

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
AUGUST 13, 2019

The regular meeting of the St. Joseph County Council was called to order at 6:00 p.m., on August 13, 2019 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
Mr. Richard Pfeil
Ms. Diana Hess
Mr. Rafael Morton
Mr. Mark P. Telloyan
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. Mark A. Catanzarite was not present.

Petitions, Communications & Miscellaneous Matters:

Mr. Canarecci made a motion to appoint Joseph Chandler to the Animal Control Commission and Mr. Terry Bush to the St. Joseph County Economic Development Commission and reappoint Andy Laidig, Rod Schroeder & Sheila Sieradozski to the St. Joseph County Agricultural Advisory Board this motion was seconded by Ms. Hess. The motion was passed by a voice vote; 8-0.

Ms. Hess made a motion to approve the minutes of the July 9, 2019 meeting and was seconded by Mr. Canarecci the motion was passed by a voice vote; 8-0.

No report from the County Auditor

Report from the County Commissioner: Andy Kostielney, President of the St. Joseph County Board of Commissioners, I want to give you a brief update on the Executive Board of PSAP. The Executive Board met yesterday morning and on a vote of 2-0 we instructed the tax council of St. Joseph County become engaged to begin the process of moving a portion of the expenditure rate of income taxes to go towards funding PSAP, I believe Pete Agostino is going to be drafting that resolution and forwarding it to you for action for you to take possibly as soon as next month.

Mr. Kruszynski: It's my understanding, in conversation even this evening, the townships are going to be aware of this tomorrow, they will get notice of this?

Mr. Kostielney: Yes, many of the townships, that information has been going out we will make sure that it goes out by tomorrow, the townships, the library's and the airport as well as the other municipalities will all be impacted as a result of this.

No report from Council Special Committee

First Readings:

BILL NO. 69-19: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF JACKSON AND FIR ROAD FROM R: SINGLE FAMILY DISTRICT AND A: AGRICULTURAL DISTRICT TO R: SINGLE FAMILY DISTRICT PETITIONER: DAN C. AND TAMERA M. CHRISTMAN
Assigned to the Land Use Planning Committee

BILL NO. 70-19: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS BY THE ST. JOSEPH COUNTY AIRPORT AUTHORITY DISTRICT FOR THE PURPOSE OF REFUNDING PRIOR BONDS OF THE AIRPORT AUTHORITY AND TO PAY COSTS OF ISSUANCE OF THE REFUNDING BONDS, AND APPROVING THE ADDITIONAL APPROPRIATION BY THE AIRPORT AUTHORITY OF THE PROCEEDS OF THE BONDS PETITIONER: MIKE DAIGLE
Assigned to the Budget and Administration Committee

BILL NO. 71-19: AN ORDINANCE APPROVING THE PETITION FOR A SPECIAL USE FILED BY GROWING KIDS, LLC FOR PROPERTY LOCATED AT 17850 IRELAND ROAD PETITIONER: GROWING KIDS, LLC
Assigned to the Land Use Planning Committee

BILL NO. 72-19: 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 154.195 TO 154.197 L: LIGHT INDUSTRIAL DISTRICT AND SECTIONS 154.210 TO 154.212 M: MANUFACTURING INDUSTRIAL DISTRICT AND ADOPT SECTIONS 154.210 TO 154.121 I: INDUSTRIAL DISTRICT, AND AMENDING SECTIONS 154.025 DISTRICTS ESTABLISHED, 154.071 TEMPORARY USES, BUILDINGS AND STRUCTURES, 154.332 LANDSCAPE REGULATIONS, 154.394 SIGN REGULATIONS, 154.457 SITTING HIERARCHY OF WIRELESS TELECOMMUNICATONS FACILITIES, 154.477 CONTROLLED USES, 154.507 SPECIAL REGULATIONS FOR WIND ENERGY CONVERSION SYSTEMS, AND 154.636 DEFINITIONS
PETITIONER: AREA PLAN COMMISSION
Assigned to the Land Use Planning Committee

