unfavorable recommendation for that particular stretch.

Christa Nayder: If it were to start either Fir or Filbert and try to move along the road, it would be a little bit more of an organized expansion, but this is almost like smack dab in the middle of that stretch, so we felt like there were more residential properties that would be affected by this. If you started next to something that was already zoned B Business or O Office, when you go farther to the west there is a dentist office and a hair salon, so if you were zoning next to that, the dentist office is already zoned office so you would only be affecting the residential property on the other side of you. In this case you affecting three residential properties, one on either side and one across the street.

Mr. Morton: As far as, I just want to make sure I am understanding you, within the radius of the people getting the notice, did you say there were seven out of nine that were in favor?

Christa Nayder: Yes, that the petitioner provided to us. So he must have taken that list and gone around and talked to neighbors on that list and got them to sign a petition.

Mr. Morton: Did the ones that were in favor and or not in favor, did they express at your meeting, in any detail, why they were voting for or against, from a perspective of neighbors, traffic, safety, lack of traffic, as it goes right into play with St. Pius and that type of thing, time of day, did they express those types of things?

Christa Nayder: To be clear, the two letter in opposition were not from the two people, I know I said there was seven out of nine and there were two against, the two against were not out of nine, the other two people, the other two neighbors, we didn't hear from. The two letters in opposition were from St. Pius people. Sorry, the numbers still add up to nine. Right.

Mr. Morton: Ok, that's a little different.

Christa Nayder: Yeah, the two letters in opposition were from members of St. Pius or representatives of St. Pius in opposition, mostly based on the fact that there is, the school is there, the children are playing back there, there's a lot of traffic already from the school and they didn't to direct more traffic, or business traffic towards the school is where the children are.

Mr. Morton: Thank you, I appreciate that clarification.

Mr. O'Brien: Would this be out of the ordinary to rezone in the middle, it sounded like you're.....

Christa Nayder: I mean, it got classic spot zoning where it's on the map show up as a whatever, the map is yellow for residential and they would be putting a dot of red or pink or whatever in the middle of that, starting at one end and moving out, so, we are not in favor of spot zoning.

Mr. Morton: But in all fairness, and I am saying from a historical perspective, this body along with working with Area Plan, historically, maybe not all members, some of us are older than others, when you start talking about spot zoning, if we go back, I think you'd have to agree, each case was on it's own merit, with that said, there has been quite a bit of spot zoning, based upon that particular situation.

Christa Nayder: I agree, yes, there are pieces of property in the county that look like that, a dot of red or blue or whatever in the middle of something that...right.

Mr. Morton: That's all I'm saying. I understand the concept of spot zoning and area plan being against that in theory, but I'm just saying in reality, with this board, and I have to give this board current and past members and the Area Plan a lot of credit as far as due diligence as far as going out to these different places, talking to neighbors and everything else involved before they make these spot zoning decisions, if you will. That's all I'm saying.

Christa Nayder: You're right, I agree, there are spot zonings and we are meant to look at each rezoning on it's own basis.

Mr. Morton: Thank you.

Larry Cole, petitioner: I saw that I was going to have this spot zoning problem, I even started to venture out and take pictures of the spot zone properties. What I intended to do instead was, at the last meeting, that section of SR 23 necessarily any longer residential. We are not asking for commercial, we're not asking for business, were not asking for office, we're just asking for office buffer. It's thirteen curb cuts, and a two tenths mile that's on both sides of that they are already developing that into commercial. This is just two tenths of a mile on the widest section of SR 23 in the county. My twin brother worked for Reith Riley, I worked for Troyer, he called Reith Riley who built that road and they verified that the paved shoulders that only exists between Brick Road and Main Street, the pave shoulders too are thick enough and heavy duty enough to warrant traffic. So they could be deceleration/acceleration lanes for business'. I then contended, the property is in the area, they are already nuisance by traffic, there is not very much traffic on that road during the day, it can handle rush hour traffic, but during the day, I showed you pictures, there is very little traffic. The only time traffic is a problem is when St. Pius is out there stopping traffic and it backs up for about a tenth of a mile while they are letting school out and that's great but, I don't believe there's going to be a traffic danger, the road is made to handle that much traffic, we are talking about thirteen properties and typically this would increase the value of their properties. Someone who wants to live in peace and the rest of their days, still have to face fifty miles per hour on the widest stretch of road in St. Joe County. It's going to happen, it doesn't change the fact that we zoned it office buffer where our office is. We are not asking to make it bigger. St. Pius sent me a letter, I think they sent you a letter too saying they would prefer not to see it go commercial or business probably or office but we are only asking for office buffer. And I did sell three acres behind this property, this property was bigger than that, and I sold three acres to St. Pius Church reducing the amount of property to one point two six acres or one point three acres knowing I wasn't intending to make it bigger and I knew that if I ever wanted to make an office or commercial or business then more property would be better for that and I knew that wasn't my intentions that's why I only have one point three acre lot that I'd like to make office buffer.

