

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
August 9, 2016

The regular meeting of the St. Joseph County Council was called to order at 6:04 p.m., on August 9, 2016, 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 Noland
Mr. James O'Brien
Ms. Diana Hess
Mr. Rafael Morton
Mr. Mark P. Telloyan
Mr. Mark A. Catanzarite
Mr. Robert McCahill
Mr. Mark Root

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

Petitions, Communications & Miscellaneous Matters:

Ms. Hess made the motion to nominate Andy Laidig, Rod Schroeder and Sheila Sieradozski to the Agricultural Advisory Board was seconded by Mr. Kruszynski. The motion was passed by a voice vote; 9-0.

Mr. McCahill made a motion to approve the minutes of the July 12, 2016 and the June 29, 2016 Food and Beverage meeting and was seconded by Mr. Noland, the motion was passed by a voice vote; 9-0.

No report from the County Auditor
Report from the County Commissioner:

Mr. Catanzarite: I would like to add that the South Shore Commuter Railroad was one of the recipients of the recent Regional Cities grant money for our county, we did get eight hundred thousand dollars that will go toward a study to analyze what the impact would be to double track the railroad from South Bend to Chicago. I appreciate everyone's support.

Mr. Morton: Thank you for that report Mr. Catanzarite, I thank you for all your work on the NICTD Board.

First Readings:

BILL NO. 44-16: PETITION TO VACATE PUBLIC WAYS AND PUBLIC PLACES WITHIN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA PETITIONER: PATRICK KOWALSKI
Assigned to the Land Use Planning Committee

BILL NO. 48-16: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY HAYES TOWERS FOR THE PROPERTY LOCATED AT 51856 ELM ROAD, GRANGER, IN 46350 THE SAME BEING PETITION NO. 08-03-16-21 FILED WITH THE AREA BOARD OF ZONING APPEALS
PETITIONER: HAYES TOWERS
Assigned to the Land Use Planning Committee

BILL NO. 49-16: 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 10343, 10289 and 10261 McKINLEY HIGHWAY FROM R SINGLE FAMILY DISTRICT, M MANUFACTURING INDUSTRIAL DISTRICT, C COMMERCIAL DISTRICT TO M MANUFACTURING INDUSTRIAL DISTRICT AND GRANTING A SPECIAL USE PERMIT FOR MINING, LOADING, AND HAULING OF SAND, GRAVEL OR OTHER AGGREGATE AND/OR THE PROCESSING THEREOF

PETITIONER(S): MARK OLSER, KARE BEAR LEARNING CENTER, INC, AND MM BRANDON LLC
Assigned to the Land Use Planning Committee

BILL NO. 50-16: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE MISHAWAKA-PENN-HARRIS-PUBLIC LIBRARY
Assigned to the Budget and Administration Committee

BILL NO. 52-16: AN ORDINANCE ESTABLISHING RESPONSIVE AND RESPONSIBLE VENDOR REQUIREMENTS AND A COMMITMENT TO COMMUNITY ECONOMIC INVESTMENT
PETITIONER: ROBERT L. KRUSZYNSKI, JR AND DIANA HESS
Assigned to the Budget and Administration Committee

BILL NO. 53-16: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL DECLARING A PORTION OF ST. JOSEPH COUNTY AN ECONOMIC REVITALIZATION AREA, PURSUANT TO I.C. § 6-1.1-12.1-1, ET. SEQ.
(SMS SHREDDING, LLC) DECLARATORY RESOLUTION
Assigned to the Land Use Planning Committee

Resolution:

BILL NO. 51-16: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL RECOGNIZING THE HONORABLE MICHAEL G. GOTSCH, SR., JUDGE OF THE ST. JOSEPH CIRCUIT COURT

Mr. Morton: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL RECOGNIZING THE HONORABLE MICHAEL G. GOTSCH, SR., JUDGE OF THE ST. JOSEPH CIRCUIT COURT

WHEREAS, Michael G. Gotsch, Sr. is the Judge of the St. Joseph Circuit Court of St. Joseph County, Indiana having been appointed by Governor Joseph E. Kernan in May 2004 and elected in November 2004 to a six year term and re-elected in November 2010 to a six year term; and