BILL NO. 73-19: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, TO AMEND GENERAL DEVELOPOMENT STANDARDS IN SECTIONS 154.092 A: AGRICULTURAL DISTRICT, 154.107 R: SINGLE FAMILY DISTRICT, 154.122 R-2 RESIDENTIAL DISTRICT, 154.137 O/B OFFICE/BUFFER DISTRICT, 154.152 O: OFFICE DISTRICT, 154.167 B: BUSINESS DISTRICT, AND 154.182 C: COMMERCIAL DISTRICT, AND AMEND 154.636 DEFINITIONS
PETITIONER: AREA PLAN COMMISSION
Assigned to the Land Use Planning Committee

Salary Amendment(s):

BILL NO. 67-19: AN ORDINANCE AMENDING ORDINANCE 53-18, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2019 PETITIONER: ADULT PROBATION

Mr. Kruszynski reported that Bill No. 67-19 comes with a favorable recommendation.

Jessie Carlton, Chief Probation Officer, Adult Probation, the Adult Probation department was awarded a grant from the Indian Office of Court Services for the continues operation and expansion of our pretrial services piolet program.

Motion to pass Bill No. 67-19 was made by Ms. Hess and seconded by Mr. Canarecci. Bill No. 67-19 was passed to-wit; 8-0

Public Hearing/Public Comment:

BILL NO. 68-19: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFERS:

A. Treasurer

General Fund

FROM: 1000-11984-000-0003	Head Clerk	\$14,100.00
TO: 1000-21020-000-0003	Official Forms	\$7,000.00
1000-21030-000-0003	Office Supplies	4,000.00
1000-36300-000-0003	Repair Office Equipment	1,000.00
1000-44250-000-0003	Office Machine	2,100.00
	<u>TOTAL:</u>	<u>\$14,100.00</u>

B. Infrastructure, Planning and Growth

LIT Economic Development

FROM: 1112-44010-000-0027	Equipment	\$2,750,000.00
TO: 1112-42010-000-0040	Buildings & Structures	\$2,625,000.00
1112-45510-000-0040	Furniture & Fixtures	125,000.00
	<u>TOTAL:</u>	<u>\$2,750,000.00</u>

APPROPRIATE:

C. Auditor/Penn Township Assessor

TMA

1177-31076-216-0002	Contract TMA 2016 Tax Yr.	\$3,512.13
1177-31076-217-0002	Contract TMA 2017 Tax Yr.	\$29,723.84
1177-31076-218-0002	Contract TMA 2018 Tax Yr.	\$37,438.15
1177-31076-219-0002	Contract TMA 2019 Tax Yr.	\$6,970.88
	<u>TOTAL:</u>	<u>\$77,645.00</u>

D. Mishawaka-Penn-Harris Public Library

100	Operating Fund	\$70,802.34
700	Library Improvement Reserve Fund	301,980.54
800	Rainy Day Fund	477,217.12
	<u>TOTAL:</u>	<u>\$850,000.00</u>

E. Health Department

County Health

1159-33368-000-0055	Public Info & Education	\$2,500.00
	<u>TOTAL:</u>	<u>\$2,500.00</u>

F. Adult Probation

Pretrial Services

9143-11616-020-0024	Probation Officer VI	\$103,445.07
9143-14800-020-0024	FICA	7,915.00
9143-14810-020-0024	PERF	11,584.00
9143-14840-020-0024	Group Insurance	34,000.00
9143-31015-020-0024	Consultant Services	50,000.00
	<u>TOTAL:</u>	<u>\$206,944.07</u>

G. Adult Probation

Drug Free

9102-31215-000-0056	Drug Testing Fees	\$8,973.00
9102-39600-000-0056	Refunds, Awards & Indemnities	10,678.00
	TOTAL:	<u>\$19,651.00</u>

H. Adult Probation

2012 Problem Solving Grant

9104-31215-000-0056	Drug Testing Fees	\$7,979.00
	TOTAL:	<u>\$7,979.00</u>

I. Ducomb Center

Ducomb Center Building Fund

4922-65030-191-0795	Inter Fund Transfer Out	\$593,064.97
	TOTAL:	<u>\$593,064.97</u>

J. Superior Court

General Fund

1000-39401-000-0020	Court Ordered Mandates	\$30,000.00
	TOTAL:	<u>\$30,000.00</u>

Motion to pass Bill No. 68-19 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 68-19 was passed to-wit; 8-0 Item B: 7-1 Against, Mr. Kruszynski.

