

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
April 9, 2013

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on April 9, 2013, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Michael J. Hamann
Mr. Daniel G. Herbster
Ms. Diana L. Hess
Mr. James O'Brien
Mr. Robert J. McCahill
Mr. Rafael Morton
Mr. Corey D. Noland
Mr. Mark Root
Mr. Mark Catanzarite

Present from the Auditor's office were Mr. Peter Mullen, County Auditor and Ms. Teresa Shuter, Chief Deputy Auditor. Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Mr. Herbster moved to reappoint Kristine McDonald to the Housing Authority and nominate Viola Woods to the Economic Development Commission of Lakeville, Mr. O'Brien seconded, the motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Morton moved and was seconded by Mr. Hamann to have the minutes from the March 12, 2013 meeting. The motion passed by a voice vote; 9-0. No negatives were heard.

Mr. Noland made a motion to withdraw Bill No. 25-13 and 26-13 at the request of the petitioner, it was seconded by Mr. McCahill. The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Morton made a motion to wave the rules to amend the salary ordinance for the Prosecutors Office, which is Bill No. 33-13. It was moved by Mrs. Hess and seconded by Mr. McCahill. The motion was passed by a voice vote; 9-0. No negatives were heard.

No report from the County Auditor.

No report from the County Commissioners.

No report from any Special Committees.

Resolution: BILL NO. 34-13: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING THE ST. JOSEPH HIGH SCHOOL QUIZ BOWL TEAM FOR WINNING THE 2013 INDIANA STATE CHAMPIONSHIP

Mr. Hamann spoke on behalf of the St. Joseph High School Quiz Bowl Champions, congratulating the winners, coaches and parents.

Mr. Kostielney congratulated the St. Joseph High School Quiz Bowl Champions.

Motion to pass Bill No. 34-13 was made by Mr. Hamann and seconded by Mr. O'Brien. Bill No. 34-13 passed to-wit by a voice vote; 9-0. No negatives were heard.

First Readings:

BILL NO. 29-13: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY JOHN & MARCIE HOWARD FOR THE PROPERTY LOCATED AT 12968 DAY ROAD THE SAME BEING PETITION NO. 04-10-13-11 FILED WITH THE AREA BORAD OF ZONING APPEALS

Assigned to the Land Use Planning Committee

BILL NO. 30-13: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III, ADMINISTRATION CHAPTER 34.15 (A), MAINTENANCE OF PETTY CASH AS FUNDS BY CERTAIN DEPARTMENTS OF THE COUNTY, OF THE ST. JOSEPH COUNTY, INDIANA CODE

(DEPT. 0080 Community Based Corrections) Assigned to the Budge and Administration Committee

BILL NO. 31-13: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE V, PUBLIC WORKS, CHAPTER 51, SEWAGE AND SEPTIC SYSTEMS REGULATIONS BY CERTAIN DEPARTMENTS OF THE COUNTY, OF THE ST. JOSEPH COUNTY, INDIANA CODE (Dept. 0055 Health)

Assigned to the Human Services Criminal Justice Committee

BILL NO. 32-13: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE 3, EMERGENCY MANAGEMENT, CHAPTER 33, TRAVEL ADVISORY CODES BY ALL DEPARTMENTS OF THE COUNTY, OF THE ST. JOSEPH COUNTY, INDIANA CODE (Dept. 0009 Emergency Management) Assigned to the Human Services Criminal Justice Committee

Public Hearing/Public Comment:

Mr. Morton stated that all financial issues were heard and discussed at our committee meeting, held on March 26, 2013. He asked if there was anyone who wished to speak in favor of any financial issue. No one came forth. He asked if there was anyone who wished to speak in opposition to any financial issue on tonight's agenda. No one came forth.

TRANSFER BILL NO. 27-13

FUND: 1000 GENERAL FUND
DEPARTMENT: 0021 COUNTY CITY BUILDING/MAINTENANCE

FROM: 22417	General Supplies	\$2,074.08
TO: 39750	Data Processing	\$2,074.08

TOTAL FUND 1000 DEPT. 0021 \$2,074.08

Helen Wituski, Maintenance Department: Requesting a transfer to data processing to update their lap top computers on the heat and AC system.

Motion to pass Bill No. 27-13 was made by Mr. Catanzarite and seconded by Mr. Noland. Bill No. 27-13 was passed to-wit; 9-0.

