

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
May 10, 2011

The regular meeting of the St. Joseph County Council was called to order at 7:01p.m., on May 10, 2011, 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 - Absent  
Mr. Daniel G. Herbster  
Mr. Michael J. Kruk  
Mr. Robert J. McCahill  
Mr. Rafael Morton  
Mr. Corey D. Noland  
Mr. Mark Root

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. Noland moved to reappoint Rafael Morton and John Ferretti to the Early Intervention Plan Advisory Board and Mark Root to the MACOG Policy Board. There were no other nominations. His motion was seconded by Mr. Kruk. The motion passed by a voice vote; 8-0. No negatives were heard.

Mr. DeVon moved and was seconded by Mr. McCahill to approve the minutes of April 12, 2011. The motion passed by a voice vote; 8-0. No negatives were heard.

Mr. DeVon moved to return Bill No. 54-11, at the request of the petitioner, back to Committee. The motion was seconded and passed by a voice vote; 8-0. No negatives were heard.

No report from the County Auditor.

No report from the Board of Commissioners.

No report from any Special Committees.

**First Readings:**

**BILL NO. 57-11:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY ELDON & SUSAN HEATWOLE FOR THE PROPERTY LOCATED AT 67719 IRONWOOD ROAD THE SAME BEING PETITION NO. 05-04-11-10 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

**BILL NO. 58-11:** AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY CARLOS & MONICA DELAGADO FOR THE PROPERTY LOCATED AT 26977 JACKSON ROAD, SOUTH BEND, IN 46619 THE SAME BEING PETITION NO. 05-04-11-11 FILED WITH THE AREA BOARD OF ZONING APPEALS. - Assigned to the Land Use Planning Committee

**BILL NO. 59-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$100,000.00 OUT OF THE ST. JOSEPH COUNTY INELIGIBLE DEDUCTION FUND - 061 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2011. (Dept. 002 - Auditor) - Assigned to the Budget and Administration Committee

**BILL NO. 60-11:** AN ORDINANCE TRANSFERRING THE SUM OF \$21,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 795 - C.B.C. - User Fees) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 61-11:** AN ORDINANCE AMENDING ORDINANCE 101-10 THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2011. (Dept. 062 - Highway Maintenance and Dept. 064 - Highway Gen Exp) - Assigned to the Engineering and Transportation Committee

**BILL NO. 62-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$12,600.00 OUT OF THE ST. JOSEPH COUNTY - COUNTY HIGHWAY FUND - 002 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Highway) {increase/decrease appropriation} - Assigned to the Engineering and Transportation Committee

**BILL NO. 63-11:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR THE PROPERTY LOCATED AT 25000 BLOCK & 25609 STATE ROAD 2, SOUTH BEND, INDIANA 46619 FROM "R" SINGLE FAMILY DISTRICT TO "M" MANUFACTURING INDUSTRIAL DISTRICT. (Petitioner: Tim Nasco & Nasco Auto Pool, LLC) - Assigned to the Land Use Planning Committee

**BILL NO. 64-11:** AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE III, ADMINISTRATION, CHAPTER 32.06, COUNTY ORGANIZATIONS - HIGHWAY DEPARTMENT OF THE ST. JOSEPH COUNTY, INDIANA CODE. (Engineer) - Assigned to the Engineering and Transportation Committee

#### **Resolutions:**

**BILL NO. 65-11:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE ST. JOSEPH COUNTY PUBLIC LIBRARY CAPITAL PROJECTS PLAN FOR 2012, 2013 & 2014.

Donald J. Napoli, Director, St. Joseph County Library, 1841 N. Adams Street, SB, stated that much of what they were proposing is stated on page 7. They are planning on saving the money to put toward the future expansion of the Main Branch. They want to keep the size of the future Bond Issue down by saving it now through Capital Projects Funds. It will take a few years in order to save for the Main Branch expansion and will have to supplement that with a Bond Issue. He stated that they are looking at the year 2018.

Mr. Herbster inquired about how Mr. Napoli stated that you are cutting back on Capital Projects. Mr. Napoli stated that they just completed, about two years ago, the renovation and expansion of all of the six (6) branches. He stated that they don't see the need right now to save for other types of projects. Mr. Napoli stated that they are going to spend money this year for a new cooler for the Main Branch and other repairs. Center Township Branch will need a new roof, after only eleven (11) years. He stated how they have an Emergency Fund of about \$1 million.

