

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 12TH, 2021
10:00 A.M.**

(The entire meeting is available to watch on the Porter County website.)

The Regular meeting of the Porter County Board of Commissioners convened at 10:00 a.m. on Tuesday, October 12th, 2021 in the Commissioners' Chambers of the Administration Center.

Those present were: Commissioners Laura Blaney, Jeff Good, Jim Biggs, County Attorney Scott McClure; Executive Administrative Asst. Melanie Massey and Recording Secretary Kathy Merle.

Com. Good, Good Morning this is the Porter County Board of Commissioners' meeting Tuesday, October 12th, 2021.

Call to Order/Pledge

CONSENT AGENDA

Approval of Payroll – October 1st, 2021.

Approval of Claims – September 23rd, September 30th and October 7th, 2021.

Approval of Minutes for September 21st, 2021 and September 29th, 2021 Special Meeting.

Weights and Measures Monthly Report for August 16th to September 15th, 2021 – Filed.

Com. Blaney, moved to approve the Consent Agenda, Com. Biggs, second, motion carried.

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

ARTISTIC SERVICES AGREEMENT

ANNOUNCEMENTS

The Board of Commissioners' November 23rd meeting has been cancelled.

Com. Blaney, moved to approve the cancellation of the meeting, Com. Biggs, second, motion carried.

NEW BUSINESS

COMMISSIONERS

An Ordinance Amending Title 10 of the Porter County Code of Ordinances pertaining to Golf Carts and Off Road Vehicles – 2nd Reading.

Com. Blaney, moved to approve the Ordinance on 2nd Reading, Com. Biggs, second, motion carried.

An Animal Control and Animal Shelter Services Contract between Porter County Board of Commissioners and the following cities and towns:

- Town of Beverly Shores \$ 2,000.00
- Town of Hebron \$ 6,393.00
- City of Valparaiso \$66,154.00
- Town of Chesterton \$27,347.00
- Town of Porter \$10,158.00

Com. Blaney, moved to approve the Animal Control and Animal Shelter contracts with cities and towns, Com. Biggs, second, motion carried.

A Resolution of the Porter County Board of Commissioners Regarding the Successor Custodian Appointment of Porter Memorial Hospital.

Atty. McClure, What this boils down to is that back in 1993 when we owned the hospital there was an employee retirement account was set up. At that time Wells Fargo Bank was the custodian of that account. Wells Fargo Bank has now resigned as the custodian. This is a resolution to appoint Great West Trust Company, LLC or Great West as the successor custodian to continue to be the custodian manager of those retirement accounts.

Com. Biggs, Do we have any idea what is remaining in that account?

Atty. McClure, It is all of the individual employee's (Inaudible). It is their individual retirement accounts.

Com. Blaney, moved to approve the Successor Custodian Appointment to Great West Trust Company, Com. Biggs, second, motion carried.

Waggoner, Irwin, Scheele and Associates Inc. – Job Classification and Compensation Study.

Com. Good, This is something that the County Council wants to take action on. They have put the funding together for this study and now as the Board we have to approve the contract.

Com. Biggs, I have some questions. What is the amount of the contract?

Com. Blaney, Not to exceed \$98,720.00.

Com. Blaney, moved to approve, Com. Good, second, motion carried. Com. Biggs, opposed.

Insurance:

Dental/Vision/Life & AD/D Proposed Changes:

1)	<u>Life & AD/D</u>	
	UNUM	\$ 36,849.84
	MetLife	\$ 33,254.76
2)	<u>Dental</u>	
	Delta	\$333,088.00
	Metlife	\$318,516.00
3)	<u>Vision</u>	
	Standard	\$ 89,251.20
	Metlife	\$ 80,326.08

Atty. McClure, We have continued to review beyond just the health insurance itself or the issues that surround that. This is the Life, Dental and Vision Insurance. We worked with our consultant GIS and went out to market. We received some quotes and what we have in front of us was the culmination of that work. The recommendation would be to go with the MetLife option on all three. There is a cost savings in the total amount for the year. Also, changing from UNUM Life Insurance to MetLife nothing would change as far as what the employees automatically receive up to \$20,000.00 life insurance. After that under the MetLife proposal not only is it more cost effective but the employees would have an additional option to increase their life insurance that they are responsible for the payments under. On the dental again there is a cost savings but there is also with the MetLife dental the addition of orthodontics. Under the vision with MetLife there is a cost savings but for a 3 year term they would double whether is eyeglasses or contacts or both your benefit would be doubles as far as being able to have insurance coverage for eyeglasses or contacts. Ultimately I believe it is an upgrade in the coverage across the board and it is also a cost savings. It also makes it easier for the employees to be able to understand the benefits along with the elected officials. Instead of having 3 different providers we would be down to 1 with MetLife. We started with benefits, then price. It just happens to be that MetLife stream lines the system which makes open enrollment easier.

Com. Biggs, moved to approve MetLife, Com. Blaney, second, motion carried.

Com. Blaney, Thanks for all of your work.

ITS – LEE CHILDRESS, DIRECTOR

Comcast Business – A Reduction in the Monthly Bill by \$24.00.

Mr. Childress, Comcast provides us with an outside internet line. We can plug into that line and see how the public sees our servers. And for presidential elections we post the news.

Com. Biggs, moved to approve, Com. Blaney, second, motion carried.

