

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

The regular meeting of the St. Joseph County Council was called to order at 6:03 p.m., on January 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 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. Kruszynski made the motion nominate Thomas England to replace Howard Heines on the St. Joseph County Housing Authority Board and was seconded by Mr. McCahill. The motion was passed by a voice vote; 8-0.

Ms. Hess made a motion to approve the minutes of the December 1, 2015 and the December 15, 2015 was seconded by Mr. Catanzarite, the motion was passed by a voice vote; 8-0.

No report from the County Auditor
No report from the County Commissioner
No report from Special Committees,

First Readings:

BILL NO. 92-15: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY DANIEL KUNTZ FOR THE PROPERTY LOCATED AT 12269 DOUGLAS RD. MISHAWAKA, IN 46545 THE SAME BEING PETITION NO. 01-06-16-15 FILED WITH THE AREA BOARD OF ZONING APPEALS
Assigned to the Land Use Planning Committee

BILL NO. 2-16: AN ORDINANCE AMENDING ST. JOSEPH COUNTY CODE 131.22. ET SEQ. TO ALLOW FOR THE SALE OF BEER AND WINE IN ST. JOSEPH COUNTY PARKS
PETITIONER: ST. JOSEPH COUNTY PARKS DEPARTMENT
Assigned to the Land Use Planning Committee

Resolution:

BILL NO. 1-16: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING REAL SERVICES, INC. FOR FIFTY YEARS IN MICHIANA

Mr. Morton: **WHEREAS**, REAL Services has been serving northern Indiana for 50 years; and

WHEREAS, REAL Services was established in 1966 under Lester Fox-Director; and

WHEREAS, REAL Services' Agency Mission is to help people become more independent and find meaning and satisfaction in their lives. Help older adults live safely and independently in the comfort of their homes; and

WHEREAS, REAL Services is the only area agency designated by the state and federal governments to help older live independently in the comfort of their homes; and

WHEREAS, REAL Services created the first nutrition site in the United States, the model that is now used nationwide to provide meals to people who otherwise may not eat; and

WHEREAS, REAL Services has 21 major programs that support individuals and families; and

WHEREAS, at 4%, REAL Services' administrative costs are among the lowest in the county; and

WHEREAS, over 30,000 people in northern Indiana depend on REAL Services every year.

NOW THEREFORE, BE IT RESOLVED BY THE ST. JOSEPH COUNTY COUNCIL, THAT:

SECTION 1: On behalf of the citizens of St. Joseph County, Indiana, the St. Joseph County Council recognizes and congratulates REAL Services on its significant accomplishments

SECTION 2: This Resolution shall be in full force and effect after its passage

Passed and adopted this 12th day of January, 2016.

It is my honor to present this to you as a board member and you do an outstanding job. Thank you for all you do.

Becky Zaseck, I just want to say thank you very much and we are looking forward to aging together.

Mr. Catanzarite: I just want to say I am glad you have the initiative to recognize this group. They do help a lot of people in our community, especially the older adults, the Winterization Program helps people live more affordably in their homes, obviously, Meals on Wheels is huge, I know my boss at work is a Meals on Wheels is a volunteer and tells me how satisfying that work is and as we make runs on the South Bend Fire Department, we see people living more independently a lot longer now and more freely because some of the services they offer and give people the choice of staying home versus being institutionalized so I really do appreciate the work that they do, it's much needed and it's just impressive that Les Fox who is still with us, started this program shortly after the Studebaker shut down in the early 1960's and this big of a model program for a lot of communities across the country. Thank you ladies for the work you do and all your members, volunteers and staff.

Mr. Morton: I would like to take a moment and say thank you to Becky and Pam for all the hard work they do and all the people they help in our community. My part in Real Services as a board member is very small but I am very honored to be a board member and it's a personal thing for me because Meals on Wheels was very instrumental and important to my family with my grandmother before her passing and I thought I knew a lot of the things that you do but until I got on the board I really didn't have a clue so I am honored to be a board member and thank you for all you do.

Mr. O'Brien: I would like to commend the organization, in particular the tremendous efficiency with such a small percentage going to overhead in administration. Truly an organization where the service gets delivered to the people that need the services, that's fantastic.

Motion to pass Bill No. 1-16 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 1-16 was passed By a voice vote; 9-0

Salary Amendments:

BILL NO. 89-15: 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. 0037 HISTORIC PRESERVATION)

Mr. Noland reported that Bill No. 89-15 comes with a favorable recommendation.

