

ALLEN COUNTY COUNCIL MEETING MINUTES
December 15, 2022
8:30 AM

The Allen County Council met on Thursday, December 15, 2022 at 8:30 am in the Chambers in Citizens Square. The purpose of the meeting was for additional appropriations, transfer of funds in excess of the current budget, grants, and any other business to come before Council.

Attending: Tom A. Harris, Sheila Curry-Campbell, Kyle A. Kerley, Paul W. Lagemann, Ken Fries, and Christopher Spurr. Absent: Robert A. Armstrong

Also Attending: Council Attorney Harper, Nick Jordan, Auditor and Jackie Scheuman, Finance and Budget Director.

Councilwoman Curry-Campbell: Calling December the 15th Meeting to order. We'll start with the Pledge of Allegiance and a moment of silence. Please remember Rick Stevenson and his family during their time of their loss. Thank you.

Members: I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[pause 00:00 48]

Councilwoman Curry-Campbell: Amen.

Chairman Kerley: Are there any changes to the agenda?

Councilman Fries: Motion to approve it as presented.

Councilman: Second.

Chairman Kerley: Motion and second to approve the agenda. All those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed? Agenda is approved 6-0. Approval of the minutes from the November 17th, 2022 meeting.

Councilman Harris: Mr. President, I'll move for approval of the minutes.

Councilman: Second.

Chairman Kerley: We have a motion and a second. Any further discussion? Hearing none, all those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed? Minutes are approved 6-0. Mr. Jordan, auditor's report, please.

Mr. Jordan: Good morning, council. In your notebook, you see the financials through the end of November, they do reflect the majority of the second installment of property taxes. We do still have about 10% that will be received in December here. Nonetheless, we don't anticipate any difference from what you see on the general fund revenue or the other funds that received property tax. The miscellaneous revenue, you can anticipate probably 70, 10%, higher than what we had estimated so \$3 to \$4 million in additional miscellaneous revenue.

The drivers there you can see the biggest pieces we received the supplemental distribution of local income tax that was about 1.3 million. Interest revenue has skyrocketed compared to where it used to be and December's revenue alone was 300,000 plus. Those are all on the positive side. I can go into any others you would like. Some of the other funds, you will see not much change from what we've seen in the prior years with your capital funds, so to speak, meaning highway Kim cap led economic development. The expenses may run below 50%. Then when they have a big ticket item they'll jump up quite a bit. I can take any questions you got at this time.

Councilman Harris: Nick, by now an idea what that rollover might look like or it's probably closing in on that number, right?

Mr. Jordan: On the revenue side, we don't necessarily call it rollover but the miscellaneous revenue potentially would be \$3 to \$4 million higher than was estimated. There's not much difference in the property tax. Maybe a slight difference, but nothing substantial. On the expense side, your financials are only through the end of November. December, we'll have three pays, which you can estimate \$11 million to \$12 million for those three pays.

You see 105 million of expense at [unintelligible 00:03:41] 117 million. Then any additional end-of-the-year expenses that we would have through those other series which remains to be seen. Some people may make big capital purchases or big supply service type things. I would safe to assume on the expense side we're near total budget appropriation of 127 million that we would at least see the \$3 to \$4 million. It would have been 5 to 6 million, but we gave the inflation bonus.

Councilman Harris: 3 to 4 is what you're saying?

Mr. Jordan: I would say safely, yes, you could estimate that. That combined with the additional revenue would be \$6 million-plus for unanticipated. Excuse me, we did budget 3 million. We used 3 million of the rollover to fund next year's budget using the cash balance.

Councilman Harris: I got it.

Councilwoman Curry-Campbell: I just have a couple of questions. What about the ARPA funds? What kind of revenue have we received off of that since we haven't moved those dollars?

Mr. Jordan: One second here. Let me give you an exact as far as interest. Bear with me.

Councilwoman Curry-Campbell: No problem. While you're searching, if you can look and give me an update on Lebrato and what he owes us and what he has or has not paid.

Mr. Jordan: Here to date, Mr. Lebrato has made 11 payments totaling approximately \$2,862. His scheduled agreement was over 26 payments so he's got 15 payments left. The

difference there between the original amount was \$6,765 so he has about \$3,000 left. It was scheduled over 26 payments.

Councilwoman Curry-Campbell: He'll be paying us into 2023, it looks like?

Mr. Jordan: Yes, for sure.

Councilwoman Curry-Campbell: For sure. Thank you.

Mr. Jordan: On the interest for the ARPA monies in 2022 today, we've approximately \$760,000 and in '21 we had another \$60,000 so \$820,000.

Councilwoman Curry-Campbell: We've received quite a bit of interest.

Mr. Jordan: Oh, yes. Then the Feds just increased rates again. What used to be less than a percent on our interest-bearing accounts is now potentially in the 3% to 4% region, if not more. When you have 75 million or 50 million, the general fund, say over 100 million plus in cash sitting at any given time in a bank, we're going to receive much more interest revenue than we have. It's probably been a decade since we've seen interest revenue of this nature.

Councilwoman Curry-Campbell: That money has to be spent by when?

Mr. Jordan: It has to be encumbered by 12/31/24 meaning obligated and tied contract and so forth, and then spent by the end of '26. You're obligated by '24 and you have two years to pay those expenses out.

Councilwoman Curry-Campbell: Do we have a program right now? Is there an application process? Where are we with those ARPA funds?

Mr. Jordan: The commissioners came a couple of months ago and laid out their potential plan. That money was appropriated in two buckets, the 300 or 400 series buckets services and capital. Then if they do not encumber that or the amount is not encumbered at year-end, it will need to be appropriated next year. Regarding programs, things of that nature, we'll have to ask the commissioners.

Councilwoman Curry-Campbell: Thank you so much.

Councilman Harris: Mr. President, I move for the approval of the financial report.

?Councilman: Second.

Chairman Kerley: Motion and a second. Any further discussion? Hearing none, all those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed.

Mr. Jordan: Thanks.

Chairman Kerley: Thank you. Total appropriation requested in the general fund is \$0. Total appropriation requested in other funds is \$900,000. As you guys have noticed, Councilman

Armstrong is absent today. In his absence, I have asked Councilman Spurr to serve as Vice Chair for the meeting. Are there any objections? Hearing none, we will move on to public comment. Notes about public comment. Please limit your discussions to items that are pertinent to today's agenda, and please limit your time to three minutes. Thank you.

Sean Collentine: Gentlemen and ladies of council, I appreciate the opportunity to stand in front of you. It looks like Mr. Cloud is not going to be here today so I presume the commissioners have withdrawn the property purchase. Oh, there he is. I stand corrected already. It is the duty of Allen County Council to evaluate spending requests proposed by the Allen County Commissioners before voting on them.

A federal judge Damon Leichty has ordered the Allen County Commissioners to rectify constitutional violations which presently exist in the Allen County jail, including significant overcrowding. The commissioners have publicly stated that a new jail is their only solution. We strongly disagree with that conclusion. There are always alternative actions available if one chooses to look. It is our contention that the commissioners are not interested in exploring other solutions.

They have chosen a course that is the most expensive one, and have doggedly pursued it to the exclusion of any other alternatives. Their view has been supported by the study conducted by Elevatus. The big hole in their study is that Elevatus is a jail builder. They are not unbiased consultants who are evaluating the other choices that might be possible. Where's the second opinion that we need before we engage in the most expensive project ever undertaken by Allen County government?

If our commissioners do not believe in obtaining a second opinion, then it is up to the Allen County Council to provide that prudent protection for us. When most people buy a car, they will look at more than one dealership. It is fiscal prudence. Yet our commissioners come before you, our fiscal guardians, and have the temerity to suggest that this is the only way to address the judge's demand that the overcrowding issues be addressed now and in the future. The commissioners propose to tie us, the taxpayers, to the yoke of an additional annual cost of 29 million a year for 20 years. They are also binding your children.

I would propose that one of you make a motion to table the land purchase until the next council meeting. We're certain that you as guardians of the county pocketbook must have any number of questions that need discussion and answering before you commit to this first step. You must insist on a better case before you approve this long-term financial commitment. That is your duty owed to the children of the citizens of Allen County, who elected you to protect their interests. Thank you.

Chairman Kerley: Thank you.

Sara: Good morning. My name is Reverend Sara Ofner-Seals. I am the associate pastor at Plymouth Congregational Church. I'm a member of the Help Not Handcuffs Coalition, and my zip code is 46807. I agree with everything that the previous speaker said about the duty of the council to do their due diligence. As far as the finances of this are concerned, this is a lot of money to put on the backs of taxpayers. I don't believe that the county officials, the county commissioners, have done their due diligence in terms of investigating all the opportunities to meet the judge's demands.

In addition to that, I'm here today to tell you five points that the Help Not Handcuffs Coalition has come up with as to why we don't believe this is a good idea right now. First, a larger jail will disproportionately impact poor people and people of color. Second, Allen County has not addressed the long-term issues that create overcrowding. If we go ahead and we go forward and we build this new jail, what is to say that the issues, the underlying root causes of the overcrowding aren't just going to happen again in the new bigger jail?

Third, focusing on a Care First, Jail Last model provides better life outcomes. If we can help people who are struggling with mental illness, homelessness, addiction, some of the root causes leading people into incarceration and getting involved in the criminal justice system, then perhaps we can help deal with some of that overcrowding that is happening. Fourth, providing treatment and housing is less expensive than a new jail. Speaking of ARPA funds, I know plenty of other states that are using their ARPA funds for exactly this kind of thing, for helping people who are struggling in their communities.

Finally, the most expensive public project in county history requires more community input. I will repeat one thing that the last speaker said, which is that the judge never ordered a new jail, that was never part of his directive. He said that we have to fix the human rights abuses and overcrowding problems in the current jail. The county has decided the only way to do that is to build a new jail, but one thing that the judge did say, and I was at the hearing when he said this, he said, this is a community project. This has to be a community project.

The commissioners and those in the county who've been working on this have not talked to the community. They have not tried to get input from the community. They have not listened to us, the Help Not Handcuffs Coalition, when we have tried to reach out. We have tried to have meetings with them, we have tried to engage in conversation, and they have not listened to us.

To do a project of this large of a price tag, the biggest capital project in our county, requires that they engage with the community and get some community input and do that due diligence. They have not done that. I am asking you this morning to either vote no on the purchase of this property, that would be a potential new jail site or table this discussion until you have time to ask questions that you need to ask, and they have time to do their due diligence. Thank you very much.

Emily: Good morning, Councilmen, Councilwoman. I'm Emily Watkins. I am the President of Sunnymede Community Association, 46803. I'm here today to obviously talk about the jail. I am not here to emotionally ask you to stop, selfishly ask you to stop. I'm here to ask you to pause. One of the things as you know with the judge who's required information Friday on progress. The commissioners have made progress, but I don't think the rest of us believe that it's the correct progress or at least where we can make a final decision. Going to the architect, it appears that he's been acting carelessly and negligently in providing information to the commissioners.

Two meetings ago for the commissioners, I presented information that afterward we spoke about that they were unaware of. There are facts that were not presented to them in an accurate light. I feel that everyone deserves to know those facts. In putting in that jail, it's going to create more hardship on Sunnymede. I'm not talking about home values, I know that's the hot topic that everyone wants to mention. Yes, I believe that. However, there are drainage issues and that's proven.

The mayor of New Haven has submitted that information that the city engineer of New Haven did a study a few years ago that requires millions of dollars to fix the drainage issues. That was never brought up to the commissioners. They told me afterward, they had no idea. These are the types of things that are missing from the community and having those conversations with us, with the City of New Haven.

I know you all act responsibly with the money for our county, but please know that not all the facts are there. All I'm asking is that we pause, gather all the facts, demand that the architect look into other options, second opinions, but speak to the city of New Haven and the residents of Sunnymede to consider everything at stake. Please, let's just pause. Thank you.

Amanda: Good morning. I'm in 803 also, and a little nervous. [chuckles]

Chairman Kerley: Could you state your name please?

Amanda: What?

Chairman Kerley: Could you state your name, please?

Amanda: Amanda Scheitlin.

?Councilman: Thank you.

Amanda: 2626 Medford. I'll be blunt, I think this project is over zealous. I agree with everybody that spoke before me. The water drainage, we've been paying a storm water drainage fee to Fort Wayne and New Haven in my home for over 25 years for services that are not rendered. Now wanting to put this jail right next to us, it's just going to wash us right out.

The jail is going to sit right at my front door. There'll be no quiet moment again. There'll be no quiet, there'll be no sleeping at night because that place will be lit up like a Christmas tree. I guess my biggest feeling today is that there's no place in a neighborhood for a jail ever, in any neighborhood. It's going to overcast everything in our neighborhood. It's going to destroy the environment. It really bothers me that it wasn't considered, none of us were considered.

They didn't take into account the impact this was going to have on the people and the environment. The water's going to be one of the big problems, but there's others that are going to come along with that and it's going to leave us feeling unsafe all the time. It's going to feel like a threatened atmosphere. I'm hoping you'll vote no on the purchase of the property. I do believe it's over zealous and I believe there's other options. The existing jail when it was built was with the intention of building on. Why can't you stay in the current place and fix what you've messed up? It seems like it'd be a lot cheaper. I guess that's all I have to say.

Larry: Good morning. Give me time to speak to you folks. My name is Larry Gerardo. My parents and I have been residents in the neighborhood for 67 years. We're concerned about the decreased value in case this goes through on our property value. What happens if maybe there are escapees, which might be child molesters. There are a lot of families that do have children in this neighborhood and I was hoping also, the sewer lines have to be addressed too. I was hoping that maybe they could keep the jail in the current location and build multiple floors higher. Okay. Thank you.

Tamika: Good morning, everyone. My name is Tamika Anderson and my zip code is 46803. My family and I have been residents of the Sunnymede community for about three years now. The biggest thing I want to talk about, I definitely agree with everything that's been said before me. My focus is the community involvement. I honestly am, if I can be honest, very disgusted and hurt by how this has been handled towards our community.

For me, I just found out about this last minute. The first thing that came to my mind is everything else is publicized and made a big thing. We're getting these new condos. Okay, we're getting this, and it's made well known publicly, but something like this was very hush hush. Even for the community to show up and speak our feelings and our concerns because we are living there, but we've been given the run around all week.

That is very disheartening, being lied to about where meetings are being held. That is not right. That is not right at all. What I'm asking you all is to please put yourself in our position. A whole lot of money that to us, doesn't seem necessary. Like we said, why aren't there other alternatives being looked at? Why are we looking in the places of neighborhoods? Are there no other rural areas that we can go to? If you're going to put that much money into a project, why aren't we looking out instead of in the communities? I'll be honest, we're very-- so for us, it's trying to have that conversation with our children.

