

**POSEY COUNTY COMMISSIONERS TUESDAY, FEBRUARY 18, 2014**

The Board of Commissioners met in regular session in the Commissioners' room at the Hovey House, 330 Walnut Street, in Mt. Vernon on Tuesday, February 18, 2014 at 9:00 a.m. Members present: Jerry R. Walden, James L. Alsop, Attorney Jacob Weiss and Auditor Kyle J. Haney. Carl Schmitz was not in attendance.

Commissioner Jerry R. Walden opened the meeting by leading the Pledge of Allegiance.

**MINUTES**

J. Alsop made a motion to approve the minutes of the previous meeting and J. Walden seconded the motion. Motion carried with a vote of 2-0.

**CLAIMS**

J. Alsop made a motion to approve the claims, and J. Walden seconded the motion. Motion carried with a vote of 2-0.

**CLERK'S REPORT, DECEMBER 2013**

J. Alsop made motion to approve and J. Walden seconded. Motion carried with a vote of 2-0.

**TREASURER'S REPORT**

J. Alsop made a motion to approve and J. Walden seconded. Motion carried with a vote of 2-0.

**ANIMAL CONTROL REPORT**

Commissioner Alsop reports on behalf of Animal Control for the month of January. There were 57 animal complaints, 15 animals were picked up, no animals were euthanized, no bites or rabies tests are reported and \$72 was collected. J. Alsop made a motion to approve the Animal Control report and J. Walden seconded. The motion carried with a vote of 2-0.

**PARCEL CERTIFICATE REQUESTS, CITY OF MOUNT VERNON-  
SHERRY WILLIS, BUILDING COMMISSIONER**

Sherry Willis, Building Commissioner, appears before the Commission and requests parcel certificates for seven properties. The first two properties, reference two parcels that the City of Mount Vernon has torn down, cleaned up and has since filed a lien on. The Building Commission would now like to take possession of these two parcels. Mrs. Willis requests certificates for the following parcels: parcel number 652709225006000018, 900 E. Third St; parcel number 65270542103500018; 1329 Locust St. In addition, there are five properties in a dilapidated state that the City is requesting ownership for with the intention of participating in a grant application which would tear down the houses and clean up the properties. The properties in question are as follows: 909 W. Second St.; 1015 E. Water St.; 110 Barter St.; 701 W. Third St.; 631 W. Third St. It is noted that this process has been done in the past and that once the property is sold there is an agreement that the proceeds are shared between the City and the County to offset any back taxes. J. Alsop made motion to approve the certificates for the seven properties and J. Walden seconded the motion. The motion carried with a vote of 2-0.

**COMMUNITY CORRECTIONS UPDATE, MARK FUNKHOUSER**

Mark Funkhouser, Community Corrections, updates the Commission with the changes to the Community Corrections Board Members. The Chairperson of the Board is now Jean Hadley, as Mark Funkhouser is the outgoing Chairperson. Kenya Orr is recommended for the Board as well and this has been discussed previously. Bob Stevens has retired

from the Coordinator position and Wendy James has now fulfilled the Coordinator position as well as the Vice Chairperson position. Mr. Funkhouser states that as far as staff and personnel, they are still one person short. Holly Mitchell will continue as Interim Director pending the outcome of new legislation. The Senate Bill may require collaboration between Community Corrections and Probation, in which case, the program model may be re-evaluated. The Board suggested that they maintain Mrs. Mitchell as Interim Director. Mr. Funkhouser reports concerning the Work Release Facility, which was on a month to month lease, it is recommended to the Commission that they continue a six-month lease with the current building and he requests the Commissioners to approve that lease once the lease is available. It is stated that this program is a State funded program. He updates the Commission that the program's grant and budget are on track. The Department of Corrections will assess the program within the month of February. Mr. Funkhouser states that they have just submitted a new budget and that although the program runs on a two-year grant, the budget does need to be updated annually. It is stated that the program serves 38 participants, who would normally be on probation or in jail. There are 20 on electronic monitoring and 18 on day reporting, of whom report more frequently in office and participant in drug testing as well. The participants are working on GED's and employment. Currently the program has 15 Board members. The program has previously been in transition, and although long term planning is still in a transitional status, the program in general is currently running smoothly. It is agreed that a semi-annual report would be sufficient from the Community Corrections Director and that any issues of significance that require immediate attention can be addressed accordingly. It is clarified that newly selected Board members need to be appointed by the Commission. J. Alsop made motion to approve the appointment of Wendy James as Coordinator and J. Walden seconded. The motion passed 2-0.