WHEREAS, Judge Gotsch had a distinguished career prior to becoming St. Joseph Circuit Court Judge which included serving as a Chief Deputy Prosecuting Attorney and Chief of Staff in the St. Joseph County Prosecutor's Office, Council for the St. Joseph County Office of Family and Children, Corporate Counsel for Meridian Title and Executive Director for CASIE Center; and

WHEREAS, before beginning his legal career, Judge Gotsch was commissioned as an officer in the United States Army and during his military career having served as an intelligence officer and was awarded the Army Meritorious Service Medal, Army Commendation Medal and the Army Achievement Award and Judge Gotsch left the military service with the rank of Captain; and

WHEREAS, Judge Gotsch's many honors and awards include the 2015 Indiana State Bar Association Outstanding Judge Award, 2013 North Central Indiana YWCA Man of the Year Tribute, 2010 Indiana Coalition Against Domestic Violence Outstanding Judge Award, and Lifetime Achievement Award from the Indiana Child Support Alliance, LaSalle Council of the Boy Scouts of America Soaring Eagle and Silver Beaver Awards; and

WHEREAS, Judge Gotsch is committed to legal education and public service, and has spoken and lectured at national, state and local continuing judicial and legal education seminars, as well as national, regional and state child welfare conferences; and

WHEREAS, Judge Gotsch is an adjunct faculty member and a moot court/mock trial judge at Notre Dame Law School, his alma mater, and Judge Gotsch has further lectured at the University of Notre Dame, St. Mary's College, Holy Cross College, Bethel College, and IUSB; and

WHEREAS, Judge Gotsch led the efforts to reorganize the public defender's office in St. Joseph County facilitating roughly \$5 million in state funding for public defender services in St. Joseph County; and
WHEREAS, Judge Gotsch diligently worked to improve access to justice through enhanced technology, more accessible facilities, efficiency and teamwork; and
WHEREAS, Judge Gotsch has been selected as a Magistrate Judge in the United States District Court for the Northern District of Indiana on April 26, 2016 and will begin serving in the South Bend Division of the United States District Court on August 12, 2016.

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

Section 1. On behalf of the citizens, the St. Joseph County Council wishes to extend its sincere appreciation and gratitude to Judge, Michael G. Gotsch, Sr. for his many years of service to the public, community and courts.

Section 2. The St. Joseph County Council wishes to acknowledge the tremendous contribution to our community and to the St. Joseph Circuit Court by Judge Gotsch over his distinguished career. Judge Gotsch was respected by all who worked with him, appeared before him, and will be greatly missed by all who worked with him in the St. Joseph Circuit Court.

Mr. McCahill: I appreciate your time and service, thank you for serving our country and our community.

Mr. Catanzarite: It is not very often we see a two page resolution but it doesn't even begin to describe all the contributions Judge Gotsch has made to our communities. When I first met him, he worked at the Prosecutor's office under Prosecutor Barnes. He was the child support division coordinator and supervisor, that child support division back then as well as today was one of the top leading child support divisions in the state as far as collection and making sure the monies were dispersed to families that needed it and I got to know him more intimately later when he helped us form the Public Defender Board here in St. Joseph County. You really brought the scales of justice to an even playing field for both defendants and people who are indigent by helping us form that board and equally important is the financial impact on our county, something we used to pay for and the county not get reimbursed for now we have seen over five million dollars come back into our county. He has done a lot for our community, he will be missed but I am glad he is staying local, thank you Judge.

Mr. Morton: I would be remised if I didn't say a couple of words. When I first met Judge Gotsch he was, as Mr. Catanzarite said, a deputy prosecutor and he probably doesn't remember this but I was a young councilman and I was riding along with one of our city officers and there was a very precarious crime scene and then Prosecutor Gotsch was there and the way he handled the situation was so different from anyone else at that scene and it's something I will never forget. It just made that type of impression on me not only as a councilman but as a person and it would take probably three hours to express how I feel about the Judge because of things he has done as we have worked together over the years, I just want to say thank you for everything.

