

MINUTES OF A
PUBLIC HEARING MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
MAY 11, 2021

The public hearing meeting of the St. Joseph County Council was called to order at 6:01 p.m., on May 11, 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.

Mr. Noland made motion to appoint John Wibbens to the St. Joseph County Public Library Board and reappoint John Ferrettie & Rafael Morton to the Early Intervention Board and Mark Root to the Michiana Area Council of Government (MACOG) and was seconded by Mr. Catanzarite. The motion passed unanimously by a voice vote 9-0.

Ms. Hess made a motion to approve the minutes of the April 13, 2021 meeting and was seconded by Mr. Kruszynski the motion was passed by a voice vote; 9-0.

1. First Readings:

BILL NO. 52-21: AN ORDINANCE AMENDING AND SUPPLEMENTING
AN APPENDIX: SCHEDULE OF FINES AND FEES FOR THE ST. JOSEPH COUNTY
DEPARTMENT OF HEALTH
PETITIONER: HEALTH DEPARTMENT
Assigned to the Human Services/Criminal Justice Committee

BILL NO. 53-21: AN ORDINANCE APPROVING THE PETITION FOR A
SPECIAL USE FILED BY WARREN TOWNSHIP FOR PROPERTY BEING LOCATED
AT 25698 STATE ROAD 2
PETITIONER: WARREN TOWNSHIP
Assigned to the Land Use Planning Committee

BILL NO. 54-21: AN ORDINANCE APPROVING THE PETITION FOR A SPECIAL USE FILED
BY MATTHEW & REBECCA GIRARD FOR PROPERTY BEING LOCATED AT 21890 PINE
HOLLOW LANE THE SAME BEING FILED WITH THE AREA BOARD OF ZONING APPEALS
PETITIONER: MATTHEW & REBECCA GIRARD
Assigned to the Land Use Planning Committee

BILL NO. 55-21: A RESOLUTION DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET AND CONFIRMING RESOLUTION NO. ___ OF THE ST. JOSEPH COUNTY COUNCIL DECLARING AN AREA OF THAT COUNTY TO BE AN ECONOMIC REVITALIZATION AREA (CONFIRMING RESOLUTION)

PETITIONER: UNIFRAX I LLC.

Assigned to the Land Use Planning Committee

2. Resolution(s):

BILL NO. 39-21: A 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: UNIFRAX LLC

Christian Brown, Economic Development Specialist, before you tonight is a declaratory resolution for an economic revitalization area in support of a tax abatement request for Unifrax LLC. This request is an ERA designation for ten years for a real and personal property tax abatement. All abatement values and schedules will be finalized during the confirmatory resolution process, all this action does tonight is to designate the Unifrax site as an economic revitalization area. Just to summarize real quick about the project, the petitioner is planning to run (inaudible) thirteen thousand square feet, their existing plan to install (inaudible) manufacturing process, total project cost of thirteen million dollars, this new line is expected to produced materials that will improve battery efficiency, (inaudible) greater energy storage (inaudible) including consumer electronics and electric vehicles. Unifrax will be retaining all one hundred and fifteen current employees while adding (inaudible) new jobs comprised of plant operators, plant technicians, engineers and management to support the new process line. Current average wage for the plant is around thirty dollars an hour with the new jobs anticipated to be in the same range.

Steve Randell, Plant Manager, Unifrax, this is an exciting opportunity. It is housed in an existing building, at this point, does not need any expansion. It has no impact on the environment.

Jeff Rea, President, South Bend Regional Chamber of Commerce, 101 S. Michigan St., South Bend, Unifrax is one of the first businesses located out in the New Carlisle industrial area, they have been model employer since day one, they continue to grow and expand, this is a global company that could make investments, really, anywhere in the world and continued to make investments here. Their average wage sits well above average wages here in St. Joseph County.

A motion to pass Bill No. 39-21 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 39-21 was passed to-wit; 9-0

BILL NO. 45-21: A RESOLUTION OF THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA APPROVING AN AGREEMENT EXTENDING THE ST. JOSEPH COUNTY HOUSING CONSORTIUM AND AUTHORIZING THE EXECUTION THEREOF

Lori Timmer, City of South Bend, Department of Community Investment, this resolution authorizes President Kostielney to execute documents to renew the St. Joseph County Housing Consortium under and interlocal agreement among the three jurisdictions of St. Joseph County, the city of South Bend and the city of Mishawaka.

A motion to pass Bill No. 45-21 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 45-21 was passed to-wit; 9-0

3. Salary Amendment(s):

BILL NO. 48-21: 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: COMMISSIONERS *(Combined with Bill No. 46-21 C)*

Ms. Hess reported that Bill No. 48-21 comes with a favorable recommendation.

