

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
December 9, 2014

The regular meeting of the St. Joseph County Council was called to order at 6:05 p.m., on December 9, 2014, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Michael J. Hamann
Mr. Corey D. Noland
Mr. James O'Brien
Mrs. Diana Hess
Mr. Rafael Morton
Mr. Daniel G. Herbster
Mr. Mark A. Catanzarite
Mr. McCahill
Mr. Mark Root

Present from the Auditor's office were Mr. Peter H. Mullen and Ms. Teresa Shuter, Chief Deputy Auditor. Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Mrs. Hess made a motion to appoint Augie R. Freda Jr. to the St. Joseph County Library Board and reappoint Rafael Morton to the Airport Authority, Lee Slavinskis to the Alcohol and Tobacco Board, Randall Matthys and Jack Young to the Area Board of Zoning Appeals, Pete Mullen and Jessica Clark to the County Redevelopment Commission, Corey Noland to the Data Board, Sara Williams to the Economic Development Commission/North Liberty Board, Virginia Calvin to the Parks and Recreation Board, Barry Skalis to the Sewer and Water District, James O'Brien to the Emergency Management Advisory Board and Mark Catanzarite to the NICTD (South Shore) Board and was seconded by Mr. Noland.

The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. O'Brien moved and was seconded by Mrs. Hess to approve the minutes of the November 11, 2014 Public Hearing. The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Morton: At this time, I would like to take a moment to acknowledge Councilman Hamann, this will be his last meeting as a Councilman and I would like to take a moment to thank him for all his hard work and dedication. I know that's always said but I mean that sincerely. Mike does an outstanding job with working with his constituents and very active on everything we do on this Council, I just want to personally say thank you for all your hard work and also congratulations, I look forward to working with you as the Auditor.

Mr. Hamann: Thank you, I appreciate it very much. It's been a pleasure working with you all and it's very exciting, we have a great team and I think we are very collegial, we respect each other's opinions, we don't always agree on things but we do have a manner that is respectful to one another and we are always have the common good in mind and I think that's important. I am very proud to have been on this Council and I have really enjoyed working with folks and serving the community and taking the phone calls and trying work things out, working with the department heads and I look forward to doing that in a different capacity. So thank you.

Mr. Noland: I would also like to say thank you so much, it's been a pleasure sitting up here next to you all these years, I've brought you along like you were one of my own and I'm looking forward to breaking in the next one.

Mr. O'Brien: I would also like to echo the sentiments, Mr. Hamann is a very good colleague, he brought a tremendous amount of knowledge to the Council, I've learned a lot working with him, since he served as Commissioner before being a Councilman, knew/knows just about all the ins and outs of just about every aspect in every department within the County and it's going to be a big loss, Bobby K's got some big shoes to fill and I am looking forward to working with Mr. Hamann as the Auditor.

Report from the County Auditor: Mr. Mullen, I want to thank all nine of you for supporting me and my office and the personnel in my office. This is possibly my last meeting, maybe another meeting as we discussed a little bit earlier. Particularly you Rafael and your leadership, all seven years with Mark Root and Mark Catanzarite and all the rest of you, I really appreciate the support you have given me. We had, the day I walked into my office, it was two months later the circuit breaker went into effect, tax caps came along right there after, for about five years, we had a tremendous struggle just trying to balance our budget. I think we did that, no I know we did that, but it's as a result of you being the fiscal leaders of our County that got me through a lot of minefields. I moved to South Bend forty five years ago, I never thought I'd be doing this forty five years ago, I didn't even know where Indiana was, my wife thought it was out by Yellowstone National Stone National Park, my secretary in Philadelphia thought that I was going to be moving out in the hinder lands and my first night in town she decided to make a very indigenous type, place for me to stay so I'd enjoy it. I flew into South Bend and I checked into the Wooden Indian Motel. That was my first night in town. That's really what happened. I asked them to give me a six o'clock wakeup call and they said, "well, we don't have phone in the rooms." This has been a very enjoyable seven years for me, I can't tell you how much I admire the public servants who work in this building and work for government, it's something they have a lot of wonderful people that work in this building that really care about the tax payers and I know you nine members up there recognize that and I hope everybody does at some point. Again, I really want to thank you for the support you have given me and my office.

No report from the Board of Commissioners.

No report from any Special Committees.

