

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
MAY 6, 1996

TABLE OF CONTENTS

Introductions & Pledge of Allegiance .....	1
Approval of minutes .....	1
Any group or individual wishing to address the Commission .....	1
Final Reading - Ordinance to provide health insurance .....	1
& Medicare supplement to retired Sheriffs & Deputies	
Public input on riverboat funding .....	3
SPEAKERS:	
Scott Thyberg	Phyllis Donahue
Gail Riecken	Victor Carson
Bernadine Jones	Launita Seals
Don Neidig	Janet Watkins
John Davidson	Dick Emgers
Greg Volz	Mike Kough
Tim Suenram	Bettye Lou Jerrel
Michelle VanZant	Shirley James
Lynn Ellis - Purchasing .....	20
(No report)	
John Stoll - County Engineer .....	20
(No report)	
Milton Hayden - Asst Superintendent of County Hwy Dept .....	20
Progress report from Highway Dept and Bridge Crew	
April 26 through May 2, 1996	
Alan Kissinger - County Attorney .....	24
Ordinance for Vanderburgh County Treasurer regarding	
the collection of dishonored drafts and checks	
Cindy Mayo - Superintendent of County Buildings .....	26
Resolution for Vanderburgh County to be declared a	
disaster area due to flooding to be signed by the	
Commissioners	
Report - Full Circle Services	
Consent items .....	27
Employment changes	
Travel requests:	
Health Department (4)	
Auditor's Office (2)	
Monthly financial report as submitted by Auditor	
Time accrual report as submitted by Auditor	
Scheduled meetings .....	28
Old business .....	28
(None)	

Newbusiness ..... 28  
    Reapplication for limited alcohol sales at  
    Bosse Field for Otter's baseball season  
Adjournment ..... 29  
Signature and attendance sheet ..... 30

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS MEETING

MAY 6, 1996

The Vanderburgh County Board of Commissioners met in session this 6th day of May, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley: Okay, we have a roomful of people here and I know why many of you are here and we are glad to have you. We will go ahead and call this meeting to order and get started if we might. As a point of introductions, to my far right down there is Cindy Mayo, who is our office manager and Superintendent of County Buildings; to her immediate left is Alan Kissinger, one of the County Attorneys; to my immediate right is Commissioner Richard Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, County Auditor; and to Suzanne's immediate left is Charlene Timmons, who is Recording Secretary from the Auditor's Office who will be recording the minutes of this meeting; and I'm Commissioner Pat Tuley. For those of you who are here to address the Commission tonight, please, we try to type the minutes verbatim so please come to the podium when recognized, identify yourself and speak into the microphone if you would, please. If you would, we would like to start off the meeting with the Pledge of Allegiance, so please stand and say it along with us.

**RE: APPROVAL OF MINUTES**

President Tuley: I started to say that there are agendas along the wall, but apparently they have all been taken, so please share with your neighbor if someone wants to follow along and see where we are at. The first item on the agenda is the approval of the minutes. I'll entertain a motion for the approval of the April 29 minutes, please.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: Under item 4B, each week the Commissioners give the opportunity to anybody who does not find their name or their topic for discussion already listed on the agenda, now is the time to come forward. Does anyone here...no?

**RE: FINAL READING - HEALTH INSURANCE & MEDICARE SUPPLEMENT FOR RETIRED SHERIFFS & DEPUTIES**

President Tuley: Under item 4C, Alan, I believe this is for you. This is the final reading regarding the health insurance and Medicare for retired Sheriffs and Deputies.

Alan Kissinger: This ordinance is basically a continuation of a previous ordinance that the Commissioners approved to provide group health insurance for retired Vanderburgh County Sheriff's Deputies who qualify and Vanderburgh County Sheriffs who qualify. To that extent, this ordinance has not changed. What has changed in reference to this ordinance is that...well, two things really. Number one, the Deputies in the Vanderburgh County Sheriff's Department have agreed, I think all have agreed or none are here to remonstrate, that \$5.00 per pay, that would be every two weeks, will be withheld from their pay and placed in the Vanderburgh County Sheriff's Group Insurance Fund and from that fund will be

paid the Medicare supplement for retired Vanderburgh County Sheriff's Deputies who qualify under this ordinance. Their supplement will be paid as it accumulates and right now I think there is only one deputy who will be eligible sometime in the near future. Other than that, the ordinance basically covers the procedure. It instructs the Vanderburgh County Auditor to establish the fund, etc. The person who is most greatly involved here will be the Auditor in the establishment of the fund, the withholding of the \$5.00 and then the payments that need to be made on this Medicare supplement. The Sheriff's Department has agreed that they will communicate with the Auditor's Office to make sure that the mechanics of this thing are properly administered. If the Commissioners have any questions of me in reference to the ordinance, I will be happy to answer it. I believe that the Sheriff's Department, due to the absence of any person here tonight objecting to this ordinance, is unanimously in favor of it. It costs the county no more than it was costing the county previously to offer the retired Deputies who qualify for the county health insurance if they pay the employee share. As a matter of fact, this \$5.00 will ultimately start paying the employee's share on the county health insurance as well. The county's obligation as far as providing anything will merely be the service through the Auditor's Office and the health insurance that was made available to them under a previous ordinance.

Commissioner Mourdock: Alan, you started that bit of dialogue, I thought, with the words, what has changed?

Alan Kissinger: Yes. What has changed is we have added to this the payment for the Medicare supplement.

Commissioner Mourdock: Okay, but that hasn't changed from the prior reading of the ordinance?

Alan Kissinger: Oh no, I beg your pardon, it was from the previous ordinance.

Commissioner Mourdock: Right, okay.

President Tuley: We have several representatives from the Sheriff's Department, do you have any comments?

Steve Woodall: I'll make a comment when I find out if you pass it or don't pass it.

President Tuley: Comments from the Commissioners or I'll entertain a motion for approval?

Commissioner Mourdock: I'll move approval of the final reading of the Ordinance to provide group health insurance and Medicare supplemental insurance to retired Sheriffs and Deputies.

Commissioner Borries: Second.

President Tuley: Since it is an Ordinance, we will take a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes. Chief Woodall, would you like to make a comment at this time?

Steve Woodall: Yes. First of all, on behalf of the Sheriff's Department active members and also the retirees, we would like to thank you. The way the active members look upon this, it's an

opportunity to help along the retirees and, especially, you know as you retire, you have a limited income. Also, it has no fiscal impact on the County Council nor the County Commissioners at all. We have been in close contact with Ms. Crouch, the Auditor, and she has been working with us, most graciously I should add to that, and also, this Thursday we have a meeting to set up any of the logistics, but again, on behalf of everybody, we would like to thank you. Like you said, it is unanimous, too; everybody agrees with it. Thank you.

Alan Kissinger: Chief Woodall, what were you going to say if they would have voted against it?

Steve Woodall: Never mind.

Commissioner Mourdock: We'll never know.

**RE: PUBLIC INPUT ON RIVERBOAT FUNDING**

President Tuley: Okay, item 4D. As I look out across the room, I see many familiar faces, familiar from many different meetings, functions and what have you, so I'm sure you're here to have input. The Commissioners thought it wise to get input from the citizens, the people who allowed the riverboat to be docked out here. We thought it was equally as important for you to have a voice as to how the money is to be spent. There are a number of you that I would guess wish to address the Commission. I don't want to say that we want to put a three minute or five minute limit on your presentation, but we would request that you don't be like some of the politicians. Speak to exactly what you need to talk about so we can move on to the next one. I don't think...did we start around a sign up sheet by chance? We did, where is that?

Unidentified from audience: I have it.

President Tuley: Are you the last one or is it going the other way yet?

Unidentified from audience: I'm the last one.

President Tuley: Okay, if it's alright or agreeable, why don't we just follow that list and then everybody will get the opportunity to address the Commission. Bear with me, I will probably butcher some of your names, some because I can't read them and some because I will just blow it. Scott Thyberg.

Scott Thyberg: Mr. President and fellow Commissioners, thank you very much for allowing representatives of the Evansville Dance Theatre to appear before you today. I am Scott David Thyberg, the Artistic Director of EDT and joining me are Gail Riecken, past President of the Board of Directors; and Rose Young, apparent leader and active supporter of Evansville Dance Theatre. We are respectfully requesting the Board of Commissioners to act favorably upon EDT's proposals for a community grant supporting our annual production of the Nutcracker which once again will be performed at the Vanderburgh County Auditorium. This production is the premiere performance of the EDT season and provides the cornerstone from which the remainder of our season is launched. Just as giving and sharing are a holiday tradition, so too has the Nutcracker become a seasonal favorite. The significance of the Nutcracker to this community goes far beyond dance and the arts. You, as leaders in the areas of economic development, are well aware of the importance that corporations place on the quality of life that is available when considering whether to invest in a particular location. Communities offering a varied and developed cultural environment increase their appeal and improve their prospects, particularly with Fortune 500 companies of securing new investments and additional jobs for their citizens. Combined with other factors such as a well trained job force, a solidly established education

system and an adequately developed infrastructure, a community such as Evansville's Vanderburgh County is successfully positioning itself for continued future economic growth when its governmental leaders foster support for an event the caliber of the Nutcracker. Yes, the Nutcracker is professional dance and it's an important highlight on our community's cultural calendar and yes, the Nutcracker is a wonderful example of the type of collaboration that can occur between two nonprofit organizations, in this case the Evansville Dance Theatre and the Evansville Philharmonic Orchestra. The Nutcracker is also an important component of this community's economic development efforts, and although I have chosen to focus on the economic development aspects and the potential benefits of your support of the Nutcracker, I also want to submit that your financial support will allow the EDT to utilize other funds that it is working to raise to expand its "pay what you can program". That is a program which enables young people, people of all ages from all economic backgrounds the opportunity to see professional classical dance at a pay what you can basis. A half an hour before curtain any tickets that have not been sold to our subscribers or regular season ticket holders become available on a pay what you can basis. Your favorable recommendation will also permit EDT to seek out new partnerships and collaborations with other not-for-profit organizations. The possibilities include working with the Evansville Housing Authority bringing artists and students alike to the EHA locations for performances and workshops. I might add that our new efforts at bringing in a professional dance company, which has been done for the first time with our most recent production, and the packet demonstrates our most recent success in that regard, enables us to create an apprenticeship environment in which the students of our school are working alongside of professionals and that is unheard of in the world of professional dance. It also enables these professionals to get out into the community and perform workshops with students of all ages. We most recently did something with the YWCA working with at-risk fourth graders and then received funding to allow them to apply for scholarships, so it is not just a hit-and-run approach in our educational outreach. The new EDT wants to also afford the citizens of Vanderburgh County, particularly children, the opportunity to experience, enjoy and perhaps pursue a career in classical ballet, and what's germane here is that somebody seriously interested in classical dance heretofore has needed to go outside of this area to find professional quality training and we have the finest professional training institute in this region and it is drawing people from within this community and attracting them to stay here and get their dance education right here in Evansville. Should the EDT be fortunate enough to receive your support, the monies will be reinvested in the community on numerous levels and in many ways. Funding provides seed money that enables the EDT to leverage the dollars for multiple return. Other funding goes to area businesses, we provide jobs for other people. We use the media, the newspaper, radio, television, printers and various other businesses are affected by this, not to mention what happens to the community when 2000 people come into our city to view such a performance and spend that afternoon at Christmastime shopping, going to dinner, and so forth. Quite simply, your favorable recommendation for funding will create a synergy enhancing the community's quality of life while increasing its desirability as a place where businesses want to invest and their employees want to live. Thank you very much.

