

BE IT REMEMBERED THAT, The Board of Commissioners of the County of St. Joseph met in a regular session in the County City Building on February 14, 2023 at the hour of 10:00 a.m. (EST) at which time in the following members were present: Carl Baxmeyer, Derek Dieter, and Dr. Deborah Fleming D.M.D. were present.

PLEDGE OF ALLEGIANCE

The minutes of the last meeting were unanimously approved.

OPENING AND READING OF BIDS ON:

SJC lobby remodel
Bree Roberts, Procurement, offices on the 7th floor.

Larson Danielson Construction
LaPorte, IN.

Gibson Lewis LLC
Mishawaka, IN.

Mr. Dieter moved to accept the above request as read and outlined.
Motion seconded by Dr. Fleming.
Motion adopted by a 3-0 vote.

REPORTS AND REQUESTS FROM:

COMMISSIONERS

**A)
IN THE MATTER OF APPROVING
THE ACCOUNTS PAYABLE DOCKETS**

Mr. Dieter moved to accept the Accounts Payable Docket as read and outlined.
Motion seconded by Dr. Fleming.
Motion adopted by a 3-0 vote.

**B)
IN THE MATTER OF APPROVING
RESOLUTION R-2-C-2023-
TRANSITIONING THE RESIDENTS
OF PORTAGE MANOR**

Dr. Fleming moved to postpone the vote until more information is gathered.
Mr. Baxmeyer. Before we vote on that I would like to change the rules and allow for public comments.
Mr. Dieter asks to address Dr. Fleming's motion.
Motion dies for the lack of a second.
Public comments are open.

Dan Caruso, New Carlisle, IN. Not in favor of this resolution.
Robyn Challinor, South Bend, IN. Not in favor of this resolution. Points out several discrepancies within the resolution.
Matt Costello, South Bend, IN. Not in favor of this resolution.
Mike McManus, South Bend, IN. Not in favor of this resolution.
Jake Dailey, New Carlisle, IN. Not in favor of this resolution.
Alicia Feisel, LaPorte, IN. Not in favor of this resolution.
Mark Catanzarite, District G. Not in favor of this resolution. States that the Council has not had time to act on this. Asks for this to be postponed for time to work on this with the Commissioners.
Diana Hess, Council member. Agrees with Mr. Catanzarite. The council did not make this decision that was a false statement, at least all nine members of the council did not make this decision. I would like to see this postponed.

Chris Burkowski, Osceola, IN. States that the resolution is inaccurate.

Cheryl Nix, South Bend, IN. Not in favor of this resolution. Would like to have a task force formed.

Mary Countryman, New Carlisle, IN. Not in favor of this resolution.

Roy Signs, South Bend, IN. Not in favor of this resolution. Feels this resolution is riddled with misinformation.

Sarah Zollman, South Bend, IN. Not in favor of this resolution.

Dr. Fleming. Speaks on how much she tries to help people and loves to do this.

Mr. Dieter. Talks about all the things he has done at Portage Manor. This includes cleaning up 700 bags of trash, feces, dead animals, needles because of the fire explosion from homeless people cooking meth in the woods, mowing grass, the basement is a disaster, etc. People were hunting in the woods; this could endanger the residents. If you want to come after us that is fine but, know what you are talking about. We have looked at ways to make this viable. They are understaffed, under paid and that is an issue we have to look at. The press release could have been better to explain all of that, but we are stuck with three options. Mr. Catanzarite, if you read number one all this stuff is subject to approval of the Council. You guys will make that decision whenever you want. There has been a lot of misinformation out there. We have sent three different companies in there to see how we can make this work. We've looked at all the funding sources. Mr. Dalton can explain that. We are looking at finding suitable places for these people. We are trying to make the best decisions possible. The press release was written poorly and got convoluted.

Mr. Baxmeyer. Mr. Dieter makes a good point about the press release. The wording said the decision had been made by the Council and that was the wrong word. We shouldn't have used the word decision. I take responsibility for that. However, you have to look at the context of which that occurred. When we arrived last Tuesday, the phones were ringing off the hook, there were emails regarding concerns from residents and staff about the closing of the Manor. We had no intention of taking action last Tuesday. They will not close tomorrow this is a step in the process. I had to reassure staff and residents. We have to have options and we will follow that to the letter. This is also presupposing that the council doesn't want to take a different action.