Mr. Catanzarite asked if there was any legal remedy regarding the roof at the Center Township Branch? Mr. Napoli stated that the Company says that it was an installation problem and those people are saying it was a manufacturing problem. Mr. Catanzarite stated that he hates to see the Library be on the hook.

Motion to pass Bill No. 65-11 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 65-11 passed to-wit; 8-0.

#### **Public Hearings**

Mr. Morton announced that there would be a combined Public Hearing on Bill Nos. 36-11 and 37-11 but would be voted on separately.

**BILL NO. 36-11:** AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - COUNTY GENERAL FUND - 001, 2011 BUDGET REDUCTION. (Dept. 024 - Adult Probation) - Assigned to the Budget and Administration Committee

**BILL NO. 37-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$153,000.00 OUT OF THE ADULT PROBATION FEES FUND - 057 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 024 - Adult Probation) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 36-11 and 37-11 come with a favorable recommendation.

Jerry Johnson, Chief Probation Officer, basically in the past, at the end of the year, there would be an ordinance to transfer \$100,000 from the Probation User Fees account into the General Fund. This year it would have been \$153,000. Since the start of the year we have learned that this money should be, not in the General Fund, but in the account from which it was taken. This ordinance addresses this and moves the money from the General Fund to the Probation User Fee Fund.

Motion to pass Bill No. 36-11 was made by Mr. Kruk and seconded by Mr. DeVon. Bill No. 36-11 passed to-wit; 8-0. Motion to pass Bill No. 37-11 was made by Mr. Kruk and seconded by Mr. No land. Bill No. 37-11 passed to-wit; 8-0.

**BILL NO. 38-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$3,750.00 OUT OF THE 2010 E.M.P.G. COMPETITIVE GRANT FUND - 105 AND \$3,782.00 OUT OF 2010 FOUNDATION GRANT FUND - 031 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 009 - Emergency Management Agency) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 38-11 comes with a favorable recommendation.

Whitney Pierle, Deputy Director, stated that the appropriation is from a Competitive Grant Fund. Each year the Indiana Department of Homeland Security scores all county Emergency Management Agencies and this year our County scored well enough to receive an extra grant. The funds are in a reimbursable category. The Indiana Department of Homeland Security has approved the items that they intend to purchase - office computers, monitors and weather radios.

The second amount is from the Indiana Homeland Security Foundation. These grant funds will be used to purchase equipment for the new operation center, which will be located at the South Bend Fire Department main station on Main Street. These funds are also in the reimbursable category and the items to be purchased are approved - monitors, cell phone buster repeater and projector.

Mr. Herbster asked if the equipment would be stored at the Fire Station? Ms. Pierle stated that the first set of funds will provide equipment that will be stored and utilized in the Emergency Management Office on Lathrope Drive and the second fund equipment will be going to the Fire Station on Main Street.

Motion to pass Bill No. 38-11 was made by Mr. Kruk and seconded by Mr. No land. Bill No. 38-11 passed to-wit; 8-0.

**BILL NO. 40-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$3,336.00 OUT OF THE ST. JOSEPH COUNTY USER FEES FUND - 058 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 40-11 comes with a favorable recommendation.

Chief Robert Boits, stated that these funds come from collected traffic fines and are used for training.

Motion to pass Bill No. 40-11 was made by Mr. McCahill and seconded by Mr. Catanzarite. Bill No. 40-11 passed to-wit; 7-0. (Mr. Root was out of the room.)

Mr. Morton announced that there would be a combined Public Hearing on Bill Nos. 43-11 and 44-11 but would be voted on separately.

**BILL NO. 43-11:** AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - REASSESSMENT FUND - 008, 2011 BUDGET REDUCTION. (Dept. 012 - County Assessor) - Assigned to the Budget and Administration Committee

**BILL NO. 44-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$762,847.00 OUT OF THE ST. JOSEPH

COUNTY 2006 REASSESSMENT FUND - 028; \$500,000.00 OUT OF THE ST. JOSEPH COUNTY RAINY DAY FUND - 022; \$998,240.00 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, 2011. (Dept. 012 - County Assessor) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 43-11 and 44-11 come with a favorable recommendation.

