

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 May 16, 2023 at the hour of 6:00P.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**

**OPENING AND READING OF BIDS ON:**

Sky Medors, County Engineer, offices on the 7<sup>th</sup> floor.  
R&S 92301D Mainline maintenance Asphalt overlay

Reith Riley Construction Co.  
South Bend, IN.

Milestone Construction North  
South Bend, IN.

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

\*Please see IPG for dollar amounts.

**REPORTS AND REQUESTS FROM:**

COMMISSIONERS

A)  
IN THE MATTER OF APPROVING  
THE ACCOUNTS PAYABLE DOCKETS

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

B)  
CITIZEN OF THE MONTH-April and May

Ray Snyder-April

Milt Lee-May

C)  
YOUTH OF THE MONTH-April and May

Isabella

D)  
BUSINESS OF THE MONTH

Palace of Flowers-April

Bob Miller Appliances-May

E)  
IN THE MATTER OF APPROVING  
BILLS PASSED BY THE ST.  
JOSEPH COUNTY COUNCIL

<u>BILL NO.</u>	<u>ORDINANCE NO.</u>
61-23	67-23
63-23	68-23
64-23	69-23
65-23	70-23
60-23	71-23

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

F)  
IN THE MATTER OF APPROVING  
RATIFYING CONTRACT FROM  
MICHIANA PARTY RENTALS

This was for an event at Portage Manor. A bounce house was rented, unfortunately the contract did not make it for review before the event occurred. Mr. Baxmeyer approved it so the event could have the bounce house. We are now formally ratifying that action.

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

G)  
IN THE MATTER OF APPROVING  
A PRESENTATION FROM THE  
SOUTH BEND/ELKHART REGIONAL  
PARTNERSHIP ABOUT THE  
REGIONAL DEVELOPMENT AUTHORITY

Presentation given by Bethany Hartley. Sharing what this is and request a favorable recommendation to the County Council to renew St. Joseph County's membership in the RDA.

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

H)  
IN THE MATTER OF APPROVING  
AN APPEAL FROM DECISION OF  
PORTAGE TOWNSHIP TRUSTEE

Attorney Garret. This is an appeal of the Portage Township trustee. Indiana law requires that the Board of Commissioners hear any appeals brought by recipients of Township assistance. This essentially acts like a sort of a mini hearing. Miss Hernton, the person appealing will be able to appear and present her case. The Commissioner is allowed to ask any questions that they may have to her, and then the Portage Township trustee will appear and provide his case, and again the Commissioners are allowed to ask any questions of him regarding the assistance. The Commissioners will then either affirm or overrule the decision of the Portage Township trustee. If there are no questions is Candace Hernton here tonight? Is Miss Candace Hetton present? Not seeing this Miss Hernton present, she is required to appear for her appeal to go through, however, so that the Commissioners could have a proper record in the event that she tries to appeal this. My recommendation to the Commissioners would be that the Portage Township Trustee appear, and presents his case so that a record could be made. Good evening, Commissioners, Jason Critchlow, Portage Township trustee, happy to answer any questions you have about this, but I can confirm that Miss Candace Hernton did make an application for assistance. The type of assistance she requested was electric and gas assistance on May 4th the next day, on May 5th we did issue a denial after

reviewing her case. We have cited three parts of the Portage Township assistance guidelines by which we made the determination under wasted resources and lack of personal efforts. We determined that the applicant had received a \$5000 tax refund in February that should have been used to pay her outstanding utilities and it was not. We were not able to verify income. We were not able to verify where her tax income went. She did relate to us that she took a portion of that money and gave it to the father of her children, in the opinion of our office, that should have been used to pay her outstanding utilities. Applicant had been without employment for three years and we determined she had not made efforts to seek consistent employment and she has not provided any verifying inability that she cannot gain employment. Finally, applicant was in our office two previous times. We did approve her assistance in both of those previous times, but we requested that she file or persecute for child support from the father of her children before she would be considered eligible for future assistance. She failed to do so. She acknowledged in her interview that she failed to do so. Yet clearly did not agree with our agreement. Those were the basis for our denial.

