

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
February 11, 2014

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on February 11, 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  
Mrs. Diana 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 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: Mr. President, I would like to ask for a moment of silence for the South Bend Police and the St. Joseph law enforcement community on the recent loss of Sergeant Mark Szweda and extend out condolences to the law enforcement community, his family there and also his personal family.

There was a moment of silence.

Mr. Morton moved and was seconded by Mr. Noland to have the minutes from the January 14, 2014 were approved. The motion passed by a voice vote; 9-0. No negatives were heard.

Mr. Herbster moved to reappoint Lisa Mills to the New Carlisle-Olive Township library board. Mr. McCahill seconded, the motion was passed by a voice vote; 9-0. No negatives were heard.

No report from the County Auditor.

No report from the Board of Commissioners.

No report from any Special Committees.

**BILL NO. 5-14:** 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 1964 DARDEN ROAD, SOUTH BEND, INDIANA 46637 FROM R SINGLE FAMILY DISTRICT TO B BUSINESS DISTRICT PETITIONER: ERICO VILLANUEVA  
Assigned to Land Use Planning Committee

**BILL NO. 6-14:** AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XV, LAND USAGE OF THE ST. JOSEPH COUNTY CODE BY MODIFYING CHAPTER 154.051 DISCONTINUATION OF LEGALLY ESTABLISHED NONCONFORMING USES OF MODIFYING CHAPTER 154.197 (J) OUTDOOR STORAGE AND OPERATIONS PETITIONER: AREA PLAN Assigned to Land Use Planning Committee

**Public Hearing/Public Comment:**

**Salary Amendments:**

**BILL NO. 2-14:** AN ORDINANCE AMENDING ORDINANCE 58-13, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBER OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2014 DEPT. 0010 ARCHIVES Budget and Administration Committee

Mr. Root reported that Bill No. 2-14 comes with a favorable recommendation.

Vicky Rydzynski, I have a request for an amendment to the salary ordinance. It had been given a two percent increase but it was one of the salaries that was below the twenty five thousand dollar minimum and that was not changed. The funding for this change is available in the current budget. I ask this salary amendment be retroactive to January 1, 2014. I do want to mention that it will have a companion appropriation also that is necessary, that will also be for the FICA and PERF.

Motion to pass Bill No. 2-14 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 2-14 was passed to-wit; 9-0.

**BILL NO. 3-14:** AN ORDINANCE AMENDING ORDINANCE 58-13, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBER OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2014 DEPT. 0055 HEALTH Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 3-14 comes with a favorable recommendation.

Nick Molchan, Administrator, St. Joseph County Health Department, this salary amendment is part of a companion bill that has an appropriation. In this salary amendment we need to set the salary range for our health educators. The higher one of the two includes a two percent raise off of the 2013 salary. The lower one includes a salary increase because of increased duties and responsibilities for the medical interpreter and Latino outreach coordinator, all those increased duties and responsibilities have been added into her written job description.

Motion to pass Bill No. 3-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 3-14 was passed to-wit; 9-0.

**BILL NO. 4-14:** AN ORDINANCE AMENDING ORDINANCE 58-13, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBER OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2014 DEPT. 0018 PROSECUTOR Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 4-14 comes with a favorable recommendation.

Mr. Risenhoover, Prosecutor's office, we are asking a salary amendment to establish the salaries for a grant we have received. There is a companion appropriation as well.

Motion to pass Bill No. 4-14 was made by Mr. McCahill and seconded by Mrs. Hess. Bill No. 4-14 was passed to-wit; 9-0.

**BILL NO. 1-14:** AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

**TRANSFERS:**

County Engineer  
Inter Fund Transfer

FROM: 1179-65030-000-0057 Inter Fund Transfer	\$ 160,000.00
TO: 1172-43032-000-0023 Trail Projects	160,000.00

**TOTAL: \$ 160,000.00**

**APPROPRIATIONS:**

Archives  
General Fund

1000-14800-000-0010 FICA	\$ 1,650.00
1000-14810-000-0010 PERF	\$ 3,934.00

**TOTAL: \$ 5,584.00**

Health Department  
Health Local Hlth. Services Grant

9101-11193-000-0055 Health Educator	\$ 60,904.00
9101-14800-000-0055 FICA	4,659.16
9101-14810-000-0055 PERF	5,785.88
9101-14840-000-0055 Group Insurance	14,611.36
9101-32200-000-0055 Telephone	275.00

**TOTAL: \$86,235.40**

Prosecutor  
VOCA 2186

8117-11317-000-0018 Director	\$ 32,000.00
8117-11652-000-0018 Secretary	26,561.00
8117-11329-000-0018 Coordinator Victim Witness	23,238.00

**TOTAL: \$ 81,799.00**

Auditor  
Plat Book Fund

1181-21020-000-0002 Official Forms & Records	\$ 2,500.00
1181-21030-000-0002 Office Supplies	6,000.00
1181-32020-000-0002 Travel	3,000.00
1181-32350-000-0002 Postage	3,500.00
1181-36300-000-0002 Repair Office Equipment	1,100.00
1181-11609-000-0002 Plat Room Supervisor	15,600.00
1181-11950-000-0002 Part Time	5,000.00

**TOTAL: \$ 36,700.00**

Public Defender  
PD Fund

4919-32050-000-0036 Education & Training	\$ 25,000.00
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**TOTAL: \$ 25,000.00**

Motion to pass Bill No. 1-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 1-14 was passed to-wit; 9-0.