Rosemary Mandrici, Assessor, explained how these bills are re clarifying the Reassessment Fund. They are requesting a reduction to \$762,847 and clarifying the rest of the funds that were allocated for reassessment.

In Opposition:

Bruce McMillian, 26086 U.S. 20, SB \$2.5 million was appropriated for reassessment. What happened to those funds and why are you transferring funds at this time from another account? The money should have been there.

Ms. Mandrici stated that last year the 2011 Reassessment Fund was adopted out of the 008 Fund. This year they were instructed by the State Board of Accounts that they needed a clarification of where those funds were coming from and that's why those funds, not asking for any additional revenue, they are giving clarification of those funds.

Mr. McMillian questioned the 2006 and 2011 Reassessment Funds and cannot find clarification for the State Board of Accounts.

Mr. Morton stated, Mr. McMillian, you have asked the State Board of Accounts for clarification and you still do not have a sufficient answer? Mr. McMillian stated that they did not give him an answer. They weren't aware of where those funds were. He has spoken to some folks. Some reassessments are good and some are bad. Is the transfer needed to try to cover a loss?

Mr. Morton stated that the only answer he could give is that if you can't get a sufficient answer from the previous administration or the current or the State Board of Accounts? Mr. McMillian stated that he would contact them again along with the Attorney General.

Kelly Havens, 12032 Timberline Trace North, Granger asked where is the missing money? There were Tribune articles regarding the former Assessor and his questionable expenditures. If the taxpayers have paid money into the fund for all these years and it is not fair to take it from some other funds that the taxpayers have been paying in to. The money went out on somebody's watch. There are either some criminal charges to be made or at least a full investigation. Why didn't the Auditor's Office notice that the Reassessment Fund's balance was going down? Why didn't the Commissioners notice? Ms. Havens questioned the purpose of a reassessment when the State of Indiana has gone to a Fair Market Value. Therefore, shouldn't that change the need for an every ten (10) year reassessment? With \$1.5 million, if you were paying \$15 an hour, you could pay for 100,000 man hours. That's 50 people full time for an entire year. Other offices could help with input when they have down time. Why do you need new furniture? You should be saying no to using Rainy Day and CREDIT Funds.

Sara Bajuyo, 413 Lamonte Terrace, SB stated that taxpayers deserve an explanation from possibly each one of you. How was this allowed to happen? If you have extra money in a Rainy Day Fund, which is taxpayer money, give it back. These funds were misappropriated in the first place. In fact, stolen. What is going to happen to Dave Wesolowski? If this was a private company, he would have to give back what he stole. Is this being asked of him? There is a gross inaccuracy in how people have been assessed. There is incompetence in this office and now you want more money? The people going around doing the assessment have no clue what they are doing. One house is \$19,000 and the house on the other side of the street is \$267,000... really?

Robin Sullivan, 19110 Farmington Lane, SB explained that this is frustration regarding the assessments in St. Joe County and the accountability. We are looking to you to do something about these irregularities and to make amends to the taxpayers. Please table this proposal.

Ms. Mandrici stated that the reassessment is mandated by State Law. She stated that they are doing an in-house reassessment. There were no funds for a private contractor. Some of these funds are going for software programs to help them go through and meet the State required parcel counts. The field people are Level 2 Assessor, anyone entering data. They have not purchased any new furniture. The only things that were done in the office were painting and a wall taken

down, along with some new carpet in a couple of the offices. The computers that are being currently used are outdated to even run the software that is needed to do this in-house assessment. She could not address any of the questions regarding the former Assessor. The per diem that is allocated in the budget for reassessment work, has a Statute for that. She stated that she not now or before ever taken any additional funds except for her base salary. She stated that this was all part of her responsibility. There is a new Penn Township Assessor and they are assisting that office in a learning process. There are personnel in the Auditor's and Treasurer's offices are in communication. She stated that they are not asking for any additional funds. This is a clarification of the original funds that were appropriated to the 2011 Budget. They are working three years simultaneously. There is a backlog of two years of appeals and the reassessment year. Properties are reassessed with different uses. Therefore, some houses are not the same. She stated that she is very aware of how taxpayer money has been spent in the past and she wants an efficient office that is open to the public.

