

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
JULY 10, 2018

The regular meeting of the St. Joseph County Council was called to order at 6:03 p.m., on July 10, 2018, 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. Mark Root

Present from the Auditor's office was Michael J. Hamann, Auditor and John Murphy, Chief Deputy Auditor. Council staff present was Mr. Michael Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary. Mr. Robert J. McCahill was absent.

**Petitions, Communications & Miscellaneous Matters:**

Ms. Hess made the motion to appoint Larry Bennett, PhD, IUSB School of Social Work  
Honorable John Broden, Judge, St. Joseph Circuit Court  
Mary Butiste-Jones, Staff Attorney, Indiana Legal Services—chairperson  
Jesse Carlton, St. Joseph County Adult Probation  
Ken Cotter, St. Joseph County Prosecutor  
Honorable Andre Gammage, Magistrate, St. Joseph Circuit Court  
Dan Gebo, Mishawaka Police Department  
Patricia Hancock, Ex. Dir., Center for Positive Change, BIP provider  
Honorable Elizabeth Hurley, Judge, St. Joseph Superior Court  
Kayla McBride, Deputy Prosecutor  
Corey Noland, St. Joseph County Council  
Joseph Prahlow, Forensic Pathologist  
Susan Rozzi, St. Joseph County Department of Children's Services  
Scott Ruskowski, Chief, South Bend Police Department  
Kelly Todd, Commander, St. Joseph County Special Victims Unit  
Susan Tybon, Ex. Dir, YWCA North Central IN  
St. Joseph County Domestic Violence Fatality Review Team and was seconded by Corey Noland the motion was passed by a voice vote; 8-0.

Ms. Hess made a motion to approve the minutes of the June 12, 2018 meeting and was seconded by Mr. McCahill the motion was passed by a voice vote; 8-0.

No report from the County Auditor

Report from the County Commissioner: Mr. Kostielney, President of the Board of Commissioners, a brief update regarding the South Shore relocation at the airport. We have engaged DLZ to relook at some of the different routes that might be impacting the trains. We are trying to revisit the original route that would not have to go through the Ardmore neighborhood and go through majority of property already owned by the airport. We won't have any information for a couple of months.

No report from Council Special Committee

Mr. Morton made a motion to table item I on Bill No. 44-18 for further council review and was seconded by Mr. Pfeil. The motion passed 7-1. Against: Mr. Root.

**Resolution(s):**

**BILL NO. 47-18: RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING CARLOS BALDIZON ON HIS ATTAINMENT OF CITIZENSHIP**

**RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING CARLOS BALDIZON ON HIS ATTAINMENT OF CITIZENSHIP**

**WHEREAS**, Carlos Baldizon has been for many years, and continues to be, a trusted, valued and integral part of the team operating and maintaining St. Joseph County facilities; and

**WHEREAS**, Carlos Baldizon has always demonstrated the highest standards in his work, particularly when practicing his special talents in painting and decorating; and

**WHEREAS**, Carlos Baldizon has a positive and uplifting attitude in everything he does; and

**WHEREAS**, Carlos Baldizon and the rest of the St. Joseph County building maintenance team have on countless occasions gone above and beyond the call of duty for the benefit of the St. Joseph County facilities and the people of St. Joseph County, Indiana; and

**WHEREAS**, on Monday, May 21, 2018, Carlos Baldizon became a citizen of this great country, the United States of America; and

**WHEREAS**, the St. Joseph County Council wishes to congratulate Carlos becoming a citizen of the United States of America, and express their gratitude and appreciation for all that he and the rest of the St. Joseph County building maintenance team do for St. Joseph County and its facilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE ST. JOSEPH COUNTY COUNCIL THAT:**

Section 1. On behalf of the citizens of St. Joseph County, Indiana, and the St. Joseph County Council, we proudly and publicly recognize and congratulate Carlos Baldizon on becoming a citizen of the United States of America. We look forward to having many more years of happy association with Carlos Baldizon in serving the people of St. Joseph County, Indiana.

Motion to pass Bill No. 47-18 was made by Mr. Kruszynski and seconded by Mr. Noland. Bill No. 41-18 was passed to-wit; 8-0

Mr. Catanzarite: I would like to say say congratulations Carlos. Much like many of us in this room and up here, you took the same path of citizenship like many of our predecessors did. We wish you the best, you are a valued county employee and wish you many more years of success in this country and thanks for what you do.