**POSEY COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP, INN  
KEEPER'S TAX, JOHN TAYLOR**

John Taylor presents on behalf of the PCEDP, in regards to the proposal to implement Inn Keeper's Tax in Posey County. Mr. Taylor explains that he handed out two packets, the first is about the Inn Keeper's Tax, and the seconded explains the state statutes, the requirements of establishing a tax as well as a specified Board of Members, who are appointed by the Commissioners. The document also identifies the proper uses for the funds collected from the tax. He also explains that in some parts of the State, in the past, the funds have been misused and are now being looked at very closely. Included in the packets are copies of Resolutions from the County Council and County Commissioners from Morgan County. Mr. Taylor adds that in that county, they have collected \$187,000 in two years. This includes revenue from three hotels and one park. In regards to Posey County, Mr. Taylor is unaware of what the revenues may be and that a calculation would have to be done in order to determine that, which would include collaboration with the Inn Keepers to determine what their average rate is and what the application of 5% would amount to. Mr. Taylor addresses concerns that have been brought up such as the concern of losing business by adding a 5% tax to the area's hotel rates, however there is a higher tax in the neighboring Vanderburgh County. Mr. Taylor states that the goal of the Economic Development Partnership is to initiate the process of adopting an Inn Keeper's Tax. He clarifies that the tax applies to individuals that stay 31 days or less, after 31 days the tax ceases as the occupant is considered a resident of the county. It is also noted that the tax does not apply to County residents, it is only applicable occupants of hotel rooms for 31 days or less. The funds are generated for the purposes of marketing the county, such as billboards, flyers, and State publications, brochures for Riverfest or Kunstfest. Mr. Taylor explains that marketing the County is important because it is a way to welcome people into the County. The Conventions and Visitors Bureau that needs to be formed can have any amount of members, however, it must be made up of, in part, individuals of the hotel businesses. The Conventions and Visitors Bureau will be the main governing body of the Inn Keeper's Tax, which allows the decision making process to be unique to the goals of the Board members and to the benefit of the hotel stakeholders. It is realized that this topic has been met with resistance. It is decided that a decision as to whether or not to initiate the process cannot be decided at this meeting and that more research on the topic is necessary. However, under Attorney review as well as the review of the other Commissioners, it is possible that they may consider opening up the discussion in March. J. Alsop made a motion to take the Inn Keeper's

Tax under advisement and J. Walden seconded the motion. The motion passed 2-0. It is added that Commissioner Walden is a supporter of this tax. It is clarified that the number of counties who do not participate in the Inn Keeper's Tax may be 12. Mr. Taylor suggests that, in the future, the funds collected could lead to a full-time position where it is the sole responsibility to develop events and attractions for visitors in the County. It is discussed that purpose of the Conventions and Visitor's Bureau is to establish and promote events that attract people to the County. The Inn Keeper's Tax is the means to pay for the marketing and advertising that is necessary. It is noted that uniting individual community events together to market the County as a whole is sensible.

