

SEPTEMBER 15, 2014

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

The meeting was called to order by President Dave Pearman.

MINUTES

Councilman Semans made a motion to approve the minutes of the August 18th regular meeting, seconded by Councilman Radkiewicz. The motion passed with all ayes. Councilman Semans made a motion to approve the minutes of the August 18th Special Budget Session. Councilman Radkiewicz seconded the motion, and it passed with all ayes.

AMENDMENT TO STARKE COUNTY POLICE RETIREMENT PLAN

Sheriff Oscar Cowen appeared before the Board to request approval of a proposed amendment to the County Police Retirement Plan as was presented to him by McKready Keene. President Pearman advised of the email he had received from Stan Brown of McKready & Keene, an explanation of the proposed amendment noting the revision is due to the Internal Revenue Service's requirement in order for the Plan to maintain its qualified status. President Pearman advised the IRS is limiting the amount the County could annually pay into their retirement fund to \$210,000.00. He noted the County's contribution is always a lot less than that maximum amount. Councilman Semans made a motion to approve the proposed amendment, seconded by Councilman Radkiewicz. The motion passed with four ayes and three nays. (The nays were Councilmen Sims, Baker, and Cavender. Councilman Sims advised he voted nay due to the vague language of the proposed amendment.) Sheriff Cowen took the document with him to obtain a signature from the Merit Board also as was required for the document.

PUBLIC HEARINGS OF 2015 BUDGETS

NORTH JUDSON-WAYNE TWP. PUBLIC LIBRARY

Councilman Sims made a motion to open up the public hearing for the NJ-Wayne Twp. Library's 2015 budget, seconded by Councilman Semans. The motion passed with all ayes. The public hearing opened at 5:40PM. There being no public comment, Councilman Semans made a motion to close the public hearing, seconded by Councilman McLaughlin. The motion passed with all ayes and the public hearing closed at 5:41PM.

STARKE COUNTY, ALL DEPARTMENTS

Councilman Semans made a motion to open the public hearing for the proposed budgets Starke County, seconded by Councilman Radkiewicz. The motion passed with all ayes, and the public hearing opened at 5:42PM. There being no public comment or questions, Councilman Semans made a motion to close the public hearing, seconded by Councilman Radkiewicz. The motion passed with all ayes, and the public hearing portion closed at 5:43PM.

NORTH JUDSON-SAN PIERRE SCHOOLS

Councilman Semans made a motion to open the public hearing for the proposed budget of the NJSP Schools. Councilman Baker seconded the motion and the motion passed with all ayes. The public hearing opened at 5:43PM. There being no public comments, Councilman Semans made a motion to close the NJSP public hearing, seconded by Councilman Baker. The motion passed with all ayes and the public hearing closed at 5:44PM.

STARKE COUNTY AIRPORT

Councilman Semans made a motion to open the public hearing of the proposed SC Airport budget. Councilman Baker seconded the motion and it passed with all ayes. The public hearing opened at 5:44PM. President Pearman advised the 2015 Airport budget, Form 1, was not posted in Gateway; it was only showing it as all zeros. He explained to the Board the Airport's budget will require County Council adoption. There being no further comment on this proposed budget, Councilman Semans made a motion to close the public hearing, seconded by Councilman McLaughlin. The motion passed with all ayes and the public hearing closed at 5:45PM.

STARKE COUNTY SOLID WASTE

Councilman Semans made a motion to open the public hearing for the proposed 2015 budget of the SC Solid Waste. Councilman Baker seconded the motion and it passed with all ayes. The public hearing opened at 5:47PM. There being no public comment, Councilman Semans made a motion to close the public hearing. Councilman Baker seconded the motion and it passed with all ayes. The public hearing closed at 5:48PM.

