

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
April 12, 2011

The regular meeting of the St. Joseph County Council was called to order at 7:01 p.m., on April 12, 2011, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Mark Catanzarite
Mr. Dale DeVon
Mr. Michael J. Hamann
Mr. Daniel G. Herbster
Mr. Michael J. Kruk
Mr. Robert J. McCahill
Mr. Rafael Morton
Mr. Corey D. Noland
Mr. Mark Root

Present from the Auditor's office was Mr. Peter H. Mullen, Auditor and Cindy Bodle, Chief Deputy Auditor.

Council staff present were Mr. Michael A. Trippel, Attorney and Ms. Joan M. Pawlowski, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Mr. Root moved to appoint Barry Skalski to the St. Joseph County Sewer & Water District and nominate Viola Woods to serve on the Economic Development Commission of Lakeville. His motion was seconded by Mr. Kruk. The motion passed by a voice vote; 9-0. No negatives were heard.

Mr. Noland moved and was seconded by Mr. Catanzarite to approve the minutes of March 8, 2011. The motion passed by a voice vote; 9-0. No negatives were heard.

No report from the County Auditor.

No report from the Board of Commissioners.

No report from any Special Committees.

First Readings:

BILL NO. 35-11: AN ORDINANCE TRANSFERRING THE SUM OF \$11,200.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 009 - Emergency Management) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 36-11: AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - COUNTY GENERAL FUND - 001, 2011 BUDGET REDUCTION. (Dept. 024 - Adult Probation) - Assigned to the Budget and Administration Committee

BILL NO. 37-11: AN ORDINANCE APPROPRIATING THE SUM OF \$153,000.00 OUT OF THE ADULT PROBATION FEES FUND - 057 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 024 - Adult Probation) - Assigned to the Budget and Administration Committee

BILL NO. 38-11: AN ORDINANCE APPROPRIATING THE SUM OF \$3,750.00 OUT OF THE 2010 E.M.P.G. COMPETITIVE GRANT FUND - 105 AND \$3,782.00 OUT OF 2010 FOUNDATION GRANT FUND - 031 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 009 - Emergency Management Agency) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 39-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III, ADMINISTRATION, CHAPTER 34.15(A), MAINTENANCE OF PETTY CASH AS FUNDS BY CERTAIN DEPARTMENTS OF THE COUNTY, OF THE ST. JOSEPH COUNTY, INDIANA CODE. (Dept. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 40-11: AN ORDINANCE APPROPRIATING THE SUM OF \$3,336.00 OUT OF THE ST. JOSEPH COUNTY USER FEES FUND - 058 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 41-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE V, PUBLIC WORKS, CHAPTER 51, SEWAGE AND SEPTIC SYSTEM REGULATIONS, OF THE ST. JOSEPH COUNTY, INDIANA CODE BY REPEALING CHAPTER 51 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 51. (Dept. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 42-11: AN ORDINANCE AMENDING ORDINANCE 16-11 AS PASSED BY THE ST. JOSEPH COUNTY COUNCIL DUE TO A SCRIVENERS'S ERROR. - Assigned to the Budget and Administration Committee

BILL NO. 43-11: AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - REASSESSMENT FUND - 008, 2011 BUDGET REDUCTION. (Dept. 012 - County Assessor) - Assigned to the Budget and Administration Committee

BILL NO. 44-11: AN ORDINANCE APPROPRIATING THE SUM OF \$762,847.00 OUT OF THE ST. JOSEPH COUNTY 2006 REASSESSMENT FUND - 028; \$500,000.00 OUT OF THE ST. JOSEPH COUNTY RAINY DAY FUND - 022; \$998,240.00 OUT OF THE ST. JOSEPH COUNTY C.E.D.I.T. FUND - 009 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 012 - County Assessor) - Assigned to the Budget and Administration Committee

BILL NO. 45-11: AN ORDINANCE AMENDING ORDINANCE 101-10, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2011. (Dept. 056 - Court Substance Abuse Program) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 46-11: AN ORDINANCE APPROPRIATING THE SUM OF \$7,500.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 056 - C.S.A.P.) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 47-11: AN ORDINANCE TRANSFERRING THE SUM OF \$968.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 056 - Court Substance Abuse Program & Dept. 002 - Auditor) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 48-11: AN ORDINANCE APPROPRIATING THE SUM OF \$17,500.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 056 - C.S.A.P.) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 49-11: AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - PARKS & RECREATION FUND - 007, 2011 BUDGET REDUCTION. (Dept. 057 - Parks & Rec) - Assigned to the Budget and Administration Committee

BILL NO. 50-11: AN ORDINANCE APPROPRIATING THE SUM OF \$3,965.00 OUT OF THE ST. JOSEPH COUNTY PARK & RECREATION CAPITAL FUND - 024 AND THE ST. JOSEPH COUNTY PARK & RECREATION FUND - 007 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2011. (Dept. 057 - Parks & Recreation) - Assigned to the Budget and Administration Committee

BILL NO. 51-11: AN ORDINANCE APPROPRIATING THE SUM OF \$200,000.00 OUT OF THE ST. JOSEPH COUNTY PARK & RECREATION NON-REVERTING FUND - 017 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2011. (Dept. 057 - Parks & Recreation) [Budget Reduction] - Assigned to the Budget and Administration Committee

BILL NO. 52-11: AN ORDINANCE AMENDING ORDINANCE 101-10, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2011. (Dept. 057 - Parks & Rec) - Assigned to the Budget and Administration Committee

