

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
December 1, 2015

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on December 1, 2015, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Robert L. Kruszynski  
Mr. Corey Noland  
Mr. James O'Brien  
Ms. Diana Hess  
Mr. Rafael Morton  
Mr. Mark P. Telloyan  
Mr. Mark A. Catanzarite  
Mr. Robert McCahill  
Mr. Mark Root

Present from the Auditor's office were Mr. Michael J. Hamann 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:**

Ms. Hess made the motion to reappoint Rafael Morton to the Airport Authority Advisory Board, Lee Slavinskis to the Indiana Alcohol and Tobacco Commission, Pete Mullen to the County Redevelopment Commission, Jessica Clark to the County Redevelopment Commission, Corey Noland to the Data Board, to the James O'Brien to the Emergency Management Board and Mark Catanzarite to the Northern Indiana Commuter Transportation District Board (South Shore) and was seconded by Mr. Kruszynski. The motion was passed by a voice vote; 9-0.

Mr. Noland made a motion to approve the minutes of the November 10, 2015 was seconded by Ms. Hess, the motion was passed by a voice vote; 9-0.

No report from the County Auditor  
No report from the County Commissioner

Special Committees: Mr. Catanzarite: I just wanted to give you and the public an update, the Public Defender Board, we submitted our third quarter reimbursement to the State of Indiana for the amount of a little more than two hundred and thirty thousand dollars and if that amount gets awarded to us, that will bring to total since the Public Defender Board has been revamped, five point six million dollars reimbursement to the county, if that gets approved by the State Public Defender Commission. Also, a side note, we have some new faces in the audience, the Chamber of Commerce Leadership Class, part of their class is here tonight to learn about St. Joseph County government.

Mr. Morton: Thank you for being here.

**First Readings:**

**BILL NO. 84-15:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY JOSEPH BORKHOLDER FOR THE PROPERTY LOCATED AT 10522 PATTERSON ROAD, WAKARUSA, IN. THE SAME BEING PETITION NO. 12-02-15-09 FILED WITH THE AREA BOARD OF ZONING APPEALS Assigned to the Land Use Planning Committee

**Salary Amendments:**

Mr. Morton made a motion to table Bill No. 86-15 and item T under Bill No. 85-15 at the request of the petitioner and was seconded by Mr. Noland. The motion was passed by a voice vote; 9-0.

Mr. Kruszynski made the motion to table item S under Bill No. 85-15 and was seconded by Ms. Hess. The motion was passed by a voice vote; 9-0.

Mr. Morton made a motion to withdraw item J under Bill No. 85-15 and was seconded by Mr. Root. The motion was passed by a voice vote; 9-0.

**Public Hearing/Public Comment:**

Mr. McCahill: In reference to item D, Juvenile Electronic Monitoring Project Income, I was wondering if the petitioner had looked into other areas or different vendors for the \$2,000.00 uniforms.

Kate Williams, Community Corrections Advisory Board, I am here on behalf of Brett Cummings. He has, he looked into the additional vendor and the prices were comparable and a bit lower, he is going to probably be going with that vendor we discussed.

Mr. McCahill: Do you know if they are going to purchase four vests or for four individuals.

Kate Williams: They are going to be vests and uniforms. I believe they are going to be for the individual case managers who are going to be doing the home visits.

Mr. McCahill: Ok.

Mr. Kruszynski: I stand corrected. Under Bill No. 85-15, section S.

