

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
November 10, 2009

The regular meeting of the St. Joseph County Council was called to order at 7:00 p.m., on November 10, 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. Corey D. Noland
Mr. Dale DeVon	Mr. Mark Root
Mr. Michael J. Hamann	Mr. Dennis R. Schafer - Absent
Mr. Michael J. Kruk	Mr. Heath O. Weaver
Mr. Rafael Morton	

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. Kruk moved to approve the minutes of October 13, 2009 and October 27, 2009. The motion was seconded by Mr. Catanzarite and passed by a voice vote; 8-0. No negatives were heard.

Mr. Root moved to table Bill No. 101-09 to the December 1, 2009 meeting at the request of the petitioner. The motion was seconded by Mr. Weaver and passed by a voice vote; 8-0. No negatives were heard.

Mr. Kruk nominated Dr. Richard Headley, DVM and John Matthys to serve on the Animal Control Commission. His motion was seconded by Mr. Catanzarite. No other nominations were heard and the motion passed by a voice vote; 8-0.

Mr. Catanzarite moved to return Bill No. 106-09 to committee. The motion was seconded by Mr. Noland and passed by a voice vote; 8-0. No negatives were heard.

No report from the County Auditor.

No report from the Board of Commissioners.

Report from any Special Committees.

**First Readings:**

**BILL NO. 120-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$60,000.00 OUT OF THE ST. JOSEPH COUNTY - COUNTY HIGHWAY FUND - 002 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Highway) {increase/decrease appropriation} - Assigned to the Engineering and Transportation Committee

**BILL NO. 121-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$300,000.00 OUT OF THE ST. JOSEPH COUNTY RAINY DAY FUND - 022 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Commissioners/Auditor) - Assigned to the Budget and Administration Committee

**BILL NO. 122-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$950.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 123-09:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY HEARTLAND FARMS LLC FOR THE PROPERTY LOCATED AT 52682 CURRANT ROAD, GRANGER, INDIANA THE SAME BEING PETITION NO. 11-04-09-13 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

**BILL NO. 124-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$110,319.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 018 - Prosecutor) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 125-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$400,400.00 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, 2009. (Dept. 006 - City Jail Administration) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 126-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$264,500.00 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 2009. (Dept. 057 - Parks & Recreation) - Assigned to the Land Use Planning Committee

**BILL NO. 127-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$2,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 010 - Archives and Records) - Assigned to the Budget and Administration Committee

**BILL NO. 128-09:** 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, 2009. (Dept. 018 - Prosecutor - Grants) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 129-09:** AN ORDINANCE AMENDING ORDINANCE 98-08, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2009. (Dept. 018 - Prosecutor) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 130-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$8,300.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 056 - Court Substance Abuse Program) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 132-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$300,000.00 OUT OF THE ST. JOSEPH COUNTY HIGHWAY FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 064 - Highway General Exp) - Assigned to the Engineering and Transportation Committee

**BILL NO. 133-09:** AN ORDINANCE TO REDUCE THE 2009 ST. JOSEPH COUNTY - COUNTY HIGHWAY FUND - 002 BUDGET. (Budget Reduction) - Assigned to the Engineering and Transportation Committee

**BILL NO. 134-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 OUT OF THE ST. JOSEPH COUNTY HEALTH BIOTERRORISM GRANT FUND - 510 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

**BILL NO. 135-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$8,047.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 037 - Historic Preservation) - Assigned to the Land Use Planning Committee

**BILL NO. 136-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$2,775.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 020 - Superior Court) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 137-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$6,139.00 OUT OF THE ST. JOSEPH COUNTY - COUNTY HEALTH FUND - 005 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 055 - Health) {increase/decrease appropriation ordinance} - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 138-09:** AN ORDINANCE TO REDUCE THE 2009 ST. JOSEPH COUNTY REASSESSMENT FUND - 028 BUDGET. (Budget Reduction) - Assigned to the Budget and Administration Committee