**BILL NO. 48-18: RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING NICHOLAS "NICK" MOLCHAN ON HIS RETIREMENT FROM THE ST. JOSEPH COUNTY HEALTH DEPARTMENT**

**RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING NICHOLAS "NICK" MOLCHAN ON HIS RETIREMENT FROM THE ST. JOSEPH COUNTY HEALTH DEPARTMENT**

**WHEREAS**, Nicholas ("Nick") Molchan is a Registered Environmental Health Specialist, Certified Pool Operator, and Certified Pest Control Operator, with a Bachelor of Science from the University of Notre Dame and a Masters of Public Administration from Indiana University South Bend; and

**WHEREAS**, Nick has worked in the field of Public Health since 1988, working to improve the health of the people of north central Indiana; and

**WHEREAS**, Nick began his employment with St. Joseph County Health Department on December 6, 2004; and

**WHEREAS**, Nick has been a dedicated employee of the St. Joseph County Health Department, attending over 120 Board of Health meetings and sub-meetings, 160 Health Department Managers Meetings, 300 Council or Sub-Council meetings, 100 Health Officer Hearings for Food Establishments, and countless Regional Water and Sewer meetings, legal court cases, Human Resources conferences, and budget meetings; and

**WHEREAS**, Nick has been a valuable employee of the St. Joseph County Health Department, and always given his all to ensure the St. Joseph County Health Department functions as well as possible; and

**WHEREAS**, on the occasion of his retirement from the St. Joseph County Health Department, the St. Joseph County Council is proud to recognize and express their gratitude and appreciation for Nicholas "Nick" Molchan on his tireless efforts at improving the public health of the citizens of St. Joseph County.

**NOW, THEREFORE, BE IT RESOLVED BY THE ST. JOSEPH COUNTY COUNCIL THAT:**

Section 1. On behalf of the citizens of St. Joseph County, Indiana and the St. Joseph County Council, we proudly and publicly recognize and congratulate Nicholas "Nick" Molchan on his retirement from the St. Joseph County Health Department and thank him for his efforts at improving the public health of the citizens of St. Joseph County.

Nick Molchan: I appreciate the hard work that all of you do to balance the work of governing with the constraints of budgetary issues. I also want to thank all the great public servants that I have had the pleasure of working with during my time in St. Joseph County and I truly appreciate this and thank you.

Mr. Morton: Nick, I would just like to say, we have worked together for a long time and job well done, thank you for everything.

Mr. Kruszynski: Nick I personally would like to thank you for all your help that you have helped me while I have been on the council. I appreciate everything you have done but not only since I have been on the council but also back when I was Highway Commissioner, you were very helpful back then in regard to environmental issues and I want to thank you and good luck to you in the future.

Mr. Catanzarite: Mr. Mochan, I too, like my colleagues would like to extend my congratulations and thanks to you for a job well done. We worked together many years and you are especially good to work with especially these last few years during these difficult financial times given the budgetary constraints we have had as a council and as a county as painful as it may have been you worked with us and we have had a good relationship the county is better for having had you at the helm of the Health Department. We wish you much success and good health.

Ms. Hess: I would also like to say best wishes and echo the sentiments of my colleagues here, especially the hard work and dedication you put in for the past few years as we were facing the fiscal cliff and all the budget crunch, you have hung in there and done an amazing job, thank you.

Motion to pass Bill No. 48-18 was made by Mr. Noland and seconded by Mr. Kruszynski. Bill No. 48-18 was passed  
to-wit; 8-0

**Salary Amendment(s):**

**BILL NO. 45-18:** AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0030 PORTAGE MANOR) *(Combined with Bill No. 44-18 A)*

Mr. Kruszynski reported that Bill No. 45-18 comes with a favorable recommendation.

Jennifer Heck, Assistant Administrator at Portage Manor, I am taking money from full time positions that weren't filled and moving it to part time positions because those people covered for the non-filled position.

Motion to pass Bill No. 45-18 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 45-18 was passed  
to-wit; 8-0

**BILL NO. 46-18:** AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0018 PROSECUTOR) *(Combined with Bill No. 44-18 H)*

Mr. Kruszynski reported that Bill No. 46-18 comes with a favorable recommendation.

Mr. Risenhoover, Prosecutor's office, we are here seeking appropriation for a STOP grant that we were awarded. It's to support the Special Victims Unit with some wages and some expenses. It's a one-year grant with a twenty-five percent match that's included in the Prosecutor's budget.

