

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
June 8, 2010

The regular meeting of the St. Joseph County Council was called to order at 7:03 p.m., on June 8, 2010, 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. Dale DeVon
Mr. Michael J. Hamann
Mr. Daniel G. Herbster - Absent
Mr. Michael J. Kruk
Mr. Rafael Morton
Mr. Corey D. Noland
Mr. Mark Root - Absent
Mr. Heath O. Weaver - Absent

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 F. Jay Mummey to the Common Construction Wage Committee for St. Joseph County Public Library Projects. The motion was seconded by Mr. Hamann. No other nominations were heard and the motion passed by a voice vote; 6-0.

Mr. Kruk motioned to appoint Ann C. Connors to the Property Tax Assessment Board of Appeals (PTAOBA). The motion was seconded by Mr. DeVon. No other nominations were heard and the motion passed by a voice vote; 6-0. No negatives were heard. (This appointment replaces Ralph J. Wolfe)

Mr. Kruk motioned to appoint Michael J. Williams to the Sewer and Water District. The motion was seconded by Mr. DeVon. No other nominations were heard and the motion passed by a voice vote; 6-0. No negatives were heard. (This appointment replaces Ron Simons)

Mr. Noland nominated the following to serve on the Domestic Violence Fatality Review Team.

Judy Jankowski, survivor of domestic violence
Linda S. Baechle, Executive Director, YWCA, domestic violence direct service provider
Brent R. Hemmerlein, Commander, Special Victims Unit, law enforcement
Michael A. Dvorak, St. Joseph County Prosecutor
Charles Hurley, Deputy Coroner
Joseph Prahlow, M.D.
Hon. Michael G. Gotsch, Judge - Circuit Court
Linda L. Cioch, Regional Director, IN Department of Child Services
Corey D. Noland, County Government
Victoria R. Wolf, Attorney, St. Joseph County Bar Association
Virginia Calvin, Ph.D., Chancellor, IVY Tech
Jerry L. Johnson, Chief Probation Officer, St. Joseph County Adult Probation
Perry Watson III, business community
Mary Butiste-Jones, Attorney, IN Legal Services
Patricia Hancock, Clinical Director, Family and Children's Center

The motion was seconded by Mr. Kruk. No other nominations were heard and the motion passed by a voice vote; 6-0.

Mr. Hamann motioned to nominate Gene Reese to serve on the Walkerton Economic Development Commission. The motion was seconded by Mr. DeVon. No other nominations were heard and the motion passed by a voice vote; 6-0. No negatives were heard. (This nomination replaces Lee Morton.)

Mr. Catanzarite moved and was seconded by Mr. Noland to approve the minutes of May 11, 2010. The motion passed by a voice vote; 6-0. No negatives were heard.

Mr. Morton asked for a motion to Suspend the Rules for Bill No. 48-10, 55-10, 56-10 and 57-10 to all for First Reading and Public Hearing this evening. Mr. Catanzarite so moved and was seconded by Mr. DeVon. The motion passed by a voice vote; 6-0. No negatives were heard.

Mr. Catanzarite motioned to return to Committee at the request of the petitioner Bill No. 34-10. The motion was seconded by Mr. DeVon and passed by a voice vote; 6-0. No negatives were heard.

No report from the County Auditor.

No report from the Board of Commissioners.

Report from any Special Committees.

First Readings:

BILL NO. 47-10: AN ORDINANCE APPROPRIATING THE SUM OF \$30,000.00 OUT OF THE ALT. DISPUTE RESOLUTION FUND - 116 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 48-10: AN ORDINANCE APPROPRIATING THE SUM OF \$1,100.00 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) - *For Public Hearing This Evening*

BILL NO. 49-10: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY (ESTATE OF GENEVIEVE M. CORRELL) FOR THE PROPERTY LOCATED AT (30430 OSBORNE ROAD, NORTH LIBERTY, INDIANA 46554) THE SAME BEING PETITION NO. 06-02-10-24 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

BILL NO. 50-10: AN ORDINANCE ENACTING A REVISION, AMENDMENT OR RESTATING OF THE ST. JOSEPH COUNTY, INDIANA CODE: REQUIRING THE PURCHASE OR LEASE OF AMERICAN MADE VEHICLES - Assigned to the Budget and Administration Committee

BILL NO. 51-10: AN ORDINANCE APPROPRIATING THE SUM OF \$13,788.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2010. (Dept. 006 - County Jail Administration) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 52-10: AN ORDINANCE APPROPRIATING THE SUM OF \$1,745.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2010. (Dept. 002 - Auditor) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 53-10: 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. 006 - Cty Jail Admin) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 54-10: 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 11572 LINCOLN WAY WEST, OSCEOLA, IN 46561, FROM C COMMERCIAL DISTRICT TO C COMMERCIAL DISTRICT. (Petitioner: William F. Langford) - Assigned to the Land Use Planning Committee