FROM: 1000 GENERAL FUND
DEPT. 0004 RECORDER

1000-32050-000-0004	Training	\$2,985.25
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TO: 1217 ELECTED OFFICIALS FUN
DEPT. 0004 RECORDER

1217-32050-000-0004	Training	\$2,985.25
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TOTAL FUND 1217 DEPT. 0004 \$ 2,985.25

FROM: 1000 GENERAL FUND
DEPT. 0007 SURVEYOR

1000-32050-000-0007	Training	\$3,203.00
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TO: 1217 ELECTED OFFICIALS FUN
DEPT. 0004 RECORDER

1217-32050-000-0004	Training	\$3,203.00
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TOTAL FUND 1217 DEPT. 0004 \$ 3,203.00

FROM: 1000 GENERAL FUND
DEPT. 0007 CLERK

1000-32050-000-0007	Training	\$ 2,113.56
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TO: 1217 ELECTED OFFICIALS FUND
DEPT. 0004 RECORDER

1217-32050-000-0004	Training	\$ 2,113.56
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TOTAL FUND 1217 DEPT. 0004 \$ 2,113.56

Phil Dotson, Records Office, we are taking out of the General Fund and moving it over to the 1217. A mistake had been made before, it was put into the General Fund and by state statute it should not be in the General Fund.

Motion to pass Bill No. 27-13 was made by Mr. O'Brien and seconded by Mrs. Hess. Bill No. 27-13 was passed to-wit; 9-0.

FUND: 1000 GENERAL FUND
DEPARTMENT: 0028 VOTERS REGISTRATION

FROM: 33100	Printing	\$ 2,000.00
TO: 44250	Office Machines	\$ 2,000.00

Terry Coleman, Voters Registration, we are asking for approval for this transfer to buy nine new printers for our office. Our printers are becoming obsolete. This request has been approved by the Data Board.

Motion to pass Bill No. 27-13 was made by Mr. Root and seconded by Mr. Noland. Bill No. 27-13 was passed to-wit; 9-0.

FROM
FUND: 1123 CTP
DEPARTMENT: 0080 COMMUNITY BASED CORRECTION

FROM: 65030 Inter Fund Transfer \$ 75,000.00

TOTAL FUND 1123 DEPT. 0080 \$ 75,000.00

TO
FUND: 1122 CBC
DEPARTMENT: 0795 CBC USER FEES

TO: 05205 Inter Fund Transfer \$ 75,000.00

TOTAL FUND 1122 DEPT. 0795 \$ 75,000.00

FROM
FUND: 4922 CC BUILDING FUND
DEPARTMENT: 0080 COMMUNITY BASED CORRECTION

FROM: 65030 Inter Fund Transfer \$ 200,000.00

TOTAL FUND 4922 DEPT. 0080 \$200,000.00

TO
FUND: 1122CBC
DEPARTMENT: 0795 CBC USER

TO: 05205 Inter Fund Transfer \$200,000.00

TOTAL FUND 1122 DEPT. 0795 \$ 200,000.00

Sharon McBride, Director of St. Joseph County Community Corrections, we are asking for two hundred seventy five thousand dollars be transferred from the building fund and CTP into our User Fees to cover our short fall of not being at full capacity at the facility at it's current state.

Motion to pass Bill No. 27-13 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 27-13 was passed to-wit; 9-0.

APPROPRIATIONS BILL NO. 28-13

FUND: 1000 GENERAL FUND
DEPT: 0056 C.S.A.P

32050	Instruction/Training	\$ 4,000.00
32052	Treatment Contract Services	\$ 2,000.00
39600	Refunds/Awards/Indemnities	\$ 4,000.00

TOTAL FUND: 1000 DEPT. 0056 \$10,000.00

Eric Ivory, Coordinator for the drug court, requesting a straight appropriation which represents the amount awarded to the drug court from the Partnership for Education and Prevention of Substance Abuse for use in 2013. We will use these funds to expand our services that are available to our participants.

Motion to pass Bill No. 28-13 was made by Mr. O'Brien and seconded by Mrs. Hess. Bill No. 28-13 was passed to-wit; 9-0.

FUND: 1217 ELECTED OFFICIAL FUND
DEPT: 0004 RECORDER

32050 Instruction/Training \$19,480.00

TOTAL FUND: 1217 DEPT. 0004 \$ 19,480.00

Phil Dotson, Records Office, as of July 1st of this year, the state has requisitioned us to break down the education fund for elected officials by five now instead of three. I am appropriating out of 1217 and into 0004 for distribution.

Motion to pass Bill No. 28-13 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 28-13 was passed to-wit; 9-0.

FUND: 1159 COUNTY HEALTH
DEPT: 0055 HEALTH DEPARTMENT

24120	Medical Supplies	\$ 500.00
31150	Medical Services	\$ 7,500.00

TOTAL FUND: 1159 DEPT. 0055 \$8,000.00

Nick Molchan, Administrator, St. Joseph County Health Department, this is an appropriation to cover cost associated with providing on going office visits, routine tests that are requested, and possibly additional medications to deal with an individual with a communicable disease.