Douglas Merrit, 632 N. Mason: My grandparents own the property directly east in contiguous of the subject parcel. And you will find that they actually signed the petition that Larry came over and presented to them. They are eighty plus years old with a care taker on the property, that is my cousin, he handles the day to day needs and means of my grandparents property, which is around five or six acres. The property itself has been kind of a family homestead since the mid sixties. We have watched a lot of changes, I'm not as, I'm not as old to say I remember when there was only one traffic light between Edwardsburg and University Park Mall, but knowing I have three minutes, I want to be very clear, I am a parishioner of St. Pius, my children attend St. Pius, I'm also a Cub Scout leader within the parish. I have to look at the land use opportunities that we have here in the county and we have to look at our future growth and expansion. Everyday we have an opportunity that we can see that growth, but it has to be measured growth, it has to be calculated growth and we have to asses the risk. In everything that we do, I'm in land use, this is what I do for a living, I made it very clear to the Area Plan Commission that I tried to buy the property, Larry beat me to it, my loss, and that's fine. Now, what I'd like to point out is we have a school, and yes, it maybe the widest section of twenty three in St. Joseph County but I don't necessarily think we are looking to increase the configuration of deceleration lanes and acceleration lanes this close to a school. I think that we have to be very mindful that we do not have any safety lights on SR 23 or along Fir Road identifying the access points in and out of our school property. Our parish community is growing, I'm not here specifically to address the land use plan of St. Pius Parish or the parish community of the school, but I am a parishioner and I'm familiar with the future land use expansion plans and we have in excess of then thousand parishioners, and that's a fairly good number in our community. So having said that, I do have a vested interest because my grandparents own the property east in contiguous of the subject parcel. So at some point, Larry is my neighbor, weather it be through age and time at some point, so I do have a vested interest, so I would ask you to deny this application and support Christa and the APC and the body that voted against it. Thank you.

John DeLee, 15600 Winding Brook Drive, Mishawaka: I am currently the vice president of the Area Plan Commission and have been on the Area Plan Commission for thirty four years. I was also the president of that commission for ten years. I was also a South Bend Building Commissioner for three years as Mr. Mullen can vouch for that. We served together. I have seen many rezoning's like this, one that Mr. Cole, and they all amount to spot zoning in the middle of a residential district, there are beautiful home on either side of this property. I am sure you have seen many small business men who would like to run their business out of their home as a matter of convenience. But the practice is often at the expense of neighbors in a residential neighborhood. This is especially true when a school or church is close to that property. St. Pius Church and parish community center is adjacent to this proposed site. The parish currently plans on building a new church twice the size of the current church and also expanding the education center on that property or across the street in back of this property. A future of athletic fields as part of this center will be contiguous to this property. I'd like to quote again the St. Joe County analysis, "the office business district was established as a buffer between residential and commercial land uses." Based on this proposed Granger land use plan and the goals of the comprehensive plan rezoning of this site is premature at this time. The parcel has residential uses on either side thereby not providing a true buffer between existing residential and commercial land uses. By supporting this rezoning, it's seems you are supporting future commercial rezoning next to it by nature of

this zoning classification. That is the purpose of the office of the office classification. To have commercial zoning next to a school or church is not good planning for St. Joseph County. There are many sites that Mr. Cole could chose to operate his business from and he should be encouraged to use them. I'm opposed to this rezoning and ask for your unfavorable vote. Thank you.