BILL NO. 53-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XV: LAND USAGE; CHAPTER 150: GENERAL PROVISIONS; LICENSING AND REGISTRATION REQUIREMENTS, CHAPTER 151: BUILDING CODES AND APPENDIX: SCHEDULE OF FINES AND FEES OF THE ST. JOSEPH COUNTY, INDIANA CODE. (Building Department) - Assigned to the Land Use Planning Committee

BILL NO. 54-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING ORDINANCE NO. 26-05 TO INCORPORATE A MODIFICATION TO THE ST. JOSEPH COUNTY HUMAN RESOURCES POLICIES AND BENEFITS MANUAL WITH RESPECT TO PART TIME EMPLOYEES OF THE PARK DEPARTMENT. (Dept. 057 - Parks & Rec) - Assigned to the Land Use Planning Committee

BILL NO. 55-11: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 64009 STATE ROAD 331, SOUTH BEND, IN 46614 FROM A-AGRICULTURAL DISTRICT TO PUD-PLANNED UNIT DEVELOPMENT. (Petitioner: Gerald A. Reed) - Assigned to the Land Use Planning Committee

BILL NO. 56-11: AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT: A PART OF LAKEVIEW DRIVE LYING NORTH OF LONGWOOD DRIVE IN THE RECORDED PLAT OF THE TOWN OF CHAIN-O-LAKES RECORDED IN PLAT BOOK 13, PAGES 104 TO 114 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL THAT PART OF THE 30 FOOT WIDE LAKEVIEW DRIVE LYING EAST AND ADJACENT TO LOTS NUMBERED 3718 THRU 3725 AND BEING THE NORTHERLY 185 FOOT TERMINUS OF LAKEVIEW DRIVE. (Petitioner: Craig A. Bentley) - Assigned to the Land Use Planning Committee

Public Hearings

BILL NO. 12-11: AN ORDINANCE APPROPRIATING THE SUM OF \$38,000.00 OUT OF THE ALTERNATIVE DISPUTE RESOLUTION FUND - 116 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 12-11 comes with a favorable recommendation.

The Clerk read the amendment stating that the amount in the caption should now be \$20,000.00 and in Section 1. line item 31070, Other Contractual Services, should read \$12,000.00 and the Total will now be \$20,000.00.

Motion to amend was made by Mr. Hamann and seconded by Mr. Herbster.

Mr. Morton asked the petitioner if they agreed with the amendment. Their response was yes.

Lisa Plencner, Circuit Court Administrator, explained that this appropriation from funds collected will allow her to pay current bills.

The amendment passed by a voice vote; 9-0. No negatives were heard.

Motion to pass Bill No. 12-11 was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 12-11 passed as amended; 9-0.

Mr. Morton announced that there would be a combined Public Hearing on Bill Nos. 18-11 and 19-11 but would be voted on separately.

BILL NO. 18-11: AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2011. (Dept. 020 - Superior Court) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 19-11: AN ORDINANCE APPROPRIATING THE SUM OF \$765.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2011. (Dept. 002 - Auditor) - Assigned to the Budget and Administration Committee

Mr. Hamann reported that Bill No. 18-11 and 19-11 come with a favorable recommendation.

Patricia Evans, Superior Court Administrator, stated that the appropriations were needed to cover employees who were on leave and who have retired. Bill No. 19-11 covers the F.I.C.A. portion with the Auditor.

Motion to pass Bill No. 18-11 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 18-11 passed to-wit; 9-0. Motion to pass Bill No. 19-11 was made by Mr. DeVon and seconded by Mr. Noland. Bill No. 19-11 passed to-wit; 9-0.

BILL NO. 22-11: AN ORDINANCE APPROPRIATING THE SUM OF \$25,000.00 OUT OF THE ST. JOSEPH COUNTY SURVEYOR SECTION CORNER PERPETUATION FUND - 081 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Surveyor Section Corner Perpetuation Fund) - Assigned to the Engineering and Transportation Committee

Mr. Catanzarite reported that Bill No. 22-11 comes with a favorable recommendation.

John McNamara, Surveyor, stated that this appropriation comes from fees collected from every deed that is recorded.

In Opposition:

Rita Kopala, 66559 Ivy Road, Lakeville stated that she read the handout from Mr. McNamara that he presented at the Committee Meeting. It seems like it wasn't two (2) years ago that he said all that money was about done and he was about 85 percent done at that time. This new report states the same thing. She asked for the paperwork that shows the amount of money spent every year on markers. The Auditor said that he could provide that information.

Motion to pass Bill No. 22-11 was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 22-11 passed to-wit; 9-0.

BILL NO. 23-11: AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 OUT OF THE ST. JOSEPH COUNTY FAMILY COURT GRANT FUND - 115 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 054 - Domestic Relations) - Assigned to Human Services/Criminal Justice Committee _____

Mr. Hamann reported that Bill No. 23-11 comes with a favorable recommendation.

David Watterson, Family Court Specialist, explained that he was representing Beth Kerns and these funds from this grant will go to pay various line items and are reimbursements to the County as agreed upon during budget time.

Motion to pass Bill No. 23-11 was made by Mr. Kruk and seconded by Mr. DeVon. Bill No. 23-11 passed to-wit; 9-0.

BILL NO. 27-11: AN ORDINANCE APPROPRIATING THE SUM OF \$24,000.00 OUT OF THE ST. JOSEPH COUNTY SEX/VIOLENT OFFENDER FEE FUND - 135 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 27-11 comes with a favorable recommendation.

Chief Robert Boits, County Police, explained that these funds are collected from the registration of offenders and will be spent on items to aid the officers in monitoring these offenders.

Motion to pass Bill No. 27-11 was made by Mr. Kruk and seconded by Mr. McCahill. Bill No. 27-11 passed to-wit; 9-0.

