

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

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on November 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  
Mrs. Diana Hess  
Mr. Rafael Morton  
Mr. Mark A. Catanzarite  
Mr. McCahill  
Mr. Mark Root

Present from the Auditor's office were Mr. Peter H. Mullen. Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.  
Mr. Daniel G. Herbster was absent.

**Petitions, Communications & Miscellaneous Matters:**

Mr. McCahill made a motion to appoint Gregg Hixenbaugh to the Economic Development Commission (County) and Mr. Corey Noland made a motion to appoint Murray Miller to the Common Construction Wage Committee in the absence of Mr. Jay F. Mummey and was seconded by Mr. O'Brien.  
The motion was passed by a voice vote; 8-0. No negatives were heard.

Mr. Noland moved and was seconded by Mrs. Hess to approve the minutes of the October 14, 2014 public hearing.  
The motion was passed by a voice vote; 8-0. No negatives were heard.

No report from the County Auditor.

Report from the Board of Commissioners:

No report from any Special Committees.

**First Readings:**

**BILL NO. 60-14:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY STEVEN J & NANCY E WILEY FOR THE PROPERTY LOCATED AT 54330 ELM RD. THE SAME BEING PETITION NO. 11-05-14-16 FILED WITH THE AREA BOARD OF ZONING APPEALS  
Assigned to the Land Use Planning Committee

**BILL NO. 69-14:** AN ORDINANCE CONCERNING PATIENT SAFETY PETITIONERS: DAN HERBSTER AND MIKE HAMANN Assigned to the Human Services/Criminal Justice

**BILL NO. 70-14:** ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING THE ISSUANCE OF THE COUNTY'S ECONOMIC DEVELOPMENT REVENUE BONDS, THE LENDING OF THE PROCEEDS THEREOF TO GENERAL SHEET METAL WORKS INCORPORATED OR AN AFFILIATE, AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO  
Assigned to the Budget/Administration Committee

**BILL NO. 71-14:** 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 52682 CURRENT ROAD, GRANGER IN 46530, FROM A-AGRICULTURAL TO PUD-PLANNED UNIT DEVELOPMENT DISTRICT PETITIONER: ST. JOE FARM LIMITED LIABILITY COMPANY Assigned to the Budget/Administration Committee

**BILL NO. 62-14:** ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL APPROPRIATING THE PROCEEDS OF THE ST. JOSEPH COUNTY LIMITED TAX BRIDGE REFUNDING BONDS OF 2014 Assigned to the Budget/Administration Committee

**BILL NO. 63-14:** ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND THE COUNTY'S LIMITED TAX BRIDGE FUNDING BONDS OF 2005 AND PAY INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS Assigned to the Budget/Administration Committee

**SALARY AMENDMENT:**

**BILL NO. 67-14:** AN ORDINANCE AMENDING ORDINANCE 58-13, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2014 (Dept. 0018 Prosecutor)

Mr. Hamann reported that Bill No.67-14 comes with a favorable recommendation.

Mr. Risenhoover, Prosecutor's Office, we are requesting a salary amendment to set up a grant that we got that would make it agree with the County budgets.

Motion to pass Bill No. 67-14 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 67-14 was passed to-wit; 8-0.

**BILL NO. 68-14:** AN ORDINANCE AMENDING ORDINANCE 110-12, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2013(Dept. 0002 Auditor)

Mr. Root reported that Bill No.68-14 comes with a favorable recommendation.

Mr. Mullen, St. Joseph County Auditor, we are asking for a transfer, or establishing a salary for the last month and a half of two thousand and fourteen for an IT coordinator who we have hired in the budget for two thousand and fifteen, the amount of money we are asking for is six thousand four hundred and sixty one dollars for the remainder of the year two thousand and fourteen. At the end of this year, he will go on the position as IT coordinator with the remainder of the money coming from Ineligible Deduction Funds.

Motion to pass Bill No. 68-14 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 67-14 was passed to-wit; 8-0.

