

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

The regular meeting of the St. Joseph County Council was called to order at 6:02 p.m., on July 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. McCahill made a motion to approve the minutes of the June 14, 2016 and was seconded by Ms. Hess, the motion was passed by a voice vote; 6-0.

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

**First Readings:**

**BILL NO. 44-16:** A PETITION TO VACATE PUBLIC WAYS AND PUBLIC PLACES WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA  
PETITIONER: PATRICK H. KOWALSKI  
Assigned to the Land Use Planning Committee

**Salary Amendments:**

**BILL NO. 42-16:** 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. 0036 PUBLIC DEFENDER)

Mr. McCahill reported that Bill No. 42-16 comes with a favorable recommendation. Neil Wiseman, Chief Deputy, Public Defender for St. Joseph County, 212 St. Taylor, South Bend, we had an individual who left the public defender's office who was an upper level major felony public defender so we were able to move people. This ordinance rearranges the salaries, no new monies spent.

Motion to pass Bill No. 42-16 was made by Ms. Hess and seconded by Mr. Telloyan. Bill No. 42-16 was passed to-wit; 9-0

**BILL NO. 43-16:** 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) **COMBINED BILL NO. 39-16-G**

Mr. McCahill reported that Bill No. 43-16 comes with a favorable recommendation.

Petitioner was not present.

Ms. Shuter: It's an appropriation of grant money.

Mr. O'Brien: Right, it's no new money.

Ms. Shuter: It's an appropriation of grant money he's already been awarded.

Mr. Morton: Do you want to move forward, try to get him back, what is your pleasure?

Mr. Hamann: I think you could act on it.

Mr. O'Brien: Move ahead without him. I am ok with that.

Mr. Morton: Is everyone ok with that?

Some council members nodded their heads, others voiced agreement.

Motion to pass Bill No. 43-16 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 43-16 was passed to-wit; 9-0

**Public Hearing/Public Comment:**

**BILL NO. 39-16:** AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

Justin Staublin, Director of Adult Protective Services and I believe our appropriation is located in this section of the agenda, I was asked to come speak today and request that the Council approve the adult protective services grant funding for the fiscal year of 2017. We are also requesting a companion salary appropriation as well. I also wanted to personally thank the Council for all it's done to support APS and and I can say with all candor that we are absolutely a model for how the rest of the state wants to run their APS unit and that's due in large part to the efforts of this council.

**TRANSFERS:**

A. Treasurer

General Fund

FROM: 1000-31070-000-0003	Other Contractual Svc.	\$ 491.00
TO: 1000-11950-000-0003	Part Time	491.00
	<b>TOTAL:</b>	<b><u>\$491.00</u></b>

B. Community Corrections

Community Based Corrections

FROM: 9114-06500-015-0795	Non Identified Revenue	\$60,000.00
TO: 9114-01412-015-0080	State Grant Receipt	60,000.00
	<b>TOTAL:</b>	<b><u>\$60,000.00</u></b>

C. Area Plan  
General Fund

FROM: 1000-11366-000-0032	Planner	\$3,000.00
TO: 1000-11950-000-0032	Intern Part Time	3,000.00
		<u>TOTAL: \$3,000.00</u>

**APPROPRIATION**

D. New Carlisle Library  
Rainy Day Fund

Rainy Day Fund	\$97,000.00
Café Fund	3,790.00
<u>TOTAL: \$100,790.00</u>	

E. Engineering  
LOIT Special Distribution

1229-91601-000-0023	Reconstruction/Resurface-2016	\$3,000,000.00
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LOHUT

4923-91601-000-0023	Reconstruction/Resurface-2016	\$300,000.00
		<u>TOTAL: \$3,300,000.00</u>

F. Emergency Management  
SHSP

8127-36200-000-0009	Repairs	\$25,900.00
		<u>TOTAL: \$25,900.00</u>

G. Prosecutor  
Adult Protective Services Grant

9108-11318-000-0018	Investigator	\$ 256,038.00
9108-32020-000-0018	Travel	14,248.00
9108-37100-000-0018	Auto Lease	4,488.00
9108-32200-000-0018	Telephone	7,000.00
9108-22010-000-0018	Gas, Oil, Lube	1,500.00
9108-32050-000-0018	Training	3,085.00
		<u>TOTAL: \$345,800.00</u>

