

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
January 27, 2009

The regular meeting of the St. Joseph County Council was called to order at 5:34 p.m., on January 27, 2009, 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. Rafael Morton
Mr. Dale DeVon - Absent	Mr. W. Randall Przybysz
Mr. Michael J. Kruk	Mr. Mark Root - Absent
Mr. Kevin J. Kubsch	Mr. Dennis R. Schafer
	Mr. Heath O. Weaver

Present from the Auditor's office was Mr. Peter H. Mullen, Auditor.

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

**Petitions, Communications & Miscellaneous Matters:**

Moved by Mr. Kubsch the following were nominated for reappointment:

Dorothy Wayne - St. Joseph County Redevelopment Commission, this term expires on December 31, 2009

Jessica Clark - St. Joseph County Redevelopment Commission, this term expires on December 31, 2009

No other nominations were heard and the reappointments passed by a voice vote 8-0. No negatives were heard.

Moved by Mr. Schafer and was seconded by Mr. DeVon, Viola Woods was nominated to the Lakeville Economic Development Commission. This appointment will serve out the appointment of Shirley Rynearson who resigned. The appointment is until April 30, 2009. No other nominations were heard and the reappointments passed by a voice vote 8-0. No negatives were heard.

Moved by Mr. Catanzarite and seconded by Mr. Kruk, the minutes of December 2, 2008, December 16, 2008 and January 6, 2009 were approved by a voice vote; 8-0. No negatives were heard.

Mr. DeVon moved to withdraw Bill No. 118-08 at the request of the petitioner and was seconded by Mr. Kubsch. The motion passed by a voice vote; 8-0.

No report from the County Auditor.

No report from the Board of Commissioners.

Report from any Special Committees.

**First Readings:**

**BILL NO. 158-08:** AN ORDINANCE TO AMEND TITLE 6 OF THE ST. JOSEPH COUNTY CODE ENTITLED "BUILDING AND CONSTRUCTION" (BY REVISING VARIOUS SECTIONS OF TITLE 6 AND ADDING SECTION 6.08.011 - TIME LIMITATION ON PERMITS, SECTION 6.08.080 - LOW VOLTAGE PERMIT FEES, AND CHAPTER 6.17 - LOW VOLTAGE CONTRACTOR REGISTRATION). - Assigned to the Land Use Planning Committee

**BILL NO. 159-08:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY POINT OF LIGHT MINISTRIES FOR THE PROPERTY LOCATED AT 16323 ROOSEVELT ROAD THE SAME BEING PETITION NO. 01-07-09-07 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

**BILL NO. 1-09:** AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT: AN EAST-WEST STREET, LABELED AS "STREET" WITHIN ARNOLD'S SUBDIVISION, SITUATED SOUTH OF LOT 13 WITHIN SAID ARNOLD'S SUBDIVISION RECORDED IN PLAT BOOK 18, PAGE A-1 AND NORTH OF LOTS 34 & 35 WITHIN FERNWOOD AT CLEVELAND, PHASE TWO, RECORDED UNDER INSTRUMENT NUMBER 0053484, BOTH RECORDED IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, INDIANA.

- Assigned to the Land Use Planning Committee

**BILL NO. 2-09:** AN ORDINANCE AMENDING ORDINANCE 99-08, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2009. (Dept. 037 - Historic Preservation) - Assigned to the Land Use Planning Committee

**BILL NO. 3-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$136,000.00 OUT OF THE DRUG FREE FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (circuit court) - Assigned to Human Services/Criminal Justice Committee

**BILL NO. 4-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$60,000.00 OUT OF THE ST. JOSEPH COUNTY PUBLIC DEFENDER FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE YEAR 2009. (Circuit Court/Public Defender) - Assigned to Human Services/Criminal Justice Committee

**BILL NO. 5-09:** AN ORDINANCE AMENDING TITLE 24, "WATER AND SEWERS", OF THE ST. JOSEPH COUNTY CODE SO AS TO ADD THERETO TITLE 24.04.7.h. (Health Department) - Assigned to Human Services/Criminal Justice Committee

