

MINUTES OF A
PUBLIC HEARING MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
MARCH 9, 2021

The public hearing meeting of the St. Joseph County Council was called to order at 6:00 p.m., on March 9, 2021 by the President, Rafael Morton, via Zoom.

Members in attendance were:

Mr. Robert L. Kruszynski
Mr. Corey Noland
Mr. Richard Pfeil
Ms. Diana Hess
Mr. Rafael Morton
Mr. Mark 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.

Ms. Hess made the motion to reappoint Dennis Heckaman to the Lakeville Economic Development Commission, Gene Reese Walkerton Economic Development Commission and -Sara Williams to the North Liberty Economic Development and was seconded by Mr. Noland. The motion was passed unanimously.

Ms. Hess made a motion to approve the minutes of the February 9, 2021 meeting and was seconded by Mr. Noland, the motion was passed by a voice vote; 9-0.

1. First Readings:

BILL NO. 25-21: 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: THE FIRST NORTH-SOUTH ALLEY WEST OF BRINK AVENUE, BOUND BY ELSIE AVENUE TO THE NORTH, BEATRICE STREET TO THE SOUTH, LOTS 195-208 OF LEXINGTON PARK TO THE WEST, AND LOTS 125-138 OF LEXINGTON PARK TO THE EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, SEC. 4 T37N R4E.
PETITIONER: BRIAN RAMP, 365 N. HALSTEAD, UNIT 2310, CHICAGO, IL 60661
Assigned to the Land Use Planning Committee

BILL NO. 26-21: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING CHAPTER 97: FAIR HOUSING OF THE ST. JOSEPH COUNTY CODE PETITIONER: DIANA HESS
Assigned to the Human Services/Criminal Justice Committee

BILL NO. 27-21: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL 2021 SALARY ORDINANCE FOR EMPLOYEES FOR COMMUNITY CORRECTIONS DUCOMB CENTER OF THE COUNTY PROVIDING A COVID-19 HAZARD PAY STIPEND TO QUALIFYING COUNTY EMPLOYEES
PETITIONER: DUCOMB CENTER
Assigned to the Human Services/Criminal Justice Committee

BILL NO. 28-21: 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 54565 SAGE ROAD FROM C: COMMERCIAL DISTRICT TO A: AGRICULTURAL DISTRICT PETITIONER: AREA PLAN COMMISSION
Assigned to the Land Use Planning Committee

BILL NO. 29-21: 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 12491 BECKLEY STREET, GRANGER FROM R SINGLE FAMILY DISTRICT TO O/B: OFFICE/BUFFER DISTRICT PETITIONER: CONNIE PAWLING
Assigned to the Land Use Planning Committee

BILL NO. 30-21: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR UNADDRESSED PROPERTY LOCATED ON THE SOUTH SIDE OF CLEVELAND ROAD APPROXIMATELY 0.3 MILES WEST OF OLIVE ROAD, CONTAINING 50.52 ACRES (MORE OR LESS) FROM R: SINGLE FAMILY DISTRICT TO I: INDUSTRIAL DISTRICT
PETITIONER: JAMES H. AND BARBARA K. KIDDER
Assigned to the Land Use Planning Committee

BILL NO. 31-21: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING THE ISSUANCE OF REFUNDING BONDS FOR THE PURPOSE OF REFUNDING THE COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUE BONDS OF 2014, AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE BONDS, AND ADDRESSING OTHER MATTERS CONNECTED THEREWITH
PETITIONER: PHIL FACCENDA
Assigned to the Budget and Administration Committee

BILL NO. 32-21: ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL APPROPRIATING THE PROCEEDS OF THE ST. JOSEPH COUNTY LOCAL INCOME TAX REVENUE REFUNDING BONDS
PETITIONER: PHIL FACCENDA
Assigned to the Budget and Administration Committee

3. Resolution(s):

Bill No. 34-21: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL SUPPORTING PASSAGE OF SENATE BILL 164, A BILL BEING CONSIDERED BY THE INDIANA GENERAL ASSEMBLY INCREASING THE CURRENT ST. JOSEPH COUNTY INNKEEPER'S TAX FROM 6% TO 8% AND SPELLING OUT HOW THOSE FUNDS SHOULD BE ALLOCATED TO HELP DEVELOP PRODUCT, ENHANCE TOURISM, STIMULATE ECONOMIC GROWTH, AND CREATE JOBS IN ST. JOSEPH COUNTY

Mr. Morton: This is a supporting resolution from the St. Joseph County Council supporting the passage of Senate Bill No. 164, Innkeepers Tax.