President Tuley: Thank you, Mr. Thyberg.

Commissioner Borries: Thank you.

President Tuley: There are several names associated with EDT here, is it safe to assume that Mr. Thyberg is speaking for you or do each of you wish to address...any additional comments? Okay, Gail.

Gail Riecken: Ladies and gentlemen, I want to thank you for the

brief opportunity to show my support to the Evansville Dance Theatre. It was years ago that I took over the reins at Dance Theatre when we were very low and had a lot of growth to match up to and I think that what you are seeing before you is a dream come true. I think that the Evansville Dance Theatre has shown its strength and it's an opportunity for youth in our community as well as the Tri-State and is a star, a feather in our cap for attracting new business and keeping business here, and I would appreciate your support. Just to get an idea, would you all stand who are supporting the Dance Theatre today? Thank you.

President Tuley: Okay, anyone else from EDT? Okay, we thank you for your comments. I believe, it looks like Hilda Swan.

Hilda Swan: I'm here (inaudible comments not made from the microphone).

President Tuley: Okay, you want to come forward?

Bernadine Jones: I'm Bernadine Jones, President of the Jacobsville Neighborhood Association. Our association would like to see some of that money, at least one third of that money that is coming from the riverboat to go to the neighborhood associations that are targeted neighborhoods. I feel that the County Commissioners need to take of their obligations in those neighborhoods for the properties that they need to either raze or they need to rehab because, in our neighborhood, those are blighted pieces of property. They cause drug dealers to hang in those properties. We have homeless in those properties and that should be a concern of the County Commissioners. Also, there are businesses in our neighborhood that have been empty, such as the Miller Electric Plating Company, it's been sitting there for 11 years and something needs to be done with it and it needs to be done by the County Commissioners as far as I know. With the Lloyd Expressway passing right through our neighborhood, and first impressions are lasting, I feel if we are going to have all these visitors coming to Evansville, we need your help in getting the properties in our neighborhood looking like it's a prospering neighborhood and a neighborhood that people enjoy living in. Thank you.

President Tuley: Thank you. I probably should have said this from the beginning, the Commissioners will only act as a recommending body to the County Council who will have actual control of the disbursement of the funds, but we will be making a formal recommendation to them. They may or may not follow our recommendations and I don't know if in the future they will hold additional hearings or what. Bettye Lou, do you know or do you mind?

Bettye Lou Jerrel: No, I came primarily to get a feel people, but I do have something that I would like to (inaudible comments not made from microphone)

President Tuley: Okay, the next one...is that every, again there are several people from Jacobsville, is that the only...okay.

Don Neidig: Ladies and gentlemen, you have a golden opportunity to make an impact on not only the inner-city neighborhoods, but the downtown as well. You're hearing all very worthy causes and who needs the most help? What spinoff help can be expected? There is currently a master plan being made by an out-of-town firm for the inner-city neighborhoods. United Way is currently working on a needs and capacity study to help the inner-city neighborhood associations. The CAC, Citizens Advisory Committee, last week rated their top priorities in the needs area. Government is giving off mixed signals to the inner-city neighborhoods kind of like a third base coach constantly changes the signals with the batter. One of the top needs that the CAC committee showed was a community organizer or a neighborhood coordinator, a person to collect and

assemble the necessary data from all the sources relating to the low income person in the inner-city, both strengths and weaknesses. I recommend going one step further and appoint an advisory committee that has the expertise with the issues relating to low income persons. The Center City Corporation has their committee for the betterment of downtown. The time is appropriate for the appointment of a neighborhood coordinator and an advisory committee to deal with these issues in the inner-city. Teamwork with the Center City Corporation is very important; one cannot be strong without the other. Leadership, especially those with expertise dealing with the low income persons, is necessary in order to create a successful investment strategy, a strategy that not only examines each need, but a strategy that shows the whole picture and how to get there. I'll give you an example, there was a revitalization of North Main Street 20 years ago. There were new curbs, sidewalks, and street paving and it was terrific and it really helped, but we weren't first out there, we were fourth. There was Bellemeade/Bayard Park, Haynie's Corner, West Franklin and then North Main, and you know what? Nobody was upset because we could see the whole picture was brought to us before and what the city was trying to accomplish. Thank you.

President Tuley: Thank you. The next name I'm having a little trouble with, so bear with me, it looks like R. John Dursom? I'm not sure, it looks like R. John...hey, that may work!

John Davidson: Davidson, my secretary has the same problem.

President Tuley: I'm sorry.

John Davidson: Oh, it's not your problem, it's mine! My name is John Davidson and I'm Pastor of St. Anthony Church at the corner of First Avenue and Columbia. We have there the St. Anthony Center for Family Life where we serve a lot of poor people in the Ozanam Shelter, the soup kitchen, the ECHO Health Center, the UCC Day Shelter and lots of other programs, tutoring programs for kids and so on. I was born in Evansville and have lived most of my life here. If I'm not mistaken, my daddy once sat in the seat that Mr. Kissinger is sitting in at the moment, way back many years ago. I rise to speak for the poor and I should say that I dare to speak for the poor even though I don't consider myself exactly poor, but I think they need a voice. I should say that poor is not a very nice word, people don't like to be called poor, but I don't have a better word. I could call them economically disadvantaged or something like that, but I'm going to settle for poor because it's a lot easier to get out. I hope that folks will excuse me for that. When I speak of the poor, I speak especially of those living in near downtown neighborhoods and I rise to give them a voice. I do so because I live in one of those neighborhoods. I serve the people who live in those neighborhoods, who live in poverty, both in the parish and in the Center for Family Life. I also serve on the Board of the Organization for a new Evansville which is trying to deal with some of the problems of the poor. I rise thirdly because the poor were wooed, if we still understand that word in today's society, they were wooed by those who wanted to get the riverboat here. They were promised certain things, they were promised economic relief of some sort. I think to some degree they have gotten that through jobs that have been provided and that has been great. Perhaps they voted for the riverboat because they thought that they would win big, but I hardly suspect that has happened. I think they also voted for the riverboat because of the potential for economic community development that would be funded by these tax dollars of which we are speaking this evening. They were looking for neighborhood development I think, and I think they are justified in coming before you to request those kinds of funds, because judging from the figures that I saw in the newspaper back after the referendum in November of '93, I added up the votes that came from the Fourth and the Sixth Wards here in town and discovered that 22% of all the yes votes came from those two wards.

Now, had I have had access to particular precincts, I would guess that the closer you are to the downtown area, the more positive the vote was, but 22% voting in favor or 22% of the yes votes for the riverboat is a pretty good percent. I would hazard to guess that had they not voted for that and had they not been wooed, we would have no riverboat today and we would not be sitting here discussing what we can do with all this money that we are looking at, this pot of gold, this economic windfall. I would ask that you recommend that we invest in the poor. I know we want to avoid shoveling money into some bottomless pit, that has happened in the past and certainly we want to avoid that, but we do want to help people climb out of the pit of poverty. We want to provide them with handholds or footholds or ladders or something to try to better themselves. Were not going to solve the problem completely because some people are going to be poor forever, but when I think of the kids that are being educated to be poor and I'm saying what can we do with those kids to turn their lives around so that someday in the future they won't have to be poor anymore. What can we do with the people who have just sunk into poverty and are not too deep into it to be hopeless, can we help them rise out of poverty? I think that we can do something. Evansville and Vanderburgh County is big enough, but not too big, that we can really get a grip on our problems, especially with the kind of tax income that we are looking at both in the county and the city. I think it's a real investment and I think that if we can improve our weakest links economically and educationally, we can improve our whole community vastly. Specifically, and I'm not going to get real specific, but I would suggest that we need things like transportation for people to get to work; we need day-care for kids, especially in the evenings and weekends when it's not ordinarily provided. I think it will take some time to develop a process, but I would ask that you develop a process, take some time and ask for more input from the community on how we can help the poor rise out of poverty and get off of welfare. I would like to be able to suggest that you give a pot of money to the Organization for a new Evansville and tell you that we would take care of spending that for you, however, at this point I'm not yet justified in doing that because we do not yet have a track record that would suggest that, but hopefully in the near future, that could be a possibility. I would suggest that you develop some sort of process to get proposals, suggestions, creative ideas from the community. I just read recently an article about a community in a northern state that provided transportation by buying cars for people. Now, they weren't buying brand new Cadillacs, they were buying used cars. They were buying them for people who could not get a standard typical conventional loan, but they did have certain guidelines, there was a certain limit and they also provided money for people to repair their cars so that they could get to work, and they could go out and buy the stuff that they need so that they could improve the economy in general. That is just an example of a creative kind of a solution to a problem that I think the people of this community can come up with if you provide the opportunity and invite them. Thank you.

President Tuley: Thank you. Greg Volz.

