

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
January 13, 2015

The regular meeting of the St. Joseph County Council was called to order at 6:03 p.m., on January 13, 2015, 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. 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. Root made a motion to nominate Anthony Douglas, Phil Buckmaster, Barbara Sanchez and Tanya Mead to the St. Joseph County Housing Authority and was seconded Mr. McCahill
The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Noland moved and was seconded by Mrs. Hess to approve the minutes of the December 9, 2014 Public Hearing.
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.
No report from any Special Committees.

First Readings:

BILL NO. 1-15: 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 2500 BLOCK OF CLEVELAND ROAD, SOUTH BEND, INDIANA 46628 FROM R SINGLE FAMILY DISTRICT TO M MANUFACTURING DISTRICT
PETITIONER: AXELBERG WISCONSIN LLC
Assigned to the Land Use Planning Committee

Resolution:

SALARY AMENDMENT:

BILL NO. 78-14: 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/PSAP)
Assigned to the Human Services/Criminal Justice Committee

Mr. McCahill reported that Bill No.78-14 comes with a favorable recommendation.
Todd Geers, Executive Director of Public Safety Communications Consortium, the ordinance before you tonight is to request approval to hire temporarily up to five part time telecommunicators for this year only to augment the dispatch center operations, there are three reasons for my request, one is to facilitate the training of full time staff during the course of this year for all the new systems that we will purchase, the second is until such time when we are fully

consolidated at the end of the year, we need one additional fire and EMS dispatch console and the third is for us to maintain our accreditation, we need to have a continuous quality analysis program and hiring this additional staff will enable us to continue this important mission.

Motion to pass Bill No. 78-14 was made by Mr. Herbster and seconded by Mr. Noland. Bill No. 78-14 was passed to-wit; 9-0.

Public Hearing/Public Comment:

BILL NO. 79-14: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFERS:

A. Circuit Court
County Drug Fund

FROM: 1148-65030-000-0019	Inter Fund Transfer	\$ 48,421.00
TO: 1148-39205-000-0019	Community Grants	48,421.00

TOTAL: \$48,421.00

B. Commissioners/PSAP
Statewide 911

1222-65030-000-0034	Inter Fund Transfer	\$ 148,000.00
4930-11950-000-0034	Part Time	148,000.00

TOTAL: \$148,000.00

APPROPRIATE:

C. County Drainage
General Drain Impr.

1158-39431-000-0022	General Drain Improvement	\$ 25,000.75
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County Drainage
Drainage Maintenance

2700-39431-000-0022	Repair Drainage System	\$ 79,200.00
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TOTAL: \$104,200.75

D. County Surveyor
Surveyor Corner Fund

1202-31070-000-0023	Other Contractual Services	\$ 20,000.00
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TOTAL: \$20,000.00

Motion to pass Bill No. 79-14 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 79-14 was passed to-wit; 9-0.

Public Hearing/Miscellaneous Matters:

Public Hearing/Land Use Planning:

BILL NO. 71-14: 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 52682 CURRENT ROAD, GRANGER IN 46530, FROM A – AGRICULTURAL TO PUD – PLANNED UNIT DEVELOPMENT DISTRICT
PETITIONER: ST. JOE FARM LIMITED LIABILITY COMPANY
Assigned to the Land Use Planning Committee

Mr. Noland reported that Bill No. 71-14 comes with a favorable recommendation.

Angela Smith, Area Plan Commission, the petition before you is belong Current Road just north of Cleveland, south of the bypass, commonly known as St. Joe Farms, the farm has been in operation for a long time. They are wishing to rezone approximately twenty seven acres of the farm to use for various things under the planned unit development, to continue with the outdoor recreation that they currently have on the site, the agricultural uses and to allow for banquet facilities and other recreational facilities on the site. The rezoning will not encompass the entire farm, simply the area shown here on the map which includes mostly the agricultural buildings. The area is primarily agricultural with some residential, mostly north of the toll road. This comes to you from the Area Plan Commission with a favorable recommendation.

Frank Agostino, 133 S. Taylor Street, South Bend, I am the attorney for the St. Joseph Farm Limited Liability Company, the purpose of this rezoning as was stated is to repurpose some of the buildings there that are being currently not used on the farm, specifically there is a dairy farm that would be an event center, it's not going to have a kitchen so it won't really be a banquet, a true banquet center but it would be a place where you can set up the tables, chairs, hold weddings, you can hold reunions, you can hold graduation parties, there is currently being used on the property, for which there is already a special exception, the horse barn area and the indoor soccer facility and the proposed expansion of that possibly to include sand volleyball and then the former dormitory there used by the brothers would be used then as a facility for those who would rent the farm for a wedding or such, if they want to spend over nights on the farm after their event that they could spend there at the facility. That would be the proposed changes to the facility; it's repurposing again some buildings that aren't being used. It also keeps the identity of the farm as a farm in this case; a large part of these fourteen hundred acres is still all agricultural. I would be happy to answer any questions.

Motion to pass Bill No. 71-14 was made by Mr. O'Brien and seconded by Mrs. Hess. Bill No. 71-14 was passed to-wit; 9-0.

Unfinished Business:

Mr. Root: I'd like to read some correspondence that I received from James and Margaret Kidder. I am quoting their correspondence here: "We read the Tribune on line story of the Council meeting. Mr. Faccenda, who is apparently GSM's attorney, was not very truthful in his representation of his contact or lack of the same with us. Enough said, he is their attorney and wanted it to happen without any glitches like... light of day. It's done; we will see how it plays out." James and Margaret Kidder.

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 choose 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 choose 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 nosy. 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, and 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 6:58 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council

