

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
September 13 2016

The regular meeting of the St. Joseph County Council was called to order at 6:01 p.m., on September 13, 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. Mark Root

Present from the Auditor's office were Mr. Michael J. Hamann and Chief Deputy Auditor, Ms. Teresa Shuter. 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 approve the minutes of the August 9, 2016 meeting 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:

**First Readings:**

**BILL NO. 54-16:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY SCOTT SPORNER FOR THE PROPERTY LOCATED AT 10732 BROOKSTON DRIVE WEST THE SAME BEING PETITION NO. 09-07-16-28 FILED WITH THE AREA BOARD OF ZONING APPEALS  
Assigned to the Land Use Planning Committee

**BILL NO. 59-16:** 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 51522 STATE ROAD 933 FROM B BUSINESS DISTRICT AND C COMMERCIAL DISTRICT TO C COMMERCIAL DISTRICT  
PETITIONER(S): FAMILY VIDEO MOVIE CLUB INC.  
Assigned to the Land Use Planning Committee

**BILL NO. 60-16:** AN ORDINANCE OF ST. JOSEPH COUNTY COUNCIL APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN ST. JOSEPH COUNTY INDIANA PETITIONER: PETER AGOSTINO  
Assigned to the Budget and Administration Committee

**10. Public Hearing on the Airport Authority, Solid Waste Management, and St. Joseph County 2017 Budget:**

**BILL NO. 61-16: ORDINANCE FOR APPROPRIATIONS AND TAX RATES (BUDGET FORM 4) AIRPORT AUTHORITY**

Mike Daigle, the 2017 operating budget remains relatively flat. We plan on opening the new federal inspection station and general aviation facility very shortly, the addition of this facility will bring US customs and border protection staff to South Bend for the first time. This will allow us to develop new international air service, international cargo capabilities all while increasing the economic impact on our region and creating jobs. The authority board has reviewed the budget that is before you and is currently scheduled for approval of this budget at the September 29<sup>th</sup> authority board meeting. We welcome any questions.

**BILL NO. 62-16: ORDINANCE FOR APPROPRIATIONS AND TAX RATES (BUDGET FORM 4) SOLID WASTE**

Randy Przybysz, Solid Waste Management District, before you have the proposed budget for 2017. What we have talked about over the last few years is moving or building a facility to provide us more space and do things more efficiently. A couple months ago we found a place. It will provide us three times the amount of space we currently have, all of it indoors. The mortgage that we would have on the building turns out to be less than our current rent including the average monthly utilities. One of the things we are looking at by moving is to also expand what we can do for the community. We would have the space at the new building. That is our budget proposal.

Mr. Kruszynski: Has there been any progress in the electronics and the white goods, getting rid of those?

Mr. Przybysz: The electronics is a major problem for us, everybody in the state and in the country. The problem being the old CRT's, the televisions and the monitors so we have become the only game in town. It's just to the point no one is taking it except us on a daily basis.

**BILL NO. 63-16: AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY, INDIANA FOR THE YEAR 2017**

Mr. Hamann, St. Joseph County Auditor, basically, you know we were charged with making reductions in our budget. We needed to make 3% cuts we made about 1 1/2 %, it means we have some very difficult work to do next year. We are moving in a positive direction in terms of economy but it does not mean we can rest on that. I want to commend you in this cycle, we are still not done but that's where we stand right now.

Mr. O'Brien: Just an observation, I would like to commend the Auditor's office of doing a good job of spearheading the process.

**BILL NO. 64-16: ORDINANCE FOR APPROPRIATIONS AND TAX RATES**

**Salary Amendments:**

**BILL NO. 56-16: 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. 55-16 N***

Mr. Morton reported that Bill No. 56-16 comes with a favorable recommendation.

Bob Risenhoover, Prosecutor's office, this is to realign the county's ledger with the grant.

Motion to pass Bill No. 56-16 was made by Mr. Kruszynski and seconded by Mr. O'Brien. Bill No. 56-16 was passed to-wit; 8-0

**BILL NO. 57-16:** 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. 55-16 O**

Mr. Morton reported that Bill No. 57-16 comes with a favorable recommendation.

Bob Risenhoover, Prosecutor's office, this is the request for our new STOP grant.

Motion to pass Bill No. 57-16 was made by Mr. O'Brien and seconded by Ms. Hess. Bill No. 57-16 was passed to-wit; 8-0

**BILL NO. 58-16:** 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. 0025 Juvenile Justice Center) **Combined Bill No. 55-16 D**

Mr. Morton reported that Bill No. 52-16 comes with a favorable recommendation.