Mr. Herbster questioned the Fair Market Value issues. Does that change or affect how you do assessments? Ms. Mandrici stated that the annual adjustment is Trending and that does acuate to a market value. With reassessment they will be getting new cost tables, land values and will be adjusting to the market. Can the new process elevate reassessment? That is not what the State has told her to do. Mr. Herbster, you are under State Statute. Ms. Mandrici, stated correct.

Mr. Morton asked when we went to Fair Market Value? Ms. Mandrici stated that it was in 2002. The Trending started in 2006. He asked if it was fair to say that the factor of changing has made it a bigger task? Ms. Mandrici stated that actually it is. Most of the counties hire out for these projects; but St. Joseph County has chosen to do it in-house. Mr. Morton commented on the accusations that money was being stolen. In his recollections there were some inquiries as far as the last administration and some of those funds. Mr. Mullen, Auditor, stated that there were. Mr. Morton stated that he could say he was satisfied or pleased, but was surprised with the response from down state, the DLGF and the State Board of Accounts as far as the methodology that is used on a statewide bases to assess the Assessor.

Mr. Catanzarite asked about tabling this decision tonight. What kind of impact would that have? Ms. Mandrici stated that it would impact the consulting and vendor contracts. It could hinder the supplies that are needed. Mr. Catanzarite asked what kind of time-table they were on to complete this reassessment? Ms. Mandrici stated that 3/1/2012 is when this needs to be complete... 120,000 parcels are in St. Joseph County approximately.

Mr. Root stated that he was part of the group that discussed whether to do the reassessment in house or farm it out. If he remembered correctly, the process was about a two (2) process and began under the old Assessor and now Ms. Mandrici has had to pick it up, half way through. Ms. Mandrici stated that was correct. The process began 7/1/2010. Mr. Root stated that they thought there could be a significant cost savings doing it in house. To contract it out they were looking at \$2.5-2.8 million. Ms. Mandrici stated that she had a plan and it is working right now taking into account all that has to be done in this office. Mr. Root stated that MACOG has contributed to the funding of a pictometry contract.

Mr. DeVon asked when you are doing Market Value if foreclosures are considered? Ms. Mandrici stated that since 2007 that is taken into consideration.

Mr. Catanzarite stated that one of the speakers tonight talked about sharing personnel with different departments and Ms. Mandrici may have alluded to that when she said that the Data Entry Specialist and field personnel are either a Level 2 or Level 1. Are there some duties that you could use help with from other county departments that might have a lull? Ms. Mandrici stated that some clerical, filing, organizing, etc. that can be done. The Auditor's Office has helped. She then went on to say how the public should file an appeal if they feel that their assessment is incorrect.

Mr. Root asked Mr. Mullen, Auditor, if money was taken out of the Reassessment Fund some years to cover budget shortfalls in the County General Fund to cover expenses in the Assessor's Office. Ms. Bogle was heard responding yes. They (the Auditor's Office) used to use reassessment dollars to augment support to the County Assessor's Budget and other Township Assessor's budgets too, depending on the job that was needed to be done. Mr. Root stated that the decision that this body had to make, in light of the budget circumstances, that some very tough years have been faced. In all honesty, he stated that they did take money and move it over to help offset some of those expenses.

Mr. Mullen, Auditor, stated that in the three (3) years since he has been here this was the first time he stepped up to the podium, other than for his own requests, due to these acquisitions that something was askew in the Assessor's Office, in anybody's office. He stated that he really takes exception to that. He stated that they are doing only what the State is asking them to do. Reassessment 2011 is a brand-new fund and it is started by transferring money out of the 2006 fund into it and that is what is being done tonight. There is no money missing and the State Board of Accounts have audited us. He then when on to give praise to Rosemary and the job her and her office is doing and how over the last thirteen months they

have rebated more than \$10 million. That should never happen again, and it won't, if they can get a handle on the process. Losing the \$10 million is why they have had to lower the budgets of the Park and Health Departments. This was due to bad reassessments.