**Public Hearing/Miscellaneous Matters:**

**Public Hearing/Land Use Planning:**

**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 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 Land Use Planning Committee

Mr. Noland reported that Bill No. 83-13 comes with a favorable recommendation.

Christa Hill, Area Plan, the property is located on SR 23, East of Ironwood between Maple Lane and Northern Avenue. It was previously the Garden Home site. It was rezoned first in nineteen eighty, expanded in two thousand and two and now would like to be a hair salon which is proposing the rezoning from OB to O Office, they are utilizing the same building, parking, configuration as the existing. It comes to you with a favorable recommendation; it is compatible with the mixed use along SR 23.

Bernie Feeney, Registered land surveyor, 715 S. Michigan South Bend, as Christa indicated this property was formally the offices of Garden Homes. Those offices have become vacant and are now the offices of a hair salon, this rezoning is not to expand or the use in any way but is to allow for the use of a hair salon at his location.

Motion to pass Bill No. 83-13 was made by Mr. O'Brien and seconded by Mrs. Hess. Bill No. 83-13 was passed to-wit; 9-0.

**BILL NO. 89-13:** 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 18325 BERGER STREET, SOUTH BEND, INDIANA 46637 FROM 370 INDUSTRIAL/MANUFACTURING DISTRICT, TO 510 RESIDENTIAL DISTRICT PETITIONER: RONALD BLASKO Land Use Planning Committee

Mr. Noland reported that Bill No. 89-13 comes with a favorable recommendation.

Christa Hill, Area Plan Commission, this property is on the north side of Berger street in between Berdett and Willis Street. In 1988 it was rezoned to M Manufacturing Industrial district so the owner could have a machine shop in the back garage, it's our understanding that the machine shop has ceased existence. The petitioner wishes it to go back to R Single Family district so he can continue to live in it as his home. It comes with a favorable recommendation.

Ken Cornelis, I am representing the petitioner Ronald Blasko in this matter as he is currently out of town. He is wishing to have his property rezoned from Industrial Manufacturing district back to residential.

Motion to pass Bill No. 89-13 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 89-13 was passed to-wit; 9-0.

**BILL NO. 93-13:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY WILLIAM R SYKES FOR THE PROPERTY LOCATED AT 18927 DARDEN ROAD, SOUTH BEND, IN THE SAME BEING PETITION NO. 01-08-14-7 FILED WITH THE AREA BOARD OF ZONING APPEALS PETITIONER: WILLIAM R. SYKES Land Use Planning Committee

Mr. Noland reported that Bill No. 93-13 comes with a favorable recommendation.

Mark Lyons, Building Department, this was heard by the ABZA on January 8, 2014, it's a special exception request to allow kennel at 18927 Darden Road. It comes to you with a unanimous favorable recommendation at the time of the public hearing there was no one there to speak either in favor or against the petition.

Tom Dickson, Attorney, 55255 Birchwood Court, Osceola Indiana, 46561, I am representing Bill Sykes in this matter, his submission to the council is very comprehensive, therefore I don't have a lot I need to add to it. I believe everyone on the Council has been provided a map, if not, I can probably put it up on the screen. Virtually all of his neighbors have come to speak on his behalf on this petition. I simply wanted to point out a few things to the council to consider. First of all, the Special Use is very unique, there is not profit motive here, this is simply a man who is an active,

advocate on behalf of the animals and animal rights. If you are familiar with Mr. Sykes or have seen him on television, he spends his winter months in addition to running his business providing free straw to anyone who can't come inside, if you call his business you will get that voice mail. He uses his business in order to, the profits from it, in order to promote animal welfare and animal rights. On his particular property I think that you have seen through is submission that he comes to having a few extra dogs there as a result of some interesting circumstances. He's rescued some dogs; he had a dog that was intended for his mother who became ill. I think his favorable report through the Board of Zoning Appeal come from the fact that he is doing this with humanitarian purposes. I did want to point out the report from Mr. Nelson from the Health Department who went out and inspected the property and indicated there were no environmental or public health threats whatsoever on the property with regard to the animals. You can see it's quite a county setting.

Gabrielle Thompson, 1121 Stanfield South Bend, 46617, if anyone knows Bill they know that he lives and breathes for these animals. He has spent countless amounts of his own time and money not only helping his own animals but people that can't take care of their own. He is not a breeder, he's not a negligent owner, his clock runs by their feeding schedule, they have temperature controlled spacious area, he's not asking to go get more dogs he's simply asking to keep the dogs he has, save their lives. If it weren't for him they wouldn't be alive. If anything, the reason why we are here talking about this is because he is so passionate about animal advocate and animal rights and probably did rub someone the wrong way because he is very passionate and he lives for these animals, that's all he's asking you to do is to keep these animals alive and continue to successfully caring for them. Thank you.