Mr. Morton announced that there would be a combined Public Hearing on Bill Nos. 29-11, 30-11, 31-11, 32-11 and 33-11 but would be voted on separately.

BILL NO. 29-11: AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - COUNTY GENERAL FUND - 001 - 2011 BUDGET. (Budget Reduction) - Assigned to the Budget and Administration Committee

BILL NO. 30-11: AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - COUNTY HIGHWAY FUND 002 - 2011 BUDGET. (Budget Reduction) - Assigned to the Budget and Administration Committee

BILL NO. 31-11: AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY MAJOR CUMULATIVE BRIDGE FUND - 023 AND CUMULATIVE BRIDGE FUND - 025 - 2011 BUDGET. (Budget Reduction) - Assigned to the Budget and Administration Committee

BILL NO. 32-11: AN ORDINANCE APPROPRIATING THE SUM OF \$3,905,033.00 OUT OF THE PUBLIC SAFETY L.O.I.T. FUND - 215 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2011 BUDGET. (Dept. 005 - County Police/ Dept. 006 - County Jail) - Assigned to the Budget and Administration Committee

BILL NO. 33-11: AN ORDINANCE APPROPRIATING THE SUM OF \$10,194,963.00 OUT OF THE ST. JOSEPH COUNTY C.E.D.I.T. FUND - 009 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Commissioners/Auditor/Highway) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 29-11, 30-11, 31-11, 32-11 and 33-11 come with a favorable recommendation.

Peter Mullen, Auditor, stated that Bill No. 29-11 has been requested by the DLGF (Department of Local Government and Finance). These funds were placed in the General Fund and they asked that we create a new Fund - Public Safety for the Public Safety LOIT money. The County Police and Jail Funds will be reduced By \$3,905,033.00. Those funds will be replaced in Bill No. 32-11. County General Fund - Dept. 034 - Commissioners will have Group Insurance reduced by \$2,500,000.00 and will be addressed in Bill No. 33-11 by C.E.D.I.T. Funds. Bill No. 30-11 addresses the request of the DLGF which reduces the Highway Fund - General Expenses by a total amount of \$257,000.00. These funds will also be replaced by C.E.D.I.T. Funds under Bill No. 33-11. Bill No. 31-11 reduces Major Cumulative Bridge Fund and Cumulative Bridge Fund for a total of \$1,400,000.00. They will be researching how they can replace those funds through other means. Bill No. 32-11 replaces the Police Pension Fund and County Jail Administration which matches with Bill No. 29-11.

Bill No. 33-11 was presented by Commissioner Kostielney. He stated that this was the annual appropriation for the C.E.D.I.T. Funds. Last year they had a two (2) year program and this is the second year. The amounts are going to be put someplace differently than they were identified last year, it will be the same dollar amount that was earmarked.

Mr. Catanzarite asked Commissioner Kostielney to elaborate more on the emergency dispatch radio system.

Mr. Kostielney responded that \$1.1 million was for the new radio system that was purchased at the end of 2009. This is the first lease payment that is due and there is another six (6) years after this to upgrade all the radios.

Mr. Noland asked Mr. Mullen if they are going to have to create a PTRC (Property Tax Relief) account to account for that money? Mr. Mullen stated no.

Motion to pass Bill No. 29-11 was made by Mr. Root and seconded by Mr. Noland. Bill No. 29-11 passed to-wit; 9-0. Motion to pass Bill No. 30-11 was made by Mr. Noland and seconded by Mr. DeVon. Bill No. 30-11 passed to-wit; 9-0.

Mr. Catanzarite questioned the County Engineer, Jessica Clark. He asked her if the passage of this bill will compromise our bridge safety in the County? Ms. Clark responded that this was a loaded question. The reduction does hurt their ability to respond to the needs on those structures and a time frame that they would hope to respond.

With the Cum Bridge account, the reduction does postpone replacements that they were planning for 2011 and in the five (5) year work plan, it extends this plan into 2026. Instead of completing the five (5) year work plan by 2016 they have extended it another ten (10) years to do the same amount of work. If they are unable to supplement these funds with any other funding. She stated that her answer would be, yes it does affect the plan. Does it mean that the structures are going to start falling down and have major issues? She stated that she did not know. She stated that they have had a proactive program up to this point and have been able to respond to issues as they have occurred. But, what this does is eliminate the ability to be able to plan for those future cases and future needs. They will be reacting and hoping that they have enough funds to cover emergency situations. It will take rearranging around budgets and funds when there is an emergency situation .

The other thing it does, in the Major Cum Fund budget is that it postpones the ability to do rehabilitation on projects on Cleveland, over the river, which has not been worked on over the last ten (10) years. And, additional grade separations in the community along the McKinley Con Rail line and on Cleveland up in the Northeastern portion that has two (2) underpass/overpass type projects that at some point the County will need to complete. She stated that the County is bonded out on bridge the way it is, without the ability to do any future bonding on those types of projects. Those are \$20 million type projects and with this reduction in funding it just furthers the time frame in which the County can think about addressing these needs.

Mr. Catanzarite asked if she knew why the DLGF suggested that this fund be reduced? Ms. Clark stated that she did not.

Mr. Root asked Mr. Mullen if a dreaded emergency comes to pass, is there anything that prohibits them from taking funds out of the Major Moves Fund and putting it toward the bridge funds? Mr. Mullen stated that he could now answer that question.

Mr. Hamann questioned if C.E.D.I.T. Funds could be used? Mr. Mullen stated that there is not much left of that fund. But, yes it could be used.

Motion to pass Bill No. 31-11 was made by Mr. DeVon and seconded by Mr. Herbster. Bill No. 31-11 passed to-wit; 8-1 (Catanzarite).

