

MINUTES
ELKHART COUNTY COUNCIL
July 16, 2011

The meeting of the Elkhart County Council was called to order by Sheriff Brad Rogers at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were Dennis E. Sharkey, David Foutz, David Hess, Darryl Riegsecker, Randall D. Yohn and David Ashe.

Also present were Pauline Graff, County Auditor; Gordon Lord, County Attorney; Craig Buche, County Attorney; Tom Byers, County Administrator and Mike Yoder, Commissioner.

MINUTES: Approval of minutes for June 11, 2011.

On motion made by Riegsecker seconded by Ashe and unanimously carried, the minutes of the June 11, 2011 Council meeting were approved.

COMMITTEE REPORTS:

COMMISSIONERS: Yoder gave short report.
COUNCIL: Hess, Foutz and Sharkey gave short report.
AUDITOR: Graff gave short report.
SHERIFF: No report.

EDC MATTERS: Consideration of Declaratory Resolutions for Tax Phase-Ins.

Craig Buche gave a brief process explanation.

Dave Ogle gave an introduction of Special Metals.

Bill Belcher, Plant Manager of Special Metals stated that they have been in their Elkhart facility for over 29 years. Special Metals has a long history of producing nickel-based alloys for the aerospace industry, military applications, nuclear applications all the way to stovetop heating elements and everything in between. They found further opportunities to gain additional market share, reduce their costs and be more competitive. He stated their Rockford, IL facility produces fine drawn wire and the Elkhart facility produces thin gauge strip up to 52" wide and in coil form up to 22,000 pound coils. The material comes from the Huntington, West Virginia facility and is sent to Elkhart to cold roll to later gauges. Huntington also produces heavy gauge wire and rod and is sent to the Rockford facility. We have the logistics of transporting this material to two different entities. Our facility in Rockford's lease is coming up and we are considering alternatives for that location. Our facility has vacant space available so that we can integrate our plants by moving the Rockford facility here. We are blessed with an environment here in Elkhart that gives us an outstanding workforce and competitive advantage in the thin strip market.

Sharkey asked if the company would be e-verifying. Belcher stated he has presented the idea of e-verifying to their corporate office and they are reviewing it.

Buche gave a brief review of Declaratory Resolution CC-2011-12.

On motion made by Foutz seconded by Ashe and unanimously carried, the Council approved Declaratory Resolution CC-2011-12. (Page 273)

Dave Ogle gave a brief introduction of Ferret, Inc.

Barbara Warble, Controller of Ferret, Inc., stated they have experienced tremendous growth, even in the recession. This is due to various reasons such as gains in market shares and developing exclusive manufacturing agreements for patented products. Also we see opportunities arising in other markets, such as the solar energy market. Our facility is stretched to the limit. We do not have sufficient space to house our new equipment and future equipment. We have purchased a 40 ft roll form line, which is the biggest in the area. We do not enough front office space either for additional staff. Elkhart has good base of people to draw from and it is where we have grown for the last 30 years.

Foutz spoke in favor of this expansion and tax phase-in. Sharkey asked if they are e-verifying. Warble stated she has used it before at a previous company and hopes to move in that direction when they get their HR department up and going.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved Resolution, CC-2011-13. (Page 274)

PERSONNEL MATTERS:

Sharkey stated he asked Carol to come in for several grants appropriations that will be reviewed today by the Council, however, the personnel section of the appropriation still needs to be approved by the Personnel Committee. The Council would approve these grants today with the condition that they are to be approved by the Personnel Committee in July.

ADDITIONAL APPROPRIATIONS REQUESTS

Auditor Graff presented the proofs of publication for Notice to Taxpayers of Additional Appropriations to be considered by the County Council at this meeting as appeared in the Goshen News and the Elkhart Truth on July 6, 2011.

