

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
December 1, 2009

The regular meeting of the St. Joseph County Council was called to order at 7:05 p.m., on December 1, 2009, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Mark Catanzarite	Mr. Corey D. Noland
Mr. Dale DeVon	Mr. Mark Root
Mr. Michael J. Hamann	Mr. Dennis R. Schafer - Absent
Mr. Michael J. Kruk	Mr. Heath O. Weaver - Absent
Mr. Rafael Morton	

Present from the Auditor's office was Mr. Peter H. Mullen, Auditor and Cindy Bodle, Chief Deputy Auditor.

Council staff present were Mr. Michael A. Trippel, Attorney and Ms. Joan M. Pawlowski, Executive Secretary

Petitions, Communications & Miscellaneous Matters:

Mr. Kruk motioned to appoint the following:

Michael J. Hamann - Solid Waste Management
Corey D. Noland - Data Board

Reappointment of the following:

Rafael Morton - Airport Authority Board
Ralph J. Wolfe - Alcohol and Tobacco Commission
Donna Chamblee - Area Plan Commission
Jessica Clark - County Redevelopment Commission
Nancy Niespodziany - New Carlisle - Olive Township Public Library Board of Trustees

Sara Williams - Nomination to the Economic Development Commission - North Liberty

The motion was seconded by Mr. Noland. No other nominations were heard. The motion passed by a voice vote; 7-0.

Mr. Morton made two (2) presidential appointments:

Mark A. Catanzarite - NICTD Board
Dale R. DeVon - Emergency Management Advisory Board

Mr. Noland moved that rules are waived for First Reading and Public Hearing this evening on Bill No.150-09. The motion was seconded by Mr. Kruk and passed by a vote; 7-0.

Mr. Kruk moved to approve the minutes of November 10, 2009. The motion was seconded by Mr. DeVon and passed by a voice vote; 7-0. No negatives were heard.

Mr. Root moved to Table Bill No. 101-09 to the January 12, 2010 meeting at the request of the petitioner. The motion was seconded by Mr. Kruk and passed by a voice vote; 7-0.

No report from the County Auditor.

No report from the Board of Commissioners.

Report from any Special Committees. Mr. Catanzarite reported that the South Shore has made a weekend schedule change. There will be later trains from Chicago returning to South Bend. There also will be an express train leaving on Saturday mornings. They will be making fewer stops.

First Readings:

BILL NO. 145-09: AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT: A SIXTY FOOT WIDE SECTION OF LAND RUNNING NORTH AND SOUTH STARTING AT THE SOUTH SIDE OF TOLEDO AVENUE AND ENDING AT THE NORTH SIDE OF MCKINLEY HWY, IN BETWEEN LOTS 201 AND 280 ON THE WEST SIDE AND LOTS 200 AND 281 ON THE EAST SIDE KNOWN AS WOODLAWN AVENUE. - Assigned to the Land Use Planning Committee

BILL NO. 146-09: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED IN THE 23000 BLOCK OF WESTERN AVENUE, SOUTH BEND, INDIANA 46619 FROM "B" BUSINESS DISTRICT TO "C" COMMERCIAL DISTRICT. (Petitioner: Superclean Corporation LLC) - Assigned to the Land Use Planning Committee

BILL NO. 147-09: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 26, ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 54103 IRONWOOD DRIVE, SOUTH BEND, INDIANA 46637 FROM PUD PLANNED UNIT DEVELOPMENT DISTRICT TO THE PUD PLANNED UNIT DEVELOPMENT DISTRICT. (Petitioners: RWD Campus Development LLC & Dr. David Mahoney) - Assigned to the Land Use Planning Committee

BILL NO. 148-09: AN ORDINANCE APPROPRIATING THE SUM OF \$6,776.00 OUT OF THE ST. JOSEPH COUNTY USER FEES FUND - 058 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 005 - Sheriff) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 149-09: AN ORDINANCE APPROPRIATING THE SUM OF \$11,500.00 OUT OF THE ST. JOSEPH COUNTY HEALTH LEAD ELIMINATION GRANT FUND - 515 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 150-09: AN ORDINANCE APPROPRIATING THE SUM OF \$181,000.00 OUT OF THE ST. JOSEPH COUNTY RAINY DAY FUND - 022 AND THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Auditor/Dept. 005 - County Police & Dept. 006 - County Jail Administration) - For Public Hearing this evening.