BILL NO. 55-10: AN ORDINANCE APPROPRIATING THE SUM OF \$39,715.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2010. (Dept. 002 - Auditor) - *For Public Hearing This Evening*

BILL NO. 56-10: AN ORDINANCE APPROPRIATING THE SUM OF \$8,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 034 - Commissioners) - *For Public Hearing This Evening*

BILL NO. 57-10: 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. 002 - Auditor) - *For Public Hearing This Evening*

BILL NO. 58-10: AN ORDINANCE TRANSFERRING THE SUM OF \$7,200.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2010 BUDGET OF ST. JOSEPH COUNTY. (Dept. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Public Hearings:

BILL NO. 38-10: AN ORDINANCE APPROPRIATING THE SUM OF \$1,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 037 - Historic Preservation) - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 38-10 comes with favorable recommendation.

Catherine Hostetler, Director, explained that these funds were from a grant and now they need to be transferred to pay for travel to a statewide preservation conference.

Motion to pass was made by Mr. Catanzarite and seconded by Mr. DeVon. Bill No. 38-10 passed to-wit; 6-0.

BILL NO. 41-10: AN ORDINANCE APPROPRIATING THE SUM OF \$1,011.00 OUT OF THE D.R.C.B. FEE FUND - 117 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 41-10 comes with favorable recommendation.

David Watterson, stated how these funds will be used for a vacuum cleaner, scanner, parts for a current scanner and replacing a security camera.

Motion to pass was made by Mr. Noland and seconded by Mr. Kruk. Bill No. 41-10 passed to-wit; 6-0.

BILL NO. 42-10: AN ORDINANCE APPROPRIATING THE SUM OF \$6,350.00 and \$54,048.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 018 - Prosecutor) - Assigned to the Human/Services Criminal Justice Committee

Mr. Hamann reported that Bill No. 42-10 comes with favorable recommendation.

Mike Dvorak, Prosecutor, explained that there are two (2) separate funds to be appropriated. The \$6,350.00 is from the Drug Free Grant. These funds will be used for travel and training of deputy prosecutors who work with drug and alcohol related crimes and printed materials for educational purposes. The \$54,048.00 is for the Metro-Homicide Unit rent on Jeffers on Blvd. and utilities for same facility.

Motion to pass was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 42-10 passed to-wit; 6-0.

BILL NO. 48-10: AN ORDINANCE APPROPRIATING THE SUM OF \$1,100.00 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) - Rules Waived for First Reading and Public Hearing this evening. No Committee assignment - Rules Waived.

Nick Molchan, Administrator, this is additional money that the Health Department received from the Indiana Department of Health for the LEAD Elimination Grant and it needs to be spent by the end of the grant cycle, which is June 30. These funds will be used for supplies and materials.

Motion to pass was made by Mr. Noland and seconded by Mr. Kruk. Bill No. 48-10 passed to-wit; 6-0.

Mr. Morton announced that there would be a combined public hearing on Bill No. 55-10, 56-10 and 57-10, but would be voted on separately. Rules Waived for First Reading and Public Hearing this evening. No Committee assignment.

BILL NO. 55-10: AN ORDINANCE APPROPRIATING THE SUM OF \$39,715.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2010. (Dept. 002 - Auditor)

BILL NO. 56-10: AN ORDINANCE APPROPRIATING THE SUM OF \$8,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2010. (Dept. 034 - Commissioners)

BILL NO. 57-10: 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. 002 - Auditor)

Peter Mullen, Auditor, explained that the two appropriation ordinances would be to pay for the salaries and benefits for three (3) additional staff and a salary amendment ordinance. He went on to give a presentation stating how the work load in the Auditor's office has increased and how they are using volunteers to help with filing changes and data entry work. Mr. Mullen stated that they have cancelled vacations, rearranged schedules and closed the office to the public in order to meet commitments. He explained how the current employees have earned 1,470 hours in compensating time. Volunteers are helping with the 50,000 pink slips that came in over the last thirty (30) days (Homestead Credit information).

They have two (2) part time people at \$9 an hour for 32 hours per week. The part time budget is \$9,000 for the year and this will be exhausted in approximately three (3) months. In August they might lose another employee due to relocation.

If the Assessor requests the three (3) person who are on the Reassessment payroll to be returned to them, this would cause a total reduction of eight (8) positions - 36 percent reduction in personnel in the last two (2) years. We need these additional employees to meet our obligations to the tax payers.

Mr. Kruk questioned the amount of the request, ordinance vs. presentation? Mr. Mullen stated that the ordinance was correct.

