

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
November 15, 2011

The regular meeting of the St. Joseph County Council was called to order at 7:00 p.m., on November 15, 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
Mr. Daniel G. Herbster
Mr. Michael J. Kruk
Mr. Robert J. McCahill
Mr. Rafael Morton
Mr. Corey D. Noland - Absent
Mr. Mark Root

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

Petitions, Communications & Miscellaneous Matters:

Mr. Herbster moved nominate Diane Miko to serve on the Olive Township Public Library Board (replacing Nancy Niespodziany, who resigned and to reappoint John A. Smith to the St. Joseph County Housing Authority Board. His motion was seconded by Mr. Catanzarite and no other nominations were given. The appointment passed by a voice vote; 8-0. No negatives were heard.

Mr. Kruk moved and was seconded by Mr. Herbster to approve the minutes of October 11, 17 and 27, 2011. The motion passed by a voice vote; 8-0. No negatives were heard.

No report from the County Auditor.

No report from the Board of Commissioners.

First Readings:

BILL NO. 126-11: AN ORDINANCE TRANSFERRING THE SUM OF \$500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 129-11: AN ORDINANCE APPROPRIATING THE SUM OF \$270,000.00 OUT OF THE ST. JOSEPH COUNTY PARK & RECREATION-REVERTING FUND - 0017 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0057 - Parks & Recreation) - Assigned to the Land Use Planning Committee

BILL NO. 130-11: AN ORDINANCE TRANSFERRING THE SUM OF \$652.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0009 - Emergency Management) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 131-11: AN ORDINANCE TRANSFERRING THE SUM OF \$2,450.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0019 - Circuit Court) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 132-11: AN ORDINANCE TRANSFERRING THE SUM OF \$6,200.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0020 - Superior Court) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 133-11: AN ORDINANCE TRANSFERRING THE SUM OF \$9,600.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0032 - Area Plan) - Assigned to the Land Use Planning Committee

BILL NO. 134-11: AN ORDINANCE TRANSFERRING THE SUM OF \$1,085.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0003 - Treasurer) - Assigned to the Budget and Administration Committee

BILL NO. 135-11: AN ORDINANCE TRANSFERRING THE SUM OF \$2,651.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0055 - Health) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 137-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL ADOPTING THE DOMESTIC RELATIONS COUNSELING BUREAU FEE SCALE POLICIES AND PROCEDURES. (Dept. 0054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 141-11: AN ORDINANCE APPROPRIATING THE SUM OF \$367,000.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0005 - County Police & Dept. 0006 - Jail Administration) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 142-11: 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 11480, 11510, 11532 & 11590 MCKINLEY HIGHWAY, OSCEOLA, INDIANA 46561 FROM "B" BUSINESS DISTRICT, "C" COMMERCIAL DISTRICT & "R" SINGLE FAMILY DISTRICT TO "C" COMMERCIAL DISTRICT. (Petitioner: MCKH Properties, LLC) - Assigned to the Land Use Planning Committee

BILL NO. 143-11: AN ORDINANCE APPROPRIATING THE SUM OF \$20,000.00 OUT OF THE ALT. DISPUTE RESOLUTION FUND - 0116 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0054 - Domestic Relations) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 144-11: AN ORDINANCE APPROPRIATING THE SUM OF \$130,000.00 OUT OF THE ST. JOSEPH COUNTY DRUG FREE FUND - 0067 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2012. (Circuit Court) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 145-11: AN ORDINANCE TRANSFERRING THE SUM OF \$1,800.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0008 - Agri Agent) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 146-11: AN ORDINANCE TRANSFERRING THE SUM OF \$575.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0023 - County Engineer - Surveyor - Drainage Board) - Assigned to the Engineering and Transportation Committee

BILL NO. 147-11: AN ORDINANCE TRANSFERRING THE SUM OF \$99,370.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0025 - Juvenile & Probate Court & Dept. 0049 - Juvenile Justice Center) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 148-11: AN ORDINANCE APPROPRIATING THE SUM OF \$3,055.00 OUT OF THE ST. JOSEPH COUNTY CLERK'S RECORD PERPETUATION FUND - 0083 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0001 - Clerk & Dept. 0002 - Auditor) - Assigned to the Budget and Administration Committee