Mr. Dieter moved to accept the above request as read and outlined.

Motion seconded by Mr. Baxmeyer.

Motion adopted by a 2-1 vote.

C)

IN THE MATTER OF APPROVING
RESOLUTION R-3-C-2023-
RATIFYING THE SPECIAL
PURCHASE OF POLICE
VEHICLES

This is to ratify for the special purchasing authority to be used. This resolution cleans things up as required by state statute.

Mr. Dieter moved to accept the above request as read and outlined.

Motion seconded by Dr. Fleming.

Motion adopted by a 3-0 vote.

D)

IN THE MATTER OF APPROVING
RESOLUTION R-4-C-2023-
TO REMOVE COUNCIL
APPOINTED RDC MEMBERS

Mark Cantanzarite, District G. Would like to have this resolution vetoed. I am not aware of anyone on the County Council who has asked you to remove the RDC members as stated in the resolution. We posed the question to our Council president and are awaiting a reply. We duly appointed these members in December of 2022. They were reappointed properly after their employment period had ended in the previous year.

Dan Caruso, New Carlisle, IN. I attend the RDC meetings all of those guys work together they're very cohesive. Each of them specialized in different areas. I can count of them when it comes to the IEC area to ask the right questions. They work well together. I see no reason why you would want to break this up.

Diana Hess, County Council. I have a problem with the process. The resolution states that the new counselors apparently weren't sworn in when the appointments were made.

Three appointments were made, that's because our terms, those of us who were elected or re-elected did not start until January 1, 2023. The vote that we took as duly elected officials still seated in December at the December 6th public hearing to reappoint these individuals was totally appropriate in my opinion. The other thing I am concerned about is when we did originally appoint these individuals to there posts at the Redevelopment Commission we interviewed at least three people for those spots. As a full Council we interviewed these people and then selected them. It was a very open process.

Mike McManus, South Bend, IN. As a citizen I ask this body if have the authority to do this and whether or not the sloppiness of this writing, this resolution, has been vetted and researched and that you have a written opinion to have the legal authority to do this. I say this because as Ms. Hess pointed out the two individuals were duly appointed by a duly elected commissioner. Indian code 36-7-14-17 mandates that upon that appointment Commissioners to the Redevelopment Council shall serve one year terms. There is a provision in here that you've cited that you may terminate them at any time. My understanding of legalese shall beats may anytime. All you're going to do by passing this is mess up the cohesion of the development council and putting us in jeopardy of paying more than the million plus dollars in legal fees that we paid last year just because you're sloppy.

Debra Derail, South Bend, IN. Gives a shout out to Jason Critchlow and Tom Grip. I think when they were appointed, they raised the bar on the Redevelopment Commission's viewing. I and others have made a practice of attending the RDC meetings.

Daniel Schaeztle, Granger, IN. District C. Goes over the voting and percentages of winners and the projections. I believe the voters were clear in November that they wanted a new majority. They wanted new ideas on the Council. The Council at that point was a lame duck Council. I believe these appointments are an example of a lame duck Council. They did the opposite of what the voters wanted. These appointments should have been left for the Republican majority in January. The voters made it clear they wanted a change in direction. I am a Councilmember who has talked with Commissioners and said I believe we should change this. This is not what the voters voted for. I would thank the Commissioners for having the courage to do this.

Chuck Daily, New Carlisle. I heard about the shuffling of chairs on the RDC. I have been seen less because of less representatives of my viewpoint that I could talk to.

Cheryl Nix, South Bend, IN. I looked at the December 6th County Council meeting minutes and it was a unanimous vote for the reappointment of both individuals.

Goes over each individual on the Council at that time and their vote. If you look at the newly elected members and the sitting council we have 5 members of our sitting Council and approved this appointment. I would hardly call it lame duck.

Mary Countryman, New Carlisle, IN. Reads quote, "Part of being successful is to ask questions and to listen to the answers." What have these to gentleman done to basically be fired? When did being a member of a political party become reason to remove a person from their job? Are you afraid to be challenged? Are you scared to be asked questions? It seems as though you want a stacked party and things your way with no input. This is wrong.