**BILL NO. 6-09:** AN ORDINANCE AMENDING TITLE 24, "WATER AND SEWERS", OF THE ST. JOSEPH COUNTY CODE SO AS TO MODIFY THERETO TITLE 24.20, WELL DRILLING AND WATER SUPPLY SYSTEMS ORDINANCE". - Assigned to Human Services/Criminal Justice Committee

**BILL NO. 7-09:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 13300 SR 23, GRANGER, IN 46530, FROM R SINGLE FAMILY DISTRICT TO B BUSINESS DISTRICT. (Petitioner: Bryan Canepel) - Assigned to the Land Use Planning Committee

**BILL NO. 8-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$1,000,000.00 OUT OF THE ST. JOSEPH COUNTY LOCAL MAJOR MOVES CONSTRUCTION FUND - 112 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 023 - County Engineer) - Assigned to the Engineering and Transportation Committee

**BILL NO. 9-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$1,569,000.00 OUT OF THE ST. JOSEPH COUNTY LOCAL ROADS & STREETS FUND - 026 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 060 - Roads and Highways) - Assigned to the Engineering and Transportation Committee

**BILL NO. 13-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$2,700,000.00 OUT OF THE ST. JOSEPH COUNTY LOCAL HWY. USER TAX PROJECT FUND - 112 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 023 - Engineering) - Assigned to the Engineering and Transportation Committee

**Resolutions:**

**Public Hearings:**

**BILL NO. 135-08:** AN ORDINANCE APPROPRIATING THE SUM OF \$12,500.00 OUT OF THE ST. JOSEPH COUNTY - COUNTY HEALTH FUND - 005, \$39,575.00 OUT OF HEALTH S.T.D. FUND - 405, \$72,672.00 OUT OF HEALTH LOCAL HLTH SERVICES FUND - 505, \$10,000.00 OUT OF THE HEALTH BIOTERRORISM GRANT FUND - 510, \$48,388.00 OUT OF HEALTH AIDS GRANT FUND - 605, AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Przybysz reported that Bill No. 135-08 comes with a favorable recommendation.

Nick Molchan, Administrator, explained the various grants for 2009. He stated that these are ongoing grants that the Health Department has had for many years. He stated that they will be able to continue providing free and accessible counseling and testing for LaPorte County residence for STD and HIV. The Health Department will receive funds toward Health Awareness Preparedness.

Motion to pass was made by Mr. Kubsch and seconded by Mr. Przybysz. Bill No. 135-08 passed to-wit; 8-0.

**BILL NO. 136-08:** AN ORDINANCE APPROPRIATING THE SUM OF \$100,000.00 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, 2009. (Surveyor Section Corner Perpetuation Fund) - Assigned to the Engineering and Transportation Committee

Mr. Catanzarite reported that Bill No. 136-08 comes with a favorable recommendation.

John McNamara, Surveyor, this fund is established with a \$5.00 fee from each deed that is recorded in the Recorder's Office. This is not property tax money and used to further the geographic information system network of Section Corners network in the County. Presently, seventy-six percent of the corners are established. After the other twenty-five percent is complete, it will be a matter of maintenance.

In Favor:

Michael Gotsch, Circuit Court Judge, he stated that he had a case recently in his court and thousands of dollars had been spent by the lawyers to find a section. This does not become an issue until you do not have a section corner. Some of the materials that were originally used were found, but they were wood and have not lasted since 1820.

Motion to pass was made by Mr. Schafer and seconded by Mr. Catanzarite. Bill No. 136-08 passed to-wit; 8-0.

**BILL NO. 142-08:** AN ORDINANCE APPROPRIATING THE SUM OF \$42,077.00 OUT OF THE ST. JOSEPH COUNTY LOCAL EMERGENCY PLANNING FUND - 063 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 009 - Emergency Management Agency) - Assigned to the Human Services/Criminal Justice Committee

Mr. Przybysz reported that Bill No. 142-08 comes with a favorable recommendation.

Jim Lopez, Operations Chief, South Bend Fire Department and Chairman of the Local Emergency Plan Committee was available for any questions. There were none.