BILL NO. 149-11: 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. 0001 - Clerk) - Assigned to the Budget and Administration Committee

BILL NO. 150-11: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL ESTABLISHING THE NON-REVERTING COUNTY OFFENDER TRANSPORTATION FUND. (Dept. 0024 - Adult Probation) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 151-11: AN ORDINANCE TRANSFERRING THE SUM OF \$71,500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0061 - Highway Adm, Dept. 0062 - Highway Maintenance, Dept. 0064 - Highway Gen Exp) - Assigned to the Engineering and Transportation Committee

BILL NO. 152-11: AN ORDINANCE TRANSFERRING THE SUM OF \$4,000.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0056 - Court Substance Abuse Program) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 153-11: 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. 0056 - Court Substance Abuse Program) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 154-11: AN ORDINANCE TRANSFERRING THE SUM OF \$2,938.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0037 - Historic Preservation & Dept. 0002 - Auditor) - Assigned to the Land Use Planning Committee

BILL NO. 155-11: 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. 0037 - Historic Preservation) - Assigned to the Land Use Planning Committee

BILL NO. 156-11: AN ORDINANCE APPROPRIATING THE SUM OF \$818.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0037 - Historic Preservation) - Assigned to the Land Use Planning Committee

BILL NO. 157-11: AN ORDINANCE TRANSFERRING THE SUM OF \$36,900.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0018 - Prosecutor) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 158-11: AN ORDINANCE TO VACATE A PUBLIC WAY OR PUBLIC PLACE LOCATED WHOLLY WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, TO-WIT: 596.62 FEET OF HILDEBRAND STREET. (Petitioner: St. Jude Catholic Church and School) - Assigned to the Land Use Planning Committee

Resolutions:

BILL NO. 136-11: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE FIRST AMENDMENT DATED OCTOBER 11, 2011 TO THE ST. JOSEPH COUNTY POLICE RETIREMENT PLAN.

Chief Robert Boits, County Police, stated that this amendment addresses people that are serving in the military.

Motion to pass Bill No. 136-11 was made by Mr. Catanzarite and seconded by Mr. Kruk. Bill No. 136-11 passed to-wit; 8-0.

BILL NO. 138-11: A RESOLUTION DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET AND CONFIRMING RESOLUTION NO. R11-11 OF ST. JOSEPH COUNTY DECLARING AN AREA OF THAT COUNTY TO BE AN ECONOMIC REVITALIZATION AREA.

AM GENERAL LLC CONFIRMING RESOLUTION

The Clerk stated that there was an amendment on page 3, Section 2. item I - Capital Expenditures and graphs changes to reflect expenditures for October through December, 2013 to be zero for AM General. The expenditures for January through March, 2014 are changed for AM General to reflect \$5,484,000.00. The expenditures for Bright Automotive for October through December, 2013 are to be zero. Expenditures of January through March, 2014 are \$22,659,844.00. On page 4, Section 2. item L - reads that during the term of the Abatement the following criteria shall be used in evaluating the applicants performance for the purposes of maintaining Economic Revitalization Area designation of appropriate property tax abatement deductions. AM General and Bright Automotive will file separate annual Personal Property Returns including the required CF1 PP together with and any all forms required by the State of Indiana. Each taxpayer, AM General and Bright Automotive shall file documentation confirming that the personal property investments have been made and joint documents shall be filed summarizing total employment at AM General's Commercial Assembly Plant, housed within the CAP Multiple Vehicles Assembled on the same production line for the same workforce. It is acknowledged by St. Joseph County that the employment criteria required of both tax payers, AM General, LLC and Bright Automotive, Inc. to document compliance shall reflect the total employment resulting from the entire commercial assemble plants production activity. AM General, LLC shall file a statement confirming that all AM General hourly employees have been paid in accordance with UAW agreement. Bright Automotive, Inc. shall file documentation of their employees that have been paid wages equal to or in excess of \$49.31 by 2013. Item L has been revised to read Item M and M is revised to N and N is changed to O.

Motion to amend was made by Mr. Root and seconded by Mr. DeVon.