Jeff Rea, President and CEO of South Bend Regional Chamber, 101 N. Michigan St., I encourage you to pass this resolution, we have been working to build a broad collation of community support, we have been doing similar resolutions with the Mishawaka Council, the South Bend Council, both of them have approved this (inaudible) we have worked with the Commissioners, really a lot of people in the community working to try to stimulate economic activity post pandemic, we have a number of improvements planned related to increasing funding for this, including Mishawaka Sports Complex, the Morris Performing Arts Center, the Potawatomi Zoo and most importantly, the tourism capital improvement fund that get's established as part of this work so we are excited about what that means to help driving tourism in our area.

Rob DeCleene, The Chamber of Commerce, Visit South Bend, Mishawaka, 101 N. Michigan St. South Bend, there is a real opportunity here for St. Joseph County to sort of level the playing field, as the resolution states, we are not at the same level as peer cities within the state, specifically Fort Wayne and Evansville. This has been a very deliberate process to try and identify ways to improve the product that we have, the tourism product in St. Joseph County with this increase, as mentioned, the sports complex, the zoo, the Morris Performing Arts Center and I think perhaps the most exciting and possibly transformational in addition to the sport complex is the tourism capitol improvement fund. This is going to be an ongoing effort, application based and leveraged funds so meant to be matched. The facts are, we have five thousand and thirty two hotel rooms in St. Joseph County, we have three hundred and ninety one under construction including the largest and

we really have to identify ways to fill these rooms beyond the six football weekends of the year and we think this bill will go a long way in helping us do that. Thank you very much for our consideration.

Sharon McBride, Vice President of the City Council, I would like to speak in support of this resolution, it did pass through the city council with a 9-0 vote. I wanted to express our support of this bill.

Mr. Catanzarite: I just want to state my support for the bill. My support for this bill would be the fact that, as Rob DeCleene mentioned, it would level our playing field, it would give us more opportunities to provide for any people here for tourism.

A motion to pass Bill No. 34-21 was made by Mr. Catanzarite and seconded by Mr. Canarecci. Bill No. 34-21 was passed to-wit; 9-0

3. Salary Amendment(s):

BILL NO. 24-21: AN ORDINANCE AMENDING ORDINANCE 76-20, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2021 PETITIONER: AUDITOR (*Combined with Bill No. 18-21 A*)

Ms. Hess reported that Bill No. 24-21 comes with a favorable recommendation.

Mr. Hamann: As I explained a couple of weeks ago, Patty Henry, our real estate clerk is moving into the payroll position, when she moves from a nonexempt position to an exempt, we have to pay out their comp time, her comp time comes to three thousand, two hundred and forty five dollars.

A motion to pass Bill No. 24-21 was made by Ms. Hess and seconded by Mr. Canarecci. Bill No. 24-21 was passed to-wit; 9-0

BILL NO. 20-21: AN ORDINANCE AMENDING ORDINANCE 76-20, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2021 PETITIONER: AUDITOR (*Combined with Bill No. 18-21 C*)

Ms. Hess reported that Bill No. 20-21 comes with a favorable recommendation.

Mr. Hamann: As you guys know, the federal government treasury is giving St. Joseph County eight point one million dollars with which to provide emergency rental assistance. Ten percent of that can be spent on administration, so we are using sixty thousand dollars of that to pay for specifically, Corey Szczyka to be the administrator of the emergency relief act money, this is a one year deal and after this, she will be going back to the grant administrator.