H. Juvenile & Probate Court  
Real Services Grant

9124-36015-000-0025	Control Services	\$88,500.00
		<u>TOTAL: \$88,500.00</u>

I. Juvenile Justice Center  
JDAI Grant

9112-11312-000-0025	IT Manager	\$9,999.96
9112-11335-000-0025	Personnel/Training Officer	4,999.92
9112-11439-000-0025	Over Time	15,840.00
9112-14800-000-0025	FICA	2,700.00
9112-14810-000-0025	PERF	4,299.60
9112-21030-000-0025	Office Supplies	600.00
9112-24100-000-0025	Food	2,436.00

9112-32020-000-0025	Travel	1,971.00
9112-36051-000-0025	Contractual Services	36,000.00
9112-39750-000-0025	Data Processing	400.00
9112-44010-000-0025	Equipment	1,950.00
		<u>TOTAL: \$81,196.48</u>

J. Emergency Management  
EMPG

8120-44010-000-0009	Equipment	\$4,815.28
		<u>TOTAL: \$4,815.28</u>

Mark Catanzarite: It's not that often we see Mr. Staublin before our council. My position as a fire fighter and a paramedic, we appreciate the services of his office, I am guessing Bob (McCahill) made the same comment as a police officer, we use APS a lot, they are very much needed, I wouldn't be surprised that this budget, unfortunately, is going to have to get bigger in the future as our nation begins to age more and people try and stay at home as long as they can but hats off to you and your investigators for all the work you all do, we appreciate what you are doing on a day to day basis. Keep up the good work.

Motion to pass Bill No. 39-16 was made by Mr. Nolan and seconded by Mr. O'Brien. Bill No. 39-16 was passed to-wit; 9-0

**Land Use Planning:**

**BILL NO. 25-16:** 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 12525 ANDERSON ROAD FROM O: OFFICE DISTRICT TO R: SINGLE FAMILY DISTRICT PETITIONER: RICKY PATRICK HESTER, II

Mr. Nolan reported that Bill No. 25-16 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, petitioner is seeking to rezone the north west corner of Anderson and Bittersweet from O Office to R Residential. It was rezoned to O Office subject to a final site plan and since then there has been a discovery that there is a deed restriction on the property limiting it to residential so they would like to rezone back to R Single family.

Kristy Bader, 1<sup>st</sup> Source Bank, Michigan St., I am here on behalf of the petitioner as well as the bank, we currently have a mortgage on the property and we feel it's everyone's best interest to get this property developed for the community and the county.

Motion to pass Bill No. 25-16 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 25-16 was passed to-wit; 9-0

**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

Mr. Nolan reported that Bill No. 28-16 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, the owner of the property which is south of Cleveland, east of Capitol and west of the railroad, it's kind of a unique property, it's kind of an island in between the commercial there to the west and the railroad agricultural that extends past the railroad, to the north it actually is zone R Single Family even though it's currently being farmed. The petitioner is looking for C

Commercial to mini warehousing/storage here. They don't need well and septic for this kind of use, water and sewer is not available out here, well and septic might be difficult so we thought this was a good compromise for this property. The Area Plan Commission sends this to you with a favorable recommendation.

Brad Mossness, Abonmarche Consultants, 750 Lincoln Way East, Mishawaka, I am representing both petitioner, Tom Kelsey as well as the contingent purchaser and developer, All Secure Storage. Both parties agree with the written commitments and really would appreciate your approval.

Mr. McCahill: On this issue, I would rather not vote, I'd rather abstain because the petitioner's brother is my brother in law.

Mr. Trippel: You do have a council rule that requires you to confirm that he's going to abstain; you can do a voice vote.

Mr. Morton: Ok, all in favor of Mr. McCahill abstaining for reasons just stated, vote by saying I.

