

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
October 14, 2014

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on October 14, 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. McCahill  
Mr. Mark Root

Present from the Auditor's office were Mr. Peter H. Mullen 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. O'Brien made a motion to reappoint Dr. Richard Headley and Mr. John Matthy Animal Control Commission Mr. Kevin Buccellato to the Historic Preservation and was seconded by Mr. McCahill. The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Noland moved and was seconded by Mr. Hamann to approve the minutes of the September 14, 2014 Public Hearing and the September 23, 2014 Non Binding Review meeting. The motion was passed by a voice vote; 9-0. 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. 57-14:** 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 DRAGOON TRAIL, MISHAWAKA, IN ON THE NORTH SIDE OF DRAGOON TRAIL AND EAST OF LAING DITCH, IMMEDIATELY TO THE EAST OF THE PROPERTY LOCATED AT 14535 DRAGOON TRAIL FROM R SINGLE FAMILY DISTRICT, TO M MANUFACTURING INDUSTRIAL DISTRICT PETITIONER: WYN LAIDIG, MISHAWAKA LEASING CORP.

Assigned to the Land Use Planning Committee

**BILL NO. 58-14:** 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 53600 BLOCK OF GENERATIONS DRIVE, SOUTH BEND, INDIANA 46637 FROM R-2 RESIDENTIAL DISTRICT TO B BUSINESS DISTRICT

PETITIONERS: MICHIANA HEMATOLOGY ONCOLOGY PC Assigned to the Land Use Planning Committee

**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 PURPOSE HEREIN SPECIFIED FOR THE CURRENT YEAR, 2014 PETITIONER: SOUTH BEND AIRPORT

Assigned to the Budget/Administration Committee

**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  
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

**Adoption of the Airport Authority, Solid Waste Management, and St. Joseph County 2015 Budget**

**BILL NO. 47-14:** ORDINANCE FOR APPROPRIATIONS AND TAX RATES (BUDGET FORM 4) AIRPORT AUTHORITY

Motion to pass Bill No. 47-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 47-14 was passed to-wit; 7-2. Against: Mr. Catanzarite and Mr. McCahill

Mr. Catanzarite: As I voiced before, I still have a concern about the Airport Authority Budget with the reduction of public safety personnel, reducing the on shift personnel from the numbers that were previously held there to where they are now. I will respectfully be, I will vote against this bill.

**BILL NO. 48-14:** ORDINANCE FOR APPROPRIATIONS AND TAX RATES (BUDGET FORM 4) SOLID WASTE

Motion to pass Bill No. 48-14 was made by Mr. O'Brien and seconded by Mr. Noland. Bill No. 48-14 was passed to-wit; 9-0.

**BILL NO. 50-14:** AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY, INDIANA FOR THE YEAR 2015

Motion to pass Bill No. 50-14 was made by Mrs. Hess and seconded by Mr. Hamann. Bill No. 50-14 was passed to-wit; 9-0.

**BILL NO. 51-14:** ORDINANCE FOR APPROPRIATIONS AND TAX RATES (BUDGET FORM 4) ST. JOSEPH COUNTY, INDIANA

Motion to pass Bill No. 51-14 was made by Mr. Hamann and seconded by Mrs. Hess. Bill No. 51-14 was passed to-wit; 9-0.

**RESOLUTION: BILL NO. 64-14:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING CHANGES TO THE ST. JOSEPH COUNTY SHERIFF'S PENSION PLAN

Pete Agostino, Attorney at Law, the purpose of the resolution is to approve an amendment to the pension plan, state law in Indiana an amendments to be approved by the fiscal body. The amendments that are attached to the proposed resolution deal with some changes, they do not add any.... Increase any benefits to the plan. We asked for your approval for the adoption of the resolution. I have the actual signed amendment as signed by the pension committee.

Mr. O'Brien: Mr. Agostino, so this is basically just a amendment that's required because of IRS procedures that we have to adopt.

Mr. Agostino: Yes, the history here is the IRS requests the amendment be made to.... To comply with some technical aspects of the IRS code which is.... However, the IRS requests these amendments and they have asked they be adopted by October 31, 2014.

Mr. O'Brien: Thank you.

Motion to pass Bill No. 64-14 was made by Mr. O'Brien and seconded by Mr. Noland. Bill No. 64-14 was passed to-wit; 9-0.

**SALARY AMENDMENT:**

**BILL NO. 56-14:** 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. 0034 COMMISSIONERS/PSAP)

Mr. Root reported that Bill No.56-14 comes with a favorable recommendation.