**BILL NO. 85-15:** AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

**TRANSFER**

A. Treasurer  
General Fund

FROM: 1000-11682-000-0003	Cashier Clerk	\$400.00
TO: 1000-31070-000-0003	Other Contractual Svc.	400.00
	<b><u>TOTAL: \$400.00</u></b>	

B. County Police  
General Fund

FROM: 1000-22010-000-0005	Lubricants	\$44,000.00
TO: 1000-21070-000-0005	Other Contractual Svc.	11,000.00
1000-32200-000-0005	Telephone	16,000.00
1000-36100-000-0005	Auto & Truck	9,000.00
1000-44010-000-0005	Equipment	8,000.00
	<b><u>TOTAL: \$44,000.00</u></b>	

C. Historic Preservation  
General Fund

FROM: 1000-21030-000-0037	Office Supplies	\$73.00
TO: 1000-31070-000-0037	Other Contractual Svc.	73.00
FROM: 1000-22010-000-0037	Gas/Oil/Lubricant	\$390.00
TO: 1000-31070-000-0037	Other Contractual Svc.	390.00
		<b><u>TOTAL: \$463.00</u></b>

D. Juvenile Electronic Monitoring  
Project Income

FROM: 1122-65030-000-0798	Funds w/out Approp.	\$5,000.00
TO: 9130-14900-016-0798	Uniforms	2,000.00
9130-44600-016-0798	Special Equipment	3,000.00
		<b><u>TOTAL: \$5,000.00</u></b>

E. Parks  
Non Reverting Fund

FROM: 1179-65030-000-0057	Inter Fund Transfer	\$200,000.00
TO: 1219-05205-000-0057	Inter Fund Transfer	200,000.00
		<b><u>TOTAL: \$200,000.00</u></b>

F. Juvenile Monitoring  
Project Income

FROM: 9114-65030-014-0797	Funds w/out Approp.	\$21,853.00
TO: 9130-11439-016-0798	Overtime	17,997.00
9130-14800-016-0798	FICA	1,671.00
9130-14810-016-0798	PERF	2,185.00
		<b><u>TOTAL: \$21,853.00</u></b>

G. Circuit Court  
General Fund

FROM: 1000-16100-000-0019	Grand Jurors	\$250.00
TO: 1000-36300-000-0019	Repair Office Equip.	120.00
1000-39015-000-0019	Law Books & Reports	130.00
		<b><u>TOTAL: \$250.00</u></b>

H. Emergency Management  
General Fund

FROM: 1000-32020-000-0009	Travel	\$600.00
TO: 1000-22010-000-0009	Gas/Oil/Lubricants	600.00
		<b><u>TOTAL: \$600.00</u></b>

I. Commissioners  
General Fund

FROM: 1000-65030-000-0002	Inter Fund Transfer	\$450,000.00
TO: 4702-39600-000-0002	Refunds, Awards & Indemnities	450,000.00
		<b><u>TOTAL: \$450,000.00</u></b>

J. Health Dept.  
Rainy Day Fund

FROM: 1186-65030-000-0002	Inter Fund Transfer	\$500,000.00
TO: 1159-05206-000-0055	Transfer of Funds	500,000.00
		<b><u>TOTAL:\$500,000.00</u></b>

K. Community Corrections  
Community Base Corrections

FROM: 1122-65030-000-0080	Inter Fund Transfer	\$26,040.95
TO: 1122-05205-000-00795	Inter Fund Transfer	26,040.95
		<b><u>TOTAL: \$26,040.95</u></b>

FROM: 1122-65030-000-0080	Inter Fund Transfer	\$8,304.04
TO: 9127-44600-016-0795	Special Equip.	8,304.04
		<b><u>TOTAL: \$8,304.04</u></b>

FROM: 1123-65030-000-0080	Inter Fund Transfer	\$8,803.50
TO: 1123-05205-000-0795	Inter Fund Transfer	8,803.50
		<b><u>TOTAL: \$8,03.50</u></b>

FROM: 1123-65030-000-0080	Inter Fund Transfer	\$22,474.55
TO: 9127-44600-016-0795	Special Equip.	22,474.55
		<b><u>TOTAL: \$22,474.50</u></b>

L. Health Department  
Health Bioterrorism Grant

FROM: 8113-21030-000-0055	Office Supplies	\$2,053.72
8113-22148-000-0055	Field Supplies	2,395.25
8113-32020-000-0055	Travel	1,912.00
8113-32050-000-0055	Instruction & Training	2,340.00
TO: 8113-44510-000-0055	Furniture & Fixtures	8,700.00
		<b><u>TOTAL: \$8,700.00</u></b>

