

## MARCH 17, 2014

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 Radkiewicz made a motion to approve the minutes of the February 28<sup>th</sup> meeting, seconded by Councilman Semans. The motion passed with all ayes.

Councilman Semans made a motion to approve the minutes of the December 30<sup>th</sup> meeting, seconded by Councilman McLaughlin. The motion passed with all ayes.

Councilman Radkiewicz made a motion to approve the minutes of the December 16<sup>th</sup> meeting. The motion was seconded by Councilman Sims, and passed with all ayes.

Councilman Radkiewicz made a motion to approve the minutes of the January 8<sup>th</sup> meeting, seconded by Councilman Sims. The motion passed with all ayes.

President Pearman stated, in regard to a personnel issue, the scheduling of an executive session had been discussed with County Attorney Marty Lucas. Attorney Lucas advised the Board of Commissioners could address the issue at their regular meeting, and there would not be a need to call for an executive session.

President Pearman also advised, in regard to the board appointment of Dan Pisarek to the Koontz Lake Regional Sewer District, the Council had initially appointed him to a one year term. He has since been advised by Paul Warnke the appointment should have been for a five year term. Councilman Semans made a motion to approve the appointment of Dan Pisarek to a five year term, seconded by Councilman Radkiewicz. The motion passed with all ayes.

### **RE: 4<sup>th</sup> Quarter IU-Health-Starke Capital Asset Expenditure Report**

Craig Felte appeared before the Board to present the 4<sup>th</sup> Quarter Capital Asset report. He advised the total amount of capital assets purchased during the last quarter of 2013 was \$136,118. He advised of the following purchases: Generator replacement--\$14,118.00; Fireproofing deficiencies--\$47,000.00; purchase an analyzer--\$75,000.00. He advised their Waukesha generator needed to be replaced, the fire proofing had to be done in order to be in compliance, and they purchased a chemistry analyzer. He also noted they are not planning on making any capital asset purchases during 2014.

President Pearman inquired about the use, by the County Coroner, of the hospital's old morgue area. Mr. Felte advised the old morgue is now their main electrical room. He did state they might have available space in one their medical office buildings since they have two suites available.

### **RE: REQUEST TO TRANSFER CASH FROM THE CREDIT FUND INTO THE COUNTY GENERAL FUND**

Attorney Lucas advised Auditor Chaffins and himself had drafted the Resolution Authorizing the Transfer of Funds from the Starke County CREDIT Fund to the County General Fund. He advised per 6-3.5-7-12.7(a) the County has the authority to transfer from the economic development income tax fund to the general fund of a county as long as the transfer does not interfere with the County's ability to pay back debt. He advised Resolution # 2014-3-17, which is required to be approved by the County's Executive Board, which would be the Board of Commissioners, authorizes the County's Financial Officer, the County Auditor, to make a cash transfer in the amount of \$750,000.00 from the CREDIT Fund into the County General Fund, and is to be paid back prior to the end of 2014. County Commissioner Kathryn Norem made a motion to approve the resolution, seconded by Commissioner Jennifer Davis. The motion passed with two ayes. (Commissioner Danford was not in attendance for this portion of the Council meeting.) Councilman Semans made a motion to approve the appropriation of the CREDIT Fund for the amount of \$750,000.00 to allow for the fund transfer. Councilman Sims seconded the motion, and it passed with all ayes. Note: The Board of Commissioners formally approved and signed Resolution 2014-3-17 at their March 17<sup>th</sup> meeting.

### **RE: DTFSC APPROPRIATION REQUEST**

Wendy Elam and Linda Molinda of Drug and Tobacco Free Starke County appeared before the Council to request an appropriation of Fund 1148, the DTFSC Fines & Fees Fund, in the amount of \$1,008.49 in order to purchase a CO monitor. Ms. Molinda advised the monitor will be used in the "quit smoking treatment". Councilman Radkiewicz made a motion to approve the appropriation request, seconded by Councilman McLaughlin. The motion passed with all ayes.

### **RE: REQUESTED AMENDMENT TO INNKEEPERS' TAX ORDINANCE**

Fred Boyer, of the CVC appeared before the Board to discuss the proposed amendments to the County's Innkeepers' Tax Ordinance. Attorney Lucas advised the Council that the Starke County Convention and Visitors Commission had requested a proposed amendment to the Starke County Ordinance, 2007-13, "An Ordinance Establishing a Uniform Innkeeper's Tax in Starke County, Indiana". He advised the Uniform Innkeeper's Tax is governed by Indiana Code 6-9-18, and passage of the tax is controlled by the County fiscal body, which is the County Council. He advised the three main amendments proposed are as follows:

1. The proposal would eliminate the words "or tourism cabin" and add "campground, or dwelling". The current statute tracks the statutory language. Campgrounds are not listed as a place where the tax may be levied. Whether a dwelling may be taxable is a more difficult question, because a dwelling might be considered an "inn" or a "tourist cabin". While it may be permissible for the county to adopt a policy that a dwelling often rented for stays less than 30 days is a "tourist cabin", it's doubtful that the county has the authority to expand the scope of the tax to facilities not included on the list set out in IC-6-9-18-3. On the other hand, it may be possible to omit potential taxable facilities from the county's list--"tourism cabin" is listed in the statute, but it's not clear why the Council would want to exempt a taxable facility from the county's ordinance.

2. The proposal would transfer collecting authority from the state to the county treasurer. This is specifically permitted by IC 6-9-18-3(d).
3. The proposal would add a penalty clause in effect doubling the tax for delinquencies. Whether the county possessed authority to make this amendment was unclear. Under the Uniform Innkeeper's Tax, penalties are to be assessed according to IC 6-2-5, the statutory chapters that govern sales and use taxes. If the Council decided to implement this penalty, he advised specific citation to the home rule laws, and also noted that a public hearing, after due notice, would be required to implement the penalty clause.