A motion to pass Bill No. 20-21 was made by Mr. Canarecci and seconded by Ms. Hess. Bill No. 20-21 was passed to-wit; 9-0

BILL NO. 23-21: AN ORDINANCE AMENDING ORDINANCE 76-20, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2021 PETITIONER: COMMISSIONER (*Combined with Bill No. 18-21 D*)

Ms. Hess reported that Bill No. 23-21 comes with a favorable recommendation.

Mr. Kostielney, President of the St. Joseph County Board of Commissioners, I am here tonight asking you to increase the number of deputy county attorneys by one. We had a situation with the Health Department where David Keckly, their long time attorney retired at the end of 2020 so we decided to, that it made more sense to hire another county deputy attorney out of the Commissioner budget that way the Health Department could keep that funding and use it for better purposes, this would allow the Board of Commissioners and the county itself have a little bit more capacity, this new deputy county's attorney's roll will primarily with the Health Department but as we have seen litigation increase from the Health Department's standpoint, we thought it also would make more sense to

have who is a bit more suited to handle some of these things and it also made sense that we might have some additional capacity as needed for the county.

A motion to pass Bill No. 23-21 was made by Mr. Canarecci and seconded by Ms. Hess. Bill No. 23-21 was passed to-wit; 9-0

BILL NO. 19-21: AN ORDINANCE AMENDING ORDINANCE 76-20, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2021 PETITIONER: HEALTH DEPARTMENT (*Combined with Bill No. 18-21 G*)

Mr. Kruszynski reported that Bill No. 19-21 comes with a favorable recommendation.

Amy Ruppe, Administrator, Department of Health, before you is a request to appropriate funds with a grant that we had received from the Indiana Department of Health. At the committee meeting I had made a comment that I was going to change the appropriation as it was presented at the committee meeting, however, after speaking with Bob, our health officer, we are going to leave it as it was originally submitted at the council meeting with temporary seasonal help having one position including FICA and the rest as COVID expenditures.

A motion to pass Bill No. 19-21 was made by Mr. Canarecci and seconded by Mr. Kruszynski. Bill No. 19-21 was passed to-wit; 9-0

BILL NO. 21-21: AN ORDINANCE AMENDING ORDINANCE 76-20, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2021 PETITIONER: HEALTH DEPARTMENT (*Combined with Bill No. 18-21 H*)

Mr. Kruszynski reported that Bill No. 21-21 comes with a favorable recommendation.

Amy Ruppe: We are receiving a twenty-thousand-dollar grant from the Institute for Intergovernmental Research to standardize overdose fatality review data collection in our county.

A motion to pass Bill No. 21-21 was made by Mr. Catanzarite and seconded by Mr. Kruszynski. Bill No. 21-21 was passed to-wit; 9-0

BILL NO. 22-21: AN ORDINANCE AMENDING ORDINANCE 76-20, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2021 PETITIONER: PROSECUTOR (*Combined with Bill No. 18-21 I*)

Mr. Kruszynski reported that Bill No. 22-21 comes with a favorable recommendation.

Mr. Kruszynski made a motion to send it back to committee and the motion was seconded by Ms. Hess. The motion passed unanimously.

4. Public Hearing/Public Comments: Fiscal Matters:

BILL NO. 18-21: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFER:

A. Auditor

General Fund

FROM: 1000-11571-000-0002	Overtime	\$3,245.00
TO: 1000-11603-000-0002	Property Tax Supervisor	\$3,245.00
	TOTAL:	\$3,245.00

B. Health Department

County Health Department

FROM: 1159-37100-000-0055	Auto Lease	\$53,617.00
TO: 1159-38012-000-0055	Interest	\$7,820.64
1159-38013-000-0055	Principal	\$45,796.36
	<u>TOTAL:</u>	<u>\$53,617.00</u>

APPROPRIATION(S):

E. Infrastructure, Planning & Growth

Federal Grants Public Works

8138-91906-000-0023	Special Projects – 2021	\$1,000,000.00
	<u>TOTAL:</u>	<u>\$1,000,000.00</u>