GENERAL FUND

Sheriff

Supplies 6,714.00

Other Services and Charges 1,051.00

Superior Court #1

Personal Services 30,000.00

TOTAL GENERAL FUND 37,765.00

COUNTY HEALTH OPERATING

Tobacco Settlement

Personnel Services 62,136.00

Supplies 5,500.00

Other Services and Charges 4,103.00

TOTAL COUNTY HEALTH OPERATING	71,739.00
COUNTY HIGHWAY	
<u>Maintenance and Repair</u>	
Supplies	72,000.00
<u>General and Undistributed</u>	
Other Services and Charges	300.00
TOTAL COUNTY HIGHWAY	72,300.00
LOCAL ROAD AND STREET	
<u>Maintenance and Repair</u>	
Supplies	165,000.00
ABANDONED VEHICLES	
<u>Sheriff</u>	
Other Services and Charges	600.00
CHILDHOOD LEAD POISONING GRANT	
<u>Health Department</u>	
Personal Services	23,330.00
Supplies	14,220.00
Other Services and Charges	12,450.00
TOTAL CHILDHOOD LEAD POISONING GRANT	50,000.00
WOMEN, INFANT & CHILD GRANT (WIC)	
<u>Women, Infant & Child Grant (WIC)</u>	
Supplies	13,975.00
Other Services and Charges	8,100.00
TOTAL WIC	22,075.00
COMMUNITY CORRECTIONS GRANT	
<u>Community Corrections</u>	
Supplies	2,206.00
Other Services and Charges	206,994.00
Capital Outlays	23,796.00
TOTAL COMMUNITY CORRECTIONS GRANT	232,996.00
INDIANA TOBACCO PREVENTION & CESSATION	
<u>Health Department</u>	
Personal Services	194,575.00
Supplies	6,000.00
Other Services and Charges	4,600.00

Capital Outlays	800.00
TOTAL INDIANA TOBACCO PREVENTION & CESSATION	205,975.00

CTP GRANT

Community Corrections

Personal Services	143,258.00
Supplies	19,740.00
Other Services and Charges	20,750.00
Capital Outlays	37,796.00
TOTAL CTP GRANT	221,544.00

IDOC GRANT

Community Corrections

Personal Services	567,817.00
Supplies	22,000.00
Other Services and Charges	439,440.00
TOTAL IDOC GRANT	1,029,257.00

AUDITOR'S INELIGIBLE DEDUCTION FUND

Auditor

Supplies	1,000.00
Other Services and Charges	3,000.00
TOTAL AUDITOR'S INELIGIBLE DEDUCTION FUND	4,000.00

TUBERCULOSIS ASSIST GRANT

Health Department

Personal Services	5,039.00
Other Services and Charges	2,497.00
TOTAL TUBERCULOSIS ASSIST GRANT	7,536.00

ELKHART COUNTY STORM WATER UTILITY MS4

General and Undistributed

Capital Outlays	59,500.00
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E.D.I.T

Highway Department

Capital Outlays	69,000.00
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CUMULATIVE BRIDGE

Maintenance and Repair

Personal Services	20,000.00
Capital Outlays	40,000.00

<u>Construction</u>	
Capital Outlays	50,000.00
TOTAL CUMULATIVE BRIDGE	110,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	3,500.00
MAJOR BRIDGE	
<u>Highway</u>	
Other Services and Charges	750,000.00
<u>REDUCTION</u>	
<u>E.D.I.T.</u>	
<u>Highway</u>	
Capital Outlays	(69,725.00)

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated: July 6, 2011

Pauline E. Graff, Elkhart County Auditor

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#001)

1. Sheriff (105) requests \$ 7,765 for postage, copier rental and supplies for indigent inmates.

Bill Fletcher explained this request to the Council and stated they are simply recapturing monies that were placed in the General Fund.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved this request.

2. Superior Court #1 (162) requests \$15,000 for SP and Other Services (Court Reporters for indigent transcripts) and \$15,000 for petit jurors.

Judge Roberts explained to the Council that they are booked with jury trials every week until Christmas. He is estimating there to be 25 jury trials this year.

Hess asked why we are using General Fund instead of the Jury Pay Fee Fund. Graff stated that next month we could ask for an appropriation from the Jury Pay Fee Fund to reimburse General Fund.

On motion made by Hess seconded by Sharkey and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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B. COUNTY HEALTH OPERATING (#102)

1. Tobacco Settlement (349) requests \$71,739 for 2011-2012 budget.

Dr. Daniel Nafziger explained this request to the Council.

On motion made by Foutz seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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C. COUNTY HIGHWAY (#112)

1. Maintenance and Repair (202) requests \$72,000 for salt, safety vests and hard hats.
2. General and Undistributed (204) requests \$300 to purchase license plates for vehicles.

Jeff Taylor explained this request to the Council.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. LOCAL ROAD AND STREET (#114)

1. Maintenance and Repair (222) requests \$165,000 for gas, paint, oil dry, rakes, shovels and urea to meet diesel clean air standards.

Jeff Taylor explained this request to the Council.

On motion made by Foutz seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. ABANDONED VEHICLES (#119)

1. Sheriff (980) requests \$600 for towing bills.

Bill Fletcher explained this request to the Council.