Susan Shisler, 18945 Darden Road, South Bend, 46637 and Ron Deferbrashe, 52500 Juniper Road, South Bend, 46637, I am here to speak in favor of this. We have a list of other neighbors who couldn't come but did sign the petition. We would like to read their names: Chuck and Deborah Stauffer 18865 Darden Road, South Bend, Christopher and Amy Chopner, 18887 Darden, Amy Meyers, 18847 Darden Road, Jessie and Donnie Newman, 18909 Darden Road, Chuck Bidlack, 18945 Darden Road, my wife and myself at 52500 Juniper Road, Eric Bungee, 18918 Darden Road. Those are all the adjacent properties. And we just want to say, Bill Sykes is a very considerate, respectful neighbor. He is just a wonderful person, he loves animals. His animals, we never hear, we live right in front of him and I sleep with my window open at night and I never hear his dogs barking or anything. He takes good care of them, I just can't say enough about him for taking such good care of animals that without him probably wouldn't get care at all.

Gina Oliver, 54503 County Road 19, Bristol Indiana, 46507, I came to meet Bill about five years ago when we joined horses on an animal cruelty cause that we were working on. What we tried to do is follow the different cases that were criminally charged in the area and just show that there was some concern. Through the five years I have known him, there is not enough time in the day to tell you what nice things he has done for animal causes and to bring attention to the animal causes. I have never seen anybody that spends a hundred percent of their resources, including time, energy and finances, making it a better place for animals to live, especially the dog population. One instance I can think of, I remember I went with him on Christmas one year and we took dog treats to less fortunate animals. I mean that kind of sums up, he's got a heart of gold.

Brad Braydon, 130 N. Middleboro Mishawaka, Indiana, 46544, I am a South Bend Care and Control officer. As you can see I have quite a lot to say but Bill made me condense this so I am going to. First I want to say I'd never put my job or reputation on the line like I am tonight. I honestly believe that our lives begin to end when we become silent about the things that really matter and this really matters. I know we're here to speak about variances and all that good stuff, I had it all written in here but I just want to say, we are changing our laws in South Bend. Our new ordinances and restrictions when it comes to number of animals someone can have on their property. I know, I am just pointing out what the city of South Bend is doing, not St. Joseph County, however, with that in mind, we are a much smaller, more condensed area than St. Joseph County and realize that it's finally time for a change. And if you can realize that, then realize Bill Sykes is definitely the exception to the rules. Bill didn't just now get these eight dogs, keep that in mind, they have been around for up to ten years, between five and ten years. Give him the opportunity to do what he has been doing for his dogs for ten years now and let him show us what a good pet owner is, just by doing something very simple, people. Just let him keep his dogs. I work with Bill on hundreds of occasions in the city of South Bend. This man has done more for the city of South Bend than probably three quarters of the pet owners in this city of South Bend have. He's help people a lot. I know we are not here to talk about Bill, we are here to talk about a variance, there are some times in life, this is one, it's time to change the variance. Just a little bit. We are not talking about a hundred dogs, we are not talking about an order, we are talking about an incredible human being that from an animal control officer stand point, has my vote, and I wish two thirds of the animal owners in South Bend alone did what half of what Bill does for animals, I would be out of a job. Thank you.

Mr. Noland: Mr. Sykes actually invited me to come over at our committee meeting to tour the property and then, we were not actually able to make that work out but it is extremely close to my house, I am very familiar with it and I intend to strongly support this and I would encourage everyone else to do the same.

Mr. Hamann: I am impressed with what you are doing, I am impressed by your passion to you folks, the fact that you would take the time to come out here tonight in this lousy weather and speak on behalf of this gentleman says a lot about him and his care for animals. That's great.

Mr. McCahill: Mr. Sykes, to your knowledge, have you or any of your close neighbors had any burglaries recently?

Mr. Sykes: Not to my knowledge.

Mr. McCahill: So your house is relatively secure?

Mr. Sykes: Yes, it is.

Mr. McCahill: Good for you and good for our community.

Mr. Sykes: Although I put my dogs away usually between eight and ten o'clock in the evening, but before that, in my house, they have a room, their own room in the main portion in my home. If a squirrel runs by my front window they are up and barking at it, I don't care what time of night, and I get up and check to see what's going on. I know Sue who is adjacent to me is, has said to me before, I love it when I hear your dogs bark, just because we know if someone is prowling around that the dogs will bring it to our attention.

Mr. McCahill: Good for you and good for your neighbors, I would support this also.

Motion to pass Bill No. 93-13 was made by Mr. O'Brien and seconded by Mrs. Hess. Bill No. 93-13 was passed to-wit; 9-0.

**Unfinished Business:**

**New Business:**

**Privilege of the floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned at 6:30 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council