### **LPA CONSULTING CONTRACT, 2014-2016, COUNTY WIDE BRIDGE INSPECTION PROGRAM REVIEW**

Steve Schenk, Highway Superintendent, presents the LPA Consulting Contract. The contract has been reviewed by the State following the corrections requested by the State from the engineering firm. The State has approved the contracts for the Commissioners to sign. It is noted that the correct dollar amount is in place and that the error was a typo. It is clarified that the total contract fees are not to exceed \$228,950. Mr. Schenk adds that the State of Indiana or Federal Government covers 80% of that cost. The bills are paid as they come in, the Auditor's Office files paperwork with the State and a reimbursement is issued. It is noted that it is the law to implement bridge inspections. J. Alsop made a motion to approve the contract and J. Walden seconded. The motion passed 2-0.

### **HIGHWAY DEPARTMENT UPDATE- STEVE SCHENK**

Steve Schenk, Highway Superintendent, request permission to advertise the notice to bidders for the asphalt bids for this coming year. It is for chip and seal bids, section seven and hot mix asphalt, section eight. He would like to open the bids the second meeting in March so that the bid can be awarded by the first of April, which is when they start paving. J. Alsop made a motion to permit the advertisement of the notice to bidders and J. Walden seconded. The motion passed 2-0. Mr. Schenk presents the Bridge 64 Project. The contract has been on hold pending permit approval from DNR due to the threat of disturbing the natural habitat of bats in the trees as a result of cutting down trees after March, as well as disturbing the natural habitat of the red water snake as a result of digging. Mr. Schenk reports that DNR prefers the preservation of habitat for the red water snake over the bats and has furnished the permits necessary. The Bridge 64 Project is on Barrett Switch Road over a branch of Black River. He would like to open the bidding up to bidders for April 1<sup>st</sup> and the bidding should conclude that day. Mr. Schenk request permission to advertise notice to the bidders. J. Alsop made motion to approve the request to advertise the Bridge 64 Project and J. Walden seconded. The motion passed 2-0. The last item presented by Mr., Schenk was the posting of the chip and seal roads. The anticipated thaw is approaching and it is noticed that there is damage to some road ways, so it is necessary to post the chip and seal roads in order to protect those roadways. While the Highway Department finds that it is not necessary to post all the roads at this time, Mr. Schenk has provided a list of the worst roads. He adds that he will add additional roads later, however these roads are in the worst condition. Mr. Schenk explains that permits will be given out to those who find it absolutely necessary to haul on these roads. Mr. Schenk comments that the process may take about six weeks, however it depends on how quickly the thaw comes. J. Alsop made motion to approve the chip and seal road postings and J. Walden seconded. The motion passed 2-0.

### **DEPARTMENTAL UPDATES**

Sheriff Greg Oeth appears before the Commission to give special recognition to Jim Hirsch and the efforts of the Reserves Deputy Program. Mr. Oeth states his appreciation for Mr. Hirsch and the Reserves for their commitment financially and with their time, which results in a substantial savings to the county. Mr. Oeth states that they do a tremendous job and that they are a great resource for the county. Jim Hirsch, of the Reserves Deputy Program, appears before the Commissioners at this time to give the annual update. He acknowledges that it is important to remember that the Reservists are also full-time employees in other areas and that their accomplishments are completed

during their normal working hours and at times after their normal working hours. Some of their duties include supporting traffic control, crime details, community support, court protection, and prisoner transport. Last year the unit logged 2,870 hours, which was an 8% increase in comparison to 2012. Mr. Hirsch states that the unit has continued to grow. The unit consists of eight individuals, who range in age, and who range in experience. Three individuals are able to work direct shifts. All members of the unit now live within Posey County. While two Reserves have left the unit, they have moved on to careers in Law Enforcement. The unit has gained four individuals. Mr. Hirsch adds that the program continues to evolve under the guidance of Sheriff Oeth. He reports that the beginning of the previous year, the unit began with about \$134.00, the end of the year 2013 they had about \$9,000, and currently they have about \$9,500. He reports on the financial support the unit provides for the county can be described categorically such as shift coverage for deputies and additional deputy support. The program supports a variety of events within the community as well as the schools of the community. He provides information to the Commissioners that displays a breakdown in the hours of the Reserves. He describes that the training hours amount to more than previous years because of the turnover rate of this year and that the required annual commitment of training hours for the Reserves are the same as the training required by the Deputies, with the exception of the Academy. Mr. Hirsch states that the members of the Reserves unit send their gratitude to the Commission for supporting them, and for the support they have given to the Sheriff for developing the program. Commissioner Alsop and Commissioner Walden express their absolute gratitude for the amount of hours that the Reservist dedicate and for their commitment. It is noted that the Reserve Deputies are not paid and that they spend their time voluntarily for the county's benefit.

