

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
FEBRUARY 11, 2020

The regular meeting of the St. Joseph County Council was called to order at 6:04 p.m., on February 11, 2020 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
Ms. Diana Hess
Mr. Rafael Morton
Mr. Mark P. Telloyan
Mr. Mark A. Catanzarite
Mr. Joseph F. Canarecci
Mr. Mark Root

Present from the Auditor's office was Michael J. Hamann, Auditor.
Council staff present was Mr. Michael Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.
Councilman Richard Pfeil and John Murphy, Chief Deputy Auditor were not in attendance.

Petitions, Communications & Miscellaneous Matters:

Mr. Kruszynski made a motion to appoint Jason Critchlow and Thomas Gryp to the St. Joseph County Redevelopment Commission and reappoint David H. Eckrich to the St. Joseph County Water Resource Advisory Board was seconded by Mr. Canarecci. The motion passed 8-0 by a voice vote.

Mr. Noland made a motion to hold Bill No. 5-20 in committee and was seconded by Mr. Catanzarite. The motion passed 8-0 by a voice vote.

Ms. Hess made a motion to approve the minutes of the January 14, 2020 meeting and was seconded by Mr. Noland, the motion was passed by a voice vote; 8-0.

No report from the County Auditor

No report from the County Commissioner

Report from Council Special Committee: Mr. Catanzarite: I am not on any special committee but Commissioner Kostielney gave us a report, which I think is good news and it got released to the media today that NICTD, the South Shore Railroad did receive their phase two approval from the Federal Transit Administration. Phase two is engineering, so they will go into a final engineering phase for the double track Northwest Indiana project, which our county will stand to gain a reduced travel time to Chicago and to points west once that's completed. Basically, phase two, the engineering phase, generally leads to phase three which is a full funding grant agreement from Federal Government. It's rare and I don't want to say it's never happened but usually, there's never been a case where full funding grant agreement hasn't been established once you've gotten approval from the FTA that you can go on to the engineering phase. The FTA is kind of giving you your stamp of approval saying they believe in the project, they know the project is tried and true and that you will probably get a full funding agreement so, just wanted to share that. Also I did speak to Mike Noland, the President of the railroad today and his intention and hope is that once they get engineering completed he would hope they would get a full funding grant agreement by May of 2021 and they would begin construction immediately and hope to be completed with construction by the fall of 2023 or the spring of 2024.

First Readings:

BILL NO. 12-20: 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 13463 AND 13479 STATE ROAD 23 FROM R:
SINGLE FAMILY DISTRICT TO O: OFFICE DISTRICT
PETITIONERS: PATRICK MCGANN AND HENRY HONG LE
Assigned to the Land Use Planning Committee

Resolution(s):

BILL NO. 13-20: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL ADOPTING AND APPROVING THE ST. JOSEPH COUNTY ENERGY LEADERSHIP PROGRAM GUIDELINES
PETITIONER: ST. JOSEPH COUNTY COUNCIL

Mr. Noland: Bringing this resolution forward or just give the county employees an indication from the Council that we are in support of the energy management program and we want to give some authority to our new energy management director as he's trying to implement these policies and procedures.

Motion to pass Bill No. 13-20 was made by Mr. Kruszynski and seconded by Ms. Hess. Bill No. 13-20 was passed to-wit; 8-0

Salary Amendment(s):

BILL NO. 11-20: AN ORDINANCE AMENDING ORDINANCE 80-19, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2020
PETITIONER: TREASURER *(Combined with Bill No. 8-20 Item B)*

Ms. Hess reported that Bill No. 11-20 comes with a favorable recommendation.

Mr. Kruk, St. Joseph County Treasurer, this is a request to reinstate approximately twenty three hundred dollars that got, I think it got inadvertently removed from our budget during the last budget cycle, as you recall, we did some reorganization in our office, we eliminated a couple of full time people, we added a year round part time person and throughout the different discussions the numbers changed several different times and I think when the final numbers came in, there was this odd twenty three hundred dollars that was left over and instead of being put back into the part time account, I think it just got pulled out so it's money that I need if I am going to have a couple of temporary people during our two busy seasons.