First Readings:

BILL NO. 75-14: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 22905 W. EDISON RD, SOUTH BEND, IN 46625 FROM C COMMERCIAL DISTRICT TO R SINGLE FAMILY DISTRICT, TO C COMMERCIAL DISTRICT

PETITIONER: ALL SECURE

Assigned to the Land Use Planning Committee

Resolution:

BILL NO. 76-14: RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE CREATION OF THE NORTHWEST CLEVELAND ROAD ECONOMIC DEVELOPMENT AREA BY THE ST. JOSEPH COUNTY REDEVELOPMENT COMMISSION

Phil Faccenda, Barnes and Thornburg, 100 North Michigan Street, South Bend. I am here on behalf of General Sheet Metal who is the petitioner, this is related to an ordinance that will be reviewed by the Council later in the agenda. A Bond ordinance that is later in the agenda. The resolution that is before you is to approve just over one hundred acre economic development area in the north west Cleveland Road economic development area, which is also been declared as a allocation area or as commonly known as a TIFF area. This Council was presented with this project back at the end of August, there were some initial meetings that occurred in July with County representatives, County Commissioner/County Council representatives. It's been a long process as you know, it has, we had a formal presentation at the end of August. This process of declaring the economic development area starts, just to remind you, with an initial meeting of the Redevelopment Commission, which took place in November, early November, it then moved to the Area Plan Commission, I believe that was on November eighteenth. It was approved by the Area Plan Commission, after being approved, a declaratory resolution by the St. Joseph County Redevelopment Commission. It was then statutorily brought before the St. Joseph County Commissioners, who approved the action of both the Area Plan Commission and the Redevelopment Commission. There was a public notice that was provided in two news papers, a general circulation in St. Joseph County, the South Bend Tribune and the Tri-County News of a public hearing on this resolution and declaring the area as an economic development area and an allocation area. Under statute the County Council is required to approve this as well and that, the declaration of the area, that is the resolution before you. A little bit of background, I will provide this at the time of the bond ordinance as well but, the project that General Sheet Metal is contemplating is about a two hundred thousand square foot brand new facility. Headquarters facility manufacturing plant to be located in the area, on a parcel that they own, there is just over, about a fifty four acre on the north side of the TIFF area, there is just in access of fifty acre parcel of the the south side of the TIFF area. Both on Cleveland Road, just west of the intersection of Olive and Cleveland. It is hoped by the company that the Council will favorably pass this resolution in order for the establishment of the area to go into place. TIFF proceeds from the area can then be used for improvements of the area, including, pledging them to economic development

revenue bonds, which is the other agenda item that is before the council this evening. With regard to, I also have with me the president and CEO of the company, John Axelberg, and that's why they are going through the process, through the County tonight. I'd be happy to any questions you may have.

Mr. O'Brien: I actually have a motion, I think would be in order at this point that is a motion to table the matter because of, for a variety of reasons, but primarily because information suggesting that another property owner within the proposed TIFF district came to light this afternoon suggesting that they are opposed to being included and in order to get to the bottom of that, I'd make a motion that we table the matter for one month. The motion was seconded by Mr. Root.

Mr. Faccenda: May I address the letter that was received?

Mr. Morton: Yes.

Mr. Faccenda: The further information that I can provide on that letter is that, the petitioner, General Sheet Metal actually purchased their lot from the Kidder's, who are the couple that has sent the letter. They purchased their lot on the north side from the Kidder's. All communications with the Kidder's were done through their respective real-estate agents. So Keith Leinbach is the representative, the real-estate representative of the company. He talked to their, throughout the entire transaction as they purchased the property, he communicated to the Kidder's through their Real-estate agent. After that, the letter was sent today, what the company endeavored to alert the Kidder's, who live in the Upper Peninsula of Michigan, I am not even sure if the letter has any contact information for the Kidder's but, since the communication lines had always gone through the real-estate agents, that's what the General Sheet Metal did to communicate with the Kidder's. He told me that he did communicate with the Kidder's about this process after it was first published in the South Bend Tribune two or three weeks ago. As I mentioned as well, there was a public notice, published in two news papers, including the South Bend Tribune of our public meeting before the Redevelopment Commission this morning. There is no statutory requirement that individual property owners within an allocation area or an economic development area get personal notice. None the less, a courtesy was extended by General Sheet Metal to provide that notice and we know based on my communication with the real-estate agent that they knew about it just over two weeks ago.

Mr. Morton stated we have a motion on the floor to table Bill No. 76-14. The motion failed by a voice vote of 7-2 Mr. O'Brien and Mr. Root.

SALARY AMENDMENT:

BILL NO. 73-14: AN ORDINANCE AMENDING ORDINANCE 50-14, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2015
(Dept. 0034 - Commissioners)

Mr. Root reported that Bill No.73-14 comes with a favorable recommendation.