Auditor Hamann: I too want to thank you judge for all your work and your service to the county. I have just been very impressed with my every encounter with you. I have always admired you for the way you can see things from a broader picture, not necessarily from partisan perspective. You were always someone I could trust that would regardless of whatever situation we are in you are always seeking to find common ground and very uniquely try to bring peace to a situation. I will really miss you, congratulations and good luck.

Mr. Telloyan: Judge Gotsch, we are going to miss you, speaking on behalf of the bar, I have not appeared in front of you that often but when I did you always treated me and my clients fairly and kindly I appreciate that.

Motion to pass Bill No. 51-16 was made by Mr. McCahill and seconded by Mr. O'Brien. Bill No. 51-16 was passed to-wit; 9-0

Judge Gotsch: My staff is accusing me of engineering a farewell tour and they keep saying when are you actually going to be gone? Friday, they can't keep me beyond Friday because I am being sworn in across the street over at federal court so Friday will be my last day as a circuit court judge. It's an emotional time, it's bittersweet, it's a great opportunity across the street with the federal court, I obviously would not have been interested in it if it had not been a great opportunity. Leaving behind something that you have built up for twelve years is always difficult. I would have to say I am most proud of our staff, I think we have an outstanding staff in the circuit court and they

are going to stay and serve the community and I think you will be well served by them in the coming months. Senior Judge Reedy has been selected by the Chief Justice to fill the remainder of my term so he will serve a four month period until a judge is elected in November election. I feel like I am leaving in good hands and in good shape and a lot of that has to do with the efforts and the support we have had from the Council. We could not have done anything over in circuit court without the support of the council. I think that has made a huge difference to have a true partnership, I feel with the council. I would always try and come with a solution and we would solve the problems together and I think that makes good government, I truly appreciate that partnership and I will miss that. I will just touch briefly on the public defenders since that has been talked about so much, I do think that has made huge difference to the community. There are some southern counties in Indiana that are presently in federal law suits over their public defender services and that's where we would have been had we not stepped up and done that, but again, I brought that to you, you guys said this is what we need to do and we are on board and made it happen. The only regret I have is that my parents didn't make it see this day but I know they are looking down on me from above so I just want to say again, thanks for all the support for all the years and I very much appreciate the resolution.

Public Hearing/Public Comment:

BILL NO. 45-16: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFERS:

A. Highway Maintenance

County Highway

FROM: 1176-11439-000-0062	Overtime	\$40,000.00
TO: 1176-23200-000-0062	Hardware & Tools	40,000.00
	<u>TOTAL: \$40,000.00</u>	

FROM: 1176-22010-000-0064	Gas Oil & Lubricants	\$95,000.00
TO: 1176-44009-000-0064	Heavy Equipment	\$95,000.00
	<u>TOTAL: \$95,000.00</u>	

FROM:1176-22010-000-0064	Gas Oil & Lubricants	\$20,000.00
TO: 1176-36110-000-0064	Repairs-Road Equipment	20,000.00
	<u>TOTAL: \$20,000.00</u>	

B. Area Plan

General Fund

FROM:1000-24010-000-0032	Other Supplies	\$300.00
TO: 1000-33200-000-0032	Photo Blueprint	300.00
	<u>TOTAL: \$300.00</u>	

APPROPRIATION

C. County Engineer

County Highway (MVH)

1176-23210-000-0062	Calcium Chloride	\$300,000.00
1176-44009-000-0064	Heavy Equipment	66,000.00
	<u>TOTAL: \$466,000.00</u>	

D. Emergency Management
HMEP

8121-32050-000-0009	Inst. & Training	\$6,573.47
		<u>TOTAL: \$6,573.47</u>

E. Circuit Court
Drug Free Fund

1148-39205-000-0019	Community Grants	\$5,075.00
		<u>TOTAL: \$5,075.00</u>

F. Health
Health PHEPCA Grant

8134-22148-000-0055	Field Supplies	\$2,000.00
8134-32203-000-0055	Cell Phones	1,500.00
8134-44010-000-0055	Equipment	2,322.00
		<u>TOTAL: \$5,822.00</u>

