

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
February 10, 2015

The regular meeting of the St. Joseph County Council was called to order at 6:01 p.m., on February 10, 2015, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Robert L. Kruszynski
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. Michael J. Hamann 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:

Mr. Noland made the motion on the condition of receipt of a copy of the letter mentioned and was seconded by Mr. Herbster to approve the minutes of the January 13, 2015 Public Hearing with the stipulation made by Mr. Noland. The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Noland: I would like to have the St. Joseph County Parks portion of Bill No. 3-15 withdrawn at the request of the petitioner and was seconded by Mr. McCahill. The motion was passed by a voice vote; 9-0. No negatives were heard.

No report from the County Auditor
No report from the Board of Commissioners.

A report from Special Committees:

Mr. Catanzarite: From the NICTD Board (Northern Indiana Commuter Transportation District), it's been in the news a lot lately but I will just remind you and the audience that, in the beginning of March, I believe it's mid March, we will be getting the express service to and from Chicago out of South Bend, it's the first time that's been done other than testing purposes and you will be able to get from South Bend to Chicago in an hour and fifty five minutes. If and when we make the final improvements that we intend to make to relocate the station in South Bend and get the.... Out of the streets of Michigan City, conceivably you can be in Chicago in an hour and a half.

Mr. Morton: Thank you for that report.

First Readings:

BILL NO. 8-15: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT: 13197, 13183 AND VACANT PROPERTY EAST OF AND ADJACENT TO 13183 S.R. 23, GRANGER, INDIANA 45630 FROM R RESIDENTIAL DISTRICT AND O/B OFFICE BUFFER DISTRICT TO B BUSINESS DISTRICT PETITIONER: GFE ENTERPRISES, LLC
Assigned to the Land Use Planning Committee

Resolution:

Resolution: BILL NO. 7-15: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING ANNA ROHRER OF THE MISHAWAKA HIGH SCHOOL CROSS COUNTRY TEAM FOR WINNING THE 2012 AND 2014 STATE AND NATIONAL CHAMPIONSHIPS

Dr. Flemming, County Commissioner, District 3, I am honored and excited to be here this evening to recognize and celebrate the many outstanding accomplishments of Mishawaka High School Senior, Anna Rohrer. She is a two time All American runner, Cross County State Champion and record holder. She was also Footlocker Midwest Champion and course record holder as well as Footlocker National Champion and state record holder. In twenty thirteen and twenty fourteen she was a thirty two hundred meter state track champion and state record holder with a time of ten minutes and fourteen seconds. In twenty fourteen her New Balance outdoor five thousand national championship time was sixteen minutes and sixteen seconds. She also received academic all state in track in twenty fourteen. Anna has been a scholar athlete all seasons and is a member of the National Honors Society of Mishawaka High School and Mayor Dave Woods Youth Advisory Council. She is a member of the band and won a gold medal at the ISSMA State Music Competition. Anna was recently named Gatorade National Runner of the Year and we are blessed to keep her in St. Joseph County as she will be attending The University of Notre Dame to study pre-med and extend her running career. As a Mishawaka High School alumnus and a former athlete myself, I am extremely pleased and honored to be able to present Anna Rohrer with the Key to the County. It is the highest honor the County Commissioners can bestow to residents of St. Joseph County and I want to lift Anna up as example to our young people in our community that hard work and commitment can bring such wonderful success.

Mr. Hamann: **WHEREAS**, St. Joseph County, Indiana, has been home to many notable coaches, athletes and teams, when Mishawaka High School Student, Anna Rohrer won her second National Cross Country Championship being only the 5th person to do so in 36 years and only the 2nd to win in non-consecutive years (sophomore and senior years) she literally made cross country history.

WHEREAS, under the guidance of Head Coach Chris Kowalewski; Principal Jerome Calderone; Athletic Director Jim Aldrich; Anna Rohrer has shown not only St. Joseph County, but all of Indiana, how to become a champion both in the race and in the classroom.

WHEREAS, Anna has many achievements musically, academically and athletically, including a gold medal at ISSMA State Music competition, a member of the National Honor Society with a 4.405 GPA, and a member of the Mayor Dave Wood's Youth Advisory Council. Other season highlights include sectional, regional, and semi-state champion, setting a state meet record time of 17.08; Mid-East Meet Champion; Footlocker Midwest Champion; Individual Gatorade Athlete of the Year for Cross Country; named to Team USA Juniors for the International Competition in Edinbergh, Scotland; and named Gatorade National Runner of the Year.

NOW THEREFORE, BE IT RESOLVED BY THE ST. JOSEPH COUNTY COUNCIL, THAT:

SECTION 1: On behalf of the citizens of St. Joseph County, the St. Joseph County Council wishes to extend its sincere appreciation and gratitude to Anna, her coaches, and parents for winning her second State and National Cross Country Championships and being awarded impressive national and international recognitions.

SECTION 2: The St. Joseph County Council extends its best wishes and good fortune to Anna Rohrer for being an outstanding citizen of our County and for showing the rest of Indiana how to work hard in all aspects of her life and to conduct herself with respect, dignity, and class.