Mr. Kostielney, St. Joseph County Commissioner, what we have before you tonight is a salary amendment; we are making a few changes to our purchasing department. We have reduced the rate of pay for our purchasing manager and increase rate of pay of our clerk to help better balance that department and that is what these changes reflect.

Motion to pass Bill No. 73-14 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 73-14 was passed to-wit; 9-0.

Public Hearing/Public Comment:

BILL NO. 74-14: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFERS:

A. Treasurer
General Fund

FROM:	1000-11682-000-0003	Clerk/Cashier	\$7,724.00
TO:	1000-21020-000-0003	Official Forms & Records	2,230.00
	1000-21030-000-0003	Office Supplies	1,000.00
	1000-45510-000-0003	Furniture & Fixtures	4,240.00
	1000-39010-000-0003	Dues & Subscriptions	254.00
		TOTAL:	<u>\$7,724.00</u>

B. Archives
General Fund

FROM:	1000-36015-000-0010	Contractual Svc.	1,300.00
TO:	1000-24010-0000-0010	Other Supplies	1,300.00
FROM:	1000-36015-000-0010	Contractual Svc.	420.00
TO:	1000-44250-000-0010	Office Machines	420.00
FROM:	1000-36200-000-0010	Repairs Other Equipment	300.00
TO:	1000-21030-000-0010	Office Supplies	300.00
		TOTAL:	<u>\$2,020.00</u>

C. Commissioners
CEDIT Fund

FROM:	7312-44606-000-0034	Emergency Disp. Radio Sys.	\$750,000.00
TO:	7312-31070-000-0034	Other Contractual Svc.	750,000.00
		TOTAL:	<u>\$750,000.00</u>

D. Penn Township
General Fund

FROM:	1000-39010-000-0150	Dues & Subscriptions	\$ 10.00
TO:	1000-21030-000-0150	Office Supplies	10.00
		TOTAL:	<u>\$10.00</u>

E. Department of Public Works
CEDIT Fund

FROM:	7312-90001-000-0034	Jackson Road Landfill	\$454.00
TO:	7312-90001-000-0002	Jackson Road Landfill	454.00
		TOTAL:	<u>\$454.00</u>

F. Community Based Corrections
CBC Fund

FROM:	9114-65030-015-0798	State Reimb. FY-15	\$17,000.00
TO:	9114-22417-015-0798	General Supplies	7,000.00
TO:	9114-32020-015-0798	Travel	10,000.00
		TOTAL:	<u>\$17,000.00</u>

G. Juvenile Justice Center
General Fund

FROM:	1000-11367-000-0049	Team Leaders	\$5,000.00
TO:	1000-35030-000-0049	Water & Sewage	5,000.00
			<u>TOTAL: \$5,000.00</u>

H. Juvenile Justice Center
General Fund

FROM:	1000-11370-000-0049	Detention Officer	\$10,000.00
TO:	1000-36010-000-0049	Repairs Buld./Struc.	9,000.00
TO:	1000-44010-000-0049	Equipment	1,000.00
			<u>TOTAL: \$10,000.00</u>

I. Juvenile Justice Center
General Fund

FROM:	1000-11670-000-0049	Bookkeeper	\$10,760.00
TO:	100-31070-000-0049	Other Contractual Services	10,760.00
			<u>TOTAL: \$ 10,760.00</u>

J. Juvenile Justice Center
General Fund

FROM:	1000-11367-000-0049	Team Leaders	\$1,500.00
TO:	1000-35090-000-0049	Trash Removal	1,500.00
			<u>TOTAL: \$1,500.00</u>

K. Juvenile Justice Center
General Fund

FROM:	1000-11370-000-0049	Detention Officer	\$2,000.00
TO:	100-33010-000-0049	Electric	2,000.00
FROM:	1000-11379-000-0049	Counselor/Caseworker	\$ 10,000.00
TO:	1000-33010-000-0049	Electric	10,000.00
FROM:	1000-11950-000-0049	Part Time	\$9,000.00
TO:	1000-33010-000-0049	Electric	9,000.00
			<u>TOTAL: \$21,000.00</u>

L. Circuit Court
General Fund

FROM:	1000-32350-000-0019	Postage	\$208.00
TO:	1000-11950-000-0019	Part Time	208.00
FROM:	1000-16200-000-0019	Petit Jury	\$3,000.00
TO:	1000-39015-000-0019	Legal Books	3,000.00
			<u>TOTAL: \$3,208.00</u>

M. Domestic Relations
Alternative Dispute Resolution Fund

4901-65030-000-0054	Inter Fund Transfer	\$4,600.00
4901-31070-000-0054	Other Contractual Svc.	4,600.00
		<u>TOTAL: \$4,600.00</u>

APPROPRIATIONS:

N. Commissioners
General Fund

1000-21030-000-0034	Office Supplies	\$25,000.00
1000-31070-000-0034	Other Contractual Svc.	150,000.00
		<u>TOTAL: \$175,000.00</u>

O. Auditor
CCD Fund

1138-39750-000-0002	Data Processing	\$300,000.00
		<u>TOTAL: \$300,000.00</u>

P. Assessor
County Disclosure Fees

1131-11103-000-0012	Third Deputy	\$33,000.00
1131-11950-000-0012	Part Time	80,000.00
1131-14800-000-0012	FICA	8,650.00
1131-14810-000-0012	PERF	3,650.00
1131-14840-000-0012	Group Insurance	18,500.00
1131-32010-000-0012	Mileage/Fuel	5,000.00
1131-32020-000-0012	Travel	2,000.00
		<u>TOTAL: \$150,800.00</u>

Q. Prosecutor's Office
General Fund

1000-32020-000-0018	Travel	\$1,667.25
		<u>TOTAL: \$1,667.25</u>

R. Parks Dept.
Non-Reverting Fund

1179-11476-000-0057	Gatekeeper/Security	\$18,300.00
1179-14800-000-0057	FICA	1,500.00
1179-14810-000-0057	PERF	900.00
		<u>TOTAL: \$20,700.00</u>

S. Election Board
General Fund

1000-33100-000-0027	Printing	\$43,650.00
		<u>TOTAL: \$43,650.00</u>

Motion to pass Bill No. 74-14 was made by Mr. Noland and seconded by Mrs. Hess. Bill No. 74-14 was passed to-wit; 9-0.

Public Hearing/Miscellaneous Matters:

BILL NO. 70-14: ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING THE ISSUANCE OF THE COUNTY'S ECONOMIC DEVELOPMENT REVENUE BONDS, THE LENDING OF THE PROCEEDS THEREOF TO GENERAL SHEET METAL WORKS INCORPORATED OR AN AFFILIATE, AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO
Assigned to the Budget and Administration Committee

Mr. Root reported that Bill No.70-14 comes with a favorable recommendation.

Phil Faccenda, this is the ordinance I was referring to earlier at the time of the adoption of the resolution on the TIFF area. A few more particulars with regarding the project and then.... And again I have John Axelberg with me and other representatives of the company including their CFO to answer any questions you may have that I can't answer. I mentioned the facility is estimated to two hundred thousand square feet. The total investment is, a little bit of background, the company is working through a draft, there is a final draft of an economic development agreement with the County where there are certain covenants therein, I will relay one of them, one is that the project is estimated to twenty one million dollar project. The company has made a commitment to hiring twenty eight new employees. The company currently employs, it varies day to day but a hundred and seventy five employs is what they have at this time. They agreed in the draft of the agreement to twenty eight additional. Their current employment is ten point five million in annual payroll. The additions would be another one point four million dollars. That is both production and salaried management/professional. Their production operators would average sixteen dollars and fifty cents an hour, based on current wages and their professional management would average about sixty two thousand dollars a year. The, as I mentioned before, the project is anticipated to take about one third of the property that they own on the north side of Cleveland road. The company is committing that through the bond proceeds to construct an access road in the center of their property cul-de-sac that provide for infrastructure to allow for at least two shovel ready sites that the County could take advantage of, the Chamber of Commerce could take advantage of from the stand point of the County being somewhat....for shovel ready sites. It is also hoped that the property on the south side of Cleveland Road would be spurred in terms of development based on construction of the General Sheet Metal site. I want to address the bonds themselves are in the ordinance, sets forth, that the amount not to exceed for the bonds for the three point five million dollars, the trust indentured that was included in the file with the Auditor's office states that the interest rate on those bonds will not exceed three percent. That is reflected as well. It is anticipated in documents that have been provided to the County show the latest projections would be a three point three million dollar bond and again, that would be per the earlier action of the Council would be anticipated that TIFF revenues would be pledged to, they were pledged by the Redevelopment Commission this morning and if the Council approves the bond then they are pledged to that bond as issued. It is, has been asked and would there be any additional TIFF revenue other than that amount pledged to the bond and the answer is, as estimated by the financial advisor, Carl Sinder who is also in the audience today, depending on where we end up with size of the bond, it's somewhere between three hundred thousand and maybe one million, three hundred thousand additional TIFF over the term of the entire bond. That does not anticipate any additional development other than the General Sheet Metal site. I am happy to answer any other questions.