**APPROPRIATION**

M. Community Corrections  
Community Based Corrections

1122-65030-000-0080	Inter Fund Transfer	\$26,040.95
1122-65030-000-0080	Inter Fund Transfer	8,304.04
1123-65030-000-0080	Inter Fund Transfer	8,803.50
1123-65030-000-0080	Inter Fund Transfer	22,474.55
	<b><u>TOTAL:</u></b>	<b><u>\$65,623.04</u></b>

N. Circuit Court  
Alt. Dispute Resolution

4901-31070-000-0054	Other Contractual Svc.	6,500.00
	<b><u>TOTAL:</u></b>	<b><u>\$6,500.00</u></b>

O. County Engineer  
Major Moves Const. Fund

1172-43032-000-0023	Trail Projects	\$35,000.00
4923-91501-000-0023	Reconstruction/Resurface	161,051.95
	<b><u>TOTAL:</u></b>	<b><u>\$196,051.95</u></b>

P. Domestic Relations  
DRCB Fee

4900-21030-000-0054	Office Supplies	\$1,000.00
4900-32020-000-0054	Travel	8,000.00
4900-32050-000-0054	Instruction/Training	4,000.00
4900-39750-000-0054	Data Processing	5,000.00
4900-44250-000-0054	Office & Machines	1,000.00
4900-45510-000-0054	Furniture & Fixtures	1,000.00
	<b><u>TOTAL:</u></b>	<b><u>\$20,000.00</u></b>

Q. Sheriff  
General Fund

1000-11571-000-0006	Overtime	\$395,000.00
	<b><u>TOTAL:</u></b>	<b><u>\$395,000.00</u></b>

R. Sheriff  
Sex Offender Fund

4904-21100-000-0005	Photographic Supplies	\$175.00
4904-21030-000-0005	Office Supplies	300.00
4904-39750-000-0005	Processing	300.00
4904-44010-000-0005	Equipment	1,370.00
	<b><u>TOTAL:</u></b>	<b><u>\$2,145.00</u></b>

S. Commissioners  
General Fund

1000-31010-000-00034	Legal Services	\$25,000.00
1000-31152-000-0034	Paramedic Services	55,000.00
1000-32022-000-0034	Return of Fugitives	20,000.00
1000-32200-000-0034	Telephone	80,000.00
1000-33010-000-0034	Publication Legal Notice	30,000.00
1000-39401-000-0034	Mandates	280,000.00
		<b><u>TOTAL: \$490,000.00</u></b>

T. Juvenile Justice Center  
General Fund

1000-11067-000-0049	Director of Security	\$11,000.00
1000-11155-000-0049	Nurses	4,500.00
		<b><u>TOTAL: \$15,500.00</u></b>

Motion to pass Bill No. 85-15, excluding the items that were discussed was made by Mr. Noland and seconded by Ms. Hess. Bill No. 85-15 was passed  
to-wit; 9-0

**Miscellaneous Matters:**

**BILL NO. 83-15:** AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA ON BEHALF OF THE ST. JOSEPH COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA AMENDING TITLE XV: LAND USAGE, CHAPTER 154: PLANNING AND ZONING OF THE ST. JOSEPH COUNTY, INDIANA CODE OF ORDINANCES, BY REPEALING SECTIONS 154.290 THROUGH 154.296 FP: FLOODPLAIN REGULATIONS, AND ADDING NEW SECTIONS 154.290 THROUGH 154.297, IN ORDER TO ADOPT THE MOST RECENT FEDERAL AND STATE REQUIREMENTS  
PETITIONER: AREA PLAN COMMISSION

Mr. Noland reported that Bill No. 83-15 comes with no recommendation.