Anna Rohrer: I just want to say thank you to St. Joseph County, St. Joseph County Council for inviting me here tonight and giving me the key to the County. This really is an honor and no matter where my running takes me, I'm always going to be a citizen of Mishawaka and I am proud to say that and I am proud of where I live and I am proud of my city and my County. I heard in the resolution how it, I guess I'm

teaching people that hard work and determination can really bring you far and that's my goal, to help make a difference to other people, thank you, thank you very much.

Motion to pass Bill No. 7-15 was made by Mr. Root and seconded by Mr. McCahill. Bill No. 7-15 was passed to-wit; 9-0.

SALARY AMENDMENT:

BILL NO. 4-15: 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. 055 - Health)

Assigned to the Human Services/Criminal Justice Committee

Mr. McCahill reported that Bill No. 4-15 comes with a favorable recommendation.

Nick Molchan, Administrator of St. Joseph County Health Department, this ordinance is to amend the salary ordinance for the employees for twenty fifteen.

Motion to pass Bill No. 4-15 was made by Mr. Noland and seconded by Mr. Kruszynski. Bill No. 4-15 was passed to-wit; 9-0.

BILL NO. 5-15: 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. 055 - Health)

Assigned to the Human Services/Criminal Justice Committee

Mr. McCahill reported that Bill No. 5-15 comes with a favorable recommendation.

Nick Molchan, Administrator of St. Joseph County Health Department, this would be the salary ordinance amendment to establish the two health educators salaries that is part of our local health services grant.

Motion to pass Bill No. 5-15 was made by Mrs. Hess and seconded by Mr. Herbster. Bill No. 5-15 was passed to-wit; 9-0.

BILL NO. 6-15: 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. 0018 - Prosecutor)

Assigned to the Human Services/Criminal Justice Committee

Mr. McCahill reported that Bill No. 6-15 comes with a favorable recommendation.

Bob Risenhoover, Prosecutors Office, we are requesting an amendment to the salary ordinance to provide for salary adjustments or salary establishments for three victim advocates for the Prosecutor's office, it's through a VOCA grant. The VOCA grant requires a fifteen percent, or twenty percent co pay and that's provide for in the Prosecutor's two thousand fifteen budget.

Motion to pass Bill No. 6-15 was made by Mrs. Hess and seconded by Mr. Noland. Bill No. 6-15 was passed to-wit; 9-0.

Public Hearing/Public Comment:

BILL NO. 3-15: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFER

A. Auditor's Office

Ineligible Deduction Fund

1300-03020-000-0002	Travel	\$ 1,000.00
1300-39010-000-0002	Dues and Subscriptions	1,000.00

TOTAL: \$1,000.00

APPROPRIATE

B. Mishawaka-Penn-Harris Public Library

Excess Welfare Distribution Fund

0000-44-0000		\$ 70,096.00
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Library Improvement Reserve Fund

2011-042-0000		\$ 50,000.00
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TOTAL: \$120,096.00

C. County Engineer

Local Major Moves

1172-43032-000-0023	Trail Projects	\$ 141,000.00
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TOTAL: \$141,000.00

D. County Engineer

LRSA

1169-39150-000-0060	Other Expense	\$ 131,000.00
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TOTAL: \$131,000.00

E. Health Department

Health Trust Fund

9111-11157-000-0055	Epidemiologist/EmerPre Super	38,026.00
9111-14800-000-0055	FICA Contribution	2,911.00
9111-14810-000-0055	P.E.R.F.	4,184.00
9111-14840-000-0055	Group Insurance	22,215.00
9111-22328-000-0055	Equipment Repairs	1,000.00
9111-31070-000-0055	Other Contractual Services	1,300.00
9111-32020-000-0055	Travel	3,275.00
9111-33118-000-0055	Immunization Supplies	14,270.31
9111-33368-000-0055	Public Info. & Educ.	5,000.00
9111-36500-000-0055	Service Contract	1,450.00
9111-39750-000-0055	Data Processing	2,000.00

TOTAL: \$95,631.31

F. Health Department

Health Local Hlth Svc. Grant

9101-11193-000-0055	Health Educator	\$28,840.00
9101-11193-000-0055	Health Educator	32,064.00

9101-14800-000-0055	FICA Contribution	2,452.90
9101-14810-000-0055	P.E.R.F.	3,527.04
9101-14840-000-0055	Group Insurance	6,996.00

TOTAL: \$72,672.00

G. Emergency Management
EMPG

8120-21030-000-0009	Office Supplies	\$ 4,451.11
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LEPC

1152-32050-000-0009	Instruction and Training	\$ 6,860.00
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TOTAL: \$11,310.00

H. Prosecutor's Office
VOCA Grant

8117-11317-000-0018	Director	\$ 24,000.00
8117-11652-000-0018	Secretary	19,921.00
8117-11329-000-0018	Coordinator Victim Witness	17,428.00

TOTAL: \$61,349.00

I. Parks Department
Non Reverting

1179-11428-000-0057	Part Time Hourly	\$ 15,500.00
1179-11476-000-0057	Gatekeepers/Security	14,500.00
1179-11477-000-0057	Interpretive Part Time	3,000.00
1179-14800-000-0057	FICA	2,500.00
1179-14810-000-0057	P.E.R.F.	1,000.00

TOTAL: \$36,500.00

Motion to pass Bill No. 3-15, except section I was made by Mr. Catanzarite and seconded by Mr. Kruszynski. Bill No. 3-15 was passed to-wit; 9-0.