Mr. Dieter. Was she aware to be here or?

Mr. Critchlow. Every denial is on a standard state issued form and, on that form, it explains to the applicant what the denial process is. She contacted the County Commissioners office, who received guidance from your legal counsel on what her requirements were. I assume, until unless there was more detail.

Mr. Garret. She has been provided notice by the Commissioners as well as a follow up telephone call from you regarding this. So, if you have no questions for the trustee, a motion to affirm the trustee's decision would be appropriate at this time.

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  
OF A QUOTE AVARD: CLEVELAND  
RD 25 MPH SCHOOL FLASHER

Sky Medors, County Engineer, offices on the 7<sup>th</sup> floor.

It is recommended that this be awarded to Martell Electric LLC in the amount of \$27,150.00.

Motion made by Dr. Fleming 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 Mr. Dieter.

Motion adopted by a 3-0 vote.

#### **OLD BUSINESS:**

HEALTH DEPARTMENT  
IN THE MATTER OF APPROVING  
A BUILDING USE REQUEST-  
"BACK TO SCHOOL" EVENT  
IN MISHAWAKA CCB

Jodie Pairitz, Director of Nursing, offices on the 9<sup>th</sup> floor.

We are requesting to use the County Services Building lobby and parking lot at 219 LWW. This would be on July 22<sup>nd</sup> from 9am-2pm for our back-to-school immunizations event open to the public from 10am-1pm. We will also have community organizations with tables in the lobby and possibly the parking lot.

Mr. Dieter moved to untable the above request.

Motion seconded by Dr. Fleming.

Motion adopted by a 3-0 vote.

Dr. Fleming moved to approve the above request as read and outlined.

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

Portage Manor update:

Mr. Baxmeyer. I just want to make a few comments about this. First of all, I want to thank the taskforce for all the work they did in providing us with the options that we were given. I also want to thank Doctor Atalla for her work and submitting the business plan. I would note that the commissioners asked when we started this that everything anybody who wished to make a proposal do that by today. We have received no other proposals so those are the items of which the commissioners will consider. I had the pleasure of meeting with Mr. Critchlow and Councilman Catanzarite last week, provided a copy of that which was indicated would be given to the other commissioners and the council which it was. We talked about having questions going forward. The comment was made that we were in the press release the last couple days ago from the taskforce that today we would have discussion about this in a presentation because it's already been in the media there's no need to have a presentation at this time. We will certainly begin our due diligence and look at that what has been provided to us for both the taskforce and Doctor Atalla. There probably will be questions and we will move forward from there.

Mark Catanzarite, Saint Joe County Council, South Bend, IN., County Council district G. I was made the chairman of the taskforce that you guys commissioned back on March 21<sup>st</sup> by passing a resolution. Myself and 25 other stakeholders at least, were involved in that process. So, to say that we're probably disappointed tonight is probably an understatement. You know that we couldn't make a presentation publicly we did have the one where we presented to you and did release it to the media last week but we wanted to be able to make a public presentation which I know is not in your purview of this time. Just to give you a little background that we're 25 plus stakeholders representing physicians, Indian landmarks, Oak Lawn, Saint Vincent de Paul, Real Services, Logan Center, Saint Joe county Auditor's office, attorneys from AAK that have been involved in the process, Portage Township trustee Jason Critchlow, councilmembers Hess, Morton, Tanner, Thomas, Drake, myself, commissioner Fleming commissioner Baxmeyer have been at meetings. City Council member Kenneth Lee and Sharon McBride had been to some meetings as well as Trina Robinson from the NAACP. Several lay members of the community came together such as Jenny Piontek who is now a member of the Portage Manor board, John Carlson the Portage Township board president Pam Clays and Dan Kane. All of us came together. Experts who have expertise in the area of government, healthcare, aging related issues probably well over 200 years of experience in the group that got together and met on weekends and after hours to come up with a plan that we thought would be helpful to you guys in the decision-making process and for the Council to consider going forward. We attempted to find a solution as you charged us to. So, included in that report you have on there is four ideas that we put together. We did throughout that time, unsuccessfully, lobbied the state legislature. Due to the untimeliness of our petition to them to trying to find funding reporters manner we're unable to get them to make a decision to provide more funding. There are 88 souls, last count, maybe less. I'm not sure, but there's 88 souls at Portage Manor that are waiting anxiously for decision by you, by us, and the Council that we do the right thing. So, I'm asking you guys to consider them. I know that commissioner Baxmeyer and myself are going to meet with some of them and talk to him Thursday morning and hopefully allay some of the fear that they might have about their fate going forward. Again, I would have preferred to make a presentation formally so the public would have it in their hands. I'm not sure everybody had a chance to see it but thank you for your time.