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

Patrick McMahon, Project Future, spoke on behalf of both AM General and Bright Automotive. He stated how the two (2) Confirming Resolutions were identical except for the names of the Petitioners. He felt not need for another lengthy explanation since they just gave one for the Declaratory Resolutions. He stated how they were requesting a ten (10) year Personal Property Tax Abatement for both petitioners in conjunction with a development of a new plug-in electric fleet vehicle that will be manufactured in this community. This is an aluminum body vehicle with a General Motors drive train and is designed to be sold to a large and small commercial fleet operators. They expect that the vehicle will be entering into the market place during the 2013-2014 vehicle year and most importantly it will reflect an investment of about \$28M. This should create in excess of approximately 300 jobs that will be employed at AM General on McK inley.

In Favor:

Bill Taylor, President of UAW Local 5, supported the possibility of new jobs.

In Opposition:

Robert Raz, 10760 Kubitschek Drive, Osceola, presented five (5) reasons for not granting an Abatement. First, ten (10) year Abatement was to long. Second, Abatements are not necessary for businesses to succeed. Third, it would be better to have a state tax law that provides a fair playing field for all businesses on an equal basis. Fourth, taxpayers are left to pay the bills when the companies are exempted and Fifth, how can you declare the AM General plant an "economic revitalization area?" Did anybody read the law?

Mr. McMahon respected what Mr. Raz had to say but stated that this project does meet the requirements of the State of Indiana. This is a new investment of \$28M in this community. It was discussed to possibly be placed in other communities. It should bring in the second year about \$30,000 in new taxes and at the end about \$150,000 taxes to St. Joseph County. They are just asking for the opportunity to phase in their new tax payments as oppose to an Abatement.

Mr. Catanzarite asked Mr. McMahon, in addition to 300 employees that are proposed, by the end of this project, what is the potential for Bright bringing new employees or residents to St. Joe County? Mr. McMahon said that Bright will have employees here. Will they be new... Rick Smith, responded that there would be approximately 15 Bright employees at the plant. It remains to be seen from where they will come. They may be hired out of this community.

The amendment passed by a voice vote; 8-0. No negatives were heard.

Motion to pass Bill No. 138-11 was made by Mr. Hamann and seconded by Mr. Kruk.

Mr. Catanzarite commented on Mr. Raz's remarks. He stated how the Council does not take Tax Abatements lightly. This Abatement has received a lot of thought. The things you bring up are valid points and they are included in our current ordinance.

Bill No. 138-11 passed as amended; 8-0.

BILL NO. 139-11: A RESOLUTION DETERMINING THAT THE QUALIFICATIONS FOR AN ECONOMIC REVITALIZATION AREA HAVE BEEN MET AND CONFIRMING RESOLUTION NO. R12-11 OF ST. JOSEPH COUNTY DECLARING AN AREA OF THAT COUNTY TO BE AN ECONOMIC REVITALIZATION AREA. **BRIGHT AUTOMOTIVE, INC.** CONFIRMING RESOLUTION

The Clerk stated that the amendment was the same as in Bill No. 138-11.

Motion to amend was made by Mr. Root and seconded by Mr. McCahill

Patrick McMahon, Project Future, explained how this was the same request only there were two (2) different property owners. Bright Automotive will be making a \$22M investment in this activity.

In Opposition:

Robert Raz, 10760 Kubitschek Drive, Osceola repeated his concerns. He asked if anybody ever looks at any of this stuff? He stated that he has never seen any kind of report. He stated that he was just against Tax Abatements, TIF, etc.

The amendment passed by a voice vote; 8-0. No negatives were heard.

Motion to pass Bill No. 139-11 was made by Mr. Hamann and seconded by Mr. DeVon. Bill No. 139-11 passed to-wit; 8-0.

BILL NO. 140-11: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING THE PENN HIGH SCHOOL GIRL'S VOLLEYBALL TEAM FOR WINNING THE 2011 INDIANA STATE CHAMPIONSHIP.

Andrew Kostielney, Commissioner, spoke in behalf of the County congratulating the Penn High School Girl's Volleyball Team, coaches, teachers and parents.

Motion to pass Bill No. 140-11 was made by Mr. Kruk and seconded by Mr. Root. Bill No. 140-11 passed to-wit by a voice vote; 8-0. No negatives were heard.

