

**MARCH 18, 2013**

Pursuant to adjournment comes now the Starke County Council and meet in a regular session at 5:30PM in the Annex Building Meeting Room, Knox, Indiana, with Dave Pearman, Tony Radkiewicz, Mitch Semans, Marvin McLaughlin, Robert Sims, Bryan Cavender, and Freddie Baker present, and the following proceedings were held to wit:

The meeting was called to order by Council President, Dave Pearman.

**RE: MINUTES**

Councilman McLaughlin made a motion to approve the February 18<sup>th</sup> Council minutes, seconded by Councilman Semans. The motion passed with all ayes.

**RE: POLICE PENSION FUND**

President Pearman advised he recently attended the last meeting of the Sheriff's Merit Board and the police pension fund was being discussed. In attendance at their meeting was Elaine Beatty of Morgan Stanley. President Pearman stated he has since spoken with representative of McKready & Keene to discuss the status of the pension plan. He noted the \$101,000.00 payment made in August of 2012, the proceeds of the riverboat money, was applied to the past due of year 2010, and the remainder of \$97,000.00 was applied to the year 2012, which leaves the year 2011 being still past due. He also noted the gap will close in 2014 due to the passing of former Sheriff, Wilkus Minix. He advised if the County does fall three years behind in their retirement contributions, the whole plan could become defunct. He also added since speaking with the representatives of McKready & Keene he now has a much better handle on the while pension plan issue. He introduced Elaine Beatty, of Morgan Stanley to the Board, who was present at the meeting to discuss the bank that is used as the Trustee of the pension plan. Ms. Beatty advised in the past the Morgan & Stanley Private Bank has provided the trust services for the plan, making recommendations as to how the funds should be invested. But now Morgan Stanley is no longer taking on that role and in 2012 that started a search for a replacement bank to provide that service. She advised Morgan & Stanley is recommending the County choose Comerica Bank to now provide the trust services. She noted Comerica Bank has a strong presence with government pension funds. A discussion followed as to what interest rate is earned on the investments and the percentage of the fund invested in the stock market. Ms. Beatty did advise as the amount of interest revenue generated from the fund increases, the deficit amount decreases. She advised she has two documents that will require the Council's signatures: a Trust Agreement, and a Supplemental Trust Agreement. County Attorney, Marty Lucas stated he would like to review the documents before they are signed. Councilman Semans made a motion to approve the trust agreements pending Marty's review. The motion was seconded by Councilman Sims, and passed with all ayes.

**RE: BZA APPROPRIATION REQUEST**

Don White, a Member of the BZA Board, appeared before the Council. He advised since both, Planning Administrator, Bruce Williams, and former BZA Attorney, Steve Dodge, are no longer employed by the County, he was appearing as the representative for the BZA. He briefly summarized the issue between the BZA and Mr. & Mrs. George Dotlich, and the failure to open up the specific BZA meeting for public comment, which resulted in the Pulaski County Judge, Patrick Blakenship issuing a court order stating the BZA will need to reimburse the attorney fees of the Dotlichs' in the amount of \$15,164.00. Attorney Lucas advised it is not a fine, but it is an order to pay. He added, statutorily the court has the authority to make that ruling, and even though it is not unusual for a Board to be sued, it is an extra-ordinary decision. Councilman McLaughlin inquired if there has been an attempt to negotiate the attorney fees. Mr. White stated not that he was aware of. He also noted the Planning Commission Department is expecting the receipt of a large amount of permit fees that should be enough to cover that expense. Commissioner Kathy Norem, noted those fees are receipted into the County General Fund, not to the Planning Commission. She also noted the Planning Commission Department does have a line item in their budget from County General, to pay for legal services, but that is only for their normal annual legal expense. This expense will require an additional appropriation. Auditor Chaffins noted that will require State approval to increase the budget of County General. She suggested they utilize the CAGIT Certified Shares Fund instead of County General. Councilman McLaughlin advised he would be willing to attempt a negotiation in order to try to reduce the amount of attorney fees, and he suggested the Board make a motion to appropriate a negotiated fee, not to exceed a certain amount. Councilman Radkiewicz made a motion to approve the appropriation of the CAGIT Certified Shares Fund, per Councilman McLaughlin's negotiation in an amount not to exceed the Court Order of \$15,164.00. Councilman

Semans seconded the motion, and it passed with all ayes. President Pearman advised Mr. White the BZA received stern words from Judge Blakenship, and they should attempt to prevent this from happening again.

**RE: REQUEST TO PURCHASE ADDITIONAL SQUAD CARS**

President Pearman advised it was requested by Commissioner President, Kathy Norem, the issue of the Sheriff's request to purchase additional squad cars be brought in front of the Council also. Chris Smith and Rob Olejniczak appeared before the Board as the representative from the Sheriff's Department. Ms. Smith distributed a report listing the vehicles of the Sheriff's Department and their corresponding mileage. Commissioner Norem advised the liability insurance carrier for the County is suggesting the County replace any pursuit squad cars that have over 100,000 miles. She noted there are currently two vehicles with over 100,000 miles, vehicle 75-02 a 2008 Dodge car, and vehicle 75-07, a 2009 Dodge car. She advised she is also requesting the County replace the vehicle the Sheriff drives, a Durango which currently has 71,000, in order to give that vehicle to the County Surveyor to utilize, since that department's vehicle is not in good condition. She noted she was personally recommending the County purchase three new squad cars, and Commissioner Davis, who was also present at the meeting, recommended the County purchase two new squad cars, and one new pickup truck. Commissioner Norem summarized the price quotes for new squad cars the Sheriff had received, and gave her recommendation of purchasing the new vehicles from Best Ford in Knoxville, since they are local dealership and pay Starke County taxes and she prefers to keep the business in the County. President Pearman advised he had spoken to Jeff Cambe requesting a price quote from Cambe Chevrolet, but Mr. Cambe was not interested in submitting a quote. County Police Officer, Adam Gray, advised the truck is more durable in snow than the cars, and noted of the squad cars they currently are using some are rear wheel drive, some front wheel drive and some all-wheel drive. He asked them to consider possibly purchasing a truck instead of all cars. Commissioner Norem read the price quotes obtained for pickup trucks, with the cost of a truck averaging more than the price of the cars. President Pearman inquired if a pickup truck was considered a pursuit vehicle. Office Gray advised trucks are not rated, by the company, as pursuit vehicles. President Pearman then inquired of the two Councilmen that were formerly on the Sheriff's Department, Councilman Sims and Councilman Baker, what their thoughts were in regard to purchasing a car versus a pickup. Commissioner Norem noted the last day to order the vehicles from Best Ford is on April 12<sup>th</sup>, or the ordering will need to wait until June 2<sup>nd</sup>. Councilman Baker stated he recommends purchasing three new squad cars. Councilman Sims made a motion to approve the purchase of three 2013 Ford police interceptor cars from Best Ford of Knoxville. The motion was seconded by Councilman Semans, and passed with six ayes, and one nay (Cavender).

In other business, President Pearman advised he distributed paperwork on tax abatements to each Councilman which he had received at the Tax Abatement class that was held by the DLGF on March 14<sup>th</sup>.

With there being no further business, Councilman Semans made a motion to adjourn the meeting, seconded by Councilman Baker. The motion passed with all ayes and the meeting was adjourned at 6:38PM.

**March 18, 2013**

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Dave Pearman, President

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Mitch Semans, Vice President

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Bryan Cavender

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Marvin McLaughlin

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Tony Radkiewicz

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Robert Sims

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Freddie Baker

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Katherine Chaffins, Starke County Auditor and  
Secretary to the County Council

