

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
April 12, 2016

The regular meeting of the St. Joseph County Council was called to order at 6:01 p.m., on April 12, 2016, 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.

Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Mr. O'Brien made the motion to reappoint Anthony Douglas to the St. Joseph County Housing Authority and was seconded by Mr. Noland. The motion was passed by a voice vote; 9-0.

Mr. Noland made a motion to approve the minutes of the March 8, 2016 and was seconded by Ms. Hess, the motion was passed by a voice vote; 9-0.

No report from the County Auditor
Report from the County Commissioner:

Dr. Fleming, St. Joseph County Commissioner, I am honored to be here to recognize some kids in our community. Dr. Fleming introduced the John Adams High School Mock Trial state champions. They are headed to Boise Idaho for the national competition. After a first place win at the Hammond Regional with a record of 6-0, they came against some incredibly tough competition at the state finals where they accumulated an overall record of 9-3 winning 3 out of 4 of the final ballots adding to the prestigious win itself is the fact that they are assigned to represent the plaintiff's case. The final trial for championship is decided by four judges from the Indiana Supreme Court, Indiana Tax Court and U.S. 7th Circuit Court of appeals.

Jeff Kimmell, it is an honor to be here. The seven kids on this team worked incredibly hard over the past four years to get where they are now. In May we are off to Boise Idaho and we hope to bring home a national title as well.

Mark Cantazarite: I just want to say myself, we are very proud of these students who have achieved so much. It's good to know that one of our own public defenders; Jeff Kimmell is at the helm of this team, we could not be more proud of you.

Dr. Fleming: The next proclamation we have is for the Penn High School wrestling champion, Drew Hildebrandt. Drew Hildebrandt has been added to this proud history by winning the IHSAA 2016 individual state wrestling championship in the 120 pound weight class. Drew has many achievements both academically and athletically including a 3.62 GPA, other highlights include three time sectional winner and three time regional winner and two time semi state winner and placing 8th, 6th and 2nd place at the IHSAA state finals in previous years. Congratulations.

Dr. Fleming: The last proclamation we have is for the 2015-2016 Penn High School Girls State Basketball champions. The 2016 Penn High School girls' basketball team has earned the distinction of winning their first state championship.

The team has been led by Kristi Ulrich who's seven year record is 158-21 and who has established a program that instilled a competitive spirit and develops the fundamentals of team work, assist coaches, Hassan Abdullah, Kyle Snoeyink, Kerri Lines, Angela Yarrell, Adesha Bonor and Dominique Demeder have given their energetic drive to the team. We extend our congratulations to the team for their many achievements in the sport of basketball.

First Readings:

BILL NO. 27-16: AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO WIT: THAT PORTION OF LILLY ROAD BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY OF EATON AVENUE AND BOUNDED ON THE SOUTH BE THE NORTH RIGHT OF WAY LINE OF OAKDALE AVENUE PETITIONER: DOUGLAS B. MCCAMPBELL, KIM C. MCCAMPBELL AND KATHLEEN LEEK
Assigned to the Land Use Planning Committee

BILL NO. 28-16: 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 13988 CLEVELAND RD. FROM A: AGRICULTURAL DISTRICT TO C: COMMERCIAL DISTRICT PETITIONER: THOMAS KELSEY
Assigned to the Land Use Planning Committee

Mr. Catanzarite: For tonight's agenda, Bill's No. 21 and 22-16 are to be tabled at the request of the petitioner.

Salary Amendments:

BILL NO. 26-16: AN ORDINANCE AMENDING ORDINANCE 52-15, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2016 (Dept. 0018 PROSECUTOR)

Mr. McCahill reported that Bill No. 26-16 comes with a favorable recommendation.

Bob Risenhoover, Prosecutor's Office, I am here asking for an appropriation to adjust the Adult Protective Services budget, grant budget to better utilize the funds before the grant expires.

Motion to pass Bill No. 26-16 was made by Mr. O'Brien and seconded by Mr. McCahill. Bill No. 86-15 was passed to-wit; 9-0

Public Hearing/Public Comment:

Peter J. Agostino, 131 S. Taylor Street, I am here for the commissioners as a supplement to Councilman Catanzarite's report on Bill No. 21 and 22-16. We would also request sub section E and F be struck from 24-16.

Mr. Morton: Thank you, sir.

BILL NO. 24-16: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFERS:

A. Auditor
Ineligible Deduction Fund

FROM: 1216-65030-000-0002	Inter Fund Transfer	\$ 530,857.83
TO: 1000-05206-000-0002	Transfer of Funds	530,857.83
		<u>TOTAL: \$530,857.83</u>

B. TRANSFER/APPROPRIATE

Auditor
General Fund

FROM: 1000-65030-000-0002	Inter Fund Transfer	\$75,000.00
TO: 9135-31010-000-0002	Legal Svc.	35,000.00
9135-31300-000-0002	Appraiser	40,000.00
		<u>TOTAL: \$75,000.00</u>

C. Prosecutor

APS Grant Fund

FROM: 9108-32020-000-0018	Travel	\$4,103.00
9108-22010-000-0018	Gas, Oil & Lubricants	1,460.00
9108-37100-000-0018	Auto Lease	374.00
9108-32200-000-0018	Telephone	3,279.00
TO: 9108-11318-000-0018	Investigator APS	\$ 4,945.00
9108-11319-000-0018	Director APS	4,271.00
		<u>TOTAL: \$9,216.00</u>