Public Hearing/Miscellaneous Matters:

Public Hearing/Land Use Planning:

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 AND R SINGLE FAMILY DISTRICT, TO C COMMERCIAL DISTRICT

PETITIONER: ALL SECURE

Assigned to the Land Use Planning Committee

Mr. Noland reported that Bill No. 75-14 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, the property in question is located along Edison, as it goes into the city this road is known as Elwood. They are rezoning a portion of the property. It is currently split zoned between R Single Family district and C Commercial. They are seeking to rezone to C Commercial to allow for development of a mini warehouse facility. In the area we have a mix of C Commercial fronting along Lincolnway West, across Edison, primarily single family residential, either R Single Family in the County or SF1 in the City of South Bend. The site is currently a vacant lot that is heavily wooded. It's just north of Dickenson Intermediate School, the proposed site plan

at this time would develop fifty thousand square foot of mini warehousing. Its two point two eight acres of a larger four point two five acre development, as I mentioned the former Four Season Restaurant is vacant, this would develop just south of that. This comes to you from the Area Plan Commission with a favorable recommendation subject to the following written commitments that a driveway permit or access from Edison Road be prohibited, landscaping along Edison Road shall be consistent with type two full screening, off premise signs not be permitted in auto oriented or other commercial uses utilizing drive through facilities not be permitted on the site.

Daryl Knip, Abonmarche Consultants, Inc. 750 Lincoln Way East, South Bend, I am representing the current property owner and the contingent purchaser tonight. Requesting your approval of this rezoning. As the staff mentioned the Four Seasons parcel is already zoned Commercial, the parcel to the south approximately half of that is already zoned commercial so we are requesting to rezone the rest of the parcel to Commercial to allow for the self storage facility. The petitioner's are in agreement with the staff's request to written commitments and with that, we would be happy to answer any questions.

Mr. Catanzarite: Mr. Knip, many warehouses typically or quite often you see them in the color scheme of things, with contrast in colors to make them visible, would there be any consideration as to these many warehouses because they do abut residential and school across the street in terms of color scheme?

Mr. Knip: We have not discussed the look of the facility other than we recognize there are some adjacent residential and school across the street. That is why when we work with staff we are sensitive to that and proposing some additional landscaping along the south side to help improve that look.

Ms. Smith: I did want to add that there are architectural controls within the C Commercial district that will require them that will require them to do a little bit more than just a pole barn style thing, it does not control color but it controls material.

John Piraccini, Coldwell Banker, Mr. Catanzarite, if I can address that, Mr. Catanzarite, basically, there is going to be quite a bit of buffering on the back side also. We are buying the old parcel but would like to get the restaurant back into operation if possible.

Mr. Kruszynski: Mr. Piraccini, when the woods are cleared, what direction will they go?

Mr. Piraccini: Towards Lincolnway. We are going to stay out of Edison. Actually, Mr. Slater there next to us wants to go commercial. He is the last piece there that is not commercial.

Motion to pass Bill No. 75-14, subject to written commitments was made by Mr. O'Brien and seconded by Mr. Kruszynski. Bill No. 75-14 was passed to-wit; 9-0.

Unfinished Business:

New Business:

Privilege of the floor:

David Besinger, 1012 Bowdoin Dr. Mishawaka, 46545, I am here regarding the Oaks. A local church purchased the property and this Point of Light Ministries was created by Brian and Sharon Nafratie. The expressed they wanted to bring in outside folks and use these facilities for church activities or working with some troubled youth. We expressed the same concerns and at the time the Nafratie's said they were planning on making it their residence to carry out some of these events they wanted to do, at the time the discussion was they were going to have these small events, we didn't think there was a need for a special use permit, they seem to be in agreement, everything went fine for a few years. Fast forward to December of two thousand fourteen, neighbors heard events going on out there and knew they were getting a bit larger, no complaints were made until we had these four shooting that happened in December. At that point, we did come to find out the group did have a special use permit that was granted to them in two thousand and nine. None of the neighbors were notified of the hearing, none of the neighbors were aware that this was going on. We are here tonight to bring this to your attention and hope that you can do something about this.

Mr. Catanzarite: Just to address some of Mr. Besinger's concern about the special use that was granted in two thousand nine, I recall that special use, that was a very public process, we held a public hearing, whatever the requirements are for advertising that, they were met at that time, it was a very public process.

Mr. Besinger: When did that go in the paper?