F. Infrastructure, Planning & Growth

MVH and LIT

Appropriation/(budget reduction)

1176-38012-000-0064	Interest on debt	(\$70,000.00)
1176-38013-000-0064	Principal on debt	(\$535,000.00)
	<u>TOTAL:</u>	<u>(\$605,000.00)</u>
1112-38012-000-0064	Interest on debt	\$70,000.00
1112-38013-000-0064	Principal on debt	\$535,000.00
	<u>TOTAL:</u>	<u>\$605,000.00</u>

G. Health

County Wide Lead Initiative

4940-21030-000-0055	Office Supplies	\$5,000.00
4940-22148-000-0055	Field Supplies	\$5,000.00
4940-32020-000-0055	Travel/Mileage	\$2,000.00
4940-32050-000-0055	Conference & Training	\$3,500.00
4940-32350-000-0055	Postage	\$2,000.00
4940-33368-000-0055	Public Information & Education	\$9,000.00
4940-36500-000-0055	Service Contract	\$5,000.00
4940-39750-000-0055	Information Tech.	\$10,000.00
	<u>TOTAL:</u>	<u>\$41,500.00</u>

H. Health

Health Local Health Maintenance

9101-11167-000-0055	Community Health Worker	\$30,757.00
9101-11193-000-0055	Health Promotion Specialist	\$41,915.00
	<u>TOTAL:</u>	<u>\$72,672.00</u>

I. Health

Health Trust Fund

9111-32020-000-0055	Travel/Mileage	\$12,000.00
9111-36015-000-0055	Contractual Svc.	\$83,631.31
	<u>TOTAL:</u>	<u>\$95,631.31</u>

J. Health

Health Local Health Maintenance

9101-11167-000-0055	Community Health Worker	\$4,243.00
9101-14800-000-0055	FICA	\$5,885.00
9101-14810-000-0055	PERF	\$8,615.00
9101-14840-000-0055	Group Health Ins.	\$34,600.00
9101-21030-000-0055	Office Supplies	\$2,500.00
9101-32020-000-0055	Travel/Mileage	\$5,275.00

9101-32203-000-0055	Cell Phones	\$1,080.00
9101-33368-000-0055	Public Information & Education	\$7,300.00
	<u>TOTAL:</u>	<u>\$69,498.00</u>

K. Health
Health Data Analytics Strategy
9160-36015-000-0055

Contractual Svc.	\$70,000.00
<u>TOTAL:</u>	<u>\$70,000.00</u>

L. Superior Court
9117-39404-000-0020

Court Interpreter Svc.	\$13,586.10
<u>TOTAL:</u>	<u>\$13,586.10</u>

M. Emergency Management
General Fund
1000-36200-000-0009

Repairs-Other Equipment	\$12,546.40
<u>TOTAL:</u>	<u>\$12,546.40</u>

N. Adult Probation
Justice Addictions Response
9156-36015-000-0056

Contractual Svc.	\$60,000.00
<u>TOTAL:</u>	<u>\$60,000.00</u>

O. Appropriation/(budget reduction)
Ducomb Center

9149-11290-021-0080	Coordinator Support Svc.	\$(18,385.50)
9149-14800-021-0080	FICA	(\$1,406.50)
9149-14810-021-0080	PERF	(\$2,059.16)
9149-14840-021-0080	Group Health Ins.	(\$5,448.84)
	<u>TOTAL:</u>	<u>(\$27,300.00)</u>

9149-11290-021-0080	Coordinator Support Svc.	\$18,385.50
9149-14800-021-0080	FICA	\$1,406.50
9149-14810-021-0080	PERF	\$2,059.16
9149-14840-021-0080	Group Health Ins.	\$5,448.84
	<u>TOTAL:</u>	<u>\$27,300.00</u>

