MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
August 12, 2014

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on August 12, 2014, 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 Hess
Mr. Rafael Morton
Mr. Daniel G. Herbster
Mr. Mark A. Catanzarite
Mr. McCahill
Mr. Root

Present from the Auditor's office were Mr. Pete Mullen, Auditor and 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. Noland moved and was seconded by Mrs. Hess to approve the minutes of the July 8, 2014 meeting. The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Hamann made a motion to withdraw Bill No. 38-14 section B at the request of the petitioner and was seconded by Mr. Noland. The motion was passed by a voice vote; 9-0

No report from the County Auditor.

Report from the Board of Commissioners:

No report from any Special Committees.

First Readings:

BILL NO. 40-14: 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 17060 STATE ROAD 23, SOUTH BEND, INDIANA 46635 FROM "B" BUSINESS DISTRICT TO "O" OFFICE DISTRICT PETITIONER: HYEON HEOI JO
Assigned to the Land Use Planning Committee

BILL NO. 43-14: ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED TO PAY FOR CAPITAL AND ECONOMIC DEVELOPMENT PROJECTS AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ACCOUNT OF THE ISSUANCE OF THE BONDS, SAID BONDS TO BE PAYABLE SOLELY FROM ECONOMIC DEVELOPMENT INCOME TAX REVENUES
Assigned to the Budget and Administration Committee

BILL NO. 44-14: ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL APPROPRIATING THE PROCEEDS OF THE ST. JOSEPH COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUE BONDS
Assigned to the Budget and Administration Committee

BILL NO. 45-14: AN ORDINANCE OF THE ST. JOSEPH COUNTY (INDIANA) COUNCIL APPROVING THE AMENDMENT OF THE 2013 HUMAN RESOURCES POLICIES AND BENEFITS MANUAL AUTHORIZING THE COUNTY EXECUTIVE TO GRANT SENIORITY STATUS TO NEWLY HIRED COUNTY EMPLOYEES IN SPECIAL CIRCUMSTANCES AS SET FORTH HEREIN
Assigned to the Human Services/Criminal Justice Committee

Resolution:

BILL NO. 41-14: RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR THE ELIMINATION, REORGANIZATION, AND CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS IN ST. JOSEPH COUNTY, INDIANA, AND ALL MATTERS RELATED THEREOF.