Mr. Catanzarite: It was advertised for you legally, I don't know the specific date, but it was advertised. We were approached because the property wasn't able to be sold as a residence like it was used by the Moyers. So we thought this was the best use for the property to use it by a religious group to use it for at risk youth at the time. We have not heard of any problems until this December incident you are speaking about. We went through the proper legal advertising for special use back then.

Terry Pennington, 16596 Roosevelt Rd. Mishawaka, 46545, I live right across the street from the Oaks, the night of December sixth, there was just lots of traffic up and down the road. I thought someone shut off one of the highways because of the traffic. My daughter came home about eleven thirty, twelve o'clock from babysitting, she was followed up the driveway, I live about five hundred feet off the road, so she called me and said dad, someone is following me up the driveway. I asked him, "What are you guys doing here?" They said, "Well is this where the party's at?" There were about six kids in the car. I said, "No, there is no party here, you must have the wrong address." As I was outside, I heard yelling and screaming and things going on, so I said the party must be over at The Oaks. I decided after that I'd keep my eye on the place and see what was going on. They have had large parties there throughout the summer that went into the night so as I am watching this, I am seeing more cars driving in everyone's driveway out there, everyone is driving erratically so as I am watching this I see more cars driving in everybody's driveway. I see a car at the end of the driveway, I put my stuff on and I head down the driveway to see who it is. As I get halfway down the driveway a car comes down with one headlight, drives into The Oaks, it was a County cop that was sitting at the end of the driveway because he had complaints that something was going on. I followed him up in the driveway, as soon as he gets into the driveway, we had about fifteen shots ring out. Just one right after another. I called the County, I said, you know what, you guys got shots fired out there, there is not a good situation, I was worried for the officer, you have five hundred people with no supervision at a location. People rent this space all weekend long for parties, I am not saying all of it is bad, I am saying when you have no supervision and nobody there, how do you know when it's bad? You can't wait until you have a problem to fix the problem, there needs to be certain steps in hours of operation, certain criteria, supervision. The security that was hired there the other night was Rodney Taylor, he was hired by somebody that rented The Oaks, he got out of prison for bank robbery about four months prior to that, that was his security guard. If you are going to hire a security guard who just got out of prison, what makes us, the neighbors think that you can run a facility. That is just some of my questions. So after the shooting, there were people just flying through the neighborhood, they were running through peoples yards, we actually the Nafraties that if they were going rent this place and not supervise it that there would be things like that, they laughed at us, it's in the minutes, they said well you guys don't understand what we are trying to do, now that we see what is really going on, I think we have a pretty good idea, they have something in their bi-laws they said they can't bring alcohol in here but if there is nobody there to supervise what is going on, you don't know. I thank you for your time.

Maurece Bokhart, 16400 Kern Road, Mishawaka, 46544, early in two thousand nine, representations were made by members of the organization to the Council and to the neighboring property owners regarding the types of events that they desired to take place at this facility. When I look back at the review of the paper work dated February fifth of two thousand nine from the Area Board of Zoning Appeals, the following representations were made, were requesting permission for the use of the facility for purpose of providing ministry, educational and counseling services to youth and adults to the community. The overall goal was to create a safe and wholesome faith based community center through a partnership coalition of existing area churches. All things that the neighbors were on board with and the Council was on board with. The expectation was clearly set that this was to be a religious, church related ministry endeavor. Multiple members of the Area Board of Zoning Appeals expressed concerns in February that this not becomes a commercial venture. Throughout the representations were church, ministry, safe and healthy were used so many times I could not count, as far as representing the activities that were going to take place. You heard about the unfortunate events that took place in the morning hours of Sunday, December seventh. It forced the neighbors to open up an investigation into how multiple shootings could possibly take place in a safe and healthy church based environment at two a.m. In our investigation, it became obvious the facility was being rented out to whoever could afford to pay the rental rate. No church affiliation, no ministry being provided what so ever. No counseling going on at two a.m. When the neighbors asked why is there such a variation between what you told us to expect and what is taking place, the response was, "we have bills to pay and our original intended uses were not generating enough revenue to cover the expenses. This desire to control expenses also led to another very serious and negligent decision by The Oaks board. To provide the facility to the renters with no Oaks employees or professional security personnel being on site. March tenth, two thousand nine, to the Council, Mr. Nafratie, a representative of The Oaks said, "There will be controlled hours and supervision at all times." That is verbatim from the Council notes. In closing, the Council approached us in good faith; you were duped in the activities that are taking place in that facility is not what you approved.