BILL NO. 151-09: AN ORDINANCE AMENDING ORDINANCE 86-09 THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2010. (Dept 005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 152-09: AN ORDINANCE DESIGNATING AND ESTABLISHING A HISTORIC LANDMARK UNDER ORDINANCE NO. 154A-73 AMENDING ZONING ORDINANCE NO. 6, AS AMENDED, COMMONLY KNOWN AS THE ZONING ORDINANCE OF ST. JOSEPH COUNTY, INDIANA. (The St. Paul Lutheran Church Cemetery, 15697 New Road) - Assigned to the Land Use Planning Committee

Public Hearings

BILL NO. 97-09: AN ORDINANCE TO ESTABLISH AND APPROPRIATE THE 2010 ANNUAL BUDGET OF THE ST. JOSEPH COUNTY BOARD OF MANAGERS FOR HOTEL-MOTEL TAX, IN THE AMOUNT OF \$3,264,317.00 OUT OF THE ST. JOSEPH COUNTY CONVENTION AND EXHIBITION FUND. (Hotel-Motel Tax Board) - Budget and Administration Committee

Mr. Kruk reported that Bill No. 97-09 comes with a favorable recommendation.

The Clerk read the amendment stating that Section 2 was added and reads Expenditures from the appropriation for the

Football Hall of Fame Account #39270 shall be made only to the extent the Football Hall of Fame is operational during 2010 and may be pro-rated for each month of operation.

Motion to amend was made by Mr. Catanzarite and seconded by Mr. Hamann.

Mr. Morton asked the petitioner if they agree with the amendment. A yes response was heard.

Bill Beirne, President of the Hotel/Motel Tax Board, asked for passage with the amendment.

In Favor:

John Phair - Holladay Properties
Lynn Kachmarik - CVB - Convention and Visitor Bureau
Kurt Brown - Century Center
Mark Dobson - Chamber of Commerce
Bill Beirne

Ninety-nine percent of fund collected come from people outside this county. Holladay properties employ approximately 150 people. There has been a decline in visits over the last 24 months due to the economy. These funds are needed to continue to attract visitors to our community. Events just don't happen. They are encouraged to come here for their event. These funds should not be diverted to something other than promoting tourism, conventions, seminars, etc. For each dollar that is spent on promotion of tourism an additional \$15.00 is generated in tax revenue and an immediate \$200.00 back to the local economy. Tourism is an industry and in St. Joseph County there are over 8,000 people employed by this industry. Numerous improvements have been made to the infra structure of the Century Center. These improvements will make the Century Center more competitive. There are three (3) uses for these funds. These uses are finance, construct, approve, equipt and operate, promote and maintain any capital improvement of Century Center. To renovate, equipt, operate and maintain any existing structure which may be used as a convention and exhibition center and refund the bonds issued for the purposes just described and to promote tourism in St. Joseph County. These funds are an economic driver for the County. The things discussed in this appropriation need to happen in the fashion that they were laid out by the Board.

Mr. Kruk questioned Mr. Dobson asked if the original statute was amended for the Football Hall of Fame? Mr. Dobson stated that the wording was to finance and operate a exhibit center attached to the Century Center via a tunnel. Mr. Kruk then asked with the Football Hall of Fame leaving, would they be able to use that additional money towards other things or not? Or, since there will be no facility like that will there just be nothing collected? Mr. Dobson stated that was a good question and he did not have an answer. Mr. Dobson stated that Mr. Root asked at a meeting if these funds could be used to help re-market the use of the Hall? Mr. Dobson said that the State Legislature needs to be informed that if this use is to change, funds would be needed. If Hall would become for-profit, then the funds would be up in the air. Funds for other organizations, like the Zoo, might come through grants from the CVB. The way the Hotel/Motel Tax Board is handling this, is they are isolating those funds to the College Football Hall so whatever happens is not impacting the Century Center operations or the tourism industry. We need to come together to drive economic development.