FACILITIES – RAY CLOYD, DIRECTOR

A Request to Transfer Funds – Fund #1112 LIT in the amount of \$30,005.79 from Acct. #4540 Other Equipment to Acct. #2350 Building Maintenance. To cover operational cost of grounds and maintenance for the remainder of 2021.

Com. Biggs, moved to approve, Com. Blaney, second, motion carried.

A Request to Transfer Funds – Fund #1112 LIT in the amount of \$5,000.00 from Acct. #3130 Training and Education to Acct. #2350 Building Maintenance. To cover operational cost of grounds and maintenance for the remainder of 2021.

Com. Biggs, moved to approve, Com. Blaney, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

A Request to Approve Plans for Bridge 68 – Smoke Rd. at Jones Ditch.

Mr. Novotney, The construction plans were sent down to the Commissioners' office for approval. We are at Stage 3 Design which will be submitted to INDOT for final review. Final contract documents will be completed by the end of the year with the contract letting yearly next and then we will move to construction.

Com. Biggs, moved to approve, Com. Blaney, second, motion carried.

A Resolution of the Porter County Board of Commissioners Regarding the Establishment of the South Haven Tax Allocation Area in Unincorporated Porter County.

Atty. McClure, The area in question I believe is on the screen. This is the proposed tax allocation district boundaries for the South Haven tiff district. The way this progress works first it has to come out of Redevelopment, which it did. It then has to go to Plan Commission and which it has. We did Redevelopment and Plan Commission in a joint meeting with this exact same presentation on September 22nd, 2021. The Redevelopment Commission made their motion and second and approved the resolution. The Plan Commission is here today to approve or disapprove the resolution. Then it has one final trip back to the Redevelopment Commission for the confirmatory resolution. I know this becomes a little bit confusing however the tax allocation area is not the same process as actually establishing the tiff district. That also follows the same type of path Redevelopment, Plan, County Commissioners and Redevelopment. Today what we have before us is a resolution regarding the establishment of the South Haven Tax Allocation Area. Which is what it showed on the green map. The genesis of this discussion started with the intersection of 149 and Rte. 6. We were approached by the owner, developer of that corner. That piece of property had been owned and attempted to be developed for an excess of 20 years and was unable to get off the ground. The front parcels that are on Rte. 6 are commercial and will remain commercial zoning. The large parcel behind the two front parcels on Rte. 6 that is zoned for Light Industrial along with the remaining parcels there. Light Industrial has little or no outside storage and no smoke stacks. It is clean industrial use and would allow for an industrial park to be developed in this area. The current taxes paid for the property in question is currently about \$2,318.00. At projected full buildout the possibility of those taxes being paid would increase up to \$832,160.00. The purpose of creating this allocation area is to allow for a tiff to be put in place to allow for the counties not have to have any of its own money expended. For the County not to have any of its own bonds issued, but to allow the developer as they develop the proposed industrial subdivision to be able to recoup some of their infrastructure costs through an agreement with the Redevelopment Commission. At this point in time the South Haven tiff district I believe that would be roughly would be \$.75 on the dollar received above the \$2,318.00. In other words the taxes that the property is currently creating will continue to flow to the places its flowing currently. No units of government will be short changed on what

is currently being paid. This is in an effort to basically allow for increased development in this area, the way this one is structured

so we do not have any additional investment by the County. It is the actual developer who would be responsible for putting in that infrastructure and then potentially being able to getting reimbursement for that infrastructure up to \$.75 on the dollar for a time specific. It allows for this area to begin to be developed. I believe that we are in the stage with this particular tiff district which is much further along than the next tiff district that we'll be discussing in Morgan Township, but in this particular area we believe that the corner is close to being developed on the corner of Rte. 6 and 149 that would be the first stage in allowing that commercial lots on Rte. 6 to develop. The money from that increased evaluation would then go to the Redevelopment Commission from that particular parcel. The developer would be eligible for \$.75 on the dollar every dollar that the County were to receive for reimbursement strictly for the investment that they had put in for the infrastructure. As part of this we are doing the full pass through through statutes (Inaudible) schools so the schools are not being left out of the equation. What we're hoping for is that this will allow us to start to redevelop and bring some more identity to this area on Rte. 6. We also have some ideas as far as running it down the corridor as far as improving. Whether that is façade grants or signage grants to bring those more into compliance with today's ordinances to give us a different look and feel. We're in discussion concerning street lights, sidewalks and things like that to bring additional development to this area. The Redevelopment Commission which Com. Good serves on has spent a great deal of time. I would say some of 2020 and the vast majority of 2021 reviewing this in great detail. This was not in any way rushed. We had our consultant Mr. Summers working with us also. This is all industrial zone. There is no residential in this zoning. If the Commissioners were to approve this resolution we are not affecting anyone's zoning that surrounds this proposed area. We are not affecting the zoning of the property owners within the district. They are already commercial or light industrial. Again, this is not going to change the surrounding property owner's zoning. It is not going to change the surrounding property owner's property taxes. It is not going to change the property taxes of the individuals within this district. The property taxes could go up if redevelopment occurs. Again they would only be paying the same amount of taxes as anyone else would be paying if they weren't in this district. The difference would be that the mechanism for where that money goes to the Redevelopment Commission which is then available to allow for the reimbursement to the developer for that critical infrastructure that they would be putting in.