Mr. O'Brien: I am concerned about issuing these bonds, I am concerned about the incentive as a whole and I wanted to go on record to kind of summarize my concerns. If created a TIFF, we did that in a motion that passed 7-2 a little bit ago, that's a TIFF that is anticipating one primarily one tax payer who will now going to vote on issuing bonds and turning the money over to the tax payer from the bonds, this is a first in the County, first in the County government, this happened in South Bend, this happened in other parts of the state but I am particularly concerned that this is a precedence that is not a good precedence. The project is a great project, the company is a fantastic company, I am excited they are planning to stay in the community but utilizing the TIFF I think is very dangerous, utilizing it for specific targeted tax payer is, in my mind, problematic, the dollar amount of the incentive it's a Herculean amount, if we compare it to another project in St. Joseph County within the last year and a half, the Tejas project looks like the dollar amount of the incentive six or seven times as great, that concerns me. The Tejas project was significantly more new jobs, I would acknowledge that this tax payer is retaining a significant number of jobs and that is an important factor. I anticipate voting against issuance of the bonds and I am very concerned about the path that the County is taking with this.

Mr. Root: In my opinion, it's too much, for too long, in the wrong way. It strikes me quite frankly as corporate welfare on steroids. This community has tried TIFF's in the past, what do we have to show for it. We have the highest property tax rates, other than Lake County in the state of Indiana. Why is that? One of the reasons for that is because of the TIFF process in the County. We are one of the most over TIFF counties in the state of Indiana. It

strikes me as this is one of the reasons that this is the wrong way. You realize that for the next fifteen years, every time, what else is there, the TIFF's done to our County. South Bend Tribune just recently published a statement a couple of weeks ago that said forty five percent of our revenues in South Bend are at or below the poverty line. For those of us that represent Mishawaka the statistics was forty percent of our constituents are at or below the poverty line. And yet every time in the next fifteen years a snow plow goes down that cul-de-sac, it's going to be subsidized by that forty five percent in South Bend. And every time the emergency vehicle goes down that cul-de-sac in the next fifteen years, it's going to be subsidized by the forty percent in Mishawaka. It's too much, for too long, in the wrong way.

Mr. Herbster: I know state law gives local governments like us a couple different tools in the tool box for economic development, an incentive, tax abatements, TIFF's. Obviously they could be used appropriately and carefully and wisely, so good minds can differ about any particular deal, I guess my concern is jobs, jobs jobs. With a good employer here, I'd hate to lose. That's where I come down.

Mrs. Hess: I would like to echo a bit of what Councilman Root and Councilman O'Brien said regarding the length and the dimensions of this TIFF and the bond. It is concerning when we are in a bit of a budget crunch, in particular related to the property tax caps, in which businesses are benefiting greatly, however, it is a long term company and community and I think keeping them here is important. One of my concerns is, which I think has been answered for me is that, the construction project would use local companies and local laborer. I think if they are going to have that kind of a sweetheart deal, in my opinion, from the County, they need to give back to the County in terms of giving jobs to people who are the tax payers of the community, so I hope, I most likely support the bill but I do have some concerns as well.

Mr. Catanzarite: I take exception that we compare it to Tejas, I like Tejas and I am glad they are here, Tejas Tubular out of Texas and I think part of my comfort level with this and doing this is the fact that General Sheet Metal Works has been in our community for nearly a hundred years, nearly a hundred years and they are planning on trying to stay here if they can be competitive and I think we are trying to give them the tool to be competitive and we know there is competition given that were located on the state line of Indiana and Michigan and they were being courted by Michigan. I am glad we are going to be able to retain this company in our community. I think they are going to be good stewards with our tax dollars. We have included some fall back provisions, it's just not been given to carte blanche and we will definitely be looking at this on an annual basis, moving forward to make sure that they do comply with provisions that were built into the agreement. That's why I feel more comfortable supporting this and trying to keep this company growing and contributing to our local economy.

Motion to pass Bill No. 70-14 was made by Mr. Hamann and seconded by Mr. Noland. Bill No. 70-14 was passed to-wit; 7-2. Mr. O'Brien and Mr. Root

Public Hearing/Land Use Planning:

BILL NO. 57-14: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED APPROXIMATELY 300' EAST OF 14535 DRAGOON TRAIL FROM R SINGLE FAMILY DISTRICT, TO M MANUFACTURING DISTRICT PETITIONER: H&G REAL ESTATE, LLC Assigned to the Land Use Planning Committee

Mr. Noland reported that Bill No. 57-14 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, the petitioner before you is looking to rezone forty four acres along Dragoon Trail, just west of Capital. The site is currently vacant farm land. They are looking to expand their manufacturing business to the east. They provided a proposed site plan, they would be able to do anything under the M Manufacturing district, but this is one layout that could include what their site may look like as they expand their business. This comes to you from the Area Plan Commission with a favorable recommendation.