P. Adult Probation
Adult Probation IDOC
9141-11613-021-0024
9141-14800-021-0024
9141-14810-021-0024
9141-14840-021-0024

Probation Officer VI	\$145,376.00
FICA	\$11,121.28
PERF	\$16,282.12
Group Health Insurance	\$63,211.60
<u>TOTAL:</u>	<u>\$235,991.00</u>

Q. Auditor
General Fund
1000-11571-000-0040
1000-11571-000-0040
1000-11571-000-0040
1000-11713-000-0040

1000-11724-000-0040

Health Department Overtime/Mask Ordinance	\$4,500
Portage Manor Overtime	\$10,698
Health Dept. Overtime/Nurse Antibody testing	\$554
Portage Man. Annul. Housekeeper/extra sanitation	\$24,104.00
Portage Man. Quality Controller/COVID work	\$2,105

1000-12009-000-0040	COVID 19 Administrator/final check, new salary in Auditor's budget - \$1,731
1000-14719-000-0040	Portage Man. COVID isolation unit pay \$30,491
1000-42010-000-0040	Building & Structures \$310,620.63
1000-31079-000-0040	COVID Expenditures \$2,683,420.97
Health Department	– temporary workers at vaccine clinic \$242,213
Health Department	– OT/Health Dept. staff vaccine clinic \$300,000
Health Department	– Site rental for vaccination site at St. Hedwig \$18,000
Health Department	– contract with Comcast for WIFI at vaccination site \$1,735
Health Department	– contract with Wubs as a COVID testing site \$5,000
County Jail	– remodeling call station, data cabling and audio visual projects \$151,519
County Jail	– estimated amount for inmate COVID testing \$780,000
Juvenile Justice Center	– estimated amount for residents COVID testing - \$48,000
Hotels4Now	– funding for 4/1/21 through 9/30/21 – hotel rooms, staffing, security, outreach, supplies \$706,781
General departmental	PPE, sanitizing, protective barriers, work-from-home, masks, HEPA filtration and other COVID costs \$740,793
<u>Total Estimated Costs \$3,068,224</u>	

All financial issues were heard and discussed at our February 23, 2021 committee meeting.

A motion to pass Bill No. 18-21 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 18-21 was passed to-wit; 9-0

5. Land Use Planning:

BILL NO. 5-21: 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 12555 ADAMS ROAD FROM C: COMMERCIAL DISTRICT TO B: BUSINESS DISTRICT. PETITIONER: 12555 SR 23, LLC

Mr. Noland reported that Bill No. 5-21 comes with a favorable recommendation.

Ryan Fellows, Area Plan Commission, this is for the property 12555 Adams Road, this is near the kind of downtown of Granger, if you will. This property is currently zoned C Commercial district, but it is site plan specific to just be the veterinary clinic. This comes to you with a favorable recommendation from the Area Plan Commission, there was no one that spoke in opposition to this proposal.

Terry Lang, Lang Feeney and Associates, 715 S. Michigan Street, South Bend, Ryan has pretty much summed up the jest of my presentation there, it's the former Kryder building and it's being rezoned for business use.

A motion to pass Bill No. 5-21 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 5-21 was passed to-wit; 9-0

BILL NO. 6-21: 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 10386 MC KINLEY HWY FROM C: COMMERCIAL DISTRICT (SITE-PLAN SPECIFIC) TO C: COMMERCIAL DISTRICT (NOT SITE-PLAN SPECIFIC). PETITIONER: WOOD RENTAL PROPERTIES LLC

Mr. Noland reported that Bill No. 6-21 comes with a favorable recommendation.

Ryan Fellows: This is property currently being used for self-storage units. The one (inaudible) surrounded by R Single Family district on pretty much all sides. We did have one person show up for the public hearing who spoke about how close the buildings were to the western edge. That is something that has been noted by the planning staff and it's been shared with the building department so when they do go to apply for building permits, it will be carefully observed to make sure they maintain the twenty foot of separation that they should have between R Single Family District versus to C Commercial district. This comes to you with a favorable recommendation from the Area Plan Commission.