Com. Biggs, I think you just forgot one thing. They're also there to help create more jobs. It is an area in our County that for many years especially that particular intersection got little to no attention for improvement. That was the last 50 or 60 years whenever they put the intersection in to begin with. The business corridor all along Rte. 6 and the façade grants possibly being offered to the businesses and putting in decorative street lighting, better sidewalks, park benches. The surrounding property owners that are not within this map are all going to benefit by it. Our largest investment in this is to do anything we can to do that creates an atmosphere for our community that improves that investment. Then everybody wins. That is what we're really trying to accomplish here.

Atty. McClure, I would agree and I did a lot of time on the job component. One of the main points of having the light industrial subdivision is to have that ground available, shovel ready, with the appropriate infrastructure in place. Designed correctly and appropriately so that it meets the standards of our overlay. The point here is to improve greatly and also not to alter the commercial atmosphere of the property that abuts Rte. 6 as it has been for a great many years. The parcels that sit on Rte. 6 were and are Light Industrial. Again, we are not changing the underlying zoning by the action today.

Com. Biggs, This is just a continuation of what the Commissioners have been doing for the last 2 ½ to 3 years with the investment of the storm water system and now we're moving out of there toward the north and improving all of the corridor through Rte. 6.

Com. Good, There are a lot of challenges and infrastructure issues up there. The storm water as we know south of there where you see all of the big subdivisions we have been doing a lot of work. This is a part of the County where our tributary water really doesn't work through the County very well. Further development will help rectify a lot of those drainage issues that are up there. It is basically because there is no capacity built in for storage. When the ground saturates you have a water table that fluctuates quite a bit. It is really prime from a location perspective and all of the houses around it. The South Haven area has about a 20% poverty rate within it as well. This is an area that needs to be lifted up. I think it is something that we can do through good cost effective development that we can create jobs that are close to these folks and jobs for people in Porter County. We have been working a lot over the past 7 years trying to fix things that were maybe broken before then, but we are getting to the point now where we can start doing projects like this and we can really start helping the constituency of the County by creating

some job opportunities. It's a great project. We have an investor and developer that is willing to put his own skin in the game. It was really a win win for Porter County. The RDC has been studying this for a 1 ½. I would like to point out when this went through the RDC it was a unanimous vote. We actually had a combing meeting with the Plan Commission.

Com. Blaney, I was going to point out that the Plan Commission did vote unanimously in favor of this. Jim has been around longer than me but as long as I can remember this area has really needed some expensive infrastructure. It has needed to be lifted up. It has taken a long time, through a lot of steps but it is really nice to be getting somewhere.

Com. Biggs, It is the largest concentration population in an unincorporated area in the entire State. It really puts our Board in a unique position that you're almost managing something the size of a town. I think this goes a long way in doing that. It really is improving it for the benefit of all of Porter County. It was the first development of its size to be approved by Porter County in 1959. They didn't know what they had at that time and there were a lot of mistakes made. We up here have been trying to correct those mistakes for the last 4 or 5 years. I think we're well on our way of doing that. I think it's a great program and a true use of why tiff exists.

Atty. McClure, I would just like to add that one of the nice things of having most of this if not all zoned Light Industrial is that we are blessed with the fact it also happens to be at the corner of two State managed and maintained roads. Any of us who are unfortunate to know how difficult paving is, the funding for that paving and to have those roads kept up. Having this proposed Light Industrial on State maintained roads is a benefit to all of us. It also goes back to one of the genesis of the RDC is it has a wonderful location geographically within our County. With access to the north, NICTD, that double tracking occurring, the industrial part of north county that may need some of these potential Light Industrial uses. It has a lot of things going for it.

Com. Biggs, moved to approve the Resolution of the South Haven Tax Allocation Area, Com. Blaney, second, motion carried.

A Resolution by the Porter County Board of Commissioner Regarding the Establishment of the Cherokee Trail Tax Allocation Area.

Com. Good, This is a similar project. I would also like to point out currently right now Porter County does not have any tiff districts in it. You read a lot about tiff districts in the newspapers. Cities and towns tend to use them a little bit more than probably counties do. To put into perspective this is one of the first ones that our County has taken on. We're very measured I believe in using these tools. This is a similar type of situation on Hwy. 49.

Atty. McClure, A lot of what I talked about earlier applies here also, but there are some stark differences between the two. First let's start with some of the history here. The property that is in green would be the proposed area. Again we're not changing the zoning. The zoning is currently is Industrial. That zoning exists. It has existed. This is not affecting that. The property that is moving to the east of this property is residential, currently zoned. Obviously residential is not part of any proposal for this particular area in question. The other issue that is unique here is the owner of the property wants sewer and water that is more of a municipal type instead of septic and well. Before we endeavored into this review there was a change in the State law that would have allowed...we always had this ability to move forward with this potential tax allocation area but the State law that was modified would have allowed the City of Valparaiso to in a unique way annex down 49 down to this area. That law change would have allowed even if it wasn't contiguous, now there were some modifications to that ending result fi the City of Valparaiso attempted to do that. This green area if it were annexed wouldn't necessarily under the current rendition of the law be able to be utilized as the foot hole for the beginning of having a contiguous parcel to be able to continue with the annexation, but the process that was put into place would have allowed the City to ask the City Council to annex to allow for the infrastructure to be put in. Ultimately if the City Council did not have an appetite for that it also had an override feature that could have gone to the circuit court judge of our County. Given the law change we came back to the table to put our best foot forward to attempt to help with this development. If in fact we were to move forward with this resolution this would still be in the County. It would not be an annexation step, because it would still be in the County. If we were able to enter into an agreement with the owner/developer for the tiff part of the requirements of that would be a non-annexation agreement. The City of Valparaiso doesn't currently have any contiguous property here at this time, but obviously we would be safe guarding for the future. The entire point of this potential tax allocation area and tiff would be for the developer to run city sewer and city water from the City of Valparaiso. There would have to be an agreement struck. The infrastructure would have to be put in. Under our version the developer would put that infrastructure in at their own cost and again this industrial subdivision that would roughly have 10 to 12 lots within it a