Pete Agostino, Attorney at Law, I am here on behalf of the Commissioners.... This is a bill that adopts two positions for funding an IT Director and an Administrative Assistant.

Motion to pass Bill No. 56-14 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 56-14 was passed to-wit; 9-0.

**Public Hearing/Public Comment:**

**BILL NO. 55-14:** AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

**TRANSFERS:**

A. Department of Public Works  
Department MVH

FROM: 1176-32210-000-0064	Highway Gen. Exp.	\$ 2,000.00
TO: 1176-11439-000-0064	Overtime	2,000.00
FROM: 1176-23440-000-0062	Road Signs	\$ 26,000.00
TO: 1176-11439-000-0062	Overtime	26,000.00
FROM: 1176-23410-000-0062	Culverts, Tile & Sewer	\$ 6,000.00
TO: 1176-11439-000-0062	Overtime	6,000.00
FROM: 1176-11061-000-0061	Highway Commissioner	\$ 5,000.00
TO: 1176-32200-000-0061	Telephone	5,000.00
FROM: 1176-11061-000-0061	Highway Commissioner	\$ 15,000.00
TO: 1176-39150-000-0061	Other Expense	15,000.00
FROM: 1176-11061-000-0061	Highway Commissioner	\$ 8,000.00
TO: 1176-11439-000-0062	Overtime	8,000.00
FROM: 1176-22100-000-0064	Tires & Tubes	\$ 21,500.00
TO: 1176-36014-000-0062	Road Repairs	21,500.00

FROM: 1176-11061-000-0061	Highway Commissioner	\$ 4,500.00
TO: 1176-11439-000-0064	Overtime	4,500.00
FROM: 1176-22100-000-0064	Tires & Tubes	\$ 3,500.00
TO: 1176-11439-000-0064	Overtime	3,500.00

**TOTAL: \$ 91,500.00**

B. Health Department  
County Health

1159-31070-000-0055	Other Contractual Services	\$ 6,500.00
1159-22120-000-0055	Garage & Motor Supplies	6,500.00

**TOTAL: \$ 6,500.00**

C. Community Corrections  
Project Income

9114-65030-015-0795	Inter Fund Transfer	\$ 262,400.00
4922-05206-000-0080	Building Fund	200,000.00
7312-05206-000-0002	CEDIT	62,400.00
1122-65030-000-0080	Inter Fund Transfer	33,347.99
9114-65030-015-0795	Inter Fund Transfer	33,347.99
1123-65030-014-0080	Inter Fund Transfer	27,003.05
9114-65030-015-0795	Inter Fund Transfer	27,003.05

**APPROPRIATIONS:**

D. County Police  
General Fund

1000-24100-000-0006	Food	7,800.00
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**TOTAL: \$ 7,800.00**

E. Prosecutor's Department  
General Fund

1000-32020-000-0018	Travel	\$ 4,239.80
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**TOTAL: \$ 4,239.80**

F. Juvenile Justice Center  
Juvenile Detention Alternative

9112-36015-000-0025	Contractual Services	\$ 82,000.00
9112-32020-000-0025	Travel	4,500.00
9112-21030-000-0025	Supplies	5,940.00

**TOTAL: \$ 92,440.00**

G. Juvenile & Probate Court  
Court Reform

9116-36015-000-0025	Contractual Services	\$ 10,000.00
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**TOTAL: \$ 10,000.00**

H. Parks Department  
Non Reverting Fund

1179-11428-000-0057	Part Time	\$ 4,000.00
1179-11476-000-0057	Gate Keeper Security PT	10,000.00
1179-14800-000-0057	FICA	1,500.00
1179-14810-000-0057	PERF	500.00

**TOTAL: \$ 16,000.00**

Motion to pass Bill No. 55-14 with the exception for item C was made by Mr. Catanzarite and seconded by Mrs. Hess. Bill No. 55-14 was passed to-wit; 9-0.

**BILL NO. 52-14:** AN ORDINANCE APPROPRIATING THE SUM OF \$289,196.00 OUT OF THE BOND & INTEREST REDEMPTION FUND, EXCESS WELFARE DISTRIBUTION FUND AND LIBRARY IMPROVEMENT RESERVE FUND FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2014 DEPT. MISHAWAKA-PENN-HARRIS LIBRARY Assigned to the Budget/Administration Committee

Mr. Root reported that Bill No. 52-14 comes with a favorable recommendation.