Greg Volz: My name is Greg Volz and I'm an attorney with Legal Services Organization here in Evansville. I kind of hate to follow Father Davidson because I've seen him speak eloquently on these issues before and I think he has done it again. I would like to begin by congratulating the Commissioners on holding a public hearing. I think this is a refreshing day in Evansville and I think it's great that people from the community had notice that they could come here and advise the Commissioners of how this \$1,500,000 or \$2,000,000 annually in county money could be spent over the next five, seven, ten years or as long as the riverboat is here. I would hope that you would hold more hearings like this. I would hope that you would hold hearings like this out in the low income neighborhoods where the money is so desperately needed and the solutions are not there yet, but the people need your help. I

MAY 6, 1996

am not low income and I would not pretend to speak for low income people, but I think proceedings like this are quite intimidating to low income people who sometimes have little formal education, so I would reiterate that I think the city has found over last few years that going out in the community is sometimes a helpful process. Mr. Neidig said that a fundamental question is who needs the help the most and I think that is a fundamental question. About a year ago I submitted a report to Mr. Mourdock at his request, and in that report I suggested that if you ask the question who needs the help the most, the rest is really kind of simple. I think who needs the help the most can be answered that the minority community needs help desperately and other economically disadvantaged people in Evansville and Vanderburgh County need help desperately. You might ask yourself why should we invest in these communities? Much of this is in my report, but I would like to just bring a few points out since there are perhaps some people here that didn't receive that report. I think the low income neighborhoods that surround the inner-city business district will experience a lot of the problems from riverboat gambling. It could be increased pollution, congestion, noise, perhaps crime, but maybe it's too early to know things like that. I think particularly the Lincoln Avenue and the Fulton Avenue corridors are susceptible to problems from the business activity brought on by the casino gambling. In addition, the low income neighborhoods that surround the business district have a high welfare population. There are in excess of 2000 families currently on welfare, and as you are all aware, in less than 18 months they are going to be asked to find a job and get off of welfare. The Welfare Planning Council studied that issue for months, submitted a voluminous report to you and basically said that this is going to be real tough and we are going to need some money for these solutions. These solutions would include enhancing public transportation, buses quit running at six o'clock at night. A lot of non-low income people wouldn't know that because they don't ride the bus; they wouldn't know how much a fare costs; they wouldn't know how the transfer system works; they wouldn't know that buses don't operate on Sunday; they wouldn't know that they don't start till 5:45 a.m. A lot of low income people can get to work, but can't get home. They can get to a job at a fast food franchise on Green River Road at 3:00 in the afternoon, or 3:30, but at 11:00 or 12:00 p.m. they can either walk or they can call a cab and pay an exorbitant fee or they can call a friend. I knew a woman once that used to drive a van out to Green River Road and picked up people at work. Public transportation in this community is woefully lacking for low income people. Why else should we invest in the low income community? Because as Father Davidson has said, promises were made in order to get the referendum passed and this is payback time. Poor people are entitled to share in the financial bonanza that is accruing to other individuals in this community at this time. A third reason to invest in low income neighborhoods is as Father Davidson pointed out, 22% of all the yes votes came from the Fourth and Sixth Wards. A fourth reason would be that increased economic activity in low income areas benefits the entire community. Many low income areas do not have a grocery store, do not have a gas station, a shoe store, recreational facilities, etc. Because of a lack of public transportation, they are, in essence, shut off from the rest of the community. A fifth reason I would suggest to invest in low income areas is that the referendum vote was 52/48 percent, if I remember, and there was a sizable percentage of people who did not want riverboat gambling in this community. I think if those people were asked and told that riverboat gambling tax revenue is going to benefit our most hard pressed citizens in this community, it would take a little bit of the sting out of the political loss of what happened in that vote. I would suggest a sixth reason to invest in low income communities is that is where the needs are. That's where children are hungry, that's where children aren't fed property, that's where there is a lack of affordable housing, health care and recreational facilities. In the past, oftentimes when people have suggested that there are problems, the answer has

been that there isn't money. Your job is to be fiscally prudent and conservative with public dollars, but certainly today we cannot say to this community that there are no dollars for these problems. I would suggest that since this entire process is extremely political and everybody wants a share of these proceeds, as they should, that a potential model and that's all that it is, but just maybe a forum for contemplating this issue would be that there will be those, like the Evansville Dance Theatre tonight, that have artistic, cultural or entertainment desires for this community and think that public dollars should go to benefit those programs. I would suggest that one third of the funding should go in that direction. There will be others that will say that we have potholes, that we have bridges that need repaired, that we have infrastructure problems and public health and safety issues that need addressing and I would suggest that a third of the money be set aside for that. I would say with that other third be bold, be dynamic, do something that needs to be done, do the moral thing and set aside one third of that money in some way that is politically acceptable in this community, and you would know better than I what that would be, but it should be a representative participatory process to make the decision of where that other third would go, but a third of 1.8 million dollars is about \$600,000 a year and that's a lot of money that could do a lot of good. It also might encourage the city, which hopefully will hold hearings as well, to use some of what will be about seven to nine million dollars a year for the benefit of low income people. I hope I haven't taken too long, but I have really been involved in this issue extensively for the past two years and I thank you for the opportunity to speak.

President Tuley: Thank you, Mr. Volz. This one I'm probably going to mess up on because I'm not sure how to pronounce it, but it's written rather clearly, but it looks like Tim Suenram.

Tim Suenram: Ladies and gentlemen, my name is Tim Suenram and I'm the Pastor of the First Cumberland Presbyterian Church. Our church is located in the near downtown low income neighborhood of Goosetown. I am also the Executive Director of the Evansville Coalition for the Homeless. Father Davidson and Greg Volz both spoke very eloquently already to this point, but I would like to raise a few other points. The first one I would like to raise is the question, what is fair? It's a temptation, perhaps, to say one third for infrastructure, one third for artistic and cultural and one third for the low income community, but I would suggest to you that the question, "What is fair?" is answered with the statement, "What is fair is that everyone gets what they need, not what they want, but first that everyone gets what they need". So when you consider one third, one third and one third, perhaps you will find that a larger portion than one third could go to the low income community, at least initially. I also would suggest that as you're looking at what is fair, that you would give some priority, as Mr. Neidig pointed out, to organizations that do planning. Both grass roots organizations and nonprofits who are engaged in planning, particularly supporting organizations that are collaborating with other organizations, both city/county government and nonprofits that are planning and working together to make a difference in the low income community of Evansville. The final point that I would like to present to you is...and I don't often quote African proverbs because I'm not an African-American, but there is one that I would like to bring to your attention and it is somewhat overused especially by people of my race, I think, but I would like to make a variation of it. You've heard undoubtedly the proverb that it takes a whole village to raise a child. I would like to contend for another proverb which says, it takes a whole village to be a village. I urge you not to leave the low income community out of your deliberations. Thank you.

President Tuley: Thank you, sir. Michelle VanZant.

Michelle VanZant: Hi, my name is Michelle VanZant and I'm not here

to represent any organization except I am here to let you know about the growing problem of affordable child care. I am a single parent and I have three children. I thank the people here when they say that they are going to try to be a voice to represent the low income people, but that is me. I have been there, I have been on AFDC and tried to raise two boys, before I had my daughter, on \$288 a month. Currently, my child care costs are over \$200 a week, and if there is not something done to help with the child care problem on getting affordable and safe, and I'm not going to leave my children with just anybody, then I have no safety net to fall into. My transitional child care runs out August 1st of this year and if there is not something for me to go to, and I'm not saying totally free because I do work and I do have a full-time job and I did get off AFDC, it can be done, but if there is not some help there, some kind of a safety net especially for our children that we can take them to and not be worried about where they're at or who they're with, then after August, I'm not sure I'm going to be able to keep my full-time job. I do not want to go back on AFDC, I like being self-supporting. I like showing my kids that, yes, it is right to get up and go to work. My four year old doesn't like it all the time because mommy has to go to work, but he understands that and he keeps telling me, "Mommy, when I grow up I'll take care of you", which is a nice thought. This is very real and it's a great need that is out there. There are going to be a lot of other parents who are going to fall into the same thing that I'm in now, and if something is not done about it, then it's going to be a big problem. Thank you.

President Tuley: Thanks for your comments.

#### TAPE CHANGE

President Tuley: Okay, Phyllis Donahue.

Phyllis Donahue: I guess I'm really not representing an agency, I just serve on the Welfare to Work Committee. I guess it's kind of hard to follow Michelle because she knows what it's like. Everybody else that says they speak for the poor, they do and I truly believe that. I've worked in social services for 25 years and I have worked in employment training programs for 10 years and we are in the process of welfare reform. I went to USI's graduation and listened to our honorable Governor Evan Bayh talk about the benefits of college education and with welfare reform, because it's 24 months, we are no longer allowed to support the college education and as each year goes by, our number of years that we can support gets smaller and smaller. I know we desperately need child care and we desperately need transportation, but as time passes and I see the people come into the program and knowing what is going to happen to them in 24 months, we also need money for training. I know that Richard has talked to you about setting aside some money for welfare reform, but I think even when we met a year ago, we did not realize that we could no longer support a lot of the educational programs to support our clients in those programs. These people are going to be going off, as Greg said, in 18 months and we are going to need money set aside to help with training because if they are not employable, then I don't know whose doorstep they are going to be on, but they will be on somebody's. Thank you.

President Tuley: Thank you. Victor Carson.

Victor Carson: Good evening, and I would like to thank you, Mr. President and respective Commissioners. I also can say that I'm not here to represent an agency and I'm not here to represent any particular group. I am the Executive Director of Evansville One or the Organization for a new Evansville and I'm not here to speak on their behalf because I think that is something that the Board would have to do, but I would like to speak on behalf of the low income community. I'm an Evansville native and I've been in a lot of

other communities and I've lived in a few other communities, but I've spent most of my life in Evansville, but I have certainly visited many communities. I like Evansville and I decided as an adult to make this my home and one thing that many of us, I think, Evansville residents, I'm speaking for Evansville residents right now, when we think of Evansville and we think of low income, we don't see some of the urban blight that is common in many of our other communities. I have visited Gary, Indiana recently this year, spent some time there last year and I can tell you that I have also spent time in South Central Los Angeles; I've spent time in the Flatbush neighborhoods of Brooklyn, New York and I can tell you that the people who live in the communities have one thing in common with the low income people in Evansville, and many times that is a sense of hopelessness. There is a sense of apathy that no matter what we do, there will not be any change made. I think that in our community the problem hasn't gotten as bad as it has in many of the other urban areas of this country. I think this is an ideal situation for us, that the riverboat tax revenues are available because we can take a preemptive strike. Many times people speak of proactiveness, this is an opportunity for this community to indeed be proactive. I'm not saying that the funds are there to solve all the needs and concerns of low income people, but at least this will be the beginning of changing and maybe raising the level of awareness among the community at large and at the same time it can become a catalyst. Someone mentioned that maybe the city would get more involved or maybe the City Council could use their revenues which are a lot larger, and also the private sector could be a part of this and become partners. I was also involved in the Statewide Welfare Reform Conference that Legal Services held last year. I was the statewide coordinator and we identified several needs and transportation and child care are two very important needs. As Michelle pointed out earlier, she spoke as a single mom who has been involved with the system, has been on the system and she knows just how difficult it is. Many of us that have worked in social services or who have worked on boards or served on boards are around it, lived around it all the time, but when you experience it, it's a whole different matter. Sometimes we can separate ourselves from it when we go home, but the people who are living in the communities cannot separate themselves. This is an everyday reality for them and I would just like to say that I thank you for the opportunity, I think it's wonderful. I think this is the first time that we have had an opportunity like this in terms of the amount of money that is available and also to have a hearing like this to welcome input. I would have liked to have seen more people here, it's nice to see that there are other people who share my ideas, my beliefs, my feelings and I think that it is very important for you all to be able to hear what the community has to say. Again, I would like to thank you for the opportunity and when the opportunity arises to give your recommendation, I certainly hope you will not overlook the low income community. Thank you.

