

MINUTES OF A
SPECIAL PUBLIC HEARING MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
AUGUST 18, 2020

The special public hearing meeting of the St. Joseph County Council was called to order at 6:02 p.m., on July 14, 2020 by the President, Rafael Morton, in the Council chambers and via Zoom

Members in attendance were:

Mr. Robert L. Kruszynski
Mr. Corey Noland
Mr. Richard Pfeil
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 and John Murphy, Chief Deputy Auditor. Council staff present was Mr. Michael Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

Mr. Morton: Just a few reminders this evening, this meeting is being held in person with the option of Zoom. If you are in person, please make sure you are wearing a mask at all times and are practicing safe distancing, if you are calling in, you may unmute your phone by pressing star six when it is your time to talk. When addressing the Council, please state your name and address for the record. Bill No 45-20 has been tabled at the request of the petitioner.

Mr. Kruszynski made the motion to appoint Rob Maurer and John Summers to the St. Joseph County Water Resources Advisory Board, Robert Nerenberg to the St. Joseph County Onsite Wastewater Advisory Board, and reappoint Terry Bush to the St. Joseph County Economic Development Commission and was seconded by Mr. Noland, the motion passed 9-0.

Mr. Noland made a motion to approve the minutes of the July 14, 2020 meetings and was seconded by Ms. Hess, the motion was passed by a voice vote; 9-0.

1. First Readings:

BILL NO. 57-20: 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 56458 WILLOW ROAD, 31917 STATE ROAD 2, AND 56340 WILLOW ROAD, NEW CARLISLE FROM A: AGRICULTURAL DISTRICT TO I: INDUSTRIAL DISTRICT
PETITIONER: ST. JOSEPH COUNTY REDEVELOPMENT COMMISSION
Assigned to the Land Use Planning Committee

BILL NO. 58-20: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL ESTABLISHING THE REQUIREMENT TO WEAR A FACE MASK IN CERTAIN LOCATIONS IN ORDER TO PREVENT OR LIMIT THE SPREAD OF THE COVID-19 DISEASE COVID-19 FACE MASK REQUIREMENTS STATEMENT OF PURPOSE AND INTENT PETITIONER: HEALTH DEPARTMENT
Assigned to the Human Services/Criminal Justice Committee

BILL NO. 72-20: 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 14018 & 14042 STATE ROAD 23, GRANGER FROM R: SINGLE FAMILY DISTRICT TO O: OFFICE DISTRICT
PETITIONER: DRAGONFLY PROPERTIES, LLC
Assigned to the Land Use Planning Committee

BILL NO. 73-20: AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, PUBLIC WAY OR PUBLIC PLACE LOCATED AT: THAT PORTION OF THE FIRST NORTH-SOUTH ALLEY EAST OF LILY ROAD BOUND BY MILTON STREET TO THE NORTH, LOTS 245-259 OF FULKERSON PARK TO THE EAST, LOTS 266-280 OF FULKERSON PARK TO THE WEST, AND THE FIRST EAST-WEST ALLEY NORTH OF DARDEN TO THE SOUTH, CLAY TOWNSHIP, ST. JOSEPH COUNTY, SEC. 24 T38N R2E. PETITIONER: LINDA AND JOHN WHITE
Assigned to the Land Use Planning Committee

4. SALARY AMENDMENT(S):

BILL NO. 60-20: 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. 59-20 B)*

Mr. Kruszynski reported that Bill No. 60-20 comes with a favorable recommendation.

Mr. Risenhoover, Prosecutor's office, we are asking for a salary amendment and an appropriation for a two-year VOCA grant we received.

A motion to pass Bill No. 60-20 was made by Mr. Noland and seconded by Mr. Kruszynski. Bill No. 60-20 was passed to-wit; 9-0

BILL NO. 61-20: 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: BUILDING MAINTENANCE *(Combined with Bill No. 59-20 A)*

Ms. Hess reported that Bill No. 61-20 comes with a favorable recommendation.

Kim Karkiewicz, Human Resource Director, these positions were those that needed to be added to have a safe work environment (inaudible) to where we had housekeepers coming in during the day to do full cleaning of the building and this is to appropriate and to (inaudible) for the housekeepers that we have during the day.

