

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

The regular meeting of the St. Joseph County Council was called to order at 7:00 p.m., on July 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 Ms. Teresa Shuter, Chief Deputy Auditor. Council staff present were Mr. Michael A. Trippel, Attorney and Ms. Joan M. Pawlowski, Executive Secretary.

**Petitions, Communications & Miscellaneous Matters:**

Mr. McCahill moved to reappoint Jerry Niezgodski to the Historic Preservation Commission. Being no other nominations, his motion was seconded by Mr. DeVon. The motion passed by a voice vote 9-0. There were no negatives heard.

Mr. Noland moved and was seconded by Mr. Hamann to approve the minutes of May 24, 2011 and June 14, 2011. The motion passed by a voice vote; 9-0. No negatives were heard.

Mr. Herbster moved to withdraw Bill No. 7-09 at the request of the Area Plan Commission. His motion was seconded by Mr. Kruk. 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.

A report from Mark Catanzarite regarding the Public Defender Board was given. He stated how they have received a 40 percent reimbursement for the last quarter. This program has brought competent defense to people who are indigent and are in need of Public Defenders.

This Friday at the airport there will be a press conference and a resident of St. Joseph County has won the My South Shore Line.com contest.

**First Readings:**

**BILL NO. 78-11:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY ST. JOSEPH COUNTY, INDIANA FOR THE PROPERTY LOCATED AT 20531 DARDEN ROAD, SOUTH BEND, INDIANA 46637 THE SAME BEING PETITION NO. 07-06-11-15 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

**BILL NO. 79-11:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY JANE ANDRESEN FOR THE PROPERTY LOCATED AT 12023 DAY ROAD THE SAME BEING PETITION NO. 07-06-11-16 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

**BILL NO. 80-11:** 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 24222 U.S. 20, SOUTH BEND, INDIANA, FROM M - MANUFACTURING DISTRICT, TO R - SINGLE FAMILY DISTRICT. (Petitioner: John R. and Carol A. Rybak) - Assigned to the Land Use Planning Committee

**BILL NO. 81-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$45,553.00 OUT OF THE ST. JOSEPH COUNTY PARK & REC. NON-REVERTING FUND - 0017 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0057 - Parks & Recreation - Inter Fund Transfer) - Assigned to the Land Use Planning Committee

**BILL NO. 82-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$2,500.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0018 - Prosecutor) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 83-11:** AN ORDINANCE AMENDING TITLE XV, LAND USAGE, CHAPTER 153, SUBDIVISIONS, BY REVISING SUB-CHAPTERS MINOR SUBDIVISIONS, SECTION 153.048, MAJOR SUBDIVISIONS, SECTION 153.063, AND SUBDIVISION REPLATS, SECTION 153.077, IN ORDER TO ADOPT THE MOST RECENT STATE STATUTES CONCERNING THE APPEAL PERIOD OF PLAT COMMITTEE DECISIONS. (Area Plan Commission) - Assigned to the Land Use Planning Committee

**BILL NO. 84-11:** AN ORDINANCE AMENDING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, BY REVISING SUB-CHAPTER BOARD OF ZONING APPEALS, SECTION 154.558, CONDITIONS, IN ORDER TO ADOPT THE MOST RECENT STATE STATUTES CONCERNING POWERS OF BOARDS OF ZONING APPEALS. (Area Plan Commission) - Assigned to the Land Use Planning Committee

**BILL NO. 86-11:** AN ORDINANCE AMENDING CHAPTER 131 COUNTY FACILITIES SECTION 131.01 THROUGH SECTION 131.07 ADDRESSING COUNTY GOVERNMENT FACILITIES SECURITY OF THE ST. JOSEPH COUNTY CODE. (Petitioner: County Commissioners/County Sheriff) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 87-11:** 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 66080 U.S. 31S, LAKEVILLE, IN, FROM C COMMERCIAL DISTRICT TO C COMMERCIAL DISTRICT. (Petitioner: Jeffrey & Gwen Beem (J G Beem, LLC) - Assigned to the Land Use Planning Committee

**Resolutions:**

**BILL NO. 85-11:** RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE AMENDMENT TO THE ST. JOSEPH COUNTY ECONOMIC DEVELOPMENT AREA NUMBER THREE AND AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR SUCH AREA AND ALL MATTERS RELATED THERETO.