Timothy Kluscinski, President of Historic Preservation Commission of South Bend, St. Joseph County, I am here to answer any questions and seek approval.

Jim Bognar, 807 W. Washington, South Bend, my understanding is this is a transfer of thirty seven hundred dollars adjusting compensation. It is based on some type of reorganization duties at HP. As council is aware, I have attended and spoke to you folks on September the 8th last year and again on November 10th. The request was to ask for help with HP and HPC as it relates to a property at 803 W. Washington St. South Bend, Indiana. At this time, I would like to thank District A representative Bob Kruszynski for on site visit to the property, worked to inform and provide paperwork to current HPC attorney Tony Zappia. Calling me to inform me of an HPC meeting December 21, 2015, actually attending that meeting and speaking in support of my cause and advising that I contact President Morton to gain his involvement in this matter. Mr. President, it is my sincere thanks for your amazingly rapid response to arrange yesterday's meeting with yourself, council person Mark Catanzarite, Dave Relos of South Bend, Community Investment Department representing director, Scott Ford and city council president, Tim Scott who represents the first district where 803 is located. It was very clear both presidents Scott and you are determined to get to the facts and make every attempt to save this historic landmark. I thank you for your wisdom and your guidance. The reason for my opposition to this bill is that I believe it sends the wrong message to county departments. HP is not compliant with council's request to report all activities relating to 803 W. Washington during the 15 plus years that they controlled the façade easement on the main building. In addition to my opposition, I have packets here. I would like to know that this material was not assembled by me for tonight's meeting but is in fact a copy of the packet provided to members attending the HPC meeting on December 21, 2015 by HPC's attorney Tony Zappia. Most of the documents have been provided to you in past presentations but that night, December 21st, as Attorney Zappia detailed his findings, the commission was stunned, actually shocked with the details. I have highlighted one key new document I had not previously been aware of, the minutes of the January 26, 2015 HPC meeting where the asset transfer of 803 easement was unanimously approved. I took note of the legal counsel for HPC that night, that would be Mark Telloyan. Council person Telloyan, were you the legal counsel for HPC that January 26, 2015 sir?

Mr. Telloyan: I am going to decline to answer.

Mr. Bognar: Ok, thank you. All due respect, I know by the council meeting minutes from both September 8th and November 10th you were listed as in attendance when I was here. Would this disclosure not have been of important value to my request to this council? Did you make members of the council aware of your legal work for HPC on this date? Does anybody know this up until this point in time? If so, I'm confused, this council advocates transparency, even voted on a bill and then overrode its passage. I see no transparency in the 803 matter, a tax paying citizen asks for help and for guidance. There is also much discussion on fiscal accountability and responsibility, again, where was this when a county asset was transferred to a not for profit. Given the vague nature Council, person Telloyan, of your connections to both HP and HPC I would ask that you refuse yourself from this vote in the interest of transparency and fiscal accountability which you have championed so wisely, finally, I would respectfully ask this council to reject or at least table this vote until a more complete review of HP and HPC's actions regarding 803 W. Washington can be completely detailed.

Mr. O'Brien: Does the transfer of funds have anything to do with the resolution of the 803 property?

Mr. Bognar: No.

Mr. O'Brien: How does the resolution of the 803 property tie into the request here today to transfer funds?

Mr. Bognar: Thank you Mr. O'Brien. There has been, my understanding, standard operating procedure on council that requests like this be granted, as a matter it had a favorable recommendation. I also understand departments need to be compliance with any questions the council would have or any issues. This issue has been lingering for more than four months, it is clear they are not in compliance with this and I think it sends a message to other departments that

you don't necessarily have to speak to council to get to the bottom of something and it's an open question sir, right now. I believe, somewhere down the line it would be appropriate but not this evening.

Mr. O'Brien: So, my understanding then, you are suggesting we decline, we vote against the transfer in order to motivate the organization to comply?

Mr. Bognar: Actually, I'm suggesting that you table it if I had my choice, until such a time as the matter would be resolved. They had no issue being in front of you in December, they have no issue being here for salary requests but on a significant historical property, they had significant issues in terms of what they did so I do not believe they are in compliance with this council and I think it sends a message to other departments.

Mr. Catanzarite: Mr. Bognar, in your presentation, you made a comment that you used the word compliance and you said that they had not given us a report on the façade easement as a requirement in the last fifteen years. Is that something that you understand HPC is required to do?