Kim Karkiewicz, Human Resources, we have asked for this salary (inaudible) for additional duties for the HR assistant and also helping with the mailroom. Our HR assistant was helpful in the mailroom and is going to continue to be a back up for the mailroom clerk.

A motion to pass Bill No. 48-21 was made by Ms. Hess and seconded by Mr. Canarecci. Bill No. 48-21 was passed to-wit; 9-0

BILL NO. 47-21: 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: PROBATE COURT *(Combined with Bill No. 46-21 G)*

Mr. Kruszynski reported that Bill No. 47-21 comes with a favorable recommendation.

Cheryl Rush, Controller, Probate Court, these appropriations are for the family court grant, including a salary amendment for the court administrator that will run the program. The salary amendment will only be for the timeframe for this grant.

A motion to pass Bill No. 47-21 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 47-21 was passed to-wit; 9-0

BILL NO. 50-21: 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. 46-21 H)*

Mr. Kruszynski reported that Bill No. 50-21 comes with a favorable recommendation.

Bob Risenhoover, Prosecutor's Office, we are asking for a salary amendment to provide salary levels for the deputy prosecuting attorneys as reflected in the approved fund 2021 budget.

A motion to pass Bill No. 50-21 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 50-21 was passed to-wit; 9-0

BILL NO. 51-21: 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. 46-21 I)*

Mr. Kruszynski reported that Bill No. 51-21 comes with a favorable recommendation.

Mr. Risenhoover: This is a request for a salary amendment to provide salary levels for supplemental pay. No change in head county or funding.

A motion to pass Bill No. 51-21 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 51-21 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. 46-21 J)*

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

Mr. Risenhoover: This is a request to establish the 2021 budget for the Prosecutor's pretrial diversion fund, (7398) and to make a salary adjustment for the Chief Deputy Prosecutor from \$107, 096.00 to \$116,773.00.

A motion to pass Bill No. 22-21 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 22-21 was passed to-wit; 9-0

BILL NO. 36-21: 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. 46-21 A)*

Mr. Kruszynski reported that Bill No. 36-21 comes with a favorable recommendation.

Mr. Risenhoover: This is a request to reduce one legal secretary position and add one paralegal position. No change in head count or funding.

A motion to pass Bill No. 36-21 was made by Mr. Noland and seconded by Mr. Kruszynski. Bill No. 36-21 was passed to-wit; 9-0

4. Public Hearing/Public Comments: Fiscal Matters:

BILL NO. 46-21: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFER:

A. Prosecutor

General Fund

FROM: 1000-11652-000-0018	Legal Secretary	\$31,100.00
TO: 1000-11351-000-0018	Para Legal	\$31,100.00
	<u>TOTAL:</u>	<u>\$31,100.00</u>

APPROPRIATION(S):

B. Auditor's Office

CARES Act Safety Awareness Grant

8907-31079-000-0055	COVID Expenditures	\$2,999.83
8907-36017-000-0055	Professional Services	\$0.27
	<u>TOTAL:</u>	<u>\$3,000.10</u>

C. Commissioners

General Fund

1000-11934-000-0034	Human Resources Assistant	\$3,000.00
1000-14800-000-0040	FICA Taxes	\$230.00
1000-14810-000-0040	PERF	\$336.00
	TOTAL:	\$3,566.00

D. Infrastructure, Planning & Growth

LIT Economic Development Fund

1112-31070-000-0070	Other Contractual Svc.	\$250,000.00
	TOTAL:	\$250,000.00

E. Police Department

Sex Offender Registry

4937-24110-000-0005	Uniforms	\$1,070.00
	TOTAL:	\$1,070.00

F. Probate Court

VASIA Grant

9124-36015-000-0025	Contractual Svc.	\$75,000.00
	TOTAL:	\$75,000.00

G. Probate Court

Family Court Grant

9147-11079-000-0025	Court Administrator	\$2,500.00
9147-14800-000-0025	FICA	\$220.00
9147-14810-000-0025	PERF	\$280.00
	TOTAL:	\$3,000.00

H. Prosecutor

General Fund

1000-11101-000-0018 Deputy Prosecutor

From: \$73,144.00	To: \$71,812.00
65,933.00	63,873.00
63,873.00	73,873.00
62,843.00	72,843.00
55,550.00	56,580.00
58,691.00	55,550.00
57,610.00	60,277.00
53,570.00	52,996.00
55,410.00	51,510.00
55,410.00	51,510.00
55,410.00	53,570.00
55,410.00	51,510.00
54,560.00	51,510.00
TOTAL:\$767,414.00	767,414.00