Mr. Hamann if we would try to hold on to some of that revenue, from the Hall of Fame, and find other ways to spend it. Is that what you are saying? Mr. Dobson stated economic development, promoting tourism, yes. Mr. Hamann asked for his definition of promoting tourism? Does it have a narrow definition? Mr. Dobson responded that this is where community planning has to come together. Ninety-one other counties have a specific and targeted language. St. Joe's County was the first written to help support the Century Center. Mr. Hamann stated that it was arguable that some of these funds could go to the Zoo. Mr. Dobson stated that the Executive Director has put together a plan and he would get Mr. Hamann a copy.

Bill Beirne stated that the Allocation Committee has talked about this and if funds do become available they are willing to talk to anybody about what the use of these funds are. They just need to be used to promote tourism. The way this is presented tonight is our understanding of the Statute.

In Opposition:

James Martindale - 4367 Foxfire Drive, SB - Potawatomi Zoo

The Zoo has received funds from the City of South Bend for upgrades. The Society looks for a share of the Hotel/Motel Tax revenue to help them move toward their long term goal of diversifying the Zoo. These funds will ensure bringing a greater number of tourists and raise the visibility of the Zoo. Funds would allow us to improve our current exhibits. These funds would help to continue to provide a valuable 21st Century educational quality of life venue to residents of St. Joseph County and surrounding communities. In 2009 the Zoo has approximately 200,000 visitors. The attendance at the Zoo is comprised of 58 percent were from St. Joseph County and the rest were from other counties and states. The Zoo is a positive impact on the local economy.

The amendment passed by a voice vote; 7-0. No negatives were heard.

Motion to pass was made by Mr. DeVon. There was no second and the motion failed

Motion to table was made by Mr. Kruk and seconded by Mr. Noland.

Mr. Catanzarite agreed to the tabling to a minimal amount of time since there are groups that will be in need of these funds. He suggested that this be acted on in January or at a Special Meeting.

Mr. Morton stated that the budget does have to be passed by December 31st.

Mr. Hamann stated that if there is any way that some of this money could be spread in a different way he would like to look at this. He hoped to sit down and talk about it quickly.

The motion passed by a vote; 7-0.

BILL NO. 106-09: AN ORDINANCE APPROPRIATING THE SUM OF \$67,671.00 OUT OF THE ST. JOSEPH COUNTY JUVENILE PROBATION FEES FUND - 056 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE YEAR 2009. (Dept. 025 - Juvenile & Probate Court) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 106-09 comes with a favorable recommendation.

Peter J. Nemeth, Judge, stated that the Trane Company sent him a letter and indicated that both of the chillers at the Juvenile Justice Center are significantly overdue for their renewals. The recommend renewal as soon as possible. If a compressor fails, it is no longer a candidate for renewal. If we need new compressors and they are not available, we would have to close the building. Because the County is having funding problems, he stated that he was offering Probation User Fees to finance this project.

Mr. Catanzarite asked Mr. Fairbum (Trane Company) if these chillers were Trane equipment and how long have they been there? His response was that yes, they were Trane equipment and have had fourteen run seasons. He stated that typically overhauls are done every eight to ten years. Mr. Catanzarite asked for a time line of use expected. Mr. Fairbum stated another eight to ten years and then another renewal could be done.

Motion to pass was made by Mr. Catanzarite and seconded by Mr. Hamann. Bill No. 106-09 passed to-wit; 6-1 (Morton).

BILL NO. 120-09: AN ORDINANCE APPROPRIATING THE SUM OF \$60,000.00 OUT OF THE ST. JOSEPH COUNTY - COUNTY HIGHWAY FUND - 002 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Highway) {increase/decrease appropriation} - Assigned to the Engineering and Transportation Committee

Mr. Catanzarite reported that Bill No. 120-09 comes with a favorable recommendation.

Roger Mathia, Interim Commissioner, stated that this will cover the shortfalls from last year.

Motion to pass was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 120-09 passed to-wit; 7-0.

BILL NO. 121-09: AN ORDINANCE APPROPRIATING THE SUM OF \$300,000.00 OUT OF THE ST. JOSEPH COUNTY RAINY DAY FUND - 022 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Commissioners/Auditor) - Assigned to the Budget and Administration Committee (On 11/24/09, in Committee, Mr. Kruk moved that this bill be assigned to the Engineering and Transportation Committee)

Mr. Kruk reported that Bill No. 121-09 comes with a favorable recommendation.