The fact of the matter is, it would've been better if you had that community involvement to know our concerns. Our concern is what are you going to do about escapees and things that? There are several people in our community who are suffering from trauma, such as rape. Isn't it something that says a jail can't be next to a rape victim? I don't know. I believe there's something along the lines, but why are we not looking at this and seeing how is this going to affect that community? Yes, it's not your community, but please put yourselves in our position. I have four children.

My 10-year-old, and I had to explain to her what is going on. She is afraid. She's 10. If you are planning to do this, where's our support in speaking with our children? Where's the support in speaking with our elders? Not only does the financial of this fall on our back, but also dealing with the emotions that come from this. As everyone else has asked, please put a halt on this or vote no, because there are more things that need to and should be looked into. We'd like to have trust in you all that you're going to do the right thing. Again, putting yourselves in our positions. If it was your community, would you just let someone come in, throw money at it, and build something knowing the conditions are not right?

It's crazy how we pay for sewage and things that and it's still not fixed. It's horrible. Please do not add this additional thing upon our shoulders. Please take a break, halt, let's slow down. Maybe look at the current jail. As others have said, it was made to be expanded upon. For us, why isn't it being utilized for what it was built for? Again, thank you so much for your time, but please don't let our comments be in vain. Please take them into consideration this morning because it is very life-changing for a lot of us. Thank you.

Council member: He has flowers.

Councilwoman Curry-Campbell: I see him over there. Thank you so much. Thank you, sir. That is so nice.

Councilman: We'll get up and make a public comment. Yes, please.

Public Commenter: We'd like to thank Sheila for her service to the county.

Councilwoman Curry-Campbell: Thank you, sir.

Public Commenter: We appreciate all the good things you're doing. I've been actually listening to all of the citizens back here, their comments, but I've been following it. I don't live in the 06 areas but as far as I'm concerned, I have watched this, the city has expanded. Like I said, the jail right where it sits at 417 South Calhoun Street, it's an eyesore for the city wants to go, right across from Prominent Park. They want to build these nice condos down there, make it user-friendly down there. We got electric works, but it is what it is.

No matter how they want to address this, this is my own personal feelings. How they address this here about they want this here to be looked at other alternatives, there is really no other alternative because the city wants 417 gone so they can do other things with that land over there. There are other alternatives to put that place. Say, when I look out at this your crowd, these people are that live in the 06, 02, 03. A lot of people aren't familiar with the zip zone and actually the dynamics of who make up those zip codes.

I think the people out there should have a say. Being that we just went through a whole election cycle and nothing was never put on the board where the citizens would've had an opportunity to vote on it, and that would've been their voice. Because when you disagree with something, you always can meet them at the ballot box. I have nothing further to say. Thank you for your service. Thank you guys for the fine work you're doing to make some things happen around here.

Adrian: Good morning, council members.

Council members: Morning.

Adrian: My name is Adrian Anderson. I am a resident in Sunnymede. My wife Tamika and I, we are co-owners of Anderson Co Property Management. I am the owner of Ingredients to Thrive, a tea company. We acquired the old Sunnymede Elementary School. We purchased that, I can't remember how long ago. It's probably been about four years, and we've been in the works of not only building our home there, but we had the thought in mind, not just selfishness.

We are considering a community garden for the community to solve some of the high prices in groceries and get the community involved. Also, we are working with the Parks Department to try to get the park expanded in that way to engage the community. Furthermore, we are also in partnership with East Allen County's schools. We were working with the art school and the career center to get the kids over there to contribute to the garden.

We're not just talking Sunnymede, we're expanding all into New Haven. I do want you guys to consider one thing. Before we get all dressed, before we put on our suits, when we're at home in our pajamas, what are we? We're still people, right? We all have different obligations and different roles. I respect you guys' positions in power, and I just pray that you are constantly putting yourselves in others' shoes. I'm very hopeful and I know that you guys will do the right thing. We have over 200 signatures from residents and neighbors in the neighboring areas.

Folks that couldn't be here. It is a small crowd here, but if everyone could be here, it'll probably be packed all the way out there in the lobbies. Please also consider that fact too. I also wanted to know what are the law and the rules regarding placement of such facilities within certain vicinities. For instance, if we are expanding the park and considering certain victims of certain types of crimes in correlation to where you're planning to put the jail. I wanted to know how does that work? Once again, I appreciate you guys for all that you do, and I know you will make the right decision. Thank you.

Chairman Kerley: [silence] Thank you. Anybody else for public comment? Seeing none, I'll entertain a motion to end public comment.

Councilman Fries: So moved.

Councilman Harris: Second.

Chairman Kerley: Motion and a second to end public comment. All those in favor say aye.

Council members: Aye.

Chairman Kerley: All those opposed. Public comment is closed. Economic development.

[silence]

Rachel: Good morning.

Chairman Kerley: Good morning.

?Councilman: Good morning,

Rachel: Rachel Black, Allen County Economic Development.

Andrew: Good morning. Andrew Kuehnert, manager at Kuehnert Dairy.

Rachel: For your consideration this morning is a resolution to approve a statement of benefits for Kuehnert Milk House LLC. They are located along the 6,500 block of West Cook Road. As presented at your last meeting, the applicant plans to construct a new 22,000 square foot building for milk processing to sell bottled milk, cheese curds, butter, as well as ice cream. The Kuehnerts received approval for this use through the Board of Zoning Appeals in August of this year. Their investment for real property is estimated at \$4 million with personal property investment at over \$2 million. Construction is to be completed in August of next year.

They plan to hire 15 full-time employees with annual salaries at over \$700,000. They also offer a comprehensive benefits package that includes paid vacation, sick leave, health, dental, vision insurance, as well as uniforms and employee training. Based on the point system that is within your tax abatement policy, they're eligible for a 10-year tax abatement or phasing for both real and personal property. If approved, the estimated tax savings for the company would be around \$386,000 over the 10-year deduction period while still paying around \$370,000. If you have any questions for either Andrew or I, we'll be welcome to answer them. Thank you.

Councilman Harris: Andrew, you might tell us a little bit and tell the community a little bit about what you're doing. I know we did that just recently, but maybe just recap some of those pieces.

Andrew: Sure, most definitely. Being part of Kuehnert Dairy Farm, I'm a fifth generation farmer with my brother. We're looking at how we're going to transition this farm in our place in the community to our generation, and for many generations that come as far as Kuehnert. We see the opportunity now after doing our fall festival for 10 years, that people want to purchase milk directly from our farm.

We want to go into the milk processing side and use our milk to put into on-farm processing in glass bottles and then cheese curds, butter and ice cream, and be able to sell that to the local community to many wholesale outlets so everybody can purchase that from grocery stores or restaurants around, as well as be able to purchase some milk from our farm directly there. We believe that the community trusts us after everything we've gone through and worked with them on. We want to open our doors year round so people can come and see our farm and see what we do on a daily basis and be able to purchase milk directly from us.

Councilman Harris: Primarily, that's a local initiative, but what's local mean to you? Is that a regional, is it several counties? Is it just Allen County or what?

Andrew: We've gone through with our fall festival, we've found that we've brought in many people from other counties surrounding and many states. Local to me means this Fort Wayne area and the surrounding Fort Wayne area counties within the state of Indiana.

Councilman Harris: Any idea in terms of either people or scope of how many people came in from other areas outside of Allen County to your location?

Andrew: This last year for the fall festival, we had close to 40,000 people that visited us through seven weekends. Looking at scope and where people come from, I would say probably 20% of that is outside of Allen County.

Councilman Harris: Okay. Thank you,

Councilman Lagemann: Thanks for coming back. This is this is exactly the kinds of the project, growing small business, growing locally developed business that excites me certainly. I think one of the challenges that you've had has been how do we zone it? How do we treat it? How do we consider it when we're looking at land use planning? I'm hopeful that within the next year we're going to have an ag tourism designation of zoning for just this thing. Thanks for all you do and for your family's efforts in bringing farm to table quite literally and quite directly.

Andrew: Thank you very much. Farm to table is something that we really want to expand on and Bill Law for that. Thank you.

Councilman Harris: Congratulations on five generations, I think you said, right?

Andrew: Thank you very much.

Chairman Kerley: Ms. Curry-Campbell,

Councilwoman Curry-Campbell: Could you talk to us about the retail part of this? There is retail, correct?

Andrew: Sure. We are going to have a retail store on site now. We think this is going to be a small portion, maybe 15 to 20% of our sales. Within that, does offer people to come in to just see our farm and see the retail store and to be able to purchase right from the on farm plant.

Councilwoman Curry-Campbell: Is there currently a retail or that's planned?

Andrew: No, that is planned within this. The retail aspect was not put into my numbers as far as the retail costs and retail sales and employees. I'm thinking 15 full-time employees beyond retail.

Councilwoman Curry-Campbell: Okay, I do apologize. I'm all about this. I'm for you. I think I voted with you. I asked some questions, but I guess the retail was the part I was interested in and we're giving you 10 years, is that what you're asking for?

Rachel: Yes, based on the point system they do qualify for a 10-year. On the retail side of it within the tax abatement policy, if the percentage of investment is between 10 and 50%, we have the applicant reduce the investment of the retail portion. When Andrew first came, the application stated over \$7 million of investment. Based on the retail percentage we had him deduct the amount that he has estimated for that retail portion. You also see on the statement of benefits form for real property, there's a notes line. I typed in there just to make sure that everyone would be aware that the retail portion is not being considered for abatement.

Councilwoman Curry-Campbell: Okay. Just wanted to be clear on that. I just saw that flag and I was just-- thank you for explaining. Thank you.

Rachel: Yes, you're welcome.

Councilman Harris: Yes, and it's on that point. It's a good point is that we generally don't do abatements on retail. It's basically that overall construction and investment and growth and such, but not necessarily retail side of it. We thank you for that. Mr. President, I'll move for approval of resolution 2022-12-15-1 approving this statement of benefits for Kuehnert Milk House LLC.

Councilman Lagemann: Second.

Chairman Kerley: We have a motion and a second. Any further discussion? Hearing none. All those in favor say aye.

Council Members: Aye.

Chairman Kerley: All those opposed. Motion carries 6-0. Thank you.

Rachel: Thank you.

Councilmen: Thank you. Congratulations and good luck to you.

[silence]

Councilmen: Good morning.

Chris: Good morning.

Elissa: Good morning council. Elissa McGauley, Director of Redevelopment for Allen County.

Chris: Chris Cloud, Chief of Staff and Elissa's sidekick.

[laughter]

Elissa: On behalf of the Allen County Redevelopment Commission, I'm here this morning to request an appropriation of 750,000 into Fund 430, which is the Revolving Loan Fund. Back in 2018, the Redevelopment Commission and the Board of Commissioners created the fund with a primary purpose of providing incentives to developers in the construction of shell speculative buildings.

At the time, the Board of Commissioners deposited about a million into the fund for an incentive for PB development when they constructed a 100,000 square foot shell building at the corner of Falwell Parkway in [clears throat] sorry, in Lafayette Center Road. A total of a 910,000 in payments were made to the PB development project and when they made a lease in June of 2021, those payments stopped. Alternate Conversions is now occupying that space, so we're now at a point where we've been working with Silverado Hagerman Properties for about two years now on another shell building deal.

Last year in October the Board of Commissioners announced incentives that would be provided to Silverado Hagerman properties in the form of property tax abatement in reimbursement of the interest portion of the carrying cost on the construction of two 150,000 square foot shell buildings, which are located south of Stonebridge Business Park and General Motors Truck facility.

While you approved the tax abatement back in October, you also approved a resolution that gave the Redevelopment Commission authority to enter into lease and loan agreements for that incentive. It's taken a lot longer to put those agreements together. At the same time, we're now at a point where I'm very close to executing those and would need to appropriate the funds for that incentive. That's the appropriation request that you have in front of you today.

I guess I'll add that the total maximum benefit now that we're at a point of where these documents are being finalized. I think originally we had estimated it, at that point in time the applicant Silverado Hagerman was looking at about a \$1.5 million incentive. That's been decreased to about 1,050,000 so we're saving about \$450,000. Not saving, but it's decreased by that amount so the total amount of incentive now is 1,050,000. The 750,000 represents a little over a year of payments. We plan on making monthly disbursements out of that fund for that incentive.

Councilwoman Curry-Campbell: Mr. Chair, may I speak?

Chairman Kerley: Yes.

Councilwoman Curry-Campbell: Can you tell the folks at home what's a shell building because I know people keep hear you say shell and I don't think they understand what a shell building is?

Elissa: A shell building essentially is just the walls and the roof. It's not finished. It's speculative in nature, so it doesn't have an end user as of yet. What they do is construct the walls and the roof and leave the flooring as well as any kind of electrical, plumbing, that kind of thing, up to the end user. It provides, I guess a jumpstart as well as a means to market a building to multiple types of end users that would then eventually build that out.

Councilwoman Curry-Campbell: I know Last time we were here discussing this the concern was finding other locations to place these shell buildings, giving other parts of our city opportunity for growth. I just wanted folks at home to know what a shell building is and how these abatements and things happen prior to. Thank you.

Councilman Harris: The location, I'm sorry, I'm just going to ask the location of these, are where?

Elissa: They're south of the Stonebridge Business Park, which is off of Lafayette Center Road, just south of General Motors.

Councilman Harris: I drove by those yesterday just to make sure that they were there and looking good so it's all good.

Elissa: The deal that was struck with Silverado Hagerman Properties, which is a little different than our previous shell building deal, as well as some of the ones that were done with the city of Fort Wayne through the city of Fort Wayne's Redevelopment Commission. They're typically, the incentives are given during the construction timeframe. The way this one was struck was payments, the incentive would not be paid out until these shell buildings were up. The building department did confirm that those buildings were done and completed in September of this year.

Councilwoman Curry-Campbell: Do you have anything coming up on the south side of Fort Wayne, a shell building? Like I say, we had this conversation last time you folks were here, just want to know you been working on that?

Elissa: We actually have reengaged with the greater Fort Wayne, as well as the city, and looking at sites that would lead obviously to shell building deals, but right now it's a matter of product. We're looking actually all over. Concentrating on looking at the corridors, obviously airport expressway, US 27, US 30, US 33, those areas that already have the potential to be served by utilities. The shell building side of things, not so much, but we're looking at sites where buildings could happen, industrial buildings.

Councilwoman Curry-Campbell: I just think we need to be intentional. There's no way we're going to equal this playing field unless we're being intentional, so we're talking about the south side economic development. Let's just really be about it. Thank you.

Elissa: We're pushing, obviously we have the Allen County Together plan, which is our economic strategy, and so that's what we're following right now.

Councilwoman Curry-Campbell: Thank you so much.

Chairman Kerley: Councilman Fries, your patience is noted.

Councilman Fries: Thank you, sir. Elissa, could you please explain to the taxpayers how they get their money back? How do we get this money back? We're not just given Hagerman Silverado \$750,000.