Phil Faccenda, Barnes & Thornburg, I am here on behalf as special council to the County. The resolution you have before you approved an interlocal agreement that is designed for the consolidation of the 911 dispatch services in the County. Also referred to as Public Safety Answering Points, under Indiana law, there is a requirement that by December 31 of this year that no county have more than two PSAP Center's operating. The County receives 911 funds annually from the state in connection with those operations and in the event that a County does not comply with that statute, it risks forfeiture of those funds. Those funds are in the neighborhood of about two million dollars for two thousand fifteen for St. Joseph County. As a result of the statute and the penalties that follow the parties, there are four existing PSAP's in St. Joseph County, one for the City of South Bend, one for the City of Mishawaka, one for Clay Fire territory and the County operates 911 emergency dispatch center. This interlocal agreement that is before you is a result of a collaboration of those parties. It provides for the consolidation of PSAP services within the County, it provides an operating budget, it provides for allocation of costs amongst the county and the two cities, Clay Fire territory under the agreement, and they have adopted the agreement but the Clay Fire territory would no longer provide a services. The agreement consolidates, creates a backup center through, in the South Bend Police Department that will serve first as a consolidation of the county, City of South Bend and Clay Fire territory services, Mishawaka will continue to operate it's 911 center until such time a new center is constructed, which is intended to occur during two thousand fifteen and there is a preliminary bond resolution on your agenda that discusses bonds to be issued in connection with that project. The consolidated operation, as I mentioned, has a budget procedure for two thousand fifteen that is set forth in the document. The budget is set in the document and then for future years it will be the result of the formulas that are prepared and set for in the agreement once experience, once the county has experienced the expenses of the consolidation and then allocations will be made. It is worth noting that for the capital project, that is for the new facility the allocations for the bond financing, are the result, it is contemplation for a CEDIT bond, and as I mentioned there is a resolution that will be before, even tonight and there is also in first readings the actual bond ordinance for a CEDIT bond through the county. The City of South Bend and the City of Mishawaka under the agreement have agreed to a CEDIT credit transfer, that is irrevocable transfer as long as bonds are outstanding a portion of the CEDIT revenue that is set forth in the agreement for the City of South Bend and the City of Mishawaka will be transferred to the County and the County will use those CEDIT revenues together with it's own CEDIT revenues as the formula set forth in the agreement to finance the CEDIT bonds. It's anticipated that the CEDIT bonds, there is an amount not to exceed, the financing the new project is an amount not to exceed eleven million, five hundred thousand dollars, that will be in the next resolution to be considered by the County. That amount covers the cost of the new facility and some technology that will be purchased, it is contemplated the remainder of the technology, which is under a, currently going through a RFP process, will most likely acquired through a lease financing. I also wanted to point out to you tonight, there is, as the County undertakes to now control this operation it will be the executive board at the consortium that was adopted through an ordinance of the County earlier this year in January, the Public Safety Consortium, the Executive Board will now oversee all operations. All monetary decisions will still be made by the County and will require County approval. The two cities have agreed to, on the operations side, to continue to finance a portion of the cost of the operations, in protection of the County, there is an inter-set mechanism that is set forth in the interlocal and if assessments are made to the two cities are timely paid the County has the authority to intercept the CEDIT revenues of one of the two cities for late payments. I wanted to point out to you, as I mentioned Clay Fire has already adopted the interlocal agreement, the City of Mishawaka last month adopted the interlocal agreement and the City of South Bend, last night, adopted the interlocal agreement. One point I need to make to you regarding the adoption by the City of South Bend, there is a provision in the agreement regarding hiring strategy with regard to new employees of the consolidated operation. Again, it is contemplated that existing PSAP employees in the County and the two cities, those that are, will be considered for, and is contemplated that they will be the staff for the new consolidated operation. There is a provision in the seven point zero three, in the hiring strategy that talks about the pay rate for those employees and it mentions that the pay rate is to be the rate effected for these positions as of December 31, 2013 that's what the current draft says. Last night at the South Bend Common Council meeting, it was brought up that is a bit of an ambiguous provision in that it was the intent of the parties stated no

employees have their pay reduced so the County would take over operations on January 1, 2015 and the intent is for the employees, that the pay rate for the employees on December 13, 2014 would be the same, at least the same on January 1, 2015 not reverting back to a pay from December 31, 2013. That change was agreed to last night, treated as a scriveners error and adopted by the South Bend Common Council last evening. I have with me here tonight, John Jullian from Umbaugh, Jason Vetne, if you have any questions on the financial side that I may not be able to answer I have Jason Vetne with us as well from DLZ with regard to the various RFP's that are out on technology and the new location, the new center as well as the renovations to the South Bend Police Department. Also here tonight is Marsha McClure who is County Commissioner Marsha McClure who is very involved with this process from the beginning. If you have any questions I would be happy to answer them or call on one of the others that's here to do so.

Mr. O'Brien: I just want to make sure I understood that the CEDIT credit transfer that you referenced, if for some reason three years down the road and Mishawaka wasn't paying their share, then the Auditor's office would have mechanism to reduce their CEDIT distributions and transfer it to the account just as if they had actually paid.

Jason Vetne: Correct, that's on the operations side and on the capital improvement side, on the bond side, it's a complete transfer, those dollars never end up in the CEDIT of the two cities.

Mr. Herbster: I know there was at one time some sort of dispatch center in the town of Walkerton, can anyone speak to, if that's still continuing or how this interlocal agreement affects that.

Jason Vetne: Early on in the process, it was brought up that Walkerton felt that they had a 911 dispatch center. There operation, it was requested, the County sent a request to the 911 board in Indianapolis to determine whether Walkerton constituted a 911 center and the executive director, the 911 board took it up, the County is in possession of a letter from the executive director saying that the 911 board does not consider Walkerton a PSAP center.

Mr. Herbster: So basically the arrangement they have going on there isn't affected by this?

Jason Vetne: It is not.