Peter Mullen, Auditor, stated that these funds are going to the Highway General Fund to supplement the obligations for 2009 and is tied in with two (2) other ordinances that will be heard this evening.

Motion to pass was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 121-09 passed to-wit; 7-0.

BILL NO. 124-09: AN ORDINANCE APPROPRIATING THE SUM OF \$110,319.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 018 - Prosecutor) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 124-09 comes with a favorable recommendation.

Patrick Higgins, Prosecutor's Office, stated that these funds were for the S.T.O.P. Grant. This is the 2009 portion of the total grant awarded. These funds will be used to pay for victim advocates, investigators and benefits and insurance of employees. These funds are replacing funds already spent and will revert to County General.

Motion to pass was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 124-09 passed to-wit; 7-0.

BILL NO. 125-09: AN ORDINANCE APPROPRIATING THE SUM OF \$400,400.00 OUT OF THE ST. JOSEPH COUNTY C.E.D.I.T. FUND - 009 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 006 - City Jail Administration) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 125-09 comes with a favorable recommendation.

Tom Nowicki, Finance Manager, over the year this account has had additional medical expenses, bills that needed to be paid from 2008 and there was an inmate that needed dialysis for seven (7) months at a cost of approximately \$100,000.

Motion to pass was made by Mr. Catanzarite and seconded by Mr. DeVon. Bill No. 125-09 passed to-wit; 6-1 (Root).

BILL NO. 126-09: AN ORDINANCE APPROPRIATING THE SUM OF \$264,500.00 OUT OF THE ST. JOSEPH COUNTY PARK & RECREATION NON-REVERTING FUND - 017 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 057 - Parks & Recreation) - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 126-09 comes with a favorable recommendation.

Evelyn Kirkwood, Director, explained that this was the annual housekeeping appropriation. The State Board of Accounts requires them to come to the Council and appropriate the revenues that they have received over the course of the year.

Motion to pass was made by Mr. Noland and seconded by Mr. Kruk. Bill No. 126-09 passed to-wit; 7-0.

Mr. Morton reported that there would be a combined Public Hearing on Bill No. 128-09 and 129-09 but would be voted on separately.

BILL NO. 128-09: AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 018 - Prosecutor - Grants) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 129-09: AN ORDINANCE AMENDING ORDINANCE 98-08, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2009. (Dept. 018 - Prosecutor) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 128-09 and 129-09 comes with a favorable recommendation.

Patrick Higgins, Prosecutor's Office, these are grant funds for a very successful program (Weed & Seed). The attorneys help with the Weed & Seed area, which in this case is the Southern part of the Northwest area of South Bend. Police patrols are increased and prosecutor attention to the area.

Mr. Hamann asked if other grant money was available for this through other organizations? Mr. Higgins stated, yes there was and these funds go to overtime police patrols. In the last Weed & Seed area Judge Nemeth was of great help in controlling the juvenile problems.

Mr. Morton asked if they have received the money and if not when do they expect to? Mr. Higgins stated that he did not know and are trying to find out from the city when they are planning to commit. They are hoping for sometime this month.

Motion to pass was made by Mr. DeVon and seconded by Mr. Hamann. Bill No. 128-09 passed to-wit; 7-0.

Motion to pass was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 129-09 passed to-wit; 7-0.

BILL NO. 132-09: AN ORDINANCE APPROPRIATING THE SUM OF \$300,000.00 OUT OF THE ST. JOSEPH COUNTY HIGHWAY FUND AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 064 - Highway General Exp) - Assigned to the Engineering and Transportation Committee

Mr. Catanzarite reported that Bill No. 132-09 comes with a favorable recommendation.

Peter Mullen, Auditor, stated that this is a partnership bill that went with Bill No. 121-09 that was voted on earlier this evening. This ordinance now takes \$300,000 from the Highway General Fund and puts it into Gas, Oil & Lubricants.

Motion to pass was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 132-09 passed to-wit; 7-0.

BILL NO. 134-09: AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 OUT OF THE ST. JOSEPH COUNTY HEALTH BIOTERRORISM GRANT FUND - 510 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 134-09 comes with a favorable recommendation.

Nick Molchan, Administrator, stated that these funds come from the Indiana State Department of Health and CDC.

Motion to pass was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 134-09 passed to-wit; 7-0.