Land Use:

BILL NO. 57-19: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 17847 STATE ROAD 23 FROM R: SINGLE FAMILY DISTRICT TO O/B: OFFICE BUFFER DISTRICT
PETITIONER: DALE AND CHRISTINE DEVON

Mr. Noland reported that Bill No. 57-19 comes with a favorable recommendation.

Jordan Wyatt, Department of Infrastructure, Planning & Growth, the petitioner is requesting to rezone from R Single Family District to OB Office Buffer District. This comes to with a favorable recommendation from the Area Plan Commission.

Adam Devon, Devon Builders, 17871 SR 23, representing my parents, they have owned this property for probably eighteen years and rented it out as single-family residential home. We would like to move our current office to there and then rent out the existing office, doing a shared driveway between the two.

Motion to pass Bill No. 57-19 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 57-19 was passed to-wit; 8-0

BILL NO. 64-19: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154 PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED TO AMEND SECTION 154.418-154.423 OFF-STREET PARKING REGULATION AND SECTION 154.636 DEFINITIONS
PETITIONER: AREA PLAN COMMISSION

Mr. Noland reported that Bill No. 64-19 comes with a favorable recommendation.

Jordan Wyatt, Department of Infrastructure, Planning & Growth, we are proposing a zoning ordinance amendment to update the parking standards in the St. Joseph County zoning ordinance, since the adoption of the ordinance in 2005, the parking requirements have proven to be confusing and overly burdensome on development. The proposed amendment simplifies the parking table.

Motion to pass Bill No. 64-19 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 64-19 was passed to-wit; 8-0

Miscellaneous:

BILL NO. 65-19: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIFTY-ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$51,500,000) OF ST. JOSEPH COUNTY, INDIANA ECONOMIC DEVELOPMENT REVENUE BONDS FOR SAINT MARY'S COLLEGE; DESIGNATING THE BONDS AS LIMITED OBLIGATIONS OF THE COUNTY; APPROVING THE FORM OF, AND AUTHORIZING THE EXECUTION AND DELIVERY OF, THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER DOCUMENTS RELATED TO THE ISSUANCE AND SALE OF THE BONDS; AND AUTHORIZING PROPER OFFICERS TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO
PETITIONER: ST. MARY'S COLLEGE

Ms. Hess reported that Bill No. 65-19 comes with a favorable recommendation.

Phil Faccenda, Barnes & Thornburg, this is conduit financing therefore there is no pledge of any tax or other credit of the county of obligation of the county to the repayment of the bonds. Repayment of these bonds is entirely by the borrower, St. Mary's College. The bonds will achieve two things, one is a refinancing of 2010 and 2011 bonds were also issued by the county, that refinancing, because of the interest rates that those bonds bore, will save the college in excess of three million dollars.

Motion to pass Bill No. 65-19 was made by Mr. Canarecci and seconded by Mr. Noland. Bill No. 65-19 was passed to-wit; 8-0

BILL NO. 66-19: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

Auditor's Office

General Fund

1000-45523-000-0010 Archives Department	(.5%)	\$1,250.00
1000-45523-000-0031 Weights & Measures	(.2%)	500.00
1000-45523-000-0021 County City Building Maint.	(1.7%)	4,250.00
		<u>TOTAL: \$6,000.00</u>

PSAP Fund

4930-45523-000-0013 ERP Software (6.7%) \$16,750.00

Parks Dept.

1219-45523-000-0057 ERP Software (2%) \$5,000.00

Portage Manor

4019-45523-000-0030 ERP Software (2.5%) \$6,250.00

Health Dept.

1159-45523-000-0055 ERP Software (4%) \$10,000.00

LIT Economic Development Transfer

1112-44010-000-0027 Election Equipment \$206,000.00

1112-45523-000-0002 ERP Software 206,000.00

TOTAL: \$250,000.00

Ms. Hess reported that Bill No. 66-19 comes with a favorable recommendation.