Cynthia Nelson, this is money that comes through our JDAI grant.

Motion to pass Bill No. 58-16 was made by Mr. O'Brien and seconded by Mr. Kruszynski. Bill No. 58-16 was passed to-wit; 8-0

**Public Hearing/Public Comment:**

**BILL NO. 55-16:** AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

**TRANSFERS:**

A. Penn Township  
General Fund

FROM: 1000-32350-000-0150	Postage	\$150.00
TO: 1000-24110-000-0150	Clothing	150.00
FROM: 1000-32350-000-0150	Postage	\$425.00
TO: 1000-39750-000-0150	Software	425.00
		<b><u>TOTAL: \$575.00</u></b>

B. Health Dept.

FIMR Programs/SJC Health

FROM: 8129-11446-000-0055	Program Manager	\$3,500.00
TO: 8129-32020-000-0055	Travel	3,500.00
		<b><u>TOTAL: \$3,500.00</u></b>

C. Health Dept.

FIMR Programs/SJC Health

FROM: 8129-11446-000-0055	Program Manager	\$7,000.00
TO: 8129-21030-000-0055	Office Supplies	1,000.00
8129-44010-000-0055	Equipment	6,000.00
		<b><u>TOTAL: \$7,000.00</u></b>

D. Juvenile & Probate Court  
JDAI

FROM: 9112-11312-000-0025	IT Manager	\$9,615.34
TO: 9112-11349-000-0025	Truancy Probation	9,615.34
		<u>TOTAL: \$9,615.34</u>
FROM: 9112-11312-000-0025	Personnel Training Coord.	\$4,807.61
TO: 9112-11385-000-0025	Probation Officer I	4,807.61
		<u>TOTAL: \$4,807.61</u>

**APPROPRIATE:**

E. Clerk  
General Fund

1000-39600-000-0001	Refunds, Rewards & Indemnities	\$100.00
1000-39600-000-0001	Refunds, Rewards & Indemnities	1,851.07
1000-39600-000-0001	Refunds, Rewards & Indemnities	1,023.09
		<u>TOTAL: \$2,974.16</u>

F. Transfer/Approp  
Clerk  
General Fund  
Transfer

FROM: 1000-24500-000-0027	Meals for Precinct Board	\$10,835.00
TO: 1000-11900-000-0027	Inspector Primary	814.50
1000-11901-000-0027	Inspector General	814.00
1000-11910-000-0027	Judge Primary	1,545.50
1000-11911-000-0027	Judge General	1,545.00
1000-11920-000-0027	Sheriff Primary	951.00
1000-11930-000-0027	Clerk Primary	2,106.50
1000-11921-000-0027	Clerk General	2,106.50
		<u>TOTAL: \$10,835.00</u>

G. Sheriff

The Sex and Violent Offender Registration Fund		
4904-11571-000-0005	Overtime	\$5,000.00
4904-21030-000-0005	Office Supplies	772.00
4904-21100-000-0005	Photographic Supplies	360.00
4904-39750-000-0005	Data Processing	6,474.00
4904-44010-000-0005	Equipment	616.00
4904-45510-000-0005	Furniture	6,800.00
		<u>TOTAL: \$20,022.00</u>

H. Adult Probation  
Problem Solving Grant

9104-31215-000-0056	Drug Test Fees	\$10,000.00
		<u>TOTAL: \$10,000.00</u>

I. Health

Health Local Hlth Services Grant		
9101-14840-000-0055	Group Insurance	\$17,739.12
9101-32203-000-0055	Cell Phones	650.00
		<u>TOTAL: \$18,389.12</u>

J. Health

Health Physical Activity  
8130-33368-000-0055 Public Info & Education \$10,000.00

TOTAL: \$10,000.00

K. Adult Probation

PEPSA Grant  
9102-31215-000-0056 Drug Testing Fees \$1,132.00  
9102-32052-000-0056 Treatment Contract Services 3,320.00  
9102-39600-000-0056 Refunds, Awards & Indemnities 4,465.50

TOTAL: \$8,917.50

L. Prosecutor

General Fund  
1000-32020-000-0018 Travel \$899.20

TOTAL: \$899.20

M. Prosecutor

General Fund  
1000-32020-000-0018 Travel \$1,598.96

TOTAL: \$1,598.96

N. Transfer/Approp.

FROM: 1000-11121-000-0018 Victim Advocate \$133,567.00  
1000-11329-000-0018 Coordinator Victim Witness 9,287.00