Stephanie, Progressive Engineering, we are aware of all the twenty foot set back requirement and actually our crew was on site today to tie down all the buildings, we have been in discussion with Ryan and the Area Plan members on this so we will be updating the site plan to actually see if the GIS is representative of what you just saw on the screen here a little while ago or if it's the original site plan that was submitted when they first built the mini storage units, if that's more of how the property's actually laid out.

A motion to pass Bill No. 6-21 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 6-21 was passed to-wit; 9-0

BILL NO. 16-21: 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 52694 STATE ROAD 933 FROM R SINGLE FAMILY DISTRICT TO C: COMMERCIAL DISTRICT PETITIONER: DEV 52694 SR 933 LLC

Mr. Noland reported that Bill No. 16-21 comes with a favorable recommendation.

Ryan Fellows: As you see on the screen, there is an existing car wash facility. The back portion of the property was zoned R Single Family at the moment and the petitioner wishes to make the entire property whole so they can use it to tear down this existing car wash to put up a new car wash in it's place. This comes to you with a favorable recommendation from the Area Plan Commission, there was no one who spoke in opposition to this.

Mr. Catanzarite: The county noise ordinance for example, I know in the city of South Bend, their noise ordinance talks about what time loud noises can begin and end and my question was, are there any provisions that this petitioner could be held to anything like that regarding noise that exceeds certain decibels or at certain times of the day because it does abut residential property and the only thing that concerns me, looking at the site plan is the dumpster location right up against residential properties. I know from my own personal experience, I live next to B Business in the city of South Bend and across from C Commercial, that the operators, the waste companies that want to empty those dumpsters like they do at four and five in the morning and it's very inconvenient to the residents that live next to that. I am not certain what our noise ordinance allows, I have to personally call those companies and explain to them that the city of South Bend's ordinance doesn't allow for any noises like that to occur except after 8:00 a.m. Would you happen to know if the county's noise ordinance addresses anything like that?

Ryan Fellows: I do not know that off the top of my head. I will look into it and it will be apart of my review when it goes through commercial plan review when they apply for a building permit and if there's anything that needs to be required of them, it will be noted at that time.

Abby Wiles, Director of the Area Plan Commission, we'll certainly locate the noise ordinance and review it. We have the ability to enforce our zoning and subdivision ordinance.

Mr. Catanzarite: You are probably not the right agency to enforce that, I just know we have a noise ordinance in the books, and it might even be the county police that enforces that.

Ms. Wiles: In regard to your specific question of hours of operation, that is something the council could assign a commitment for, restricting hours, that's my understanding.

Mr. Catanzarite: Ok. As part of this zoning request, correct?

Ms. Wiles: Correct.

Mr. Kruszynski: The current location has a car wash on it now with lighting, Abby or Ryan, can the lighting also be addressed with the new vendor that is going to build there, I would think that the lighting would be improved but can the lighting issue be addressed based on Mr. Catanzarite's comment with that one residential house there to the east?

Mr. Fellows: The lighting will definitely be apart of the commercial plan review. It will have to follow the stipulations in the zoning code, and I can assure you that that does have certain heights, a certain percent where the light has to be directed downward. It's commonly called a shoebox style depending on what height you get to. We will ensure they are compliant with our code.

Mr. Catanzarite: Looking at this particular petitioner, looking at one of their other locations and a much more highly commercialized area, their hours of operation Monday through Saturday, the car wash opens up at 7:30 in the morning so I don't know if that would conflict with any noise ordinance we might have because they do generate some noise and I do know with the car wash in operation, that might be something you guys may want to look at on the site plan approval process.

Ms. Wiles: Just to clarify, once this goes through the site plan review, when the rezoning is in place, we are not able to regulate the hours of operation.

Mr. Catanzarite: I would defer to the county councilman to that district. It's not my district, I just wondered if anybody else has any concerns about that, if the car wash opens at 7:30, is that going to be an issue, they think that about that property? If they start at 7:30, do they get there and actually open up the building and begin generating noise at 7:00, 7:15, just a thought.