Mr. Hamann, St. Joseph County Auditor, this is a request of a transfer of two hundred and fifty thousand dollars, two hundred and six of which comes out of the General Fund and this is set aside in the event that the Council decides to move ahead next year with an ERP system. This does not commit you to getting an ERP system, what it does do is it allows you the flexibility that if you chose to go with an ERP system for next year, you would have the flexibility of having those folks, having start the work in November or December. If you chose not to go with a vendor, then this money stays where it's at.

Motion to pass Bill No. 66-19 was made by Mr. Noland and seconded by Mr. Hess. Bill No. 66-19 was passed to-wit; 6-2. Against: Mr. Kruszynski and Mr. Telloyan.

Unfinished Business:

New Business:

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

Garrett Blad, 1428 Marigold Way Apt. 103 South Bend, the St. Joseph County Redevelopment Commission is spending millions of tax payer dollars to build a mega industrial complex outside of our city that would destroy twenty-two thousand acres of prime farm land and ruin our way of life. The Indiana Enterprise Center, if built, would become the thirteenth largest industrial complex in the United States and those are Bill Schalliol's words himself. The most chilling part is the St. Joseph County government has supported it every step of the way. We had to find out about the IEC by digging through records, asking for documents at meetings and connecting the dots ourselves. The politicians leading the charge don't live here and don't want us to know about the scale and scope of the IEC, they want to keep it that way.

Teresa Serry, 2405 State Line Road, Galien MI, once farmland is converted, it is unlikely to ever come back, and we know this. We must carefully guide our development to preserve our farmland.

Recording system shut down at 6:38 p.m.

Recording system resumed at 7:05 p.m.

Victor Myers, 336 W. Navarre St. South Bend, our earth does not have an infinite supply of deep black soil to turn to whenever needed. Indiana is fortunate, we are in a position to not only feed ourselves but also to supply food to other regions of the world. Almost daily we see how the climate crisis is causing extreme weather patterns, either too little rainfall or here in the Midwest, too much rain, flooding. It is speeding up the rate of soil loss and land degradation.

Laura Fuderer 18485 Garwood Ct. South Bend, I am Conservation Chair of the South Bend/Elkhart Audubon Society, our mission is to promote stewardship of our natural resources with a special emphasis on birds. We are concerned about the impact on our wild bird populations. While the masterplans identifies conservation buffers, they appear very small. We urge the Council to back off of this destructive plan and look instead at existing brown fields as potential sites for industrial development.

Marty Wolfson, 809 Park Ave, South Bend, many people understand economic development to mean luring businesses to our area often with economic incentives like tax abatements, so we are told we are pursuing economic development by creating the mega industrial park. I would argue that attracting businesses to located in the IEC is not economic development. As an economist, I think we should be precise about our terms.

Kay Westhues, 216 W. Madison St. South Bend, I come as an artist and a folklorist who's work primarily deals with water quality and access to clean water and I am very concerned about what this development will do to the aquifer that's in that area which is very delicate. Zoning that industrial is going to like put a death nail to any kind of recognition to that path in this community.

Kathleen Van Lue, 413 S. Filbert St. New Carlisle, I hope you have all taken the time to read about Elwood Illinois and the tragic results of the mega industrial site there. I encourage you all to visit and see for yourself how the community lives now. Now another community, along with ours is facing the same fate. Read the article in the August 9th Aurora Beacon News by Denise Crosby concerning Sugar Grove Illinois. You all have a chance to rectify a disaster before it happens. There are too many negatives to ignore.

Bob Humbarger, 29987 Hurd Rd. New Carlisle, it's one of the properties in the IEC study area. We must protect our farm ground and our aquafer. Population is growing, considering that farming is sequesters carbon and will be needed much more in the future and it does not pollute the aquafer why are we using tax dollars to take our farm ground out of use?

Michelle Gloss, 759 Portage Ave. South Bend, I am from New Carlisle, my family has been apart of New Carlisle since the horse and buggy days. We have twenty-two thousand acres that they want to take over and put factories or large buildings on that will destroy that land for forever. Those buildings aren't going to be there for long. You guys know the life span of industry, now long are they going to be there? Twenty years, thirty years, fifty years and then what? The land is ruined, and we end up looking something like Gary.