Following a brief discussion, Councilman Cavender made a motion to change the collecting authority from the state to the county treasurer. Councilman Radkiewicz seconded the motion, and it passed with all ayes. The public hearing, required for the change in penalty fines, is tentatively scheduled for the April Council meeting.

**RE: APPROPRIATION OF CEDIT FUND**

Director of the Starke County Economic Development Foundation appeared before the Board to request the appropriation of the County's CEDIT Fund. Director Weaver had proposed the appropriation of the 2013 CEDIT Carry-over in the amount of \$1,597,905.47 and the 2014 proposed CEDIT revenue, in the amount of \$1,271,550.57. President Pearman advised he did not agree with just allowing a blanket appropriation of the full fund, and had requested, prior to the meeting, the following information which was supplied by Director Weaver at the meeting: a copy of the County's contract with the SCEDF, a copy of the agreement supporting the SCILL Center, information regarding the Hamlet Fire Well, and the current status of the Tree Removal project from the Starke County Industrial Parks. Director Weaver submitted a document to the Council entitled "Report to County Commissioners on Economic Development Appropriations of CEDIT" in which all the concerns from the Council were addressed. (A copy of that report is on file in the Auditor's Office.) Councilman Radkiewicz suggested the appropriations be approved on an "as needed" basis. Following a lengthy discussion in regard to the process of approving the appropriations, it was decided to initially approve the appropriations of the CEDIT fund to allow for the County's consulting contract with the SCEDF, the funding for the SCILL Center, the funding of the tree removal project, and for the County's portion of the CR300E-SR8 project. Councilman Semans made a motion to approve the following appropriations of the CEDIT Fund, Fund # 1112:

|                             |                                     |                |
|-----------------------------|-------------------------------------|----------------|
| 30207                       | SCEDF Consulting Contract           | \$180,000.00   |
| 30306                       | SCILL Center                        | 80,000.00      |
| 30407                       | SCEDF CR300E-SR8 project            | 400,000.00     |
| 30407                       | SCEDF tree removal project          | 225,000.00     |
| 30909                       | SCEDF CR300E project                | 75,000.00      |
| 31006                       | County Commissioners CR300E project | 75,000.00      |
| Total CEDIT Appropriations: |                                     | \$1,035,000.00 |

Councilman Cavender seconded the motion, and it passed with all ayes. The funding for the Hamlet Fire Well and the County Bridges will be addressed at the April meeting of the Council.

**RE: APPROPRIATION OF THE CEDIT RAINY DAY FUND**

The Board of Commissioners requested the appropriation of the CEDIT Rainy Day Fund, Fund # 4900, in the amount of \$150,000.00 to pay for the housing of Starke County inmates in the Pulaski County Jail. Auditor Chaffins advised the most recent billing from Pulaski County was for the months of September, October, November and December with the total amount due of \$63,400.00. But since the CAGIT Certified Shares Fund, which was appropriated in 2013 for that expense, only had an unexpended appropriation balance left of 18,348.00, \$45,000.00 was needed to cover the balance of the 2013 expense, and that would leave \$105,000.00 towards the expenses occurring in 2014. Auditor Chaffins advised since the 2014 CAGIT Certified Shares Fund has been appropriated to cover some of the cuts in the budget of the County General Fund, it will not be available for the inmate housing expense, and so therefore she was recommending the appropriations be made from the CEDIT Rainy Day Fund, noting this fund was not the main Rainy Day Fund. Following a brief discussion regarding the inmate population of the Starke County jail, Councilman Radkiewicz made a motion to approve the appropriation of the CEDIT Rainy Day Fund in the total appropriation amount of \$150,000.00. Councilman Semans seconded the motion, and it passed with all ayes. President Peaman reminded the Board that this expense is only temporary and the County will no longer have the expense once the new jail is completed.

**RE: AMENDMENT TO THE 2014 SALARY ORDINANCE**

President Pearman advised since the position of Construction Inspector had been approved by the Board of Commissioners, and the funding approved by the Council at the last meeting, now the 2014 Salary Ordinance needs to be amended to add this position. He noted the \$41,000.0 salary will be paid out of the Cumulative Bridge Fund, and the payroll expenses and benefits will be expended from the County Highway Department's budget. Councilman Radkiewicz made a motion to approve the amendment to the 2014 Salary Ordinance to include the position of Construction Inspector. The motion was seconded by Councilman McLaughlin, and passed with six ayes. Councilman Semans abstained from the voting since he was not present at the meeting when the funding of that position had been approved.

**IN OTHER BUSINESS:**

President Pearman advised the 911 Committee has met and is now gathering information. He stated members of the State 911 Board will be present here on Monday, March 24<sup>th</sup> to discuss ineligible expenses of the 911 Fund.

Councilman Sims inquired about the Sheriff's Commissary Fund report. Auditor Chaffins advised as part of the Monthly Financial Reporting the Sheriff monthly submits his Commissary Fund information. He asked the Auditor to forward the February commissary report on to the Council. She reminded the board he is not required per Indiana Code to furnish this information other than on July 1st and December 31<sup>st</sup> of each year. Councilman Sims asked that the Sheriff also provide an explanation of what was purchased per check written noting the report the Sheriff provided only states the person the check was written to. Auditor Chaffins advised she would pass on that request to the Sheriff.

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 7:08PM.

**March 17, 2014**

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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