**Public Hearing/Public Comment:**

**BILL NO. 66-14:** AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

A. Department of Public Works  
County Highway

FROM:	1176-11424-000-0062	Group 2	\$ 11,000.00
TO:	1176-36110-000-0064	Repairs/Road/Equipment	11,000.00
FROM:	1176-23400-000-0062	Stone Gravel Aggregates	\$ 19,600.00
TO:	1176-36110-000-0064	Repairs/Road/Equipment	19,600.00

FROM:	1176-23420-000-0062	Bituminous	\$ 50,000.00
TO:	1176-36010-000-0064	Repairs Bldgs. & Structures	50,000.00

**TOTAL: \$ 80,600.00**

**APPROPRIATIONS:**

B. Prosecutor's Office  
Grant 8116

8116-11121-000-0018	Victim Advocate	\$ 36,500.00
8116-11317-000-0018	Director	77,700.00
8116-32020-000-0018	Travel	5,000.00
8116-31070-000-0018	Other Contractual Services	167,109.00
8116-14850-000-0018	Unemployment Contributions	2,604.00
8116-14850-000-0018	FICA Contributions	8,736.00
8116-12257-000-0018	Worker's Compensation Contributions	2,284.00

**TOTAL: \$ 299,933.00**

C. Prosecutor's Office  
Grant 8106 STOP Grant

8106-11101-000-0018	Deputy	\$ 74,624.00
8106-11351-000-0018	Para Legal	36,188.00
8106-11120-000-0018	Commander	6,463.00
8106-11121-000-0018	Victim Advocate	30,984.00
8106-11355-000-0018	Assistant Commander	4,887.00

**TOTAL: \$ 153,146.00**

D. Prosecutor's Office  
Grant 8117 VOCA Grant

8117-11317-000-0018	Director	\$ 8,000.00
8117-11652-000-0018	Secretary	6,640.00
8117-11329-000-0018	Coordinator Victim Witness	5,810.00

**TOTAL: \$ 20,450.00**

E. Sheriff's Office  
General Fund

1000-11571-000-0006	Overtime	\$ 285,009.00
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**TOTAL: \$ 285,009.00**

F. Sheriff's Office  
General Fund

1000-22010-000-0005	Gas, Oil & Lubricants	\$ 48,000.00
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**TOTAL: \$ 48,000.00**

Motion to pass Bill No. 66-14 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 66-14 was passed to-wit; 8-0.

**BILL NO. 59-14:** AN ORDINANCE APPROPRIATING THE SUM OF 250,000.00 OUT OF THE SPECIAL AIRPORT CUMULATIVE BUILDING FUND - 8109 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2014(SOUTH BEND AIRPORT)

Mr. Root reported that Bill No. 59-14 comes with a favorable recommendation.

Mr. Guljas, Director of Administration/Finance for St. Joseph County Airport Authority, this will provide an additional appropriation for communal building fund. This would increase the twenty fourteen budget in this fund from five hundred thousand to seven hundred and fifty thousand dollars. The Authority currently has cash on hand in the fund to cover the additional amount of money. This increase is needed to fund, to allocate funds for air service development, specifically in agreement with United Airlines which began nonstop service to Newark in October.

Motion to pass Bill No. 59-14 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 59-14 was passed to-wit; 9-0.

**BILL NO. 61-14:** ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL (I) SUPPLEMENTING AND AMENDING ORDINANCE NO. 44-05, AUTHORIZING ISSUANCE OF BONDS TO PROVIDE FUNDS TO PAY FOR RECONSTRUCTION AND REHABILITATION OF A BRIDGE AND INFRASTRUCTURE IMPROVEMENTS AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH; AND (II) SUPPLEMENTING AND AMENDING ORDINANCE NO. 20-08, AUTHORIZING ISSUANCE OF BONDS TO PROVIDE FUNDS TO REFINANCE THE COUNTY'S LIMITED TAX GENERAL OBLIGATION BONDS OF 2000 AND PAY INCIDENTAL EXPENSES IN CONNECTION THEREWITH

Mr. Root reported that Bill No. 61-14 comes with a favorable recommendation.

Phil Faccenda, Barnes and Thornburg, the ordinance is before you is an amending ordinance with regard to the two thousand five and two thousand nine bridge bonds. The reason for the ordinance is to amend those two ordinances were used, the Major Bridge Fund is pledged to both the two thousand five bonds and the two thousand nine bridge bonds. The Cumulative Bridge fund of the County is not pledged to those bonds. These ordinances are being amended to allow both funds to be pledged to the repayment of what will remain as the two thousand nine bridge bonds and new refunding two thousand fourteen bridge bonds. The two thousand fourteen bridge bonds will refund or refinance the two thousand five bonds for a savings and that's the reason for the bond ordinance that we will read in a moment. In order to provide proper coverage's and to enhance the security and therefore provide a better rate, it is requested that the County approve pledging both Major Bridge Fund which is already pledged and the Cumulative Bridge.