G. Health
Health Immunization CoAg Grant

8131-11950-000-0055	Part Time	\$21,424.00
8131-14800-000-0055	FICA	1,639.00
8131-21030-000-0055	Office Supplies	15,000.00
8131-32020-000-0055	Travel	990.00
8131-33118-000-0055	Immunization Supplies	2,000.00
8131-33368-000-0055	Public Info & Education	26,100.00
8131-36015-000-0055	Contractual Svc.	4,000.00
8131-44010-000-0055	Equipment	3,000.00
		<u>TOTAL: \$74,153.00</u>

H. Parks
Non Reverting

1179-11476-000-0057	Gatekeepers/Security PT	\$30,000.00
1179-14800-000-0057	FICA	2,300.00
		<u>TOTAL: \$32,300.00</u>

I. PSAP
Statewide E911

1222-37100-000-0013	Auto Lease	\$1,279.32
1222-36051-000-0013	Tech. Lease Equip.	80,000.00
1222-32200-000-0013	Telephone	160,000.00
1222-32071-000-0013	Tech Maint./Support	125,018.00
1222-35015-000-0013	Utilities	74,400.00
1222-35015-000-0013	Contractual Svc.	313,369.66
		<u>TOTAL: \$750,966.98</u>

J. TRANSFER/APPROPRIATE
PSAP
State Wide E911 Fund

TRANSFER:

FROM: 1222-0000-000-0034

TO: 4930-11571-000-0013	Overtime	\$550,000.00
4930-11414-000-0013	Acting Comm. Supervisor Pary Diff.	10,000.00
4930-11950-000-0013	Part Time	1,423.00
	TOTAL:	<u>\$561,423.02</u>

Motion to pass Bill No. 45-16 was made by Mr. Kruszynski and seconded by Mr. McCahill. Bill No. 45-16 was passed to-wit; 9-0 Items I & J against: Mr. O'Brien and Mr. Telloyan

Land Use Planning:

**BILL NO. 47-16: A RESOLUTION OF THE COUNTY COUNCIL AUTHORIZING PERFORMANCE SERVICES TO CONDUCT A MASTER ENERGY PLAN FOR VARIOUS COUNTY FACILITIES
PETITIONER: PERFORMANCE SERVICES**

Mr. Jamie Woods: St. Joseph County Attorney, 420 Lincolnway West, Mishawaka, I want to express the sentiments of Commissioner Fleming that she is has greatly appreciated the work of several members of the council, Mr. Kruszynski, Mr. Noland, Mr. Root and Mr. Morton to bring this project to the point that it is being considered by you tonight for the master energy plan. This is a unique situation for the council to the extent you are the governing body that is required under statute to consider this guaranteed energy savings project that's statutory, this is one of the few instances where the council is the contracting body so that's why this resolution is for your consideration this evening. This is a proposal to allow Performances Services to engage in a master energy savings plan for an amount not to exceed thirty thousand dollars to better define the scope of the services that they would anticipate providing as part of the guaranteed energy savings project here in St. Joseph County. The idea of the energy savings program would be that Performance Services in consultation as well as the working group, the county as a client would develop a list of items, mechanical systems, other things that could be replaced which would create a guarantee energy savings. They money that would pay for those improvements would be the actual energy savings and the county would not be out any money in relation to those savings of cost savings were not achieved because the contractor, Performance Services would guarantee the amount of the improvements in case the energy savings did not come to the equal amount of the project. I am going to turn this over to Mr. Burk.

John Burk, I became a part of this process on March 25th at the request of the commissioners, I was asked to come in and give guidance and help organize the process. I believe the working group made an excellent selection. There are a number of reasons why the team felt strongly about Performance Services doing the work for the county. During the review process, it was noted, by the team that Performance Services had an extraordinary level of transparency in their presentation both written and verbal, they were very transparent about short falls, litigation references and savings results. The next thing, they have an outstanding performance record. Two hundred and fifty one projects completed in the state of Indiana. All of those projects completed with no short falls. They provided references for every single project they did.

Phil Yuska, Performance Services 8716 Haven Point Blvd., Indianapolis, John and Jamie covered everything very well about what our program is about. We are an Indiana company, Indianapolis is our corporate headquarters, majority of our business is working with counties, K-12 schools, hospitals and other organizations in the State of Indiana. Part of the master energy plan again, we will look at all your building assets; you land assets also potential energy generation where it may exists. This should take us about three months to develop that program then we come back to you with some quick fixes talk about implementation options that will generate savings before we even begin a contract or something of that nature and then you will have an opportunity to select from the improvement list what best fits your physical, building or land asset needs.