APPROPRIATION

D. Auditor

Remote Enhanced Access

1155-36015-000-0002	Contractual Services	\$71,661.00
		<u>TOTAL: \$71,661.00</u>

E. Highway

MVH Fund

1176-11402-000-0061	Asst. Supervisor	\$49,700.00
		<u>TOTAL: \$49,700.00</u>

F. REDUCTION OF APPROPRIATION

Engineer
General Fund

1000-11442-000-0023	Project Engineer	\$53,550.00
		<u>TOTAL: \$53,550.00</u>

G. Prosecutor

VOCA One Time Grant

8132-39750-000-0018	Data Processing	\$11,207.00
8132-45510-000-0018	Office Furniture	3,280.00
8132-32200-000-0018	Telephone	450.00
		<u>TOTAL: \$14,937.00</u>

H. Prosecutor

General Fund

32050-000-0018	Instruction & Training	\$1,000.00
		<u>TOTAL: \$1,000.00</u>

I. Prosecutor

General Fund

1000-32020-000-0018	Travel	\$3,362.40
		<u>TOTAL: \$3,362.40</u>

J. Domestic Relations
Domestic Dispute Resolution Fund

4901-31070-000-0054	Other Contractual Svc.	\$6,800.00
		<u>TOTAL: \$6,800.00</u>

K. Circuit Court
Community Drug Free Fund

1148-39205-000-0019	Community Grants	\$32,500.00
		<u>TOTAL: \$32,500.00</u>

L. Area Plan Commission
General Fund

1000-11313-000-0032	GIS Technician	\$40,000.00
1000-11366-000-0032	Planner	2,000.00
		<u>TOTAL: \$42,000.00</u>

Mike Hamann, St. Joseph County Auditor and Rosmary Mandrici, St. Joseph County Assessor: Mike: First we want to thank those of you who are supporting the seventy five thousand dollar appropriation to fight the big box stores, as you know, one of the big box stores has taken advantage of the loophole to appeal their assessments, they are doing this all over the state. When Rosemary and I sat down a few months ago, we were told we would have to spend a half million dollars to fight these assessments, at this point, Rosemary and her team reached out to the cities of South Bend and Mishawaka, given that the vast majority of these big box stores sit in TIFF districts in South Bend and Mishawaka, they should be encouraged to pay their fair share. At that point we put together a team which consisted of Mayor Wood and his controller, controller of South Bend and their legal folks, Penn Township Assessor and his deputy, Jamie Woods, Mike Trippel, Frank Agostino, Council President Rafael Morton, put together a team to strategize how we want to proceed with this. This has been going on for several months, we have been meeting weekly. It's been remarkable. It was very important to send a message to these attorneys for the big box stores that we are united and that we are not going to be easy pickings. We are going to put up a fight. I appreciate your support in this.

Rosemary Mandrici: If they do have evidence in the form of an appraisal, the state does look favorably if we also have one and they are costly at a commercial level to prepare and to do research on them. Thank you.

Motion to pass Bill No. 24-16 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 24-16 was passed to-wit; 9-0 except item B and L Against: Mr. O'Brien and Mr. Telloyan, part L against: Mr. Root

Land Use Planning:

BILL NO. 15-16: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT 13388 STATE ROAD 23 GRANGER, IN 46530 FROM R SINGLE FAMILY DISTRICT TO O/B OFFICE/BUFFER DISTRICT PETITIONER: PRESBYTERY OF WABASH VALLEY, INC.

Mr. Noland reported that Bill No. 15-16 comes with a favorable recommendation.

Keith Chapman, Area Plan, the property is located on the south side of 23, just west of Cherry. The petitioner is looking to rezone the developed portion of the property to office buffer and the remaining will stay as R single family. It comes to you from the Area Plan Commission with a favorable recommendation.

Deron Gerber, Top Property Management, we are looking to rezone to office buffer, we are intending to be the occupant, we are a small administrative office, it only has four individuals in the office, so very minimal impact on the surrounding properties.

Mr. O'Brien: Have any heard negatively from anyone?

Mr. Gerber: There was a single remonstrator. In the remonstrance letter they specifically were looking not to have the property to be used as either a cemetery or a funeral home.

Motion to pass Bill No. 15-16 was made by Mr. O'Brien and seconded by Mr. Noland. Bill No. 15-16 was passed to-wit; 9-0

Unfinished Business:

New Business:

Privilege of the floor:

Jim Bogner, 807 W. Washington St., often folks come up here to see you to ask for something or make requests. I am coming up here this evening to thank the council for their support. Work has begun in the last two weeks on 803 W. Washington. I am convinced that several council members here, Councilman Kruszynski, Councilman Catanzarite, President Morton and also city of South Bend President Tim Scott were instrumental in getting this process moving forward. My hope is that Kizer can lead to something more and that is all of you looking at the preservation of historical structures in this community before you are going to have to say the budget is going to have to be cut because the monies aren't going to be there. I am asking for your support to find answers to Historic Preservation and to move forward with it with the city. If any of you are driving down Washington Street, please take a look because your hard work and your caring has saved this property but how many of them have gone by the way side because people did not push like myself or did not have people that cared and that's my biggest concern really about this. I think we have to look at protecting our assets but also looking at how are we going to be able to do this if we are not able to afford it in the future. My sincerest thanks with the codicil that we have saved something but it's still a very convoluted process. There has to be a better way and it is not a personal attack on anyone that is working there. I thank you all. Please do take an opportunity to drive by, local contractors doing an amazing job and all of you should be extremely proud of what you have done and I thank you for your support for this.

Adjournment: Mr. Morton stated that the meeting was adjourned 6:48 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