I. Prosecutor

Prosecutor Diversion Fund

7398-16901-000-0018 Prosecutor Supplemental Pay
 FROM: - TO: @9 DPA's \$5,000.00
 FROM: - TO: @10 DPA's \$10,000.00
 FROM: - TO: \$12,120.00 Para Legal
 FROM: - TO: \$5,000.00 CMHU Commander
 FROM: - TO: \$5,000.00 SVU Commander
 FROM: - TO: \$5,000.00 Cyber Crimes Director
 FROM: - TO: \$5,000.00 Assistant Commander
 FROM: - TO: \$14,925.00 CMHU Assistant Commander
 FROM: - TO: \$12,630.00 Chief Investigator
TOTAL: \$204,675.00

J. Prosecutor

Prosecutor Pretrial Diversion Fund

7398-16901-000-0018 Pros. Employees Supplemental Pay \$229,029.00
 7398-14800-000-0018 FICA \$17,520.72
 7398-14810-000-0018 PERF \$25,651.25
 7398-33025-000-0018 Other Expenditures \$73,115.59
 7398-22010-000-0018 Gasoline \$3,000.00
 7398-24010-000-0018 Other Supplies \$6,000.00
 7389-36015-000-0018 Contractual Svc. \$66,000.00
 7389-31070-000-0018 Other Contractual Svc. \$3,500.00
 7398-37100-000-0018 Auto Leases \$13,416.00
TOTAL: \$437,232.56

All financial issues were heard and discussed at our April 27, 2021 committee meeting.

A motion to pass Bill No. 46-21 was made by Ms. Hess and seconded by Mr. Kruszynski. Bill No. 46-21 was passed to-wit; 9-0

5. Land Use Planning:

BILL NO. 40-21: 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: THAT 243' SECTION OF BRISTOL STREET BY THE SOUTHERN RIGHT-FO-WAY LINE OF EDISON ROAD TO THE NORTH, LOT 55 OF ELM GROVE ADDITION TO THE WEST AND LOT 54 ELM GROVE ADDITION TO THE EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, SECTION 6 TOWNSHIP 37N RANGE 2E
 PETITIONER: MICHAEL W. DENMAN, 24890 EDISON ROAD, SOUTH BEND, IN 46628

Tabled, at the request of the Area Plan.

BILL NO. 41-21: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XV, CHAPTER 154: LAND USAGE OF ST. JOSEPH COUNTY CODE TO REVISE SETBACK AND OFF-STREET PARKING REGULATIONS IN THE U: UNIVERSITY DISTRICT
 PETITIONER: ST. JOSEPH COUNTY AREA PLAN COMMISSION

Mr. Noland reported that Bill No. 25-21 comes with a favorable recommendation.

Shawn Klein, Area Plan Commission, the first part of this text amendment is to correct an unforeseen consequence of a 2019 text amendment, which effectively imposed the lengthier front set back on university properties that abut

private streets (inaudible) rather than the side set back that was the standard in the past. The second part effectively exempts the university district from required off street parking regulations. Staff is proposing this in recognition that the colleges and universities themselves are in a better position to determine what their unique parking needs are than county planning staff. We did work closely with the University of Notre Dame in drafting this text amendment and it gained their approval.

Tim Sexton, Associate Vice President of Public Affairs, University of Notre Dame, 405 Main Building, Notre Dame, we just want to speak in favor of Area Plan and the proposal submitted tonight.

A motion to pass Bill No. 41-21 was made by Mr. Kruszynski and seconded by Ms. Hess. Bill No. 41-21 was passed to-wit; 9-0

BILL NO. 42-21: 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 OF 23 ACRES (MORE OR LESS) LOCATED AT THE SOUTHEAST QUADRANT OF SPRUCE RD AND EARLY RD AND UNADDRESSED PROPERTY OF 60 ACRES (MORE OR LESS) LOCATED AT THE SOUTHEAST QUADRANT OF EDISON RD AND ELDERBERRY RD, TOGETHER TOTALING 83.42 ACRES (MORE OR LESS), FROM A: AGRICULTURAL DISTRICT TO I: INDUSTRIAL DISTRICT. PETITIONER: WARD LIVING TRUST WITH THELMA J TRUEX AND LAUREL L KUBLICK AS TRUSTEES AND LIFE EST FOR LAUREL L KUBLICK

Mr. Noland reported that Bill No. 42-21 comes with a favorable recommendation.

Ryan Fellows, Area Plan Commission, this is property in the New Carlisle area, the property to the north is part of the New Carlisle town which is zoned general industrial and most of the property surrounding it is county industrial zoning and there is a small amount near Larrison Blvd. that is still zoned A: Agricultural district. There is an AEP electrical line easement that cuts through the property diagonally. The property on the northern part is on the 2002 comprehensive plan land use plan as part of the industrial growth area whereas the southern part of this property is the industrial reserve area which is reserved for 2020 and beyond. The Area Plan Commission brings this to you with a favorable recommendation.