APPROPRIATION OF RAINY DAY FUND

County Attorney, Marty Lucas, advised the Board, the Starke County Commissioners participated in a Court ordered Mediation Session on Thursday, September 11, in regard to the Court Case involving the former Starke County Treasurer, Linda Belork. He stated the Board of Commissioners had reached a proposed stipulation/agreement with the Defendant, and are now requesting the Council consider the appropriation of \$163,000.00 of the Rainy Day Fund in order to fulfill the terms of the proposed agreement. Councilman Semans made a motion to approve the terms of the proposed agreement, seconded by Councilman Sims. President Pearman inquired if the motion should specify the amount being requested for appropriation of the Rainy Day Fund.

Attorney Lucas noted what was important for the Council was not to approve the proposed agreement but to appropriate the funds from the Rainy Day Fund and that appropriation will require a super majority vote of the Council. Councilman Semans withdrew his first motion, and made a motion to approve the request to satisfy the proposed settlement terms and approve the appropriation of \$163,000.00 out of the Rainy Day Fund. The motion was seconded by Councilman Sims and passed with all ayes. Councilman McLaughlin made a statement advising he felt the settlement amount was too high, but due to a bad call by the Judge in the case, he felt it was best for Starke County to close this case and move on.

APPROPRIATE REQUEST BY DRUG AND TOBACCO FREE STARKE COUNTY

Wendy Elam and Linda Molinda appeared before the Board to request the annual appropriation of Fund 1148, DTFSC Fund, in the amount of \$25,140.00. Ms. Elam advised the figure is based on the July 31st balance of Fund 1148 and was submitted to the Indiana Criminal Justice Institute (ICJI). She noted the ICJI Governor’s Commission did approve their proposed budget and so did the local DTFSC Board. Councilman Semans made a motion to approve the proposed annual budget in the amount of \$25,140.00, seconded by Councilman Baker. The motion passed with all ayes. Ms. Molinda advised the Fund’s cash balance, the unexpended portion, at the end of their fiscal year will roll over into the next year’s budget.

(A copy of the detailed proposed funding of applicants’ projects and programs is on file in the Auditor’s Office.)

PARK BOARD APPOINTMENTS

Attorney Lucas advised after a County establishes a Park Board, per State Statute, the County is required to populate the Board within ninety days of that board’s creation. He also noted the appointments require a political balance and since the Council has two appointments they will need one certified Democrat and one certified Republican. President Pearman advised the Board had received two appointment requests, one from Debbie Mix, and one from Rosemary Rose. Councilman Semans made a motion to table the appointments at this time until their politics could be certified. Councilman Radkiewicz seconded the motion. The motion failed to pass, with two ayes and four nays (Councilmen McLaughlin, Sims, Baker, and Cavender.) Following a brief discussion in regard to members of the Board’s believing Ms.Mix was a Republican and Ms. Rose a Democrat, Councilman Baker made a motion to appoint Debbie Mix and Rosemary Rose to the Park Board. The motion was seconded by Councilman Cavender and passed with four ayes and two nays (Councilmen Semans and Radkiewicz.) President Pearman advised he will verify the two appointments’ political affiliations with the County Clerk.

IN OTHER BUSINESS

President Pearman advised the Non-Binding Reviews are scheduled for Monday, October 6th, and asked as to what time they would want to schedule the meeting. The Board decided to hold the meeting beginning at 4:30PM. President Pearman noted also, he would like to place the 2014 Sheriff’s Department Retirement annual contribution balance on the agenda of the October meeting.

PUBLIC COMMENT

Kenny Wallace stated he agreed with the mediation agreement as it has been three years already and the County needs to move on. Clyde Haniford stated he disagreed with the two Park Board appointments and felt they are the wrong choice for being on the Park Board. The question was presented as to what would happen if a Park Board appointee was ineffective. Attorney Lucas stated any board member can be removed for cause if they are appointed. But, noted usually the board member would remain on the board until their term expires, and then they are not re-appointed for another term. Councilman McLaughlin inquired if Judge Hall knew he has to make two appointments to the Park Board. Commissioners Norem & Davis responded he was aware of the appointments.

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 6:12PM.

September 15, 2014

Dave Pearman, President

Mitch Semans, Vice President

Bryan Cavender

Marvin McLaughlin

Tony Radkiewicz

Robert Sims

Freddie Baker

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