Roy Signs, South Bend, IN. I find this interesting along with Portage Manor. I understand change happens that can be good and progressive from time to time. I remember having conversations about transparency and collaboration and the lack thereof. It doesn't seem like that's coming to fruition. I hope you continue to work across whatever lines there are, whether they be party or county verses city lines and do what's best for the community.

Mr. Dieter moved to accept the above request as read and outlined.

Motion seconded by Dr. Fleming.

Motion adopted by a 3-0 vote.

E)
IN THE MATTER OF APPROVING
A CONTRACT WITH AT&T

Frank Fotia, IPG, offices on the 11th floor.

This is to add two additional lines to an existing Centrics contract. There is a minimum of 11 lines per contract which is why we need to add these lines to one of our existing contracts to get the contract price.

Mr. Dieter moved to accept the above request as read and outlined.

Motion seconded by Dr. Fleming.

Motion adopted by a 3-0 vote.

ASSESSOR
IN THE MATTER OF APPROVING
AN AGREEMENT WITH TAX
MANAGEMENT ASSOCIATION

Mike Castellon, County Assessor, offices on the 3rd floor.

This is a contract to conduct a personal property that mirrors the contract we just completed in Mishawaka with great success. The contract looks at compliance and education to the personal property process.

Mr. Dieter moved to accept the above request as read and outlined.

Motion seconded by Dr. Fleming.

Motion adopted by a 3-0 vote.

INFRASTRUCTURE, PLANNING, AND GROWTH:

A)
IN THE MATTER OF APPROVAL
TO APPROVE INDEMNITY AND
CONSENT TO ENCROACHMENT
WITHIN PUBLIC RIGHT OF WAY
AT 24260 EDISON RD

Sky Medors, County Engineer, offices on the 7th floor.

This came to us through the plat process. There is right of way they relinquished to the County. Within part of that is a fence that they would like to keep. It is outside the clear zone for vehicles. This agreement allows them to keep the fence unless for some reason the County needs to go in and use that right of way. It also indemnifies the County from any issues that may occur.

Motion made by Mr. Dieter to accept the recommendation of the Department of Infrastructure Planning and Growth in reference to the above request as read and outlined.

Motion seconded by Dr. Fleming.

Motion adopted by a 3-0 vote.

OLD BUSINESS:

A)
IN THE MATTER OF APPROVAL
TO ADVERTISE FOR BIDS FOR
PSAP EMERGENCY COMMUNICATIONS
TOWER

Peter Agostino, Attorney at law, South Bend, IN.

We are still waiting for an additional contract from Geotech Data. It is a \$3-4 thousand contract. This is necessary so the bids can be released. I will ask you to keep this on the table for now.

Mr. Misch. We have had requests from the public and the media relating to Portage Manor being open. That is not accurate, Portage Manor residents are entitled to have visitors but this is not an open facility that people can just walk in and wonder around. This is someone's home.

Mr. Dieter. So, more disinformation.

Mr. Misch. That's what we are saying, that was completely inaccurate, and it is not allowed under State regs. We can't just have people walking through a healthcare facility and someone's home. If you would like to go to Portage Manor I am sure the staff can make arrangements. If you have a family member or loved one you are welcome to visit them. You can not just walk into the building.

PUBLIC COMMENTS:

Dan Caruso, New Carlisle, IN.

Discusses the change of control of the Council and the re-appointment of the individuals on the RDC.

Mike McManus, South Bend, IN.

Speaks on the lame duck comments.

Mary Countryman, New Carlisle, IN.

Talks about problems not being addressed or taken care of and losing faith in people.

Mark Catnazarite, District G.

Discusses how the Council worked before the turnover and how things were with both parties together not with just certain members. Also discusses the idea of the previous Council being a lame duck Council. The positions are to be appointed prior to the end of the appointment. These appointments to the RDC are unpaid, they are voluntary.

Mr. Baxmeyer. The meeting next week is on Wednesday at 6:00pm.

There being no further business to come before the Board at this time, Mr. Baxmeyer asked for a motion to recess, Mr. Dieter so moved, seconded by Dr. Fleming. Meeting recessed by a 3-0 vote.


ST. JOSEPH COUNTY COMMISSIONERS

*Please refer to the St. Joseph County website for the full audio and visual of the St. Joseph County Commissioners meeting if needed.