TOTAL: \$142,854.00

TO: 1000-11121-000-0018 Victim Advocate \$110,329.00  
1000-11121-000-0018 Coordinator Victim Witness 31,525.00

TOTAL: \$141,854.00

O. Prosecutor

STOP Grant  
8106-11101-000-0018 Deputy \$74,624.00  
8106-11351-000-0018 Para Legal 36,188.00  
8106-11120-000-0018 Commander 6,463.00  
8106-11121-000-0018 Victim Advocate 30,984.00  
8106-11355-000-0018 Asst. Commander 4,887.00  
8106-31070-000-0018 Other Contractual Svc. 20,000.00

TOTAL: \$173,146.00

P. Transfer/Approp

Juvenile Electric Monitoring  
FROM: 1122-65030-017-0798 Inter Fund Transfer \$20,000.00  
TO: 9130-11439-017-0798 Over Time 20,000.00

TOTAL: \$20,000.00

Motion to pass Bill No. 55-16 was made by Mr. Catanzarite and seconded by Mr. O'Brien. Bill No. 55-16 was passed  
to-wit; 8-0

**Miscellaneous Matters:**

**BILL NO. 50-16:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE MISHAWAKA-PENN-HARRIS-PUBLIC LIBRARY

Dick Curry, Attorney, three years ago with the help of our bond council we refinanced our only existing bond issue to take advantage of lower interest rates to save the tax payers tens of thousands of dollars in interest but the time that bond pays off in 2018, two years ago we worked with Umbaugh and Associates to analyze our revenue sources, expenditures and fiscal cliff exposure to make sure the library will be in good financial shape for the property tax cap's take full effect in 2020, based on that work, the library saved hundreds of thousands of dollars with a variety of cost savings measures that include cutting and reducing our hours, below demand hours to save staff and utility costs, we restructured staffing to approve efficiency of service, reduce hiring and eliminated routine filling the vacant positions and have taken advantage of bulk purchase opportunities.

Mr. O'Brien: Did I hear you say the current bond that's outstanding get's paid off in 2018?

Mr. Curry: Yes it does.

Mr. O'Brien: Ok then, as I understand the new bond you won't start paying until 2019 then?

Mr. Curry: There will be no payments on this new one in 2016.

Motion to pass Bill No. 50-16 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 50-16 was passed to-wit; 6-2 Mr. Telloyan and Mr. O'Brien against.

**Land Use Planning:**

**BILL NO. 44-16:** PETITION TO VACATE PUBLIC WAYS AND PUBLIC PLACES WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA PETITIONER: PATRICK KOWALSKI

Mr. Noland reported that Bill No. 44-16 comes with a favorable recommendation.

Mr. Watson, Attorney, we are looking to vacate this land, currently it is an unimproved that consists of trees and gravel. There are not utilities on this land. There have been no objections to vacating this land.

Motion to pass Bill No. 44-16 was made by Mr. O'Brien and seconded by Mr. Noland. Bill No. 44-16 was passed to-wit; 8-0

**Unfinished Business:**

**New Business:**

**Privilege of the floor:**

Mr. O'Brien: I have received three letters in opposition to the proposed cell tower off of 23 in Granger. I have heard from at least 9 people telephonically or face to face similarly opposing the project and I would just like to make sure that is a part of our official record this evening.

Erv Jordan, 51984 Elm Road, Hays has put together a package that Verizon is in need of a cell tower. The map shows there is great coverage in the Granger area. I am wondering why they need a cell tower at that location.

Consuelo Nuys, 20325 Opal Street, we are the one that received the flooding in August. My home is now un-liveable. I have been offered many things which are additional loans which would add more to the cost of living. I know the problem needs to be addressed. The drainage needs to be taken care of.

Julie Tekler, 20320 Pearl, my house is also deemed un-liveable. We are here to move forward and ask that we find solutions to our problems from the extreme flooding. With the addition of the new bypass, it's coming at a great cost for the residence. That flooding situation that occurred in August, there are over 900 houses within the city of St. Joseph County that were affected. It's devastating.

Chris Elmerick, 20264 Jackson Road, South Bend, it seems like I have the lowest area in the county that's in that kind of flood zone, if you will. I had over 9 feet of standing water above our land in the furthest west point closest to Phillips ditch and have lost my great grandfathers land that I had purchased. All I am asking is for a resolution. I have called the commissioner's office several times to talk to me and have not gotten any response from that.