Public Hearing:

BILL NO. 112-11: AN ORDINANCE TO ESTABLISH AND APPROPRIATE THE 2012 ANNUAL BUDGET OF THE ST. JOSEPH COUNTY BOARD OF MANAGERS FOR HOTEL-MOTEL TAX, IN THE AMOUNT OF \$3,290,453.00 OUT OF THE ST. JOSEPH COUNTY CONVENTION EXHIBITION FUND - 0029. (Hotel/Motel Budget) - Assigned to the Budget and Administration Committee

Mr. Kruk reported that Bill No. 112-11 comes with a favorable recommendation.

Steve Ellison, President, Hotel Motel Tax Board of Managers, stated that this was the annual budget request. This is a very similar budget to last year's request. This isn't based upon revenues. They have had the opportunity because of budgeting in the past, to be able to set aside reserves that allow them the opportunity to fund, with consistency, the CBB and the Century Center at levels equal to what they had last year. In addition, they are able to renew the grant program. They are asking for a special allocation to the Century Center for a portion of the replacement of the front entrance doors on the main circle.

Motion to pass Bill No. 112-11 was made by Mr. Kruk and seconded by Mr. De Von. Bill No. 112-11 passed to-wit; 7-1 (Root).

Mr. Morton announced that there would be a combined public hearing on Bill No. 115-11 and 116-11 but would be voted on separately.

BILL NO. 115-11: AN ORDINANCE APPROPRIATING THE SUM OF \$44,258.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 116-11: 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. 0005 - County Police) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 115-11 and 116-11 come with a favorable recommendation.

Chief Robert Boits, County Police, stated that the appropriation was needed for overtime to pay for the Security at the front doors along with uniforms. This became mandatory with the new law that went into effect July 1st.

Motion to pass Bill No. 115-11 was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 115-11 passed to-wit; 8-0. Motion to pass Bill No. 116-11 was made by Mr. DeVon and seconded by Mr. Kruk. Bill No. 116-11 passed to-wit; 8-0.

BILL NO. 117-11: AN ORDINANCE APPROPRIATING THE SUM OF \$250,000.00 OUT OF THE ST. JOSEPH COUNTY C.E.D.I.T. FUND - 0009 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 064 - Highway General Exp) - Assigned to the Engineering and Transportation Committee

Mr. Catanzarite reported that Bill No. 117-11 comes with a favorable recommendation.

Roger Mathia, Highway Commissioner, stated that the funds were needed for gas to get through to the end of the year. Gas is up 30 percent and diesel is up 22 percent over last year. They are hoping for no snow until the first of the year.

Motion to pass Bill No. 117-11 was made by Mr. Kruk and seconded by Mr. De Von. Bill No. 117-11 passed to-wit; 8-0.

BILL NO. 120-11: AN ORDINANCE APPROPRIATING THE SUM OF \$9,846.00 OUT OF THE ST. JOSEPH COUNTY HEALTH LEAD ELIMINATION GRANT FUND - 0515 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 120-11 comes with a favorable recommendation.

Nick Molchan, Health Administrator, explained that these funds were received from the Indiana State Department of Health. These funds will be used to cover salaries and benefits.

Motion to pass Bill No. 120-11 was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 120-11 passed to-wit; 8-0.

BILL NO. 124-11: AN ORDINANCE APPROPRIATING THE SUM OF \$36,100.00 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0025 - Juvenile & Probate Court & Dept. 0049 - Juvenile Justice Center) {increase/decrease appropriation} - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 124-11 comes with a favorable recommendation.

Peter Morgan, Director JJC, these funds come from certain personnel positions that were not filled and they are planning on using them to cover the utilities.

Motion to pass Bill No. 124-11 was made by Mr. Catanzarite and seconded by Mr. Kruk. Bill No. 124-11 passed to-wit; 8-0.

Mr. Morton announced that there would be a combined public hearing on Bill No. 119-11 and 118-11 but would be voted on separately.

BILL NO. 119-11: AN ORDINANCE APPROPRIATING THE SUM OF \$8,362.85 OUT OF THE ST. JOSEPH COUNTY GENERAL FUND - 0001 AND INTO VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0048 - Pros. Title IV) {Inter Fund Transfer} - Assigned to the Human Services/Criminal Justice Committee

BILL NO. 118-11: AN ORDINANCE TRANSFERRING THE SUM OF \$8,362.85 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0048 - Prosecutor - Title IV) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 119-11 and 118-11 come with a favorable recommendation.