President Tuley: Thank you, Mr. Carson. This one, I'm sorry, it looks like David Byrne.

Unidentified from audience: He left.

President Tuley: He did leave? Okay, Launita Seals.

Launita Seals: My name is Launita Seals and I really hadn't planned to speak tonight, but hearing what I'm hearing, I did want to have one little input. Recently, in a City Council meeting when they were trying to divvy out the block grant money, there was a gentlemen that I sat next to from the YMCA that works with real borderline young men. During that hearing, he gave a very good speech as to what they're doing with the kids and how they are trying to get these kids off the borderline because it costs a lot more to send a young boy or man to prison than it does to educate him and make a citizen out of him. I was very much touched by what

this gentlemen said that evening, but yet they were granted no money at all. I see that Evansville is a great community, I've lived here most all my life. There are a lot of needs out there and whenever you do start to divvy out the money, I would like for you to think about the gentleman at the Y working with these borderline youths. Thank you.

President Tuley: Thank you. Janet Watkins.

Janet Watkins: Janet Watkins, concerned citizen. I really want to say to you tonight, thank you, God bless you for listening to the community. A lot of what I wanted to discuss tonight has already been discussed, but I would like to make a suggestion. I would also like to say, well, we did have a lady from the City Council here and we have the County Council President here and I think this is the first of what I hope will be many coordinations among the different branches of government, we need it desperately. With federal funding and state governments cutting back in all areas, it seems it would be a wise move to set aside a fund to establish an ongoing fund that will help with Welfare to Work, as the young lady said, affordable daycare day and night and maybe the purchase of some small vans to take people from the inner-city that don't have jobs to the east side where most of the entry level jobs are. It might be a possibility that the county can buy the vans and somehow make an agreement with the Metropolitan Bus Department to run them for you at nighttime. It wouldn't have to be a huge bus, a small bus that could run or something that we can get these people to and if, as she said, three children is \$200 a week, sometimes it doesn't pay to go to work. If we have some mechanism that we can use to help assist people getting on their own again instead of just dropping them off of everything, it would be greatly valuable. Now I'm one of those that would like to see the Evansville Dance Theatre go to the inner-city, go to the different schools and dance so I have no problem if they get money, I think it's a wonderful organization. I'm concerned that legal aid is being cut back and this is going to be a problem for people who get in trouble and cannot afford an attorney, which most of us cannot afford even if we're not low income. I will tell you that Pigeon Township is taking another hit by the city by declaring the Victory, the Sonntag and the GEM Furniture building as a blighted area for redevelopment. The city has not asked for input from anybody and I am so very grateful for you, for the County Council members that are here and the others that have been able to come and speak, and I appreciate everything you are doing. Thank you very much.

President Tuley: Okay, thank you. Carolyn Brown.

Carolyn Brown: I don't need to speak, but I agree with everything that everybody wants.

Suzanne Crouch: What's she running for?

President Tuley: That's what I was getting ready to say!

Commissioner Borries: It's kind of like, I agree with all my friends, some for, some against, I agree with all my friends!

Commissioner Mourdock: You couldn't hear it in the back, but Auditor Crouch asked, what office are you running for?

President Tuley: Here is another name I'm having trouble with, but the last name looks like Jacobson.

Commissioner Borries: Lives on Adams Avenue.

President Tuley: Yeah, lives on Adams Avenue.

Unidentified from audience: She was here, but now she's gone.

President Tuley: Alright, Bob Brennan.

Bob Brennan: I have no comments at this time.

President Tuley: Okay, thank you. Dick Emgbers.

Dick Emgbers: I am Dick Emgbers, Director of the Civic Theatre and, ladies and gentlemen, I want to thank you, too, and I don't want to sound like a broken record, but for allowing us to come before you and take your precious time. I'll just speak very briefly. I guess I'm here mainly to represent the artistic community in general in hopes that maybe, possibly, some of these funds might generate down to us. Most of us have never received any money from the city or the county through our existence and this might be an opportunity to obtain some additional funding which we so desperately need, since this money is entertainment dollars anyway. Just speaking for the Civic Theatre which is, of course, near and dear to my heart, we have been around for 70 years providing this community with programs and services and we own our own building and have done all this without any help from the city or the county in the entire existence. I guess I would just like to ask you to please give the artistic community some consideration when you are putting together these recommendations and I think there are a few of us that have some really nice track records and probably deserve some consideration. Thank you very much for your time, and if it means anything, I live in the Fourth Ward and the Civic Theatre is in the Sixth, thank you.

President Tuley: Is there anybody that came in late that did not get a chance to sign up? I know that you want to speak, sir, do you want to go ahead if Bettye doesn't mind?

Mike Kough: Thank you, I'm Mike Kough and I'm the Executive Director of the ECHO Health Center. Most of my adult life I have worked in the welfare system, both at the local and state level and I was also on the Welfare to Work Committee. That committee was very valuable and I think that it was more educating for the members than it was for those of us who have worked within the system because we have listened to the people who are on welfare day in and day out. The thing that I kept hearing over and over again, and I'm sure a lot of you have heard me say this, but people would say, you can take my check for \$229 a month for me and my child and, you know, stick it. I can get a minimum wage job and I can make a lot more than that, but I can't replace the Medicaid, I can't replace the child care, I can't go to school. Those are the things...I mean, when you drive down the streets and I hear a lot of my friends saying hey, there are hiring signs, people wanted, everywhere. That's true, but as Michelle, who I'm fortunate enough to have working at the ECHO Health Center as the business officer has stated, when you have to pay \$60 a week or more for child care, then it is worth it to stay at home and draw a check. As we move people off the welfare system, we have to provide a safety net, we have to provide extended child care with nontraditional hours. We have to provide transportation later than 6:00 at night and we have to provide education opportunities so that people can get higher paying jobs and we have to provide affordable health care. Thank you.

President Tuley: Thank you. Councilwoman Jerrel.

Bettye Lou Jerrel: Thank you, Commissioners, and I appreciated you having this hearing for us. I have two things, one is not a Councilman hat, though; one is just a personal interest of mine. But as a Councilman I'm here to ask you to develop a plan. I would rather have a plan that is either short term or as long as you're comfortable going out, rather than providing Council with a list of all of these and saying, you make the decision. I think as policymakers, we would prefer to have it come from you. The second thing, and this is not the Council hat, and it's information for

you to consider. A few weeks ago I met with the Greenbelt Committee and represented you and the City Council. Gail had to leave, but she was a part of that and Shirley James is here now, but we have an opportunity that is in a small window. The ICTEA money that is available from the federal government is going to expire after '97, and if we can set aside either this year or the first part of next year, whatever the law requires, a portion of our match with the city, then we'll be able to get several million dollars in order to complete the Greenbelt Project. I think the city is willing to put in their share and because they have a different kind of funding system than we do, I would hope that you would allow that for consideration in the long term plan because the Greenbelt Project would provide recreation for everyone. Low income, any income and it would provide the kind of healthy activity that is needed in all communities. We would have biking, we'd have jogging, we'd have walking, we'd have the opportunity for a number of recreational activities and also the canoe and skiing that could be done when the waterways are appropriate, but it would surround our city. Rollerblading for young people and it would give an opportunity for us to complete something and we are going to have to plan or the money will not be there for our match. The numbers that I have been told now range for completion, they're requesting somewhere in the neighborhood of five or six million dollars from the federal government and it is necessary for us to put up a match. The number I was given the other day was \$570,000 total for city and county government. So whatever you negotiate with the city, if it's a 50/50 or maybe they would give 75 and we could give 25.

Commissioner Mourdock: Seems fair!

President Tuley: Yeah, sounds fair to me!

Bettye Lou Jerrel: Yeah, seemed fair to me, too! At any rate, if we could match that money, we would be eligible to get the federal dollars and complete this. Everybody in the community would win because of it. Thank you.

Commissioner Mourdock: So we only need about ten percent to match what the feds are giving.

Bettye Lou Jerrel: Well, the number that I was given, \$570,000 would get us a little over three million, then corporate money...I mean, there are a lot of people donating to this. It is not all going to be government money, it would be corporate money as well. Shirley may have more to say about that.

Commissioner Borries: Who gave you that figure?

Bettye Lou Jerrel: The Greenbelt Committee.

Commissioner Borries: Where did they get it?

Bettye Lou Jerrel: They have a committee that is working with that. Shirley, do you want to explain it?

Shirley James: I'm Shirley James and I'm Chair of the Pigeon Creek Greenbelt Advisory Board...Greenway Passage Advisory Board.

Commissioner Borries: Make up your mind now, which is it?

Shirley James: It's Greenway, but everybody calls it a Greenbelt and it's really Greenway. We have a finance committee that's been ascertaining what our financial needs will be over a period of years. We think that the Greenway will be a construction period of over ten years. However, we want to get the major portion of it built before the ICTEA monies go out. It's an 80/20 match and it was figured by our finance committee that the \$570,000 would be necessary to show intent. It has been our understanding that at

the state level, that those projects that are well into design and show actual promise for completion will be the ones that are going to be funded. They are actually taking some funds away from these projects that aren't under design and do not have the community match lined up. This would allow us to have the community match, the governmental match. There will be lots of corporate monies put in to meet that 80/20 match. Actually, we are going to go on this next phase for 7.5 plus million dollars and that will take the Greenway all of the way to Angel Mounds, down through the city center and down to Angel Mounds. In doing this, there are a lot of water pollution problems that will be resolved. There will be parks through impoverished areas and places where people have never had parks. There will be a lot of advantages to the Greenway and if you could see fit to fund us something in a long range plan, we want some long range planning. We are going out for long range maintenance plans and prefer something that's planned well ahead. Thanks for hearing me.

President Tuley: Thank you. Anybody else who has not been given the opportunity to speak?

Commissioner Mourdock: There was a lady who came in late over by Milton.

President Tuley: On the advice of legal counsel she may or may not speak to us here tonight! We do have a letter here from the Metropolitan Evansville Chamber of Commerce and I would just like to enter into the record. I'm not going to read the whole thing, but I would just like to point out a couple of things that they did say in their letter, and this is from Richard Kuhn, who is Vice Chair of Government Relations.