A motion to pass Bill No. 61-20 was made by Ms. Hess and seconded by Mr. Noland. Bill No. 61-20 was passed to-wit; 9-0

2. Public Hearing/Public Comments: Fiscal Matters

BILL NO. 59-20: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

APPROPRIATE:

A. Building Maintenance		
General Fund		
1000-11713-000-0021	Housekeeper (full time)	\$21,590.00
	Full Time 3/16/20-\$27,270.00 annual)	
1000-11780-000-0021	Housekeeper/Security (full time)	\$15,800.00
	Full Time 6/1/20-\$13.00 per/hr.	
1000-14800-000-0021	FICA (7.65%)	\$2,860.00
1000-14810-000-0021	PERF (11.2%)	\$4,188.00
1000-14840-000-0021	Group Health	\$23,283.00
	<u>TOTAL:</u>	<u>\$67,721.00</u>

B. Prosecutor's Office

Victims of Crime Act

8117-11121-000-0018	Victim Advocate	\$111,040.00
8117-11317-000-0018	Director Victim Services	\$71,160.00
8117-32020-000-0018	Travel	\$1,483.00
		<u>TOTAL: \$183,683.00</u>

C. Emergency Management

General Fund

1000-35015-000-0009	Utilities	\$5,600.00
		<u>TOTAL: \$5,600.00</u>

D. Emergency Management

General Fund

1000-36200-000-0009	Repairs-Other Equipment	\$15,000.00
		<u>TOTAL: \$15,000.00</u>

Mr. Kruszynski: I have down here that the fifty-six hundred was without recommendation?

Ms. Hess: We were waiting for information.

Mr. Antonucci, Director, Emergency Management, Councilperson Catanzarite requested information regarding contracts that are held between St. Joseph County and utility companies, having researched that with Mr. Charles Porter of the engineering department, there is a state statute that does not allow the county to collect any monies for use of it's right of ways. They can however collect a permit for someone that would like to locate something in, a utility in that right of way, other than that, he is not aware of any other agreements. Chip briefly spoke with the public relations person from AEP, again, no knowledge of that contract existed.

Mr. Noland: I actually had an opportunity to talk to AEP myself about it and the lady who is in charge of the distribution power said very similar, they don't have any contracts in place but at the beginning of the year, they will take out a large dollar amount for a permit and then (inaudible) and then as they use that (inaudible).

Mr. Kruszynski: I want to commend you if you did go out there and check that siren at old Cleveland and Primrose, I did get some reports back that it did work last Sunday or Monday night, a matter of fact, I had two calls that evening, so it is working. I thought you were going to send me or us on the fifteen-thousand-dollar request on a maintenance, you were going to send me what sires that were being proposed to be fixed.

Mr. Antonucci: I apologize for perhaps misunderstanding that. I certainly can provide you with a list of sires that are in line for major repair.

Mr. Canarecci: I guess, maybe I am misunderstanding, the original question but, I thought we were hoping to see if there was an opportunity to change that added meter fee, to renegotiate that with AEP, was there an opportunity to even discuss that?

Mr. Antonucci: No, we have an ongoing dialogue with AEP. A situation has arisen now where AEP actually needs our permission to move a siren out of a right of way so that is helped us in our continued dialogue and negotiations.

Mr. Canarecci: Refresh my memory, this fee is like thirty bucks?

Mr. Antonucci: Thirty dollars per metered siren.

Mr. Canarecci: And we are using like ten dollars of electricity?

Mr. Antonucci: Usually seven dollars.

Mr. Canarecci: I am just wondering even like, the regulatory commission or something on utilities....

Mr. Antonucci: We have that question before them.

Mr. Canarecci: Three hundred percent your usage as (inaudible) beyond seems ridiculous.

Mr. Antonucci: For an emergency service.

Mr. Canarecci: Especially that but just generally speaking.

A motion to pass Bill No. 59-20 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 59-20 was passed to-wit; 9-0

Land Use Planning:

BILL NO. 5-20: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, TO REPEAL SECTIONS 154.370 THROUGH 154.400 SIGN REGULATIONS AND ADOPT SECTIONS 154.370 THROUGH 154.380 SIGN REGULATIONS, AND AMEND SECTIONS 154.002 INTERPRETATION, 154.070 ACCESSORY USES, BUILDING AND STRUCTURES, 154.072 HOME OCCUPATIONS, 154.181 PERMITTED USES IN THE C: COMMERCIAL DISTRICT, 154.636 DEFINITIONS, AND AMEND GENERAL DEVELOPMENT STANDARDS IN THE FOLLOWING SECTIONS, ALL IN TITLE XV, LAND USAGE, 154.092, 154.107, 154.122, 154.137, 154.152, 154.167, 154.182, 154.212, AND 154.277
PETITIONER: AREA PLAN COMMISSION

Mr. Noland: Before I get to that, I just wanted to remind you, while I planned on being here for the entire evening for our scheduled meeting, this special scheduled meeting tonight, I'm only able to stay until 6:45 p.m. so I don't know if we are going to get to all six of these land uses, I will stay as long as I can but at 6:45 I will have to leave.