Phil Faccenda, Barnes and Thornburg, 100 North Michigan, South Bend, stated that this Resolution is an amendment that is required of the Redevelopment Statute that if you are designating a new taxpayer, for purpose of collection of Personal Property Taxes into the TIF allocation area, the designation of the taxpayer by name is required. When this area was established over ten (10) years ago, AM General and General Motors were both designated at that time. This amendment broadens that designation to allow for the vehicle production group - which is intending to produce wheelchair accessible taxi cabs. Public Hearings have been held on this amendment by the Area Plan Commission and the Board of Commissioners.

Motion to pass Bill No. 85-11 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 85-11 passed to-wit; 9-0.

**BILL NO. 88-11:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL DECLARING A PORTION OF ST. JOSEPH COUNTY AN ECONOMIC REVITALIZATION AREA, PURSUANT TO IC. 6-1.1-12.1-1, ET. SEQ. STRIPCO INC. DECLARATORY RESOLUTION

Tim Hernley, Barnes and Thornburg, 100 North Michigan, South Bend, representing the petitioner. Stripco is seeking a Real and Personal Property Tax Abatement on a proposed new investment. They have a record in St. Joseph County of steady growth that extends near three decades. This is a significant investment up to \$10M and should bring high paying jobs.

Mr. Catanzarite questioned Mr. Jack Hiler, President, asking him for a brief explanation of the investment. Mr. Hiler responded that the Real Property will involve additions to two (2) buildings at about \$1M. The Personal Property is steel processing equipment at \$8 plus million. Mr. Catanzarite asked if construction has begun. Mr. Hiler responded that it has not. He explained the operation of his company in some detail. Mr. Catanzarite questioned if they were planning on using a local construction company? Mr. Hiler stated that the steel style buildings that they have are not made in St. Joe County. The company for the erection of these structures has not been chosen yet. He stated that they have a very strong partnership with Herman & Goetz from the electrical end and Zimmerman's. He was not saying that they will be getting this job.

Mr. DeVon questioned how many jobs this might create? Mr. Hiler stated that short term there will be about eight jobs and long term he was looking at the possibly doubling or more. There will be about ten (10) more truck drivers.

Mr. Noland asked what double means? Mr. Hiler stated that they currently employ about 126 full time. He was not going to say that they would double that number, but there was a lot of capabilities to grow.

Motion to pass Bill No. 88-11 was made by Mr. DeVon and seconded by Mr. Herbster. Bill No. 88 -11 passed to-wit; voice 9-0. No negatives were heard.

#### **Public Hearings:**

Mr. Morton announced that there would be a combined Public Hearing on Bill Nos. 69-11 and 70-11 but would be voted on separately.

**BILL NO. 69-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$55,000.00 OUT OF THE ST. JOSEPH COUNTY HEALTH LEAD ELIMINATION GRANT FUND - 0515 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0055 - Health) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 70-11:** AN ORDINANCE TRANSFERRING THE SUM OF \$5,444.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 69-11 and 70-11 come with favorable recommendations.

Nick Molchan, Health Administrator, stated that these two (2) bills deal with the Lead Elimination Grant. The first bill appropriates the new year grant and the second bill transfers funds from the end of last year's grant cycle as part of general housekeeping accounting.

Motion to pass Bill No. 69-11 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 69-11 passed to-wit; 9-0. Motion to pass Bill No. 70-11 was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 70-11 passed to-wit; 9-0.

**BILL NO. 75-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$100,000.00 OUT OF THE ST. JOSEPH COUNTY PORTAGE MANOR FUND - 0015 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0030 - Portage Manor) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 75-11 comes with a favorable recommendation.

Richard Larrison, President, Board of Directors, explained that bids have been taken to tear off and replace the roof. The County General Fund will not be used for this project.

Motion to pass Bill No. 75-11 was made by Mr. Hamann and seconded by Mr. Catanzarite. Bill No. 75-11 passed to-wit; 9-0.

**BILL NO. 76-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$20,000.00 OUT OF THE ST. JOSEPH COUNTY SURVEYOR SECTION CORNER PERPETUATION FUND - 0081 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Surveyor Section Corner Perpetuation Fund - Dept. 0002 - Auditor) - Assigned to the Engineering and Transportation Committee

Mr. Catanzarite reported that Bill No. 76-11 comes with a favorable recommendation.