Jessica Keating, 510 S. St. Joseph Apt. 1, South Bend, I am here to speak in support of the patient safety ordinance, 69-14. Our local abortion provider and medical director of the Women's Pavilion falls well below an acceptable standard of care for the women of St. Joseph County. In two thousand and twelve, there were nine violations at the Women's Pavilion. In the most recent inspection, twenty seven. As you now, St. Joseph County has seven Ambulatory/Out Patient centers. Four of those facilities had no violations in their last survey report, one facility had one violation, one facility had three violations and one facility had four violations. The average number of violations in the County for Ambulatory/Out Patient center in two thousand fourteen was one point one compared to twenty seven. Ambulatory/Out Patient Surgery Center's must maintain a written transfer agreement with the hospital for immediate acceptance for patients who develop complications or require post operative confinement. A transfer agreement is not required of our abortion clinic, moreover, Ambulatory/Out Patient Surgery Centers physicians performing surgery in the center must maintain admitting privileges at a hospital in the same county or an adjacent Indiana County, again the same is not true for our local provider. At Women's Pavilion, women are undergoing medical, surgical procedures, yet they do not receive the same standard of care as others undergoing similar procedures, as you know, I could detail many of these violations, I did so at the January County Council meeting. I won't repeat them here, it is clear our abortion provider shows a clear disregard for state health codes and maintaining an acceptable standard of care. This is about providing quality and continuous care for women. This is not about religion and it's not about being pro choice or pro life. In fact, people of both sides of the abortion debate should and can agree on the patient safety ordinance. This is about healthcare; it is about ensuring the women in our community are protected by sub standard care. That they may be subjected to, when they undergo or are recovering from an abortion procedure at the Women's Pavilion. County Council member, I realize this is a very contentious topic and I am sure you would rather not be here all night hearing from the entire audience. I too hope we will not be redundant but only bring forth new information. I represent many supporters of the bill here tonight and I want to recognize them now by a show of hands.

Pam Claeys, 1106 Bellevue, South Bend, 46615, I come here to speak against the patient safety ordinance. This is one hundred percent unrelated to county business. The ordinance is redundant. The Council was elected to govern the county business. I urge each of you to oppose this ordinance.

Joyce Wegs, 1531 Pine Top Tr. Mishawaka, 46545, the authors of this ordinance do not seem to be aware of the financial cost this ordinance could impose. Councilmember Herbster has cited the successful passage of the similar ordinance in Allen County in two thousand and ten, he failed to mention that it was challenged in the courts, thus costing tax payer dollars that could have been used to fund public health needs for Allen County residents. The current state law regarding admission privileges was enacted since the Allen County case. It allows for the abortion provider to have back up providers who do have admission privileges. It's important to note that the proposed wants to trump current state law under which our local provider is compliant.

Claire Furquist, 523 S. St. Joseph Street, South Bend, 46601, I am also here in support of the patient safety ordinance. I believe the lack of medical accountability in our county for abortion providers is directly related to this County Council's business. I just would like the Council these surgeries are serious. There have been many complaints against Dr. Klopfer and this requires serious action.

Audrey Rabenberger, 18250 Dunn Rd. 4104B South Bend, I am here to add a modest voice to the supporters of 69-14. Young women need, require and deserve adequate medical care. It is an easy decision to make to add modest regulations to an industry that is doing difficult things to women.

Shalissa Hicks-Hinton, 2215 Weisser Pk. Ave. Ft. Wayne, 46803, on February nineteenth, two thousand nine, I went to the Ft. Wayne Women's Health Organization to get an abortion and that is something I totally don't believe in but at the time, I was very angry. Dr. Klopfer said that after the abortion he did another ultrasound and that was everything was removed. Four days later I was still hurting, bleeding and passing fetal tissue. On February the twenty third I went to the ER at Parkview Hospital, come to find out I needed a D&C because of all of the placenta was still left in me along with a lot of the fetal tissue. When I called Dr. Klopfer to let him know what happened he basically said he doesn't know what my doctors beliefs are and if you can prove to me that I left that in you then I will give you your money back, I told him when I get up there, I will be up there, with all the paperwork and everything they needed and what they did that day. In the paperwork it also said that I was over the term of getting the abortion and that he did it anyway and I was farther then what he told me I was. They ended up admitting me, my doctor said that I was lucky that I came to the hospital when I did because I did get an infection due to the fetal tissue and placenta inside of me; he said I could have died. I also complained to the Attorney General's office for his negligence. For some reason they say they did not find any negligence that he did. When I went up there to get my money, he only gave me back three eighty, it's four eighty, he said that you just basically got a free abortion. He was very rude; we had words after that, so that is my story.

Mr. Herbster: I just want to thank you, I know this is a very sensitive and difficult issue, I appreciate your courage and willing to speak up, something that's so personal to you I am sure.