Ms. Hess: I would like to comment that I think it's unfortunate that this process became a hand wringing process in the last couple of weeks that we weren't kept informed with progress reports so we could make decisions based on more adequate information or more timely information. I think the panel did a tremendous job of working, meeting incessantly, I think ninety three meetings from my understanding and so the work done was well done and I trust the people involved in that but as a fiscal body representing the voters in St. Joseph County I feel we did not have adequate time to make proper decisions. I hope in the future that we can avoid this with better reporting mechanisms.

Mr. McCahill: I'd like to personally thank everybody who's put a ton of hours into this, just to name a few names, Assistant Chief Gary Horvath, Captain Brett Krimons, Sergeant Russ Himebaugh. I think we have an outstanding director in Todd Geer. I would like to thank Commissioner McClure, I'd like to thank Dave Thomas because I know you have all spent a lot of time and there are too many names for us mention here tonight but I'd like to personally thank you, with that being said, I'd also like to mirror Councilwoman Hess's. We were given this only a few weeks ago being the fiscal body and we need to make a decision tonight. I can honestly tell you, I don't appreciate the, I don't whether it's lack of communication on who's part, be it ours or someone else's but we had one option take it or leave it, we have to make decision and I just really don't appreciate it but I would like to thank the people that have worked countless hours, probably a thousand hours a piece, at least, minimal. Thank you.

Mr. Hamann: On a positive note, I agree that we did not get a chance to look at this under ideal conditions. That being said, I does speak well for our community, I think it speaks well for not only the folks that put this together but for South Bend, Mishawaka, Clay and Auditors office and our team here. We did, under kind of stressful situation pull together and...us. A lot of lessons to be learned down the road, turn...going forward. I think when you got, when you can look at different communities, a lot of dysfunction, I have been around this, not as long as some of you but for ten years and I think we did a good job in terms of pulling together. We didn't let our emotions get the best of us and so now what benefits from this is our County.

Mr. Catanzarite: I would just like to echo what some of my colleagues have already said without being redundant, the operations working group and the operations board, I think did a phenomenal job giving the daunting task that this was given to them, really at the eleventh hour to do and having witnessed some of these meetings, they worked tirelessly and put a lot of hours into it and quite frankly, I don't think they could have gotten to us any sooner than they did, given the fact they were working right up until the eleventh hour trying to get this put together. I agree, it's unfortunate it didn't come to us sooner for us to work on to get our hands on sooner but I also commissioned them back in January

by passing the ordinance to get this process rolling. We knew the law got passed in Indiana four or five years ago, it just took us a while to get going to actually put it together so, my hats off to the working group and to the consultants, DLZ, Jim Wilson, Jason Vetne, everybody that put their time in doing this.

Ms. Hess: I would just like to comment, again, I appreciated, especially the working meeting we had last week, I think was very enlightening, I appreciated the comments from Mr. Geers, it was very informative, I just wish we could have had that kind of information on an on going basis as decisions were being made. But I do want to congratulate the group for all the hard work that was done as well. We were obviously under the gun, it's an unfunded state mandate, we have to comply or lose our 911 fund and so, we didn't have a lot of options.

Mr. Noland: To jump on the band wagon I guess, I would like to give my thanks and appreciation to everybody that was involved in the process. All along it's been going for many years and in the end I think we have a pretty good document here. There is one change that I am just going to say now, I'm going to push for, not tonight because I don't want to hold up this process and get this thing going so that everything gets started here at the end of the year, but surly hereafter, the assessment review process, I intend to try and get that shortened to two years as opposed to four, if the assessments aren't working properly, I'd like to know it a lot sooner than later. Thanks again for your work.

Mr. Herbster: There are a lot of folks who deserve a lot of credit, just having observed some of the working groups myself, just came away struck with the level of professionalism and expertise we have in many different levels of government and different entities in this county. It just made me very proud of all the different public safety officers we have in this county, to see their expertise in action and deciding on what is the most effective use of tax payer dollars in order to comply with this requirement and to be forward thinking as far as what's best for public safety and also another kudos to Commissioner McClure for getting it over the goal line.