Mr. Kruszynski: Mr. Catanzarite, I appreciate you comment and your concern to me. Based on the area that this car wash is going to be located, with the noise factor, with the other businesses that are up there, I don't see that being that big of a deal. On Sunday's I know a particular car wash open at at 8:30 and I believe they stay open until 8:00 at night and that's Monday through Sunday, I believe. I don't have a concern with the noise issue.

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, as Abby had mentioned, yes, the hours would be about the same, what is happening here is that the existing shilling facility which is an old facility and it has the old equipment to it, it will be completely raised, a brand new facility will go in, we (inaudible) ordinance for the county that has decibel readings and I believe it also have hours for those decibels and we would be below those, usually in the car wash, the only real noise factor would be the dryers and this particular case, those dryers are at the very far end, the west end of the building which is away from the residential area, so from a noise standpoint, that noise would not be towards that residential area, I just wanted to make that clear. We will take a look at the location of the dumpster site and we will work with the staff on that, to place it at far away from that residential home as possible. Right now, that property has basically all the storage right there up against that residential area. We are actually bringing this site up to complete standard for the county, it does not have that right now. The back portion of this property was never zoned properly, and I don't believe anybody actually even knew that situation existed. We had talked with the staff, so this particular site plan addresses all the latest county standards for the buffering that's required and also the distances away from the residential area. From a drainage standpoint, this is also going to be brought up to the latest standards, right now, the minimal for the drainage will be bringing it up to the five point six inch rainfall, as far as access to the site, that is not changing, the two driveway openings that exist out there right now on 933 will remain the same. This will be the latest technology for a car wash facility. Drive and Shine is basically redoing their facilities and bringing them up to the current standards for technology and in this particular case, they are probably going expend in excess of five million dollars to redo this entire site and we will work with the staff on all the issues the Council has brought up.

A motion to pass Bill No. 16-21 was made by Mr. Kruszynski and seconded by Mr. Canarecci. Bill No. 16-21 was passed to-wit; 9-0

6. Miscellaneous:

**BILL NO. 17-21: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL PROVIDING A COVID-19 HAZARD PAY STIPEND TO 2020 GENERAL ELECTION WORKERS
PETITIONER(S): DIANA HESS AND JOSEPH CANARECCI**

Mr. Noland reported that Bill No. 17-21 comes with a favorable recommendation.

Mr. Canarecci: This is an ordinance seeking to provide a hazard pay stipend to the election workers who were not included in some of the initial hazard pay conversation, considering they were not yet employed in the rolls that they took, this would cover the election workers for both the elections, when Diana and I were putting time into this and considering this, a big piece of this was basically that a lot of these people that took these rolls were unaware of the hazards that they were going to encounter even when they took them during the pandemic, I think we saw a spike and fall and we saw, certainly, historical turn out and sort of different levels of mask mandated enforcement at the various different polling places so we considered this and the important thing to do for those folks that came out and did their civic duty.

Mr. Pfeil: Is this amendment more expensive to the taxpayers than the original proposal?

Mr. Canarecci: As provided in the materials in the bill, option A is the least expensive of the three proposals that we have discussed.

Mr. Pfeil: What's the difference in cost?

Mr. Canarecci: Five dollars per day from option B as you would read in the material and an additional five dollars from option C.

Mr. Pfeil: So, it comes out in total the same?

Mr. Canarecci: No, it's five dollars less per election worker for option B and five dollars less (inaudible) option C.

Mr. Canarecci made a motion to amend Bill No. 17-21 to include the language that we will be providing the hazard pay stipend at option A which is a twenty five dollar per day level covering nine hundred and forty election workers and was seconded by Ms. Hess. Amended Bill No. 17-21 passed unanimously.

A motion to pass amended Bill No. 17-21 was made by Ms. Hess and seconded by Mr. Canarecci. Amended Bill No. 17-21 was passed to-wit; 9-0

7. Unfinished Business

8. New Business:

9. Adjournment: Mr. Morton stated that the meeting was adjourned 7:08 p.m.



Auditor, St. Joseph County



President, St. Joseph County Council