"Let me emphasize that the intent of the resolution is that the riverboat gaming proceeds fund capital improvement projects."

That's the request and the last thing that I want to read into the record here and share with you is:

"We encourage you to carry forward with this process by making annual reports to the residents of Vanderburgh County regarding the benefits realized by them through the use of the county's share of riverboat gaming revenue."

I think that it is important that maybe annually we do report back and have another public hearing and share with the community the allocation for the previous year of those funds and what have you. I do think that would be important for people to know, and I don't know, annually, and it may be something we'll want to continue. I know there are obviously going to be a lot more requests than there are actual funds available, but enough said about that at this point. Richard, you said that you want to address.

Commissioner Mourdock: I do and I'm going to go to the other side. I want to make sure all of you understand that I am not representing this Board, but just myself. First of all, as I sat here and listened to the many requests, I have to tell you that the old book A Tale of Two Cities came to my mind, by Charles Dickens and the first lines being, "The best of times, the worst of times". In many ways that is what I see right now and I think that is what we've just heard about in many ways. We have in Vanderburgh County areas right now of tremendous home building. We see as a Drainage Board all these drainage projects coming through related to new subdivisions where there are \$300,000 and \$400,000 homes and yet, as one of our speakers said, we have a lot of homeless people, too. We have USI, we have the University of Evansville, we have Ivy Tech, and yet we have too many folks that fall on the other side who don't graduate from high school. We have, I suppose you could

even say those who are very upset that there are never public hearings and yet tonight we have people coming before us to thank us for having a public hearing to really put some public input into this process. So there are some good things and there are some bad things, but what we have undoubtedly right now is an incredible opportunity. I never made any secret as to my feelings toward the riverboat and, probably, virtually everyone in this room knows that I was opposed to it. However, having said that, the monies that are coming in to this county right now offer us an opportunity that no other county in Indiana, few in the Midwest and perhaps in the country can match. We have, as a Board, I think, not just the opportunity to do as Ms. Jerrel said a few moments ago, and by the way, we did not put our heads together before this meeting, we have not just the opportunity to make a suggestion, a plan to the Council, I think we have that as a duty. Too often I think people who are elected to public official positions such as ours want to be caretaker government officials. They want to sit back and just make sure that everything goes by the book and gets done, and yet I think there is a lot to be said as well to have vision in government. Again, because of the opportunity that we have at the rate of something like 2.3 million dollars a year, we have the opportunity not just to talk about vision, but to put a plan together and most importantly to implement it. I have as a personal vision, if you will, for this county something that I think can go beyond a local newspaper headline, perhaps even beyond the Indianapolis Star, I'd like to see us become a community of goals, and I think one of the goals that we need to look at is unemployment. I think it is a measurable goal for us to say that we want to reduce unemployment in Vanderburgh County, Indiana to one percent. Let me tell you why I believe that. We have on the outskirts of this county, Toyota. By conservative estimates, there will be 20 to 30 new businesses that pop up. We are already hearing rumors of equal size plants to the Toyota plant in Posey County. We have seen new businesses come in and investigate through Vision 2000 that you are aware of, and it's going to cause incredible opportunities. As a business person, which is the other reason that I came to this side of the podium, I will tell you that there are businessmen and women in Evansville, Indiana right now wondering where their next truly trained, truly capable employees are going to come from. Phyllis Donahue mentioned a few moments ago about the Welfare to Work Policy Board, the Council that I served with as your liaison and I will tell you that the October 1, 1997 date when people start getting knocked off welfare is a real date, it's set in stone and the implication is that people who now have very little are going to have less. The only thing that I think that we can do as a Board to offer them, is to do something which will give them hope through training processes. I would propose to you that our group work through public meetings like this with the Chamber of Commerce and with private employers to form a private/public partnership to provide incentives by which people can be fully trained. Particularly, I think those incentives should be offered to people who have been on AFDC. I think the people who are trying to get off, and I emphasize the words incentive based. I think that we have the unique opportunity to help them get off welfare. Several quoted tonight the statistics of the Fourth and Sixth Wards and where this boat came from, and I think that we would be doing a terrible disservice if we simply said, yeah they passed the referendum and now there is nothing more except the scattered few who end up with a job. We have, as a Board, as a county, the opportunity which probably very rarely ever comes before politicians to truly and honestly give people hope. Not in the sense of a short term welfare check, but in the process or in the form of some job training capabilities. I think that the public sector, as I said, matched with the private sector can put together training programs to pay for those who are interested, who want to develop their skills, who want to do more than a minimum wage type of job that we all know cannot support a single person, let alone a family or a single mother with her kids. That, I think, is the mission that we have before us. We need to

work with the Council, of course, and I will tell you that I have already spoken with many members of this community who feel the need for, yes, the child care and, yes, the transportation, but who see as the bottom line having training as the goal. Educational training is the only way you are going to end poverty. Ms. Seals mentioned that it costs more to imprison someone than to train them. How much better can it be said? Someone once said if you think that the cost of education is high, look at the price of illiteracy because we are going to pay for that regardless. It's time, gentlemen, to make that choice, and as I get on that side of the table, you can be sure that I am going to vote to back up what I have just told you. I want you to know, also that I have spoken with members of City Council who are willing, not only to look at this, but to match whatever funds the county puts up in an incentive based program, and I think working together, the city, the county with public input like this, I think that we can truly make this a visionary community for all of us. Thank you.

President Tuley: Okay, Rick.

Commissioner Borries: Well said, Richard. I certainly want to commend you for your work on the Welfare to Work Board. I certainly think that your comments certainly give vision to what I sometimes find a rather depressing move in this country toward the divided States of America rather than the United States of America. I think if more folks heard what you said, we would certainly, I think, want to examine many of the priorities here that are being pushed at national and state levels right now. Two thoughts that I have that you mentioned certainly get at what I want to look at and that's the aspect of opportunity. I remember as a kid growing up in this town where Servell and Chrysler and many other businesses have pulled out, but somehow they always used to talk about this as the valley of opportunity. When you were a kid growing up, there were a lot of hollow sounds to all that and that is indeed what we are here for tonight is to ensure and see how government, in this case local government, can ensure that we provide some opportunity for people. Perhaps no guarantees, but at least the opportunity. Another thing that I think people in here, which I find refreshing, have been able to echo a bit tonight is the fact that I guess to the public, all this money is just one big pot anyway. They don't see it as city money or county money, but we do because we have all kinds of responsibilities, I guess, to carve up this money and not to sound self-serving but it is a big task to give serious consideration to all these eloquent requests that we heard here tonight. I have often found out that it is not possible to please everybody in a meeting, but it is possible to make them all mad. That has happened in many rezonings, I think, that we hear. I'm not going to give any guarantees that we can please everyone with what we will say, but I would certainly speak personally to say that I'll make a sincere effort to give serious consideration to what you have said because we do need to work together. I don't know if the City of Evansville is going to have hearings or what they are going to amount to, but whatever they are, we certainly need to work together and pool these resources, to leverage the resources, if you will, to make sure that we can help people. That, I think, is what the bottom line about all this is helping people in a variety of tasks, in a variety of requests, and again, I appreciate all of you being here today. I know it is an awkward time for many of you who probably have children at home and meals to fix yet, so I appreciate your heartfelt comments here and I hope that, again, we can address and give serious consideration to what you have proposed tonight.

President Tuley: I'll be brief. Listening to the comments and input reminds me of some of my military days and I'll parallel this to the boat. It can become just a dream for some people. There was a form that we could fill out when I was in the service that you would fill out in personnel and you could put all these wonderful places in the world that you would like to be stationed

at, Hawaii and all these nice wonderful spots. As close as you got to it was going back to your room and dreaming about it because you were going to go to Alaska and every place just the opposite, therefore, we always referred to it as filling out the dream sheet. The boat can afford us some great opportunities, but for some people they are only going to be able to dream about it unless this body, the Council, the City, and the public sector work together. We can provide wonderful roads, we can provide all the infrastructure and all the money for economic development, but without three things, for a lot of people that doesn't mean a lot to them. If they don't have transportation, they can't get to work. It has to be affordable and realistic. There has to be affordable and realistic child care. We cannot send someone out to work and have their child care cost exceed what their income is going to be. Lastly, one of the things that you've talk about, Richard, and Rick, you have talked about as well, is training. I think these boards, the public input and with everybody working together we can turn those dreams to realities. Are we going to please everybody? No, no way, but I think that we should make a very heartfelt effort. We have an opportunity that we have never had before and I think that we need to take full advantage of it. I would like to thank all of you for taking your time to come down to give us your input. It's oftentimes that we sit up and think that we know what's on your minds, but oftentimes we find out we don't until you get here. We really do appreciate you coming in and talking to us. We will take all of your comments to heart and work with the Council on the county side, and if there is a joint effort with some city funds, all that much better.

Commissioner Mourdock: Before we leave the subject, and certainly these folks are entitled to know the next step in the process here, realizing even as I say that despite the thoughts of some regarding the operations of government, there is no hidden plan here, this isn't all orchestrated, we don't know where this is going to go. I would like to discuss briefly how each of you see this process proceeding. Obviously, we need to put together something to go to the Council. We can go as far, and I guess it might be considered one end of the spectrum as Councilwoman Jerrel suggested, to have a definite plan in place. I will say candidly that as the executive branch of government, I think that is not only our opportunity, but our obligation. Perhaps the other end of the spectrum is to continue to take more input from meetings like this. Somewhere between those two there may be a place where we will report back to the community as far as what we are doing, or that we have prioritized the list or whatever. What are your thoughts on that?

President Tuley: I think that we start by each of us formulating based on comments that were made here. We have talked in general terms and each of us has some of our own ideas. Putting those on paper and seeing how they work together and go from there. I think the easy way out, and I don't think that the Council is out of line asking us, the easy way out is just handing them the list and say, here, this is what you should spend it on. That's not good government and I think that we could provide them with some planning, but I think this Board...and if we need more public hearings, more opportunity, I don't think we are on a timetable that says this has to be done next week or the week after that. I think that the more input and comments that we can have from people, the better we can know what is on the minds of the people and try to meet those needs and put it in that direction. It's a long way around to say, I just think we need to take all the input that we can get, put it down on paper and then collectively come up with a plan.