Mr. Root: Did we not recently rezone that property on the corner of Dragoon and Capital.

Mrs. Smith: We recently rezoned it to Commercial. So that's reflected on the map. It was residential but was rezoned to Commercial.

Mr. Root: So it should really be zoned as Commercial, rather than the yellow.

Mrs. Smith: No that is the Commercial designation. What you can't see is this is Capital Avenue that now comes through because it has not all been dedicated from the State. It still shows up as being zoned, once it's dedicated and gone through the process, these lines will disappear.

Mr. Catanzarite: Ms. Smith, I did hear your plan ABC report, are sewer and water available at this site?

Mrs. Smith: They are not. Mishawaka, I believe is, I can't remember, about five hundred feet away. Mishawaka would be the closest.

Wyn Laydig, Laydig Systems and Mishawaka Leasing Corp., I am here petitioning on behalf of H&G Real Estate, contingent upon rezoning that property. I own the property immediately adjacent, Laydig Systems, Inc. Our company has been in business for about fifty years, we moved to this location about thirty five years ago, we have expanded three times in the past thirty five years. I am ready to start a fourth and final expansion on this property. This expansion will cost me at least, five or six million dollars. After that final expansion, I will be locked in on that current property, with no room for further expansion. Any questions?

Mr. Catanzarite: Can you, how many employees do you currently employ?

Mr. Laydig: We currently employ a hundred and fifteen people.

Mr. Catanzarite: And would there be some job creation down the road?

Mr. Laydig: Oh yes, yes. We expanded last about five years ago and we have probably have added forty percent, so at least forty, forty five people in the last five years have been added. The next expansion we do, if it goes according to plan will allow us flexibility for doubling the size.

Mr. Catanzarite: Can you speak to the type employees you employ, more specifically about second chance employees, you help in the community.

Mr. Laydig: Yes, I guess I am proud to be a part of a company that gives second chances to people. We often have hired in the past, people who have come out of drug addiction programs, alcohol addiction programs, prison. Not all of them work out but many of them do. And we currently have a couple of employees who we are very proud of who have risen from the ranks of from, just an hourly employee to a salaried employee making in the upper sixty thousands who has come out of an alcohol addiction program, so very pleased with the results.

Mr. Catanzarite: I just want to commend, I have had a chance to tour your plant and had met some of those employees and was very impressed by the employees and the quality of the product you produce and you export to other parts of the world.

Motion to pass Bill No. 57-14 was made by Mr. O'Brien and seconded by Mr. Catanzarite. Bill No. 57-14 was passed to-wit; 9-0.

BILL NO. 58-14: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT 53600 GENERATIONS DRIVE, SOUTH BEND, INDIANA 46635 FROM R-2 RESIDENTIAL DISTRICT TO B BUSINESS DISTRICT
PETITIONER: MICHIANA HEMATOLOGY ONCOLOGY PC
Assigned to the Land Use Planning Committee

Mr. Noland reported that Bill No. 58-14 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, petitioner is seeking to rezone approximately ten acres adjacent and contained within Foundations Center. The site is currently a vacant wooded lot surrounded by a variety of uses and zoning districts. This is primarily developed as a medical campus and this would be an extension of the medical campus. This come from the Area Plan Commission with a favorable recommendation.

Mike Danch, Danch Harner and Associates, what we are asking for is a rezoning to the B Business category from the R to allow for a dental facility of approximately thirty thousand square feet. The sites in the Foundation Center, right

by the toll road. You are probably looking into the cost of maybe four million dollars for this particular project. The whole site is wooded; this is a major drainage area that runs through the Foundations Center. We are only developing the very North West corner of the site. We would have one access onto Generations Drive. The parking would be kept to the North West side of the site. This will be hooked up to the sewer and water.

Motion to pass Bill No. 58-14 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 58-14 was passed to-wit; 9-0.

BILL NO. 60-14: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY STEVEN J & NANCY E WILEY FOR THE PROPERTY LOCATED AT 54330 ELM RD. THE SAME BEING PETITION NO. 11-05-14-16 FILED WITH THE AREA BOARD OF ZONING APPEALS
Assigned to the Land Use Planning Committee

Mr. Noland reported that Bill No. 60-14 comes with a favorable recommendation.

Chuck Bulot, Building Commissioner, at the November fifth meeting of the Area Board of Zoning Appeals this petition for special use to allow a duplex in a single family district was heard and comes to you this evening with a favorable recommendation.