Motion to pass Bill No. 46-18 was made by Ms. Hess and seconded by Mr. Noland. Bill No. 46-18 was passed to-wit; 8-0

**Public Hearing/Public Comment:**

**BILL NO. 44-18: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT**

**TRANSFERS:**

**A. Portage Manor**

Portage Manor Fund

From: 4019-11724-000-0030	Extra Hire	\$10,000.00
To: 4019-11714-000-0030	Maintenance Class III	10,000.00
	<b>TOTAL:</b>	<b><u>\$10,000.00</u></b>

**B. Portage Manor**

Portage Manor Fund

From: 4019-11711-000-0030	Qualified Medication Aide	\$40,000.00
To: 4019-11737-000-0030	Qualified Medication Aide P.T.	\$40,000.00
	<b>TOTAL:</b>	<b><u>\$40,000.00</u></b>

**C. Portage Manor**

Portage Manor Fund

From: 4019-11731-000-0030	Licensed Practical Nurse	\$20,650.00
To: 4019-11737-000-0030	Qualified Medication Aide P.T.	\$20,650.00
	<b>TOTAL:</b>	<b><u>\$20,650.00</u></b>

**D. Coroner**

General Fund

From: 1000-31200-000-0011	Autopsy Fees	\$7,187.00
To: 1000-37100-000-0011	Auto Lease	7,187.00
	<b>TOTAL:</b>	<b><u>\$7,187.00</u></b>

**APPROPRIATE:**

**E. Commissioners**

LIT Econ. Dev. Fund

1112-36015-000-0034	Contractual-Leaf	\$79,000.00
	<b>TOTAL:</b>	<b><u>\$79,000.00</u></b>

**F. Commissioners**

General Fund

1000-31070-000-0034	Other Contractual Svc.	\$71,000.00
	<b>TOTAL:</b>	<b><u>\$71,000.00</u></b>

**G. Commissioners**

General Fund

1000-37010-000-0034	Rent Buildings & Office	\$40,000.00
	<b>TOTAL:</b>	<b><u>\$40,000.00</u></b>

H. Commissioners  
 General Fund  
 1000-32051-000-0034 Promotion \$12,000.00  
TOTAL: \$12,000.00

I. Commissioners  
 LIT Economic Development Fund  
 1112-36015-000-0034 Contractual Svc. \$1,600,000.00  
TOTAL: \$1,600,000.00

J. Emergency Management  
 4920-11571-000-0009 Overtime \$2,636.00  
 4920-14800-000-0009 FICA 202.00  
 4920-14810-000-0009 PERF 82.00  
TOTAL: \$2,920.00

K. Emergency Management  
 Hazardous Mat. Emg. Prepar Trng.  
 8121-32050-000-0009 Instruction & Training \$5,990.00  
TOTAL: \$5,990.00

L. Emergency Management  
 Multi Hazard Mitigation Plan  
 9146-31070-000-0009 Other Contractual Svc. \$16,656.00  
TOTAL: \$16,656.00

M. Prosecutor  
 STOP Grant  
 8106-11101-000-0018 Deputy \$74,624.00  
 8106-11351-000-0018 Para Legal 36,188.00  
 8106-11121-000-0018 Victim Advocate 42,334.00  
 8106-31070-000-0018 Other Contractual Svc. 20,000.00  
TOTAL: \$173,146.00

N. Juvenile Justice Center  
 JJC Project Income  
 9130-11439-019-0798 Overtime \$4,057.00  
 9103-14800-019-0798 FICA 383.00  
 9130-14810-019-0798 PERF 560.00  
 9130-14840-019-0798 Group Ins. 21,191.00  
 9130-14900-019-0798 Uniforms 2,000.00  
 9130-21030-019-0798 Office Supplies 2,000.00  
 9130-22417-019-0798 General Supplies 500.00  
 9130-32020-019-0798 Travel 2,500.00  
 9130-32050-019-0798 Instruction & Training 2,500.00  
 9130-32053-019-0798 Public Relations 1,000.00  
 9130-32200-019-0798 Telephone 800.00  
 9130-36015-019-0798 Contractual Svc. 18,500.00  
TOTAL: \$55,991.00

O. Juvenile Justice Center  
 General Fund  
 1000-11335-000-0049 Training Office \$18,461.52  
TOTAL: \$18,461.52

P. Juvenile Justice Center

Detention Alternatives Initiative Grant

9112-11439-019-0025	Overtime	\$15,400.00
9112-14800-019-0025	FICA	1,178.00
9112-14810-019-0025	PERF	1,848.00
9112-24010-019-0025	Other Supplies	1,410.00
9112-24100-019-0025	Food	2,500.00
9112-32020-019-0025	Travel	2,090.00
9112-32053-019-0025	Public Relations	300.00
9112-36015-019-0025	Contractual Svc.	7,693.00
9112-39750-019-0025	Data Processing	3,700.00
		<u>TOTAL: \$36,119.00</u>