portion of the increment in the tax increase would then go to pay back the infrastructure that the developer put in with their own money. Basically the developer had 2 options, one was to go to the City wanted and was physically able and it made sense to them to bring the water and sewer down to service this industrial subdivision. However, that worked it would probably have ended up also in some sort of tax allocation area, a tiff district to be able to attempt to be able to pay for that infrastructure or the County could put its best foot forward with the pros and cons of putting forward a tax allocation area with a potential tiff. Again now I'm back to what it would sound like in South Haven where the developer puts the infrastructure in at their cost and then has a reimbursement ability that would be in agreement with the Redevelopment Commission that as the tax increment increased they would be able to be reimbursed also I believe at that \$.75 on the dollar rate. Unlike the South Haven resolution that we just completed we do not have that final agreement with the developer on this parcel. The Redevelopment Commission has to pass its confirmatory resolution on this one. At this point the developer is determining which route he would prefer to take. Right now this property is producing \$2,654.00 of taxes. Again, that would remain. All of the taxing units that would receive portions of that money would remain whole. Again the school here in Morgan Township would be no different than the Portage Township Schools. The Redevelopment Commission is committed to the full pass through to the schools. The schools would be getting the same amount of money or the most amount of money that is allowed under the statute to provide so that would be in place. The projected full increment buildout is \$165,140.00.

Com. Blaney, To be cleared this is not a path for Valpo to annex it's the opposite.

Atty. McClure, Under our version it would be the opposite, correct. The City's version would be going down the annexation route.

Com. Blaney, And this area is already zoned industrial so he can do it however he wants.

Atty. McClure, Correct. Right now it is zoned industrial and through our Planning there are ways to plan it as an industrial subdivision as it's zoned even on the septic and well.

Com. Blaney, moved to approve the Resolution for the Cherokee Trail Tax Allocation Area, Com. Biggs, second, motion carried.

Bridge 40 – 1000 South over Reeves Ditch – Consultant selection for design services.

Mr. Novotney, We released request for qualifications through INDOT's process. We received 6 letters of interest and statements of qualification to that. Scoring of a review team including myself, Matt Gavelek our Highway Engineer and Bob reviewed and scored the statements and qualifications. Based on the outcome of that scoring process we are recommending that United Consulting be awarded the work by this Board and to proceed with contract negotiations with United Consulting on Bridge 40 which carries C.R. 1000 South over Reeves Ditch. It is currently closed to traffic.

Com. Blaney, moved to approve, Com. Biggs, second, motion carried.

Title VI/ADA Program Manager appointment.

Com. Good, We need to update who the appointees are at public meeting. Rhonda Young will be the Title VI Program Manager and Ray Cloyd will be the ADA Program Manager.

Com. Biggs, moved to approve the appointees, Com. Blaney, second, motion carried.

A Zoning Map Amendment – RR, Rural Residential to IN Institutional District. Petitioner Union Township School District – 1st Reading.

PUBLIC HEARING OPENED

Com. Good, First call is there anyone wishing to speak against this zoning map amendment? Second call is there anyone wishing to speak against this zoning map amendment? Third and final call is there anyone wishing to speak again this zoning map amendment? First call is there anyone wishing to speak in favor of this zoning map amendment? Second call is there anyone wishing to speak in favor of this zoning map amendment? Third and final call anyone wishing to speak in favor of this zoning map amendment?

PUBLIC HEARING CLOSED

Com. Blaney, moved to approve the Zoning Map Amendment on 1st Reading, Com. Biggs, second, motion carried.

A Zoning Map amendment – OT, Office and Technology District to R4, Multiple-family Residential. Petitioner St. Andrews Development, LLC – 1st Reading.

PUBLIC HEARING OPENED

Com. Good, First call is there anyone wishing to speak against this zoning map amendment? Second call is there anyone wishing to speak against this zoning map amendment? Third and final call is there anyone wishing to speak against this zoning map amendment? First call is there anyone wishing to speak in favor of this zoning map amendment? Second call is there anyone wishing to speak in favor of this zoning map amendment? Third and final call anyone wishing to speak in favor of this zoning map amendment?

PUBLIC HEARING CLOSED

Com. Biggs, moved to approve the Zoning Map Amendment on 1st Reading, Com. Blaney, second, motion carried.

A Zoning Map Amendment – RR, Rural Residential to A1, General Agriculture. Petitioner Cosmo’s Midnight Stables - 1st Reading.

Atty. Kopf, I’m Katie Kopf with Hoepfner, Wagner and Evans and I represent the Petitioner. If anyone has any questions I would be happy to answer them.

PUBLIC HEARING OPENED

Com. Good, First call is there anyone wishing to speak against this zoning map amendment? Second call is there anyone wishing to speak against this zoning map amendment? Third and final call is there anyone wishing to speak against this zoning map amendment? First call is there anyone wishing to speak in favor of this zoning map amendment? Second call is there anyone wishing to speak in favor of this zoning map amendment? Third and final call anyone wishing to speak in favor of this zoning map amendment?