Mr. Root: Mr. Wiley, I have seen your plans and they look really good. I think I remember saying this to you seven or eight years ago when you came before us, is that I think your plan sets precedence for how this type of housing can work in St. Joseph County.

Mr. Catanzarite: I just want to commend the Wiley's and I appreciate the investment they are making in St. Joseph County and we are glad you are coming back.

Motion to pass Bill No. 60-14 was made by Mr. Root and seconded by Mrs. Hess. Bill No. 60-14 was passed to-wit; 9-0.

Unfinished Business:

New Business:

Privilege of the floor:

Ellyn Stecker, MD, 1036 N. Niles Avenue, South Bend, I am speaking in opposition to proposal ordinance 69-14. I have been in health care for forty three years. As a family dr. and a private medical practice, I have delivered babies and provided general family medical care to person's of all ages. As I am partially retired, almost retired, I no longer maintain admitting privileges. I still have to renew state licensing requirements every two years, meet education requirements every year and write a family medicine exam every seven to ten years. I am in opposition to this ordinance because of the following reasons: The statistics provided to you by Dr. Harrison indicating many issues post abortion for women are far in excess than what we have here in the United States or Indiana. If you really care about women's health and not just about anti abortion agenda then there are many things which could be rightly addressed.

Noel Spring, 732 W. Indiana Avenue, South Bend, I am also here to speak in opposition of ordinance 69-14. It is incredibly inappropriate for the St. Joseph County Council to have a say in a woman's very personal decision.

Dr. Tom Felger, 51181 Kings Crossings, Granger, I am a retired family physician. I have recently retired as the St. Joseph County Health Officer. I am here tonight to speak against Bill No. 69-14. I am concerned that this is bad and unnecessary legislation. My first concern is this is completely unnecessary. My second concern is the details of this bill are inappropriate harsh and intrusive to a legitimate physician. My last concern is this bill is clearly intended to deal with one view of the social issue rather than a legitimate concern about public health. In reading this bill, it is clearly intended to harass and interfere with a legal abortion provider. The extra work involved and penalties are harsh. This is clearly a bill that is anti abortion and has nothing to do with protecting "public health." Why would you chose to solve a social issue by health care legislation is beyond me. I strongly urge you to withdraw or defeat this bill as it is not necessary. It is harsh and unfair to one legitimate of our local health care community.

Mr. Herbster: Dr. Felger, I just want to say a few things. One I resent how you miss characterized the bill and also things I have said. In your email you have sent, you said we claimed that there is some sort of crisis here but there is nothing in the bill or anything any of us have ever said. Also, your interpretation of the bill is incorrect. They are not required to verify their admitting privileges every three months, they are required to verify once a year and if the Health Department gets any complaints they can verify that and that verification is good for three years. I resent that you presume to read my mind and can say what our intentions were or were not. Finally, I just have a difficult time taking your views seriously. When I met with you and Mr. Molchan with an earlier version of this bill, which unfortunately the South Bend Tribune mentioned that we had not sought any outside input from the Health Department, you said this was not a public health issue, it was merely a social issue. One of the things I consulted in preparing was the Kermit Gosness incitement, and in that circumstance, at least four women lost their lives. Several others were permanently damaged because too many levels of government in Philadelphia, Pennsylvania decided that abortion complications were not public health issues. You can label it a social issue but I am sorry, I respectfully disagree, this is not a public health issue. I know there are other qualified physicians out there that agree with me.

Dr. Felger: Thank you for your impute, the Philadelphia situation was quite unique, I don't believe that relates to anything that's appropriate outside of that unfortunate situation and I agree with you, that was handled badly but that's not what you and I are talking about and of course we can disagree.

Mr. Herbster: And I don't want to take that risk.

Geri Kowalski, 16402 Barry Knoll Way Granger, I am speaking tonight as the president of the League of Women Voters of the South Bend area. The position of the League of Women Voters of the United States is this: We believe the public policy in a society must affirm the constitutional right of privacy of the individual to make reproductive choices. The league has been steadfast in its work to protect every woman's right to chose with respect of a pregnancy. The League of Women Voters of the South Bend area respectfully requests that you decline to enact this ordinance.

Penny Hughes, 1918 Southern View Drive, South Bend, I am here to speak about proposed ordinance 69-14. I believe this bill is an anti abortion ordinance. Instead of protecting women from seeking abortions, it will possibly result in losing the only abortion provider we have in this whole county. These kinds of ordinance usually lead to lengthy courtroom battles and causing taxpayers many dollars.