Stephanie Molnar, 3925 Savanna Pass Mishawaka: I am the assistant principal at St. Pius. I am here on behalf of my staff, about our concern about Mr. Cole's request for rezoning his property on SR 23 to an office buffer zone. As he mentioned, we have had a positive relationship in the past, in December two thousand twelve is when we purchased the three acres of land directly south of his proposed office. We purchased this property as a way of looking ahead to the future needs of our parish. We have reservations in regards to Mr. Cole's request for his property for an office buffer, we respect his right to conduct his business but we are very concerned that a commercial rezoning for this property will be the next step. As already mentioned our parish has a membership of over ten thousand people and six hundred and fifty of those are in our school, preschool through eight grade and as mentioned we use the fields back there for physical education class, for recess time and then also for all of our after school activities, soccer practice, football practice, lacrosse etc. In addition, we have a religious education program that is after hours after school for over six hundred public school students our numbers continue to grow and we are currently undergoing as mentioned a major capitol campaign to enlarge our facilities in a fiscal area that is not adequate for our future growth. So any future rezoning in that residential area is not in our interest. The property has been in a residential area for a long time, we fear that it would cause others around Mr. Cole to also want to rezone and we are just looking out for the safety of our students. The traffic at seven o'clock and at three o'clock is very high we just dismiss over six hundred and fifty students at one time so it's busy area as is especially during those school days so we just want, asking support of our parish in the community to deny the request for the rezoning. Thank you.

This is Grand Vista which is directly south of the church but that's where when school does get out at three o'clock, everybody coming down Santa Monica runs the stop sign at Grand Vista as a turn to go Fir Road and countless times we've been concerned, we are going to run into somebody because it's, point is, the only traffic problem is from St. Pius. And I understand spot zoning and I understand it would be a shame to vote positive on this and slap this guy in face who's been in Area Plan for so long, and I can appreciate that so, if that's the way it goes, that's the way it goes. But I think my argument was maybe this section of SR 23 is not residential nature anymore. And office buffer is a nice non intimidating gentle zoning that could possibly be for a situation like this as well as buffering commercial to residential. I thought it'd be nice to have thirteen residents that some day be nice gentle zoning on this main corridor form the toll road into South Bend so it would look at good as Grand Vista Parkway is going to look when Mishawaka gets done fixing that road up so just occurred to me that one big consideration would be, yes, it's thirteen residents, yes the one on the west of me is eighty years old and they wish it would stay like it was, safety, they might run across my fence and run into some of my extensive landscaping but I promise not to put in rose bushes. It is spot zoning, I wish maybe now I wish I would have taken pictures of spot zoning. I don't think it will be spot, I think that it's thirteen resident's that's going to be office buffer some day, maybe not commercial but I, this is not the time we are not voting on weather that whole section, two tenths of a mile, thirteen curb cuts should be office buffer. We are just building a line. The Lord blesses me no matter what happens. I really appreciate what happens and I really appreciate the prayer you said before this meeting started. Thank you.

Mr. McCahill: Mr. Cole, do you know what the address of St. Pius Church is? Any idea?

Mr. Cole: I would have guessed it's on Fir Road.

Mr. McCahill: Is there a traffic problem on Fir Road?

Mr. Cole: Sunday morning, yes, there is a cop guiding traffic down Fir Road, when they come down Grand Vista to get on Fir Road. My neighbor lives on the corner of Grand Vista and Fir Road, he can't park across the street in the morning because the cars coming in come to his, parks in front of his house, it backs him up and then there backed up on Fir Road and people start honking and actually people kind of get mad, so he has to be sure he parks his car in his driveway on Grand Vista. So we have traffic, the traffic is not an issue (inaudible) thirteen houses commercial. I like St. Pius, I really do, my little house isn't going to ever be commercial, I'd like it to be an office. I'd like to see them all be an office like the dr. office on Fir Road. That would beautify SR 23.