Jason Critchlow, South Bend, IN. I don't want to reiterate what councilman Catanzarite said, but I thank you again to the taskforce you know amazing sacrifices that they made. I do have copies of the plan here that I'd like to leave if it's OK if people want to grab them, I encourage the council members if they want to have a meeting to talk about details of it or if commissioners would like to continue to meet, we're happy to continue to accommodate that. I guess my sort of parting words on it are just that I do want to

make it clear that I think that all three county commissioners care about Portage Manor I do think, and the proof is in the pudding Deb, we know where you're at. We always have commissioner Baxmeyer has spent a considerable amount of time on this issue. We had a great meeting last week which, a possible 5<sup>th</sup> option came out of, and I don't know if we've, you know, opened all the trapdoors to that. But, I do think that there is a lot of workshopping that is going on behind the door. Commissioner Dieter famously again, the moment he took office was out in the woods of Portage Manor. I don't think anybody can you know truly accuse the commissioners of being cold hearted on this issue. Council is going to have an opportunity to weigh in on that. This is complex so I would take sort of a 10,000 foot view that farther back than Councilman Catanzarite did and just talk about that this is complex but, I don't think it's hyperbole to say that this is a historic crossroads that we're at and being the government nerd that I am I just think it's interesting to acknowledge that we as elected officials get wrapped up in our daily grind and we often forget that many of the decisions and actions that you take are going to be forgotten. They just will. Some next week. Some in a few years. Some in 10 years. Nobody 's going to remember what you did on a rezoning or a particular policy or an economic development action in 10 years but, I do believe that what we do here, will be remembered. The reason why is context, 192 years ago someone just like you that lived in the same neighborhoods you do, walked the same streets you do, held the exact same title that you hold right now. Both our County Commissioners and our County Council members in 1831 started voting to provide services to people to provide care for people who couldn't care for themselves. They prioritized it. They placed it above other things. Our community has been doing that. Our Commissioners and our Council have been doing that for 192 years and every single year every single body of council and commissioners have continued to do that for 192 straight years. So, if this be the year, 2023, that we stop doing these things, I truly hope it's the right decision. I truly hope we have absolutely done all that we can to supplement those services. To provide them somewhere else because I do believe we will be judged for this moment. I do believe it is a moment that will be remembered. I believe our kids and our grandkids, and our future leaders will look back and look at this moment and I think our names will forever be associated with it. I strongly believe I know that you want to do what's best for your community. I know our council members want to do what's best for the community. So, I strongly encourage all of them to take that historical context into mind, make sure we're doing all that we possibly can to supplement those services and I thank you again for the opportunity.

Christine Galvis, South Bend, IN.

Portage Manor and the residents belong together. What are the plans for that land? Please save Portage Manor.

Pam Claeys, South Bend, IN.

Acknowledges the taskforce for Portage Manor. I haven't seen Dr. Atallah's presentation. I would like to have seen the presentations. I trust you will make a good decision.

Tina Wilson, South Bend, IN.