Motion to pass Bill No. 11-20 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 11-20 was passed to-wit; 8-0

BILL NO. 9-20: AN ORDINANCE AMENDING ORDINANCE 80-19, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2020
PETITIONER: PROSECUTOR *(Combined with Bill No. 8-20 Item C)*

Mr. Kruszynski reported that Bill No. 9-20 comes with a favorable recommendation.

Mr. Cotter, St. Joseph County Prosecutor, Bill No. 9-20 is a salary amendment and a request for an appropriation for our cyber crime's unit, we received a grant from the federal government to hire another cybercrime analyst and assistant director. There will be no county funds that would be expended, the grant pays not only the salary for that investigator but also all the fringe.

Motion to pass Bill No. 9-20 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 9-20 was passed to-wit; 8-0

BILL NO. 10-20: AN ORDINANCE AMENDING ORDINANCE 80-19, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2020

PETITIONER: PROSECUTOR *(Combined with Bill No. 8-20 Item D)*

Mr. Kruszynski reported that Bill No. 10-20 comes with a favorable recommendation.

Mr. Cotter, St. Joseph County Prosecutor, this is a request to amend and to also appropriate funds that have been allocated because of a STOP grant that we have received for the last three years or longer.

Motion to pass Bill No. 10-20 was made by Ms. Hess and seconded by Mr. Canarecci. Bill No. 10-20 was passed to-wit; 8-0

Public Hearing/Public Comment:

BILL NO. 8-20: 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 Assessor

General Fund

FROM: 1000-32350-000-0150 Postage \$700.00

TO: 1000-45510-000-0150 Furniture 700.00

TOTAL: \$700.00

APPROPRIATE:

B. Treasurer

General Fund

1000-11985-000-0003 Part Time/Seasonal \$2,311.00

TOTAL: \$2,311.00

C. Prosecutor

Cyber Crime

8144-11121-000-0018 Investigator \$120,000.00

8144-14800-000-0018 FICA 9,180.00

8144-14810-000-0018 PERF 13,680.00

8144-14840-000-0018 Health Insurance 32,200.00

TOTAL: \$175,060.00

D. Prosecutor

STOP Grant

8106-11101-000-0018 Deputy \$74,623.00

8106-11351-000-0018 Para legal 36,189.45

8106-11121-000-0018 Victim Advocate 63,333.97

TOTAL: \$173,146.42

E. County Police

LIT Economic Development

1112-42010-000-0040 Building's and Structures \$243,000.00

1112-45510-000-0040 Furniture & Fixtures 55,000.00

1112-39150-000-0040 Other Expense 260,000.00

1112-39750-000-0040 Information Technology 92,000.00

TOTAL: \$650,000.00

F. Superior Court
9117-39404-000-0020 Court Interpreter Services \$10,510.00
TOTAL: \$10,510.00

Mr. Noland made the motion to approve with the exception of letter E, exhibit D, 230,000.00, pull that out with the intention that will be apart of the highway paving quote and was seconded by Ms. Hess. The motion passed by a voice vote 8-0.

Motion to pass Bill No. 8-20 as amended was made by Mr. Noland and seconded by Mr. Kruszynski. Bill No. 8-20 was passed to-wit; 8-0

Miscellaneous:

BILL NO. 2-20: AN ORDINANCE AMENDING AND SUPPLEMENTING AND APPENDIX: SCHEDULE OF FINES AND FEES FOR THE ST. JOSEPH COUNTY DEPARTMENT OF HEALTH PETITIONER: HEALTH DEPARTMENT

Mr. Kruszynski reported that Bill No. 2-20 comes with a favorable recommendation.

Mark Fox, St. Joseph County Health Department, this request is to amend the fee schedule that was already approved. We get freedom of information requests and we would like to start charging for those. This request is to charge five dollars per parcel.

Motion to pass Bill No. 2-20 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 2-20 was passed to-wit; 8-0

BILL NO. 3-20: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL ENABLING THE ST. JOSEPH COUNTY PROSECUTOR'S OFFICE TO UTILIZE DIVERSION FUNDS ALLOCATED TO IT PETITIONER: PROSECUTOR'S OFFICE

Mr. Kruszynski reported that Bill No. 3-20 comes with a favorable recommendation.