Cathie Humbarger, 4325 Winding Way Dr. Ft. Wayne, 46835, I am here to speak on favor of the patient safety ordinance and to share comments from Dr. Jeffery Cly, a board certified obstetrician and gynecologist with Northeast OBGYN of Ft. Wayne physicians group. He writes: Multiple serious complications have occurred and still are occurring weekly to women in Indiana who seek elective pregnancy terminations. I became aware of the inferior medical care and medical negligence that has been occurring that after two of my patients suffered serious life threatening complications from elective terminations. After caring for these two women and correcting the complications that occurred of the questionable care of another physician, I felt it necessary to become involved in this process in other women and patients from needlessly suffering the same complications. The first patient had become pregnant and underwent an elected termination prior to notifying our office of the pregnancy. She showed up in the ER several days later with a severe uterine infection, vaginal hemorrhaging, severe abdominal pain, fever, chills, nausea and vomiting. The ultrasound performed in the ER showed pieces of the baby were left inside and had become necrotic. I immediately had to perform a dilation and curettage to finish the abortion in order to save the patient from sepsis, a life threatening total blood stream infection and to attempt to save her uterus so that she can preserve her fertility as she was only twenty years old and wanted children in the future. Unfortunately, due to the pain and infection, she required a hysterectomy to fix her symptoms. She cannot have any more children as a result of these complications, all of which could have been prevented with proper emergency on call coverage and quality over site. The second patient from my practice also had a termination performed prior to notifying our office. Without anywhere else to turn, the patient went to the ER and I was called and said she had delivered a baby our group in the past, this patient had severe abdominal pain and heavy vaginal bleeding, again pieces of the baby were seen on the ultrasound from an incomplete termination. The patient was much more fortunate and didn't lose her uterus and will be able to have children again. I have been a quality assurance committee chairman at DuPont Hospital, every hospital has a quality assurance committee, and the committee reviews every single complication, surgical infection or procedural complication that occurs. The system is completely done by physicians and it allows us to ensure that physicians are not harming patients because of sub standard medical care negligence. The lawsuit that was brought against the Allen County ordinance did in fact occur, the ordinance did stand a court challenge and I would ask you to not allow the threat of legal action to keep you from doing what's right, to protect patients.

Linda Zimmerman, 5747 N. 350 E. Columbia City, 46725, This is not about abortion, my testimony is on the complication rates of abortions. When I began my walk with Pro Live Ministers, my life was to save babies. But very quickly I changed my mind. I was a sidewalk counselor, trying to offer help to women at that point, I have done that for over twenty seven years in front of George Klopfer's Fort Wayne Clinic. In my years of pro life work, I have met many women who have had abortion complications. It's for those reasons for those reasons I testify down in Indianapolis before a state legislature and it was for those reasons I was quite shocked to hear Planned Parenthood gave testimony in that hearing that said Guttmacher Institute said there was only one point five percent complications rates from abortion. I wrote the institute and asked them how they could substantiate that figure. They wrote back and said they could not substantiate that, it was an estimate that they really didn't know because a hospital is not required to keep statistics on abortion complications. At that point I went to our two local hospitals, I went to the administrative offices and asked them if they kept record of the complication rates from abortion and they said no, they don't. I encourage you to support this ordinance.

Diane Griffin, 51333 Outer Dr. South Bend, 46628. I am here in favor the the patient safety bill. I am a nurse, I have seen many complications. These procedures need a gynecology follow up. They need the accountability follow up.

Lisa Everett, 22160 White Spruce Ct. South Bend, 46628, I am here tonight as a woman who really has a heart for other women who have experienced any kind of after math, whether it's physical, emotional or spiritual from their abortion experience. If there is any doubt in your mind of this ordinance, in which I speak in favor of, would help ensure the physical safety of women in our community, then I would respectfully consider that. It's about holding all physicians in our community to the same standard of care of the well being of women and their families.

Lesley Walker, 1305 Wall South Bend, 46615, after listening tonight, I wanted to give you the face of someone who has had an abortion. I had an abortion when I was in my early twenties. One out of three women in the United States of America have abortions, and most of those women live healthy, happy and fulfilled lives, I have a wonderful family that I love and I don't believe the folks here in this room here today should have the right to impose their religious views on me.

April Lidinsky, 536 S. Sunnyside Ave. South Bend, 46628, I would like to see the County Council do, which is pro active, we all share common ground which is lowering unwanted pregnancies in our County. The way to do that is not to waste our money with legislation; we know how to do that. There are counties and communities all over the country making a commitment to better sexual education, better access to birth control, making sure there are more providers for all different kinds of reproductive health so that one kind of provider is not stigmatized.

Frank Maeknick, 61545 Greentree South Bend, I also had a position similar to the one you have. I came up here without notes. My youngest son is an emergency room physician. When all this came about and was in the paper, I asked him, "is this something really necessary, they want to have a back up doctor?" He told me, "It happens a lot." I asked him, "Why are they going to the emergency room?" He tells me, "the abortion providers almost universally, so not have a back up, not like your family physician, when someone has a problem and goes back to the abortionist, they are almost universally we can't do anything for you, you will have to go someplace else." When he sees them come into an emergency room, they are in distress. I think you need to protect these women in this colony. They need a back up physician.

Caroline Cole, 510 S. St. Joseph St. Apt. 4, South Bend, IN 46601, I am here to express my support for this bill. It should be clear that knowingly subjecting women to a doctor whose credentials have been called into question time and time again in an unsafe procedure is a greater injustice.

Ryan Mullet 1846 E. Donald St. South Bend, 46613, I am a resident of South Bend and I vote. 69-14 is completely unnecessary, if it was necessary, then I would think admitting privileges for mid-wives would be higher priority for you, given that birth is a higher risk than terminating a pregnancy. I urge you to vote no. I would also suggest you apologize to women for marginalizing them and their health care decisions.