PUBLIC HEARING CLOSED

Com. Biggs, moved to approve the Zoning Map Amendment on 1st Reading, Com. Blaney, second, motion carried.

Com. Good, All of these will be at the next meeting for 2nd Reading.

VALPO EVENTS – KATIE ABEL

A Request to use the Courthouse grounds on Friday, December 3rd from 5:30 to 7:30 p.m. and Saturday, December 4th from 3 to 6 p.m. for Holly Days. There will be holiday and food vendor products, signs and banners and also carolers. The majority of the activities will take place on the Northwest corner, East corner and West triangle.

Com. Good, moved to approve Holly Days to be held on the Courthouse grounds, Com. Blaney, second, motion carried.

COUNCILMAN GREG SIMMS

A Request to have Pinwheels placed on the Courthouse grounds from Friday, October 15th through Monday, October 18th in honor of Suicide Awareness.

Com. Biggs, moved to approve the use of the Courthouse grounds, Com. Blaney, second, motion carried.

THE SALVATION ARMY OF PORTER COUNTY – ANGELA KALIN, DEVELOPMENT DIRECTOR

A Request to use the North East corner of the Courthouse grounds for the Red Kettle Kick Off on Friday, November 12th from 3 to 5 p.m. There will be a 10’ banner stating “Porter County Salvation Army”, tents, a table and chairs.

Com. Blaney, moved to approve the use of the Courthouse grounds, Com. Biggs, second, motion carried.

Ms. Gavagan, My name is Ann Gavagan. My address is 1252 Trillion Dr., Chesterton which is Westchester Township. The first time I came and spoke to you was back in May. The day before I came here I filed a complaint with the Plan Commission. That has been 6 months and the reason I was here before was about the Andershock business on Indian Boundary Rd. In that 6 months' time Mr. Biggs has been able to get the Highway Dept. no semi signs in our neighborhoods which we appreciate. Also, we have a new substantial metal barrier that separates the Andershock property from Starwood Dr. and Grand Woods so that the trucks aren't traveling through our neighborhoods. We really appreciate that as well. Last but not least I have to tell you we have been coming here for 6 months and we really enjoy listening to what goes on in the County. It has been informative. Because of the signs and the barrier we're back to the semis blocking up Indiana Boundary Rd. that deliver the produce. These same semis have to turn around in the school parking lot in order to pull in on the right because the trucks are just too big and the entrance is too narrow. The other problem too is my neighbor Ursula every day hears the beeping from the forklifts backing up that are there working. There are 2 of them and the exhaust fumes because these are not new pieces of equipment. She also checks Facebook from time to time to see what is going on. I try to check the County agenda to find out what is going on. The bottom line is here we are 6 months later and we were hoping that someone could tell us what is going on because we don't know anything. Other than the fact that on the Facebook page, that would be Andershock's Facebook page it says that there is going to be some sort of County hearing on either the 20th or the 27th. I can't find anything on the agenda.

Atty. McClure, So what is happening since the issue of Andershock's have come up we ran them through the Unsafe Building portion of our County to start the cleanup of the property. The owner has sought counsel. We've talked to that counsel and they have come to the realization that the use as it currently is not allowed in that residential zone. They will be coming before the Board of Zoning Appeals to see whether or not they can seek approval. Whether that is this month or November I do know that that is the plan for them to come before Board of Zoning Appeals to ask for that use variance. Then when they are on the agenda the surrounding property owners will get notice by certified mail. It will also be put in the paper and will also be on the agendas that are posted by the County. That is why the processing that you have been talking about concerning the signs, the barriers and pressing the owner to seek counsel and to move towards figuring out a way to attempt to become an allowed use or to cease operation. The Unsafe Building portion was to effectuate some cleanup of the property and through that process led him to seek counsel. After speaking to his legal counsel it became clear that we would need to seek either a variance or a rezone to allow the use. My understanding is that he and his counsel have met with planning staff to prepare their petition to go before the Board of Zoning Appeals to see whether or not their proposal would be acceptable to the Board of Zoning Appeals. Obviously those issues would have to address all of the issues that are vexing the surrounding property owners which are traffic, lighting, hours or operation, what can be there, how garbage comes and goes, etc. If they are able to do that will be in a public meeting where the neighbors will have an opportunity to speak. Then the Board will make a decision whether or not they feel that use of variance is acceptable or not. I feel that we have been putting the pressure on. We also have the right on the board with the Town of Chesterton so some of the Indian Boundary issues we can deal with and some we can't. If it is denied by the Board of Zoning Appeals and they do not cease operation then we would be seeking the injunction from one of the superior courts in this County to allow us to force them to stop.

Ms. Gavagan, Thank you!

Atty. McClure, You're welcome.