Elissa: That property as well as the one west of it has been designated at TIF district, and so the property taxes that would be generated from the building minus once the abatements start coming off would go back to repaying the revolving fund.

Councilman Fries: Thank you.

Councilman Harris: With that, Mr. President, I move for approval of, let's see, contractual under the AC revolving loan fund 430, contractual of 750,000.

Councilwoman Curry-Campbell: Second.

Chairman Kerley: We have a motion to second. Any further discussion? Hearing none. All those in favor say aye.

Council Members: Aye.

Chairman Kerley: All those opposed?

Councilman Spurr: Aye.

Chairman Kerley: Motion passes. 5-1(Spurr)-1(Armstrong).

Elissa: Thank you.

Chairman Kerley: Thank you.

Elissa: Happy Holidays.

Councilman: Thank you. You too.

Chairman Kerley: Recorder.

Anita: Good morning. I'm Anita Mather, your current Allen County recorder for 2 more weeks only.

Councilmen: Thank you for your service. Thanks Anita.

Councilwoman Curry-Campbell: Thank you for your service.

Anita: I'm here today to discuss my chief deputy Hannah. She has chosen to stay on with the next recorder, Nicole Keesling. Nicole has asked her to stay and Hannah has agreed. We are here today to request an increase from 90% of the elected officials pay to 95% for Hannah. She has been in the office for 15 years now, and not to toot my own horn, but with me leaving, that's a lot of experience going out the door. A lot of knowledge that I have been slowly giving Hannah. She is invaluable to your office and to lose her at this point would be very detrimental to Nicole and the office. Nicole's been with us for about 3 years now, so she's not a complete novice, but it's a job that takes a lot of learning, a lot of time.

Hannah has a degree from IU. It's in biology, which doesn't help, but she is absolutely invaluable to the office, and I implore you to-- We're talking less than \$5,000 a year and it would make me feel a lot better that she will continue to stay and continue to help Nicole get her feet grounded as well. I know there's a study going on. I've heard this. I can't get any clear points about what's going to happen with the elected officials and the chief deputies, so I thought, I'm not going to wait. I'm going to come and ask and see what you all have to say, because losing Hannah would be not good.

Councilman Lagemann: I've spoken with Nicole about this and I, first of all, appreciate you coming in and making the plea. I totally understand where you're coming from. As one of the committee members on the wage and benefits study, we're really close to implementation. That said, my concern for you and for your employee is that there hasn't been a lot of clarity, so that clarity does need to happen. It needs to happen fast. We've had those conversations with HR, we're working with the rest of the committee and the commissioners to make those clarifications available to each of the elected offices and department heads as soon as possible. I want to push that as quickly as humanly possible as well.

What I would like to do, and I'll make a motion in a moment, is ask for just a little bit more patience. I think we will have clarity by our first January meeting on exactly where most of the employees will be and clarity on where at least chief deputies will be. We have a year before we can ever touch any of the elected officials because raises cannot occur in the year that you vote on. I think that clarity will be forthcoming. I've told Nicole, and I'll tell you, and I'll say it publicly that if we don't have that clarity, I will move for this reclassification.

What we have said up to now is, and this has been categorized by HR as a reclassification, what we've said is we weren't going to address reclassifications until we have the study in hand and ready to move forward. That needs to happen. It needs to happen fast, and I think it will. If it hasn't happened before our next meeting, I want you to come back, or Nicole to come back, and let's do this and move forward, and I'll present the motion. I'm asking, at this point, for patience for one more month. I've had extensive conversations with HR about this, and I'm confident that we'll be there. If we're not, like I said, you've got my promise that we're going to readdress it.

Anita: Well, I appreciate that. I know there's been other elected officials that have asked for recategorizations also, and they've been put on hold also. One of them has been put on hold for eight months because of the study. I just don't want it to drag out.

Chairman Lagemann: You've got a month from me, so how about that? I want to keep the discussion open if anybody else wants to talk about it, and then what I will do when the discussion is over with is make a motion to table this until January.

Chairman Kerley: Table it or hold it?

Chairman Lagemann: Hold, I'm sorry, till January.

Councilwoman Curry-Campbell: May I speak, please?

Chairman Kerley: Yes.

Councilwoman Curry-Campbell: Thank you. Congratulations on your retirement. The urgency of now, that's where we're at right now, okay? I understand, I'm only one folk, but I got to fight for you at this point.

Anita: Oh, I appreciate that.

Councilwoman Curry-Campbell: You understand what I'm saying?

Anita: Yes.

Councilwoman Curry-Campbell: You're getting ready to leave, you're asking for 95%. She's got 15+ plus years she's been there. I think what you're requesting is what you're supposed to do. We understand that there is a compensation study. I'm on that committee. We thought we would be done. We put all of this on hold. In the meantime, you still got to live, she's got to continue to stay here, we hope.

That's been our big battle, is how do we retain these individuals? How do we do this compensation study, still allow people to work and maintain? Because at the flick of a dime, these folks could leave. The can go to the public sector and make a whole lot more money. I'm fighting for you right now because you're only asking for \$5,000.

Anita: And it does come out of our user fees that we get. It's not coming out of the general funds.

Councilwoman Curry-Campbell: I don't want you to have to wait. Your two weeks, I don't want you to be stressed out about this. I'm hoping Ken over there or somebody is going to side with me that we need to give you what you need to be successful in that department.

Anita: My mind at ease.

Councilwoman Curry-Campbell: We saw. We got you, because I'm looking at Ken over here and a couple of them that know that we work for y'all. This is what we're supposed to do. We're supposed to advocate for you in your hour of need. You got two weeks, you're trying to do the right thing. I know Ken with me. Thank you.

Anita: Thank you.

Chairman Kerley: Councilman Fries.

Councilman Fries: Thank you. Appreciate that. Anita, at the personnel committee meeting, I told you, as I've told other members, the Council, and other elected officials and department heads, we have experts in their field for a reason. You are the expert in your field. I told you at the personnel committee meeting, if you believe you need that, I made the motion to approve it. I still feel that way.

Anita: I appreciate.

Councilman Fries: If the vote is to table it, I will not be voting for that, but we'll see where it goes. I appreciate you coming and fighting for your employees.

Anita: Thank you.

Councilman Lagemann: Mr. Chairman. Anita, can you talk a little bit about where the funding for this does come from? You mentioned it, and I think it's important to clarify that.

Anita: Absolutely. With the recorder's office, we collect a fee for every document that we record, we collect a dollar-a-page copy fee. The copy fee money goes into our perpetuation fund, which is what we use to pay everything for our office. We get no general fund money. We solely live off, and we turn over about \$2 million+ to the general fund each year. Not only do we take care of ourselves, we also contribute to the general fund. I just want to keep that tradition going on, and you need the knowledge and the know-how to make sure that continues.

Councilman Lagemann: Absolutely. Thank you. Mr. Chairman, if there's no more further discussion on this issue, I would move that we hold this reclass until our next meeting in January.

Councilman Spurr: Second.

Chairman Kerley: We have a motion and a second to hold. All those in favor say aye.

Council Members: Aye.

Chairman Kerley: All those opposed?

Councilwoman Curry-Campbell: Aye.

Councilman Fries: Aye.

Chairman Kerley: Motion to hold passes 4-2(Curry-Campbell & Fries)-1(Armstrong).

Anita: Thank you.

[silence]

Chairman Kerley: Commissioners.

[pause 00:56:53]

Chris: Good morning, Council. Chris Cloud, Chief of Staff.

Chairman Kerley: Good morning.

Chris: Before I start, to Councilman Curry-Campbell and Councilman Spurr, thank you for your service. Having worked for elected officials 15 years, it's a thankless task. I can't believe you did it. I don't know why you did it. Sitting with Darren back there, I don't know why he did it. It's just a thankless job, but it's a necessary need in our community for people to step up and be willing to lead and thank you for that. First item is, not sure how it's labeled on your agenda, but it's an interlocal agreement for the-- I can't remember the full title, but--

Councilman Lagemann: Poka-Bache.

Chris: Thank you. Thank you for trying to pronounce that for me. Poka-Bache Regional Trail. We don't call it this in Allen County. You might know it as the Pufferbelly. Fort Wayne

has their own name for it. When it's all fully built out, it'll be an 80-mile regional trail network from Pokagon State Park down to Ouabache--

Councilman Lagemann: Ouabache.

Chris: Thank you again. My Native American pronunciation is a little off, park down in Wells. Indiana Code allows government units to create interlocal government agreements. I think, me personally, this is a little overkill from the state to make us have an interlocal agreement adopted by the commissioners and council of every county and town and city on the path, but in their wisdom, this is how they do it. No offense to a former representative in General Assembly. We need your sign-off on this.

We're not asking for money. It's just part of the process of us having an interlocal group with Angola, Auburn, Bluffton, Fort Wayne, Hometown, Ossian, Waterloo, Allen County, DeKalb County, Steuben County, and Wells County. The group will get together once the trail is fully built out. Each of those representatives has one voting member. They'll sort of manage the trail. We in Allen County, we build a trail, Fort Wayne does the same thing, we take care of them, maintain them.

These other communities don't have the trail networks and the blessing of trails that we have in our community and the investment we've made. This group will help coordinate, maintain, advocate for additional trails, but there's no money involved. If there were, we wouldn't ask you for that and from the communities, because ours is going to be fully built out. I would say in the next couple of years, our full Allen County length will be built out.

We've made really strong headway.

Both the city and the county have upcoming projects that are a couple of miles at least that will make huge progress towards getting all the way from the south part of Fort Wayne, all the way to the county line up north. Our part's mainly progressed, the rest of them are a little behind. It's expensive, and they're a smart communities who understand that.

Anyway. This is all just a regional coordinating group, is effectively what this is, but Indiana Code does require you all at the fiscal body to sign off because you could have an interlocal agreement that would ask for money from each contributing person if you're doing a project. That's why your sign-off is there so that you are aware of it as the fiscal body, but we're not asking you for involvement money, anything, just acknowledging that it's happening.

Councilwoman Curry-Campbell: I just have one comment. Any time I see the word equitable, I really question people about what do that really mean? I saw that in the resolution and it spoke about collaboration and I guess you're talking about all of these other cities. That's what you're calling collaboration. **[unintelligible 01:00:33]**.

Chris: The regional collaboration.

Councilwoman Curry-Campbell: What is the equitability in that? I'm looking for diversity. I want to include everybody. I understand the collaboration, but do we have any statement of that nature? Even with Pokagon part that their diversity, their equity, their inclusion, that they're being just with just asking for a friend. I'm just saying.

Chris: No. This is a specific trail corridor of a existing railway. I do know that in particular, the city of Fort Wayne has made great effort the last few years to ensure that all parts of the

city, which is the bulk of our population lives in the city, have access to trails. It is an expensive endeavor, but looking at the trail map, it has grown from what was just one north-south trail and then stuff along the River Greenway to more items that I think do make it a more equitable trail network throughout the community.

In Allen County, it's a little harder. Largely rural areas, trails are very expensive. Those existing rail corridors make an easy place to do trails, but that's no excuse for not having them there too. I know that even the places like Monroeville and Woodburn and Grable, they're also figuring out. We're in the process of a Cedar Creek Park trail as part of the Stellar Crease project, which you all are helping fund, by the way. It's been a couple of years, but I think that's going to bid yet this year. That will connect the north side of Metea all the way to Hursh Reservoir outside of Grabill.

That involves communities that wouldn't normally have access to trails like this because they couldn't afford to do on their own. But because it's a collaboration of three different entities, plus the state, plus you all, plus us the CIB, we're able to provide a several-mile trail network that will connect people to several parks in those counties. I see more and more that happening throughout the trail network, but especially in the city. They really are making strike, and I can't speak to their day-to-day effort.

I don't work for them, they it is a big push for them to make sure that-- because that was a complaint of a few of us who live out northeast, that there really wasn't a trail. There was nothing northeast.

Councilwoman Curry-Campbell: Well, I'm talking about the south--

Chris: Not that there was one in southeast. There wasn't there either. It was fixed to certain areas.

Councilwoman Curry-Campbell: Trail to nowhere.

Chris: Now they are that I've seen the trail map and those trails they've been working on in these pockets will connect back into the larger network and so you really will be able to access every part of the city on trails from every part of the city.

Councilwoman Curry-Campbell: Even down Hanna Street where the trail goes road to nowhere. Linda Brooks and I know Diane Rogers has been working on that for a very long time. [crosstalk] It's like it gets right there to Hanna and Wallace, and that's it. Coming back, you're going back 27. I'm just asking for free. What's a day. Today my last day. All I can do is ask the tough questions, and that has been a concern on the south side of Fort Wayne for a long time.

Councilman Fries: [crosstalk] On the north side, I have to ride miles to get to a trail so I agree.

Chris: I think that's one of the-- people seem to like trails way more than leaders 20 years ago thought they would.

Councilwoman Curry-Campbell: Yes, sir.

Chris: Even when we've tried to build trails in certain places, we get opposition from neighbors until the trail is built. Then they're like, "Thank you for this." I'm like, "Well, it's a

place to safely walk and bike that's not on the road." We want to encourage people to use these trails extensively because it's safer than being-- I don't really want my kids driving on a major thoroughfare. I'd rather than be on a trail. I'd rather people running on trails rather than let's leave cars and the roads and trails for people.

It does take longer, I think than people want to make these interconnections between pockets of trail to the main trail system. I knew Fort Wayne-- I can't speak for them, but I have seen their maps. They're making strides. I know in Allen County we have several projects that [crosstalk].

Councilwoman Curry-Campbell: Yes. Hopefully, somebody is listening.

Chris: I'm sure they are.

Councilwoman Curry-Campbell: What I'm talking about there on Hanna Street, the trail to nowhere. I'm with you. We'll fight your battle later, but I'm talking about this outside. Thank you.

Councilman Harris: Question just in terms of this relationship, does this tie us to any financial obligations? There's no financial?

Chris: Not at present. No. It's really just to get the group together, coordinate. I think when I read through it, it said that the group, whatever it ends up being called, the Poka-Bache Regional Trail Network Group may say, okay, we need to do some maintenance, so raise funds to maintain your section. We already maintain our section, so--

Councilman Harris: Sure it'll be Allen County that we'd be responsible for.

Chris: Again, we don't have it yet, but that would be our advocacy, is that you maintain the trails you build. It is a commitment. It's a huge financial commitment for Allen County, Fort Wayne. Not every community is like that. A lot of communities, they still fundraise to maintain trails. We've adopted and the city's adopted, if we build the trail, we treat it like a road. It's ours to maintain, to care for it. I think it's really more about advocacy, programming, just making sure that it gets built and that then there'll be trails off these that need to get built and advocated for.