Mr. Noland: Just to be clear, the up to thirty thousand dollars to get this master plan developed, that can only be spent out of the county's funds if we decide to not go forward with Performance contract, if we go forward with the Performance contract it get's rolled into part of that guarantee savings.

Mr. Yuska: Yes, that's correct.

Mr. O'Brien: So if we do go forward then how much will the contract be?

Mr. Yuska: That's what we are going to develop.

Mr. Noland: Mr. Burk was a tremendous help in doing this, you can imagine the scope of this is much larger than anything I am involved. Thank you.

Mr. Catanzarite: Since we are the party in the contract with Performance Services, who is your point of contact or who are you dealing with, going forward with the next phase of the project?

Mr. Yuska: Normally we would have a point of contact with the county so whether that is John or another person for instance, here at the main county city building, we are working with Bob Hedl. We will look for you to assign a personal contact that we could work with and assist and evaluating our information.

Mr. Morton: I believe that came up at one of our last meetings and between you two distinguished gentlemen you said you volunteer?

Mr. Kruszynski: I do remember volunteering for that.

Motion to pass Bill No. 47-16 was made by Mr. Kruszynski and seconded by Mr. O'Brien. Bill No. 47-16 was passed
to-wit; 9-0

BILL NO. 40-16: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL APPROVING THE AMENDMENT OF PRIOR RESOLUTIONS ESTABLISHING AND AMENDING THE ST. JOSEPH COUNTY ECONOMIC DEVELOPMENT DISTRICT NO. 2 AND AMENDMENT OF THE ECONOMIC DEVELOPMENT PLAN FOR SUCH AREA AND ALL MATTERS RELATED THERETO

Mr. Nolan reported that Bill No. 40-16 comes with a favorable recommendation.

Bill Schalliol, Executive Director of Economic Development, Bill No. 40-16 is a resolution amending St. Joseph County economic development district number two. The purpose of this action item is to modify the boundaries of the current economic development area to rename the economic development area from St. Joseph County economic development district number two to the New Carlisle economic development district area. It would modify the size of the allocation area number one and keep the end date as 2027, it would extend the life of expansion area number one and set an end date of 2038 and then it would create a new allocation area number two and set an end date of 2041 for that allocation area, it would also designate St. Joseph Energy Center and its related entities as a designated tax payer. The last element is to amend the economic development plan and add nineteen properties to the acquisition list, that would be the items that would be contained within Bill No. 40-16. As part of this, we see that this is a way to extend the life of the development area to put some strategy in development and a plan to move the development area forward. We see there are lots of opportunities in this area as evidence tonight on your agenda you have Bill No. 53-16 which is an agenda item related to new equipment and job growth at the shredder facility on Smilax Road.

Christian Brown, St. Joseph County Chamber of Commerce, 101 N. Michigan St. South Bend, one of my core responsibilities at the Chamber is to respond to leads that come in from our state and our regional

partners so if there are any business leads looking at the State of Indiana to place their business. As mentioned in a letter you have all received from our President Jeff Rea we have submitted St. Joseph County economic development area twenty eight times in the last three years, these leads typically need large plots of land usually about fifty acres or more, they need access to rail and also access to divided highways such as State Road 2, State Road 20 and also the interstate. Within the county, this is the closest proximity to shipping ports such as Burns Harbor and the Port of Chicago. By creating and extending this TIFF district as well as moving ahead with bonding capabilities we have the opportunity to show externally that we are serious about developing this area of the county. Jeff and I have heard numerous times that this is one of the largest of its kind in the state. By working towards removing some of the barriers that exists currently, we remove the uncertainty in the eyes of the potential prospects who are looking at our counties. Thank you for this opportunity to speak today.

Jessica Clark: Here on behalf of St. Joseph County Redevelopment Commission, I currently serve as president. At the January redevelopment commission meeting, the redevelopment commission did support and approve unanimously these efforts for the TIFF expansion, redefinition and renaming. We recommend your support to extend this area and guarantee a reliable source of funding for the type of projects in the interest of the redevelopment commission have before them today and to do in the future.