Mr. Morton: I would also like to say thank you for all the hard work, time and effort that was put in to this project, but at the same time, I also want to say, while I totally understand and respect the concept of protocol that was utilized in this process in terms of the executive board and the operations board, I truly believe that progress reports to the fiscal body relative to this extremely, extremely important public safety state ordered initiative would have gone a long way towards allowing me to support this project in it's current state. Therefore, I will be voting no this evening.

Motion to pass Bill No. 41-14was made by Mr. Hamann and seconded by Mr. Herbster. Bill No. 41-14 was passed to-wit; 7-2. Against: Mr. Morton and Mr. McCahill

BILL NO. 42-14: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED TO PAY FOR CAPITAL AND ECONOMIC DEVELOPMENT PROJECTS AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF ISSUANCE OF THE BONDS, SAID BONDS TO BE PAYABLE SOLELY FROM ECONOMIC DEVELOPMENT INCOME TAX REVENUES

Phil Faccenda, Barnes & Thornburg, this is a preliminary bond resolution, so the ordinance, the CEDIT bond ordinance, that's under first reading tonight is actually the ordinance approving the bonds and that will go into committee and if it comes out of committee it will be entertained at the September meeting. The preliminary bond resolution is necessary from the stand point of the tax exempt laws with regards to reimbursement of expenditures so to the extent that the county is incurring than actually paying for expenditures that they would like to get reimbursed from the bond when the bond is eventually issued, and that would be potentially later this fall, October/November. This resolution allows you, from the time of the adoption to go back sixty days, so any expenditure the county has, actually pay, in the last sixty days that would come under the project description, it could reimburse from the bond and that's the reason for the preliminary bond resolution that is before you tonight.

Motion to pass Bill No. 42-14was made by Mr. Hamann and seconded by Mr. Herbster. Bill No. 42-14 was passed to-wit; 7-2. Against: Mr. Morton and Mr. McCahill

Public Hearing/Public Comment:

BILL NO. 38-14: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFERS:

Penn Township Assessor
General Fund

FROM:	1000-32350-000-0150	Postage	$ 1,250.00
TO:	1000-45510-000-0150	Furniture	1,250.00
		TOTAL:	**$ 1,250.00**

Juvenile Justice Center
Community Corrections Grant

FROM:	9114-36015-015-0797	Contractual Services	$ 4,000.00
TO:	9114-11950-015-0797	Part Time	4,000.00
		TOTAL:	**$ 4,000.00**

APPROPRIATIONS:

Adult Probation
Alcohol and Drug Program Services Fee Fund

2502-22448-000-0056	Books	$ 3,200.00
	TOTAL:	**$ 3,200.00**

Health Department
Health Bioterrorism Grant

8113-21030-000-0055	Office Supplies	$ 200.00
8113-32020-000-0055	Travel	1,200.00
8113-32200-000-0055	Telephone	1,400.00
8113-44010-000-0055	Equipment	20,922.00
	TOTAL:	**$ 23,722.00**

Community Corrections
Community Based Corrections

9114-11571-015-0080	Overtime	$ 8,464.00
	TOTAL:	**$ 8,464.00**

Adult Probation
Problem Solving Grant

9104-31215-000-0056	Drug Test Fees	$ 2,000.00
	TOTAL:	**$ 2,000.00**

Prosecutor
Adult Protective Services

9108-11318-000-0018	Investigator	$ 155,163.00
9108-11319-000-0018	Director	42,215.00
9108-11652-000-0018	Secretary	27,578.00
9108-32020-000-0018	Travel	13,392.00
9108-32050-000-0018	Instruction & Training	100.00
9108-32200-000-0018	Telephone	8,200.00
9108-32350-000-0018	Postage	10.00
9108-33100-000-0018	Printing	10.00
	TOTAL:	**$ 246,668.00**

Community Corrections
GRANT 9114

9114-11009-015-0080	Director	$ 55,000.00
9114-11032-015-0080	Executive Administrator, CCAB	45,000.00
9114-11077-015-0080	Executive Administrator Assistant	27,500.00
9114-11211-015-0080	Financial Coordinator	38,000.00
9114-11706-015-0080	Director of Kitchen Services	3 7,250.00
9114-11216-015-0080	Case Manager (WR)	57,000.00
9114-11217-015-0080	Case Manager (HD)	86,530.00
9114-11291-015-0080	Client Service Coordinator (RD)	38,835.00
9114-11370-015-0080	Detention Officers	469,540.00
9114-11405-015-0080	Receptionist	24,700.00
9114-11601-015-0080	Program Manager/Supervisor	45,000.00
9114-11800-015-0080	Director of Security	45,000.00
9114-11959-015-0080	Maintenance	32,000.00
9114-11967-015-0080	Case Manager (DR)	28,400.00
9114-11571-015-0080	Overtime/Other Compensation	4,185.00