Ms. Jepsen, My name is Jessica Jepsen 1259 Sherwood Dr., Valparaiso, Indiana. I know you do a lot of work so thank you. I'm here speaking on behalf of Porter County Parents for Freedom. It's a nonprofit it's a 501 (Inaudible) we put together. We're also putting together a political action committee. It is to preserve the constitutional right and freedom geared towards kids. The first thing we're fighting for is we want choice. I have multiple questions I have put together. Jim McCall Superintendent from Valparaiso Community Schools and an agreement for Valparaiso Community School Board Members who are appointed by Valparaiso City Council implemented a new rule to mask all students affective 9/7/2021. To quote him "updated direction that school districts require masks and all Porter County School houses regardless of vaccination status was told to us and that it was new information coming from Dr. Maria Stamp the Porter County Health Dept." This was stated in an email on 9/3 that was sent to all parents in the district and also stated similarly at the 9/23/21 school board meeting. All documentation of this was emailed to the Commissioners. According to Public Law 219 it is illegal for any entity to have stricter rules than the State without going through the Commissioners for the County and to my knowledge this has not occurred. It was also recently upheld by a judge. Has Dr. Maria Stamp gone through you the Commissioners for the stricter approval? Why is our unelected health director going around Commissioners who we voted in and advising schools? Dr. Maria Stamp was appointed by the Commissioners to advise you, correct? Porter County Parents for Freedom

along with several other community members and teachers within Valparaiso Community Schools wish to have the choice back to mask themselves or their children in school. We would like to request a special meeting with Dr. Maria Stamp since she seems to be the one giving directives to our school administration. When can this occur? A mask is a piece of medical equipment according to the FDA and the schools are also breaking laws by requiring children to wear these. The Porter County Health Director has violated Public Law 219 and again when can we have that special meeting with Dr. Maria Stamp?

Ms. Miller, I'm Reagan Miller of 137 Regata Ct., Valpo. I've worked in health care for 18 years. My husband is an Indiana National Guard Officer and I have 3 kids, 5, 3 and 1. Of my health care experience I did 10 years as a medical laboratory scientist and then I've done the past 8 years as a nurse. I'm in the graduate program of nurse practitioner and I'm doing my clinical practice in pediatric clinic. When people ask me aren't you scared of your kids getting Covid I'm a scientist, I'm a nurse, I'm a health care provider I look at data. So I would like to share with you the data put out by the American Academy of Pediatrics. According to their data 0.1% to 2% of all their child Covid-19 cases from States reporting which was 24 resulted in hospitalization. States reporting for mortality which is 45 States 0.0% to 0.03% of all child Covid-19 cases resulted in death. So when people ask me aren't you scared of Covid I say no because I look at the data. I know what harms kids and I know what kills kids and its injury, cancer and suicide and suicide is on the rise. So my question to use is what are these masks protecting them from? A parent's job is to assess risks for their kids we do it every day. When my 5 year old asks me can I ride down the mountain of our neighborhood which is a slight incline down the street I have to assess risks? When she asks if she can play at a kid's house of parent's I don't really know I have to assess risk. I'm asking you to help us. Help us take back the sole responsibility for assessing risk for our children. Help us remove the burden from our kids. They are young, blissfully ignorant and free from responsibility for such a short time. So help us. Help us navigate us as lay people. Who is responsible for this and help us mitigate an open forum or meeting with the person responsible. Thank you.

Com. Biggs, What I'm getting from you is you would like to have the opportunity to ask questions of Dr. Stamp.

Ms. Jepsen, (Inaudible, not near a mic.)

Atty. McClure, I think the first issue is to try to get us all to talk about the same thing. We can all have different opinions after that. We had a meeting in August specifically with the Health Dept. and Dr. Stamp here to review the very core issue of what I think most of the concerned citizens are talking about which is who makes this decision. I believe that meeting is available online with a video. Let me make it clear this Board has not approved any additional measures beyond what's within the current governor's order. The Health Dept. and Dr. Stamp does not have the authority to require masks in the schools. The individual school boards are making those decisions. Is Dr. Stamp making a recommendation? Yes. Is that recommendation the same recommendation that is coming from the State Board of Health? Yes, they match but that is where it ends. It is a recommendation. If the individual school boards do not wish to follow that recommendation that is within their elected right or appointed right to decide. This Board hasn't approved additional measures beyond the governor's order. We haven't been presented with additional requirements above the governor's current order and at this point in time chief medical officer for the Health Dept. is available to consult and make recommendations but isn't in a position at this point in time nor is this Board at this point in time to tell the individual school boards the decision they must make.

Com. Biggs, We have not made any type of mandate to any school districts in regards to masking or any other matter. We have not mandated an order to Dr. Stamp to mandate masks to any of the school districts in our County. Those decisions are being made within each individual school district. Period. There is no argument there.

Atty. McClure, And before our meeting I believe it was August and after our meeting I don't believe Dr. Stamp's recommendation altered. It was the same recommendation before. It was the same recommendation after. The sole reason why this Board had that meeting was because of this direct issue of who had the authority to make those decisions. That is why before it got to here we had that meeting to be able to attempt to message where that authority lies. At this point in time individual school corporations and their boards along with the advice and recommendations of the Health Officer but not the power to enforce or mandate are then in a position to make whatever decision they feel is best for their individual school corporation. Whether that is the same up and down for the school corporation or some crafted in between ground that allows for their best use of their time and energy to protect the children in their view an estimation. One more time this Board has not mandated masks for schools. This Board has not approved or been approached to approve additional requirements above and beyond what is in the current governor's order. That decision lies with the school corporations and their school boards and they have Dr. Stamp available to them along with the Health Dept. available to them if

they would like guidance, help or recommendation. It is a resource. Not the authority to make the decision.