Q. Juvenile Justice Center

Juvenile Community Corrections Grant

9129-11217-019-0797	Home Detention Case Mgr.	\$37,000.00
9129-11334-019-0797	Controller Juv. Ctr.	3,672.00
9129-11707-019-0797	Activity Director	35,000.00
9129-11967-019-0797	Day Reporting Case Worker	103,409.00
9129-14800-019-0797	FICA	13,700.00
9129-14810-019-0797	PERF	20,058.00
9129-14840-019-0797	Group Ins.	58,809.00
9129-36015-019-0797	Contractual Svc.	7,123.00
		<u>TOTAL: \$278,771.00</u>

R. Treasurer

General Fund

1000-31070-000-0003	Website Build	\$10,000.00
1000-31070-000-0003	Prorated Maintenance	10,000.00
		<u>TOTAL: \$20,000.00</u>

Mr. Catanzarite made a motion to pass Bill No. 44-18 excluding item D, I and O and was seconded by Mr. Noland.

Mr. Kruszynski: In regard to item O, is there any comment that you would like to make Cheryl?

Cheryl Rush, Controller, Juvenile Justice Center, we are making this request, we feel it's urgent. We are unable to cover the one hundred and twenty hours of required training to our detention staff. I brought Brian Galloway with me, he is the Director of Detention. He is filling in right now as a training officer.

Brian Galloway, I took the Assistant Director of the Detention position in 2015. At that time, the Indiana Department of Corrections made us comply with twenty-eight mandatory standards. Since then, they have taken those standards and there are about three hundred and seven standards now. I have become a compliance officer for the JJC in regard to the Department of Corrections making sure that we're doing all the things that we are supposed to be doing. That has severely limited my ability to train properly.

Mr. Kruszynski: How many people are you training?

Mr. Galloway: I train every new employee that starts and then reoccurring training so between forty-eight and fifty-two employees per year. That involves CPR, pepper spray, first aid, emergency procedures.

Mr. Kruszynski: This is a new appropriation, correct?

Ms. Rush: We did have a training officer in 2014, we eliminated the position because the assistant we felt could handle the training, we are finding that to not be the case. We are not able to give the one hundred and twenty hours initially and then the forty ever year.

Mr. Telloyan: Mr. Galloway, why can't this wait until the budget process?

Mr. Galloway: This is the first year they split not only the three hundred and seven standards but they split the three times a year versus, used to be one inspection per year.

Mr. Root: Might I make a suggestion that we use Robert's Rules and divide the question, maybe, I realize we have a motion on the floor that needs to be dealt with.

Mr. Catanzarite withdraws his previous motion.

Mr. Root made the motion to divide the question, hold a separate vote on D and O and then a third vote on the rest of it and was seconded by Ms. Hess. The voice vote was passed 8-0.

Mr. Catanzarite: I would like to comment on item D which is the Coroners appropriation for four new leased vehicles, which is a new proposal, which we never have had before. My concern in doing such, I understand the need that the Coroner has given to us and discussed with us during committee session, we are on the cusp within two weeks of budgetary discussions for 2019 and my reason for my motion originally to withhold voting on item D was to give us more time to discuss it during the budget time. My concern is with the budgetary concerns we are faced with circuit breaker that asking for four new vehicles for four coroners when we never had vehicles before is a big ask at this time. I'd like to just add that with budget talks two weeks away, I'd like to have a discussion further with the Coroner in the small group and hopefully come to a compromise of some sort.

Mr. Root: We keep hearing this proposal for four cars, but the current proposal is for two cars?

Mr. McGann: No, the current proposal is for four.

Mr. Noland: You mention, Mr. Catanzarite about the budget process being two weeks away but obviously that's the beginning of the budget process and it's months and months before any decisions are made and it wouldn't be implemented until next year so I don't see that's reasonable and mainly because we have directed department heads to go out and find ways to operate their departments more efficiently within their budget and this is budget neutral therefore it doesn't affect the budget.

Mr. Kruszynski: I'd like to hear from the Coroner, Mr. McGann.

Mr. McGann: We have updated numbers from when we were in the meeting in the back room last week. We gave some numbers just for a couple of different months. So far, in the first half of 2018 we have had ninety-three autopsies. Had we been still going to Western Michigan it would have been two hundred and forty-one thousand, eight hundred dollars. Now that we go to Fort Wayne, it's a hundred and two thousand, three hundred. That's for just the first half of this year. We have saved a lot of money.

Mr. Catanzarite: The version about the siren and the lights were a little different at the last committee meeting when you explained to me you might need a siren system to get to a major catastrophe quickly and to use a PA system.

Mr. McGann: Have you ever been to a mass fatality Mr. Catanzarite?

Mr. Catanzarite: I have been at a multi casualty fatality.