Ken Cotter, St. Joseph County Prosecutor, we have a diversion program in St. Joseph County, state statute requires that before any of the funds collected in the diversion program can be allocated, it has to have an enabling ordinance from the county fiscal body that allows me to utilize those funds for various purposes. We anticipate expending a substantial amount of funds to purchase a software program for our special victims unit, FACT unit and homicide unit, before doing so, I wanted to ensure it complied with the enabling ordinance, couldn't find one, the statute requires that there be one before any funds from the pretrial diversion program be expended. I am sure there was one a long time ago but it didn't get converted.

Mr. Catanzarite made a motion to amend the bill to add that this ordinance will supersede any other ordinance that may have been passed in the past and was seconded by Mr. Noland, the motion passed 8-0 by a voice vote.

Motion to pass Bill No. 3-20 as amended was made by Mr. Noland and seconded by Ms. Hess. Bill No. 3-20 was passed to-wit; 8-0

Land Use:

BILL NO. 104-19: 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 53600 GENERATIONS DRIVE FROM B: BUSINESS DISTRICT TO R-2 RESIDENTIAL DISTRICT PETITIONER: GEK HOLDINGS LLC

Mr. Noland reported that Bill No. 104-19 comes with a favorable recommendation.

Jordan Wyatt, Infrastructure Planning and Growth, the petitioner is requesting a zone change from B Business District to R-2 Residential District. The site plan shows the construction of a multifamily building consisting of a hundred and twenty-two units, adequate off-street bicycle and vehicle parking is provided with some garage spaces. This comes to you with a favorable recommendation from the Area Plan Commission.

Beth Ernet, representing Clover Development, we are a senior housing developer. We are based in Williamsville New York, we have been doing senior housing for over thirty years, we are the land developer, the construction and the owner of the building, we have never flipped a building, we will maintain ownership and management of this building. We provide market rate senior living options. This building will be limited to fifty-five and older, we will have on site management, on site maintenance, we will not be opening up the property to the single family which was discussed at the Area Plan Commission. There is an easement that we will not cross, our only access will be from Generations Drive. We are independent, we provide no hospitalization services, no medical services. We do not provide meals, our apartments have full kitchens and laundry facilities in each unit. We consider ourselves to be affordable, we are not subsidized, or HUD based.

Mr. Catanzarite: In our committee meeting, I asked you a question, you confirmed for me and made me feel better. I understand your pond is going to be a dry pond, you said generally speaking unless there is a water event. Would you restate what your commitment is to how you would secure your pond going forward?

Ms. Ernet: The pond will be primarily shallow, we will have fencing around the pond for everyone's safety, it will be dry at all times except for water events.

Mr. Catanzarite: What is the square footing of the building?

Ms. Ernet: Roughly, about a hundred and thirty-two thousand square feet. The building is fully sprinkled, it does have an access road all around, we have submitted these plans to the fire for review.

Motion to pass Bill No. 104-19 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 104-19 was passed to-wit; 8-0

BILL NO. 1-20: 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 61203 STATE ROAD 931 FROM R: SINGLE FAMILY DISTRICT TO C: COMMERCIAL DISTRICT PETITIONER: RG HOMES LLC

Mr. Noland reported that Bill No. 1-20 comes with a favorable recommendation.

Jordan Wyatt, Infrastructure, Planning and Growth, the petitioners are requesting to rezone the property R: Single Family District to C: Commercial District. On site currently is a single family home and an attached garage, there is an informal parking area that serves the office to the north. The site plan shows the residents and accessory building will remain; five stall storage buildings will be added to the site. This site will have to meet all the architectural requirements of the C Commercial District, this comes to you with a favorable recommendation from the Area Plan Commission.

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, we are asking to change the zoning for this piece of property to C Commercial to allow for self-storage facilities along with climate control building.

Motion to pass Bill No. 1-20 was made by Mr. Telloyan and seconded by Ms. Hess. Bill No. 1-20 was passed to-wit; 8-0

BILL NO. 4-20: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, TO ADOPT SECTIONS 154.511 THROUGH 154.514 SOLAR ENERGY SYSTEMS AND AMEND SECTIONS 154.070 ACCESSORY USES, BUILDING AND STRUCTURES, 154.505 THROUGH 154.506 SPECIAL REGULATIONS FOR WIND ENERGY CONVERSION SYSTEMS, 154.636 DEFINITIONS AND AMEND PERMITTED USES IN THE FOLLOWING SECTIONS, ALL IN TITLE XV, LAND USAGE, 154.091, 154.106, 154.121, 154.136, 154.151, 154.166, 154.181, 154.211, 154.276 PETITIONER: AREA PLAN COMMISSION

Mr. Noland reported that Bill No. 4-20 comes with a favorable recommendation.