Betty Postlethweight reports on behalf of the Election Office. She informs that they have a ballot arranged. She states that the first ballot has numerous errors and that they are being corrected. It is also noted that they are having a full election that will include all the precincts. Mrs. Postlethweight reports that she is having issues with the voting precincts. She proposes that they combine the precincts into a voting area. The precincts will remain in the area that they are presently in. She has been informed by RBM that it would not be difficult to re-program the machines. The judges may need extra education to ensure the correct ballots are used according to the precinct. It is similar to a vote center, however it is smaller. The idea is to save the county money. Mrs.

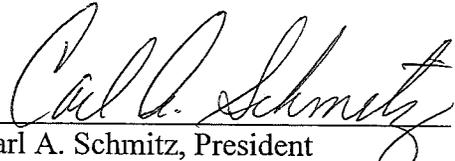
Postlethweight adds that this is a step in the right direction to keep the cost down. She mentions that e-poll books are a waste of money and they are not reliable. It is discussed that they are not seeking to eliminate precincts, they are only requesting to combine the voting area. It is clarified that there are 34 precincts and 25 voting areas. The goal is to eliminate excess and combine voting areas, not to eliminate precincts. Mrs.

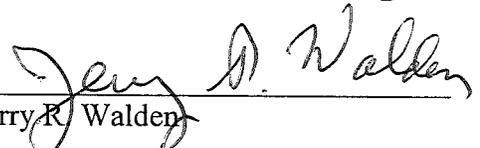
Postlethweight states that nothing can be changed about the precincts unless they go over 1200, and she states that Marrs Center has 1100, Robinson III has 1173 and Robinson II has 1057. Mrs. Postlethweight proposes to combine Smith, Lynn, the Harmonies, Robb I, Robb II, The Hovey House, Harvest Time, and General Baptist Church. She also states that she needs an approval at this time because RBM needs to know by Noon, this day, in order to reprogram the machines. It is stated that the Commissioners are in favor of the action of combining the voting areas as long as there are no elimination of precincts. J. Alsop made motion to approve the combining of voting areas and J. Walden seconded. The motion passed 2-0. Mrs. Postlethweight intends to provide a written statement to the Commissioners later in the day.

Commissioner Alsop goes on record stating the Commissioners of Posey County do not agree with the Governor's decision to eliminate the business personal property tax. Mr. Alsop states that it affects a little over \$10 million dollars for Posey County, which is about 30% of the budget for the county. It is agreed that the Commissioners do not agree with the action and that a letter that states their position should be sent to the State. J. Alsop made motion and J. Walden seconded. The motion passed 2-0.

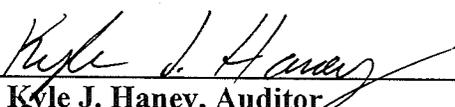
David Whitten, of the public, requests clarification of the definition of "Resident" in regards to the Inn Keeper's Tax. He asks if "Resident" means that this person can obtain a Driver's License or vote. He states that if that is the case then the tax is dead wrong. It is clarified that the term "Resident" may only apply to the terms of the Inn Keeper's Tax and that it will be addressed in further detail upon review of the Attorneys.

No other business was discussed, and the meeting was adjourned until Tuesday, March 4, 2014.

  
Carl A. Schmitz, President

  
Jerry R. Walden

  
James L. Alsop

ATTEST:   
Kyle J. Haney, Auditor