

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
April 8, 2014

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on March 11, 2014, 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. Corey D. Noland  
Mr. James O'Brien  
Mrs. Diana Hess  
Mr. Rafael Morton  
Mr. Daniel G. Herbster  
Mr. Mark A. Catanzarite  
Mr. Mark Root

Present from the Auditor's office were 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 Viola Woods to the Economic Development Commission of Lakeville. The motion was passed by a voice vote; 8-0. No negatives were heard.

Mr. Morton moved and was seconded by Mr. Noland to have the minutes from the March 11, 2014 were approved. The motion passed by a voice vote; 8-0. No negatives were heard.

No report from the County Auditor.

Report from the Board of Commissioners:

No report from any Special Committees.

**First Readings:**

**BILL NO. 15-14:** AN ORDINANCE TO VACATE A PUBLIC WAY OF PUBLIC PLACE, LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO WIT; A PORTION OF A 40 FOOT WIDE PLATTED PUBLIC STREET NAMED 'EAST SANDY HILL LANE AND CHRISTIAN DRIVE ADJACENT TO LOTS #43,44 AND 49 OF THE PLAT OF 'WHIPPOORWILL VALLEY SOUTH SECTION ONE' PETITIONERS: JOY M. LANKFORD FOR LEGACY PROPERTY DEVELOPMENT, ROBERT & CAROL MAGOR, ROBERT & DEBRA URBANSKI AND IM SOON & SOOJINN SONG  
Assigned to the Land Use Planning Committee

**BILL NO. 16-14:** 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 18980 AUTEN ROAD FROM PUD PLANNED UNIT DEVELOPMENT DISTRICT, TO R SINGLE FAMILY DISTRICT PETITIONER: AREA PLAN COMMISSION  
Assigned to the Land Use Planning Committee

**Public Hearing/Public Comment:**

**Salary Amendments:**

**BILL NO. 13-14:** AN ORDINANCE AMENDING ORDINANCE 58-13, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2014 (Dept. 0034 Commissioners/Veterans Service Office)

Mr. Root reported that Bill No. 13-14 comes with a favorable recommendation.

Kevin Kelsheimer, Veterans Service Officer, I am requesting an amendment to the salary ordinance that we might have appointed another secretary for my office. This is accompanied by the Commissioners. Our office is so overwhelmed for one person right now, our case load has tripled and the request to have another full time person there to help out.

Mr. O'Brien: I just want to clarify, you have a part time person now who's sickly or something, he's leaving so there's not another, a third person but rather a.

Mr. Kelsheimer: As of tomorrow he will be gone.

Mr. O'Brien: So you still have two people, the new person will presumably be full time.

Mr. Kelsheimer: Yes.

Mr. Catanzarite: I would just like to say that whenever I have a constituent concern about Veteran benefits I always refer him to this office and the current Veteran Service Officer Kevin Kelsheimer and his predecessors have always done an excellent job and I can see where the call volume and request have tripled. I have always gotten compliments back that they have always been helped and assisted. I think it's a small investment on our part to give him a full time secretary or someone to help with the duties with the office. So I will be totally supporting this.

Mr. Morton: I totally agree.

Mr. Herbster: I just want to say my personal experience helping out clients having issues with VA benefits and needing to talk with someone have found you very helpful and got right back to me in your office and I know you are doing important work there. I will vote for this as well.

Motion to pass Bill No. 13-14 was made by Mr. Noland and seconded by Mr. Hamann. Bill No. 13-14 was passed to-wit; 8-0.

**BILL NO. 14-14:** AN ORDINANCE AMENDING ORDINANCE 58-13, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2014 (Dept. 0018 - Prosecutor)

Mr. Root reported that Bill No. 14-14 comes with a favorable recommendation.

Mr. Dvorak, St. Joseph County Prosecutor, I rise in support of this ordinance which, I am reminded; I should tell you there is also a parallel bill for an appropriation. At the committee, and most of you folks were at the committee, so I will try to be brief and not too redundant. This is language and appropriation that was actually supported and was discussed more widely in the last budget process for the 2014 budget. It was supported both in committee and supported on a voice vote throughout the budget process only to at the last moment to come out of the budget. The only thing I can describe is to why it may have come out at that point in time is because there were some mixed predictions that we were getting about our short fall or what we were expecting in our fiscal projections and since then I think those have been clarified. To tell you what this ordinance does, it affects twenty people in the prosecutor's office, nine of whom are secretaries, seven whom are paralegals, four of whom are victim advocates. It is approximately twenty seven thousand, seven hundred and forty three dollars that are divided up among these twenty people. As I said before when we were in the committee process, this affects nine secretaries, I can't tell you these nine necessarily but nine of the twelve people who are our secretaries have college degrees and remaining three have some college. All of our secretaries are college educated. This includes our paralegal, seven of our nine paralegals are affected by this, five out of six of our paralegals have bachelor's degrees, four out of five have paralegal certificates,