Motion to pass Bill No. 28-13 was made by Mr. Noland and seconded by Mrs. Hess. Bill No. 28-13 was passed to-wit; 9-0.

FUND: 8119 2011 RACES COMMUNICATIONS EQUIPMENT GRANT
DEPT: 0009 EMERGENCY MANAGEMENT

44600	Special Equipment	\$ 1,622.58
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TOTAL FUND: 8119 DEPT. 0009 \$ 1,622.58

Rick Tripp, Deputy Director of St. Joseph County Emergency Management Agency, these funds are one hundred percent reimbursed through a grant. It will be a secondary two way communication system to talk to the state if we have an emergency.

Motion to pass Bill No. 28-13 was made by Mr. McCahill and seconded by Mr. Catanzarite. Bill No. 28-13 was passed to-wit; 9-0.

BILL NO. 33-13: AN ORDINANCE AMENDING ORDINANCE 110-12, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2013 (Dept. 0018 - Prosecutor)

Bob Risenhoover, Prosecutors Office, we are requesting a change in the salary ordinance to add one person to the IT group and to have an accompanying appropriation. The need arises because of requirements necessary to interface the new state wide Odyssey System with our current CMS system used by the Prosecutors office. We have one person in the IT department that currently handles the criminal division, child support division, metro homicide, special victims and adult protective services in addition to maintaining all the servers necessary for those units. We are requesting this person be added for the remainder of this year, the twenty six thousand, nine hundred and twenty six is based on an annual salary of thirty three thousand dollars, we will review this during the budget process to see if the project is far enough along and the interfaces are all complete and working, and if it's not, we will request this in the incoming budget.

Mr. Herbster: This is kind of a temporary project this person is being hired to get everything ready, and you are open to evaluate at budget season whether it will be needed next year or not?

Mr. Risenhoover: Yes, that is our game plan.

Mr. Herbster: Did you look into contracting this as a particular project out rather than hiring someone on salary?

Mr. Risenhoover: The CMS system that is highly secured system, it is very restricted even within the Prosecutors department as to who has access to it because anything and everything about an individual is in that system, so we would not be able to use an outside contractor for it.

Motion to amend Bill No. 33-13 was made by Mrs. Hess and seconded by Mr. Noland. Bill No. 33-13 was passed to-wit; 8-0. Against: Root

FUND: 1000 GENERAL FUND
DEPT: 0018 PROSECUTOR

11348	IT Coordinator	\$26,926.00
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TOTAL FUND: 1000 DEPT. 0018 \$ 26,926.00

Motion to pass Bill No. 28-13 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 28-13 was passed to-wit; 8-0. Against: Root

BILL NO. 18-13: A RESOLUTION DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET AND CONFIRMING RESOLUTION NO. R1-13 OF THE ST. JOSEPH COUNTY COUNCIL DECLARING AN AREA OF THAT COUNTY TO BE AN ECONOMIC REVITALIZATION AREA (PETITIONER DIVERSIFIED REAL ESTATE, LLC FOR THE BENEFIT OF MS SOUTH BEND, LLC) CONFIRMING RESOLUTION

Mr. Hamann reported that Bill No. 18-13 comes with a favorable recommendation.

Peter J. Augustino, Attorney, 131 St. Taylor Street South Bend, this is the final step of the process we started months ago to seek an abatement for this property. We are looking at an eleven million dollar investment, over three million dollars in payroll plus the one hundred workers. We are seeking a three year Abatement with one hundred percent per year for three years.

Mrs. Hess: First of all I want to say congratulations on your Economic Impact Award for your facility over at the Elm Road Medical Campus, I understand you did not request a Tax Abatement for that project but I understand there is a difference between the two projects, if you would just explain that.

Tim Cook: The difference between the two projects, with that project, as we have talked earlier, Main Street will be the owner of the facility but they will bring an operator into it. With that project the operator was already on board and brought Main Street in after the fact, with this project, it's the reverse. The cost to attract the operator is different than the prior project.

Mrs. Hess: You mentioned over three million dollars in payroll and over a hundred employees approximately is your projection, which works out to about thirty three thousand dollars average payroll, can you tell me what percentage of those one hundred jobs will be paid over the thirty three thousand dollar average?

Tim Cook: I can't give you an exact percentage; I can give you a break down of the type of positions that are going to be created. The highest paid jobs are going to be things such as occupational therapists, speech therapists, physical therapists, nurses and medical staff are going to be on the more highly paid side. Probably the lowest wages are going to plant maintenance and facility maintenance individuals.