#### TAPE CHANGE

Commissioner Borries: We'll develop a plan and that plan needs to be based on a consensus and then I don't want to see any partisan

bickering on this or any gridlock. Once we go through with that plan, I would expect that the Council, if they receive this information, needs to fund that plan so that we've done it and this is what we've heard tonight, what we need to do. So we'll certainly develop a plan. I think it needs to be a consensus. Other hearings, perhaps, in the fourth or sixth ward might be an opportunity to hear from some folks who are not here this evening. But I would like to see by mid-year, before Council budget time at least, what our plan is based on consensus. I would not want to see any money expended until January of next year, that way it gives us a whole year's experience to look and see what we're doing so we may want to look a little bit at either percentages or fractions rather than hard dollars initially, because we're going to track these carefully. I'm sure that our County Auditor is going to be providing those figures to us when she receives them. So I would like to see the plan in place certainly by mid-year in terms of a guesstimate to budget for fiscal year '97 and to begin to see if we can make some allocations based on this year's experience.

Commissioner Mourdock: I certainly agree with that comment regarding the percentages and fractions, and it's going to be very difficult for any groups who are recipients of these funds to do the budgeting, but that's going to just get into the category of making everybody mad, probably. Unfortunately, there's no way that we know what those revenues are going to be week in and week out, and all we can do at best is, when the pie is divided, do it percentage-wise.

Commissioner Borries: Well, I want to make sure, too, we've heard a lot about jobs and job creation, and make sure how we're going to allocate those monies. To me, sometimes I think the solution is real simple. You know, we wouldn't need any public welfare if we had enough good paying jobs in the private sector, and you're right on target, I think, in terms of looking at training, but we can't go through this downsizing business and hear all this rhetoric about re-engineering, downsizing all this other laying people off, at the tune of 40,000 or more a year across the country and then scratch our heads and figure out how in the world are we going to put people to work. You're exactly right. I think that the aspect of trying to reduce unemployment will only occur if we can begin to work with businesses to employ people and put them to work in the private sector. So I think how we use those training resources, we have to be very careful, and you're our representative on this Welfare to Work Committee and perhaps they'll have more thoughts on what agency, how we get the best bang for our buck here, leveraging, again, with the city, but making sure those monies are not going to be spread out to where we're not hitting the impact. How do we address this business of getting the training, getting the transportation things and, importantly for single parents, that child care that they talk about? How do we do that? What agencies are best going to do that? And again, also, avoid some turf war problems, because we could have a whole host of agencies come in here and say we're the best and so forth. So we do have some work to do, I think, there.

President Tuley: One of you made the comment about maybe some hearings in the fourth or sixth...

Commissioner Borries: Don?

Don Neidig: That employment issue is really fine, I agree with it and all, but I'd like a little rebuttal here on the revitalization of the neighborhoods of the inner-city as far as a decent, being in the real estate business and retired after forty-five years in it, and when people have got a place, decent housing goes right along with that and I might add, the revitalization, I'm getting into your aspect now when I hear of the plan. Because the technical aspects, revitalization of the inner-city neighborhoods, the

strengths and weaknesses, whether one neighborhood, what it amounts to is, I feel like the city sometimes waits too long where the house is uneconomical to rehab and we're spending money down the drain, so to speak, whereas maybe they should be razed and blighted. But some neighborhoods have strengths and some neighborhoods have weaknesses and I can give you cases of that, but I feel like that's the area you're getting into. These other areas, I understand you can possibly come up with the figures, but when you start talking about five or six neighborhoods in the inner-city as far as revitalization for people to live in decent housing, then you get into the area of anchors, neighborhood schools and churches. If I spend money here, will it spin off in this neighborhood? So you've got a lot of things to think about. Thank you.

Commissioner Mourdock: I'd just like to say to everybody as we take a break here, thank you all for coming. We really do appreciate your input and thank you for your comments regarding the fact that we're taking input; those are much appreciated.

President Tuley: Why don't we take about a five minute break and regroup and then we'll come back and conduct the rest of the business?

RE: LYNN ELLIS - PURCHASING

President Tuley: Lynn is not here, right?

Cindy Mayo: No.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: John is not here, either.

RE: MILTON HAYDEN - ASST. SUPERINTENDENT OF COUNTY HIGHWAY DEPT.

President Tuley: Milton, you're first up. For the record, let the record show that Milton Hayden, the Asst. County Highway Superintendent, submitted a report for Vanderburgh County Highway Department; it's a progress report for the Highway and the Bridge Crew from the period of Friday, April 26 through Thursday, May 2. It looks like we're doing paving and shoulder work and all kinds of things all over.

Commissioner Borries: Milton, I want to commend you and, again, the highway folks; you guys have had a heck of a year. Whoever did the snow dance and rain dance, we've had some tough times here. Two comments, one because it's near me and I get a lot of calls, and the other one because it wasn't near me, but I still had some calls on it and apparently some misinformation, but I think we may have resolved that. First, Spry Road, we talked about that. We've got that stabilized pretty well at this point?

Milton Hayden: They're still working on it now. It's completed where they can drive the road, okay? They can get through. But what we've got to do is continue to haul in some of the old concrete and stuff. It's just a backfill, but we're just basically building this up and I think that, Mr. Kissinger, they were supposed to talk to you or something about that, getting back with you on this, because we're already doing this, because that part of the land is not really ours.

Commissioner Mourdock: Right, and that brings up the key point --

Milton Hayden: And what we were, about coming back to Mr. Kissinger and get with him to see if we can get a letter to the owner and see if he can be made to pay for this bill that we have.

Alan Kissinger: I've talked to the County Engineer on this, basic-

ally, about remedial steps to be taken presently. I've asked John to report back to me as soon as they get everything else under control as to what kind of damages we have incurred and then I'm going to make some kind of recommendation to the Commissioners as to how to proceed on this.

Commissioner Mourdock: I don't know how else to word this --

Alan Kissinger: This isn't softball?

Commissioner Mourdock: Yeah, this isn't softball. Last week we talked about obligations and liabilities here. Is one of our options to, in fact, make a claim against the property owner, since if the situation were reversed and county property eroded to the extent that it affected a private piece of property, you can bet that private property owner would be coming after us? Is the inverse not true here?

Alan Kissinger: Yeah, the short answer to the question is yes. I believe that we can make a claim against the property owner. Basically, what we do is lay a foundation to show that the property owner's activity has led directly to damages to the right-of-way and show our expenses. I think we can make a demand on him or her or them for payment, and if that payment is not forthcoming, I think that's sufficient notice on which to base a lawsuit for the recovery of our damages.

Commissioner Mourdock: Let me carry that out, because the thought goes through my head now for the first time, what if the land owner says, oops, and throws his hands up? What's our recourse, to file a lien against the property?

Alan Kissinger: Yes.

Commissioner Mourdock: So we could end up--

Commissioner Borries: I wish we could in some ways. I'll tell you why. I just am so frustrated and always have been. I may be a little out of turn by saying this, but we never have gotten any satisfaction on how to fix those pits and somebody, and in this case it falls back to local government, at least maybe something we could do to rectify this situation.

Commissioner Mourdock: Alan passed on to me during the break here, some state code regarding contracts, specifying borrow standards or clearing and requested some information from me from the manual, standard specifications that the state has, and one of their guides is degree of restoration.

"The restoration of borrow areas and disposal areas must meet or exceed the standards for seeding and sodding of roadside areas."

Clearly, that was not the case and I'll get that information out, but where we go with it from there...I guess I have some trepidation, if I say, yeah, let's get a lien on it and end up owning them, because then we've inherited a liability.

Commissioner Borries: Well, it is, you're right. Unfortunately, it's become a liability to the folks on Spry Road. I think you're exactly right. It's just really a frustrating thing. It doesn't appear that it's an easy resolution. So, do we have it blocked off, folks are going over it at this point?

Milton Hayden: No, the road is open. We're working with the engineers on this where we can get it pretty well steady and I'm quite sure that we should be through with that road, though, no later than this week.

Commissioner Borries: The other one, Milton, was at St. Joe and Schaefer.

Milton Hayden: St. Joe and Schenk?

Commissioner Borries: St. Joe and Schenk, I'm sorry.

Milton Hayden: That's open and that's a completed job.

Commissioner Borries: Great! I had a call and somebody said, well, the engineers were out there looking at it and the County Highway has been out there, and this person said they weren't going to get it for two weeks. I said, "Two weeks? I know they're working on Spry Road because those folks didn't have any way out." Literally, that was it. But I said I know they are going to prioritize those. Well, when I called John Stoll, he said that they were already starting to look at pipe replacements, and this, that and the other, he thought it could be open in two days. So somebody really got way off on that one.

Milton Hayden: I don't know where they got their information from.

Commissioner Borries: But it's already --

Milton Hayden: The road is open. They're traveling on the road.

President Tuley: How about Allens Lane, because that was another bad one.

Milton Hayden: Oh, Allens Lane is a bad one. We had to quit working on that today because of the rain.

President Tuley: Additional rain?

Milton Hayden: Yes. So we will continue to work on Allens Lane and I think we are making some progress on that also, but they still have to have a contract (inaudible) what we have to do. We have another one on Voigt Road, too, off of Oak Hill. It's not as bad as the other two, but I found that one today.

Commissioner Borries: About how many roads do we have blocked off right now for flooding? Do you know?

Milton Hayden: Just down in the bottoms.

Commissioner Borries: Is that all?

Milton Hayden: Yeah, because the roads in the northern area now are all going down.

President Tuley: What about on the east side? Wasn't Hirsch closed between --

Milton Hayden: No, it's not now.

President Tuley: It's not now?

Milton Hayden: It's open.

President Tuley: I did get a call today from an individual that lives at 4016 Kings Hill Drive, it's in Sleepy Hollow sub off of Harmony Way. He said he hadn't spoken to anyone or spoken to the Engineer, but it's been patched for years. He said they keep coming back there and patching it, but he said now the sides are washing out and he said it really needs to be looked at. Could you, I'll give this to you if you could get out there...

Milton Hayden: That will be no problem. I'll take care of it.

President Tuley: Take a look at it and see what it is. I don't know what the problem is. He offered to let me come out --

Milton Hayden: I think that I've looked at that already, Mr. President. I don't think there's too much we can do because I think it's off our right-of-way.

President Tuley: Okay, why don't you find out for sure and then let me know so that I can call this guy back.

Milton Hayden: I've done some of it but only the part on our right-of-way, but the additional part I cannot do because it's off our right-of-way.

President Tuley: Right, and the area that's washing out is not on our right-of-way.

Milton Hayden: Yeah, that's his responsibility.

President Tuley: Are you speaking from fact or are you speaking from memory?

Milton Hayden: No, I'm speaking just about the facts on that. My memory is just as good as my facts!

Commissioner Mourdock: I'd never say that.

President Tuley: I said it wrong again. What I was trying to get at, is it safe for me to call this guy and relay that statement? Okay, because he reminded me that I am his Commissioner. I guess because he lives out there on the west side, someone told him I was his Commissioner.