Diane Kuhl, 7393 Tulip Lane, New Carlisle, the land in the New Carlisle is prime farm land. As one drives through the western corner of St. Joseph County, one can see this area is active with farming, a proud hallmark of Indiana, many homes, small communities filled with people who are proud to be living a rural life.

Catherine Osborne, 517 River Ave. South Bend, we all know the closing of the Studebaker plant did to this city and this county and that's what the Redevelopment Commission is trying to do, redevelop. The plan for the new IEC seems to me to want to repeat the mistakes of the past except worse. I join my voice to the others that have asked you, the Council to take some control back over this process.

Kristi Haas, 2712 Miami St. South Bend, as I listen, I'd like to contribute an observation that there is something different here, we saw a lot of bills passed earlier with no comment and there are reasons for that but I'd like us to consider that maybe there is something different about this particular consideration that's coming before you. What I'd ask you to do is consider the stories that you are hearing today and the considerations about what it means to be human, I know I fall into the temptation to think that, being human means going fast and doing a lot of things, this is a time to slow down.

Celia Herod, 317 E. Ben St. New Carlisle, my husband and I have lived there (New Carlisle) over forty years, we raised our family there, it's a community where we can ride around in the evenings when it's beautiful in our golf cart. When people ask where we are from, we say New Carlisle Indiana and we have one stop light. We are unique, please don't take that away from us.

Katherine Enders, 23037 Grove St. South Bend, there is a massive underground water table. It ranges from south side of Detroit Michigan to the northwest corner of west Lafayette. It is the third largest underground water aquafer in the nation. You are talking about building industry that's going to add pollution to that water that spreads miles in all directions and is going to provide contamination to anybody who is near that water. We are having problems around the country with polluted water.

Tom Zmyslo Sr. 51042 Prairie View Way, South Bend, I stand here tonight in solidarity with the residents of our western part of St. Joe County, New Carlisle. I have witnessed the destruction of farmland. I implore you to listen to these people because the city of South Bend has created a problem for German Township residents with traffic, speeding cars, trucks, semi's, noise, light pollution, air pollution, you name it. I implore you to listen.

Chris Humbarger, 58010 Tulip Road, New Carlisle, the Indiana Enterprise Center, the plan of the county leaders to industrialize twenty-two thousand acres of New Carlisle farm land is a betrayal of rural residents. Wholesale change of an area nearly the size of South Bend from agricultural to industrial zoning is unreasonable and unfair to residents who thought this was a great place to live and invest. Tactics like secret land maps that suddenly come to light by mistake, reshuffling the Drainage Board for favorable votes for the project, talk of eminent domain for infrastructure and a lack of public input to this process make me regret living in this county. I think taxes from area businesses

should go to traditional county functions, TIF districts don't do me any good, taxes from new businesses shouldn't go to slush funds that aggressively promote unwanted development by residents on this scale.

John Ditillo, 701 Cushing St. South Bend, you have a choice before you to think about it and gather more information.

Diane Molnar, 2955 Sage Rd. Buchanan, MI, you don't need to play with our land, please don't.

We can't become dependent on other nations for major portions of our food supply. Our independence as a nation will be severely crippled.

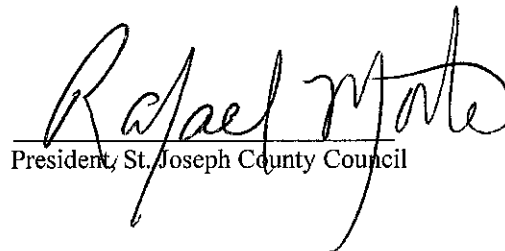
Sybil Drew, Chicago IL, I am a filmmaker, I live outside of Elwood Illinois and I have a perspective on this that probably most people don't because let me tell you, the city is wrecked, the roads are wrecked, the air is wrecked, our water table is pretty much empty right now, these are things I don't want to happen to these people. I urge you to listen to these people.

Mona Kafka, New Carlisle, you people all look so intelligent and you are listening very well, and I appreciate that. Weather tends to come this way and it's headed your way and if you feel like you want to take that responsibility to pollute your children and yourselves, I just implore you to take your time.

Adjournment: Mr. Morton stated that the meeting was adjourned 7:50 p.m.



Auditor, St. Joseph County



President, St. Joseph County Council