one of our paralegals has a videography and he puts together all the videos from police in car cameras, store videos, wherever we get a video part of an investigation it becomes part of the evidence we use to prove our case beyond a reasonable doubt in the courtroom, he helps put all that together and is terribly invaluable as well. Four of our eight victim advocates are affected by this. All four of these victim advocates have college degrees as well. Two of those four have attended and been certified by newly created Indiana Victim Advocacy Academy served by the Indiana Coalition Against Domestic Violence. This office for years back proceeding myself has been the forerunner in the state of Indiana about victim advocates before constitutional amendment was passed and other things. I will add that during that last budget cycle there were positions in Emergency Management and the commissioners that got twelve, thirteen and fifteen percent pay bumps at that time. These pay bumps are two, three and four percent but they are much needed.

Larry Bambaugh, 12032 Timberline Trace North, Granger Indiana, I am here to speak against this for a number of reasons. It went through the budget process; it was thrown out at that point because you didn't know if you had enough money. This is an ongoing cost. This isn't just here this year, it's next year and the year after it will go on forever. Maybe these people are under paid but we have other projects that need work in this county not the least of which is the roads. I had to pay almost a hundred dollars to replace a tire last week to due to one of the craters that I ran into. The other reason I am opposed to this is, the reason we are in a financial state in this county is because for years we have over paid for capital projects. We have done nice cozy favors for architectural firms and construction companies in the unions. The problem is, that has got us to the debt point where we are now where we are one of two counties in the state that were exempted from the property tax cap because we spent beyond our means. Now I would suggest Mr. Dvorak start arguing against these over priced projects as they keep coming up. We have a leaf program that was a disaster, no reason we even did that last year. Just a bad idea, nobody even wanted to bid on the project. We spend; we don't get what we paid for. It's time we start looking at our capital projects, backing them down, maybe there are employees in this county that need raises but until you start backing those capital projects now so we no longer are in a state where we are one of two counties in the state exempted from property tax caps, I don't see giving more raises, especially outside the budget process, this was discussed, leave it as it is. I asked that you vote against this.

Mr. O'Brien: I share Mr. Bambaugh's concern about the pot holes and the economic state that the county is in and I think that we are not actually in a better state right now than we were at the end of last year. We have four and a half million dollars of un bonded debt to Mishawaka for bridge they paid for beginning this year we have to start repaying five hundred thousand dollars a year which was not in last years budget, last year we paid a hundred and twenty five thousand. In December we moved five million dollars out of CEDIT into the General Fund to make sure we didn't end up with any deficits, that money has not been moved back yet and four weeks or six weeks ago the folks Umbaugh and Associates made a presentation which I can only characterize as gloom and doom as about the future of the County General Fund. I would acknowledge that there are some very good, fine workers in the Prosecutor's office, I worked with many of them some years ago, many of those who are still there and I don't doubt that some maybe all are under paid, but I just don't see spending the money now given that there's a lot that needs to be done at the County level. I am going to oppose this matter.

Mr. Hamann: I share the concerns from a fiscal perspective but I think that I would be much more inclined to oppose this if we had backed down some of the increases with maybe Emergency Management or HR person, so I think if we are going to be picking and choosing I'm going to always look at public safety and I'll advocate that we take care of those folks because they are the ones keeping the bad guys off the street to the best that they can, so I supported that these small increases that represent a very small portion of our budget. Back during our budget process in a spirit of trying to compromise and get the budget passed I went along with taking them out but told we could revisit this in 2014 and I am glad we are and I support it.

Mr. Herbster: I just want to say, I am not prepared at this time to vote for this proposal I am willing to consider this during the upcoming budget process when we can consider the proposal in light of the greater budget and larger perspective. I would also just want to say I have been thinking about this proposal a lot over the last few weeks and realize the Prosecutor's office does very important work for our public safety especially for victims advocates and those kinds of things and particularly want to commend the Prosecutors office for their work in investigating our local abortion doctor and making sure very important reporting requirements are followed through that have direct impact on women's safety and also on making sure sexual abuse for under age women does not go on without investigation. I appreciate the responsibility they are tasked with and just have to say that I just can't support this particular proposal but I am willing to consider that in the budget process along with other proposals.

Mr. Morton: I have a question, I am going to direct this to the Auditors office, the comment was made by one of our speakers, I believe Mr. Bambaugh that I believe St. Joseph and Lake County were exempt from the property tax cap.

Ms. Shuter, Chief Deputy Auditor: We have exempt debt.