**BILL NO. 139-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$113,500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 025 - Juvenile & Probate Court & Dept. 049 - Juvenile Justice Center) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 140-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$3,286.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 048 - Prosecutor - Title IV) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 141-09:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 13190 SR 23 FROM R-1 RESIDENTIAL DISTRICT, TO B - BUSINESS DISTRICT. (Petitioner: Granger DG, LLC) - Assigned to the Land Use Planning Committee

**BILL NO. 142-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$17,000.00 OUT OF THE ST. JOSEPH COUNTY PUBLIC DEFENDER FEES FUND - 059 AND THE COUNTY GENERAL FUND- 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 036 - Public Defenders) {increase/decrease appropriation} - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 143-09:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 10239 MCKINLEY HIGHWAY, OSCEOLA, INDIANA, FROM M MANUFACTURING DISTRICT TO M MANUFACTURING DISTRICT. (Petitioner: CSSG Properties, LLC) Assigned to the Land Use Planning Committee

**BILL NO. 144-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$1,112,799.00 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, 2009. (Commissioners/Auditor) - Assigned to the Budget and Administration Committee

**Resolutions:**

**BILL NO. 131-09:** A RESOLUTION TRANSFERRING THE SUM OF \$33,800.78 FROM VARIOUS FUNDS WITHIN THE 2009 ST. JOSEPH COUNTY BUDGET. (Auditor)

Peter Mullen, Auditor, stated that this resolution is a result of the audit held this summer by the State Board of Accounts. There were monies in U.S. Savings Bond Fund and PERF Account and they have asked that these funds be transferred into the Employees Miscellaneous Insurance, County General Fund, Employee Withholding Fund, Michigan State Withholding as well as FICA.

Motion to pass was made by Mr. Catanzarite and seconded by Mr. Noland. Bill No. 131-09 passed to-wit by a vote; 8-0.

**Public Hearings:**

**BILL NO. 108-09:** 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. Morton reported that Bill No. 108-09 comes with a favorable recommendation.

Mike Damiano, 1222 S. Michigan Street, Chairman of the St. Joseph County Local Emergency Planning Commission asked for this bill to be passed. He stated that there was no increase for this year. The money in this fund comes from fees paid by business in the county.

Motion to pass was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 108-09 passed to-wit; 8-0.

**BILL NO. 111-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$17,500.00 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, 2009. (Commissioners/Auditor) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 111-09 comes with a favorable recommendation.

Peter Mullen, Auditor, stated that these funds will be used to pay for the upgrade of the ambulances. Two have been purchased, one for the city and one for the county. The C.E.D.I.T. Fund was short this amount.

Motion to pass was made by Mr. Kruk and seconded by Mr. DeVon. Bill No. 111-09 passed to-wit; 8-0.

**BILL NO. 114-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$574.00 OUT OF THE ST. JOSEPH COUNTY D.R.C.B. FEE FUND - 117 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

Mr. Morton reported that Bill No. 114-09 comes with a favorable recommendation.

Beth Kerns, Director, explained that this appropriation would be used to purchase a lap top computer.

Motion to pass was made by Mr. Hamann and seconded by Mr. Kruk. Bill No. 114-09 passed to-wit; 8-0.

**BILL NO. 115-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$914.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 001 - Clerk) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 115-09 comes with a favorable recommendation.

Rita Glen, Clerk, stated that a bill was paid twice and this would reimburse her account.

Motion to pass was made by Mr. DeVon and seconded by Mr. Kruk. Bill No. 115-09 passed to-wit; 8-0.

**BILL NO. 116-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$100,000.00 OUT OF THE ST. JOSEPH COUNTY ADULT PROBATION FEES FUND - 057 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR - 2009. (Budget Transfer/adult probation fees) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 116-09 comes with a favorable recommendation.

Peter Mullen, Auditor, explained that this transfer is from Adult Probation User Fees into the County General Fund and is an annual ordinance to balance the budget.

In Opposition:

Judge Michael Gotsch, Circuit Court, this is an annual transfer to offset services to the General Fund. He also wished the Marines a "Happy Birthday."

Motion to pass was made by Mr. Weaver and seconded by Mr. Hamann. Bill No. 116-09 passed to-wit; 8-0.