Mr. Hamann asked where the volunteers come from? Mr. Mullen stated RSVP - Retired Service Volunteer Personnel, which used to be a function of Real Services. It is now being handled by Catholic Charities and they have been terrific. He stated that he has friends and wives even helping. Mr. Hamann understood the workload but asked if this is going to be a long term problem and should be addressed at budget time? Mr. Mullen stated that this needs to be continuous. It will take three (3) months to train each one of these new hires due to calculations. There are some refunds that have not been calculated from 2008. These refunds are earning 4 percent and need to be completed in a timely manner.

Mr. De Von asked if those refunds from 08 were due in November? Mr. Mullen stated that was correct.

Mr. Noland wanted to know about the positions in the Assessor's Office? Does that mean that you could lose three (3) more people? Mr. Mullen stated that he hoped not. However, it might. The Reassessment is being questioned if it going to be done in house or contract an outside firm. If an outside firm does the job, he felt that he would be all right.

In Opposition:

Greg Burkowski, Center Township resident, did not dispute the need for these positions but questioned the wisdom of doing this during these uncertain economic times. These conditions are going to remain for a few years to come. It would be better to go with contract or hourly help so not to be locked into benefits. Compensating time should be changed to one for one. The County should begin to retire some of its debt or rescinding some of the taxes that have been imposed by the Council.

Motion to pass was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 55-10 passed to-wit; 6-0.

Motion to pass was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 56-10 passed to-wit; 6-0.

Motion to pass was made by Mr. DeVon and seconded by Mr. Catanzarite. Bill No. 57-10 passed to-wit; 6-0.

BILL NO. 45-10: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000) OF ST. JOSEPH COUNTY, INDIANA ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2010 (SAINT MARY'S COLLEGE PROJECT); 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. - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 45-10 comes with favorable recommendation.

Phil Faccenda, Barnes & Thornburg, 100 North Michigan, explained that these bonds have no tax pledge of the County in any way. The bonds are the entire responsibility and obligation of St. Mary's College and take advantage through the Economic Development Statute. \$7.3 million of the bond issue will be to refinance 1998 bonds that were issued through the Indiana Educational Facilities Authority and will now be refinanced through the County. The remainder will be for new projects which are retrofits to existing facilities on the campus. A number of temporary construction positions will be created and help to retain jobs on the campus.

Mr. Hamann asked if this affects the County's ability to bond? Mr. Faccenda stated, not in any way.

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

Mr. Catanzarite asked about how much the College would be saving on these bonds? Mr. Faccenda stated that it would save hopefully \$350,000 - 400,000.

Bill No. 45-10 passed to-wit; 6-0.

BILL NO. 39-10: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY DONALD & BARBARA DAVIS FOR THE PROPERTY LOCATED AT EAST AND ADJACENT TO 32932 CHICAGO TRAIL, THE SAME BEING PETITION NO. 05-05-10-13 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 39-10 comes with favorable recommendation.

Mark Lyons, Building Department, reported that at the May 5, 2010 Area Board of Zoning Appeals meeting this petition comes with a favorable recommendation. The petition was heard in 2008 and approved. He now wishes to sell 6.4 acres of the 20 acres and needs to have the petition approved due to a new legal description of the property.

Doug Bolles, Palm & Associates, 8888 E. US HWY 20, New Carlisle, IN, representing the petitioners stated that granting this petition will allow the continuation of the dog park and to sell part of the land for farming. There will be no changes to the use of the property.

Motion to pass was made by Mr. Hamann and seconded by Mr. Kruk. Bill No. 39-10 passed to-wit; 6-0.

Unfinished Business:

BILL NO. 28-10 - As Amended - Ordinance No. 47-10 - Vetoed by the Board of Commissioners on 5/18/10; 3-0.

ST. JOSEPH COUNTY, INDIANA AN ORDINANCE AMENDING TITLE 4, ANIMALS CHAPTER "ANIMAL CONTROL AND LICENSING," 4.10.273 "Licenses" OF THE ST. JOSEPH COUNTY CODE BY AMENDING THE FOLLOWING IN ITS ENTIRETY.

Motion to sustain the veto was made by Mr. Kruk and seconded by Mr. Catanzarite. The motion passed by a voice vote of; 6-0. No negatives were heard.

New Business:

Privilege of the Floor:

Nick Molchan, Health Department Administrator, stated that usually each department is asked to submit a report of their department's highlights and achievements from the previous year to be included in the State of the County report. This year they were not requested to do so. However, the Health Department felt that there were important items and Mr. Molchan submitted a report to the Council for 2009.

Adjournment:

Mr. Morton stated that the meeting was adjourned at 8:00 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council