Mr. Bognar: There was significant funds set aside, which all council members know and can see from these documents that inspections were to occur and I think the problem I have here is, I would not be here this evening arguing about a procedural matter and feeling it's so important if there wasn't a lack of transparency and a lack of caring for a property. There are members on this council that could have helped a long time ago. We didn't have to be here this evening arguing over what HP or HPC would be doing but we are here and it appears that the only message that can be sent is, we are not going to entertain any transfer of any funds even if it's an in line transfer until action can be taken to be tried to resolve the 803 issue. I find it amazing and I have to respect it, councilman Telloyan does not want to answer whether he was on the board at that time and could have helped me when I came in here, that is extremely disconcerting to me. I can't say how upset it makes me. I think that sometimes you have to look at the complexity of what you are doing and the message you are sending and say, whether it's three point seven million or thirty seven million or thirty seven hundred dollars, I don't know whether this is valid or not, I do know right now, nothing should change until we see the systemic issues in this department.

Mr. O'Brien: Mr. Bognar, I think you are misreading something into Mr. Telloyan's respectful denial to respond. At the point in time he was a deputy county attorney, his client or clients, whoever they included would have the right to provide him with the ability to discuss the matter or not. I don't think from his position as an attorney or past county attorney, he could address your matter without getting direction from....

Mr. Bognar: With all due respect sir, at that particular point in time, he was being paid by tax payer funds and the point I wish to make was, he could have said something that evening or could have said something to council members in private that this was the issue and pointed toward some direction. Can anybody say that anything was disclosed at this time? Sir, I am not reading anything into what may or may not have been done, what I am saying is, I came here twice and you remain silent.

Mr. O'Brien: And my point was that, that may well be the appropriate course of action given the code of professional conduct.

Mr. Bognar: Thank you for your clarification, Mr. O'Brien.

Mr. O'Brien: You are welcome.

Timothy Kluscinski: HPC conducted itself under Indiana Open Door Law, providing public hearings and notifications of all actions that were taken. When I met with the council's land and property use committee recently in December, that was the first indication that I had on an official venue that there was any kind of question of a transfer of a façade easement earlier in that year. We are fully cooperating and compliant. We inform council, we discussed at our first opportunity on December 21, 2015 and some documentation is worth coming to address a list of interrogatories that we were presented by Mr. Bognar when council member Kruszynski visited our meeting on the 21st. At this point, I don't think it is justifiable action to penalize an outstanding employee that had nothing to do with Mr. Bognar's criticisms but who has shown to be an outstanding person, assuming the role of executive director.

Mr. Catanzarite: Given that we have had a couple of months to work on this and we had a chance yesterday to sit down with the city of South Bend, Mr. Bognar has raised some concerns to me. Not to penalize Elicia Feasel, I don't think she's done anything, temporarily, I would suggest we would just leave this in committee.

Mr. Catanzarite made the motion to return Bill No. 89-15 committee and was seconded by Mr. McCahill. The motion was passed to-wit; 7-1. Mr. O'Brien voted to not return to committee and Mr. Telloyan abstained.

BILL NO. 90-15: 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. 0055 HEALTH DEPARTMENT)

Mr. McCahill reported that Bill No. 90-15 comes with a favorable recommendation.

Mr. Hamann, St. Joseph County Auditor, this is a housekeeping issue.

Motion to pass Bill No. 90-15 was made by Mr. Catanzarite and seconded by Mr. Noland. Bill No. 90-15 was passed to-wit; 9-0

Public Hearing/Public Comment:

BILL NO. 88-15: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

APPROPRIATION

A. Recorder

Perpetuation Fund

1189-11676-000-0004	Counter Clerk	\$18,745.00
1189-14800-000-0004	FICA	5,101.00
1189-14810-000-0004	PERF	7,468.00
1189-14840-000-0004	Group Insurance	24,000.00
	<u>TOTAL:</u>	<u>\$55,314.00</u>

B. County Engineer

Surveyor Corner Fund

1202-31070-000-0023	Other Contractual Svc.	\$25,000.00
	<u>TOTAL:</u>	<u>\$25,000.00</u>

C. HEALTH DEPARTMENT

1159-11143-000-0055 Registrars

	<u>2016 Adopted Budget</u>	<u>Impact</u>
Reads: 4@25,000 1@ 25,222 1@ 25,694 1@ 26,955 1@ 27,008 1@ 27,795	204,879	
Change to: Same	232,674	+ 27,795