Pat Higgins, Chief of Staff, stated that these transfers are out of the incentive funds to pay for the renovations of the sixth and third floor of the Old County Jail. The bids were higher than the actual expenses. These funds have to be spent for Child Support activities and they need to be put back.

Motion to pass Bill No. 119-11 was made by Mr. Kruk and seconded by Mr. De Von. Bill No. 119-11 passed to-wit; 8-0. Motion to pass Bill No. 118-11 was made by Mr. Kruk and seconded by Mr. Hamann.

Mr. Catanzarite pointed out that there was a scrivener error in the amount in the body. He moved to amend Bill No. 118-11 to reflect the dollar amount should be \$1 less. His motion was seconded by Mr. DeVon. The amendment passed by a voice vote; 8-0. No negatives were heard. Bill No. 118-11 passed as amended; 8-0.

BILL NO. 123-11: AN ORDINANCE TRANSFERRING THE SUM OF \$5,374.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 123-11 comes with a favorable recommendation.

Nick Molchan, Health Administrator, stated that the request was necessary since the Indiana Department of Health changed the amount of the grant after they notified them about receiving these funds. The excess money will go for office supplies, etc.

Motion to pass Bill No. 123-11 was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 123-11 passed to-wit; 8-0.

BILL NO. 125-11: AN ORDINANCE TRANSFERRING THE SUM OF \$15,500.00 FROM VARIOUS ACCOUNTS TO VARIOUS ACCOUNTS ALL BEING WITHIN THE 2011 BUDGET OF ST. JOSEPH COUNTY. (Dept. 0049 - Juvenile Justice Center) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 125-11 comes without a recommendation.

The Clerk read the amendment stating that in Section 1, line item 11332 now reads \$5,295.00 and line item 11367 now reads \$10,205.00. This change does not effect the total amount of the transfer.

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

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

Peter Morgan, Director JJC, explained that the transfer was from unused positions. These funds will be used to pay for certain repairs to the building and structures. He answered the questions regarding the chiller fans. The fan repair itself is \$818 and was not covered by warranty because of the frequency in which they wear out.

The amendment passed by a voice vote; 8-0. No negatives were heard.

Motion to pass Bill No. 125-11 was made by Mr. Kruk and seconded by Mr. Catanzarite. Bill No. 125-11 passed to-wit; 8-0.

BILL NO. 122-11: AN ORDINANCE DECREASING AN APPROPRIATION IN THE SUM OF \$5,000.00 OUT OF THE ST. JOSEPH COUNTY HEALTH LEAD ELIMINATION GRANT - 0515 FROM VARIOUS ACCOUNTS FOR THE PURPOSES HEREIN SPECIFIED FOR THE CURRENT YEAR, 2011. (Dept. 0055 - Health) {decrease appropriation} - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 122-11 comes with a favorable recommendation.

Nick Molchan, Health Administrator, stated that the amount changed after they received a verbal commitment from the Indiana State Department of Health.

Motion to pass Bill No. 122-11 was made by Mr. Root and seconded by Mr. McCahill. Bill No. 122-11 passed to-wit; 8-0.

BILL NO. 121-11: 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. 0055 - Health) - Assigned to the Human Services/Criminal Justice Committee

Mr. Hamann reported that Bill No. 121-11 comes with a favorable recommendation.

Nick Molchan, Health Administrator, stated that they consolidated the three (3) Ground Water Protection Programs into a single Drinking Water Protection Program. One of the Environmental Health Specialists, with 12 years experience, has been assigned the responsibility of coordinating the Program. Due to the change in responsibility, the salary ordinance amendment to increase the salary. This will cause no net increase in the budget.

Motion to pass Bill No. 121-11 was made by Mr. Kruk and seconded by Mr. Hamann.

Mr. Catanzarite asked about the 2012 Budget. He said that this was not addressed at the budget process. Will you have to resubmit another ordinance at the beginning of the year? Mr. Molchan stated that this was in the time frame when the budgets were being worked on. Since there was an idea about the raise, it was included in the line item for 2012.

Bill No. 121-11 passed to-wit; 8-0.