Dan Vermillion, New Carlisle town council, I here just to reiterate what we discussed at the last meeting was the town of New Carlisle is very positive in the situation that is going on east of town in the industrial park, the majority of the citizens are on board with this, we went through this before with Intec, right now, we are moving forward with looking into a water superintendent, we are at this time, we are creating a job description for that. On behalf of the New Carlisle, this is very positive and we just wish to move forward with this.

Mr. Kruszynski: Mr. Vermillion, I know that there has been some discussion in regards to the town of New Carlisle's participation in this and I would like to thank you, if it was you that took the lead in this along with Mr. Schalliol to bring this agreement, hopefully, down the line to the tables. We would like to be a good working partner with you and thank you for your help and support.

Mr. Vermillion: We appreciate it, thank you very much.

Mr. Schalliol: Again, over the last five months over twenty one different presentations of information related to the New Carlisle economic development. We have covered a lot of ground; we have made a lot of changes based on the feedback we received from the council, the town, from member groups, from business associations so there has been a lot of opportunity for input and discussion. We see approval today would be a progressive step in moving economic development forward in St. Joseph County.

Mr. Kruszynski: Mr. Schalliol, you mentioned in your earlier presentation that some appraisals are being done or you have acquired some property already?

Mr. Schalliol: We have done fourteen appraisals at this point. Seven of those would be for acquisition, the rest would be to set values and understand base values for values of properties in that area. We have some good solid evidence of what those values should be.

Mr. Kruszynski: If the council is to give approval this evening to move forward on this, when do you think the final appraisals will be done?

Mr. Schalliol: If we got approval today and properties were put on the acquisition list, we have a redevelopment commission meeting on the 18th and as soon as the 18th start the acquisition process.

Mr. O'Brien: I would like to say I appreciate the hard work that is being done on this project, I am not going to be supportive of the matter. I have tremendous concerns with the use of TIFF's and the expansion of TIFF's. This project appears to me to push the envelope all the way to the very limit of how much life can be added to these TIFF's. Expanding TIFF's to this extent is dangerous, I would have, could have and I indicated to the commissioners that I would be open to a smaller extension of the TIFF's but this just too much for my appetite and that is not at all to minimize the hard work Mr. Schalliol and the many other folks have put into the project.

Motion to pass Bill No. 40-16 was made by Mr. Noland and seconded by Mr. Kruszynski. Bill No. 40-16 was passed

to-wit; 7-2 Against: Mr. O'Brien and Mr. Telloyan

BILL NO. 41-16: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL, APPROVING THE ISSUANCE OF BONDS BY THE ST. JOSEPH COUNTY REDEVELOPMENT DISTRICT AND TAKING OTHER ACTIONS RELATED THERETO

Mr. Nolan reported that Bill No. 41-16 comes with a favorable recommendation.

Mr. Schalliol: Bill No. 41-16 will do three main things, it will approve the issuance of the ability for the issuance of the bonds by the St. Joseph County redevelopment commission, those bonds would be supported by the TIFF incremental finance revenues generated and allocation in area number one and expansion area number one and would also set a bond cap limit that would be at ten million dollars. The funds from the bond would also be used for the water sewer projection related to the energy center, a project which is due to be complete May 1, 2017 and then also would be used to move forward all those issues and the bond would also have bond issuance coverage costs as part of the bond project. There were several people that were very involved in this project that again, I would like to thank Phil Faccenda, Steve Dalton, Jeremy Rorschach with Donahue, Larry Magliozzi, Jessica Clark, Jamie Woods, the Chamber was key, a lot of bright minds came together to really look at this opportunity and also I would be remised if I didn't also say that Councilman Noland, Councilman Kruszynski and Council President Morton were also very key to the conversation to this, so I thank everybody for their input and their efforts.

Mr. O'Brien: So does this resolution provide for the general obligation guarantee so that the county get's the lower rate upon issuance.

Mr. Schalliol: Yes, if you would like some specifics about the bond elements or the bond structures or any of that I would ask either Phil Faccenda or Todd Griskowski.