BILL NO. 137-09: AN ORDINANCE APPROPRIATING THE SUM OF \$6,139.00 OUT OF THE ST. JOSEPH COUNTY - COUNTY HEALTH FUND - 005 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Dept. 055 - Health) {increase/decrease appropriation ordinance} - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 137-09 comes with a favorable recommendation.

The Clerk read the amendment stating that the two sections of the body needed to be reversed.

Motion to amend was made by Mr. Catanzarite and seconded by Mr. Kruk.

Mr. Morton asked the petitioner if they agreed with the amendment. His response was yes.

Nick Molchan, Administrator, stated that these funds were an increase/decrease to cover the benefits of the grant staff for the remainder of the grant cycle. This past HIV grant was not enough to fully cover the benefits of the staff and is being subsidized by the Health Trust Fund.

The amendment passed by a voice vote; 7-0. No negatives were heard.

Motion to pass was made by Mr. Hamann and seconded by Mr. Kruk. Bill No. 137-09 passed as amended; 7-0.

BILL NO. 142-09: AN ORDINANCE APPROPRIATING THE SUM OF \$17,000.00 OUT OF THE ST. JOSEPH COUNTY PUBLIC DEFENDER FEES FUND - 059 AND THE COUNTY GENERAL FUND- 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2009. (Dept. 036 - Public Defenders) {increase/decrease appropriation} - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 142-09 comes with a favorable recommendation.

Neil Weisman, Chief Deputy, *secretary's note - he could not be understood.*

Motion to pass was made by Mr. Kruk and seconded by Mr. DeVon. Bill No. 142-09 passed to-wit; 7-0.

BILL NO. 144-09: AN ORDINANCE APPROPRIATING THE SUM OF \$1,112,799.00 OUT OF THE ST. JOSEPH COUNTY C.E.D.I.T. FUND - 009 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Commissioners/Auditor) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 144-09 comes with a favorable recommendation.

Peter Mullen, Auditor, explained that this is a housekeeping bill.

Mr. Root asked how much money was in the AM General TIF? Mr. Mullen stated that he did not know.

Motion to pass was made by Mr. Noland and seconded by Mr. Kruk. Bill No. 144-09 passed to-wit; 7-0.

Rules were waived to allow for First Reading and Public Hearing. Bill No. 150-09 does not have a Committee Report.

BILL NO. 150-09: AN ORDINANCE APPROPRIATING THE SUM OF \$181,000.00 OUT OF THE ST. JOSEPH COUNTY RAINY DAY FUND - 022 AND THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2009. (Auditor/Dept. 005 - County Police & Dept. 006 - County Jail Administration)

No Committee report. Rules were waived this evening.

Tom Nowicki, Finance Manager, explained that the funds were needed in the Overtime Account. Over the past six (6) months there have been additional expenses for security in the Courthouse and a significant increase in hours in the jail. There have been up to 16 openings at a time.

Mr. Weaver questioned if there are 13-16 openings, wouldn't those salaries be available to cover this? Mr. Nowicki stated that he did use those funds earlier in the year but are still short.

Motion to pass was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 150-09 passed to-wit; 7-0.

BILL NO. 133-09: AN ORDINANCE TO REDUCE THE 2009 ST. JOSEPH COUNTY - COUNTY HIGHWAY FUND - 002 BUDGET. (Budget Reduction) - Assigned to the Engineering and Transportation Committee

Mr. Catanzarite reported that Bill No. 133-09 comes with a favorable recommendation.

Peter Mullen, Auditor, this bill is part of the partnership of Bills 121-09 and 133-09. This bill started the ball rolling on the need for the other two (2) ordinances.

Motion to pass was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 133-09 passed to-wit; 7-0.

BILL NO. 138-09: AN ORDINANCE TO REDUCE THE 2009 ST. JOSEPH COUNTY REASSESSMENT FUND - 028 BUDGET. (Budget Reduction) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 138-09 comes with a favorable recommendation.

Peter Mullen, Auditor, stated how this is a housekeeping bill. These funds will be used to supplement the 2010 budget.

Motion to pass was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 138-09 passed to-wit; 7-0.

BILL NO. 107-09 AN ORDINANCE TRANSFERRING THE SUM OF \$33,400.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 107-09 comes with a favorable recommendation.

Tom Nowicki, Finance Manager, stated that this transfer was needed to cover the year end bills.