Mr. Catanzarite: Can you speak to the, I didn't realize you wanted to create a real estate office, can you speak to the intensity of the use of that office, of what that would entail?

Mr. Cole: Well, it's only a two bedroom house. It's got a garage that was converted to a math tutors office. So there is room for probably five desks. My goal is to have realtors who don't need me. If you go to Cressy and Everett you have to pay a desk fee and pay a lot of money for all their messing around. But there are a lot of realtors that do it out of their house and they don't really need an office except real estate law requires that they work for a broker so I'd like to invite some of those people to work for me that don't need my office, but if they did there could possibly be four desks beside mine, so there might be four realtors maybe five. They might come in the office once a day. Office buffer could be a dentist office or a little doctors office but it can't be very big. In my case, I'm trying to keep, I'm not trying to change anything except I have to do a lot of landscaping around the driveway, parking landscaping and foundation landscaping in front of the building and then perimeter landscaping so I have to do a lot of landscaping but I don't want to make it bigger or make it change anything. It's going to change the nature, there's going to be a red dot in the middle of blue dots. It is going to change something.

Mrs. Hess: What plans do you, do you know what plans you have for the property if you would not get approval?

Mr. Cole: I can't afford the property. I bought it so, the property was a quarter mile long. It had three acres adjoining my property. I own twenty four acres behind St. Pius and I've got a little lake, it's paradise in Granger. I don't have a penny in the bank but God trust me with a lot of land. This went all the way down the side of mine and I heard rumors that they were going to make a subdivision, there were going to be a lot of houses so I approached the owner of it early on and said if there is ever a chance you'd sell it I'd like to buy it to keep the subdivision from backing up to my property so I was able to get it. He prayed about it too, he said the Lord he should sell it to me. So it was very long. I wanted the three acres in the back. I couldn't afford it. I sold my truck, I did everything I could to buy it, I had to sell

the property to St. Pius in order to make that payment. If I can get this property rented I could probably make the payment on it. But I didn't want to be a landlord. I need to get several realtors there to help me pay for it and that's not an issue really either. But I probably just have to sell it as a (inaudible). But I mentioned that last time, I'm a realtor, I'm a broker. I take people around looking for properties. It's over an acre, they won't even talk to me, well I can't buy that, it's on SR 23, I'm looking for something, they will not talk to me about that being a residential piece of property because of the traffic on SR 23, it's fifty miles an hour so it's not residential nature. At some point we have to let go of that. I can't really sell it. Someone's going to buy it because they are going to think man, this would be a good place for an office, I'm sure of it. And that's what's going to happen in that section of 23. It just really isn't residential nature, I can't sell it as a, I've got to lower the price to sell it as, but you know their going to buy it because they are going to think it's going to be an office some day.

Mr. Hamann: I just want to say that when this bill was before the committee I supported it, in that time, I have heard from several of the residence, but the parishioners of St. Pius and Mr. DeLee made a very compelling argument for me, I'm always one to loosely interpret the zoning laws. I look for any excuse, if you will, like heck to foster and create business but the point that Mr. DeLee made that when you look at what office buffer is supposed to be, office buffer is to be buffer between commercial and residential, this is stuck right in the middle of residential and I think what some of the folks at St. Pius are concerned about are not these rosebushes or a lot of traffic but I think that if we say yes to this it's going set a precedence, it's going to, at least a lot harder for me to say no to something else because it would change that area in a pretty drastic way, so that's why I cannot support that now.

Mr. O'Brien: I share Mr. Hamann's observations and concerns and I think that in looking at the comprehensive plan for SR 23 in Granger, this is smack in the middle of what (inaudible) been done residential, I'm not insensitive to Mr. Cole's desires, but it seems that it's not a good fit at this time at this location, and I'm also going to oppose the rezoning.

Motion to pass Bill No. 55-13 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 55-13 was passed to-wit; 4-5. Against: Mr. Herbster, Mr. Root, Mr. Hamann, Mr. O'Brien and Mrs. Hess.

Unfinished Business:

New Business:

Privilege of the floor:

Adjournment: Mr. Morton stated that the meeting was adjourned at 8:05 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