Dr. Michelle Miglore, 50965 Briarwood Ct. Granger 46530, this ordinance is unnecessary. I would suggest, if you have a problem with a physician, you need to report that physician to the State Board of Health. File those charges.

Becky Williams, 507 W. Navarre Apt. A South Bend, I am here to oppose this bill. The abortion has the same risk of complication as a colonoscopy. I have learned that admitting privileges do not ensure patient safety. This is a veiled attempt to stop women from having abortions. Please vote no.

Leah Morley, 815 E. Wayne St. South Bend, I am a manager and a patient educator at the Women's Pavilion so I can provide some insight on some things that have been spoken about. Of the violations, we acknowledge and are addressing them and are in cooperation with ISDH, I would like to point out none of the violations have not put any patient safety in danger, they are all not relevant to that at all. None of our patients have needed to go to the hospital in... with those violations. That is one way this bill does not make sense. If a patient has complications, they can call our twenty four hour answering service that can get a hold of our doctor at any time and we already have a back up doctor, what this bill does is it makes our back up doctor's name public and I would like to know why. You are wasting times with these useless bills.

Aaron Seng, 327 N. Hill St. South Bend, I'd like to support this bill.

Laura McGuire, 14731 Carrigan Ct. Granger, Let's raise the bar, not lower the bar and I also disagree that the Women's Pavilion is not participating in the good way with the Indiana State Department of Health, they have not filed corrected action for the twenty seven violations that were noticed at the end of October, they were sent out a five day letter to comply again, still have not replied and they are being sent enforcement action, they are not participating, you are not hearing the truth.

Father Jim Rosselli, 402 Niessu La Port, 46350, I would like to point out I am religious and I am anti abortion and I don't think that has a negative effect of intelligence of ability to evaluate situations. What we are facing here is a matter of theory versus practice. What we here is pro abortion lobby is theory. What we here is how the doctor who is performing a perfectly safe, legal ordinary routine procedure, who is the backup physician for this safe ordinary procedure should not have his name publicly known because it might embarrass him. What we hear is that there is an underlying agenda to keep women from having abortions. Personally I hope that's true, full disclosure, I would like to see abortions that do not threaten the life of the mother finished. That is my personal opinion. What I can do is I can point out the fact that we have time and time again heard solid, factual testimony on the danger of not having an immediately available backup physician. We need to address this list.

Dr. John Rice, 1220 Eaton Dr. South Bend, I am a pediatrician, I have had patients who have undergone abortions, I have had mothers of patients who have undergone abortions and I have a very deep concern for the safety of those

women as well as for their unborn children. It's tempting as a Council to want to avoid the controversy. It's been said this is too controversial and it's not something you shouldn't be dealing with but this is exactly what we elected you to deal with. I urge you to step up to the plate, to take this opportunity to address this situation and to provide for the safety of the women of St. Joseph County. This bill provides for safety and oversight which I and all physicians should welcome. This bill takes the coverage to a higher level than the state law requires because under state law it can be any physician, so you could have a dermatologist covering for an abortionist. Does a dermatologist really understand the complications of a gynecological surgery? No. So it should be someone who is certified in that field of medicine. I would ask you to think about your vote here is going to determine whether some women down the road is in a safe situation or an unsafe situation. That woman's life right now is in your hands.

Ambrosia Lafluer, 1006 S. 30th Street. South Bend, 46615, this legislation is just another barrier to abortion. Please oppose this bill; this is a waste of everyone's time.

Mr. Catanzarite: I would like to commend Ms. Lafluer for sharing her experience with us.

Jessica Birch, 112 Laurel St. South Bend, 46615, I am asking the Council to focus on facts. Not on stories and hearsay with no support. The facts are, abortions are safe. We keep hearing about protecting women. I don't need protecting. I have a brain; I can make our own decisions. Why don't we have faith in the medical field?

Mr. Herbster: I just want to note for the record, I have never said that this bill isn't about abortion, at least to some extent, it certainly in regard to patient care. Mike Hamann and I proposed this because we did have serious concerns about abortion providers and wanted to find a reasonable regulations that would ensure patient safety regarding abortion so that is why I do refer to it as the abortion bill, however, I am hopefully in the final stages of amending the bill to include Ambulatory Surgical Centers which provides very similar services in an outpatient context and just going to verify their admitting privileges.

Tim Kaiser, 112 Laurel St. South Bend, 46601, according to the CDC there were point seven legal induced abortion related deaths per one hundred thousand reported in the US for the years two thousand three through two thousand ten versus seventeen point eight per one hundred thousand pregnancies. There are your facts.

Carrie Martz, 55815 Wild Game Drive, Osceola, 46561, who here is under the idea that St. Joe is going to admit an abortion provider admitting privileges? Memorial? You tell me that politics isn't playing a role here, that your religious beliefs aren't playing a role here? If this is about keeping women safe you'd make sure abortion providers are not ostracized, they are not harassed, that they can perform their medical procedures without interference. That is what we need to keep women safe.