On motion made by Ashe seconded by Yohn and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. CHILDHOOD LEAD POISONING GRANT (#124)

1. Health Department (340) requests \$50,000 for grant year July 1, 2011 to June 30, 2012. This grant will supplement current lead poisoning prevention activities within the Health Department.

Dr. Nafziger explained this request to the Council.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. WOMEN, INFANT & CHILD GRANT (WIC) (#127)

1. Women, Infant, Child Grant (612) requests \$22,075 for supplies, sustenance, mileage and printing costs.

Dr. Nafziger explained this request to the Council.

On motion made by Riegsecker seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. COMMUNITY CORRECTIONS GRANT (#143)

1. Community Corrections (985) requests \$232,996 for refunds, rent, supplies, other services and charges and capital items.

Tara Booher explained this request to the Council.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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I. INDIANA TOBACCO PREVENTION & CESSATION (#185)

1. Health Department (980) requests \$205,975 for grant period July 1, 2011-June 30, 2013.

Dr. Nafziger explained this request to the Council. He explained this money primarily comes from cigarette tax.

On motion made by Yohn seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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J. CTP GRANT (#209)

1. Community Corrections (980) requests \$221,544 to appropriate budget from 09/10 grant.

Tara Booher explained this request to the Council. She explained that part of this appropriation is part of the 09/10 audit from the State for unpaid/unused salaries and to set up a formal budget that was never done.

On motion made by Foutz seconded by Hess and unanimously carried, the Council approved this request, with the condition that the personnel within the grant needs to be brought to the CCPC later this month.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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K. IDOC GRANT (#210)

1. Community Corrections (981) requests \$24,300 for a transfer from the 2010/2011 IDOC grant into the PRI grant to pay salaries.
2. Community Corrections (982) requests \$1,004,957 to appropriate the 2011/2012 IDOC grant budget.

Tara Booher explained this request to the Council.

On motion made by Hess seconded by Foutz and unanimously carried, the Council approved this request, with the condition that the personnel within the grant needs to be brought to the CCPC later this month.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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L. AUDITOR'S INELIGIBLE DEDUCTION FUND (#223)

1. Auditor (980) requests \$4,000.00 for copy machine supplies, other office supplies, postage and copy machine rent.

Graff explained to the Council that money is coming in from taxpayers that had a homestead on their home that were not eligible for one. Therefore, they must pay back the money that they saved by having a homestead on their home when they should not have. The money is received into this fund and is being used to offset the increased costs associated with finding these taxpayers and following up with them.

On motion made by Yohn seconded by Hess and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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M. TUBERCULOSIS ASSIST GRANT (#227)

1. Health Department (981) requests \$7536 for a part-time TB outreach worker for grant year

July 1, 2011 to June 30, 2012.

Dr. Nafziger explained this request to the Council.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved this request, with the condition that the personnel within the grant needs to be brought to the CCPC later this month.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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N. ELKHART COUNTY STORMWATER UTILITY MS4 (#320)

1. Highway General and Undistributed (204) requests \$59,500 for a vactor to maintain storm sewer system (catch basins, pipes, etc).

Jeff Taylor explained this request to the Council. He stated this is to replace a vactor that was destroyed in an automobile accident. This money would purchase a good used vactor machine.

On motion made by Hess seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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O. E.D.I.T. (#331)

1. Highway Department (980) requests \$69,000 for project 1114, CR 38 & 19 engineering design.

Jeff Taylor explained this request to the Council.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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P. CUMULATIVE BRIDGE (#335)

1. Maintenance and Repair (212) requests \$60,000 for overtime on construction inspection projects and bridge projects and to purchase a mini excavator/backhoe for the bridge crew.

2. Construction (213) requests \$50,000 for project 1116, Indiana Avenue Bridge.

Jeff Taylor explained these requests to the Council.

On motion made by Yohn seconded by Foutz and unanimously carried, the Council approved these requests.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Q. CUMULATIVE DRAIN (#337)

- 1. Drainage Board (980) requests \$3,500 for project 1112, Getz Lat.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request. The preceding Emergency Appropriation Ordinance was then duly adopted.

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R. MAJOR BRIDGE (#338)

- 1. Highway (980) requests \$750,000 to make a payment on Major Moves loan for Six Span Bridge and Johnson Street Bridge and to make an interest payment on Major Moves loan for the same.

On motion made by Riegsecker seconded by Yohn and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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REDUCTION

S. E.D.I.T. (#331)

- 1. Highway (980) returns \$69,725 for project 2131, CR 38 & 19 Right-of-Way.