Mary Johnson, 31185 Underwood Road, Walkerton, I am here tonight to speak about my feelings and what I have experienced through social media. This is in regards to the Humane Society. This is what our County goes through to take care of our animal control. They have a terrible reputation. Trying to work with them is the most heartbreaking thing for the community because the people go there to seek help and they are treated very poorly. I know this from firsthand experience. I am very concerned that we have a shelter in the County that has a reputation that is not living up to, what I would think our County would wish it to be. I don't know how to fix it, but I would love to be on a committee or to take action in any way I can to even possibly take it away from the Humane Society of St. Joseph County Inc. and maybe transfer it over to South Bend Animal Care and Control. They have made endless bounds of changes in their facility and I see that they are bringing together and making it a better place for humans and animals and that's why I am here tonight to speak about that. I don't have an ordinance to speak about.

Mr. Morton: Have you expressed these concerns or talked to anyone at the Humane Society?

Mary Johnson: Yes, I have.

Mr. Morton: And what was the outcome?

Mary Johnson: Basically, there really isn't anything, what they want my group to do, because I do have a group, they want us to help them find rescues and help them find pit bull rescues and cat rescues because they have three to four hundred cats in their facility, and maybe three or four hundred dogs at any one time. I proposed their management, maybe when people walk in the door you serve them and treat them respectfully and acknowledge they are there and have good customer service because that's part of serving a community. I brought that subject up and it was told to me, expressly, when someone comes cussing in their doors, it does make their staff a little cranky and there isn't anything that they can do about that, it is what it is. I frankly said, well, if I was the manager and my employee ignored a customer or was rude to a customer that employee would fail to have a job because there's going to be another person waiting in line to fill that position with respect and do a good job. That's my opinion on that. There really isn't anything they can or will do to change their reputation, they are not being transparent, we've requested time and time again, requested statistics and were unable to get them from them. We did get some from the St. Joseph

County. We were able to obtain those statistics from St. Joseph County which was very helpful and try to determine, are they working for the good of our community or are they working against our community by having such a poor reputation and not being forthcoming with their statistics and their issues and problems.

Mr. Root: I would like to validate her concern as a Council member. I do think we have a problem in St. Joseph County with our Humane Society. In all the years I have been in County government, I have received more complaints about the Humane Society than all other County departments, combined, and to me, that suggests, we do have a problem here. In South Bend in recent years, has been a real leader in some ways you can move this issue and it would behoove us probably to take a look at what South Bend is doing and maybe model some of what we do based on what South Bend has done because I am hearing some really good things about what is going on in South Bend with their animal control shelter and their animal control ordinance. I am sympathetic; I think we do have a problem in this County.

Mr. Noland: I just wanted to echo Mr. Root's thoughts on this. I am already working with a couple people. I would like you to stick around and get your impute.

Mary Johnson: That would be great. Are there any other questions?

Mr. Morton: No, it sounds like we are going to work on this issue with you.

Mary Johnson: Thank you.

Mr. O'Brien: I would like to take a moment or two to recognize and personally thank Pete Mullen for his many years of service. I am kind of a rookie on the Council, I ask a lot of questions and am kind of nosey. I've asked Pete a lot of questions, he's been very helpful over the last couple of years getting documents, encouraging me to ask more questions, the level of transparency in the Auditor's office is second to none, I have really enjoyed working with him and his right hand man or woman, Teresa. They've done a lot to disseminate information and I have always found it a pleasure to interact with him and work with him. It is going to be disappointing to see him go, I am excited to work with Mr. Hamann as Auditor. Right now I wanted to particularly acknowledge Mr. Mullen and thank him for his service.

Mr. Mullen: I should have mentioned, I received an email this afternoon on our CEDIT bond, we have A+ rating for our financial stability. That's unusual.

Mr. Hamann: Mr. Mullen, I would like to echo what has been said, I really appreciate your leadership in terms of that specific issue, financial stability. Besides those types of things, you have a lot of wonderful intangibles. It really makes our job easier and more pleasant, your personality, your sense of bringing your business acumen to the whole thing. You have been wonderful to work with and I have enjoyed every minute of it. I am sure we will see you around and, the Wooden Indian has phones now.

Mr. Root: I like to echo the comments of my colleagues on the Council. I'd like to tell Mr. Mullen, I am one of the few that was there when you came on that's left up here when you first came on. I remember that first year we had the dinner with Project Future, you got there a few minutes late, unfortunately the only seat left was at the Republican table and I remember you sitting down and saying, "I have to sit here?" I have to tell you after seven years, you have earned your seat. It has been great to work with you.

Mr. Herbster: I just want to briefly say, I also appreciate Pete, your kindness and candor and your friendship. My, a little over five years over the Council has been a pleasure working with you.

Adjournment: Mr. Morton stated that the meeting was adjourned at 7:35 p.m.