Motion to pass Bill No. 32-11 was made by Mr. Hamann and seconded by Mr. Noland Bill No. 32-11 passed to-wit; 9-0.

Motion to pass Bill No. 33-11 was made by Mr. Kruk and seconded by Mr. Herbster. Bill No. 33-11 passed to-wit; 9-0.

BILL NO. 17-11: AN ORDINANCE TRANSFERRING THE SUM OF \$574.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 150 - Penn Assessor) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 17-11 comes with a favorable recommendation.

Michael Castellon, Penn Assessor, stated that the out of line transfer was needed for travel to meet DLGF requirements for certification.

Motion to pass Bill No. 17-11 was made by Mr. Root and seconded by Mr. Herbster. Bill No. 17-11 passed to-wit; 9-0.

BILL NO. 21-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III ADDRESSING "FINANCES" OF THE ST. JOSEPH COUNTY CODE BY ADDING AND ESTABLISHING NEW SECTION 34.33 "COUNTY AUDITOR'S INELIGIBLE DEDUCTIONS FUND" (Petitioner: St. Joseph County Auditor) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 21-11 comes with a favorable recommendation.

Peter Mullen, Auditor, stated that this ordinance is creating a new fund for moneys collected from people who have an illegible Homestead Credit. They have retained a firm (SRI) who is going after those who have claimed more than one (1) Homestead Credit. They are doing the same thing in their office. They can go back three (3) years and collect those taxes, penalties and interest. If they can prove fraud, they can go back ten (10) years and collect the same.

Motion to pass Bill No. 21-11 was made by Mr. Kruk and seconded by Mr. Noland.

Mr. DeVon questioned the comments that were made in the paper, after this came out of Committee, regarding an influx of people coming in. Mr. Mullen stated that in the two (2) weeks that they have had this implemented, they are sending out letters a hundred at a time. They have collected \$45,078.00 in back taxes in two (2) weeks.

Mr. No land asked if SRI was taking a percentage out of that total? Mr. Mullen responded that essentially the County pays them 20 percent of what they collected. Not from what we collect. The amount is between SRI and the Auditor.

Bill No. 21-11 passed to-wit; 9-0.

BILL NO. 28-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III, ADMINISTRATION, CHAPTER 34.20, PARK AND RECREATION OPERATING FUND AND APPENDIX OF THE ST. JOSEPH COUNTY, INDIANA CODE. - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 28-11 comes with a favorable recommendation.

Evie Kirkwood, Director, requested the cap of \$20,000.00 that was placed on this fund in 1986 be removed. These funds come to them through User Fees. These funds are used for a number of purposes including wages for Park Rangers and various staff; training; certification; supplementing their General Fund, etc. This fund is also used for matching grants and emergency repairs.

In Favor:

Larry Catanzarite, President, Park Board, stating for the future that if they were actually living under this ordinance today, they would not have had the funds to meet the budget reductions that they have had.

Mr. Herbster asked Ms. Kirkwood what is the normal amount of what was spent and what was earned? Ms. Kirkwood responded that it was about \$440,000.00. They will be transferring \$200,000.00 later in the meeting to make up for the budget reduction for 2011.

Motion to pass Bill No. 28-11 was made by Mr. DeVon and seconded by Mr. Kruk. Bill No. 28-11 passed to-wit; 9-0.

BILL NO. 7-11: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY MISHAWAKA SCHOOL CORPORATION, FOR THE PROPERTY LOCATED AT 16800 MADISON ROAD, SOUTH BEND, IN, THE SAME BEING PETITION NO. 02-02-11-06 FILED WITH THE AREA BOARD OF ZONING APPEALS.

Mr. DeVon reported that Bill No. 7-11 comes with a favorable recommendation.

Mark Lyons, Building Department, at the March 2, 2011 meeting the Area Board of Zoning Appeals sent this petition with a favorable recommendation. This is the third request for wind turbines from the Mishawaka School Corporation.

Randy Squadroni, Business Manager for School City of Mishawaka, 1402 S. Main Street, Mishawaka explained that this is a temporary tower to measure wind velocity and temperature. They currently has another tower and this tower is to compare the accuracy of the data do to the wind sheer of the trees. This will help in a decision whether or not they will move forward on a wind turbine decision.

Motion to pass Bill No. 7-11 was made by Mr. Hamann and seconded by Mr. Catanzarite. Bill No. 7-11 passed to-wit; 9-0.

BILL NO. 8-11: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY JEREMY D. BELCHER FOR THE PROPERTY LOCATED AT 59551 MIDDLEBORO STREET, SOUTH BEND, IN 46614 THE SAME BEING PETITION NO. 02-02-11-09 FILED WITH THE AREA BOARD OF ZONING APPEALS.

Mr. DeVon reported that Bill No. 8-11 comes with a favorable recommendation.

Mark Lyons, Building Department, at the March 2, 2011 meeting the Area Board of Zoning Appeals sent this petition with a favorable recommendation. The petition is in order to obtain a Firearms License and a Federal Firearms License. This is subject to no sales of ammunition and no storage of inventory.

Jeremy Belcher, 59551 Middleboro Street, South Bend, stated how this is for gun smithing for friends and family. To repair guns, I need to send for parts to be shipped to his address and need the license in order to do this.

Mr. Herbster stated that Mr. Belcher has a full time job and this is something part time. Mr. Belcher stated that it is for family and friends. He is a gold smith for JR Fox jeweler. This is more like a hobby.

Motion to pass Bill No. 8-11 was made by Mr. Herbster and seconded by Mr. McCahill

Mr. Herbster stated that Mr. Belcher was kind enough to have him out to his home to see the facilities. He has a very professional set up and the neighbors are good with this venture.