It's just another group to sort of [crosstalk]

Councilman Harris: I've been in favor of the trail system and growing that it does enhance quality of life and all those things and opportunity to sell our community and all that. Challenge is going to be 20 or 30 years from now when all those trails are breaking down. We have a responsibility to think about in Allen County, when those trails start breaking down, somebody's going to have to pay that in 20 or 30 years. As long as this doesn't necessarily tie us to somebody else's community, I'm in favor of it.

Chris: I can't speak for what may in the future, but certainly from our advocacy that's the mindset we've adopted with trails is that if we build them, we maintain them, we're responsible for ours. When it comes to that, we also support the group, Fort Wayne Trails, not financially, but just an entity. It advocates for trail use, host event, things like that. If there was a small budget for this inner network to do events like that, that's one thing to support the usage of the trail, part of the trail, if there were other things.

As far as maintaining our advocacy position would be just to maintain what you've built.

Chairman Kerley: Mr. Lagemann?

Councilman Lagemann: Thank you, Mr. Chairman. As the former board chair of Fort Wayne Trails, I've been involved with that organization since the early 2000s when it was Aboite New Trails, Northeast Allen Trails, and the Rivergreenway Consortium, and was involved in bringing those groups together. The Fort Wayne Trails Organization does a couple of things. They raise money and they do contribute to the cost of some of the trails. Not a huge amount, but it's not an insignificant amount either, number one.

The things that would have cost to it that might be non-maintenance items, that sort of thing, that organization will typically fundraise for. I'm a pretty avid cyclist, as I know my colleague to my left here is as well. Putting in these trails have relieved and probably saved a lot of lives. The impetus for the trails was Ron Repka, who was killed in an accident tragically out in the Aboite area. That kicked off the Aboite New Trails and really spurred this movement a couple of decades ago. This is exactly what we should be doing.

I ride to Angola from the north side of Fort Wayne on a semi-regular basis, and it is a little precarious in many spots. Being able to do that without having to watch my back all the time would be really nice. That's not just for me. It's for kids, it's for runners, it's for all of these communities to become more connected and more safe. Thanks for doing all that you guys do for creating these opportunities and this level of safety. I certainly support moving forward on this.

Councilman Fries: Mr. President, I always like to say that hopefully, we'll get to the point where, like, in Michigan, the state takes over these trails so we won't have to worry about the maintenance of it if some town doesn't have the funds or the city doesn't have the funds for the county. We can actually have a contiguous trail that goes from north to south and maintained and funded by the state, so we don't have to worry about each little entity in the future. That would be my goal and my hope.

Chris: That's the ideal.

Councilman Harris: With that, Mr. President, I move for resolution 2022/12/15/02 approving interlocal agreement for Poka-Bache Regional Trail.

Councilman Fries: Second.

Chairman Kerley: Motion in a second. Any further discussion? Hearing none. All those in favor, say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong). [silence] [crosstalk]

Chris: I don't have a [crosstalk] in front of me to know exactly what item is next. I know we had a couple items on the agenda.

Chairman Kerley: Why don't you do the corner of East Paulding first?

Chris: Sure. The code citation slips me 36110.55 is the Indiana Code statute that covers how local government counties purchase land and structure. The commissioners act as the purchasing agent for the county. That particular code citation requires them to go before county council as the fiscal body to concur that they have an interest in purchasing it. It's a little more legalese than that, but that's effectively what it says. Another part of Indiana Code, specifies the threshold for coming to you, and it's a low number. It's like a couple of grands.

Anything we would want to purchase or buy over a couple of grand property wise or structures, you come to the fiscal body for their consent. Two items today. The first one is 6227 E Paulding Road. We own 175 or 180 acres surrounding it. This was purchased when I was an intern 15 years ago, I'm a little fuzzy on that back history of it. When it was purchased, the group it was purchased from retained the corner as part of that purchase agreement. The county at the time agreed to relocate a ditch that was on the property sort of bisected east-west and half to the back of the property to make it more usable for that person.

In the intervening years, once I'm on board and I'm kind of looking into it. Met with the surveyor at the time as a regulated drain moving that was going to be quite cost-prohibitive, never really took action on it. The owner never really said anything. Fast forward, we have this grant from the state for horse trails for the perimeter of that larger parcel that we own to go along with the other existing uses from the sheriff's department there out there. Became clear we need to clean up the corner and figure out what's going to go on there.

In talking to the owners, it became financially better for the county just to purchase the corner. It would be just extremely costly to relocate a regulated drain because the drain also then goes underneath the road into the next. Army Corps of Engineers permitting it, it became cheaper to buy it. We had appraisals done, the average two appraisals plus a settlement because we did not actually move the ditch. We did keep them from using that property. All that totaled \$225,000, not asking for money today, just the permission to close on the purchase.

We would then control all the entire corner. That's really the goal is to be able to just control the rest of the property that we have surrounding it, make sure that we can-- especially given the uses around there make sure that we can control what might be developed there in the future if anything.

Chairman Kerley: Mr. Fries?

Councilman Fries: To be clear, this has absolutely nothing to do with building a new jail. Thank you.

Chairman Kerley: Ms. Curry-Campbell?

Councilwoman Curry-Campbell: Would this be a location for a shell building on the south side of Fort Wayne at the inner-- I'm just asking for a friend.

Chris: It's a five-acre parcel with a ditch right in the middle of it. It is not entirely--

Councilwoman Curry-Campbell: It's not a good location.

Chris: It's not a usable parcel.

Chairman Kerley: Part of it's in a flood point.

Chris: There's that part too.

Councilwoman Curry-Campbell: I'm just trying to get something on the south side of Fort Wayne, and so if the county's going to buy some property, I'm going to see how long you can help the south side of Fort Wayne.

Chris: I appreciate that.

Councilwoman Curry-Campbell: Thank you.

Chris: Your advocacy is always noticeable.

Councilman Harris: Mr. President, I'll move for the approval of 6227 E Paulding Road Fort Wayne, and that's resolution 2022-12-15-04.

Councilman Lagemann: Second.

Chairman Kerley: Motion and a second. Any further discussion? Hearing none. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed. Motion passes 6-0.

Chris: Council, same principle fiscal body, we come to you. I'm here on behalf of the purchasing agent to request your sign-off on the purchase of 2911 Meyer Road what was previously the International Harvester R&D facility, plus another 70 or 80 acres of undeveloped land to its immediate east. It is as of late November the commissioner's preferred site for a new county confinement facility. We are still negotiating with the owner on price state losses. It cannot be more than the average two appraisals. It won't be more than average two appraisals, but we are still negotiating that number.

Councilman Harris: Say that last part again? The state law.

Chris: We cannot purchase land for more than the average two appraisal. Redevelopment commissions--

Councilman Harris: Average two. Okay.

Chris: That's the cap, is the average two appraisals. We're still negotiating that figure. I imagine that we'll hopefully wrap up quickly. We are waiting on appraisals to reopen and your approval today. There's now a number of things we had to work through. Happy to answer any questions.

Councilwoman Curry-Campbell: Is this the future home of the jail that they're talking about building?

Chris: That's the commissioner's preferred location, yes.

Councilwoman Curry-Campbell: The commissioner's preferred location. All right. Just wanted to be clear on that. I know there was some folks here today in 2911 Meyer Road is what we're speaking of.

Chris: Yes, Ma'am.

Councilwoman Curry-Campbell: Thank you.

Councilman Harris: The other piece to this is that the county owns property all over Allen County. We've got parcels of properties everywhere. While that is the intent at this point, it is not an affirmation that that's going to happen. It's your plan to make that happen. At this point, this vote today is an acquisition by the purchase of the county to own another piece of property. It's an industrial park opportunity that provides the county that position to be able to move forward with the jail should they decide to.

Chris: Correct. There is existing structures totaling upwards of 300,000 square feet. A mix of unfinished storage buildings semi-finished storage, and then office space. We would endeavor to make as you all recall, we, looked at a project this past year to do some consolidation. Had a hefty price tag, did not have support of all the people involved in it from the department side. Through that process though, we did encounter several space needs the county has and functions the county has, as well as the desire to consolidate our footprint as much as possible, just as a policy directive.

Certainly, the 300,000 square feet of space and existing structures would allow us to do additional things consolidate outlying buildings provide areas for moving things around to spaces that better fit their usage. We have not committing to it moving out there, but we have a solid waste facility. Former office space in the north side on Carroll Road, used to house our tub grinder that is now used for our weekly tox away day drop-off spot. It's really not a convenient location for the most of the county.

The drive from Woodburn to Northwest Allen County can be for 40, 45 minutes. If you have household hazards waste you want to drop off, that's a hike. Something more centrally located in the county would be a beneficial location for some of that household hazardous waste and recycling programs that we operate out of ACDEM. It's uses like that that we would, as well as consolidating storage. We have several storage buildings on our North campus as well. Many of which we are outgrowing cause we've had them for decades.

I know election board needs more storage for their machines. The state has these additional printers that come with it, and there's 400 of them coming. We just have needs. This does provide us other avenues for some of those consolidation and relocation projects that we have previously thought about.

Councilman Harris: In my head what I think about, while this is heading toward that end, I look at this decision of saying, is it wise for the county to purchase this property? Should the jail happen or not happen? Is this a good decision? I think it's a good decision to purchase this property for opening up opportunity should that not happen. Anyway, Mr. President?

Chairman Kerley: Mr. Fries?

Councilman Fries: A lot of discussion happened here today from a lot of citizens that I'm glad you showed up and got involved in government. That's what we need more often. I agree with Tom. I think this is probably a good location for the county to buy based on the fact that the Geographic Center of Allen County is New Haven Avenue and Meyer Road. I think the location is good. I'm not so certain that we need to move forward with the whole jail without involving the citizens more.

That's where I'm torn and I will, spending 34 years in law enforcement, starting at the old jail and then moving to the new jail, which is now the old jail, it can't be added onto. There's another block that can be filled in there with 60 more beds, but it can't be added onto anymore. It was not designed properly in the first place. In the additions, additions, additions cost us a lot more money for employees. Newly built jail will take fewer employees and also many of you may not know, but during this first pandemic, we had only violent serious felons were allowed to be taken to jail.

The vast majority of people that got arrested did not go to jail because we don't have negative pressure cells. One of the things we have to have in our new jail is a place that will accommodate bad guys during a pandemic. We had one pandemic we'll have another one. Part of the reasons we need to build a new jail, none of us here want to build a new jail. The county commissioners don't want to build a new jail. Council doesn't want to build a new jail. We have to build a new jail. Not only because of the federal judge, but because the one we have is antiquated, wasn't designed properly in the first place.

Like I said, we have to be able to arrest bad guys and have some place to take them to house them temporarily before they go to court. The new one, I know is going to have places for programs and everything else. I want to see the community involved more. Unfortunately, today I'm going to vote no on this. I do believe it's probably a good place, a good thing for the County to buy. I want to see the citizens involved more in the discussion on building a new jail.

Chairman Kerley: Mr. Lagemann. Oh, Ms. Campbell?

Councilwoman Curry-Campbell: Has this property been zoned for a jail?

Chris: There is no zoning for a jail.

Councilwoman Curry-Campbell: How do you build a jail? What other credentials or whatever-- What other step other than buying a property to build a jail do you have to do? There's got to be some kind of law or something. There's got to be something.

Chris: In Fort Wayne and Allen County's Land Use Ordinance, if you recall, we have nearly identical land use ordinances that were adopted a decade ago to make development and doing stuff in the county and city easier.

Both of them contain language for what is called a contingent use.

Councilwoman Curry-Campbell: Contingent use?

Chris: Contingent use. I can't remember all of them. There are only about three or four items that apply under a contingent use. One of them is a confinement facility, jail. The other one is an airport. They do not go through a rezoning process, because there's no zoning for something you're only going to have one-off. We have zoning for agriculture, zoning for residential, for commercial because there's lots of it. You don't do a zoning district for an item you're going to have a one-off. They have a contingent use process. The contingent use process would go through the Board of Zoning Appeals of whatever--

Councilwoman Curry-Campbell: Board of Zoning--

Chris: Of whatever group.

Councilwoman Curry-Campbell: I know you speak law.

Chris: Sorry. This property is in Fort Wayne.

Councilwoman Curry-Campbell: Yes, sir.

Chris: It would go to the Fort Wayne Board of Zoning Appeals. We have filed with the Fort Wayne Board of Zoning Appeals.

Councilwoman Curry-Campbell: You have filed with the Board of Zoning?

Chris: That hearing is, I think, January 15th.

Councilwoman Curry-Campbell: January 15th. Is that hearing open to the public?

Chris: It's a public hearing.

Councilwoman Curry-Campbell: It's a public hearing.

Chris: I was much hoping it's opened to the public.

[crosstalk]

Councilwoman Curry-Campbell: Because I've had people contact me-

Chris: No, it's--

Councilwoman Curry-Campbell: -about trying to go into these rooms, and they said that they were turned away. I just want you to say publicly because I don't know why they weren't allowed in the room. I'm just--

Chris: I can't say either. The only meetings I attend are yours or ours. We don't turn folks away. I do know that DPS-- Well, that some of that means there's an overflow they have to have in other rooms because of the seating capacity in here. I can't defend them. That's on them. January 15th would be the BZA hearing for that contingent use application.

Councilwoman Curry-Campbell: January 15th is Martin Luther King's birthday. Is that a holiday or you guys are due?

Chris: No, January 15th is--

?Council member: It's a Sunday.

Chris: I'm sorry, 18th. It's a-- Whatever, the Wednesday is or Thursday that week. Sorry.

Councilwoman Curry-Campbell: No problem. Look--

Chris: It's the third, whatever-- It's their regular January BZA I think. Whatever Fort Wayne is. Sorry. My apologies on the date.

Councilwoman Curry-Campbell: You're fine.

Chris: Our contingent use application asks two questions. Are there or can there be appropriate utilities at the site? Second question is, does the project follow all other land use requirements? Things like setbacks, height, buffering, parking lot, uplighting. All the things that would normally be required of a commercial building or an industrial or some other large or non-resident structure. Those are the two questions that Fort Wayne BZA will look at. That is the--

Councilwoman Curry-Campbell: That's it?

Chris: That's it.

Councilwoman Curry-Campbell: That's it those two questions?

Chris: Yes.

Councilwoman Curry-Campbell: All right, people at home, you just heard it. He just told you what the process is. Thank you.

Chris: That's my layman's understanding of our land use ordinance. In the land use ordinance, it spells out that the two-test threshold. Unlike a rezoning under with Planning Commission which has a five-test which gets into the comprehensive plan, land values, I think the theory is that things like an airport or a jail are really hard to cite. The likelihood of them getting passed as a rezoning, most communities don't do that. They do a contingent use because they're so special and unique. They take a different level of--

Councilwoman Curry-Campbell: So special and unique.

Chris: They are still required to follow all the regular land use regulations on-- that we would expect of any building.