Mr. Root: Mr. Schalliol, if the expected economic development does not materialize, is there any risk to the county or the general tax payer that they will have to pay off the bond or does the TIFF have money to pay it off itself?

Mr. Schalliol: The TIFF, we would structure the bond, we pick ten million is the highest point that allocation area one could not only pay back the bond but also provide a coverage ratio that would allow for cover. We are looking at a ten year bond cycle which would be until 2027 but also during this point in time if for some reason we didn't have coverage with the regular pay out with the extra available revenue, we also have an increment that will come in off of the economic development allocation area number two where the energy center is. Plenty of revenue to cover the bonds that we are proposing as part of this.

Mr. Root: Thank you.

Mr. Kruszynski: Moving forward on the bond, I do have a concern in regards to a portion of the projects being the six hundred thousand of the Bendix Woods paving portion of the bond. I know Mr. Schalliol's been on board for nine months but there are a few members of this council, if not all of us that over the years have been very vocal and adamant in trying to get money for paving out at Bendix Woods and that's been through the budget process and through the redevelopment commission over the past few years. I don't feel that this six hundred thousand should be part of the bond so I would make a motion to, that the bond amount not exceed nine point two million dollars.

Mr. Trippel: Mr. Morton, there is a motion on the floor that's been seconded already; you have to take action on the first motion first.

Mr. Morton: Can he (Mr. Noland) rescind his vote?

Mr. Trippel: Mr. Noland could if he chose to. That will require a second as well.

Mr. Noland: He can offer an amendment, correct?

Mr. Trippel: We have a motion and a second to approve the resolution as set forth.

Mr. Morton: Can Mr. Noland....

Mr. Trippel: He can make a motion to rescind his motion but we have to act on the motion that is on the floor first. Mr. Kruszynski could have amended it prior in time of it being seconded but it has been seconded.

Mr. Noland: I would be happy to rescind my motion.

Ms. Hess: Second.

Mr. Morton: All in favor? (Voice vote passed 9-0.)

Mr. Trippel: Now Mr. Kruszynski, it would be well positioned to make his motion if he chooses to.

Mr. Kruszynski: President Morton, I will amend my motion to the bond not to exceed nine point two million dollars.

Ms. Hess: Second.

Mr. O'Brien: A question that might be for Mr. Woods, if the bond issuance goes down to no more than nine point two million, does that result in a reduction to the professional fees specifically bond council fees?

Mr. Woods: No, it does not result in any reduction of fees.

Mr. O'Brien: So the bond council fees would be the same either if we are issuing a million dollar bond or a hundred million dollar bond?

Mr. Woods: I am not saying, in this instance the difference between nine and ten or nine point two and ten would not result in any savings as to the county.

Mr. O'Brien: If it were reduced to six million, would it?

Mr. Woods: My estimation is probably not.

Mr. Faccenda, Attorney, Barnes and Thornburg, the work that is undertaken with regard to this bond issue and that is that, all the economic development work for the redevelopment commission in modifying the TIFF area as well as the issuance of the bonds is the same legal work whether that bond amount is ten million, seven million, six million, four million and our bond council fees are not tied nor can they by law be tied to the size of the bond. Any other questions?

Mr. Noland: Mr. Schalliol, with that six hundred thousand dollars removed what is the impact?

Mr. Schalliol: So if we took that six hundred thousand dollars out, there is an impact, on the other side of that we're buying less of a bond so there's maybe some additional TIFF coming in because of bond size and bond payments are not as high so we will recover some of that back on the other end on a yearly bond TIFF collection, it just reduces some of the immediacy of some of the projects we could move forward.

Mr. Catanzarite: Mr. Kruszynski, you recommended nine point two?

Mr. Kruszynski: Yes.

Mr. Catanzarite: The amount for the Bendix Paving was six hundred thousand, correct?

Mr. Kruszynski: That is what they have here.

Mr. Catanzarite: Are we considering nine point four? The bond was not to exceed ten million, correct?

Mr. Kruszynski: Well, I am looking at some of the other projects on many pieces of pamphlets they passed out and it's nine point seven five then you see ten million so not to exceed ten million so I am just setting the limit to exceed nine point two million. Which is basically eight hundred thousand dollars off the ten million instead of six hundred thousand. I am pretty sure Bill and redevelopment commission can do a little pencil sharpening they can make this work.