Mr. Morton asked, when you say bad reassessments, what did he mean by that? Mr. Mullen stated that last summer they were backed up with piles of appeals. He stated that he could not answer what occurred in Assessor's Office to cause this in the last two years.

Mr. Root stated that he agreed 100 percent with the operation of the Assessor's Office from January forward and the job that Rosemary has done there. He stated however that they all know that there were problems in the former Assessor's Office. He was not willing to state that there was criminal activity. An investigation was done and Councilman Kruk and Mr. Root both questioned the use of those dollars by the Assessor in the Reassessment Fund and were not comfortable with what was going on there.

Mr. Morton stated he was not sure that he agreed with the rules and regulations that State basically came back to us and said that is what all Assessors live by, does he agree with that, no he doesn't. But if that is State law then this alleviates any criminal activity as the implication was. He stated that he does not agree with how the State says they can use these funds. To state that these funds were stolen and the Assessor's Office and/or this fiscal body did nothing about it is totally not true.

Mr. Root stated that they did need to acknowledge that there were problems in that office. Mr. Morton agreed.

Mr. Catanzarite asked for an explanation of the Rainy Day Fund. Mr. Mullen stated that it was the excess C.E.D.I.T. money that was collected in 2008-09. Reassessment is a project that is mandated by the State which these funds can be used for. Fortunately, he stated that they did not have to take a lot of funds out of there. He went on to talk about how the State made a mistake and gave more money that they were supposed to. He stated that St. Joseph County was fortunate and did not have to repay these funds. Ms. Bodle added that not only is it excess C.E.D.I.T. and C.O.I.T. collections that the State has certified more money than we would collect, they tell us that the Auditor has to put it in the Rainy Day Fund. They cannot put it any other place. When the 2011 Budget for Reassessment was built, it was an accumulation of the three (3) different funds to come up with the \$2.2 million. The State, since January, has decided that they don't like that they are transferring funds into these other funds to do a budget. She went on to say how they had to cut the Highway funding because in the past it was supplemented with C.E.D.I.T. dollars. This use of C.E.D.I.T. money was done for years and years. Now we can no longer do this. That is why you just had to adjust Adult Probation's budget earlier.

Mr. Morton stated that he appreciated this explanation and does not expect the public to understand why there is a Rainy Day Fund. It is basically not our call.

Motion to pass Bill No. 43-11 was made by Mr. Noland and seconded by Mr. Kruk. Bill No. 43-11 passed to-wit; 8-0.  
Motion to pass Bill No. 44-11 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 44-11 passed to-wit; 8-0.

Mr. Morton announced that there would be a combined Public Hearing on Bill Nos. 48-11, 45-11, 46-11 and 47-11 but would be voted on separately.

**BILL NO. 48-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$17,500.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 056 - C.S.A.P.) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 45-11:** AN ORDINANCE AMENDING ORDINANCE 101-10, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2011. (Dept. 056 - Court Substance Abuse Program) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 46-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$7,500.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 056 - C.S.A.P.) - Assigned to the Human Services/Criminal Justice Committee

**BILL NO. 47-11:** AN ORDINANCE TRANSFERRING THE SUM OF \$968.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 056 - Court Substance Abuse Program & Dept. 002 - Auditor) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 48-11 comes with a favorable recommendation, and 45-11, 46-11 and 47-11 come without a recommendation.

Linda Wingrove, Director, along with Judge Jane Miller and Beth Baker, Executive Director of the Drug Free Community Council, stated that the nature of these requests stem from the grant award of \$25,000. This grant comes from receipts of fines and fees assessed from Superior Court criminal cases and for various drug and alcohol related offenses. The Drug Court has received this grant yearly for over ten (10) years. We are asking to use \$7,500 of this grant award to increase the salary of the Drug Court Coordinator. \$968 will be used for FICA and PERF. She explained the need to raise this position's salary at this time. When the Drug Court was established in 1997, there was only one (1) other Drug Court in Indiana. Today there are 30 active Drug Courts and 13 in the planning stages. Over the years, this position has gotten ever more specialized. This person and the Judge have come to represent the face of Drug Court. This position must keep abreast of changing government regulations and court rules. They must have a comprehensive knowledge of the field and authority of these specialized courts. She stated that they are fully aware of the County's present situation in its inability to increase salaries. Hence, they have discussed with the Drug Free Community Council how they could bring this position up to the what is happening in the Regional Drug Courts.