Councilwoman Curry-Campbell: Thank you, Chris. I love you. You know I love you.

Chris: I appreciate it.

Councilwoman Curry-Campbell: You always explain. I don't care what question have come to you. You have explained it in layman's terms simple enough for people at home to understand. Thank you.

Chris: I tried. Thank you.

Chairman Kerley: Mr. Lagemann?

Councilman Lagemann: Thank you, Mr. Chairman. We do not have a price tag on this. Can you explain why we don't and help us understand that?

Chris: We are presently negotiating with the landowner on that final price tag. We have offered a number we'd like to see. It is less than the average two appraisals. I found it best not to negotiate land purchases in public.

Councilman Lagemann: Thank you.

Chairman Kerley: Do we have both appraisals in?

Chris: Second one just came in this week.

Chairman Kerley: What you're asking us today is for approval to enter into a purchase agreement. Could you--

Chris: Really, what we're asking you under Indiana code is that you have an interest in the purchase. The purchasing agent makes the purchase. There's a couple of citations about that. The fiscal body is asked to express that it has an interest in the purchase.

Councilwoman Curry-Campbell: That's all we're affirming to today. That's it.

Chris: That's not my language. I think it's an odd phrasing. It says, "The fiscal body must pass something to the effect that it has an interest in the purchase, which as opposed to--" It's a weird phrasing. That's all you're doing. Council as the fiscal body does not enter into contractual agreements for purchasing. That's the Board of Commissioners, the executive, you wouldn't be involved in contracts with developers or contractors. The part that the state has put out for you besides your budgetary and fiscal function is to agree that you have an interest in the purchase of the land or structure.

That's the role Council plays in that part. The same thing also for selling property.

Chairman Kerley: Could you speak to-- Obviously, if you're going to enter into negotiations, what kind of contingencies you're going to put into the negotiation? Obviously, it's got to pass, get the Zoning Appeal. What protections are you looking for?

Chris: With any property purchase that anyone would do that needs either a rezoning or in this case contingent use, the property owner who currently owns is actually the applicant. In our case, Meyer LLC, property owner is the one who applies for the contingent use application. This happens on rezonings. It's the firm that applies for rezoning even though it's a building developer who's buying the property. This would be contingent upon a successful contingent use at Fort Wayne BZA. Contingent upon two appraisals.

Contingent upon you all sign off as an interest as required in Indiana Code. I don't know what other legal contingencies our lawyer might put in the purchase offer. Obviously, he's going to do his best to protect the interest of Allen County from a property purchase perspective like we would with any property purchase. I do know that those have to be-- There's no point in purchasing if you all-- Well, we can if you all would say no to have an interest. If BZA would find that we don't meet the two-question test, then we would not purchase the property.

Councilman Lagemann: The applicant would also have to agree to the two appraisals average.

Chris: Yes. It's a land transaction. It's 142 acres with a massive building on it. It's the same process for land transaction as would be undertaken normally for a developer buying property and having to go through a regulatory process.

Chairman Kerley: Yes or no, you'd still have to come back and ask this body to fund it?

Chris: Our intent-- You all had asked us to set aside \$20 million of revenue replacement out of ARPA to go towards the jail project. We would intend to use a portion of that as the purchase of the property as this is a government function and revenue basically used for any government function.

Chairman Kerley: [sighs]

Councilwoman Curry-Campbell: We have legal here with us today, Mitch Harper. He just said ARPA. Like I said, I didn't agree with that. I think that any funding that comes in, we should be using the Justice 40 principle. That 40% of that money is helping the community that's been impacted in low-income communities. Justice 40 is a principle that Biden has put in place. How do we make sure that we're using the Justice 40 principle versus taking money to build a jail? You're legal. I'm just saying--

Attorney Harper: Councilwoman, you're asking me for something off the top of my head, which isn't a good way to operate. I can't advice you on that. You're going to be making a policy decision here. That's not my purview.

Councilwoman Curry-Campbell: Yes, sir. Chris, I love you. It was just stated that we're going to use these ARPA funds to move stuff around to build the jail, set aside. Nothing directed to you because you just do your job, but I want the people at home to understand. I'm trying to help the people that are most impacted with ARPA funds. We shouldn't be getting the little crumbs that fall off the table. We should be getting this big chunk here to help the people to equal the playing field. Once again, the people at the table are the ones making a decision.

Those are the ones that should be looking around and saying, "Houston, we have a problem. How do we fix this?" Not build a jail with ARPA. I'm just saying. Thank you, sir.

Councilman Harris: Mr. President. I will move on that basis for the approval of the resolution 2022-12-15-03.

Councilman Spurr: Second.

Chairman Kerley: We have a motion and a second. Any further discussion? Hearing none, I will take a roll call vote. Ms. Curry-Campbell?

Councilwoman Curry-Campbell: I'm very passionate. I'm very animated, and right now I don't feel comfortable voting, knowing that I'm leaving here today vacating this slot. I don't feel comfortable voting. I know that we're going to build a jail. Is it going to be within my lifetime? I don't know. I'm 62. With that being said, unfortunately, I will not be voting today. Mr. Chair. Thank you.

Chairman Kerley: Mr. Harris?

Councilman Harris: Aye

Councilman Spurr: Aye

Chairman Kerley: Mr. Lagemann?

Councilman Lagemann: Aye.

Chairman Kerley: Mr. Fries?

Councilman Fries: Nay.

Chairman Kerley: Mr. Kerley? Aye. Motion passes 4-1(Fries)-2(Curry-Campbell & Armstrong).

Chris: Thank you. A final item is just a transfer between series this time of year, as you'll find elsewhere in your agenda departments have to transfer between, I think this is between a two and a three, just to make sure that something is paid out of the correct fund as the auditor prefers. This is a \$147, I think, transfer between Garage and Miller and Oil Lube.

Councilman Harris: I'll move far Mr. President for \$147 from auto repair to Gas and oil Lube for \$147.

Councilman Fries: Second.

Chairman Kerley: Motion a second. Any further discussion? Hearing none. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: Motion passes 6-0-1(Armstrong).

Chris: Thanks, Council.

Chairman Kerley: Mr. Jordan?

Mr. Jordan: Good morning again, Council. The first thing on here that I'll be handling is the appropriation within the Allen Public Safety Fund. That figure's actually going to be 121,000. If you recollect a few months back, I came and got approximately 170,000 to make us full in the CCP fund that the city maintains. Historically, we've spent down the reserves that the CCP had from inception, that 12/31/21, the balance was negative. We contributed 168. That was 20%, the city contributed to 80%. We're estimating for year-end, we will contribute this 121,000.

Then the city's contributing 400 some thousand for their 80%. That'll keep us in the positive. For '23, you've already allocated 1.4 million, which is for '22 year to date. If this is approved, we've contributed 1.2 million. Next year's appropriation will be \$200,000 higher. We don't anticipate coming back to ask for anymore because we're not relying on reserves anymore. The interlocal said when it was created, "You had to spend down the reserves before you contributed more." That's what sets us up to this predicament.

If we would've appropriated the full amount, it wouldn't have been in the spirit of the reserves being used.

Councilman Lagemann: Mr. Chairman, I move that we appropriate the 121,000 as requested by the auditor.

Councilman Harris: That was 121?

Councilman Lagemann: 121,000.

Councilman Fries: Second.

Chairman Kerley: Motion in the second. Any further discussion? Hearing none. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed. Motion passes 5-0-2 (Curry-Campbell & Armstrong).

Mr. Jordan: The next one is similar to what Mr. Cloud just presented and what we've done for multiple months. It's a transfer from the 300 series to 200 series, simply accounting-related requested by my office so that we buy the supplies out of the correct series instead of the incorrect one.

Councilman Harris: It's always a good practice.

Mr. Jordan: Yes, I wish we didn't have to come before council, but because the way Indiana law is this as well as the next two or the exact same thing.

Councilman Harris: I'll move for the election expense of \$4,500 to supplies for \$4,588.

Councilman Lagemann: Second.

Chairman Kerley: Motion and a second. Any further discussion? Hearing none. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong)

Mr. Jordan: The next one is within Superior Court. It's actually from the grant fund, 874, the Family Recovery grant. A similar thing from services to 200 series supplies.

Councilman Lagemann: Mr. Chairman, I move that we provide the transfer of \$26,119 from the six accounts as noted in our agenda to 874-6201-412-21-01 to general supplies.

Councilman Fries: Second.

Chairman Kerley: Motion, and multiple seconds. Any further discussion? Hearing none. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? 6-0-1(Armstrong).

Mr. Jordan: The last is the Southwest on County Fire District one of the binding units or one of the units you're tasked with approving the budget. Brett Wygant did provide a document. It's actually page 121 of 122 in your notebook. That's transferring from capital to the three series noted personnel, supplies and services. In the document, he noted the 100 series, the personnel's, due to an increase in part-time employee pay, the supplies are unforeseen, increase in costs of supplies and increase usage of supplies associated with the trial situation.

Then the services 300 series due to an additional unforeseen expenses and renovations of one of our fire stations and also the rising cost of fuel and other items.

Councilman Harris: All right, I'll move for the capital. Let's see transfer within the special fire general fund of 230,000 from capital over to Personnel Supplies and services.

Councilwoman Curry-Campbell: Second.

Chairman Kerley: Motion and a second. Any further discussion? Hearing none. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? 6-0-1(Armstrong).

Mr. Jordan: Thank you.

Councilman Harris: Mr. Jordan, before you leave, I have a question. It doesn't follow on that, but the 5.5% pay increase, is that for all county employees, including part-time?

Mr. Jordan: Yes, sir. Good question. I did reach out.

Councilwoman Curry-Campbell: No, go ahead.

Mr. Jordan: Me go ahead or-- When the vote was taken, it was four to three. For those that did vote in favor, aye. When Councilmember Fries made the motion, once went through multiple iterations at different percent's, Mr. Fries said county employees. The interpretation that was all county employees and not full-time county employees that is why I reached out to clarify that with the ones that did vote aye, not the ones that voted no to begin with.

Councilman Harris: For the all the part-time people, they're going to get the 5.5%?

Mr. Jordan: We're doing it just as we did the year before. When you made the motion. We took the spirit of it the same and yes.

Councilman Harris: Thank you. I appreciate the clarification.

Councilwoman Curry-Campbell: Thank you for clarifying that because we want to take care of our county employees all full and part-time. Thank you.

Councilman Lagemann: Mr. Chairman?

Chairman Kerley: Yes.

Councilman Lagemann: To that point Councilmember Fries, I appreciate the original motion and the opportunity to clarify that it was for all county employees.

Chairman Kerley: Next item will be 2023 board appointments. We have quite a few. First of all, I want to thank everybody in the community that reached out to various council members expressing interest. I want to point out one applicant that won't get discussed today. Carlos Brooks applied to be on Child Care Facilities Board. The Commissioners notified us

that they're going to dissolve that board. I just want to thank him for his interest to get involved. Sorry that that board will no longer exist.

We can take that one off the list. What I think we'll do is just start at the top of the list and work down alphabetically. The first appointment is the Alcohol Beverage Commission.

Councilman Lagemann: Mr. Chairman, I would like to nominate Chris Spurr soon to be not a councilman and not in conflict for this office.

Chairman Kerley: Can you touch on that a little bit, Mr. Attorney [laughs]?

Attorney Harper: If Mr. Spurr were to remain on council, he would be prohibited from serving on the board.

Chairman Kerley: Thank you for that clarification.

Attorney Harper: That's both statutory and the rules of the ABC when it comes to local boards.

Councilman Harris: I was just going to say from a technicality standpoint, we're approving that today, but--

Chairman Kerley: Well, he may want to reaffirm or he just may want to not file his-- I'm assuming there's an oath to be administered not filed in.

Councilman Harris: While we're doing that, as he's on the board--

Councilman Lagemann: Shall I clarify my motion that he-

Councilwoman Curry-Campbell: You might want to save that one.

Councilman Lagemann: -[crosstalk] January appointment.

Councilwoman Curry-Campbell: There you go.

Councilman Fries: Because the one that's currently there is there until the 31st of December. You can't take [unintelligible 01:41:37] first.

Councilwoman Curry-Campbell: Because, like I said, just-- I do want to take care of Chris. You want to take care of Sheila also. You might want to save some of those for January and do the right thing.

Councilman Lagemann: We will have [crosstalk]

Councilwoman Curry-Campbell: I'm enquiring for a friend today.

Attorney Harper: For those positions, they will extend beyond and carry over beyond December 31st until you do, in fact, make the appointment. There's no gap or vacancy on those boards.

Chairman Kerley: Everything we talked about today is effective January 1st.

Councilman Harris: Is Mr. Spurr interested in the position?

Councilmember Spurr: Yes. I appreciate that Councilman. I accept. Thank you.

Councilman Harris: I'll second it.

Chairman Kerley: We have a motion and a second. Is there any discussion? Hearing none. All those in favor of appointing Chris Spurr to the Alcohol Beverage Commission effective January 1st, 2023 say aye.

Councilmembers: Aye.

Chairman Kerley: All those--

Councilmember Spurr: I abstain.

Chairman Kerley: Obviously [laughs]. All those opposed? Motion passes 5-0-2(Spurr & Armstrong) with an obvious abstention. Child Care Facility Board, as I mentioned too was dissolved. PTABOA, we had no application. This is a board that needs to be politically balanced, which means both seats need to be from an opposite party. Not necessarily Republican, Democrat but opposite parties. We did receive interest from two Democrats. Patty Trich and Sherry Early?

Councilman Lagemann: Sherry Early.

Chairman Kerley: Sherry Early.

Councilman Lagemann: Mr. Chairman, I would like to take the opportunity and I'm pleased to do this to nominate Sherry Early for the PTABOA Board. Sherry has a master's degree. She is a licensed realtor. You all have her resume in front of you. That was e-mailed a couple of weeks ago. Sherry has extensive experience here in the county with multiple not-for-profits. I think would be an excellent addition to the PTBOA Board.

Councilwoman Curry-Campbell: I would like to second that nomination.

Chairman Kerley: Thank you. We have a motion and a second and the nomination for Sherry Early.

Councilman Harris: This is for one position. Right?

Chairman Kerley: This would be for the Democratic seat. Is there any further discussion? Hearing none. All those in favor of appointing Sherry Early to the PTABOA Board say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong). We have not received application from anybody from a different party. We will still need to fill that seat in January. If anybody is interested, please reach out to Council and we will move forward. Next would be Redevelopment. We have one council seat appointment and we have one community appointment. Let's start with the council appointment.

Councilman Lagemann: Chairman, I would be pleased to nominate Tom Harris for the council appointment.

Councilman Fries: Second.