A voice vote was heard and passed 8-0.

Motion to pass Bill No. 28-16 was made by Ms. Hess and seconded by Mr. O'Brien. Bill No. 28-16 was passed to-wit; 8-0 1 abstention: Mr. McCahill.

**BILL NO. 33-16: 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 51380 CURRENT ROAD FROM R: SINGLE FAMILY DISTRICT TO O/B OFFICER/BUFFER DISTRICT  
PETITIONER: LARRY A. ANDERSON**

Mr. Nolan reported that Bill No. 33-16 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, the petitioner is seeking to rezone a property at the corner of Current and State Road 23, it's just a little over a half of an acre and currently contains a single family home. The property is surrounded by all sides by R Single Family Residential. At this time, the petitioner is proposing to reuse the single family home as an office. They will use the attached garage for a parking space, the detached garage for additional parking space.

Bernard Feeney, Registered Land Surveyor, 715 S. Michigan St. South Bend, I am here this evening on behalf of Larry Anderson. Mr. Anderson is the owner of the local Budget Blinds franchise. This franchise supplies blinds and shades for homeowners. It is primarily an internet based business with them doing many of their shopping exergian's on line and then getting in touch with the local budget blinds franchise to go out and measure their home and then give them the estimate for the work they are asking. Mr. Anderson purchased this property in 2008, it is currently a rental for him and he will continue to operate it as a rental until his lease runs out in 2 years. This lease is for an office store front in the Toscana Park Market Place shopping center.

Motion to pass Bill No. 33-16 was made by Mr. O'Brien and seconded by Mr. Kruszynski. Bill No. 33-16 was passed to-wit; 9-0

**BILL NO. 38-16: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED CLEAR CHOICE ADULT DAY CARE SERVICES FOR THE PROPERTY LOCATED AT 52248 LAUREL ROAD THE SAME BEING PETITION NO. 06-01-16-19 FILED WITH THE AREA BOARD OF ZONING APPEALS  
PETITIONER: CLEAR CHOICE ADULT DAY CARE SERVICES**

Mr. Nolan reported that Bill No. 38-16 comes with a favorable recommendation.

Ayoka Paek, Zoning and Business Services Administrator with the Building Department, this bill comes to you with a favorable recommendation. Point of clarification, this is a special use requested section 154.106 B special uses 10 educational/institutional uses including but not limited to D Institutions for the care of the aged and for children and accessory uses buildings and structures. That is just to clarify it's not the special use that allows only 5 adults, it can have more than that. Also, we double checked in the minutes, it is the responsibility of the property owner and the business owner to make sure the building is up to code to handle any more than the 5 adults that was discussed at that meeting.

Mr. Morton: My assumption is you are making that clarification because of a discussion we had in committee.

Ms. Paek: Yes.

Mr. O'Brien: Did anybody remonstrate or object?

Ms. Paek: Not at the meeting, there was a letter that was sent in.

Mr. O'Brien: You mentioned that, anything since then?

Ms. Paek: No, nothing.

Mr. Catanzarite: Will there be any requirement to have that building upgraded to a fire sprinkler system with given the use of the property?

Ms. Paek: I am not familiar with the building code that would be the building commissioner or the fire chief.

Jeanette Cross-Peterson, the fire marshal did come out about the sprinkler system, since there is an exit in the day room, there does not have to be a sprinkler there.

Mr. Catanzarite: Do you know your hours of operation?

Ms. Cross-Peterson: Yes, 8-5.

Mr. Catanzarite: Is there parking in the rear?

Mr. Cross-Peterson: Yes.

Mr. Catanzarite: It will accommodate 20-30 cars?

Ms. Cross-Peterson: Yes.

Mr. Catanzarite: I know we have Clay park which tends to have traffic and St. Patrick's park, right up the road.

Ms. Cross-Peterson: It's a better location and a safer one.

Motion to pass Bill No. 38-16 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 38-16 was passed to-wit; 9-0

**Unfinished Business:**

**New Business:**

**Privilege of the floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned 6:29 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council