Mr. McGann: I was the operations director at the American Eagle Flight 40184 for the morgue operations, for all the removals from the scene and back to the morgue, yes you do have to have command of what you are doing out there because you have a lot of people being where they are not supposed to be. Any time you have a death scene, the Coroner is in charge, period.

Mr. Catanzarite: If that's the case, and you are talking about safety of your employees now, lights, why are we getting resistance when we say about marking the vehicle with full markings other than a magnetic sign, why wouldn't you want to have the safety pattern on the back of the vehicles.

Mr. McGann: They are leased vehicles.

Mr. Kruszynski: There has been some emails in regard to the liability, can you comment on that?

Mr. Agostino, Attorney, 131 S. Taylor Street, I think I had written a letter to the Coroner that may have been circulated about potential liability exposure and there are several ways that liability becomes an issues, one is having an unmarked, unlit vehicles at scenes. There are safety concerns with respect to the quality and maintenance of vehicles that are on the road, so I think there is quite a bit of disparity now and the types of quality of vehicles that are being used. If we go to the lease vehicles you are going to have newer vehicles, maintained vehicles under warranty, that's another safety concern.

Mr. Telloyan: The question about insurance dealt with, if one of the county employees is the bad driver in an accident, who pays?

Mr. Agostino: The county pays for that.

Mr. Telloyan: If the bad driver has a million dollars in damages that he caused, who pays that?

Mr. Agostino: The county pays that if it's in the course of the scope of their employment. If they are working on behalf of the county at the time, the county is responsible, that's true not just for Coroner drivers, it's true for our deputies on the Sheriff department and any other employees in the county. Subject to, there's Indiana tort claim statute on those types of claims, there is a cap of seven hundred and fifty thousand dollars per person, five-million-dollar total.

Mr. Telloyan: I asked that exact question to Steve Cender and to Bob Frick, what if an employee is using a county lease vehicle for personal use, say a trip to the grocery store and is the bad driver in an accident, who pays the damages in that situation? Mr. Frick says the county does.

Mr. Agostino: That depends on whether it's authorized use or not. Clearly if the vehicle is being used in performing duties on behalf of the county, that clearly would be the county's responsibility, in fact, state law would require the county to indemnify the employee in that situation. If the use is outside the course of scope, then the county should not be liable but there needs to be a coordination with the personal insurance of the people that operate those vehicles to make sure there's coverage for the personal use.

Mr. Hamann: Right now, the county is looking at getting liability insurance which would cap our exposure at three hundred thousand, potentially.

Mr. Morton: For personal and or?

Mr. Hamann: For in a situation like this. We have a lot of details to work out.

Motion to pass Bill No. 44-18 Item D was made by Mr. Kruszynski and seconded by Mr. Noland.  
Bill No. 48-18 Item D was passed to-wit; 6-2. Against: Mr. Telloyan and Mr. Catanzarite

Motion to pass Bill No. 44-18 Item O was made by Ms. Hess and seconded by Mr. Kruszynski.  
Bill No. 44-18 Item O failed  
to-wit; 3-5. Against: Mr. Telloyan, Mr. Catanzarite, Mr. Root, Mr. Morton, Mr. Noland

Motion to pass Bill No. 44-18 with the exception of Items D and O made by Mr. Catanzarite and seconded by Mr. Noland. Bill No. 44-18 with the exception of Items D and O was passed  
to-wit; 8-0



**Land Use:**

**BILL NO. 43-18: AN ORDINANCE TO VACATE A PUBLIC WAY OF PUBLIC PLACE LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO WIT: PETITIONER(S): LYNSEY SANTA**

Mr. Noland reported that Bill No. 43-18 comes with a favorable recommendation.

Ms. Santa, 51272 Helmen Ave., I am the primary land owner on either side of the vacated street, so we are petitioning to vacate the portion that is in between my lots.

Motion to pass Bill No. 43-18 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 43-18 was passed to-wit; 8-0

**BILL NO. 26-18: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT 18644 CLEVELAND ROAD, 53062 & 53184 BRACKEN FERN COURT FROM R: SINGLE FAMILY DISTRICT TO R-2: RESIDENTIAL DISTRICT  
PETITIONERS: FOUR HORSEMAN VENTURES, LLC AND LYN LEONE & MICHAEL HOLTON**

Mr. Noland reported that Bill No. 26-18 comes with a favorable recommendation.

Jordan Wyatt, Area Plan Commission, the petition is requesting to rezone from R Single Family District to R-2 Residential District. On site, currently are single family homes configured as a rental complex. The site plan shows that the developer is proposing a thirty-four-single family attached home project and each will be subdivided into individual lots. This comes to you from the Area Plan Commission with an unfavorable recommendation.