TOTAL: $ 1,033,940.00

9114-14800-015-0080	FICA	76,767.00
9114-14810-015-0080	PERF	54,944.00
9114-14840-015-0080	Group Insurance	130,556.00

100 SERIES TOTAL: $ 262,267.00

9114-21030-015-0080	Office Supplies	$ 4,500.00
9114-22120-015-0080	Garage & Motor Supplies	1,000.00
9114-22215-015-0080	Drug Testing Supplies	5,500.00
9114-24100-015-0080	Food	85,000.00
9114-24110-015-0080	Wearing Apparel	10,500.00

200 SERIES TOTAL: $ 106,500.00

9114-31015-015-0080	Professional Services	$ 6,600.00
9114-32020-015-0080	Travel & Training	9,000.00
9114-32200-015-0080	Telephone & Telegraph	1,000.00
9114-32350-015-0080	Postage	2,250.00
9114-33100-015-0080	Printing	750.00
9114-34030-015-0080	Insurance	250.00
9114-35015-015-0080	Utilities	5,000.00
9114-36050-015-0080	Equipment & Leasing	5,652.00
9114-39010-015-0080	Dues & Subscriptions	1,000.00

300 SERIES TOTAL: $ 31,502.00

GRANT TOTAL: $ 1,434,209.00

Community Corrections
PROJECT INCOME (PI) 9114

9114-11009-000-0795	Director	$ 1,650.00
9114-11032-000-0795	Executive Administrator, CCAB	1,500.00
9114-11077-000-0795	Executive Administrator Assistant	2,500.00
9114-11211-000-0795	Financial Coordinator	1,140.00
9114-11706-000-0795	Director of Kitchen Services	1,320.00
9114-11717-000-0795	Dietary Aide	11,050.00
9114-11216-000-0795	Case Manager (WR)	5,280.00

9114-11217-000-0795	Case Manager (HD)	35,696.00
9114-11967-000-0795	Case Manager (DR)	1,000.00
9114-11959-000-0795	Maintenance Tech	30,000.00
9114-11716-000-0795	Cooks	52,650.00
9114-11950-000-0795	Part Time Officers	131,600.00
9114-11291-000-0795	Client Service Coordinator (RD)	1,165.00
9114-11370-000-0795	Detention Officers	282,800.00
9114-11405-000-0795	Receptionist	0.00
9114-11601-000-0795	Program Manager/Supervisor	1,350.00
9114-11800-000-0795	Director of Security	1,350.00
9114-11571-000-0795	Overtime/Other Compensation	60,932.00

TOTAL: $ 622,983.00

9114-14800-000-0795	FICA	$ 55,076.00
9114-14810-000-0795	PERF	157,452.00
9114-14840-000-0795	Group Insurance	93,000.00

TOTAL: $ 305,528.00

100 SERIES TOTAL: $ 928,511.00

9114-21030-000-0795	Supplies	$ 2,000.00
9114-22120-000-0795	Garage & Motor Supplies	27,200.00
9114-22215-000-0795	Drug Testing Supplies	12,000.00
9114-22200-000-0795	Household Supplies	5,000.00

TOTAL: $ 46,200.00

9114-23010-015-0795	Maintenance Supplies	$ 3,000.00

TOTAL: $ 3,000.00

9114-24010-015-0795	Other Supplies	7,500.00
9114-24100-015-0795	Food	156,520.00

TOTAL: $164020 .00

200 SERIES TOTAL: $ 213,220.00

9114-31015-015-0795	Professional Services	$ 10,000.00
9114-31070-015-0795	Contractual Services	82,200.00
9114-32020-015-0795	Travel & Training	13,000.00
9114-32200-015-0795	Telephones	7,400.00
9114-32203-015-0795	Cellular Telephones	6,900.00
9114-33100-015-0795	Printing	1,250.00
9114-34030-015-0795	Insurance	1,250.00
9114-35015-015-0795	Utilities	53,600.00
9114-36011-015-0795	Repair & Maintenance	3,500.00
9114-36050-015-0795	Equipment Leasing	14,561.00
9114-39010-015-0795	Dues & Subscriptions	700.00