John McNamara, Surveyor, stated how these monies come from every deed that is recorded (\$5). Then the funds are used to buy cast iron monuments to monument the Section Corners in the County.

Motion to pass Bill No. 76-11 was made by Mr. Kruk and seconded by Mr. DeVon. Bill No. 76-11 passed to-wit; 9-0.

**BILL NO. 68-11:** AN ORDINANCE FORMALLY RECOGNIZING LONGEVITY PAY FOR THE CORRECTIONS OFFICERS OF THE ST. JOSEPH COUNTY JAIL, ST. JOSEPH COUNTY, INDIANA. (Dept. 0005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 68-11 comes with a favorable recommendation.

The Clerk read the amendment stating that the Department should be 0006 - Cty Jail Admin.

Mr. DeVon moved to amend Bill No. 68-11 and was seconded by Mr. Noland.

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

Robert Boits, Chief, explained the bill stating that bill will formally recognize the longevity for the corrections officers in the St. Joseph County Jail. The longevity funds are in the budget, but a formally spelled out explanation of when they are eligible.

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

Motion to pass Bill No. 68-11 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 68-11 passed as amended; 9-0.

**BILL NO. 71-11:** AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT: TWO PORTIONS OF ORIGINAL LINCOLN WAY WEST RUNNING SOUTHEAST AND NORTHWEST AND MEADOWVIEW AVENUE RUNNING NORTH AND SOUTH FROM ORIGINAL LINCOLN WAY WEST TO NEW LINCOLN WAY WEST. (Petitioner: St. Joseph County Airport Authority) - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 71-11 comes with a favorable recommendation.

John Schalliol, Director, 4477 Progress Drive, South Bend, stated that the request of a vacation of Old Lincoln Way West. He stated that they have already turned over to the County the new portion.

Motion to pass Bill No. 71-11 was made by Mr. Noland and seconded by Mr. DeVon. Bill No. 71-11 passed to-wit; 9-0.

**BILL NO. 63-11:** 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 25000 BLOCK & 25609 STATE ROAD 2, SOUTH BEND, INDIANA 46619 FROM "R" SINGLE FAMILY DISTRICT TO "M" MANUFACTURING INDUSTRIAL DISTRICT. (Petitioner: Tim Nasco & Nasco Auto Pool, LLC)

Mr. DeVon reported that Bill No. 63-11 comes with a favorable recommendation.

Derek Spier, Area Plan, stated that the change is needed to allow outside storage of vehicles and an accessory office use for motor vehicle sales. This is an auto auction site. The single family residence will be converted into an office and the garage will be demolished. Type 2 screening will be provided adjacent to the vehicle storage area and to the residential zoned property. The Area Plan Commission, at its meeting on June 21, 2011, sent this will a favorable

recommendation subject to recording a non access easement along Thomas Lane or recording commitments restricting access along Thomas Lane. The County Engineering Department had several comments that must be addressed prior to receiving an Improvement Location Permit.

Bernard Feeney, Lang, Feeney and Associates, 715 South Michigan Street, South Bend, representing the petitioner stated that they have been in operation since the 70's. They are here today do to the plans to expand. They have a new insurance client that will be bringing their cars to the site on a weekly basis for auction. This expansion has already generated three (3) new jobs and an additional two (2) will follow the rezoning with an impact of \$200,000 on the St. Joseph County economy. The stock does not remain on the property for much more than a week during the course of the auction. At a meeting that was held with neighbors, a petition was signed in favor of this petition.

Mr. Kruk asked if it was safe to say that at any given time, when you drive by, you will see a fair amount of cars sitting there? Mr. Feeney stated, absolutely. Mr. Kruk asked if there was any plans for screening along SR 2? Mr. Feeney stated that a fence already does exist.

Mr. No land asked if with the new client there would be auctions two (2) nights a week? Mr. Feeney stated that it will just expand on the auction operation.

Motion to pass Bill No. 63-11 was made by Mr. Kruk and seconded by Mr. Herbster. Bill No. 63-11 passed to-wit; 9-0.

**Unfinished Business:**

**New Business:**

Mr. Morton stated that:

Pursuant to I.C. 6-3.5-1.1-24(q), the St. Joseph County Council shall hold a public hearing on increase in the adjusted gross income tax.

No one spoke for or against this matter.

**Privilege of the floor:**

**Adjournment:**

Mr. Morton stated that the meeting was adjourned at 7:45 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council