Mr. Telloyan: Will insurance cover your losses?

Mr. Elmerick: No, insurance will not cover. My agent no insurance is covering for our type of loss and there is nothing they could have added to my policy that would have covered that type of loss. Flood insurance also is being denied because they are saying it's not a river or any type of creek or water way, it's considered a drainage ditch and they told me that because it was rain water it is not covered in that flood insurance would not have covered me as well.

Randy Stanly, 20345 Oak Street, since they put in the bypass this is the first time we have had with this type of problems. Personally, I had to take out a hardship against my 401K to pay for my damages because insurance is not covering for anything. If it rains again this will happen again. People are gutting their houses and leaving. It is inexcusable.

Randy Keefer, 20340 Opal, I started to have some conversation with Mr. Telloyan on the issue of flooding back in June. Realizing this flood we had was unprecedented, we are having an ongoing problem. The ditch system as is not being properly maintained. There are funds being allocated for this, I have no idea what they are being used for but it's obviously not for up keep. In March we had a crew come through, they did more excavating, dredging on up to a six foot sectional culvert and nothing beyond that worked. I think immediate attention needs to be taken care of.

Troy Gann, 20315 Opal Street, South Bend, I bought my house four months to the day before it flooded. We contacted the news and the county. Three times before this happened we had at least a foot to a foot and a half of water standing in the middle of the road. News crews came out and talked to my family, county was made aware of the problem with the drainage issues and the fourth time I had five foot of water in my bi-level basement. I had my whole life ruined. My business, which I run out of my own house, I had all of my office completely flooded, my living room, my washer, dryer, my furnace, my air conditioning, my water heater all ruined. I spent a hundred and thirty thousand dollars on a house and now I have to redo everything. It is frustrating because I finally saved up enough money to buy a decent house and it got washed away from me. The county said that they came out and cleaned the ditch prior to this happening, my wife is a stay at home mom, she never seen anybody. My neighbor said he seen a crew on the road ahead and they said they could not get to our drainage ditch. There is a ten foot culvert and three foot deep, it feeds into our community with three foot culverts that are not ten foot wide so how can you be feeding a bigger drainage ditch into a smaller one and not expect problems.

Brandi Picton-Prater, 19768 Pulling St. South Bend, my family also suffered a loss in the flooding on August 15<sup>th</sup>. Our basement wall collapsed. I grew up in this neighborhood; we have never had water problems like this when I was growing up. The water problems have escalated the further the progress has been made on the new 31. Something needs to be done and the answers are not loans.

Mark Kappel, 20307 Garnet Dr. South Bend, we built our house in 2002 and nothing has been done to increase better flow. We have 4 foot of water in our cul-de-sac. Since 2002 we have not had any flooding like that, at all. Seven feet of water in my basement and rising. Please fix this problem.

Sam Patterson, 20359 Jewell Ave. South Bend, I am just asking for cooperation to figure out what the problem is and fix it. There is something going on. Please work with us and help us address it.

Nick Tekler, 20320 Pearl St. South Bend, I am not going to repeat what everyone said. Is there any answers that we can have tonight or sometime soon to put our minds at ease to know that something is being done?

Mr. Catanzarite: Mr. Tekler, your concerns are not falling on deaf ears. Your concerns are being heard tonight. I spoke to the county engineer and she informed me that the county Department of Public Works and the Drainage Board just led a bid recently to engage a firm that's going to investigate what happened in the Jewell Woods subdivision and figure out what is happening in that entire water shed area so we can work to find a solution so it doesn't happen again. The county and the cities are all joining together to investigate this and figure out what happened out there. They hope to have answers in the next couple of weeks. Anything we can do as a council we would be glad to assist you and we will make sure your concerns are conveyed to our county engineer and our commissioners.

Mr. Morton: I want to thank Mr. Catanzarite for taking it upon himself to meet with EMA and talk to the county highway but at this point I am also going to say thank you for everyone coming out and letting us know the level of devastation you have been experiencing and I will take that on along with Mr. Catanzarite to be a person you can keep in contact with through our office and we will keep you abreast of any information we get as far as these meetings with INDOT and South Bend and the County. I would be glad to do that.

Judy Jordan, 51894 Elm Road, Granger, with the proposed cell tower that are couple of things we can look at, one, we don't want a cell tower we don't need a cell tower. I ask you to consider as you move ahead to that process

**Adjournment:** Mr. Morton stated that the meeting was adjourned 7:40 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council