Andi Trowbridge, 4240 Hickory Rd. Apt. 1D Mishawaka, 46545, I am here to let you know I oppose this measure.

Patrick Mangan, 1719 Midwyn St. Citizens for Community Values, we need to meet more often like this on more issues so that these issues are thought through with civility and intelligence. I would like to thank Dan and Mike courageous enough to bring this forward. This is about the public health and safety issue of the women of St. Joseph County.

Loyd S. Weldy, 16557 Cleveland Rd. Granger, 46530, I am here to speak on behalf of this patient safety ordinance. I don't understand how some of you can argue to keep the bar so low for a doctor with such a shotty record. This is about the safety of the young ladies of our community. On another topic, I am not sure if you are aware of the letter that was sent to the The Oaks sent to the neighbors; I have a copy of the letter. Its one incident in a six year period of a group of people who are doing good work. I have attended church services in that facility.

Mr. Catanzarite: On the nature of The Oaks, I want to address some of those folks; I think we should look at a legal remedy, if these people are not in compliance with what we agreed to in two thousand nine, I really think we should have our legal counsel look at this.

Mr. Morton: That is already in place.

Mr. Herbster, Also I am grateful that someone who spoke already on The Oaks is still here, as a Council member who represents the area there, The Oaks at South Pau and the neighbors was brought in early on after the incident and communicating with the board at The Oaks and also the neighbors who reached out to me, one way or the other, we've had some meetings and I have helped facilitate some of that conversation, I know The Oaks takes it very seriously and looking at policies, I know those were sent to David Bassinger and hopefully those will be evaluated and

so it's like there will be some meetings to discuss just some of the particulars of the special use, so, I wanted to add that.

Harriet Harner, 1307 E. Jefferson Blvd. South Bend, from what I understand of the proposed ordinance I would speak against it. If there are things that are not right, they need to be reported. I'm not sure another layer of what already exists is going to be beneficial. I would urge you to look at what is already there.

Noreen Fischer, 1521 Brimfield Dr. Sewickley PA, 15143, I am a junior at the University of Notre Dame, I wasn't planning on talking but what I have learned tonight I am encouraging you to pass this ordinance. As a young woman, I have been concerned about the lack of regulation. I think it's important for you to not remove yourself from the situation.

Joe DeKeever, 2112 Linden Ave. Mishawaka, 46544, I agree completely with the testimony that has been given in support of this proposed bill. We need it, we need to protect women, this is about a health issue and I pray you pass this.

Tom Gill, 17770 Ashford Hills Court, Granger, I am a member of the Board of Directors at St. Joseph County Right to Life. A lot of things you hear tonight are irrelevant, what I ask you to do is to really focus on what really matters here. What matters here is we have a doctor performing a surgical procedure in this community and using moderate sedation who has a history of complaints, violations and sub standard care. This is a problem that can't be ignored. Part of the reason is our state laws are just not adequate. I would just ask you would take these next few weeks and really dig into this, don't take anyone's word for it, find out the facts yourself.

Mr. Catanzarite: I really concerned at the State of Indiana and the State Board of Health, I am hearing there is a forty eight page document with twenty seven citations against this clinic and people are asking to take this matter on ourselves when our State of Indiana has already cited them supposedly for twenty seven different violations. I think it fully rests in their laps, they should be doing the follow up, I understand they are not doing the follow up, they have made the inspection, they found the violations, but they are not doing the enforcements side of it. I really think it's disturbing the State of Indiana hasn't stepped up to do their job and causing people like this to come out tonight and have to complain about a local physician that's supposedly has twenty seven violations and a forty eight page document so, I don't think our State Board of Health is doing their job. That is why some of these folks are frustrated here tonight and think we should handle it on a county level and I know our resources are limited, I have not spoken to our health officer, to find out they want to take on something like this or if they can actually handle it but if it ever does come to fruition, if they can get the funding for it, that's going to be a problem....

Mr. Morton: Operative word, IF.

Mr. Hamann: But they do, they see it as a problem.

Mr. Morton: Oh, I am sure they do. I know they do.

Mr. Catanzarite: I pledge to get a hold of the State Board of Health to find out why they are not doing their job, why they are not enforcing the violations that they report to have put down on a forty eight page document.

Mr. Morton: Good point.

Mr. O'Brien: I have an unrelated matter for the privilege of the floor that I just want to bring to the Councils attention and that is regard to a property tax matter that I think is likely to impact St. Joseph County and other counties pretty significantly. I sent out an email about a recent Indiana tax court case, as we are the fiscal body, I want to make sure to let everyone know, this is something that's likely to impact, ties into method of assessment valuation for a lot of different properties, particularly for the big box stores and just let you all know that is something I am digging into and anticipate giving the Council greater update at some point.

Mr. Morton: Mr. O'Brien, I'd like to personally say thank you for not only bringing that to our attention because of the potential huge impact that this may have, so thank you for taking that on.

Adjournment: Mr. Morton stated that the meeting was adjourned 8:17 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