Bill No. 8-11 passed to-wit; 9-0.

BILL NO. 34-11: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY LAKEVILLE FOLK AND BLUES FEST, LLC AND LARRY MOORE FOR THE PROPERTY LOCATED AT 64491 MANGUS DRIVE, LAKEVILLE, IN 46536 THE SAME BEING PETITION NO. 04-06-11-1 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 34-11 comes without a recommendation.

Mark Lyons, Building Department, at the March 2, 2011 meeting the Area Board of Zoning Appeals sent this petition with no recommendation. The petition is to allow for music concerts; overnight campaigning; concessions of food and beverage and sales of merchandise.

Mr. Herbster asked Mr. Lyons, with regard to the camping issue, are there any other stipulations/regulations on this one time use? Mr. Lyons stated that this is only good for the dates stated on the Petition. This is strictly a Land Use decision to allow or not allow camping. Mr. Herbster asked if it is common to have a temporary camping use of a property? Mr. Lyons stated that this is the first since he has had this job.

Viola Woods, Attorney, 223 S. Michigan, Lakeville, IN representing the petitioner. Passed out a packet of information. She stated that the Lakeville Business Owners Association met with a fund raising group in order to raise funds to beautify the streets of downtown Lakeville. Dean Rouch and the Lakeville Folk and Blues Fest was willing to take this project on. A parking variance was granted by the Area Board of Zoning Appeals subject to your approval of this Special Use Permit. They did get some criticism; Newton Park has lots of activity; did not pick a date does not also fall on a weekend where there is a tournament; this event presents too much liability for the town, township and County (all entities will be insured); Township does not want parking on their property (there is available parking on two (2) private empty tracks across the street from this site and on the festival site); traffic flow, emergency vehicle access, parking, driveway design, port-a-pots; we have approval from the St. Joseph County Emergency Management and we will deal with the trash; 29 businesses in the downtown corridor - 20 of which are owned by co-sponsors of the event. There is a NAF issue (nudity, alcoholism, filth) and they don't think this concert will bring any of this. There are concerts all over Indiana making money for various towns. Town Council Members, EDC, Chief of Police, Streets Scape Committee and the Committee in charge of the master planning of the grant are all in favor of this project. Finally, they were accused of bringing vulgarity to Lakeville. There are five (5) bands that call themselves "Heros of Woodstock" some of the members are pretty old and are in the Hall of Fame for Rock n Roll. She then listed a variety of folk/blues bands.

Mr. Herbster questioned the dates of the request. Is it for July 2-3, 2011? Ms. Woods stated that he was correct. Mr. Hamann stated that this was a very impressive packet and could she summarize how many business owners/stake holders/elected officials oppose this? Ms. Woods stated to her knowledge only one (1), the Trustee of Union Township.

Mr. Herbster asked if it would be best to ask you (Ms. Woods) or Dean about the camping situation? About how you are actually going to control, first come, first serve? Do you have plots to reserve - campfires? Ms. Woods thought that Dean Rouch would be a better person.

In Favor:

John Kuhn, 402 S. Grand, Lakeville, IN
Libby Christianson, 207 S. Michigan, LK

Dean Rouch, 303 S. Michigan, LK
Carmela Worm. 107 S. William St., North Liberty
Dennis Deniger, 4229 Lakeshore Dr., Bremen
Michael Deniger, 103 N. Michigan St., LK
Bob E. Feitz, 67998 Linden Rod. LK
Danny Cos, 321 S. Main St., LK
Karen Iovino, 303 ½ S. Michigan St., LK
Frank Woods, 67756 Patnaud Lane, LK
Vincenzo Carrasco, 1201 N. Lafayette Blvd., SB
Al Wirek, 51942 Clearwater Ct., Elkhart
Ryan Hamilton, 56198 Quince Rd., SB

When the US31 Bypass is complete it will leave the town of Lakeville grasping for survival. The Lakeville Town Council has planned this Street Scape Project to make the downtown area more appealing. The town has received a \$706,000.00 grant to use for this project. It comes with a condition that there must be a \$176,000.00 local match. The music festival will provide the most money for this cause. Owner of local business stated that this will not be another Woodstock, that is just ridiculous. Woodstock has 500,000 people, that is history and has nothing to do with current events. This festival will allow Lakeville to be put on the map as a place to come to for good music. This started out smaller but has now snowballed on them. They do hope to more festivals in the future. The manager of REM and many others have asked if he could book his band in the future. He has received many e mails from people who want to buy a ticket. We deserve a chance to show that we can do this successfully.

Mr. Herbster asked Mr. Rouch to explain how the camping would work. Mr. Rouch stated that it is primitive. They have designated camping areas and have enough port-a-pots to meet the requirements of the Health Department. The well has been tested in the past and it will have to be tested again within two (2) weeks prior. The vending for the campers - the paperwork is not due until June 2nd. There will be one (1) communal fire, there will not be campfires everywhere. There will be music around the campfire that will be unamplified.