Chairman Kerley: We have a motion and a second for Councilman Harris to remain on Redevelopment. We thank you for your continued service. Is there any further discussion? Hearing none. All those in favor of reappointing Tom Harris to Redevelopment say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong). For the community seat, we have received interest from both Darren Vogt and Andrew DeGood. As Mr. Vogt has recently been elected to the Northwest Allen County School Board, I had asked our attorney to look into if there were any issues that may arise about reappointing him. Could you please just briefly touch on what you have advised Council on? Sorry to put on a hot seat.

Councilman Harris: It's not a book I have here.

[laughter]

You can grab a book of--

Chairman Kerley: I sent that opinion letter to all of you just so you are aware.

Attorney Harper: There's really a substantial test. It's not simply whether it's a lucrative office or not. You then are looking at conflicts of interest. There is a special carve-out within the state statute on Redevelopment Commission that if someone is holding a lucrative office, then they don't receive any pay on the Allen County Redevelopment Commission. Allen County Redevelopment Commission to my knowledge does not pay a salary I think.

Chairman Kerley: Correct.

Attorney Harper: In some other instances there are. That's not necessarily a bar. Then there was a very good law review article by former Attorney General Greg Zoeller. There was another workbook that walks through the various levels issued by his successor in the Attorney General's Office. What you really want to look through is whether there's a potential conflict of interest. That is a judgment call for you, folks. That's, again, a policy decision. Not an absolute bar. It's a policy consideration.

Councilwoman Curry-Campbell: I know. We all walk in the light. Sometimes, it might be a paper in the verbiage. We are all compassionate people. We all know what is ethically correct and what is wrong. This is wrong. This is wrong on so many levels because you don't want to put people in positions where they may have the power to make some decisions on economic development that might affect him in his other payroll. You understand what I'm saying? Why are we making that such a stretch? There's plenty of people. We got hundreds of thousands of people here. There's so many other people to pick. Why him? That's all. Thank you.

Councilman Lagemann: To that end, Mr. Chairman, I would like to nominate Andrew DeGood for the appointment to Redevelopment Commission. I have sent out his bio and his request to each and every one of you. Andrew has extensive experience in both at the major corporate level and also as an entrepreneur who's in the process of taking a business public. Both the large-scale and small-scale business experience and the ability to exponentially

grow a financial business to the point where it is the target of venture capital is a unique experience.

I think, one, that is important on the Redevelopment Commission.

Councilwoman Curry-Campbell: I feel the same way.

Councilman Harris: Mr. President, I--

Councilwoman Curry-Campbell: Be careful what you do and who we're appointing to these boards.

Councilman Harris: Mr. President, I'd also like to make a nomination to that position. That would be Darren Vogt. Darren has served in this capacity on County Council in a number of years in a tremendous way to represent this community effectively. He's doing so and has done so on Redevelopment Commission. For that reason, I'll submit his nomination as well.

Chairman Kerley: We have two nominations. Do we have seconds for either?

Councilman Fries: I'll second for Andrew DeGood.

Councilman Harris: Any other seconds for Darren?

Chairman Kerley: I will make a second for Darren but we will vote on Andrew first. Since I was the first one that received a second. That's--

Councilman Harris: I guess it wouldn't matter. If you're going to vote either way, it really wouldn't matter who went first I guess.

Chairman Kerley: All those in favor of Andrew DeGood for Allen County Redevelopment Commission say aye.

Councilmembers: Aye.

Chairman Kerley: Is that three?

Councilman Fries: It's three.

Chairman Kerley: Three. All those opposed?

Councilmembers: Aye.

Chairman Kerley: Because that's 3-3(Kerley/Fries/Harris)-1(Armstrong), next one will be for Darren Vogt. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed.

Councilmembers: Aye. Motion dies 3-3-1 again.

Chairman Kerley: The appointment will wait until January.

Councilman Fries: Sounds like a run off.

[laughter]

Councilman Harris: Oh, ouch.

Attorney Harper: I want to let you know I'm a recount Commissioner for the Southwest Allen Schools that's going to take up my day tomorrow.

Councilman Harris: This one shouldn't take very long.

Councilwoman Curry-Campbell: It's just a waste, have a look y'all, we just got to be mindful. This is Sheila. We got to be mindful and [crosstalk] legal.

Attorney Harper: Councilwoman to that end, I think all of the appointees should be reminded if they aren't by the board when they go on is Indiana's conflict of interest statute, which if you don't comply with it, is subjected to criminal offense.

Councilwoman Curry-Campbell: It's so [crosstalk] people who do the wrong thing.

Attorney Harper: I believe that I believe some of its been honored in the breach, but folks if they have a conflict of interest or to file an affidavit with the clerk of the Allen Circuit Court, and it's placed in a particular register, and everyone needs to be reminded [crosstalk]

Councilwoman Curry-Campbell: This is how corrupt happens, for real and I'm not accusing nobody.

Councilman Harris: Mr. President, Woodburn is next is that--

Chairman Kerley: Woodburn is a council seat appointment. Is there anyone interested?

Councilman Harris: Your name is on there? Are you interested in serving?

Chairman Kerley: That was last year?

Councilman Harris: Well, I would be willing to serve if that's of interest.

Chairman Kerley: I'll nominate Mr. Harris.

Councilman Lagemann: I second.

Chairman Kerley: I have a motion in a second for Mr. Harris to serve on Woodburn Economic Development. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong) Thank you, Mr. Harris. Visit Fort Wayne. Currently Ms. Curry-Campbell serves on that board. By their own rules it must be a council member. That's how it was written into their bylaws. We have confirmed that with them. We will need to fill that position effective January 1st.

Councilman Harris: Mr. Chairman, I would like to nominate incoming Councilman Don Wyss for that position.

Councilman Lagemann: Second.

Chairman Kerley: Don is not here too.

Attorney Harper: Don did conf--

Chairman Kerley: Is he?

Councilmember Spurr: That'd be him?

Chairman Kerley: Don would you accept?

Don Wyss: Yes I would accept.

Chairman Kerley: Sorry. I didn't see that. Since he's here and he can accept we'll motion in a second. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong) Library Board.

Councilman Harris: Mr. President I have received a word from Paul Moss of interest in serving again in that term.

Chairman Kerley: As have I. That is a position that is regulated by term limits. He is not exceeding his term limits at this point. I believe this may be his last term.

Councilman Harris: This may be his last term I think.

Chairman Kerley: Sharon Tucker is graciously serving as our other appointment for two more years. We continue to appreciate her service.

Councilman Harris: I made a motion I guess and [crosstalk]

Chairman Kerley: I second. We have a motion and multiple seconds to reappoint Paul Moss to the Allen County Library Board. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed. Motion passes 6-0-1(Armstrong). That is taken care of New Haven Economic Development. We have an annual appointment. Mayor McMichael has recommended that we appoint Emily Stemmler he has sent a letter to each of you clarifying her qualifications.

Councilman Lagemann: Mr. Chairman, I would like to place a nomination at Emily's Stemmler.

Councilman Fries: Second.

Chairman Kerley: We have a motion and a second. Any further discussion? Hearing none, all those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong). Next would be Planning Commission.

Councilman Harris: Mr. President, I think Paul, you're interested in staying on I'll make that recommendation for Paul to be reappointed to the Allen County Planning Commission.

Councilman Lagemann: Second.

Chairman Kerley: We have a motion and a second. Any further discussion? Hearing none, all those in favor of reappointing Paul Augmon to the Allen County Planning Commission say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? [crosstalk] Motion passes 5-0-2(Armstrong & Lagemann). Next one is Joint Permitting Operating Board, if any of the commissioners are still here-- I believe it's one-

Councilwoman Curry-Campbell: Teresa [unintelligible 01:56:05].

Chairman Kerley: Nick, I believe it's one council appointment and the second ones appointed by the commissioners. Correct?

Mr. Jordan: Which one did you mention?

Chairman Kerley: Joint Permitting Operating Board.

Mr. Jordan: What about the Community Corrections?

Chairman Kerley: I tend to skip [crosstalk] Community Corrections [crosstalk]

Mr. Jordan: I'll remember again.

Councilwoman Curry-Campbell: I'm still sitting here. Whatever you want to do, if you want to appoint me, I don't know. I might have a better chance with the commissioner but if you want to appoint me, Mr. Chair, I'm sitting right here.

Chairman Kerley: You still looking, Nick?

Speaker: Corrections I believe is a recommendation [inaudible 01:56:48] The JPOB.

Chairman Kerley: You appoint somebody from Council and we appointed another one, correct.

Speaker: If you guys have one appointment and the Commissioners of the other appointment? [inaudible 01:57:02]

Chairman Kerley: Correct. I know we are in the middle of a lot of changes that JPOB. A number of them Paul is on the Working Committee for those and I would recommend that-- as it is required to be a council member that we would keep on that role.

Councilman Fries: Second?

Chairman Kerley: We have motion and a second to keep Paul on the council appointment for J Pub.

Councilman Harris: Did you make that motion?

Chairman Kerley: I did.

Councilman Harris: Can he make the motion? President make the motion? If not, I will but I wasn't sure--

Chairman Kerley: You can make it.

Councilman Harris: I didn't know if the President can make motions, so can he--

Councilman Fries: Not a good practice.

Councilman Harris: I'll make that motion.

Councilman Lagemann: Second.

Councilmember Spurr: We have a motion and a second.

Chairman Kerley: All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed?

Councilman Lagemann: I abstain.

Chairman Kerley: 5-0-2(Armstrong & Lagemann). The next one would be Emergency Management. I have reached out to incoming Councilman Josh Hale. Since that is right in his wheelhouse. If he would be interested in serving on that committee, and he has expressed interest that he would be it's a great way to get him involved.

Councilman Lagemann: Mr. Chairman, I nominate Josh Hale.

Councilman Fries: Second.

Councilwoman Curry-Campbell: A second to accept your nomination and you say you have something in writing.

Chairman Kerley: Yes, we talked.

Councilman Harris: He was here earlier.

Chairman Kerley: We talked before the meeting. We have motion in multiple seconds for Josh Hale. All those in favor say aye.

Councilmembers: Aye.

Chairman Kerley: All those opposed? Motion passes 6-0-1(Armstrong) Then the final would be recommending to the commissioners. Well, Community Corrections is a recommendation JRAC is an actual appointment.

Councilwoman Curry-Campbell: Mr. Chair, I'm still sitting.

Chairman Kerley: Most of the ones we've done today Sheila are mandatory that it'd be a council member that serves as--

Councilwoman Curry-Campbell: This has to be a council member also?

Chairman Kerley: JRAC does.

Councilwoman Curry-Campbell: Commissioners I hope y'all listen, and I know you over there but y'all got a point me to something. I'm just talking to you over here. Thank you.

Chairman Kerley: We have to do separate. For Community Corrections We have to make a recommendation to the commissioners. For JRAC it would be a council appointment. The only recommendation I'm going to make is we recommend the same person to the Commissioner for Community Corrections as we do for JRAC because the meetings go back to back.

Councilmember Spurr: Having served on both those I would concur. With having said that, I would recommend Kyle Kerley to sit on the Community Corrections advisory board to the commissioners, as well as I would nominate Justice [unintelligible 02:00:06] for the Justice Reinvestment Advisory Council.

Councilman Fries: Second.

Chairman Kerley: You have to call for the vote.

Councilman Spurr: I have to call for the vote?

Chairman Kerley: Yes. Because I can't.

Councilman Spurr: You can't call it because you're nominated.

Chairman Kerley: Correct.

Councilman Spurr: All those in favor say aye.

Members: Aye.

Chairman Kerley: I abstain.

Councilman Spurr: All those opposed?

Chairman Kerley: I abstain.

Councilman Spurr: All right. Motion passes 5-0-2(Kerley & Armstrong). I was trying to figure out why the abstentions on these because we can vote for ourselves but you're we're choosing not to on some of those things. That's fine.

Councilman Lagemann: Good practice.

Councilman Spurr: What's next? Anything on that list?

Chairman Kerley: That is it.

Councilman Spurr: Okay.

Chairman Kerley: The next thing on the list would be the discussion regarding transfer within series policy. I would recommend for the 2023 calendar year, that we just ask the auditor to provide us a report monthly of the transfers that occur within series so that Council can be made aware of them so that it is public and transparent and that it will give us a heads-up going into the 2024 budget cycle of any departments we may need to speak with to be a little bit more accurate in their budgeting. That is my thoughts on it. I believe there are probably other thoughts on it as well. [unintelligible 02:01:46]

Councilman Spurr: State your position again, if you would.

Councilman Harris: I was in favor of it [unintelligible 02:01:52]

Chairman Kerley: Yes. That we would not put a dollar limit for this board to approve. We would continue to operate as we have in the past where the auditor can allow the transfer to take place. We're just simply directing the auditor monthly to bring us a report of the transfers that occur within series so that we can have oversight on them and just accept the report.

Chairman Kerley: It's just likely accept the auditor's report. We would accept the transfer within series report but they would still be able to move the money. It wouldn't require us to--

Councilwoman Curry-Campbell: To vote?

Chairman Kerley: To vote on it because otherwise, every month he would have to wait to make any transfers within series until we approved. Currently, we don't do anything. We don't get a report.

Councilman Spurr: In other words, it's basically business as usual.

Councilman Harris: Mr. President.

[crosstalk]

Councilwoman Curry-Campbell: He does [unintelligible 02:03:03].

Councilman Spurr: In practical terms.

Chairman Kerley: In practical terms, it's business usual, but we're going to get a report.

Councilman Harris: I would add that it would give us an opportunity to evaluate and assess how big of a deal as well as how often this is done going into our budget season next year. Then we can tighten that down or make it more clear, but it'll give Council, that assessment of saying how much is this? Where's the most, if there is abuse, where's that abuse happening, and then we can zero in on it. I think it'd be a good position to the team.

Councilman Spurr: Now I'm comfortable with having the report done as long as it's not altering our ability to vote on some of the transfers [unintelligible 02:03:45]

Chairman Kerley: The transfers between series, we will still vote on.

Councilman Spurr: The transfers within series.

Chairman Kerley: This is transfer within series, so that we can get our eyes on them and see if-

Councilman Harris: I just don't think it does anything.

Chairman Kerley: It allows us-

Councilwoman Curry-Campbell: [unintelligible 02:03:59] a piece of paper for you to see, basically.

Councilman Harris: I think it would start to educate Council more on how much, how big, who's doing it the most. I'd like to see that, and then to the concerns that were brought up, if it's happening primarily or if the biggest concern is what the commissioners we'll see that and then be able to zero in on that. I think it's a healthy step in the right direction.

Chairman Kerley: Or any other departments.

Councilwoman Curry-Campbell: Is it extra work for you, Nick? How much time are we talking about out of your day?

Mr. Jordan: [inaudible 02:04:34] It depends on the transfers but we're fine.

Councilman Spurr: It's just a report. Correct?