1159-11155-000-0055 Nurses

Reads: 5@39,782 1@ 40,390 1@ 42,045	281,345	
Change to: 5@ 39,282 1@ 39,890 1@ 41,545	277,845	- 3,500

1159-11161-000-0055 Env Health Director

Reads:	47,351	
Change to:	46,773	- 578

1159-11164-000-0055 Environmental/Food Specialist

Reads: 3@ 32,597 1@ 32,770 2@ 33,242 2@ 33,295 3@ 33,820 1@ 34,346		
1@ 34,556 2@ 39,464	512,925	
Change to: 3@ 32,097 1@ 32,270 2@ 32,742 2@ 32,795 3@ 33,320 1@ 33,846		
1@ 34,056 2@ 38,886	505,269	-7,656

1159-11701-000-0055 Director of Nursing		
Reads:		55,100
Change to:	54,522	- 578
1159-11706-000-0055 Food Service Supervisor		
Reads:	47,351	
Change to:	46,773	- 578
1159-11709-000-0055 Asst Director Nursing		
Reads: 2@ 46,883	93,766	
Change to: 2@ 46,305	92,610	- 1,156
1159-14800-000-0055 FICA		
Reads:	129,133	
Change to:	130,141	+ 1,008
1159-14810-000-0055 PERF		
Reads:	187,214	
Change to:	188,689	+ 1,475
		<u>TOTAL: \$16,232.00</u>

D. Circuit Court
Alt. Dispute Resolution

4901-31070-000-0054	Other Contractual Services	\$ 50.00
		<u>TOTAL: \$50.00</u>

Motion to pass Bill No. 88-15 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 88-15 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. 81-15: 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 52031 STATE ROAD 933 FROM C COMMERCIAL DISTRICT TO R SINGLE FAMILY DISTRICT PETITIONER: MARK & SANDRA CRACCO

Mr. Noland reported that Bill No. 81-15 comes with a favorable recommendation.

Matthew Chappuies, Area Plan Commission, the petitioner is seeking a zone change from C Commercial to R Single Family. This is a single family home; the petitioner is requesting the zone change to make his home a conforming, legal use under the current zoning district. This comes to you with a favorable recommendation from Area Plan.

Mark Cracco, 52031 SR 933, I have nothing to add, I'd be happy to answer any questions.

Motion to pass Bill No. 81-15 was made by Mr. McCahill and seconded by Mr. O'Brien. Bill No. 81-15 was passed to-wit; 9-0

BILL NO. 82-15: AN ORDINANCE TO AMEND THE APPENDIX OF THE ST. JOSEPH COUNTY CODE ENTITLED "APPENDIX: SCHEDULE OF FINES AND FEES: (BY CHANGING FEES REFERENCING TITLE XV: LAND USAGE, CHAPTER 150-151) PETITIONER: CHUCK BULOT, BUILDING DEPARTMENT

Mr. Noland reported that Bill No. 82-15 comes with a favorable recommendation.

Chuck Bulot, Building Commissioner, for those of you that don't know this, the building department is an enterprise fund, that means that we gather all of our revenue from inspection fees and a variety of other fees that we charge. We use absolutely no tax dollars and as such, we generally play it close to the best returns of how we use our funds and any chance we have to improve that efficiency we take advantage of. During a recent analysis of our funding, we found out that one aspect of our revenue was showing a loss and that was with a single inspection permit. However, our other permitting fees have been covering that loss. We are actually ahead of the game. This is intended to make use of an opportunity to increase these funds so they are less of a revenue loss so that in the future, if we do see a down turn in the economy, we will be better prepped to face that. This would be a change of only the minimum fee and the contractor registration fee from one hundred dollars to one hundred twenty five dollars. The last time that fee was changed was fifteen years ago. I'd be happy to answer any questions.

Mr. O'Brien: Have you heard from any contractors? Are they objecting to this or any negative feedback?

Mr. Bulot: No, I have heard absolutely nothing from contractors.

Mr. McCahill: St. Joseph County, as opposed to our surrounding counties, what are their fees?

Mr. Bulot: They tend to be in line, I know that they are, it's kind of hard to tell because everybody has a different fee structure, we are based on use and construction time and we have a floating scale based on that.

Motion to pass Bill No. 82-15 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 82-15 was passed to-wit; 9-0

Unfinished Business:

New Business:

Privilege of the floor:

Adjournment: Mr. Morton stated that the meeting was adjourned 6:42 p.m.