Mr. Kruszynski: An unfavorable recommendation, what were their concerns?

Angela Smith, Area Plan Commission, there was a lot of discussion on public comment at the Area Plan Commission meeting. The petitioner has since changed their proposal, removing the two properties along Bracken Fern. There were some concerns about traffic, access all of which I think the petitioner is able to address this evening.

Peter J. Agostino, Attorney, 131 S. Taylor St., I am here on behalf of the petitioners. I want to clarify, we have removed the Bracken Fern Court lots from this. As much as we can, we have reduced from thirty-four to twenty-eight units.

Mike Danch, Danch, Harner and Associates, we have redesigned the site based on the public hearings we had with the residents. We have two access points coming into this property. The water table here is nine feet below the surface which will allow us to use what we call a chamber French drain system which will be below the site. All the water is held underground around where the driveway is located. The residents had a concern about the height of the buildings, these buildings are no higher than what's allowed in a single-family development.

Mr. Kruszynski: I believe you had some discussions with Jessica Clark in regard to access off of Cleveland Road, in regard to a turn lane?

Mr. Danch: We had gone through what's called PAT, Project Advisory Team meeting where we sit down with department heads and go over the particular project. The lighting would have to be shielded.

Stephen C. Smith, 4404 Technology Drive, South Bend, I am the managing broker and co-owner of Irish Realty. There is a tremendous demand from all kinds of demographics for this type of a property. People want to be close to shopping, restaurants, retail. All kinds of demographics of people are looking for maintenance free housing in a good location so I just encourage you to approve this land use decision.

Lyn Leone, PO Box 1028, Notre Dame, I am happy to see this kind of project next door next us. I see a vast improvement for that property that we invested in so many years ago. The thing that is distressing about this is because we own these lots, we own this farm. We have every right to support it.

Pam Adams, 53234 Bracken Fern Drive, South Bend, this is the wrong location for this development. The other concern is the flooding that my neighbors have had from what NIPSCO did to wooded areas. I am against this development being in that location.

Thomas Jones, 53052 Fernwood, South Bend, we are not in favor of this proposed land use. The close proximity is also a threat of our property value as well as the critical issues of surface water and drainage. This concern has not been adequately addressed.

Dana Jones, 53052 Fernwood Drive, I trust you will make the right decision, you have been elected by the people and I am very grateful for the service you provide to us. My biggest concern is the water issue. I'd like you to consider, you have a more thorough study on what this rain event could impact all of us.

Collin Armbruster, 53078 Fernwood, South Bend, my main concern is the water table. To change this to an R-2 would be completely out of place. It's a spot zoning situation. I like the idea, the concept, it's just the wrong place for it.

Sean O'Brien, 53112 Bracken Fern Court, this is the fifth meeting our neighbors have been asked to attend, we have attended them all, we have attended the prepared. As you have heard from others, the proposed complex is out of character with the existing homes. The petitioner needs to take the community in which they want to develop the way they find it and that means that the petitioner needs to realize this community is pretty shattered right now.

Harry Storms, 53177 Fiddle Head Court, the density population will increase. I beg the council, do not approve this development.

Elizabeth Arndt, 53065 Fernwood Dr., I am speaking on behalf of my parents who own the home. We oppose the Fourhorsemen development. We do not oppose change in the area. We have witnessed many changes and we have never found it necessary to voice objection to proposed developments until now. We have never seen such water problems in the last twenty-three years. We oppose this.

Nik Kleber, 53150 Holly Fern Court, the proposed plan site is too intense for the current character of the neighborhood.

Jacob Arndt, 53065 Fernwood Dr., I feel that the management of this group being based out of Pennsylvania, if there is a problem with any tenants at this development, who do we call?

Matthew Anderson, 53190 Holly Fern Court, I would as the council consider the sheer number of variances that are being requested. It has given me pause and my neighbors. If the county was serious about increasing the number of multifamily homes or this type of development, they have had ample opportunity since 2002 to change the code. It doesn't seem that they have done that.

Leo Ciesielski, 58150 Osage Dr., we were witness to two prior R-2 attempts at rezoning adjacent to Ranch Acres. Both of those were rejected by this council and the reason they were rejected, I believe, was contained in the heading to the petitions furnished by the people that were concerned with rezoning.

Jane Doering, 53170 Osage Dr., this is a fine neighborhood and I think that a rezoning would be step one to other rezoning's. I urge you to vote against this.

Katrina Barron, 18820 Cherokee Lane, we are opposed to this development. I feel like it's a safe and family environment. This development is not what we need.