Mr. Herbster asked if this will be pub tents? Mr. Rouch stated that he assumed. They are allowing some RV camping but there will be no hookup. Mr. Herbster further questioned if this will be families with music going on all night? Mr. Rouch stated that around dusk the PA will be going off. After that, it will be fiddles and banjos and guitars - unamplified. Mr. Herbster asked him to talk about security. Mr. Rouch stated that initially he contacted Sgt. Matt Blank of the St. Joseph County Police Department and he is the one who lines up off duty officers and follow his recommendations. Since then, the local Police Department has also gotten involved. Mr. Herbster asked if he had a certain number of officers already lined up? Mr. Rouch stated no, they need the permit first. Mr. Herbster asked if the security would be walking around and overnight? Mr. Rouch stated that there would be overnight security. Rather than a certain number per hundred, they would be in key locations - uniformed officers would be placed. Camping tickets have to be purchased in advance. They will be controlling the number of people camping. If a Saturday only ticket is purchased, they will have to be out by 11:00 p.m. Somebody might hide, but he doubted that. They are contemplating not more than 250 campers. Mr. Herbster asked in the future, concerts are a possibility at the Newton Center? Mr. Rouch replied yes and at this site. Mr. Moore has put up a really great outbuilding that has a bar. Yes, there is an indoor facility that we would like to use for smaller events in the future and hope on a regular basis. Mr. Herbster addressed the backup plan, that if this doesn't work out, you're planning to go to Marshall County? Mr. Rouch stated that they do not have a specific backup plan. He stated how they are already out a sizeable amount of money. One way or another, he has to have this concert.

Mr. McCahill asked about the 24-hour security. He stated that on the application of liability they state VSS Security Officers, minimal. Are you going to have police officers and if so, are they going to be there 24/7? And, for your information Capt. Tim Spencer is in charge of security at the St. Joseph County 4-H Fair. Ms. Woods answered the question stating that the current Town Marshall recommended VSS and he intends to work for them if it is OK with the Town Council. He has discussed the ratio of security vs people. Mr. McCahill asked what was that number? Ms. Woods stated that the Mass Gathering Statute for the State of IN (even though this is not a mass gathering) is one security officer per 750. She stated that they are going to have at least triple that. Mr. McCahill responded that you (Ms. Woods) have said, that you would go with whatever recommendation Sgt. Blank or the Town Marshall or whoever says, but you haven't said, with 4,000 people - 15 civilian security guards in his personal opinion is not enough, especially with a beer tent. Are you going to have just the security off or police officers and how many and are they going to be 24/7 for two days? Ms. Woods stated that it is recommended that they have 24/7, some uniformed licensed police officers in addition to security officers. They have strategic places that we know where they have to be.

The actual number will depend on how many tickets they sell. Mr. McCahill asked how many officers does Lakeville have? Ms. Woods stated that they have 2 ½. She stated that the form that she filled out was based on not knowing yet how many people are going to camp. She stated that the capacity geographically is 8,000 spectators. Some will leave in the evening and some will come back and some will not. This is an 80 acre farm. The World Pulse Festival, in a field, off of Ironwood has 70,000-90,000 spectators. If we get 4,000 we will make \$25,000 for the town of Lakeville. Mr. Rouch stated that do not know how many officers to hire since they have not sold any tickets.

Mr. Morton said that depending upon the number of tickets sales you will not be opposed to utilizing State Police or St. Joe County Police? Mr. Rouch stated not at all. They will hire a lot of security of both kind. Mr. Morton stated that you made a distinction between amplified and non amplified music and that the amplified music would cut off at 11:00 p.m. or at dusk. Mr. Rouch stated at dusk. There are no nearby neighbors. If we have more entertainers he would love to go to 11:00 p.m. Mr. Morton questioned, what about the unamplified? Mr. Rouch stated that they would go all night. Mr. Morton asked about the ongoing discussions with the Health Department as far as vendors and if they were still in touch with them? Mr. Rouch stated that they were.

Mr. Catanzarite asked who the principals of Lakeville Folk & Blues Fest, L.L.C.? Mr. Rouch stated that would be him. Mr. Catanzarite asked if he had ever done anything like this before? Mr. Rouch responded yes, but not like this. He has done things at the Newton Center and many events in his life but not of this magnitude. He stated that he has been hired to perform at them but not manage them.

Mr. Root asked if there was a cap on the number of tickets that will be sold? Mr. Rouch stated 8,000. Anything over 6,000 they will have to look into more parking, vendors, etc.

Secretary's Note: comments in favor continued

This could bring in a lot of money to the rest of the County, Beaver Ridge Camping, Potato Creek Park, etc. It could be small this year and get bigger next year. There are concerns but it should be a great thing for Lakeville. "LaBoa" (Lakeville Business Owners Association) is a 501 C3 and through that mechanism the funds from the festival will get to the Town of Lakeville. For the last seven (7) years they have tried to find ways to help Lakeville become something other than a bedroom community. This festival may be the only thing to help us survive the bypass and help us to continue to grow the town. Vending will be food, trinkets, merchandise and a beer garden. The beer garden will be inclosed with one entrance and one exit. It will be roped off with security and a special wrist band to identify that people are of age. There will be a single ID, single beverage system.

Mr. DeVon asked Mr. Deniger if coolers were going to be allowed in along with their own food? Mr. Deniger replied that there is a small creek between the campers and the rest of the public. The campers could bring in coolers but anybody else they are not looking to do something like that. Mr. Catanzarite asked if Mr. Deniger was in charge of the liquor for the event? Mr. Deniger stated that his family owns the liquor store in town and he deals with vendors. He has spoken with others who have done these kinds of events in the past. He stated that he has to go through excise once there is a permit. They will help with requirements, kegs, cans, etc.

The 32,000 count of traffic through Lakeville, per day, will be cut by 80 percent when the new road is done. This is the only plan we have so far to raise money. We want to make our community better.

Mr. Herbster asked Mr. Feitz if these funds would be used for sidewalks, beautification and does this grant also include fixing up buildings and landscaping? Mr. Feitz stated yes that the grant could be used for this. He showed a picture of their plan for the "Streetscape."

There is a correction in the number of police officers in Lakeville. There are five (5), two (2) full time, one (1) part time and two (2) reserves.