Mr. Mullen, St. Joseph County Auditor: The debt exempt is not apart of the property tax, we as the County have very little bonding, the two cities as well as the school corporation have a lot of bonding, but it's not here. It's not here, not at the county level.

Mr. Morton: The comment was made that or I took it as his implication was that it was because of over spending here and in Lake County.

Mr. Mullen: No, that's not it... We have certainly not ever over spent in the time I have been here.

Mr. Morton: That statement just concerns me when you get up and say that this cause and effect is because St. Joseph and Lake County have over spent.

Mr. Mullen: Of course not.

Ms. Shuter: The only debt that is exempt is the Jail Corporation because that was already under way.

Mr. Mullen: That is only in the County not all the other units of government because they are in .

Mr. Noland: I agree with Mr. Hamann for the most part that I think full funding, vigorous support of public safety entities and all these particular people aren't as flashy as the officers in the cars running around town and everybody does not see them, I think they are vital to the process and just as important and I also supported it in our last discussion and we decided to not include it in the budget at the end and also made mention that we would revisit it this year and I am glad we are doing it. Also, another commitment that was made to the county in general at that time is that we were going to visit all the employees and key individuals and salaries and things like that. I can announce here, as of today, I believe that this process has actually begun. Five months has taken too long to get to this point, but I believe that is going to get started shortly.

Mr. Morton: And the effect of that we won't have to go through ..

Mr. Noland: Right, it won't be.. An independent professional of finding situations like this and then we will have to make the decision on what we can do with that information. I certainly don't want to see this one and two coming every meeting that we have to do this individually.

Mr. Morton: Correct..correct.

Mr. Root: I actually also agree with Mr. Hamann and Mr. Noland but because I agree with them I am going to oppose this tonight. Both Mr. Dvorak and Mr. Hamann mentioned the EMA and the HR as getting pay raises or salary adjustments outside the budget process and we may have opened a precedence by doing that I think that is what Mr. Hamman is alluding to and now Mr. Dvorak is taking advantage of that and quite frankly it makes it open season for every department head in county government now to come forward and take advantage of it because if we have done it for one we have done it for two and now we are doing it for three. This is not how the process was designed to work. I also agree with Mr. Noland that as of today there is going to be a process for us to equitable to all county employees and look at adjusting salaries in an equitable way for all employees through a formal process rather than doing it one by one. Some departments will come out winners and others will come out losers depending on how well they argue it or whether their department head is even willing to go for it. I would argue that we really should look at Mr. Dvorak's proposal but that we should do it in light of the procedures that are being set up so that we are fair to all county employees and that all county employees have an adequate chance at getting their salary adjusted to I think we all believe that they should be.

Motion to pass Bill No. 14-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 14-14 was passed to-wit; 5-3. Against: Mr. Herbster, Mr. Root and Mr. O'Brien

**BILL NO. 12-14: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT**

Mr. Root: I would move that we have a division of the question on Bill No. 12-14 that we hold a separate vote on point F.

A Motion to have a separate vote on point F on Bill No. 12-14 was made by Mr. Root and seconded by Mr. Herbster. Bill No. 12-14 will hold a separate vote. to-wit; 8-0.

**Appropriation:**

**F: Prosecutor's Office  
General Fund**

1000-11121-000-0018	Advocates	\$ 2,911.00
1000-11329-000-0018	Coordinator Victim Witness	2,730.00
1000-11351-000-0018	Paralegal	10,022.00
1000-11652-000-0018	Secretaries	12,080.00

**TOTAL: \$ 27,743.00**

Motion to pass a portion of Bill No. 12-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 12-14 was passed to-wit; 5-3. Against: Mr. Herbster, Mr. Root and Mr. O'Brien

**TRANSFERS:**

Health Department  
County Health

FROM: 1159-39600-000-0055	Refunds, Awards & Indemnities	\$ 807.76
TO: 1159-65030-000-0055	Inter Fund Transfer	807.76

**TOTAL: \$ 807.76**

FROM: 4105-33368-000-0055	Public Info. & Educ.	\$ 100.00
4105-33368-805-0055	Public Info. & Educ.	1,131.77
4105-33368-810-0055	Public Info. & Edu.	1,183.77
TO: 4105-65030-000-0055	Inter Fund Transfer	\$ 100.00
4105-65030-805-0055	Inter Fund Transfer	1,131.77
4105-65030-810-0055	Inter Fund Transfer	1,183.77

**TOTAL: \$ 2,415.54**

**GRAND TOTAL: 3,223.30**

Health Department  
County Health

FROM: 1159-65030-000-0055	Inter Fund Transfer	\$ 807.76
4105-65030-000-0055	Inter Fund Transfer	100.00
4105-65030-805-0055	Inter Fund Transfer	1,131.77
4105-65030-810-0055	Inter Fund Transfer	1,183.77
TO: 8111-05205-000-0055	Inter fund Transfer of Funds	\$ 3,223.30