Mr. Jordan: Yes. No issue. We can do it.

Councilwoman Curry-Campbell: No issue. Okay.

Attorney Harper: Mr. President, may I ask the auditor a question?

Councilman Spurr: Yes.

Mr. Jordan: I will tell you. I thinking this year for [unintelligible 02:04:44]

Attorney Harper: Mr. Auditor, Mr. Clerk, whatever hat you're wearing because you're-

Mr. Jordan: Nick.

Attorney Harper: I think you're auditor here at the microphone. Do most of the departments have a heads-up? Is there a lead time of the month or something or are they dropping it into the auditor's office for request right before the beginning of the month?

Mr. Jordan: For the transfers?

Attorney Harper: Yes.

Mr. Jordan: They happen daily. It just depends on what the expenses at hand and what they budgeted. It can happen every single day, multiple times a day, and it literally just depends. Bigger departments have bigger budgets, potentially are going to have more transfers.

Attorney Harper: Do they come across and find these things right up to the point that they make the request or could this whole process with the Council result in them looking forward anticipating what they may need to Council?

Mr. Jordan: I don't think it's going to change anything operation. I think we'll just report to you what it is the. Some of the times it may be us telling the department, "Hey, you want to use this line, there's no money in the line," because you're talking about again, within series that we would traditionally wouldn't have said we'll use paper instead of using supplies. We wouldn't have cared between those.

If a department has a preference, then we will make that within that series transfer, or it's us telling them, "Hey, that 200 Series line doesn't have any money in it. Move your money from the food line over to medical supplies," whatever they choose. It can happen up to the minute. What we will do procedurally is do it for the previous month. For here in December, you'll have the transfers that were done during the November month. Each month you will get one month's. The last month of the year will give a year-to-date. It does.

I will tell you off the top of my head, the largest one that was done was myself moving money that you had appropriated for the bonus to our worker's compensation line so that we could pay increased costs and worker's compensation to the tune of probably about \$500,000 by the end of the year.

That is in contrast to coming and saying, "Hey, we need more money for worker's compensation. You don't have a choice to appropriate it or not." The expenses are already paid so to speak and we're sending it over to our fund. We keep that in a separate fund. That would be, off the top of my head, the biggest one that's been done here today.

Councilman Harris: Does that need a motion?

Chairman Kerley: Yes, because as it stands now, the way we pass the budget, we would have to vote on every single one at each Council meeting, which could make our meetings take quite a long time.

Councilman Harris: If you could help me articulate what that motion might be that I would say, what would that be?

[laughter]

In essence, we're going to ask the auditor for a monthly report on transfers within series, is that?

Chairman Kerley: Can I cede to Mr. Spurr, and then make a motion? It might be easier. I will just cede Mr. Spurr to carry the discussion, that way I can make the motion. I will motion that we direct the auditor to provide us a monthly report of all transfers within series in lieu of Council approving every transfer within series for the 2023 budget cycle.

Councilwoman Curry-Campbell: Second.

Councilman Spurr: Hold on. Are we going to put a timeframe on that?

Chairman Kerley: I just did, 2023 budgets.

Councilman Spurr: No, I know that, but I'm saying a report of all of the-- Is there a [crosstalk]--

Chairman Kerley: It's monthly. It'd be a monthly report.

Councilman Spurr: I understand that, but is there going to be a time that we'll-- I'll be gone but the other Councilmen, will they have time to review that?

Councilman Harris: We will get it a week before the meeting.

Chairman Kerley: It would be part of package, right?

Councilman Spurr: Would it be part of the package a week prior?

Mr. Jordan: Just again thinking off the top of my head, if we did it from the prior month-end, we can give it to you two weeks, three weeks because are always the third Thursday, we can give it to you three weeks in advance or at the very shortest would be with your notebook, a week in advance.

Councilman Spurr: I would like that to be part of your motion. That's a the one.

Mr. Jordan: Because more than likely, I wouldn't put it in the notebook. I would just send it to you because it's not really-- If it's 15 pages, and I don't want to have 15 pages of the notebook of internal transfers that may not make sense to somebody without digging in.

Councilman Spurr: I would say two weeks prior.

Chairman Kerley: I would amend that to receive the prior month's transfers two weeks prior to our Council meeting.

Councilman Spurr: Do you foresee that being an issue?

Chairman Kerley: No.

Councilman Spurr: That's fine.

Councilwoman Curry-Campbell: Second.

Chairman Kerley: We have a motion and a second. Is it clear as mud to everybody? Okay.

Councilman Spurr: I think Mr. Spurr's supposed to handle this part, isn't he?

Chairman Kerley: Yes.

[laughter]

Councilman Spurr: We have a motion, and second on the table. All those in favor say aye.

Members: Aye.

Councilman Spurr: All those opposed. Motion carries 6-0.

Chairman Kerley: You got to give me my chair back.

Councilman Spurr: Oh, now I cede the chair back. Microphone back to Kyle.

[laughter]

Chairman Kerley: Oh, we're making this last meeting difficult, aren't we? The final thing that we need to discuss today is the Personnel Committee for 2023 and beyond. I was hoping Mr. Armstrong would be here to lead the discussion since I had put him in charge of this project as president of the Personnel Committee. Mr. Harper has drafted some new rules. I don't know if we want to discuss these without Councilman Armstrong here, but I know Mr. Fries had some questions and some additions.

Councilman Spurr: Kenny would be second in command on that, so. Oh, geez.

Chairman Kerley: You are the vice chief.

Councilman Fries: It's more of a reiteration, I think, of what had been approved years ago from Council. I don't know if it's an official approval or not. I'm actually looking for it in my emails. I think we probably should discuss it. My one question that I asked the attorney is if we had discussed a time limit on if they brought it to personnel committee meeting and it was voted down, when would they be allowed to bring it back if there's a timeframe? If not, if it's just based on the unanimous vote by Council to bring it back, do we know?

Attorney Harper: The purpose of looking at the personnel committee process, and particularly Councilman Armstrong, brought it to my attention, my first question was, when did this policy get passed? Who voted on it? When was it? How is it amended if the Council made this as part of their policy? I remember Councilman Armstrong saying, "The committee then amended it." I said, "The committee can't amend. It would have to be the Council."

I said, "The better thing to do is to make this actually a rule." I think there's some other things that you can adopt as rules, going forward, into the next year, to govern yourself and so once you make it a rule, then the Council can ask for a suspension of the rules. Let's say it's voted down in the personnel committee. Two things that I could see coming up. One is, one wants to bring it back and they make an entreaty to the Council president or to those members and the Council president because suspension of the rules requires a unanimous vote, could decide to put it on the next agenda, because the Council president controls the agenda.

The first order of business would be in an approval agenda, suspending the rules in regards to that personnel policy request. It could come back that way. The other way is it could be put back before you and the chair of the personnel committee could decide not to place it on the agenda or could put it off to the next month. The office of the president of the Council and the chair of a committee under parliamentary rules has a lot more power than I think has been exercised.

Councilman Harris: Mr. President?

Chairman Kerley: Yes.

Councilman Harris: I guess I wanted to interject the discussion on the comp committee has been, what about the personnel committee? Meaning, maybe we abolish that process. Some of that discussion has been going on. I guess I would ask or make a consideration that we wait until this maybe this next, both Bob will be back, but also the idea that we'll understand further from the comp committee, and Kennedy, to your point, the concern has been--

By the way, we put this thing on a long pendulum to figure out how the process of job reevaluations and complaints concerns all that. Guess what, in my opinion, this is my opinion only, about 70% or 80% of the hiccups that were in this entire process was coming out of the personnel committee. We, Council, were tripping ourselves up in a lot of different ways.

The question on the comp committee was coming up, maybe we just do something entirely different and that might take it out of Council's hands even to come up with a process. Some of those discussions are going on and I would hope that we make progress that way because if we end up back with the same format with maybe a revised rules, we've not changed the perception of that process and we're just going to keep tripping over ourselves. That's my thought on it [inaudible 02:15:27].

Councilwoman Curry-Campbell: May I speak?

Chairman Kerley: Ms. Curry-Campbell?

Councilwoman Curry-Campbell: You are correct. We talked about this in the compensation study in that committee, and I don't see anyone here from HR right now, but one of the problems or concerns that I have, is that you get elected officials to make those decisions. If we have that much power within a subcommittee not allowing a department to come before the county, I think that's a mishap on our part. Anyone that wants or feel as if they need to come before Council, they should be allowed to do that.

It should not be the power of this small subcommittee saying that we vote this down and now you won't be able to come before Council to make your fight. Does banning that subcommittee, I think would be the start to make sure that this compensation study, that it is not done in vain and that we will get back on track of being fair and equitable when it comes to these salaries and positions. Thank you.

Councilman Fries: I would strongly disagree with that, but--

Councilwoman Curry-Campbell: I know [inaudible 02:16:45].

Attorney Harper: I think the anticipation among those who requested that the process be looked at is that, with such a long period of time before a new compensation study was done. I think they were feeling the pressure and of course, there were requests within that committee to say, "Can you wait till the compensation committee gets done with its process?" It's taken a while.

Councilwoman Curry-Campbell: Yes.

Attorney Harper: I think it's everybody's expectation that once the comp study is adopted, all the adjustments are made, that there's going to be very few requests made regarding personnel changes for a while. Certainly, the next year, possibly extending further, but as you get further away from a comp study, various departments are asking for exceptions and it becomes misaligned from what the comp committee-- The compensation package and

everyone was coming before the Council and asking, things would be referred to the compensation committee and if the compensation committee didn't pass it, and one of their options is to again, postpone it for further study and get all the parties together.

People were asking the auditor to go ahead and place it on the agenda anyway, defeating the purpose of the personnel committee, which was to sort through a lot of the nitty-gritty detail of what goes on in departments, what the job entails.

Councilman Harris: I was just going to-- Can I just add this one piece? In 1995, I was the HR director here and the Councilman Brumbaugh and Leslie Brumbaugh, and Sandy Houlihan, and some of those, they couldn't get enough information at the Council level, so they created this. I ran that personnel committee back in from the HR side. Our challenge still today lies with seven of us trying to figure out all the details and somehow we can figure out maybe a different model but, Kenny, I'm sorry, I jumped in on that.

Councilman Fries: That's the point. The Council meetings are going to start taking 8, 9, 10 hours a day when we have to go through all that. The beauty of having the personnel committee, and Mitch is right, I would expect to have very few things coming in forth because as we got further away from that other study, we found that Council had approved this position and this position and this position, along the way but HR didn't look back and say, "Oh my gosh, there's six other people in the same position that never got the increase."

Which is what we ran into this year with these, as we found out, a lot of people had been left behind. They hadn't gotten their pay that they should have gotten, so let's make everybody equal, that's classified that way. I think by just ratifying what we have and what Council had approved back in 20-- whatever it was, '14 or '16 [crosstalk] notes from, just to get something in place so we can let all the department heads, elected officials know, this is the process, this is how it's going to work.

If you've got three people, if it's three zero, that goes through you're going to get one more vote here probably from Council. I think it's streamlined. There may be a better way to look at it. I don't think there's enough to vote on today, but I think we need to make sure we get this taken care of soon, so all the department has elected officials know.

Councilman Harris: Yes, because my concern is if we don't our model in some way, it will keep landing, even though we've done a new study, it'll still land back to that personnel committee to have differences and they'll bring it right and we'll still have that same issue coming at us.

Councilman Fries: To that point, I think we need to rely on HR to make sure that before anything gets changed I they check to see who else is involved in this class. If we give one person this pay increase, all these other ones have to get it if they're all classified the same way, and I think that's where we got in trouble before.

Councilwoman Curry-Campbell: May I speak, sir?

Chairman Kerley: Yes.

Councilwoman Curry-Campbell: I agree with what both parties just said. I guess my concern is, if we come into a situation where jobs need to be reclassified or we saw whatever, I think it should be a third party. I don't think it should be this power here. All we should be

voting on is up and down, up the budget of the department. I think we're getting in a little deeper in a space that we are not qualified. We have HR for a reason.

We hired this third party to evaluate these jobs, the job descriptions, and so if there's someone that we missed and they shouldn't miss, because we paid them a lot of money to catch every single one of these job descriptions and [unintelligible 02:21:11], so if there is someone that is in that space, then this third party should be the one. It shouldn't be us voting up or down on someone's job description or hourly pay or, or where they're at because this study is going to do all of that in my mind. Thank you.

Attorney Harper: I think it will do that but once the study is completed and done and accepted, that third-party evaluator is not going to be present. It's going to be HR and it's the job of the Council to approve those and I think rather than looking, what's going to be in this year after this comp study is done, is to look at what it's been like in the last year where everyone and their brother is wiring around everything comes to the Council.

I just wanted to give a little bit of history. The Fort Wayne City Council has committees, legislature has committees.

The Fort Wayne City Council today, it's always a committee the whole. Everybody's a member of every committee, and they have this odd parliamentary thing where even in odd-numbered weeks, there's a committee session and then they rotate the so-called chairmanship between members. You get six months to be a chairman of whatever is in your subject but it's all one committee. It's a committee of the whole. They used to have real committees back in the '70s and the '80s. What would happen is, this was related to me by former Council Maddon Schmidt.

He said they would recommend things to various committees and city Council committees can have non-city Council members on them. South Bend utilizes that quite a bit. Maddon said once former Mayor Paul Mike Burns came back on city Council, when there would be a committee report came back and they would make a recommendation, and really they were trying to streamline the process where you had to take in a lot of information.

He said Councilman Burns would ask, essentially to rehear everything that the committee had heard.

[chuckles]

He said it became a matter where the committees weren't functioning well because we were rehashing everything back on Council. When committees work well, they can digest a lot of information, and you can have a summary report when it comes in for ratification before the Council. I think that illustration from Fort Wayne's interesting is that if you're going to get into a situation where you rehash everything before the Council, it defeats the purpose and it also embroils the Council in things that-- Tom can speak to that better than anybody that lots of minutiae that they don't necessarily-

Councilman Spurr: Back to your point Councilwoman Curry.

Attorney Harper: -may not be qualified for.

Councilman Spurr: Yes.

Attorney Harper: I'm done.

Chairman Kerley: There was one other thing that was voted on that personnel committee meeting recommendation, was there not?

Councilman Fries: Yes, I think it was to not allow any for the first 6 months after--

Chairman Kerley: No reclassification.

Councilman Fries: Yes, no reclassifications until after the first six months.

Chairman Kerley: After the completion.

Councilman Fries: After it's been, yes. Up to I think the end of 2023. No reclassifications, because there are a lot of department heads and elected officials already looking at things thinking, "Oh my gosh, we're going to be missed and this's going to be a problem." They're trying to get with HR now to get stuff done. HR said, "Can't we set something up to where. Let the water settle, let things figure out." I think it was six months, wasn't it?