Matthew Chappuies, Area Plan Commission, the ordinance before you has come down from FEMA. They have modified the model flood plain ordinance. Essentially it's all typographical in nature. There are no changes made to the physical boundaries of the map itself. Some of the definitions have changed. This comes to you with a favorable recommendation.

Motion to pass Bill No. 86-15, was made by Mr. Catanzarite and seconded by Mr. O'Brien. Bill No. 83-15 was passed  
to-wit; 9-0

**Land Use Planning:**

**BILL NO. 67-15:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 13460 E. MCKINLEY AND 56020 CURRANT ROAD, FROM C COMMERCIAL DISTRICT TO C COMMERCIAL DISTRICT PETITIONER: RBS PROPERTIES LLC

Mr. Noland reported that Bill No. 67-15 comes with a favorable recommendation.

Matthew Chappuies, Area Plan Commission, the petitioner is seeking a zone change from C Commercial to C Commercial District. That allows the site to do is be zoned away from written commitments. There are commitments tied to the original lot which ties into a final site plan.

James Griggs, Architect, 1220 Baldwin Street, Elkhart, I'd be happy to answer any questions, I think Matt covered it pretty well.

Mr. O'Brien: Anyone object it?

Mr. Griggs: Not that I am aware of, I have not heard any negative comments from anyone in the area.

Mr. Catanzarite: I have not gotten any phone calls and that falls in my district.

Motion to pass Bill No. 67-15 was made by Mr. O'Brien and seconded by Mr. Kruszynski. Bill No. 67-15 was passed to-wit; 9-0

### **Unfinished Business:**

**New Business:** Commissioners Veto Bill:

**BILL NO. 56-15: TAXPAYER PROTECTION AND TRANSPARENCY ORDINANCE PETITIONER: JAMES O'BRIEN AND COREY NOLAND**

Mr. O'Brien: I would just like to comment that I was one of the original sponsors and as part of the discussion and presentation with the original ordinance; I had committee not to bring the matter forth for an override. I think it was and still is good policy, a good ordinance. I am pleased with my colleagues for bringing it forth for an override vote for consideration. I would advise the council and the public that I have not lobbied Mr. Noland or Mr. McCahill to do so. I thank them for their efforts.

Motion to override Bill No. 56-15 was made by Mr. Noland and seconded by Mr. McCahill. Bill No. 56-15 was passed to-wit; 9-0

Mr. Catanzarite: Before we leave New Business, I have an item to bring up. I think most of us are aware of the news coming out of the media tonight about Tejas Tubular out of New Carlisle, a company we approved a tax phase a couple of years ago, employees are getting word that they are being laid off at or around Christmas time. At this point I have heard rumors that the company is going to close, to the extent that is possible I think it's come upon us as a council to at least try and investigate if that claim is true or not and if so, consider fall back provisions, is possible on the tax phase we approved and if they are not going to be able to meet the terms on what we agreed to.

Mr. Noland: I don't disagree with that. I think it may not be nearly as catastrophic as was reported. There are some layoffs and some things going on over there and I know we have been contacted requesting to get a meeting. There is no date or time or anything, they want to meet with us, the commissioners, the chamber. I want to hear what the story is and then we can make a decision on what we are going to do or not do as far as any clawbacks.

Mr. O'Brien: I want to make an observation to the clawback. I think we have ample time with that as well. My understanding with property tax abatement process and the law relating to the clawback, we don't have a specific deadline to do that beyond a three look back period and they have not been in business for three years, so if that is appropriate, we have ample time. I believe we also have the ability to take a percentage, if in fact that's the appropriate course of action. We don't have to clawback a hundred percent; it's not an all or nothing thing.

Mr. Noland: That's kind of exactly my point, you are actually correct, that time frame and we have done this in the past where those expectations weren't met but there are extenuating circumstances, I would like to find out if there are, what they are before, like I said, when I read on one of our colleagues website is not what I am hearing is not a hundred percent accurate.

**Privilege of the floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned 6:25 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council