**BILL NO. 117-09:** AN ORDINANCE APPROPRIATING THE SUM OF \$456,012.00 OUT OF THE ST. JOSEPH COUNTY USER FEE FUND - 058 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Budget Transfer) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 117-09 comes with a favorable recommendation.

Peter Mullen, Auditor, explained how this was similar to the one just passed and is from Pre Trial Diversion money and check deception fees. This is transferred annually to the General Fund.

Motion to pass was made by Mr. Kruk and seconded by Mr. DeVon. Bill No. 117-09 passed to-wit; 8-0.

**BILL NO. 110-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$100,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 002 - Auditor) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 110-09 comes with a favorable recommendation.

Peter Mullen, Auditor, explained that the transfer of funds were necessary for the projected additional needs of the Highway Department through 2009.

Motion to pass was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 110-09 passed to-wit; 8-0.

**BILL NO. 118-09:** AN ORDINANCE TRANSFERRING THE SUM OF \$60,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 024 - Adult Probation) - Assigned to the Human Services/Criminal Justice Committee

Mr. Morton reported that Bill No. 118-09 comes with a favorable recommendation.

Jerry Johnson, Chief Probation Officer, stated the request would be used to purchase badly needed new computer hardware.

In Favor:

Judge Michael Gotsch, Circuit Court, stated in order for the Probation Department to perform in a more efficient manner this technology is needed. This cuts down on the amount of personnel needed to operate.

Motion to pass was made by Mr. Noland and seconded by Mr. DeVon. Bill No. 118-09 passed to-wit; 8-0.

**BILL NO. 113-09:** AN ORDINANCE TO AMEND TITLE 6 OF THE ST. JOSEPH COUNTY CODE ENTITLED "BUILDING AND CONSTRUCTION" - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 113-09 comes with a favorable recommendation.

Mark Lyons, Assistant Building Commissioner, stated that the current ordinance was no longer needed.

Motion to pass was made by Mr. DeVon and seconded by Mr. Kruk. Bill No. 113-09 passed to-wit; 8-0.

**BILL NO. 100-09:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT 54688 & 54692 BURDETTE STREET AND 54687 & 54689 IRISH CROSSINGS DRIVE WEST, SOUTH BEND, INDIANA 46637 FROM R-2 RESIDENTIAL DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT. (Petitioners: Stone Manor Investment Corp.) - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 113-09 comes with a favorable recommendation.

Christa Nader, Area Plan Commission, explained that the zoning was to allow for a four-unit condominium building and allow up to four unrelated persons per dwelling unit. This unit looks like it is part of the Irish Crossings Unit, but, it is not. Each unit will have four parking spaces, two in the garage and two in the driveway. In 2004 this parcel was rezoned to R-2 and excluded from the other subdivisions connected with the Irish Crossings Development. Irish Crossings intend to take this building into their Homeowners Association per a letter. This petition comes with a favorable recommendation from the Area Plan Commission.

Mike Danch, Danch, Harner and Associates, 1643 Commerce Drive, representing the petitioner stated that this parcel, when they had originally done Irish Crossings, was a part of that development. Due to an ownership change this did not come back through with Irish Crossings. Access will be off of Burdette and off of Irish Crossings Drive. Parking will be in the garages and the adjacent driveways.

In Opposition:

Richard Nussbaum, Attorney at 210 South Michigan, stated that he was representing Three Little Birds, owner of property adjacent to this parcel. He wanted to indicate a couple of complicated factors to this request. (He presented a diagram). The complicated factor is that the driveways as well as the porches are not owned by the petitioner. They are owned by Three Little Birds. There has been some pending litigation as it related to the use of these particular properties. There is a pending Court Order out of the St. Joseph County Superior Court that does permit the use of these properties. This particular order is under appeal before the Indiana Court of Appeals. There feeling is that the use of these properties by Stone Manner are not allowed by the law. This decision will be made by the Appellate Court and depending on how they rule, it may be appealed to the Indiana Supreme Court. There will not be a final decision in this matter for some period of time. He stated that he would request that the Council wait until the final property rights are resolved. If the Council decides to go forward they would ask that the record reflect that in the event that there is an adverse decision against Stone Manner, that this ordinance be revoked.