Mr. Noland reported that Bill No. 5-20 comes with a favorable recommendation.

Mr. Morton: You did let me know that, thank you.

Mr. Noland reported that Bill No. 5-20 comes with a favorable recommendation.

Ryan Fellows, Area Plan Commission, this process started about a year ago. Essentially, there was a zoning ordinance change based off of a supreme court case which stripped away any kind of content recognition in our sign ordinance. I am happy to answer any questions.

A motion to pass Bill No. 5-20 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 5-20 was passed to-wit; 9-0

BILL NO. 48-20: AN ORDINANCE TO VACATE AT A PUBLIC WAY OR PUBLIC PLACE LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, PUBLIC HWAY OR PUBLIC PLACE
PETITIONER: LITTLE FLOWER VENTURES LLC

Mr. Noland reported that Bill No. 48-20 comes with a favorable recommendation.

Shawn Klein, Area Plan Commission, the county has no interest in actually improving this alley, it current doesn't provide access to any properties and the petitioner has demonstrated that they can provide a residential development that accesses from the street and still consistent with the goals of the Morningside neighborhood plan. We support this vacation.

Mike Huber, Abonmarch Consultants, 315 W. Jefferson, South Bend, as was outlined, we are petitioning the prior principals of Little Flower Ventures owned the two homes of the lot facing Burdett street and have intention of developing, they purchased and have removed the former memory care facility that was there. The intention is to take those lots and redevelop a residential subdivision on those lots. We have reached out to all the neighboring property owners, we have not yet been able to connect with Notre Dame who owns three lots in there but everyone we have contacted on this petition of the alley vacation are supportive of the vacation as well. Our intent is to try to use some of the additional space from the alley to lengthen the rear yards of the residential subdivision homes that will be developed there.

A motion to pass Bill No.48-20 was made by Mr. Canarecci and seconded by Ms. Hess. Bill No. 48-20 was passed to-wit; 9-0

BILL NO. 50-20: 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 13145 STATE ROAD 23 AND VACANT LOT TO WEST FROM R: SINGLE FAMILY RESIDENTIAL DISTRICT TO C: COMMERCIAL DISTRICT AND B: BUSINESS DISTRICT
PETITIONER: GFE ENTERPRISES, LLC

Mr. Noland reported that Bill No. 50-20 comes with a favorable recommendation.

Shawn Klein, Area Plan Commission, the petition is consistent with the comprehensive plan for South Bend, St. Joseph County, we received no letters or calls in opposition to this petition and you received a favorable recommendation from the APC and committee.

Mike Currier, Jones Petrie Rafinski, 325 S. Lafayette Blvd. South Bend, I am here on behalf of GFE and future owner of the land to the east. We are looking to develop this property consistent with that of as Granger has continue to grow.

A motion to pass Bill No. 50-20 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 50-20 was passed to-wit; 9-0

BILL NO. 52-20: A DECLARATORY RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL DECLARING A PORTION OF ST. JOSEPH COUNTY AN ECONOMIC REVITALIZATION AREA, PURSUANT TO IC. 6-1.1-12.1-1, ET SEQ.
PETITIONER: GRANGER WATER UTILITY LLC

Mr. Noland reported that Bill No. 52-20 comes with a favorable recommendation.

Chris Brown, Economic Development Specialist with Infrastructure, Planning and Growth, this is for a redevelopment of about approximately seventy-six acres in the Granger area to a residential area of approximately two hundred and thirty homes. They are looking for a tax abatement of ten years real, five years personal for a project of total cost of six million dollars to build out a water utility that will serve the residential homes.

Pat Matthews, Granger Water Utility, LLC., 52127 Fall Creek Drive, Granger, I am asking for a ten year tax abatement, we are developing a two hundred and thirty lot new community in Granger, smaller lots that will have both municipal water and municipal sewer. There's a great investment in the water plant, it's well received by the community and the regional water sewer district and I would hope you would vote in favor of it. We are being penalized a little bit because the plant virtually runs on its own and therefore, we are not creating jobs or diverse jobs because the plant runs automatically. It does create a tremendous benefit for the community.

Mr. Canarecci: how many total homes?

Mr. Matthews: Two hundred and twenty-nine.

Mr. Canarecci: If I remember, the average price is somewhere around three fifty?

Mr. Matthews: That is correct.

Mr. Canarecci: Thank you.