Mr. Noland asked Mr. Cox (Lakeville Police) how many officers he would be comfortable with? Mr. Cox stated that he did not know what number they were going to stick with. He suggested that they would triple whatever the State recommends. Mr. Noland stated that you may have 1,000 or 8,000, therefore, what kind of ratio are you thinking? Mr. Cox stated that he did not know off the top of his head. The last time he knew was 1/100. Mr. Morton stated that he thought that the attorney stated 1/750? Ms. Viola, attorney, stated that the I.C. governing mass gatherings which is defined as at least 5,000 people for 18 consecutive hours requires 1/750 and we don't think that is enough. She stated that they will at least that. Mr. Morton asked Ms. Woods if she and Mr. Cox were both on the same page in answering

Mr. Noland's question as far as tripling that requirement? Ms. Wood and Mr. Cox responded, yes. Ms. Woods continued that they have strategic areas that they know need to be secured no matter what the number of attendees.

We really need this to help us upgrade our town with this grant. There are lots of music festivals in the U.S. Even small towns have very large festivals, i.e., Blueberry Festival in Plymouth. Petitions of 465 signatures was presented. If my property is parked on, the proceeds will be donated to the town. This type of thing is what makes America great. If you don't allow this festival, you will do a disservice to the town of Lakeville and let down small-town America. Mr. Rouch has the ability to run an event of this magnitude. He may not have done this before, but he had full faith in him. Everybody needs a first chance to do something great and bring a lot of money in to Lakeville. Most of the people will listen to the concert and then spend the night in a motel. Mr. Rouch has done a great job at smaller concerts. The town of Manchester was originally against a festival and the farmer who owned the land has since shut down his operation and only runs the festival every year. It has brought lots of money to the town. Nothing is perfect.

In Opposition:

Joan Stroup, 20538 Pierce Rd., Lakeville
Joe McKeever, 20665 Osborne Rd., LK
Montgomery Stroup, 20538 Pierce Rd., LK
Gregg Roberts, 109 S. Grand, LK
Richard Snider, 5718 Boxwood, SB
William Stamp, 20538 Pine Rd., LK
Rob Hipskinn, 315 W. Patterson St., LK

A petition against was presented along with letters from businesses. Nineteen businesses in Lakeville are not in favor of this festival. They are concerned about liability and the effect this would have on the community. Does Mr. Moore's insurance for his property cover the risk of a festival with alcohol consumption? Is there going to be adequate safety, ambulances, medics, etc.? Concerns of site planning, OSHA, a one-lane dirt road with no shoulder, not adequate parking - just grass fields and if it rains the cars will sink and be impassable. What about Handicap Access? Trustee opposes this for many reasons. Woodstock was successful for the musicians and the technology (PA Systems) that came from the event. What is not remembered is that it took over ten (10) years to pay off the debts. Landowners were hurt and as a landowner he does not want this festival to take place. This is not the family type of thing that they want Lakeville to be remembered for. Most of the people who travel through Lakeville don't even remember that they have been there. There are other family events that are going on. What do these people think that live in Lakeville to where they can express themselves and try to do something good for their community to build up the community instead of letting it go to 'povertyville' to where they have to get state money to bulldoze the houses and hotels? What are you all thinking? As far as Woodstock, there were 70,000 people gathered at that festival, two (2) people died. One of them was a United States Marine that was on leave died of a heroin overdose and the other guy got ran over by a tractor while he was sleeping in his sleeping bag. What are you guys trying to do, kill us all off or what? Maybe you need to throw life rings out in the pond for the turtles so that they don't die. I don't know what they are thinking. They are talking about having fun and stuff. Nobody has fun anymore, don't you listen to the news? Do you know what is going on in the Middle East? Why are we paying \$4.00 a gallon for gas? There's no fun no more. There's no peace or love. The trees don't even hug you back. They just stand there. Concerns of drugs and moral issues. In 1994 an anniversary concert ended in riots, fires and allegations of rape. Against identifying with the heroes of Woodstock. Why anyone would want to identify with that group was beyond him. Everything that came out of Woodstock was negative and not the type of thing needed in Lakeville. What about produce liability to do with food consumption. These are not the contrast events we want in Lakeville.

Mr. Kruk asked him to elaborate on the contrast of events. Mr. Hipskinn stated that Mr. Newton has had many compliments on his facility from various parts of the country. They would give anything to have this kind of park in their area. He still found a problem with the single access road. The oversight is very important and how it is dealt with.

Petitioner's Response: Mr. Rouch stated that the questions of liability were covered in the handout. The pond, you can drown in a mud puddle, but... He didn't see anything happening. There is also a pond at Newton Park that has no fence, etc. The dirt road leading into it, grass does grow over the edge of it. It measures 17 feet wide until where the grass is coming and then gravel goes way beyond that. Yes, there is a worry about rain on the road but he thinks they are fine. They don't all have children in soccer and baseball and he does not see a contrast between Newton Park and the festival. He really was not in favor of the term Heroes of Woodstock. They (the band) call themselves that. It is in

their contract and they do not have a choice. He stated that he does not want to have a Woodstock. He wants a Lakeville Folk and Blues Festival.

Mr. Catanzarite asked about the paramedics? Mr. Rouch stated that they will be standing by, he thought it was in the handout.

Mr. Herbster about Marshall County venues capacity? Mr. Rouch stated that they would have to scale it down at that point and hoping to break even.

Motion to pass Bill No. 34-11 was made by Mr. Hamann and seconded by Mr. Noland.

Mr. Herbster stated that he was in favor of Lakeville thinking outside the box to generate funds. But as the details have come to him, he is not sure that this is something he is comfortable with at this point.