Councilwoman Curry-Campbell: Six months from the completion or six months--

Councilman Fries: Yes. From the completion days.

Councilwoman Curry-Campbell: From the completion.

Councilman Fries: Yes.

Chairman Kerley: That was also the recommendation of the working committee as well, was it not? Do we want to memorialize?

Councilman Harris: I guess the thought would be, shouldn't we see that report completed before we make that decision? Because I guess I'd like to understand what comes out of the report before we do that, because we'd be saying we're not going to do anything, even though we may have differences in the report.

Councilman Fries: We shouldn't, if we're spending this much money for this report.

Councilman Harris: Yes. We're all going to have differences on it, huge.

Councilman Fries: I think HR is looking at it from the standpoint of they know as soon as it comes out, people are, instead of waiting to see how it flushes out, they're going to say, let's get this changed now and go to-- Conceptually, I agree with that.

Chairman Kerley: This is my opinion, I think if we let the department heads know, they will put more effort in on the front end to make sure everybody's at least scored on the flow chart where they feel they should be. That's just--

Councilman Spurr: There was this-- I don't want to speak for anyone else, but there was what I perceived to be this fear of the tranche of all of these reclasses coming before us during budget time and that would be a disaster.

Councilman Harris: Yes. Now, the only piece that throws me a little curve is that again, we cannot stop a department from coming to county Council. They--

Councilman Spurr: That's the purpose--

Chairman Kerley: That's the purpose of this.

Councilman Spurr: --of this is to make it a rule that you would have to affirmatively vote to.

Chairman Kerley: For six months, there would be no reclassification. Six months from implementation [crosstalk]--

Councilman Harris: I like it coming from HR telling folks that I don't feel as good about County Council saying you cannot come forward to us, because--

Councilman Spurr: HR recommended that.

Councilman Harris: It feels like it's a law that they've got a right to bring things before Council anytime they want to. Is that not the--

Councilwoman Curry-Campbell: Department has [inaudible 02:26:52].

Councilman Harris: --state law. Yes. People got a right to come before Council. We can't tell them not to.

Councilwoman Curry-Campbell: Nick is over.

Attorney Harper: The Council president has power to set the agenda, which is far greater than I think Council has realized. The presiding officer can put something on the agenda or can decide that it's going to come two months later or come-- Once something's before Council's to put it off a few months.

Councilman Lagemann: Real quick, the proposal is to hold reclass for six months after adoption. That's how I understand it.

Councilwoman Curry-Campbell: Correct.

Councilman Lagemann: We're going to evaluate it and either decide to adopt or not adopt or alter it in some way, so it's not like we're saying we can't do reclasses on something that we haven't seen.

Councilman Fries: It's a seasoning.

Councilman Lagemann: We are going to say that we're going to see it, we're going to adopt it, and in that process, if we need to alter it, we can. Then once it is adopted we wouldn't do reclasses. Here's the justification for this, and I'm completely-- I think we have got to have this discipline to stop the-- because somebody's going to say, "Well, my friend didn't get what they were for. I wanted them to get it, and they didn't get exactly what they wanted," so we're going to reclass them and we're going to move them around, after HR has gone through the process of saying, "These are the duties, we've got an expanded number."

For those of us who've been on the committee, there's going to be more slots, we're going to handle seniority a little bit differently. There're a lot of elements that go into the classification of that job. I think it's been really thoughtful process, and I think for the most part, everybody's going to be making more than they make today. The issue is, do we want a whole bunch of people who say, "Well, I don't like the system and therefore I'm going to subvert the system through reclassification," once that system's in place? You're going to have a mass of these things, and we're going to going to have to say no, no, no, no. Give it six months and let it take a rest.

Councilwoman Curry-Campbell: Nick, do you have any input on this, because I'm just curious. We can't stop.

Mr. Jordan: I was just going to say, the only thing you do have to pass something because as I've emailed to you twice, your current guidelines allow it, that were adopted by the majority of Council in 2016. To do something different than what the guidelines currently allow is the majority of this fiscal body would have to do it again, because the guidelines are out there. They've been adopted. It was 5-2, two members were absent in July of 2016 and 4(c) of your guidelines allow the department headed elected official to come, even if it dies at, or is voted down at [crosstalk]

Councilwoman Curry-Campbell: Personnel committee, they still have the right to come before this.

Mr. Jordan: That's why the current guidelines are in place too. Something has to be passed if you want to, six months or whatever, if you want to prevent that, so that way the rule is 4(c), you can't come unless it's passed or if it's a six-month moratorium, whatever it is.

Councilman Lagemann: This is not in any way directed by state statute, this is simply our policy and how we decide to operate.

Mr. Jordan: State statute allows, § 36-2-5-13(c). I've sent it to you twice. "The compensation of other county officers, deputies, and employees or the number of each may be changed at any time on the application of the county fiscal body and a majority vote of the county fiscal body." You could argue state statute provides for application of the county fiscal body, meaning the department head elected official can come make that application to the county fiscal body.

My argument would be if the county fiscal body has passed guidelines saying we're not going to hear them for six months or whatever, there's the rule right now. If you don't want to hear that by coming to Council herein every month and here's the guidelines that were already passed in December or whenever they were because right now the guidelines allow the elected official department head to come and make their spiel even if it was voted down.

Councilman Fries: If we don't make that change now?

Councilwoman Curry-Campbell: Correct.

Mr. Jordan: The guidelines still stand.

Councilman Fries: The guidelines are going to be that they can come and do it.

Councilwoman Curry-Campbell: That's right. That was Wendy, that was Judge David's argument.

Councilman Fries: That's right. My opinion, because [unintelligible 02:31:04] takes something off fiscal body approving it, you raise it without voting.

Councilwoman Curry-Campbell: Yes, you would have to make the change here.

Councilman Fries: I would make a motion then that we would suspend any reclassifications for six months after the adoption of the new reclassification done by HR.

Councilman Lagemann: After the wage study.

Councilman Fries: After the wage study's good.

Mr. Jordan: One thing I would add, you just told the recorder to table that the next month. I don't know if [crosstalk]

Chairman Kerley: We're not implementing it [unintelligible 02:31:29].

Councilwoman Curry-Campbell: We're not adopting it.

Councilman Lagemann: I would love to adopt it after we have the discussion with the recorder, but here's where I'm at on that issue. We have done a terrible job of getting information out to these department heads. They do not know what's coming and that is a failure on the part of this process. I've concerns about that, number one.

Number two, my hope is that between now, and I've expressed this to HR pretty vehemently. My hope is that between now and our next meeting, we will have clarification. We will have information disseminated to all of these department heads and to county employees in general about this is what it looks like and then we can hopefully say to the recorder's office and others, "Now you see what you're going to get. Are you sure you want to come back and do a reclass or try to?" My hope is that they'll say, "No, we're good."

We're going to have to address in the coming year how we deal with elected officials and chief deputies. That has not been part of the wage study and that is a separate component that is policy driven and that this body will have to review. Nobody's seconded his motion, I will.

Councilwoman Curry-Campbell: I did.

Councilman Lagemann: I think that once the study is adopted, to try to backtrack on that is dangerous, because it's going to be picking and choosing for this individual or that individual. It is not about how do we create a consistent means of payment by the county, which is what we're trying to do in the first place.

Councilman Harris: That's been a motion and a second. Let me just add one piece. I don't necessarily expect anybody to change their minds on this, but keep in mind that if I've got 150 people in my department and one of those jobs ended up changing or one person quits, I've got a small department. I got 7, 10, 15, 20 employees, somebody quits, and instead of bringing somebody else new, I'm just going to have those duties picked up by another employee.

Those are examples of, it's valid to have reclass applications looked at. That's not the new program that we just did, but it's a big county, lots of jobs, lots of movement and those things do happen. What I worry about is telling somebody you can't do a reclass when they've truly had their duties changed.

Chairman Kerley: If their duties change, it's not a reclassification, it needs to be a new job. It needs to be a new job description. It needs to be a new title because that's why we're getting into all these troubles that we've had, is this department, here's a job class, this department adds duties to it and they get a bump and raise. Then the other department comes and says, well, they got a raise. I want a raise, but they didn't change their job descriptions at all. The job score's different, but it has the same title and we have employees complaining.

Councilman Harris: For what it's worth, we can move for the question on this, but for what it's worth, this is why we have personnel committees.

Councilman Fries: I Just said-

Councilman Harris: We start to going deeper and deeper.

Councilman Fries: I'm going to withdraw my motion. I think I would rather make a motion to make the rule, which Attorney Harper has sent to us about the personnel committee, and add an addendum to that under section five, which would be section 5(b). It says, "However, no request of reclassification shall be considered within six months after the adoption of the 2023 reclassification study."

Councilwoman Curry-Campbell: Second.

Councilman Fries: My motion would be to approve what Mitch Harper has sent us about the personnel committee and have that addendum to it.

Councilman Harris: It's your motion, not his.

Councilman Fries: That's my motion.

Attorney Harper: That needs a second or did you second?

Councilwoman Curry-Campbell: I just made a second.

Chairman Kerley: I can write you. Do we--

[crosstalk]

Councilwoman Curry-Campbell: You wrote it down [unintelligible 02:35:49]

Chairman Kerley: Do we need to read the entire thing [unintelligible 02:35:52]?

Attorney Harper: No.

Chairman Kerley: Okay.

Councilman Fries: Mr. President, I'll call the question.

Chairman Kerley: Thanks. We have a motion and a second to approve the new rules for the personnel committee, correct?

Councilman Fries: Correct. With the addendum of 5(b).

Chairman Kerley: What would 5(b) read?

Councilman Fries: It reads, "However, no request for classification shall be considered within six months after the adoption of the 2023 reclassification study."

Chairman Kerley: Okay.

Councilman Spurr: We are talking about amending, not addenda. We're talking about amending--

Attorney Harper: Amending the rules of--

Councilman Spurr: Amend the submission proposed right, the submission.

Chairman Kerley: We have a motion and a second. Any further discussion? Hearing none. All those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed. Motion passes 6-0-1(Armstrong) Can you provide that Mr. Jordan the whole--

Attorney Harper: I need to make some [inaudible 02:36:55]. I need to [unintelligible 02:36:57].

Chairman Kerley: With that, as my last meeting as president, I'm going to take a couple of minutes. First I want to thank Ms. Curry-Campbell for her two years of service. It has been a pleasure to get to know you. Sometimes it's been a rocky ride, but it's been an enjoyable ride. It's a ride and I appreciate you. I appreciate you for stepping up. I appreciate you standing up for the community, and we hope that you will stay involved, and I know you will. I know you've had some rocky times in the last couple of years and I hope that Council's have been here to support you. Hopefully, you look back on these two years with great reflection and pride in what you've done.

I'm thankful for the friendship and I hope that we are able to continue it going forward. Mr. Spurr, in the same light we've been friends for a number of years. I'm glad I got to spend some time serving on this body with you. I know you're not going anywhere, and I have always appreciated your insight and wisdom into things. I thank you for stepping up to serve on the Alcohol Beverage Commission and look forward to you coming before us annually to give a report on what's going on and in what ways this body can help you and help your commission do their jobs and issues that we may be able to help you address in that role. I also wish you the best.

Councilman Spurr: Thank you.

Chairman Kerley: With that, Mr. Spurr, much as I allowed Ms. Curry-Campbell to open the meeting, if there are no other matters before this body, I'm going--

Councilman Spurr: Any further discussion?

Councilwoman Curry-Campbell: I would like to say something. Thank you for the kind words and once again, thank you for giving me the opportunity to rub elbows with some of you folks. As you know, when I came into this position, it was in the middle of controversy with Black Lives Matter. There was a gap there that I'm always talking about diversity, equity, and inclusion.

We're making some board appointments here. With that being said, we all sit on boards beyond these appointments that we get from the county or the commissioner, or the city, and we got to be mindful that when you're in these spaces and we're in these roles and we're looking around and we are seeing where there is a vacancy, where there is no women, where there is no minority, where there is no Black and Brown people, we must be intentional and making these appointments and equaling the playing field. I say it over and over again and I'm being, what I say, the people at the table are the ones making a decision and they're the going to be the ones that have to fix this problem. We know that there's a problem with diversity.

We see it in the mayor's office, and so we see it sitting on this bench.

Once I vacate this position, it will be all Republicans, all White males. We as a community, we as department heads, we have got to fix this problem, because until we as a community look around and say that we do not have diversity on these boards, we do not have diversity in these positions of power. We're the only ones that can fix it. When you got folks that served, they're about to term limit out. You understand what I'm saying? You don't been at the table so long, 20 and 30 years and you proud to say it.

The only person you have is one person of color. The only reason why she's there, because she's got a term limit. You understand what I'm saying? We have got to fix the problem. I don't know what you could do on Council, but we must shine this light. We got to be intentional by putting people of color on these boards. You with me? I don't know how you fix it. Just like we fixed those little verbiage there.

How do we fix this? If we're getting all this money coming into the county, the Inflation Reduction Act, we got ARPA money, the Cares Act, that Biden said he wanted to use Justice40 as a principal across the country. If we're not doing it here in Indiana, we can't take the money. You got to play with those grassroots organizations. You got to play with the BIPOC community, those people of color, those people that have been removed from the space. We as elected officials, we as people in the room, we're the only ones that can fix it.

I tell the criminal justice system, I tell Wendy all the time, we must have a succession plan. We can't go another 30 years and not have a Black judge. The little things that we could do, I hope that each and every one of you step up and take a notice of who's in the room and fix the problem of diversity. Thank you.

Councilman Harris: Mr. President. I'll move for approval to waive the second reading of any matter approved today for which it may be deemed necessary of County Council meeting on December 15th, 2022.

Attorney Harper: Then I think, Chris, you're taking a [unintelligible 02:43:02]

Councilman Lagemann: Yes.

Chairman Kerley: So moved.

Councilman Spurr: Second.

Chairman Kerley: Yes.

Councilman Spurr: I'll second that.

Chairman Kerley: With that all those in favor say aye.

Member: Aye.

Chairman Kerley: With that, Mr. Spurr, much I allowed Ms. Curry-Campbell to open the meeting. Since this is your last meeting, I'm going to let you--

Councilman Spurr: Pass the virtual gap?

Chairman Kerley: Close the meeting.

Councilman Spurr: All right. Having said that, this meeting's adjourned.

Chairman Kerley: You got to read the next meeting date.

Councilman Spurr: Oh, I'm sorry. See, I'm not used to doing this. The County Council 2023 organizational meeting will be held Thursday, January 5th, 2023 in the auditor's office. Next County Council regular meeting will be held at 8:30 AM Thursday, January 19th, 2023 in the Chambers Room of Citizens Square. Now I ask for a motion to adjourn.

Chairman Kerley: So moved.

Councilman Spurr: Second. Meeting's adjourned [inaudible 02:44:03].