David Eisen, Director of the Mishawaka Public Library, I am here to request your approval for this additional appropriation for the library.

Motion to pass Bill No. 52-14 was made by Mr. Root and seconded by Mr. O'Brien. Bill No. 52-14 was passed to-wit; 9-0.

**BILL NO. 53-14:** AN ORDINANCE TO ESTABLISH AND APPROPRIATE THE 2015 ANNUAL BUDGET OF THE ST. JOSEPH COUNTY BOARD OF MANAGERS FOR HOTEL-MOTEL TAX, IN THE AMOUNT OF \$ 4,097,280.00 OUT OF THE ST. JOSEPH COUNTY CONVENTION EXHIBITION FUND – 7304

Mr. Root reported that Bill No. 53-14 comes with a favorable recommendation.

Steve Ellison, President of the Hotel/Motel Tax Board of St. Joseph County, this is an interesting time. We are able to report to you, we have observed an increase of four point four percent in terms of hotel/motel tax revenue. Just two years ago, it was at two point nine percent. In addition to that, we know that we have seen statistics that our occupancy rates are up by... year round. We also have seen. I think is is reflective of the opportunity you have provided us by our budget in the past is beginning to have... and the ability to allocate these funds. I'd be happy to answer any questions.

Motion to pass Bill No. 53-14 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 53-14 was passed to-wit; 9-0

Mr. Noland: I just wanted to congratulate you on your successes and thank you for all your hard work.

Mr. Morton: Thank you, you all do an outstanding job and I'd like to repeat my colleague's comments.

Mr. Catanzarite: I have one question, Mr. Ellison, after this appropriation tonight, if it gets passed, what will the balance be on the Hotel/Motel tax?

Mr. Ellison: Our reserves based upon the projections we have would be about one point five million. We are not spending at all but we are deploying what we think we need to.

**Public Hearing/Land Use Planning:**

**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 HEIO JO

Mr. Noland reported that Bill No. 40-14 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, petitioner is seeking to rezone however, there are written commitments on the property that limit that business to a tailor shop. They needed to rezone to O Office to allow them to park on the property. This comes to you from the Area Plan Commission with a favorable recommendation.

Bernie Feeney, Land Surveyor, I am here this evening on behalf of Hyeon Heio Jo and her daughter Alaina Jo. In two thousand and twelve, they were allowed to rezone this property to B Business along with Special Use for the tailor shop. Since that time, the tailor shop has ceased operations and when they rezoned it in two thousand and twelve to B Business they made a representation at that time when the tailor shop was finished, they would put it back as it was before. This is exactly what they are doing at this point. I'd be happy to answer any questions.

Motion to pass Bill No. 40-14 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 40-14 was passed to-wit; 9-0.

**BILL NO. 35-14:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY ST. JOSEPH COUNTY COMMISSIONERS FOR THE PROPERTY LOCATED AT 58293, 58267 & 58199 ELM ROAD THE SAME BEING PETITION No. 07-02-14-08 FILED WITH THE AREA BOARD OF ZONING APPEALS

Mr. Noland reported that Bill No. 35-14 comes with a favorable recommendation.

Charles Bulot, Building Commissioner for St. Joseph County, at the September 3, 2014 the Area Board of Zoning Appeals, this petition for a special use for Public Safety Answering Point facility..... was heard and was given a favorable recommendation. I'd be happy to answer any questions.

Mr. Catanzarite: Mr. Bulot, was there any public opposition?

Mr. Bulot: Not that I am aware of.

Motion to pass Bill No. 35-14 was made by Mr. Catanzarite and seconded by Mrs. Hess. Bill No. 35-14 was passed to-wit; 9-0.

**Unfinished Business:**

**New Business:** Mr. Catanzarite: Just thought for consideration, with the recent bankruptcy of the Indiana Toll Road, I see our neighbors in LaPorte County that they have considered, or have a resolution to state their County's intent. I think as a Council if we had an opportunity in the next month to also consider a resolution to state our position so it protects the interest of the St. Joseph County residents. We are one of seven counties the toll road runs in. It's a little alarming as to what happened, I believe, I am not so certain the future is solid of the toll road, I hope it is. But if we have some time over the next month I'd like to see us maybe work toward some type of an idea or resolution, maybe, if the body's for that, at least state our position as a Council.

Mr. Morton: Duly noted.

**Privilege of the floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned at 6:35 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council