Milton Hayden: Is there anything else?

President Tuley: I'm not going to ask you anything else because it will come out wrong.

Commissioner Mourdock: Do you have any update on Tekoppel? Normally, that's John Stoll's area. I was just curious.

President Tuley: They're working on it.

Milton Hayden: They're still working on it. In fact, we've taken some barricades out there again today.

Alan Kissinger: You'll have to go back in the morning and replace them.

Milton Hayden: Tonight.

Cindy Mayo: I did speak with John Stoll about Tekoppel and he said based on their current schedule, they hope to have it done by May 21.

President Tuley: (Inaudible). Who said that?

Milton Hayden: I do have a request to hire two summer help college students and we do have the money in that line item for that extra help.

Commissioner Mourdock: What would they be doing? I don't recall hiring summer help last summer.

Commissioner Borries: Isn't it a lot of mowing?

Milton Hayden: They do a lot of mowing and cutting intersections and these lots. We have a lot of county lots that we still --

President Tuley: Once it dries out and that sun comes out, whew! If it ever does.

Commissioner Borries: Yeah, we may not get another drop of rain until this time next year, but I hope it eventually stops here.

Commissioner Mourdock: Take heart, at least it's supposed to be sunny for the Toyota groundbreaking. Although, let's all be under a tent just in case!

Alan Kissinger: Yeah, I'd bring a tent.

Milton Hayden: That's all I've got.

Commissioner Borries: He needs permission to what, to hire?

Milton Hayden: To hire the extra help.

Commissioner Borries: They're eighteen years old, aren't they?

Milton Hayden: Oh yes.

Commissioner Borries: For the lawn mowing.

Milton Hayden: They worked here before.

Commissioner Borries: I move the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Milton Hayden: Thank you. Do you all have any more questions?

Commissioner Borries: You've got the answers, Milton. You gave us the answers, thanks.

Milton Hayden: Thank you.

**RE: ALAN KISSINGER - COUNTY ATTORNEY**

President Tuley: Cindy? Oh, I'm sorry, Alan. I drew a line through here. I know we can't have you say I don't have anything to report two weeks in a row.

Alan Kissinger: I have very little to report mercifully. I do have, I want to propose to the Board of Commissioners an ordinance for the collection of dishonored drafts and checks. I feel very guilty about this because I've been very dilatory. The County Treasurer has been asking me for months to prepare an ordinance to allow them to engage in collection procedures and charge a penalty for dishonored checks and drafts that were submitted for payment of taxes and special assessments. Finally, someone from the Treasurer's Office prepared their own ordinance and proposed it to me and it was not the proper ordinance, but finally it made me feel so guilty that I prepared the proper ordinance and basically, the ordinance says that it acknowledges that we incur significant annual expense for the collection of dishonored checks and drafts which have been tendered for the payment of taxes and there is a specific section of the Indiana code, Section 6-1.1-22-12.1 which authorizes the County Treasurer to recover the cost of dishonored checks and drafts. The ordinance basically would say the Vanderburgh County Treasurer shall impose a \$15.00 collection fee for any check or draft which is tendered for the payment of taxes or special assessments and which is dishonored upon presentation for payment. Said \$15.00 fee, along with any other collection costs incurred, and that's what should be understood, there will be a \$15.00 fee on every check, and if there are other collection costs incurred such as certified mail, etc., the County Treasurer

may also tack on those additional collection costs. The \$15.00 fee is to cover the activities of the Treasurer's Office and personnel in preparing notices and so forth. Said \$15.00 fee, along with any other collection costs incurred, shall be entered on the tax duplicate for the property for which the payment is tendered unless immediate payment of the dishonored check or draft is received, in which case if immediate payment is made when someone is notified their check or draft has been dishonored and they make immediate payment, then that fee can go into the General Fund. If they don't make immediate payment, instead of proceeding with other expensive collection procedures, the \$15.00 plus any other collection costs will be entered on the tax duplicate in which case the total amount of liability would be subject to interest, penalty and collection in the same manner as all of the special assessments. This guarantees that if the property ever changes hands, is sold, leased, whatever, first this liability for the dishonored check will have to be paid. So I recommend that the Commissioners authorize the advertising of this ordinance. Due to the fact that there is a penalty involved, it would have to be advertised on two different occasions prior to it being voted on. Then ultimately, I would recommend that the Commissioners give favorable consideration to adopting this ordinance.

Commissioner Mourdock: Is the \$15.00 figure, was that given to you by the County Treasurer or where did that number come from?

Alan Kissinger: Yes, it was given to me by the County Treasurer, and the County Treasurer was going to be satisfied with the \$15.00 fee until I pointed out to her the state statute also allows them to recover other collection costs and they could, under certain circumstances, have significant collection costs over and above that \$15.00.

President Tuley: Fifteen is pretty standard, most of the Treasurers in the other counties have it.

Commissioner Mourdock: Sounds pretty cheap to me.

Alan Kissinger: It is cheap, but there are...

President Tuley: Bear in mind, too, though, if that's written at tax time, there's already a ten percent penalty for nonpayment of their taxes, so it gets pretty healthy.

Alan Kissinger: Yeah, and not only that, I think they recognize that there are people who bounce checks for reasons other than just an oversight. Not everyone intentionally bounces...you know, foolishly, I don't know why, but there is a significant number of people who tender bad checks for payment of taxes so that they don't have to pay the penalty. It's going to happen anyway.

Commissioner Mourdock: They just weaken their negotiating position.

Alan Kissinger: Exactly.

Commissioner Mourdock: I'll move the advertisement of the ordinance as recommended by the County Attorney for the institution of a penalty for bounced checks to the Treasurer's Office for taxes.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: That's all I have to report.

Suzanne Crouch: Do you all want to shoot for the 28th?

President Tuley: That's reasonable if that gives you time to get it done.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: The only thing I have is a resolution that Sherman Greer drafted. I believe he submitted one last week and the state did ask him to change the wording in a couple places for the flooding and this was submitted to the office today and he asked if the Commissioners and the Auditor would sign it. It is to be declared a disaster area and there will be some funding granted.

Commissioner Mourdock: He still has not come up with a number as far as recommending --

Cindy Mayo: He put a dollar figure of \$350,000 in there.

Commissioner Mourdock: Alright.

Commissioner Borries: I move the resolution be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Cindy Mayo: On the consent items there needs to be two items added on. The monthly financial report and the monthly time accrual report were turned in by the Auditor's Office. It was on the initial agenda that was typed up. Sunny's hard drive crashed today and I retyped the agenda and omitted those two items. So they do need to be added --

President Tuley: What was it?

Cindy Mayo: The monthly financial report and the monthly time accrual report from the Auditor's Office.

President Tuley: Okay.

Cindy Mayo: Suzanne gave me a response on the Full Circle that we had discussed and I don't have the letter in here with me. I was going to run a copy and give that to you so that you would have it for next week, but in essence, what she found out was that the money already had been submitted, Circuit Court, I believe you said, it was one of the courts that they had already received the money, it has been quietused in. They also found out that according to state statute, that there is a ten percent limit on the amount that these agencies can collect for them to get the funds to us.

President Tuley: So that \$14,000.00 was already...

Cindy Mayo: It was already quietused in, had been receipted and this happened, when we had our other checks, they had originally said that there were like four checks that they could get to us and we found that one had been receipted in, also. So, I believe in checking, the Auditor's Office also found out that we had agreed to a thirty percent fee. The last time that we used Full Circle they, in fact, got a thirty-three percent fee, and ten percent being the limit, I don't know if we can pursue and see if we can get any money back from this agency for what we paid them for services. Was it in 1992?

Suzanne Crouch: 1967 was when the law was put into place limiting fees to ten percent.

President Tuley: There will be no comments from me.

Commissioner Borries: Put on your helmet when you read those.

Man!

Commissioner Mourdock: Do we need to take any action on that?

Commissioner Borries: I once described county government as trying to lead a herd of cats and you can kind of see where I was headed when you read that report, you know.

Commissioner Mourdock: At the time I joined this Board, I was not a cat owner, but since (inaudible). Yeah, I noticed on this, too, lest we use the old phrase, looks who's calling the kettle black on this thing, some of the normal list of suspects are on here, there's also a couple of offices under our jurisdiction that are on here, too.

Commissioner Borries: Yeah, we'll take care of that.

President Tuley: I don't think any of those responded, none of your business.

Commissioner Mourdock: I would hope not, but a less caustic no is just as bad as a plain no.

Commissioner Borries: What is it, what part of no don't you understand?

**RE: CONSENT ITEMS**

President Tuley: Consent items, we have employment changes, travel requests and that's it.

Cindy Mayo: And the other two that I asked --

President Tuley: I'm sorry, and the two that you asked to be added on. You're right, I apologize.

Commissioner Mourdock: Before you make the motion, Rick, in all seriousness since the minutes, I think, are going to be a little scattered there, we do need to make sure, of course, that the Auditorium, Burdette and these other folks, maybe we can get a response from these people. So I think I heard you say a moment ago, Rick, that we'll make sure that happens --

Commissioner Borries: Yeah, and what we were talking about is in reference to the time accrual report as submitted by the Auditor.

Cindy Mayo: I will say that there are some people in the union that are questioning whether they fall under this. I've had a couple of calls on it and I didn't know if they had called you or not.

President Tuley: (Inaudible)

Cindy Mayo: Some members that are in the union feel that they're not under the county personnel policy and that was used in the letter that was sent out according to the county personnel policy. They don't feel that they fall under that and they have, I don't know if the union as a whole or if it's just some of their members are questioning this, and I'm surprised that you haven't gotten a call on it because I certainly wasn't going to handle it.

President Tuley: It's their bosses' responsibility, it's not theirs.

Commissioner Borries: Yeah, but first and foremost, they're county employees. They fall under the personnel policy. The separate contract would have to do with wages and certain working conditions, but it wouldn't conflict at all with the overall personnel policy. I don't get that.

Commissioner Mourdock: Alan, correct me here, the only time the personnel policy would not apply was if an item in their bargaining contract specifically deals with that item.

Commissioner Borries: That usually falls under wages or working conditions.

President Tuley: Maybe they're sending a message, they don't work for us anymore.

Alan Kissinger: My response to that would be, until union management people contact us, then we ought to ignore the input from various members because they don't represent the union.

Commissioner Mourdock: Okay, I think we're ready for a motion.

President Tuley: I am.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: SCHEDULED MEETINGS**

President Tuley: Scheduled meetings, primary election day tomorrow.

Commissioner Borries: Good luck to everyone running tomorrow, Mr. Tuley.

President Tuley: Same to you, Mr. Borries.