BILL NO. 114-11: AN ORDINANCE AMENDING TITLE XIII, GENERAL OFFENSES, CHAPTER 131, COUNTY FACILITIES, SECTION 131.23 ADDRESSING PARK AND RECREATION FACILITIES OF THE ST. JOSEPH COUNTY, INDIANA CODE. (Petitioner: St. Joseph County Parks) - Assigned to the Land Use Planning Committee

Mr. DeVon reported that Bill No. 114-11 comes with a favorable recommendation.

Evelyn Kirkwood, Director, explained with the new law that went into effect in July, their regulations needed to be changed to reflect the new law. This law now reflects the same at the City has for their public places.

Mr. Herbster wanted to make clear that this policy is not adding any new restrictions. Ms. Kirkwood said, correct.

Motion to pass Bill No. 114-11 was made by Mr. Kruk and seconded by Mr. Hamann. Bill No. 114-11 passed to-wit; 8-0.

New Business:

Mr. Catanzarite commented how he wanted to thank Pat McMahon for his years of dedication to Project Future. He thanked him for bringing the AM General and Bright Automotive project. He also thanked Mike Trippel and Joanie for working on the effort in order for it to move forward.

Mr. Morton echoed these comments and thanked them for all the extra time in making this happen.

Unfinished Business:

On October 18, 2011 the Board of Commissioners vetoed:

BILL NO. 54-11 - ORDINANCE NO. 105-11

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING ORDINANCE NO. 26-05 TO INCORPORATE A MODIFICATION TO THE ST. JOSEPH COUNTY HUMAN RESOURCES POLICIES AND BENEFITS MANUAL WITH RESPECT TO PART TIME EMPLOYEES OF THE PARK DEPARTMENT. (Dept. 057 - Parks & Rec)

Mr. DeVon stated that he understood that the Commissioners had a good reason to veto this Ordinance. Is it possible, instead of amending the Procedures and Policy Manual, to include their names without changing the whole policy for these two (2) people? So for the future, this will not open a "Pandora's Box?"

Mr. Morton asked how much is that really going to affect the rest of the employees?

Mr. DeVon stated how it might allow others to come in ask for the same thing. That is what they're fearful of.

Secretary's note: A conversation back and forth between Council Members, Mr. Mullen and Commissioner Kostielney could be heard, but not understood.

Mr. Trippel stated that if they wanted to introduce an Ordinance like they were talking about, that they could, just not tonight.

Mr. Morton, if they override the veto can they come back with a new Ordinance and address the issue? Mr. Trippel stated that they certainly could.

Motion to override Bill No. 54-11 - Ordinance No. 105-11 was made by Mr. Hamann and seconded by Mr. Kruk.

Mr. Catanzarite asked about Mr. DeVon's proposal to come back - are you saying we could create an Ordinance specifically to name two (2) employees. Mr. Trippel stated sure and you probably would have to use their names.

Mr. Hamann stated that as he recalls their discussions that this was not a huge landmark change. He stated how they have been talking about this for quite some time and people are hanging, waiting for them to act. He felt that this is a small matter and that they should just move ahead and get this settled.

Mr. Catanzarite asked that since this is Open Enrollment time, would this be a continuation of their benefits?

Mr. Morton, Mr. Mullen was making reference to, his question was how does the new Policy and Procedures Manual that the Commissioners are entertaining affect this situation?

Mr. Trippel stated that they will need to wait to see what the Commissioners adopt and that can be amended.

Mr. DeVon and Mr. Kruk were still not clear on what the fear was with the Commissioners. This Ordinance is very specific to these individual positions. Plus, this was recommended to be done by the State Board of Accounts.

Mr. Hamann respectfully disagreed with the Commissioners concern.

Mr. Herbster felt that the Commissioners concern was that different departments could use this to create changes in the Handbook whenever things didn't jive with County Policy.

Mr. Morton stated again that he felt this was an isolated situation and this all stems from the fact that the Parks Department had a separate Handbook.

The motion passed; 6-2 (Root, DeVon)

Privilege of the floor:

Peter Helland, representing Public Access Michiana, stated that the City (Gary Gillot) is waiting for Mishawaka and the County to contact them to reach an inter-city agreement by 12/15/11. Mr. Morton stated that he was unaware of a deadline. Mr. Morton stated that he will continue to try to meet with Mayor Wood, Mishawaka.

Adjournment:

Mr. Morton stated that the meeting was adjourned at 8:39 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council