

TUESDAY, JANUARY 22, 2019

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 Kay Gudeman, Freddie Baker, Brad Hazelton, Robert Sims, Dave Pearman, Thomas DeCola and Howard Bailey present, and the following proceedings were held to wit:

The meeting was called to order by Council President, Brad Hazelton at 5:30PM. Councilman Hazelton introduced the new members of the Starke County Council to the media and the public, Howard Bailey, Kay Gudeman and Tom DeCola. Councilman Baker made a motion to approve the minutes of the December 17th 2018 meeting. Councilman Pearman seconded the motion and it passed with all ayes.

2019 COUNCIL REORGANIZATION AND BOARD APPOINTMENTS

Councilman DeCola made a motion for himself as Council President. After some discussion of whether or not an individual can nominate themselves it was determined that this can be done. Motion fails for lack of second. Councilman Sims made a motion for Councilman Pearman as County Council President. Councilman Bailey seconded the motion. Councilman Baker made a motion for Councilman Hazelton as County Council President. Councilman Sims seconded the motion. Vote entertained for the motion for Councilman Pearman as President, vote passed with majority.

Councilman Pearman took over the role of President. Councilman Baker made a motion for Councilman Hazelton to be appointed Vice-President. Councilman Sims seconded the motion for Councilman Hazelton appointed as Vice-President. Councilman DeCola made a motion for himself to become Pro Tempore. Motion fails for lack of second. Councilman Pearman entertained a vote for Councilman Hazelton appointment for Vice-President, the vote passed with 5 ayes and 1 abstention. Councilman Hazelton made a motion to retain Attorney Martin Lucas as the County Council Attorney. Motion seconded by Councilman Baker, the motion passed with 5 ayes and 1 abstention.

STARKE COUNTY ECONOMIC DEVELOPMENT FOUNDATION

Councilman Hazelton would like to retain his position on the board. Councilman Pearman also advised that the Commissioners stated they have one more seat for the Council to fill as per their new contract with the Starke County Economic Development Foundation. Councilman Baker made a motion for Councilman Pearman to be appointed to the Starke County Economic Development Foundation. Councilman Sims seconded the motion, the motion passed with 5 ayes and 1 abstention. Councilman Baker made a motion for Councilman Hazelton to be appointed to the Starke County Economic Development Foundation. Councilwoman Gudeman seconded the motion, the motion passed with 5 ayes and 1 abstention.

KIRPC BOARD

Councilman DeCola made a motion for himself to serve on the KIRPC Board. Motion fails for lack of second. Councilman Baker made a motion for Councilwoman Gudeman to be appointed to the KIRPC Board. Councilman Hazelton seconded the motion, the motion passed with 5 ayes and 1 abstention.

PLANNING COMMISSION BOARD

Councilman Hazelton made a motion for Councilman Bailey to be appointed to the Planning Commission Board. Councilman Baker seconded the motion. Councilman DeCola nominated himself to be appointed to the Planning Commission Board, the motion fails for lack of second. The motion for Councilman Bailey passed with 5 ayes and 1 abstention.

SOLID WASTE BOARD

Councilman Hazelton made a motion to retain Councilman Baker as the representative on the Solid Waste Board. Councilman Bailey seconded the motion. Councilman DeCola made a motion to appoint himself to the Solid Waste Board, the motion fails for lack of second. The motion for Councilman Baker passed with 5 ayes and 1 abstention.

LIBRARY BOARD

Councilman Pearman entertained a vote for the library board applicants. A total of four votes for Susan Lucas and three votes for David Barton were entered. Susan Lucas will acquire the appointment to the library board.

PARK BOARD

Councilman Hazelton made a motion to appoint Stephen Ritzler to the Park Board. Councilman Baker seconded the motion, the motion passed with 5 ayes and 1 abstention.

KOONTZ LAKE SEWER DISTRICT

Councilman Sims made a motion to retain Daniel Pisarek on the Koontz Lake Sewer District. Councilwoman Gudeman seconded the motion, the motion passed with 5 ayes and 1 abstention.

P.T.A.B.O.A. BOARD

Councilman DeCola made a motion to nominate himself for the P.T.A.B.O.A. Board. After some discussion it was discovered that the current open position on this board it is required that you have a level 2 assessment certification. Councilman Pearman stated he would be unable to accept Councilman DeCola's motion at this time. Councilman Hazelton made a motion to nominate Rebecca Ferch to be reappointed to the P.T.A.B.O.A. Board. Councilman Baker seconded the motion, the motion passed with 6 ayes.

ALCOHOLIC BEVERAGE BOARD

Councilman Baker made a motion to appoint Kenny Wallace to the Alcoholic Beverage Board. Councilman Hazelton seconded the motion. Councilman DeCola made a motion to appoint himself to the Alcoholic Beverage Board. Motion for DeCola fails for lack of second. The motion to appoint Kenny Wallace pass with 5 ayes and 1 abstention.