300 SERIES TOTAL: $ 194,361.00

9114-44250-015-0795	Office Equipment	$ 1,000.00
9114-44438-015-0795	Security Equipment	5,000.00
9114-44600-015-0795	Other Equipment	5,000.00
9114-45520-015-0795	Date Equipment	2,500.00
9114-45521-015-0795	Home Monitoring Equipment	25,000.00

400 SERIES TOTAL: $ 38,500.00

GRAND TOTAL: $ 1,374,592.00

Community Corrections
COMMUNITY TRANSITION PROGRAM (CTP)

9115-11219-015-0080	Case Manager	$ 31,200.00
9115-14800-015-0080	FICA	2,387.00
9115-14810-015-0080	PERF	3,432.00
9115-14840-015-0080	Group Insurance	4,224.00

TOTAL: $ 41,243.00

Community Corrections
COMMUNITY TRANSITION PROGRAM (CTP)

9115-11219-015-0795	Case Manager	$ 31,200.00
9115-14800-015-0795	FICA	2,387.00
9115-14810-015-0795	PERF	3,432.00
9115-14840-015-0795	Group Insurance	4,224.00

100 SERIES TOTAL: $ 41,243.00

9115-21030-015-0795	Office Supplies	$ 500.00
9115-22120-015-0795	Garage & Motor Supplies	500.00
9115-22215-015-0795	Drug Testing Supplies	500.00
9115-24110-015-0795	Wearing Apparel	2,500.00

200 SERIES TOTAL: $ 4,000.00

9115-32020.015-0795	Travel & Training	$ 2,150.00
9115-32350-015-0795	Postage	500.00
9115-36050-015-0795	Equipment Leasing	6,000.00
9115-39010-015-0795	Dues & Subscriptions	500.00

300 SERIES TOTAL: $ 9,150.00

GRAND TOTAL: $54393.00

Motion to pass Bill No. 38-14was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 38-14 was passed to-wit; 9-0.

Public Hearing/Miscellaneous Matters:

Public Hearing/Land Use Planning:

BILL NO. 31-14: 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 13398 MCKINLEY HIGHWAY MISHAWAKA, IN 46545 FROM B BUSINESS DISTRICT, TO C COMMERCIAL DISTRICT PETITIONER: DR. & MRS. JAMES BURKHART BURKHART PROPERTIES LLC

Mr. Noland reported that Bill No. 31-14 comes with a favorable recommendation.

Angela Smith, Area Plan, there is an existing fourteen hundred square foot building on approximately a quarter of an acre, there is also an accessory structure behind the building. Several properties along McKinley Highway have been rezoned from B Business to C Commercial over the years. Site plans shows the existing commercial structure and all the appropriate landscaping needed to buffer from the commercial district to the residential properties. This comes to you with a favorable recommendation.

Gloria Prawat: At Home Real Estate, I am representing the seller and in our time of having the property listed many of the people who had interest in purchasing the property needed to have B residential to C Commercial so we are asking for a favorable vote, it appears everything in the area is basically commercial and we do have a potential buyer who is interested in purchasing it with favorable zoning. Mrs. Burkhart is here, one of the owners, should you have any questions, we also have the potential buyer here.

Motion to pass Bill No. 31-14was made by Mr. McCahill and seconded by Mr. Herbster. Bill No. 31-14 was passed to-wit; 9-0.

Mr. Catanzarite: I just want to recognize, we have two Boy Scouts tonight in the audience from the Colebush Church down on three thirty one. Two young gentlemen here that are trying to work on their citizenship achievement through Boy Scouts, just wanted to recognize them and thank them for coming tonight.

Adjournment: Mr. Morton stated that the meeting was adjourned at 6:37 p.m.

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Auditor, St. Joseph County President, St. Joseph County Council