Mr. Noland: To clarify, the plant is actually constructed for a much larger, potentially than the three hundred....

Mr. Matthews: That is correct. We are hoping that once this particular project goes well, we would have some availability to purchase some land adjacent and expand the community.

Craig Tillman, 52961 Winterberry Dr., although the water development may not be creating any jobs, the new homes that we build are creating jobs. The National Homebuilders Association has estimated that for every home that we build, we create two-point nine local jobs in this community. We were trying to keep the price in line so we can get as many people to buy homes which obviously creates tax revenue for everyone for the county. We are up against some struggles, plywood prices are up ninety percent over the last year, lumber prices are up forty six to eighty five percent so in order to keep these houses affordable to the majority of people, we need to keep our prices in line and the abatement would help keep the pricing down so we can actually create the velocity and work through the subdivision.

Steve Smith, Irish Realty 4404 Technology Dr. South Bend, I have been working with Mr. Matthews on this project, it's been in the works for three or four years. There is a tremendous need and demand for quality and affordable housing, although the price point is three hundred and fifty thousand dollars, many of the other developments in the area have been significantly more expensive. This development is going to have sidewalks, park, tree lawn with trees.

A motion to pass Bill No. 52-20 was made by Mr. Catanzarite and seconded by Mr. Canarecci. Bill No. 52-20 was passed to-wit; 9-0

**BILL NO. 53-20: A DECLARATORY RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL
DECLARING A PORTION OF ST. JOSEPH COUNTY AN ECONOMIC REVITALIZATION AREA,
PURSUANT TO IC. 6-1.1-12.1-1, ET SEQ.
PETITIONER: ECKCO PROPERTIES & ECKCO PLASTICS, INC.**

Mr. Kruszynski reported that Bill No. 53-20 comes with a favorable recommendation.

Chris Brown, Economic Development Specialist with Infrastructure, Planning and Growth, they are looking to expand, there has been some new market commercialization's that they are looking at. They would like to expand their building to make room for new personal property, new machinery to the tune of about three point six million over the next five years for that machinery. They are looking for a five-year real property tax abatement and a five year personal property tax abatement.

Gary Eck, President of EckCo Properties and EckCo Plastics, 56599 Twin Branch Drive, because of two reasons really we are looking at growth, both to serve our current customer base which we have done innovations with and who are seeing a serge in their markets in which our backs are kind of against a wall because we've expanded as much as we can in our current building, secondly, we've got a major product line coming out of research and development., we hope to have market research done by this meeting but we are a bit behind, it's not without risk we are entering the market with that we are hoping that takes off in which case we will need the room.

A motion to pass Bill No. 53-20 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 53-20 was passed to-wit; 8-0 Absent: Mr. Noland

3. Miscellaneous

**BILL NO. 54-20: AN ORDINANCE AMENDING AND SUPPLEMENTING AN APPENDIX: SCHEDULE OF
FINES AND FEES FOR THE ST. JOSEPH COUNTY DEPARTMENT OF HEALTH
PETITIONER: ST. JOSEPH COUNTY HEALTH DEPARTMENT**

Mr. Kruszynski reported that Bill No. 54-20 comes with a favorable recommendation.

Amy Ruppe, Finance Manager, Health Department, we have gone through our schedule of fees for our vaccine clinic and we found we are in need of increasing some of those fees.

Motion to pass Bill No. 54-20 was made by Ms. Hess and seconded by Mr. Canarecci. Bill No. 54-20 was passed to-wit; 8-0 Absent: Mr. Noland

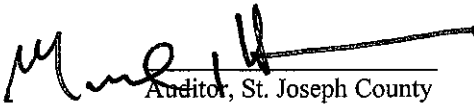
4. Unfinished Business

5. New Business

Mr. Dalton: As you all know, each year a sub committee formed to review abatements, that sub committee was formed just about the time Covid broke out, it's not deemed healthy to call that subcommittee in March or April to review the abatements, so the abatements that were filed, there were four, by the companies that are already in existence with abatements, were processed by the Auditor as approved with no action of the council, there were no controversial abatements that were processed, none of the ones we have looked at in the past that were questionable.

With regards to the non-binding, you all received two reports, one is a list of levy calculations for the unit of government in St. Joseph County, one is the list of circuit breaker calculations for every unit, you are not asked to take any action on those two reports, only to make note in the minutes that you have received those two reports and those minutes be sent to all the units of government in the county.

6. Adjournment: Mr. Morton stated that the meeting was adjourned 6:49 p.m.


Auditor, St. Joseph County


President, St. Joseph County Council