On motion made by Foutz seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Reduction Ordinance was then duly adopted.

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TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

- 1. Superior Court #3 (164)

From	4145	Special & Other Services	2,000.00
	4172	Petit Jurors	2,400.00
To	4309	Other Professional Services	2,300.00
	4310	Sustenance	400.00
	4312	Postage	500.00
	4313	Travel Expense	1,000.00
	4390	Dues	200.00

- 2. Title IV-D Court (171)

From	4209	Supplies	215.00
To	4310	Sustenance	215.00

B. WIC GRANT (#127)

- 1. Health Department (612)

From	4217	Medical Supplies	2,275.00
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To	4309	Other Services	325.00
	4310	Sustenance	750.00
	4313	Mileage	1,200.00

C. PUBLIC HEALTH PREPAREDNESS GRANT (#128)

1. Health Department (980)

From	4313	Travel Expense	500.00
	4314	Telephone	530.00
	4549	Other Office Equipment	2,140.00
To	4203	Copy Supplies	170.00
	4209	Office Supplies	845.00
	4219	Other Operating Supplies	1,015.00
	4259	Capital Supply Items	1,140.00

D. H1N1 GRANT (#214)

1. Health Department (980)

From	4309	Other Professional Services	2,910.00
To	4533	Radio Equipment	2,510.00
	4219	Other Operating Supplies	400.00

Sharkey stated that there was a yellow transfer from Superior Court #2 that is to hire a summer intern by transferring money from one personnel account to another. If he doesn't lose any people he will need money by the end of the year, meaning he will be here for an appropriation. Graff stated we have calculated out the money needed in 4109 and with there being no change in his personnel he will need the full amount left. Hess suggested we force a transfer from another line item in his budget instead of granting an appropriation in the future for 4109.

On motion made by Hess seconded by Foutz and unanimously carried, the Council approved the transfer requests

The preceding Emergency Transfer Ordinance was then duly adopted.

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Hess suggested that a motion be made to instruct the Auditor to write a letter pertinent to our discussion regarding the yellow transfer from 4109 to 4129 for \$3600 from Superior Court #2. The letter should state that if a need arises in personnel between now and the end of the year, Superior Court #2 will have to do a transfer from another category, not an additional. Foutz felt it is good business to inform people of what our position is.

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved that the Auditor write a letter to Superior Court #2 regarding the yellow transfer from 4109 to 4129 for \$3600 .

TRANSFERS NOT REQUIRING COUNCIL ACTION: Available in Auditor's Office.

OTHER BUSINESS:

- (a) Review of RRIP Program presented by Randy Wilson, Elkhart County Solid Waste Advisory Board.

Randy Wilson presented his view on economic development. He stated that he read an article stating that 7 metro areas in Indiana will not return to pre-recession job levels for at least another ten years, including Goshen, Elkhart and surrounding areas. He feels we need to look at other ways to attract business into Elkhart County. As a negotiating tool at the EDC level, when we are trying to sell the notion of coming here to set up a business, one other tool could be a program similar to RRIP. For example if we took \$500,000 and divide that out into \$100,000 blocks, we could have the company go to bank first to get Financing and if they can do that then the County will kick in another \$100,000. It doesn't make the County a bank, it is more of a negotiating tool.

Hess questioned whether this could be done as a loan guarantee. Foutz stated he felt this would fall more under the Commissioners jurisdiction. Wilson stated he was here to see if the Council is even interested in this before he had the Commissioners do work on this, since ultimately the Council would have to approve the money. No decision was made.

AUDIENCE ITEMS:

Glenn Null spoke on his dissatisfaction with the microphone system in the meeting room. He also stated he feels that anything the Council has in front of them at the meeting should be available on the website. He also spoke on Indiana Senate Bill 292, regarding firearms. He said that from the information he has heard, the County still needs to repeal the County Ordinance regarding firearms.

Mr. Byers stated that the County Ordinance that involves firearms is more involved than just firearms. He stated that they are working on the Ordinance and deciding whether or not to simply eliminate the firearm portion and leave the other dangerous weapons language or eliminate/revise the Ordinance all together. He stated that the signs on the County buildings pertaining to firearms have been removed and that the State law overrides our County Ordinance, in the meantime.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:33 a.m. on motion by Ashe seconded by Foutz and unanimously carried.

Audie Hostetler
Recording Secretary

A complete recording of this meeting is available in the Auditor's Office.
The recording of this meeting will be available for one year and then erased.