Pete Agostino: Those of you that know me up there and I think you all do know that I very much respect the rights of the public to come and comment. I look at each one of you as having a responsibility to make decisions based on

logic and facts and not feelings and emotions. Most of the arguments I have heard tonight, what would be categorized as straw man argument, an attack on something that's really not an issue here but nevertheless looks effective because it's emotion. This is a housing project, with individual houses, this is not an apartment complex. These are homeowners coming in. I heard one thing in the comments and I don't mean to downplay but some legitimacy that should factored in and that is, does there need to be a recalculation on the size of the drainage retention? Right now, the calculations are based on what the county requirements are and we meet those requirements. If there needs to be some adjustment, we are perfectly willing to accept an approval tonight that is subject to some adjustment, if that needs to happen.

Mr. Pfeil: I have a picture of the typical unit and which has two stories units on one side and a three story in the middle which from an aesthetic point of view doesn't look like a typical neighborhood to me. Looks like a condo development. This does not flow with the neighborhood.

Mr. Kruszynski: If we have an eight or ten-inch rain, is there an overflow on this, where would that go? Would that go to Cleveland Road?

Mr. Danch: If there was an overflow, when we design this system, you would end up with not only the chamber filling up with water, then the driveway you see or the parking areas would have some ponding to it. The worst thing is you would have some water run out onto Cleveland. You would be picking up a lot of water.

Mr. Noland: Having been involved with the flooding we have heard a lot about, this project has not started, it's not the cause of that, there has been some confusion about that. Also, Mr. Danch mentioned that I know the requirements that if this were to go forward that they would have to do to do this project and I don't foresee that this causing any flooding, unlike the easement when NIPSCO went through there without all of those requirements. It is two separate issues. I wanted to thank all the neighbors who have been unbelievably involved in this process from the beginning.

Mr. Kruszynski: This is a unique project. Commenting on Mr. Pfeil's comments, it just looks like it's being dropped in there around some single-family homes, it just looks out of place. We will just have to see.

Motion to deny Bill No. 26-18 was made by Mr. Noland and seconded by Mr. Pfeil. Bill No. 26-18 was denied to-wit; 7-1: Against: Mr. Kruszynski.

**Miscellaneous:** Review Statement of Compliance for pay 2019 Tax Abatements

Steve Dalton, Financial Advisor, this council, over the last few years handed out very few but a handful of property tax abatements to companies who are willing to make investments in the county to create jobs. We have four statement of compliance forms to review. The appropriate responses to those forms would be to receive them and to stipulate as to whether or not the companies were in substantial compliance. I will review them and summarize, I think you each have a cheat sheet we have provided to you as well. Mishawaka Leasing Corporation is in year eight of ten, they made no employee commitment to you but they did make an investment commitment and they have met that investment commitment and maintained that over the last eight years. We would recommend approval. Allar Associates Pullman, that is in year one of six, they committed five jobs, they have created nine jobs, they committed a real estate property investment, they have met that real estate property investment and they submitted their documentation as requested on time we recommend approval and substantial compliance. The third one is Wabash Valley Power Association, one job was committed, this is in year ten of ten, there was an investment in real property, their paperwork was turned in on time and we recommend approval and substantial compliance and the fourth and final is a personal property abatement by Tejas Tubular in New Carlisle, they committed a hundred jobs and they are not running at a hundred jobs today, they are running at a lesser amount because of the economy that's related to their specific industry. They did make an investment of over fifteen million dollars and have maintained that investment and they submitted their paperwork on time and they are in year five of seven. And although it may occur to you that I would suggest, and we have talked a little bit about not recommending any substantial compliance because of the forty-five-day limit to respond to this CF-1 I would also recommend that we approve this substantial compliance all four, therefore could be motion together.

Mr. Catanzarite: I just want to send a warning shot to those who get tax abatements from us because I have been involved in all four of these and have approved all four and while I do support Tejas because they did make fifty percent more investment than they promised, had we not exceeded that forty five day limit, I would have recommended we do something differently going forward with them. Anybody in the future, I think, we have a better handle on it now with a citizen panel that has been devised along with yourself advising.

Mr. Noland to make a motion of acceptance for all four and was seconded by Mr. Root. The motion passed by a voice vote 8-0.

**Unfinished Business:**

**New Business:**

**Privilege of the Floor:**

Jennifer Betz, 23150 Roosevelt Rd., I want to submit tonight was a list of questions that the Environmental Network of Norther Indiana submitted to the Economic Development office. I have a copy of the questions for each of you.

Catherine Osborn 517 River Ave., I also here to add a quick statement affirming that I am especially interested in this process in having more development for industry done on brown fields that already exist rather than breaking into green fields.