Jordan Wyatt, Infrastructure, Planning and Growth, I reached out to every fire district that I could, made sure they were ok with responding to a fire at a solar energy facility. I also sent along to them a free online training course they could use to train for this. We are proposing to permit and establish regulations for solar energy systems.

Debra Durall, 21677 Auten Road, I want to very strongly speak in favor of this bill, this is the kind of forward thinking, problem solving and compromise we are looking for from the county.

Leah Thill, Environmental Planner, Michiana Area Council of Governments, MACOG assisted the county in reviewing best practices to help develop this ordinance and we feel it definitely provides clarity that will be much appreciated both by residents, businesses and installers in knowing what's permitted.

Motion to pass Bill No. 4-20 was made by Mr. Noland and seconded by Mr. Hess. Bill No. 4-20 was passed to-wit; 8-0

BILL NO. 6-20: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, TO ADOPT SECTIONS 154.520 THROUGH 154.522 AGRITOURISM AND AMEND SECTIONS 154.091 PERMITTED USES IN THE A: AGRICULTURAL DISTRICT AND SECTION 154.106 PERMITTED USES IN THE R: SINGLE FAMILY DISTRICT PETITIONER: AREA PLAN COMMISSION

Mr. Noland reported that Bill No. 6-20 comes with a favorable recommendation.

Jordan Wyatt, Infrastructure, Planning and Growth, we are proposing an ordinance amendment regarding agritourism uses. Agritourism can provide multiple benefits to farmers such as increase and diversified income, educational opportunities for the public and increase respect for agricultural.

Steve Weisser, 26725 New Road, North Liberty, in concept I agree with what the planning and zoning is attempting to do with passing these regulations for agritourism however, I do believe the definition is a little bit too narrow in scope and subjective and needs to be slightly modified.

Motion to pass Bill No. 6-20 was made by Mr. Kruszynski and seconded by Mr. Noland. Bill No. 6-20 was passed to-wit; 7-1 Against: Mr. Telloyan

BILL NO. 7-20: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, TO AMEND SECTIONS 154.007 TRAILER, MOBILE HOMES AND TENTS, 154.057 RECONSTRUCTION, REMODELING OR ENLARGEMENT OF A LEGALLY ESTABLISHED NONCONFORMING SINGLE FAMILY DWELLING OR TWO FAMILY DWELLING, 154.070 AND 154.071 GENERAL REGULATIONS, 154.421 REQUIRED BICYCLE PARKING, 154.615 AUTHORITY, 154.636 DEFINITIONS, AND PERMITTED USES IN THE FOLLOWING SECTIONS, ALL IN TITLE XV, LAND USAGE, 154.091, 154.106, 154.121, 154.136, 154.151, 154.166, 154.181, 154.211, AND ADOPT SECTION 154.079 RECREATIONAL VEHICLES, TRAILERS, MOBILE HOMES AND TENTS PETITIONER: AREA PLAN COMMISSION

Mr. Noland reported that Bill No. 7-20 comes with a favorable recommendation.

Jordan Wyatt, Infrastructure, Planning and Growth, the purpose of this ordinance is to fix organizational problems and update language to meet the intent of the zoning ordinance and the goals of the comprehensive plan, this ordinance also revises regulations to make them compliant with Indiana state law. These changes are important to make our zoning ordinance clear for the public and meet the intent of how these regulations were actually meant to be applied. This comes to you with a favorable recommendation from the Area Plan Commission.

Mr. Catanzarite: Unrelated to this bill but related to Jordan Wyatt, I would be remiss if I didn't take a moment to recognize Jordan and his contributions to our county. I appreciate him with his marathon these last couple of months with putting these changes to the zoning ordinance together and I want to congratulate him on his future endeavors and thank him for his service to the county and citizens of the St. Joseph County.

Mr. Kruszynski: I would like to echo that and Jordan your dedication to the Area Plan is greatly appreciated. I know when I called on you, you were very responsive in getting back to me, some of the answers I liked, some I didn't but you did get back to me. One thing I know for sure, our committee meetings will be a little shorter but good luck in your future endeavors.