STARKE COUNTY CONVENTION AND VISITOR'S COMMISSION

After some discussion regarding the Starke County Convention and Visitor's Commission, it was decided that this matter would have to be looked into. Councilman Baker made a motion to table this discussion. Councilman Hazelton seconded the motion, the motion passed with 5 ayes and 1 abstention.

ROBERT'S RULES OF ORDER

Council President Dave Pearman handed out a summary of Robert's Rules of Order. He stated, especially for the newly elected officials, this is a good review to explain how meetings are conducted.

RESIDENCY OF BOARD MEMBER

Council President Pearman inquired, to the Commissioner's, about any findings they may have as a continuance of the last council meeting about the residency of the newly elected Councilman DeCola. Commissioner Norem stated the Election Board has not met yet regarding this issue. They will be meeting January 30, 2019, they will be looking into this manner about the residency of Councilman DeCola. Commissioner Norem stated she provided the documentation about the residency of Councilman DeCola to the prosecutor to prosecute the case. Councilman Pearman asked the board for a motion to ask the Republican Party to answer the allegations about Councilman DeCola's residency. Councilman Sims made the motion and Councilman Baker seconded the motion, the motion passed with 5 ayes and 1 nay.

Commissioner Norem came before the board to ask that they address the behavior and actions of Councilman DeCola when he was attending the Association of Indiana Counties Meeting in Indianapolis back in December. She has presented the board with two witness statements and a Greendale Police Report who all identify him of accosting the women at this meeting in an inappropriate sexual manner, offering cocaine if they will allow him to stay in their rooms, saying that now he was elected to the council there was not going to be any more of certain people in Starke County, and he knew how to

torture these people, these are only a few of the accusations listed in the reports presented to the council. Commissioner Norem stated this is inappropriate behavior and this is not how we as a county want to be represented at a State called meeting. Commissioner Norem is requesting the council to address the behavior of Councilman DeCola under their Code of Conduct Resolution. Councilman Pearman advised that he would take this manner under advisement and consideration.

Commissioner Norem also advised that Councilman DeCola had already taken his oath of office when he went to Indianapolis for this meeting. Councilman Pearman asked the council to review and address the Code of Conduct. Commissioner Norem asked what it meant when Councilman Pearman states that he is taking this matter under advisement. Councilman Pearman stated he is not sure if there is anything at this point that they can take action on. He would like to see the Election Board and Republican Party investigate the residency issue, based on the law. Commissioner Norem stated that according to the Code of Conduct put place by the council for sure it would fall under items 5, 6, and 7. Councilman DeCola made a motion to stay with the rules of order and the agenda. Councilman Pearman stated that this is a legitimate item to be discussed and inquired Attorney Lucas about whether or not they had anything to stand on with the issue presented by Commissioner Norem. Attorney Lucas stated that the statute in questions is I.C. 36-2-3-9, it says the fiscal body may 1. Expel any member of the fiscal body for violation of an official duty, and 2. Declare that any seat of any member vacant if the member is unable or fails to perform the duties of their office. A 2/3 vote is required to expel or vacate a members seat.

Attorney Lucas stated that the resolution is important as it provides information on what the member's duties are but he does not believe that just because it was enacted after the allegations would affect this matter as it cannot be said that just because it did not exist it was impossible to violate. The Starke County Council is still the arbiter of a legislative body and what the duties are of the members of this body. Furthermore, Attorney Lucas stated that according to I.C. 3-8-21-22, this code explains that a candidate for membership on the county council may have had to resided in Starke County for a period of at least one year and have also resided in the District for a period of at least 6 months before the election. It would be up to the council to determine what is considered appropriate behavior among its members.

Councilman Pearman asked if the council members would like to take any action on these allegations. Councilman DeCola stated that Council President Pearman is out of order in asking about taking action as he should have at least 20 days to answer the allegations that were brought forth tonight against him. Councilman Sims made a motion for Councilman DeCola to address the allegations that were brought forth against him. Councilman Baker seconded the motion, the motion passed with 5 ayes. Councilman DeCola would like to answer these allegations with a certified receipt. He also stated during their next session he will be presenting documentation for another matter. Councilman Pearman asked Councilman DeCola if he is going to answer these questions during their current session and would like to let the record reflect that Councilman DeCola would like to answer these allegations by letter at a later date. Councilman Baker made a motion to have Councilman DeCola answer these allegations by the next council meeting, motion seconded by Councilman Hazelton, the motion passed with 5 ayes and 1 abstention.

Councilman Pearman asked the council members if they wanted to review the Code of Conduct, copies will be made. Councilman DeCola made a motion to enact the resolution for Starke County to create a tax sale policy. Councilman Pearman stated his motion is out of order and they will be sticking with the agenda right now and hold any motions not following agenda items until the end.