Motion to pass was made by Mr. Kruk and seconded by Mr. DeVon. Bill No. 107-09 passed to-wit; 7-0.

BILL NO. 122-09: AN ORDINANCE TRANSFERRING THE SUM OF \$950.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 122-09 comes with a favorable recommendation.

Beth Kerns, Director, explained that the transfer was needed to purchase supplies for the rest of the year.

Motion to pass was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 122-09 passed to-wit; 7-0.

BILL NO. 127-09: AN ORDINANCE TRANSFERRING THE SUM OF \$2,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 010 - Archives and Records) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 127-09 comes with a favorable recommendation.

Vicky Rydzynski, Director, stated that the transfer was for Contractual Services, for the shredding of records on site.

Motion to pass was made by Mr. DeVon and seconded by Mr. Noland. Bill No. 127-09 passed to-wit; 7-0.

BILL NO. 130-09: AN ORDINANCE TRANSFERRING THE SUM OF \$8,300.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 056 - Court Substance Abuse Program) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 130-09 comes without recommendation. There was no representation at the Committee Meeting and this ordinance needed to be acted on by the end of the year.

Linda Wingrove, Program Director C.S.A.P., stated that the transfer was needed for Contractual Services to pay for a temporary hire during the Administrative Assistant's maternity leave and for office supplies.

Motion to pass was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 130-09 passed to-wit; 7-0.

BILL NO. 135-09: AN ORDINANCE TRANSFERRING THE SUM OF \$8,047.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 037 - Historic Preservation) - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 135-09 comes with a favorable recommendation.

Catherine Hostetler, Director, explained that the transfer was to be used for Contractual Services and supplies.

Motion to pass was made by Mr. DeVon and seconded by Mr. Noland. Bill No. 135-09 passed to-wit; 7-0.

BILL NO. 136-09: AN ORDINANCE TRANSFERRING THE SUM OF \$2,775.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 020 - Superior Court) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 136-09 comes with a favorable recommendation.

Patricia Evans, Administrator, stated that these transfers will cover the shortages for the rest of the year.

Motion to pass was made by Mr. Root and seconded by Mr. Catanzarite. Bill No. 136-09 passed to-wit; 7-0.

BILL NO. 139-09: AN ORDINANCE TRANSFERRING THE SUM OF \$113,500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 025 - Juvenile & Probate Court & Dept. 049 - Juvenile Justice Center) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 139-09 comes with a favorable recommendation.

Peter J. Nemeth, Judge, stated that these transfers are needed to pay for operating expenses and building repairs for the end of the year.

Mr. No land requested to abstain. He stated that his current employer is part of the building repairs.

A voice vote to abstain was taken; 7-0. No negatives were heard.

Motion to pass was made by Mr. Hamann and seconded by Mr. Kruk. Bill No. 139-09 passed to-wit; 6-0-1(Noland Abstained).

BILL NO. 140-09: AN ORDINANCE TRANSFERRING THE SUM OF \$3,286.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2009 BUDGET OF ST. JOSEPH COUNTY. (Dept. 048 - Prosecutor - Title IV) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 140-09 comes with a favorable recommendation.

Patrick Higgins, Prosecutor's Office, requested this transfer for furniture for interns that they are receiving from Brown Mackie College and Notre Dame Law School.

Motion to pass was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 140-09 passed to-wit; 7-0.

BILL NO. 123-09: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY HEARTLAND FARMS LLC FOR THE PROPERTY LOCATED AT 52682 CURRANT ROAD, GRANGER, INDIANA THE SAME BEING PETITION NO. 11-04-09-13 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 123-09 comes with a favorable recommendation.

Petitioner did not show and the bill was tabled to the January 12, 2010 meeting.

Unfinished Business: Bill No. 103-09 / Ordinance No. 99-09 was vetoed by the Board of Commissioners on 11/17/09.

Mr. Morton stated that there will be Council discussion and a vote on the veto.

Mr. Catanzarite moved to table the vote to the January 12, 2010 meeting at the request of the petitioner. The motion was seconded by Mr. Hamann. The motion passed by a vote; 6-1 (Root).

New Business:

Privilege of the Floor:

Adjournment:

Mr. Morton stated that the meeting was adjourned at 8:45 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council