**TOTAL: \$ 3,223.30**

Health Department  
County Health

FROM: 1159-31150-000-0055	Medical Services	\$ 37.80
TO: 9103-22148-000-0055	Field Supplies	37.80

**TOTAL: \$ 37.80**

Auditor's Office  
Ineligible Deduction Fund

FROM: 1216-65030-000-0002	Inter Fund Transfer	\$ 1,339,544.23
TO: 1300-00000-000-0002		\$ 1,339,544.23

**TOTAL: \$ 1,339,544.23**

**APPROPRIATIONS:**

Veterans Service Office (Commissioners' Office)  
General Fund

1000-11719-000-0034	Secretary	\$ 25,000.00
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**TOTAL: \$ 25,000.00**

Motion to pass Bill No. 12-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 12-14 was passed to-wit; 8-0.

**Public Hearing/Miscellaneous Matters:**

**Public Hearing/Land Use Planning:**

**BILL NO. 5-14:** 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 19694 DARDEN ROAD, SOUTH BEND, INDIANA 46637 FROM R SINGLE FAMILY DISTRICT TO O/B OFFICE BUFFER DISTRICT  
PETITIONER: ERICO VILLANUEVA Land Use Planning Committee

Mr. Noland reported that Bill No. 5-14 comes with a favorable recommendation.

Angela Smith, Area Plan, the petitioner is seeing to rezone their property from R single family district to OB office buffer. As you can see it is off of Darden just off of 933. It's in between the commercial and the residential area which is what the office buffer was designed to serve as. The property was a single family home of approximately a thousand square foot with an attached two car garage with the remainder of the lot open so it still looks residential in character. The petitioner is seeking to put in an office type use under five thousand square feet. This comes to you from the area plan commission with a favorable recommendation.

Linda Rafinski, 1606 Pine Top Trace Mishawaka, Indiana, 46545, I am here on behalf of the petitioner and again we would just like to reestablish that we are going from a single family dwelling to OB office buffer to rent something, a small office space whether that be a small insurance company or some small type of office, there is a thousand eighty square feet. As far as parking it would only be for three cars, can fit at this point, we would not utilize it more than that. If we needed to there is an annex road to the right side that used to be utilized by Steak and Ale and then there is parking in the back but then we would have to come back to the planning council and you and go through the building department if we were to utilize additional parking, at this point we would just use the driveway.

Motion to pass Bill No. 5-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 5-14 was passed to-wit; 8-0.

**Unfinished Business:**

Mr. Mullen: I have in front of me that I will present to you at the conclusion of the meeting a completed allocation plan by a vendor that we have retained to bring back to the county money of indirect cost that has been incurred by our county through Title IVD child support. We expect that we will get back in the year 2014 a total of three hundred, forty eight thousand and five hundred dollars as a result of this allocation plan. The plan is for all indirect cost billed back to the state at sixty six percent. We have retained Malcon Consulting and we have obtained through them for the last two years over two and a half million dollars. I am pleased to present this to you and thank you for your support on this contract.

**New Business:**

**Privilege of the floor:**

Barry Bumbaugh, 12032 Timberline Trace Granger, Indiana, we saw a disastrous leaf program this year, I hope the council will consider getting rid of that program going back to what we had before, there is nothing but grime everywhere. I'd also like to address the over spending that the county does. I heard that there was no over spending, since I have to assume Mr. Mullen has not been here very long. A fifty five million dollar jail, a twenty million dollar juvenile center that houses ninety two beds, my calculation is that's two hundred twenty thousand dollars per bed. Now I don't know, that seems like over spending in my book. And yes, I am fully aware that property tax cap was put in place for all units of government and it's all included in the county but to act like this particular body is exempt from what we've never over spent, please.

Mr. Morton: I didn't say that.

Mr. Bumbaugh: Well...I said the county is, we are one of two counties, yes, it's true, the city of South Bend over spends, it's true, the school corporation, some of them over spend, but the county is not free from responsibility in that over spending. The fifty five million dollar jail needed not be that large and twenty million dollars for a juvenile center that houses ninety two beds, you could have bought my whole subdivision for that twenty million dollars, now I don't want to hear this county, this county council doesn't over spend. That's not to say that other units don't but this county council bares responsibilities. If I was one of those other units of government I'd be feeling like I was just slapped in the face, it's all your responsibility, not mine, please, lets at least be intellectually honest when we are having this discussion. The county council bares some of this responsibility too and if they were to cut back on their budgets for capital and other things they may have money for raises. Thank you.

**Adjournment:** Mr. Morton stated that the meeting was adjourned at 6:38 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council