Ms. Hess: Jordan, I want to commend you for all your enthusiasm and energy you brought to the Area Plan Commission and the forward thinking ideas and updating the ordinances that we have and we will miss you long committee meetings and all.

Mr. Noland: Thanks again for all your hard work.

Motion to pass Bill No. 7-20 was made by Mr. Kruszynski and seconded by Mr. Noland. Bill No. 7-20 was passed to-wit; 8-0

Unfinished Business:

New Business:

Privilege of the floor: Limit of 3 minutes to items not on agenda

Debra Durall, I want to thank the County Council for engaging on some of the other boards and commissions and thank you for you for the new appointments. With all due respect for the IEC team members working long and hard, it's not personal but this job was misconceived from the beginning. It's time to make history, to increase and maintain our existing farmland, wetlands, greenspaces and air.

Bob Humbarger, 29987 Hurd Road, my comment is about objection about procedure here tonight. The gentleman spoke about the wedding barn and he was complaining that forestry was not included in ag business, I have a farm in St. Joseph County and one of the gentlemen from the Area Plan Commission would not let me respond to the guy from the Area Plan Commission that gave the explanation of why. I have forestry area, it's about ten acres, I have about eight acres of paths through it, I don't plan to make it agritourism out of it but the fact that you would not allow for forestry to be considered as agribusiness I think is wrong.

Judith Rubleske, 515 S. Mead, no masterplan for the IEC exists at this time, we suspect it is TIFF funds that is ultimately paying for this. I connected with our Treasurer, Mike Kruk and his comment was, it was disingenuous to market the IEC since and pay for it, he didn't suspect that you would know where the funds came from and that it was disingenuous for that to be done considering what a contentious issue that is.

Mary Countryman, 52959 N. Timothy Rd. New Carlisle, I am speaking the IEC, we do not want this in our community. The IEC does not belong in our community. Please don't change our quality of life, we chose to live away from industry, we chose to live near farm fields and that's what we want, not industrial zone.

Oliver Davis, 1801 Nash St. South Bend, I am here again to speak against the IEC. One of the things I've wanted to say for five years when I was on the Area Plan Board, one of the key things I wanted to make sure of is that plans were done in accordance with the neighborhood and not the neighbors bring caught by surprise on a lot of these different issues. Today, I rise up in opposition to that and I hope that we can continue to delay those projects and come up with another idea.

Katherine (Dudeck) Enders, 23037 Grove Rd., I understand the state of Indiana is somewhat desperate for employment, tearing up farmland does not qualify for it. The state of Indiana is losing population really fast. Number one reason is low wage income. My opinion is too is that education system in this state sucks because kids are not learning what I learned. The teachers are leaving, they are scrambling for school bus drivers and kids are leaving as soon as they graduate college because there is no pay. It is not about push farmers out so we can shift stuff around that is made somewhere else and brought here to be shipped somewhere else. We need to change the way things work.


Kathy VanLue, 413 S. Filbert St., New Carlisle, am I wrong or are the numerous radio commercials running on several stations daily and an online survey and a new website regarding the IEC unprecedented for promoting an industrial area, the radio ad is like painting a picture with Bob Ross.

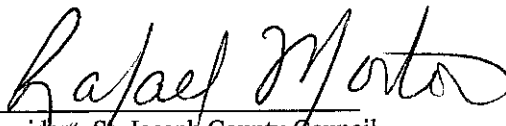
Sue Kesim, 4022 Kennedy Dr. South Bend, I feel like, going to different meetings, we are not financially aware of all the different budgets. I feel like there needs to some analysis so that the spending and the debt is understood on how they all interact.

Dan Caruso, 305 Compton St. New Carlisle, stop the waste of taxpayer dollars which will devastate the land that we love, show the IEC the door. We will remember in November, don't forget history.

Mike Hamann, St. Joseph County Auditor, I want to stress again my support for the resolution that would give the County Council some of the same authority they have in Elkhart County to look at spending by the redevelopment commission. I would really appreciate if you all would take up the resolution that we talked about earlier that would give you a little more authority over some of the spending of the redevelopment commission.

Adjournment: Mr. Morton stated that the meeting was adjourned 8:00 p.m.


Auditor, St. Joseph County


President, St. Joseph County Council