Motion to pass was made by Mr. Kruk and seconded by Mr. Weaver. Bill No. 142-08 passed to-wit; 8-0.

**BILL NO. 145-08:** AN ORDINANCE APPROPRIATING THE SUM OF \$6,370.00 OUT OF THE ST. JOSEPH COUNTY USER FEES FUND - 058 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 005 - Sheriff/Auditor) - Assigned to the Human Services/Criminal Justice Committee

Mr. Przybysz reported that Bill No. 145-08 comes with a favorable recommendation.

Tom Nowicki, Finance Manager, the appropriation will be used for instruction and training. These funds are generated by a \$3.00 fee that is part of a traffic citation.

Motion to pass was made by Mr. Kruk and seconded by Mr. Kubsch. Bill No. 145-08 passed to-wit; 8-0.

**BILL NO. 154-08:** AN ORDINANCE APPROPRIATING THE SUM OF \$4,000,000.00 OUT OF THE ST. JOSEPH COUNTY LOCAL MAJOR MOVES CONSTRUCTION FUND - 112 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 23 - County Engineer) - Assigned to the Engineering and Transportation Committee

Mr. Przybysz reported that Bill No. 154-08 comes with a favorable recommendation.

Jessica Clark, Engineer, this appropriation will fund this year's Federal Aid Program. This year there will be a total of over \$20 million worth of improvements. Work on McKinley Highway will be completed between Bittersweet and Birch; rehabilitation of the Twyckenham Bridge; Mishawaka Avenue Bridge; intersection improvement at Bittersweet and Day; intersection of Cleveland and Hickory; intersection of Cleveland and Bittersweet; replacement of the Johnson Road Bridge and the Jackson Road Park bike and pedestrian facility extension. These funds are used for the engineering services and right-of-way acquisitions on the remainder of the program that includes the intersection of Ironwood and Locust; Ironwood and Auten; Cleveland and Fir Road and the Gumwood Corridor Project.

Mr. Kruk asked if this was part of the Ten Year Plan? Her response was yes.

Motion to pass was made by Mr. Przybysz and seconded by Mr. DeVon. Bill No. 154-08 passed to-wit; 7-1 (Kruk)..

**BILL NO. 143-08:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY HEARTLAND FARMS, LLC, FOR THE PROPERTY LOCATED AT 52682 CURRENT ROAD, GRANGER, IN THE SAME BEING PETITION NO. 12-03-08-04 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 143-08 comes with a favorable recommendation.

Mark Lyons, Building Department, stated that this was heard by the Area Board of Zoning Appeals meeting on January 7, 2009. This bill comes with a favorable recommendation.

Guy Fisher, 10390 Jackson Road, Osceola, IN representing the petitioner, stated that the Jr. Irish Soccer Club.

Motion to pass was made by Mr. DeVon and seconded by Mr. Weaver. Bill No. 143-08 passed to-wit; 8-0.

**BILL NO. 144-08:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY CUTTING EDGE EXCAVATION, INC. FOR THE PROPERTY LOCATED AT SOUTH AND ADJACENT TO 55570 CURRENT ROAD THE SAME BEING PETITION NO. 12-03-08-05 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 144-08 comes without a recommendation.

Mark Lyons, Building Department, stated that this was heard by the Area Board of Zoning Appeals meeting on January 7, 2009. This bill comes with a favorable recommendation.

Josh Walk, 21825 County Road 38, Goshen, IN, President of Cutting Edge Excavation was present for any questions.

Mr. DeVon asked about the direction of traffic entering the facility? Mr. Walk stated that he talked to Jessica about this and she wanted to send the traffic to the south. Mr. DeVon asked if Mr. Walk was OK with this? His response was yes. Jessica Clark further explained that Current Road has posted no trucks north of that industrial area. This is how it is controlled currently.

Motion to pass was made by Mr. Kruk and seconded by Mr. Kubsch. Bill No. 144-08 passed to-wit; 8-0.

**Unfinished Business:**

**New Business:**

**Privilege of the Floor:**

**Adjournment:**

Mr. Morton stated that the meeting was adjourned at 6:05 p.m.