Mr. Noland: Due to the fact that you are asking for the one hundred percent, I would like to get an idea of your plan for some of the criteria, before that was legislation in order to get a longer tax abatement, I would like to get your feel on what some of those are. Use of local construction companies, do you have any further information on that or what your plan would be for going forward with the construction facilities?

Tim Cook: After our last work in session meeting, Mike Dobson and I reached out directly to Lori Shultz communicated that comment to her, after that she spoke with Skip Keltner who is the contractor for this project. He reached out to Don Fozzo of Macaf and provided a list of the types of projects to Don, Mike provided a list of about fifteen local vendors to Lori.

Mr. Noland: Next is use of local materials and suppliers, obviously, the contractors will have some control over that, but your intent is to promote that or encourage that, I would assume?

Tim Cook: Main Street consistently will work with local contractors, suppliers, whatever possible, I think they have a good track record of that.

Mr. Noland: I assume would be obvious, but want to ask, hiring workers as employees as opposed to independent contractors.

Tim Cook: Out of the hundred plus employees that they expect to create, all of those are going to be permanent employees and based on past projects I would tell you eighty plus percent are going to be full time employees.

Mr. Noland: Health care benefits?

Tim Cook: I think every provider Main Street uses provides health care benefits.

Mr. Noland: Racially diversified work force, obviously you have that, hiring practices.

Tim Cook: What we have done in other markets, in particular, we have actually had specific good faith requirements that were built into our project with them. That was something Main Street was happy to do as apart of the project.

Mr. O'Brien: I just have an observation, I am very excited and encouraged by the project, I am very familiar with the undeveloped land there, it seems that this is a potential win-win situation.

Mr. Catanzarite: On the operation side of things, once the facility is operational, what is expected construction completion date?

Tim Cook: They are hoping to begin construction late spring early summer this year with completion sometime next spring 2014.

Mr. Catanzarite: Are any of the beds in the facility in the skilled nursing areas offered to Medicare/Medicaid patients? Or is it all private pay?

Tim Cook: Out of the roughly one hundred beds that will in the facility, probably sixty five to seventy percent are going to be skilled nursing beds. Those are predominately Medicare stays. The other twenty to thirty percent are going to be longer term assisted living, that is going to be private pay, in the State of Indiana there is a moratorium on new Medicaid beds with the new facility, so by law that's not allowed, but I can tell you that the majority of the residents are going to be there using Medicare dollars.

Mr. Catanzarite: Having gone through this process with our county, have you found our process to be more burdensome than other counties, or is this been a good process to go through?

Tim Cook: I think the process I have experienced has been fair, a lot of good questions throughout the process, a lot of counties I have worked with not just with Main Street but other companies, I think the work in session is really good opportunity to share information and my feed back is, this has been a very positive experience.

Mr. Herbster: You are only requesting a three base Abatement, is that correct, you are not asking for a full ten year?

Mr. Augustino: Correct.

Motion to pass Bill No. 18-13 was made by Mr. Hamann and seconded by Mr. O'Brien. Bill No. 18-13 was passed to-wit; 9-0.

BILL NO. 24-13:AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE XV:LAND USAGE; CHAPTER 151: BUILDING CODES BY ADDING SECTION 151.06 CERTIFICATE OF OCCUPANCY AND RENUMBERING SECTIONS 151.06, 151.07, 151.08, 151.09 AND 151.10 PETITIONER: BUILDING DEPARTMENT

Mr. Hamann reported that Bill No. 21-13 comes with a favorable recommendation.

Charles Bulot, South Bend Building Department, in June of 2008, the state revised the residential and commercial building codes, and in the process they deleted the requirement for certificate of occupancy. This bill will rectify this matter.

Mr. Catanzarite: I just want to compliment Chuck Bulot, our building commissioner for this forward thinking bill. I know by doing this tonight we are going to have safer buildings and the community at large will be much safer with the passage of this bill, if it does pass.

Motion to pass Bill No. 24-13 was made by Mr. Noland and seconded by Mr. Catanzarite. Bill No. 24-13 was passed to-wit; 9-0.

Unfinished Business:

New Business:

Privilege of the floor: Mr. Augustino, Attorney, I want to say thank you to the Council, as a proud father of a student on that quiz bowl team. This is not a popular sport, they are not out there playing football or basketball, it's not a glory activity, but they work harder than you can image, they study all summer long, they go to competitions on their own to prepare themselves. And so it was really special for this body to acknowledge that, and I thank you for that, as a parent and on behalf of the other parents.

Adjournment: Mr. Morton stated that the meeting was adjourned at 6:50 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