Aaron Blank, Lawson, Fisher & Associates, 525 W. Washington St., South Bend, (inaudible) of the comprehensive plan is an allowable or (inaudible) use so in terms of the overall core development area, St. Joseph County through its redevelopment commission has been working with the town of New Carlisle and township officials which created a development agreement which solidifies a core development area, restricts certain uses and establishes development guidelines. This area has been designated for potential development uses since inception of the comprehensive plan. Rezoning this property to industrial is another step in furthering the vision to lead the region in economic development that ultimately benefits the residents of St. Joseph County. The petitioners are keenly aware of the transformation (inaudible) industrial nature of this neighborhood due to the fact that their family has owned, occupied and operated this property under the Ward trust name since sometime at least the late 1960's. They acknowledge the fact that there is no site plan associated (inaudible) categorize it as speculative rezoning, I'll agree that there is some speculation (inaudible) use of this property once it's rezoned but what is not speculative at this point is the level of restricted use commitments (inaudible) the input and decisions have yet to be made by the core development stakeholders and approved by St. Joseph County officials through (inaudible) that will require for eventual development for this property. Industrial use has been identified as the most desirable use based on the criteria set forth in a comprehensive plan and include the property location and existing roadway corridors and utility infrastructure that's already in place. The petitioners are respectfully requesting to rezone to industrial with restrictive covenants in an area of the county that has been designated for industrial development for the past twenty years and is completely (inaudible) with the comprehensive plan.

Mr. Rea: We would encourage you to support this rezoning request with the similar restrictions there.

A motion to pass Bill No. 42-21 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 42-21 was passed to-wit; 9-0

BILL NO. 43-21: 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 54506 BUCKEYE ROAD AND 54620 BUCKEYE ROAD FROM A: AGRICULTURAL DISTRICT TO R: SINGLE FAMILY DISTRICT.
PETITIONER: JOSEPH AND KRISTY LEININGER

Mr. Noland reported that Bill No. 43-21 comes with a favorable recommendation.

Ryan Fellows, Area Plan Commission, this is property currently zone A: Agricultural district along with the property surrounding it. I want to make special note of the subdivision, the southeast corner, there is going to be municipal water and sewer coming up from that subdivision to serve this proposed property to be rezoned. When you look at the overall region, a lot of the remaining (inaudible) already zoned R: Single family district but has not been developed, it is part of what the flood plain calls, the best available data showing that it could be susceptible to flooding. This comes to you with a favorable recommendation from the Area Plan Commission.

Robert Nichols, Abonmarch Consultants, 315 W. Jefferson, it is the intent of the contingent purchaser to develop this fifty-eight parcel into approximately one hundred and fifteen single family homes. As Ryan noted, the property is an area of questionable soil types as well as proximity of sewer and water off of by Mishawaka. The best use of land we feel will be this subdivision, we will take into account Area Plan's recommendation to look at this subdivision with a, with the intent to look at a small area plan, look at the green space, public space and common areas to add amenities for this subdivision.

A motion to pass Bill No. 43-21 was made by Mr. Root and seconded by Mr. Kruszynski. Bill No. 43-21 was passed to-wit; 9-0

6. Miscellaneous:

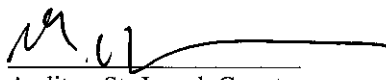
Mr. Noland made a motion to hear Bill No. 44-21 and was seconded by Ms. Hess. The motion passed by unanimously by a voice vote 9-0.

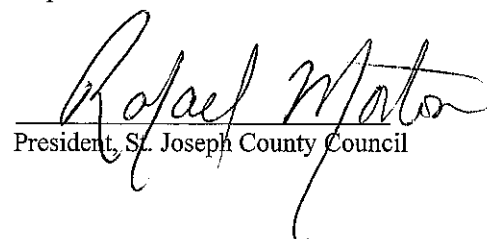
BILL NO. 44-21: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL CREATING THE AMERICAN RESCUE PLAN ACT FUND AND AUTHORIZING FUND IMPLEMENTATION PLAN
PETITIONER: STEVE DALTON

Mr. Dalton: This bill will set up the fund to accept the dollars from the Federal Government from the American Rescue Plan Corona Virus Local Recovery Grant. We expect the first half of those dollars to arrive next week and the second half to arrive in the next year. The bill is specific to language provided by the State Board of Accounts dealing with the four different types of eligible expenses, they're large, general categories of expenses dealing with the Corona virus emergency and the workers that are involved in that emergency and revenue reductions that were lost during 2020 and investments in infrastructure, we need this bill to be passed so that we can put the funds in the appropriate accounting fund and we can begin building appropriations to bring to the Council, no dollars can be spent without being appropriated by this Council by separate bill.

A motion to pass Bill No. 44-21 was made by Ms. Hess and seconded by Mr. Noland. Bill No. 44-21 was passed to-wit; 9-0

7. Adjournment: Mr. Morton stated that the meeting was adjourned 6:55 p.m.


Auditor, St. Joseph County


President, St. Joseph County Council