Mr. Morton: That's interesting, it does say project funding options bond at ten million amount but when you go down the list of projects like you were saying, it's nine point seven seven five.

Mr. Schalliol: I would say one of the reasons I went to law school because I couldn't go to accounting schools because my math skills are poor, that does add up, as we look at property acquisition as it's related to the ditch project that, the ditch project is listed in there presently at one point five million, property acquisition is one of those numbers that could grow as part of that specifically as we look at the ditch relocation going south. Again, we picked ten million because it was a supportable number based on the amount.

Mr. Noland: Mr. Schalliol, the water and sewer and line that was awarded, how in line is that with the estimates that we were given?

Mr. Schalliol: It was very close, it was actually below the engineer's estimate which is always nice to have your bid come in below your construction estimate.

Mr. Kruszynski: Just to comment on Mr. Catanzarite's math, I am just going off the paper that was provided to me.

Mr. Catanzarite: My question was more would you be willing to amend your amendment to reflect nine point four versus nine point two.

Mr. Schalliol: I would just like to say we appreciate the opportunity to partnership with the parks department and cover that cost, it's a cost as was mentioned has been in budgets and out of budgets.

Mr. Morton: There is a motion on the floor, a motion and a second on the floor for the bond amount not to exceed nine point two million.

Motion to have the bond not to exceed nine point two million dollars was made by Mr. Kruszynski and seconded by Ms. Hess. The amendment to Bill No. 14-16 was passed to-wit; 6-3 Against: Mr. O'Brien, Mr. Telloyan and Mr. Root.

Mr. Root: Mr. President, was the vote on the amendment or the final vote?

Mr. Morton: It really wasn't an amendment, we took it back off the floor and he made another one.

Mr. Root: He made an amendment; we need to vote on the amendment.

Mr. Trippel: There was no, it was advertised as ten million the only thing that was changed was the money so he can reduce that to nine point two and that was approved.

Unfinished Business:

New Business:

Mike Deniston, Mike Deniston Budget Consulting, here tonight about the non binding reviews by the council. The process was changed by the legislature for 2016 pay 2017 which directly effects what we are doing. The numbers on the estimated property tax caps generated by the DLGF are just on the verge of nonsensical. They took into consideration no assessed value growth, they assumed all debt at zero cash balances of June 30th therefore all debt payments in December of this year both payments due in 2017 and 2018 first payment were all considered property tax. With that, it inflated the property tax cap amounts so you couldn't compare them to the prior year. Basically, what the law says the council must review the estimated maximum levy presented by the DLGF and the estimated property tax cap for each unit. Afterwards you can make a recommendation or you can opt not to make a recommendation and if that's the case, after the minutes of this meeting are approved at the next meeting, then a copy of every unit of government would get a copy of this meeting. Those are the two options, if everybody has had a chance, this was emailed to you before, it's just a condensed version, there is really not much to go over but I would be glad to read every one of them if you'd like but if you've had a chance to scan these then you have done your job and you can decide which action you want to take. The option for making a recommendation, I wrote on August 9 2016 the St. Joseph County Council reviewed the department of local government finance reports so the estimated property tax limits due to the circuit breakers for each taxing unit according IC-6-1.1-17-3.6. The Council recommends that each taxing unit remains within their maximum allowable tax levy limits as provided by the department of local government finance.

Mr. Noland made a motion to send out as read from Mr. Deniston and was seconded by Mr. O'Brien. The motion was passed by a voice vote 9-0.

Privilege of the floor:

Bill Carley, 51901 Elm Road, Granger, I am opposed to the cell phone tower. I have lived there eleven years, he can build it, go north of us, he can go south east of us, you can take it west of St. Pius or go north to the fire station. I would hope you would take this into consideration for my quality of life and my neighbor's quality of life.

Larry (inaudible), 51925 Elm Rd. I too have the same feelings about this tower, there are other locations that are owned by the township.

Mr. Morton: This is just first reading tonight. I just want to clarify that.

Adjournment: Mr. Morton stated that the meeting was adjourned 7:34 p.m.

Auditor, St. Joseph County

President, St. Joseph County Council