Motion to pass Bill No. 48-11 was made by Mr. Kruk and seconded by Mr. No land. Bill No. 48-11 passed to-wit; 8-0. Motion to pass Bill No. 45-11 was made by Mr. Kruk and seconded by Mr. No land. Bill No. 45-11 passed to-wit; 6-2 (DeVon, Herbster).

Motion to pass Bill No. 46-11 was made by Mr. Kruk and seconded by Mr. No land.

Mr. De Von stated that he wanted to clarify his vote. He said that at the budget season they always have trouble wanting to give people raises from funds that some departments are able to collect. It has been done with Engineering, by saving money on consultants; as well as the Juvenile Justice Center has had funds available through other means, i.e., User Fee Funds that were voted against at different times. Bill No. 46-11 passed to-wit; 6-2 (Herbster, DeVon).

Motion to pass Bill No. 47-11 was made by Mr. Catanzarite and seconded by Mr. Kruk. Bill No. 47-11 passed to-wit; 6-2 (Herbster, DeVon).

Mr. Morton announced that there would be a combined Public Hearing on Bill Nos. 49-11, 50-11, 51-11 and 52-11 but would be voted on separately.

**BILL NO. 49-11:** AN ORDINANCE TO REDUCE THE 2011 ST. JOSEPH COUNTY - PARKS & RECREATION FUND - 007, 2011 BUDGET REDUCTION. (Dept. 057 - Parks & Rec) - Assigned to the Budget and Administration Committee

**BILL NO. 50-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$3,965.00 OUT OF THE ST. JOSEPH COUNTY PARK & RECREATION CAPITAL FUND - 024 AND THE ST. JOSEPH COUNTY PARK & RECREATION FUND - 007 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR 2011. (Dept. 057 - Parks & Recreation) - Assigned to the Budget and Administration Committee

**BILL NO. 51-11:** AN ORDINANCE APPROPRIATING THE SUM OF \$200,000.00 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 2011. (Dept. 057 - Parks & Recreation) [Budget Reduction] - Assigned to the Budget and Administration Committee

**BILL NO. 52-11:** AN ORDINANCE AMENDING ORDINANCE 101-10, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2011. (Dept. 057 - Parks & Rec) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 49-11, 50-11, 51-11 and 52-11 come with a favorable recommendation.

Evelyn Kirkwood, Director, stated Bill No. 49-11 reduces the current operating budget to \$60,000. This is due to a request by the DLGF that the Property Tax Revenues would not meet the current and previously approved 2011 budget. In addition, do to the Circuit Breaker and Property Tax Cap their budget would need to be further reduced to a total of \$300,000, which would radically alter the Parks operations or due a combination of reducing the budget and utilizing other funds. Therefore, 49-11 reduces the budget. Bill No. 50-11 moves funds from farm revenue into the general operating fund. These funds will be transferred from the Non-Reverting Capital Fund. State laws require the these funds be used for capital projects and are requesting that this be appropriated into contractual services for roofing repairs, etc. Bill No. 51-11

will transfer a portion from the Non-Reverting Operating Fund. This fund houses the User Fees. Bill No. 52-11 is a reduction in a full time position to a part time position.

Motion to pass Bill No. 49-11 was made by Mr. Root and seconded by Mr. McCahill. Bill No. 49-11 passed to-wit; 8-0. Motion to pass Bill No. 50-11 was made by Mr. Catanzarite and seconded by Mr. DeVon. Bill No. 50-11 passed to-wit; 8-0.

Motion to pass Bill No. 51-11 was made by Mr. Herbster and seconded by Mr. Kruk. Bill No. 51-11 passed to-wit; 8-0. Motion to pass Bill No. 52-11 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 52-11 passed to-wit; 8-0.

**BILL NO. 35-11:** AN ORDINANCE TRANSFERRING THE SUM OF \$11,200.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 009 - Emergency Management) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 35-11 comes with a favorable recommendation.