Com. Good, From my perspective I did not run for school board. I ran for Porter County Commissioner. This Board and the Council I believe appoints the Health Dept. Board. There are requirements within those appointments for a medical background, nurses and doctors. That board then meets. They have their own board. They have their own rate, they have their own budget. That board is the one who chooses the medical health officer for the County. It is not this Board. We appoint to that board and there is a lot of criteria of those people that are able to be on that board. We're subservient to a certain extent to the State in just about everything that we do. It's not just the Health Dept. its Highway, its drainage, its bridges. The State government is around us at every turn. We're a subservient county government to the State of Indiana. That is how our statutes are set up. That is how our bylaws are set up. This Board in our opinion has tried to navigate this very cautiously. We have a very rural area in the south. We have dense area in the north. We weren't even aloud to split the County up in half. Everything was through one portal. That is what we were required to do and that is what we were required to follow. I just think for some reason this particular issue hasn't settled with any particular board as to who is responsible for it. Again, I will state emphatically I did not run for school board. There is nothing our statute for county government.....the safety and wellbeing of children that is in the school boards charter. That is what school boards are for. We're here to make judicial decisions.

Com. Biggs, Folks County government is nearly 200 years old. Never in the history of county government in this State much less this County has county government dictated operational policy for a school district. Ever. You're being told there is a Chevy sitting in the parking lot when really it's a Pinto.

Ms. Jepsen, So to be clear the deflection of responsibility that McCall is saying to the Health Dept. is not so. It solely rests with the school board?

Atty. McClure, Correct.

Ms. Jepsen, He is saying in multiple statements that Jim and the school board are putting responsibility off onto the Health Dept. (Inaudible, not near a mic.)

Com. Good, That is why you need to go back and look at the video when we had the Health Dept. here with the Health Dept. attorney and we were here with the County Attorney. This was discussed in a public meeting very clearly as to where the responsibility falls. I can't be responsible for the some other board or political subdivision says or does. How can I control that? I can't. What we are telling you here today that we have made every effort publicly to address this situation, but for some reason it just keeps coming back.

Unknown, (Inaudible, not near a mic.)

Com. Good, We're always the last one to come to up here and I think our actions have been very clear throughout this whole Covid ordeal. I think we've managed our County extremely well. Some might disagree and that is fine. It's okay to disagree, but we were trying to take a look at the information we had at the time and we were just trying to put the best foot forward for everybody. I'd also like to say one other thing. The first go around this County never adopted a mask ordinance ever. It was the governor that stepped in and did that for us. I think we tried to hold out as long as we could, because there wasn't data out there so we were holding back. Everyone tends to forget that part of what we're doing up here. You have to be measured. There is liability involved. There are all kinds of legal issues involved. I think we're trying to really maneuver this the best way we can. I know this Board has because we talk a lot about it. We're at the point right now where we even try to get ahead of it and sometimes that's bad too. It can come up at you from a lot of different directions but that is what I signed up for as a Commissioner, but not as a school board member.

Com. Biggs, Some school districts here in Porter County have stepped up. They've made it clear to their parents that this is our decision. We're getting recommendations from this area and this area and one of those areas was the County Health Dept. This statement is not a blanket statement of all the school districts. If you have a school district that is trying to deflect responsibility of that decision on to us they are wrong. Those school boards are elected. The superintendents are appointed to service the taxpayers in that school district and they should step up and take the responsibility when a major decision like that is made rightly or wrongly. They need to step up and own it.

Atty. McClure, August 31st was the Commissioners' meeting when we had the Health Dept. here. It is on our website and Facebook page.

Ms. Jepsen, It was very clear.

Com. Good, So you did see it.

Ms. Miller, I just wanted to make sure that nothing has changed. I appreciate the August meeting but a lot came out of the September 1st governor's order and when that kind of expired or didn't expire on the 30th I was wondering if anything had changed from your responsibility and you answered my question. Appreciate it thank you.

Mr. Stone, Hello Commissioners my name is Red Stone 1711 (Inaudible). I will say in their defense I'm on the school board at Duneland. We are 100%. We vote on it. We voted on a mask mandate, bottom line. It is what it is. I take full responsibility for any vote I take. I had a meeting on June 16th a pretty important meeting. I'm big into mental health with our kids. By the way we've had way more suicides than we've had deaths with Covid by the way. I'm kind of disappointed. I've had both Democrats and Republicans in this meeting. I had North Shore, Franciscan one of their mental health directors, Jim Biggs thank you for being there, Greg Simms who by the way asked for the pinwheels to be placed at the Courthouse for suicide prevention week. I had Jeremy Rivas, Gary Germann, the head of the Department of Mental Health Dave Reynolds, Ed Soliday, and Robert McDermott who is our Asst. Superintendent. It was a great meeting and what came out of it was Ed Soliday said if we can get a plan let's go down State and see if we can get some money for mental health and see where the state of Porter County lies. Who is providing what services to our kids? I know Duneland is providing great services of mental health to our kids. It seems like after 18 years old you're on your own. We want to try and identify what services are out there. What people are doing good and what people are doing bad? What can we do to identify this problem? I reached out to Price Health Care Group, who the gentleman from Franciscan told me was one of the best in the nation. She is out of River Forest, she has been doing this for 35 years. She gave us a behavioral health needs assessment. I've been waiting to see if this is going to get passed. It is \$16,000.00 and I will be honest with you at this point I'm not even worried about the money. I will get it raised. I will get it covered I just want to know that if you're not going to pass it just let me know. Every month it's going to be on the agenda and then it's not going to be on the agenda. Anyone that knows me I'm straight up. If you say you're going to do it just do it? If not I will raise the money myself. I'm not going to keep going month to month getting strung along. Just be honest with me. If you don't want to do it there has to be a reason. I don't know why we don't want to do this. We spent \$100,000.00 to figure out the salaries of Porter County. I run a business. I know all of the salaries and where I need to be to be competitive. This is \$16,000.00 I have no problem raising it. I can have Dave Reynolds be in charge of behavioral assessment. He can look at his Jail. This is a big deal and I'm not going to stop. I will be up here until the day I die and that is the God's honest truth. I'm looking for the \$16,000.00 and I will raise it if I have to. The bottom line is if you guys can't invest \$16,000.00 for 170,000 citizens of Porter County that's horrible. Our services are not good in Porter County and a lot of people know that. I just don't understand why we're not looking to try and adjust this.