Rebuttal:

Jim Federolf,, Attorney at 10445 Illinois Road, Fort Wayne representing the petitioner. He stated that Judge Scopelitis entered two Partial Summary Judgments. The first one is for access from Burdette and Irish Crossings Drive, across the Three Little Birds property to gain access to the garages. The second Partial Summary Judgment granted easements for parking and building encroachments and other relief. If by some circumstance the Court of Appeals would reverse Judge Scopelitis decision, then the consequence to that decision would be that there would be a reduction in the number of permitted occupancy for each unit.

Motion to pass was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 113-09 passed to-wit; 7-1 (Weaver).

**BILL NO. 103-09: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 14154 CLEVELAND ROAD, FROM C COMMERCIAL DISTRICT TO C COMMERCIAL DISTRICT. (Petitioner: Randy Miller) - Assigned to the Land Use Planning Committee**

Mr. DeVon reported that Bill No. 113-09 comes without a recommendation.

Christa Nader, Area Plan Commission, reported that the petition was to allow for a convenience store, gas station, retail, restaurant and office. The petitioner asked for a convenience store and gas station, but, because the previous site plan included the entire site the Area Plan Commission asked him to elaborate more. The access is from Cleveland Road. In 2000 the Board of Commissioners submitted a petition to rezone this site from A Agricultural to C Commercial. It was approved subject to a site plan for a warehouse, restaurant and museum. In 2001 an additional use for a cell tower was added. The septic system will have to be approved by the State Health Department. The St. Joseph County Department of Public Works has requested that an accel/decel lane and passing lister be added. Comments from the City of Mishawaka have been filed in the Council's Office. This petition comes with a favorable recommendation from the Area Plan Commission subject to written commitments, excluding billboards.

Mr. DeVon stated that the City Planner with the City of Mishawaka commented about sewer and water running through that area at some point. He felt that if allowed to move forward that the petitioner would allow for hook up to sewer and water when it comes through. Mr. DeVon wanted that to be part of the written commitments.

Randy Miller, 53192 Chelle Lane, Granger stated that the water system will be approved by the State. He stated that they have no objection to tng into the Mishawaka City water and sewer.

Motion to pass was made by Mr. DeVon with written commitments that they hook up to city water and sewer when they become available, no billboards and accel/decel lanes and seconded by Mr. Hamann.

Mr. Kruk asked what the consequences were to the petitioner if down the road the utilities are there and he decides that he doesn't want to hook up or he doesn't have the money to do it? Mr. Trippel stated that through a court action you could force him to do it. The Ordinance will be approved with those commitments and obligation to follow through. He certainly could be shut down.

Bill No. 113-09 passed as amended; 7-1 (Root).

**BILL NO. 104-09: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 25701 WESTERN AVENUE, SOUTH BEND, INDIANA, FROM R RESIDENTIAL AND C COMMERCIAL DISTRICTS TO C COMMERCIAL DISTRICT. (Petitioner: Amerigas Propane LP #5393) - Assigned to the Land Use Planning Committee**

Mr. DeVon reported that Bill No. 113-09 comes with a favorable recommendation.

Christa Nader, Area Plan Commission, stated that this rezoning petition was for the construction of a new building. The Area Plan Commission sends this with a favorable recommendation.

Bernard Feeney, Lang, Feeney and Associates, 715 South Michigan Street, representing the petitioner. This organization is where you can bring in a 20 pound tank and walk away with full one (propane). They are looking to construct a garage to house their bulk delivery trucks. This rezoning will complete this particular piece of property.

Motion to pass was made by Mr. Hamann and seconded by Mr. Kruk. Bill No. 113-09 passed to-wit; 8-0.

**Unfinished Business:**

**New Business:**

**Privilege of the Floor:**

**Adjournment:**

Mr. Morton stated that the meeting was adjourned at 8:05 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council