Mr. O'Brien: Mr. Faccenda, can you tell us the rate differential between the old one and the new rate, the saving..

Mr. Faccenda: The existing bonds, the two thousand five limited tax bridge bonds bare rate of four point one percent, it is hoped when the refunding bonds go to market, which will be in early December, it's hoped that the rate will be below three and hopefully in the neighborhood of two and a half percent.

Mr. O'Brien: And how much will we save in the..

Mr. Faccenda: Somewhere in the neighborhood, north of, it will be greater than a hundred thousand dollars.

Mr. O'Brien: And we will have the same maturity?

Mr. Faccenda: Same maturity.

Mr. O'Brien: That's great.

Motion to pass Bill No. 61-14 was made by Mr. O'Brien and seconded by Mrs. Hess. Bill No. 61-14 was passed to-wit; 8-0

**BILL NO. 62-14:** ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL APPROPRIATING THE PROCEEDS OF THE ST. JOSEPH COUNTY LIMITED TAX BRIDGE REFUNDING BONDS OF 2014

Mr. Root reported that Bill No. 62-14 comes with a favorable recommendation.

Phil Faccenda, this ordinance is the appropriation of the bond proceeds.

Motion to pass Bill No. 62-14 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 62-14 was passed to-wit; 8-0

**BILL NO. 63-14: ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND THE COUNTY'S LIMITED TAX BRIDGE FUNDING BONDS OF 2005 AND PAY INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS**

Mr. Root reported that Bill No. 63-14 comes with a favorable recommendation.

Phil Faccenda, this is the actual bond ordinance, the only thing I would add to what I have said, the original two thousand five bonds were issued in the amount of four million dollars. They are currently outstanding in the amount of two million, six hundred and fifty thousand.

Motion to pass Bill No. 63-14 was made by Mrs. Hess and seconded by Mr. Hamann. Bill No. 63-14 was passed to-wit; 8-0

**Public Hearing/Land Use Planning:**

**BILL NO. 54-14: 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 10106 MCKINLEY HWY, OSCEOLA, IN 46561 FROM B BUSINESS TO C COMMERCIAL DISTRICT PETITIONER: RLS LLC**

Mr. Noland reported that Bill No. 54-14 comes with a favorable recommendation.

Christa Hill, Area Plan Commission, this property is on the south side of McKinley Highway just west of the intersection of Ash Road leading over into Elkhart. The other businesses at this intersection include a cabinet installer, hotel and some sort of convenient store that often sells fireworks. The County is doing a road project along McKinley so additional ride of way will be taken on both the McKinley side and the Byrd Avenue side, so kind of shrinking the area that the petitioner does have to use for their business. It comes with a favorable recommendation from the Area Plan Commission.

Robert Leimen, we are the owners of this property and building. We are here before you because everyone from Ash Road to Byrd Street with the exception of us, have a C Commercial rating and we currently have a B. We have had several prospective tenants that would require a C rather than a B. We are hoping from a favorable rating to avoid not having an empty structure.

Motion to pass Bill No. 54-14 was made by Mrs. Hess and seconded by Mr. O'Brien. Bill No. 54-14 was passed to-wit; 8-0.

**Unfinished Business:**

**New Business:**

**Privilege of the floor:** Mr. O'Brien: I would just like to make an observation the refinancing of the Bridge Bonds, it seems to be a great opportunity. There is a great opportunity right now for the County to save quite a bit on interest with refinancing it. I understand that the Auditor's Office has been working on looking at the jail bonds as well and there could be quite a bit more savings.

Mr. Morton: Thank you for those comments.

Mr. Root: South Bend Tribune did something interesting during the endorsement process and I don't know that I have ever seen them do before. It was at the end of the Council endorsements there was a little addendum that they put in the paper that speaks very well of this Council and I think it deserves to be read into the public record, so quoting the South Bend Tribune, "It's worth noting that in all of our endorsement interviews, the St. Joseph County Council, all Council members, Republican and Democrats alike, praise the Council leadership and the way the Council conducts its business." I think that speaks well of this Council and speaks well to your leadership, all after tonight we may see a retraction in the paper tomorrow. I thought that deserved to be put into the public record. Thank you.

Mr. Morton: Thank you very much, thank you.

**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