Brett Davis, 310 S. Main Apt. 1, Lakeville, I am an environmental health specialist with the county health department. As you are well aware, the proposed health budget is quite large. Before shutting it down, start cutting things from it, I wanted to bring to light one aspect which are the proposed raises for health department employees. We rank seventy fourth out of eighty sixth in applicable counties, some do not have full time environmental staff. The health department is in a constant state of training new employees and we not able to fully help the citizens of St. Joseph County. I urge you to take this matter into consideration when considering the budget.

Beth Beigelbeck, 549 Meadowwood Dr. Valparaiso, I am here on behalf of canine officer Flash. Flash is a five-and-a-half-year-old German Shephard. Approximately one year ago my brother notified the Sheriff that he had applied for a position with a private contracting firm to work overseas. Approximately two months ago he was notified that he was required to report for training mid-June, he notified the Sheriff of his upcoming departure and he was informed that Flash's future with the department was undecided. During his last week on the department he was informed Flash would be reassigned to a new handler. Flash is soon to be six. There were countless hours spend training and developing a bond that would allow them to work safely in the field. My concern is the stress Flash will be put under during this transition. He became a member of our family. There have been many offers to purchase or sponsor a new canine officer so that Flash could retire.

Karen Smith, 19030 County Road Eight, Bristol, in 2011 I was asked to purchase a canine for St. Joseph County. I did that. At that time, had I'd known how they were going to be treated, I never would have purchased that dog. His living conditions are deplorable. We would not do it to a two-legged officer why would we do it to a four legged that has given everything to his handler, to his county. He does not get a pay raise, paid vacation, he gets the love and dedication of his handler. He's being treated beyond reproach. It's deplorable.

Mr. Kruszynski: The Sheriff, does he currently have a certified canine trainer that you are aware of?

Ms. Smith: No and there hasn't been one.

Mr. Kruszynski: For how long, do you know that?

Ms. Smith: I believe two years.

Mr. Kruszynski: Does the dog have to be certified every so often?

Ms. Smith: Yes. I don't believe the dog is certified right now.

Mr. Pfeil: I am impressed with your background and your interest in this, point of order here, what function of the county government is in charge of the situation. I have the impression that we as council members really aren't in a position to answer your questions.

Ms. Smith: I believe that you are, I believe he is the property of the county.

Mr. Morton: Mr. Pfeil, this is a matter of interpretation, my humble opinion is, we work with the Sheriff and the county jail and we basically go through line item by line item of his budget and we have the opportunity in our definition of what we do as a legislative and fiscal body to work with approve his budget. I do not think that we have, as the county council the ability to call the Sheriff and say hey, you need to do this with your canine dog.

Ms. Smith: We wanted to make sure everybody is aware of what is going on.

Mr. Kruszynski: It's my understanding that the Commissioners handle all the assets, this came out of the meeting today with the understanding that the Commissioners have control of the county assets and the dog is an asset.

Ms. Smith: Correct, that is what we were told.

Joleen Serry, 51955 Hamilton Trail, New Carlisle, I am asking that you vote against any and all industrial growth proposed in this area especially the proposed toll road exit. Don't allow a toll road exit to scar our beautiful land.

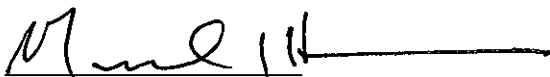
Theresa Serry, 2405 State Line Road, Galine, MI, I am also part of Serry Farms. Over the years, we have lost property to the toll road project and Bain Bridge pipeline and now this mega industrial park threatens our way of life and our livelihood. We live here because we have chosen to do so. Please take into consideration, we have lives there.

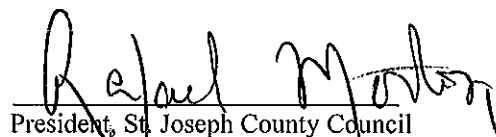
Heather Serry, 6395 Olive Branch Road, Galien, MI, the agricultural land is being used exactly as it was intended, providing crops, providing jobs, providing food sources in Indiana and providing recreational benefits for many.

Lindsey Hanley, 63803 Thorn Road, North Liberty, I am here in support of returning officer canine Flash to the Beiglebeck family.

Diane Molnar, 2955 Sage Road, Buchanan, MI., My family's farm is in New Carlisle. We would like you to come to New Carlisle to see where we live, what we do. We have extraordinary farmers. These people are bright, good people. They deserve to be included in this decision. I don't want them to feel like they are like bugs on a windshield. This is how we feel, there has been no input from us. Is there a farmer on this board? Come to New Carlisle, hold a meeting.

**Adjournment:** Mr. Morton stated that the meeting was adjourned 9:31 p.m.

  
Auditor, St. Joseph County

  
President, St. Joseph County Council