Mr. Noland stated that it kinda came down to that security would be taken care of an appropriate manner and this request is for one (1) year. If it is not done right, good luck with next year. But this could be a good opportunity for the town.

Mr. Hamann stated that after hearing all the assurances he felt the same as Mr. Noland.

Mr. Catanzarite stated that he did have public safety concerns. He was not certain that having the event on the 4th of July weekend was adequate enough time for them to do this right and wouldn't want to see something happen.

Bill No. 34-11 passed to-wit; 5-4 (DeVon, Herbster, Catanzarite, Root).

BILL NO. 99-08: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 59851 ELM ROAD, MISHAWAKA, INDIANA FROM R SINGLE FAMILY DISTRICT TO C COMMERCIAL DISTRICT. (Petitioner: Weaver Electric and Heating Corporation)

Mr. DeVon reported that Bill No. 99-08 comes with a favorable recommendation.

The Clerk read the amendment stating that there was a new caption and petitioner. AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 59851 ELM ROAD, MISHAWAKA, INDIANA FROM R SINGLE FAMILY DISTRICT TO C COMMERCIAL DISTRICT. (Petitioner: Weaver Electric and Heating Corporation)

And, in Section 1. the 1st line should read Title XV, Land Usage, Chapter 154, Planning and Zoning....

Motion to amend was made by Mr. Noland and seconded by Mr. DeVon.

Christa Nader, Area Plan Commission, stated that the reason for the amendment is that since this petition was filed there was a re-codification of the Code and there are new titles and numbers. This petition is to allow for a warehousing facility along with the existing business. At the time this petition was tabled, INDOT was still designing the Capital Avenue Plan. The local service road is going to be extended south from Ireland Road and being constructed by INDOT to County commercial standards. The petition comes with a favorable recommendation for the Area Plan Commission, subject to a written commitment that the petitioner will enter into an agreement with Mishawaka to connect with sanitary sewer. Ms. Nader did state that she received a recorded document from the property owner.

Mr. Morton asked the petitioner if they agreed with the amendment. The response was yes.

Bernard Feeney, Lang, Feeney and Associates, 715 South Michigan Street, stated that since this started in '08 and yea, exactly. The rezoning is to legalize the existing building and for the construction of the storage buildings.

Mr. Catanzarite asked what kind of investment? Mr. Feeney stated that the investment was substantial as far as the construction of the buildings. At this time it is a small investment (less than \$100,000) by Mr. Weaver personally to

work out the extension of the sanitary sewer onto the property. Mr. Catanzarite asked about how much for the warehousing? Mr. Feeney was not sure. Mr. Catanzarite asked if he was going to use local company to build them. Mr. Feeney stated absolutely. Mr. Catanzarite asked if it would be St. Joseph County construction? Mr. Feeney was not certain about that. It could be from a surrounding county. Mr. Catanzarite asked about which contractor? Mr. Feeney stated that Mr. Weaver has selected a contractor.

The amendment passed by a voice vote; 9-0. No negatives were heard.

Motion to pass Bill No. 99-08 was made by Mr. Root and seconded by Mr. DeVon. Bill No. 99-08 passed as amended; 8-1 (Catanzarite).

BILL NO. 13-11: 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 10844 MCKINLEY HIGHWAY FROM "C" COMMERCIAL DISTRICT, TO "C" COMMERCIAL DISTRICT. (Petitioner: Loyd V. Weldy)

Mr. DeVon reported that Bill No. 13-11 comes with a favorable recommendation.

The Clerk read the amendment stating that there was a new petitioner. It is now C.S. Partnership, An Indiana LLC.

Motion to amend was made by Mr. DeVon and seconded by Mr. Root.

Derek Spier, Area Plan Commission, stated that this petition seeks storage and warehousing. According to prior rezoning petitions, the site was rezoned in 1972 from agricultural to commercial district in order to construct a motor home sales business on what was a vacant undeveloped property. Sometime prior to 1984 the use was changed to a bus terminal facility for United Limo. The building was expanded in 1984 to what is currently present and was used as a furniture retail business. The site will continue to be serviced by an existing on-site septic system and well. On March 15, 2011 the Area Plan Commission sent this with a favorable recommendation.

Bradley Cramer, Land Surveyor, Progressive Engineering, Inc., 58640 SR 15, Goshen, IN, stated how they wished to have the storage and interior warehousing of machinery on the site. *Secretary's note: Mr. Cramer was inaudible.* This will be a daytime operation, 7-5:00 p.m. area.

Mr. Morton asked the petitioner if he agreed with the amendment. The response was yes.

The amendment passed by a voice vote; 9-0. No negatives were heard.

Motion to pass Bill No. 13-11 was made by Mr. Root and seconded by Mr. Noland. Bill No. 13-11 passed as amended; 9-0.

Unfinished Business:

On March 15, 2011 the Board of Commissioners vetoed Bill No. 16-11 - Ordinance No. 20-11; 2-1 (Kostielney)

Bill No. 16-11 - Ordinance No. 20-11: AN ORDINANCE APPROPRIATING THE SUM OF \$180,200.00 OUT OF THE ST. JOSEPH COUNTY JUVENILE PROBATION FEES FUND - 056 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE YEAR 2011. (Dept. 025 - Juvenile & Probate Court)

There will be Council discussion and a motion to Sustain or Override the Veto.

Mr. Herbster moved to override the Board of Commissioners veto. His motion was seconded by Mr. DeVon. The motion passed; 9-0.

New Business:

Privilege of the floor:

Adjournment:

Mr. Morton stated that the meeting was adjourned at 9:59 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council