Com. Biggs, You've given me the proposal. I handed off in the July to the other 2 Commissioners. I've had some talks with Com. Good about it. I think it was last month we met with Porter Starke. They had some questions about it. There are some questions on what the scope should be. My intentions are to meet with Atty. McClure and the other 2 Commissioners if they can make themselves available. We will pound this out and get it on the next agenda. If not I need to get a reason why it's not on our next agenda.

Atty. McClure, I guess to put it in the easiest terms there isn't anyone up here that doesn't want to do the study. \$16,000.00 isn't the problem for the study. The study of the scope that was garnered at this point in time I don't think is very targeted to what may or may not want to be done. So in reality this isn't an issue. There isn't one, two or three Commissioners that do not want to do this. The Commissioners want to do it but what are we attempting to tackle and let's get that scope exactly right. Frankly right now the scope and the proposed study is going to give us something that says we need 84 more beds, 16 new doctors, 14 nurses, etc., etc. I'm not exactly sure that is the scope we're looking for. In the conversations that we have had we are trying to see for instance what are we attempting to tackle? Let's say its suicide. Let's get a scope that talks about suicide. If it's drug use. Let's get a scope on drug use. If it is just the total state of mental health in this County....that is also why we met with Porter Starke. We had Porter Starke at our meeting to do an entire presentation to attempt to see where are we and how are they funded and what do they provide. Then to go into whatever area that we are attempting to carve in so that when we get this study back it is something actionable by this Board and this County. There isn't anyone rowing in a different direction. There is no one baulking at \$16,000.00. That is not the issue, but the mental health question is a large issue. The mental health issue at the Jail is significantly different than the mental health at the schools or with teenage suicide or adult drug use or teenage drug use. Those are vastly different subjects that to

handle or to attempt to deal with in a significant way we have to be really focused in on. I can tell you that I've been involved in a lot of mental health discussions at the Jail. We are dealing with the intersection of people's freedom, the law enforcement and judicial. It is a completely different set of facts and issues to deal with. Put that aside. If we're talking about teenage suicide or whatever the case may be or depression or things like that and Jim can reiterate this all we're looking for is a scope that gets us an actionable response. This government has learned a lesson over the past 40 years and that lesson is don't get studies unless you really have honed the scope. There is nothing worse than going through what it takes to get a study passed like you're going through, get it funded, get it done, have the public outreach, get it back to us and it's really not actionable in a way we can deal with. It's been a long time since we've had one but we've had those in the past. All we need to do is chisel on that scope so when we do get it back it is very actionable so this Board and Council can attempt to address.

Com. Biggs, It sounds like we're all in agreement so we'll move forward.

Atty. McClure, And part of the difference between the earlier meetings and now is those meetings with Porter Starke. Which then gave us additional information to say okay we have this resource. I'm not saying we agree or disagree but now we've gone through that process to get the public educated and this Board educated.

Mr. Stone, My question to you is have you spoken to Jan Price she is an expert in her field.

Atty. McClure, I don't talk to the consultant about the scope. I go to.....

Mr. Stone, I'm saying you're the expert.....

Atty. McClure, I'm not the expert.

Mr. Stone, I can tell you I'm the expert on our schools. Our schools are doing great. It's the County that is having a problem. It is the County that is suffering because you guys will not take action. You guys have been slow walking it. The bottom line slow walking. And it is a shame because you're afraid because of what you're going to find and you don't want to spend the money on it. I would love to keep this conversation going because it's going to keep going. Those 15 pinwheels that are going to be out there.....I want a little bit more action than putting pinwheels up. God bless Greg Simms he is another who I believe is a great man doing good things for suicide prevention and he was in favor of this.

Com. Biggs, I appreciate your comments and Scott I appreciate your comments. I will get together with Laura and Jeff and the County Attorney and we will get the scope of the study where we need it judiciously as possible without making any mistakes. We'll try to get it on the next agenda.

Mr. Stone, I appreciate it. I will do the heavy lifting. I will do whatever you need me to do. Thank you.

Mr. Ough, If I could I just want to mention I'm a real simple guy. I don't know much. Thankfully I never went to a public indoctrination camp. I was private school. I was home schooled. I have a question. When you walk in the building there is a sign that clearly states you have to wear a mask while in this building. When you go to school board meetings some do, some don't. Right here some do, some don't. Why can't we have the choice? I don't know exactly where the authority is but why can't we have a choice? If you want to wear the dumb diaper, wear it. That is all I have to say.

With no further business the meeting was adjourned at 11:34 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

Attest: _____
Vicki Urbanik, Auditor