Caught an intruder breaking into her home while attempting to take her children to school. We have experienced a lot of crime in that area due to the Motels for Now program. This attracts a lot of people who do not want to go through programs due to the low barrier rules for the program. He got away but there was a second person hiding in the bushes. I pulled my gun on this man. The police were called and arrived 13 minutes later. This individual only received a citation for trespassing. I have trespassing signs in my yard which they remove. This affected my children who are scared to leave their mother home alone. A formal statement was released by the Democratic party calling me a liar. In the meantime, people from the neighborhood have expressed how sorry they are for this to be witnessed by myself, there cars and homes have also been broken into. We are asking for help, but no one is helping. We don't know what to do. I am asking for the protocol of this program be evaluated for what is needed for people to reside there.

Jaylen Wilson, South Bend, IN.

How my mother was accused of lying about the story, I kind of don't understand where the lying part was. Like she said my brother was scared. I don't understand why they felt that way. Since that incident I have not been asleep till about 2:00am. I have not slept because I feel like I need to be alarmed if anything happens. I go to school wondering if anything is happening and if my mother is okay. When I get in the car and don't hear any stories, I feel relieved but that is from the perspective of a 14-year-old child who

shouldn't have to feel that way. My seven-year-old brother has to go to school worried about my mother and that shouldn't be like that.

Craig Coburn, South Bend, IN.

Confused on what is going on with Portage Manor. Mental health issues are all over this nation and in this city. The community wants a place like this. There are over 1400 signatures just in a month's time. Do the right thing and keep this together.

Mark Hupp, South Bend, IN.

I am a resident of Portage Manor. I have been there for 33 years. I have several good friends there. We are down to 88 people, but we had people move due to it being said the building was being closed. I am also the Portage Manor pastor. Sites a verse and references the residents liken to the verse. We want to stay together. We appreciate all efforts involved in saving Portage Manor.

Roy Saenz, South Bend, IN.

I used this issue with Portage Manor as an example in one of my classes to teach to the students an elaborates on this. Questions plans submitted by Bill Schalliol in connection with Portage Manor.

John Sill, Granger, IN.

References an article in the paper where Commissioner Baxmeyer was quoted as saying there is a lot of false information going out there. I am not sure if you are referring to me or our group putting it out there but, we do not know what you are saying. What is the false information? We felt we were getting false information from the County. We are trying to work with you in reference to the Anderson Road garage. Feel free to reach out to me.

Mary Sill, Granger, IN.

Reiterates that a garage on Anderson Road is not wanted.

Julie Calhoun, South Bend, IN.

Gives thanks to the task force for their efforts. Speaks on residents and business that have been acknowledged and speaks out on Portage Manor residents are also part of the community. Please find a plan that works.

Emily Rausch, Granger, IN.

Speaks on the Anderson garage and questions and answers from officials.

Cheryl Nix, South Bend, IN.

Speaks on there being no presentations for Portage Manor and would like to know who the industry experts are.

Jenny Piontek, South Bend, IN.

We have the power to fix this. We have money, we have resources to help these people. I am begging you to do the right thing and help these people.

Laura McClellan, Leroy Township, OH.

Speaks about her brother living at Portage Manor and his health issues and needs.

Dr. Atallah, South Bend, IN.

I gain nothing from this. The people at Portage Manor really deserve to stay there. I'm asking you to give it a chance. I don't know if I will be successful but please keep it open and give it a try.

Cynthia Petty, South Bend, IN.

Have the heart do the right thing for these people.

Cynthia Heckman-Davis,

Speaks on opting in on Senate enrolled act 4, the Governor's health commission bill now enacted into law.

Robin Challinor, South Bend, IN.

Gives thanks to the task force. We have great experts, industry experts right here in St. Joseph County. I wish we could have come together sooner. This was great work that was done. I thank you for the time you have given for this. I am here also for those at Portage Manor who have not had a voice. I pray you will reconsider the closure of Portage Manor.

**PUBLIC COMMENTS:**

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.