Whitney Pierle, Assistant Director, explained that the transfer was between line items in the LEPC budget. The funds will be used to purchase a command tent for the South Bend Fire Department Hazmat Team. These funds came from the Indiana Emergency Response Commission with dollars that come from companies and businesses maintaining hazardous materials.

Motion to pass Bill No. 35-11 was made by Mr. Root and seconded by Mr. Noland. Bill No. 35-11 passed to-wit; 8-0.

**BILL NO. 42-11:** AN ORDINANCE AMENDING ORDINANCE 16-11 AS PASSED BY THE ST. JOSEPH COUNTY COUNCIL DUE TO A SCRIVENERS'S ERROR. - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 42-11 comes with a favorable recommendation.

Michael A. Trippel, Esq., Council Attorney, explained that this was an error in the body of the bill that did not change the amount that was appropriated. Line Item 32350 - Postage should read \$3,200 instead of \$3,500.

Motion to pass Bill No. 42-11 was made by Mr. Root and seconded by Mr. Noland. Bill No. 42-11 passed to-wit; 8-0.

**BILL NO. 39-11:** 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. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 39-11 comes with a favorable recommendation.

Nick Molchan, Health Administrator, explained the need to increase the amount of petty cash kept on hand for the Vital Records Division. They have increased fees and need to give change in one's and five's at an increased rate. They are asking for \$150 to \$300 in South Bend and \$75 to \$150 in Mishawaka.

Motion to pass Bill No. 39-11 was made by Mr. Herbster and seconded by Mr. Noland. Bill No. 39-11 passed to-wit; 8-0.

**BILL NO. 41-11:** AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE V, PUBLIC WORKS, CHAPTER 51, SEWAGE AND SEPTIC SYSTEM REGULATIONS, OF THE ST. JOSEPH COUNTY, INDIANA CODE BY REPEALING CHAPTER 51 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 51. (Dept. 055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Catanzarite reported that Bill No. 41-11 comes with a favorable recommendation.

Marc Nelson, Manager of Environment Health Services, explained that the Indiana State Department of Health changed the rules for onsite residential septic systems in the fall. These changes required revisions to the St. Joseph County Code. The Onsite Waste Water Advisory Board has approved the changes and he was here to seek the Council's approval.

Motion to pass Bill No. 41-11 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 41-11 passed to-wit; 8-0.

**BILL NO. 56-11:** AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE, LOCATED WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT: A PART OF LAKEVIEW DRIVE LYING NORTH OF LONGWOOD DRIVE IN THE RECORDED PLAT OF THE TOWN OF CHAIN-O-LAKES RECORDED IN PLAT BOOK 13, PAGES 104 TO 114 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL THAT PART OF THE 30 FOOT WIDE LAKEVIEW DRIVE LYING EAST AND ADJACENT TO LOTS NUMBERED 3718 THRU 3725 AND BEING THE NORTHERLY 185 FOOT TERMINUS OF LAKEVIEW DRIVE. (Petitioner: Craig A. Bentley)  
- Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 56-11 comes with a favorable recommendation.

The Clerk read that through the bill, wherever Lakeview Drive is mentioned in the bill, the works a.k.a. Lakeshore Ct. have also been added.

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

Christa Nader, Area Plan, stated that after the staff reviewed this petition, it was sent with a favorable recommendation.

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

Robert Palm, Palm and Associates, New Carlisle, explained that this is an unimproved dead end portion of Lakeview Drive/Lakeshore Court. Mr. Bentley is the only property owner. He owns all around this property and he maintains it as his yard at this time. He would like to improve the rest of his property.

Motion to pass Bill No. 56-11 was made by Mr. Kruk and seconded by Mr. Noland. Bill No. 56-11 passed as amended; 8-0.

**Unfinished Business:**

**New Business:**

Mr. Morton stated that the Council will have a brief Special Meeting on Tuesday, May 24, 2011 at 5:15 p.m.

**Privilege of the floor:**

Rita Kopala, 66559 Ivy Road, Lakeville, spoke regarding how she is having trouble getting information. There have been no meetings regarding budgets and what you did was not right.

**Adjournment:**

Mr. Morton stated that the meeting was adjourned at 8:50 p.m.

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Auditor, St. Joseph County

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President, St. Joseph County Council