2019 BUDGET AND 2019 SALARY ORDINANCE

After some discussion regarding the 2019 budget and the 2019 salary ordinance Councilman Hazelton made a motion to accept the 2019 budget reductions as presented by Katherine Chaffins in the amount of \$833,803.00. Councilman Gudeman seconded the motion, motion passed with 5 ayes and 1 abstention. Before the motion for the 2019 salary ordinance there was some discussion about the 3% raises within the highway department. Councilman Hazelton made a motion to approve the 2019 salary ordinance with no raises. Councilman DeCola seconded the motion, Councilman Bailey asked if they could keep in mind for future raises that we could possibility make up the no raise given this year with a higher raise in next year. The motion for the 2019 salary ordinance with no raise passed with 6 ayes.

FEMA MONEY TRANSFER – SURVEYOR

Surveyor Bill Crase states they are in the final stages of the FEMA process for collecting money for the storm damage caused in 2018. Many of the accounts are already set up in ditch accounts and the money will go right back in that accounts. Surveyor Crase would like to put \$500.00 of the money that will be collected for OT labor hours for himself, total amount of \$7,540.36, put back into the fuel budget to offset the balance from last year. He would also like to put the remainder of that money into the maintenance and repair item line in the Surveyor's budget. Councilman Hazelton made a motion to approve that request, Councilman Baker seconded the motion, the motion pass with 5 ayes and 1 abstention. Surveyor Crase added that he has been able to recoup a total of \$46,691.89, which is 75% of what was submitted to FEMA.

STARKE COUNTY SHERIFF MERIT BOARD REQUEST

Sheriff Bill Dulin presented a request for a revision in the Starke County Sheriff's Jail Commissary Fund Resolution. He would like to allow expenses associated with the Merit Board. He is asking to raise the merit board pay from the existing \$20.00 per member, per meeting to \$50.00. The current county general budget pay to the merit board is \$1200.00 yearly. He is asking the department to make this allowable expense from the commissary fund, a total of \$1300.00, so that they are able to raise the pay. Councilman Hazelton made a motion to add expenses regarding the merit board to the Starke County Sheriff's Jail Commissary Fund Resolution. Councilman Sims seconded this motion, the motion pass with 5 ayes and 1 abstention.

STARKE COUNTY ECONOMIC DEVELOPMENT FOUNDATIONS 2019 APPROPRIATIONS

Councilman Hazelton explains that these appropriations are a part of regular appropriations that are completed every year for the Starke County Development Foundation. The amounts for 2019 are as follows: Starke County Economic Development Foundation 2019 Economic Development Consulting Contract \$159,480.00, 1112.30207.000.0000. Also, 2019 Hamlet Fire Well & Industrial Parks \$15,000.00, 1112.30712.000.0000. Councilman Hazelton made a motion to accept these appropriations as presented. Councilman Baker seconded the motion, the motion passed with 6 ayes.

CLERK MANUAL – PERSONNAL

Clerk Bernadette Manuel presented a transfer of \$0.06 from 1000.10300.000.0001 Extra Help to 1000.10200.000.0001 Deputy. Councilman Baker made a motion to approve this transfer, Councilwomen Gudeman seconded, the motion passed with 6 ayes. Clerk Manual asked if there is anything that the council can do about \$0.06 so she would not have to come back to a council meeting for this amount. Auditor Oesterreich explained that she did not need council approval for the monetary amounts that are being transferred within the same series. Clerk Manuals second request is to increase the till amounts that are kept in her office from \$25.00 to \$50.00 in change. Clerk Manual would also like to add a till for one of her deputies that does not currently have a till. Clerk Manual stated the change amount within her office will go from \$100.00 to \$250.00. Councilman Bailey made a motion to accept Clerk Manual's till request. Councilman DeCola seconded the motion, the motion passed with 6 ayes.

EMS REQUEST

Clerk Mary Lynn brought a request before the board about the payment option regarding their new defibrillator that they had been approved, by the Commissioner's to purchase. Councilman Pearman asked were the Commissioners thought the money would be coming from. Commissioner Norem said that they wanted this brought before the board to inquire about financing options. Councilman Pearman stated that the payment should come from Cumulative Capital Development. Councilman Hazelton made a motion to pay the \$4,231.63 out of cum cap and also to pay the remaining payments out of cum cap as well with the 0% interest. Councilman Baker seconded the motion, the motion passed with 6 ayes.

OTHER BUSINESS

Councilman DeCola made a motion to obtain some sort of tax sale resolution. After some discussion, Councilman Pearman asked Councilman DeCola to review his resolution and bring it in at a further date.

Councilman DeCola requested that the Auditor send him a copy regarding any monies spent on the Attorney the county has hired in his lawsuit. Attorney Lucas informed Councilman DeCola that because his lawsuit is still in process he would have to go through the litigation process to acquire that information.

Councilman noted to the board that he filed a Conflict of Interest with the Clerk of Starke County Circuit Court.

With there being no public comments and no further business, Councilman Baker made a motion to adjourn the meeting, seconded by Councilman Hazelton. The motion passed with all ayes and the meeting adjourned at 6:47PM.

JANUARY 22, 2019

Dave Pearman, President

Brad Hazelton, Vice-President

Kay Gudeman

Thomas DeCola

Howard Bailey

Robert Sims

Freddie Baker

Rachel Oesterreich, Starke County Auditor and
Secretary to the County Council