Commissioner Mourdock: Isn't it a great year, Suzanne?

Suzanne Crouch: Next year will be even better.

President Tuley: That's right, there's no elections. That's it for this week. Mother's Day is the 12th, somebody duly noted. The 13th we do have a Solid Waste so there will not be an Executive Session and then there will be a Commissioner's meeting at 5:30.

**RE: OLD BUSINESS**

President Tuley: It's all old business, it's a quarter till eight.

**RE: NEW BUSINESS**

President Tuley: New business?

Commissioner Mourdock: The one item I think that we need to talk about tonight is something with the Otter's baseball team.

President Tuley: Oh yes. We do need that under new business. We need to renew the...that's under Alan's --

Alan Kissinger: As the Commissioners will recall, in order for alcoholic beverages to be sold at Bosse Field, there was an agreement between the Evansville-Vanderburgh School Corporation and the county whereby Vanderburgh County would lease Bosse Field for the purpose of leasing it to the Otter's baseball club and the county then applied for a limited alcoholic beverages permit which would limit it to the sale of beer and wine at Bosse Field and that application was granted and that limited license was issued. Now it is time for us to reapply; if it is the desire of all the Commissioners to do so, the reapplication forms need to be signed.

President Tuley: Motion?

COMMISSIONERS MEETING  
MAY 6, 1996

29

Commissioner Borries: Move that the document be signed.

Commissioner Mourdock: Second.

President Tuley: So ordered. Any other business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Meeting adjourned at 7:46 p.m.

## THOSE IN ATTENDANCE:

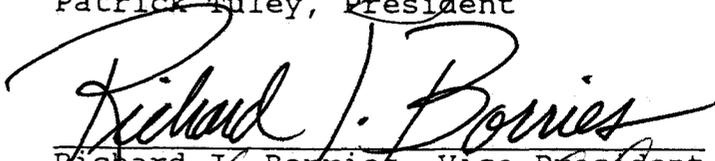
Patrick Tuley  
 Richard J. Borries  
 Richard E. Mourdock  
 Suzanne Crouch  
 Alan Kissinger  
 Cindy Mayo  
 Charlene Timmons  
 Steve Woodall  
 Scott Thyberg  
 Gail Riecken  
 Hilda Swan  
 Bernadine Jones  
 Bettye Lou Jerrel  
 Don Neidig  
 John Davidson  
 Greg Volz  
 Tim Suenram  
 Michelle VanZant  
 Phyllis Donahue  
 Victor Carson  
 Launita Seals  
 Janet Watkins  
 Carolyn Brown  
 Bob Brennan  
 Dick Emgbars  
 Mike Kough  
 Shirley James  
 Milton Hayden  
 Members of the media  
 Others unidentified

VANDERBURGH COUNTY BOARD  
OF COMMISSIONERS



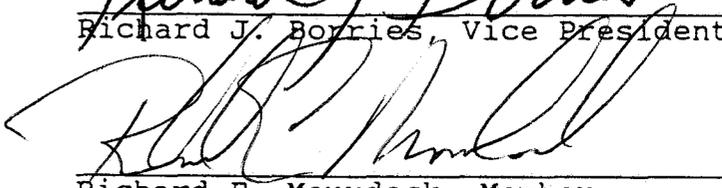
---

 Patrick Tuley, President




---

 Richard J. Borries, Vice President




---

 Richard E. Mourdock, Member

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
MAY 13, 1996

TABLE OF CONTENTS

Introductions & Pledge of Allegiance .....	1
Approval of minutes .....	1
Any group or individual wishing to address the Commission .....	1
Mike Shoulders - Vanderburgh Auditorium .....	1
Also present: John Kaatz Bill Conner Eric Andersen Kyle St. Peter	
Cheryl Musgrave - Enhanced access .....	14
Suzanne Crouch - Mileage reimbursement .....	22
(for students working on Fixed Asset project)	
Approval of Concession Manager and Assistant Manager .....	22
Burdette Park (deferred one week)	
Overtime approval - Burdette Park .....	25
Lynn Ellis - Purchasing .....	26
(no report)	
John Stoll - County Engineer .....	26
Cover sheet signatures for Green River Road, Section B	
Council Call - transfer of \$4,500 from Franklin Street Bridge account to Extra Help account for two Signature School students - culvert research	
Sidewalk waiver - Burkhardt Crossing Subdivision	
Letter to INDOT to clarify position of interchange at I-164 and Morgan	
Change order - frontage road at Baseline Road	
Update - Marigold Court	
Bill Morphey - County Garage .....	32
Progress report from Highway Department and Bridge Crew May 3 through May 9, 1996	
Update - roads closed by high water	
Permission to bid - building of salt barn	
Alan Kissinger - County Attorney .....	34
Resolution concerning the assignment of a community antenna television system franchise (deferred one week)	
Cindy Mayo - Superintendent of County Buildings .....	36
Addition of one travel request to consent items	

Consent items ..... 36

    Employment changes

    Travel requests:

        Knight Assessor (3)

        County Assessor (2)

        County Clerk (8)

        EMA (3)

        Auditor's Office (2)

    Council Call - Vanderburgh Auditorium

    Approval of vendor claims

Scheduled meetings ..... 37

Old business ..... 37

    Redrafted contract concerning architect and Vanderburgh Auditorium submitted by Richard Mourdock

    Discussion involving the possible hiring of a Construction Manager for Vanderburgh Auditorium project

New business ..... 38

    Questions concerning vacation accrual process

    David Ellison - Thanking Commissioners for quick action taken on sewer problem at the main artery on St. Joe Avenue

    Pete Helfrich - Update to Commissioners about a bid to get the Indiana Cities and Towns convention in the year 2000

Adjournment ..... 41

Attendance and signature sheet ..... 42

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

MAY 13, 1996

The Vanderburgh County Board of Commissioners met in session this 13th day of May, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:47 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: If we may, I would like to call to order the Commissioners' meeting for May 13, 1996. I see some new faces here so at the point of introductions, to my extreme right is Cindy Mayo, who is our office administrator and Superintendent of County Buildings; to Cindy's immediate left is Alan Kissinger, County Attorney; to my immediate right is Commissioner Richard Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, County Auditor; and to Suzanne's left is Charlene Timmons, the Recording Secretary from the Auditor's office and she will be recording tonight's meeting; and I'm Commissioner Pat Tuley. If you would, please stand with us and say along, as we say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: I believe there are agendas posted along the wall, if there are any left. Under action items, we have the approval of the minutes from the last meeting held May 6, 1996.

Commissioner Mourdock: I'll move approval of the minutes of May 6.

Commissioner Borries: I'll second.

President Tuley: So ordered.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: The next item on the agenda is item 4B. This is the opportunity for anybody who does not find their name or their subject for discussion on the agenda, now is the time to come before the County Commissioners. I don't see anyone.

RE: MIKE SHOULDERS - VANDERBURGH AUDITORIUM PRESENTATION

President Tuley: Okay, item 4C. Mike Shoulders is here to give us an update on the Vanderburgh Auditorium.

Mike Shoulders: My name is Mike Shoulders and I'm President of Veazey Parrott & Shoulders. I would like to introduce the group here with me tonight. Bill Conner from Jerit/Boys of Chicago is the theatrical consultant; John Kaatz from Coopers & Lybrand; Michael Buente & Charlene Buente, from Veazey Parrott & Shoulders; Kyle St. Peter, of HOK Architects; Eric Andersen, also from HOK in St. Louis. We will start out our presentation with John Kaatz of Coopers & Lybrand.

John Kaatz: We started by looking at the 1991 study for the development of the Vanderburgh Auditorium and tonight I would like to present a market summary overview that we have recently done. The first item that I've got is consideration of Evansville as an event destination. In this chart you can see we received some positive response to the over 20,000 square foot market, but you're not going to playing in the market of zero exhibition; you're not going to be playing in the market with large exhibition space requirements, basically, zero to 20,000 square foot events is what you are going to shoot for. If you design your building along those lines you are going to get events that require more than that, you are going to get two of those smaller events simultaneously, but if we were recommending to Pete Helfrich, for example, where in a market, that is the direction we would head.

One of the other questions that we asked is if your not willing to come to Evansville, why not? There is a very recurring theme here in the first four or five responses. The event is centrally located and in my mind that means Indy. No members in Evansville and again the event is always held in Indianapolis and finally, Evansville is too far to drive. That's about what 60 or 70% of the people basically are saying, as we knew going in, that Evansville is tucked away. It's a tough market to get to for state events and in my opinion if you had the appropriate facilities you would get all of the events that rotate in the state eventually. The problem is that you wouldn't get them as often as you might like, largely because Evansville is an untested market in terms of associations, conventions and trade shows and it is a great distance, it's difficult to get to. We also like to learn a little bit about the seasonality of the event organizers. This is a very typical pattern. What you see is a fairly heavy spring and a fairly heavy fall demand period for convention and trade show events, state and regional. Summers taper off a little bit, and in the winter it, again, tapers off a little bit. This is very typical of what you'll see and I think this pattern here, perhaps, will allow the integration of events. For example, in the January/February period and the December period there are a lot of holiday events. January and February, particularly, there are a lot of the home show and garden show type events. This demand pattern fits pretty well with some of the other markets that this building will compete in. What we are really looking for in that chart is any substantial peak. In other words, if for example in March, April, May there was 75 or 85% of your total business, we'd have a problem and we would say that you're not going to be able to do everything, but we didn't see that, it's a very typical pattern. Hotel rooms. We asked the event organizer how many hotel rooms would you require and what we've measured here for example, I'll pick 80%. If you wanted to accommodate 80% of the convention and trade show activity that would consider coming to Evansville, you would need 130 hotel rooms committable for that event. Conversely, if you want to go to 90% which is really where you need to be at a minimum, if you want to be at 90% you are going to need 200 hotel rooms committable for this event. I emphasize committable because, for example, if the Executive Inn has got 320 rooms it's unlikely that they are going to give you all of those rooms for an event. The mangers might say that I'm willing to commit a large portion of those, but not all of them. So, if you wanted to do...let's just say you wanted to do 200 rooms, then you would probably need a hotel with 300 plus rooms in it to get that kind of room block. What we understand is that the Executive Inn is looking at renovations to something along that level. I guess in terms of the convention and trade show market, by and large, these are pretty good numbers. It's a good sense. You're not, as long as the Executive Inn comes through, going to be in a very challenging hotel situation. Type of hotels required. We also asked the event organizer what kind of hotel rooms would you like to see? This speaks very well, I think, for the community here. Moderate is where they want to go. You do need to have some luxury, you certainly need to have some budget because a lot of times that is the event organizer, the staff that actually sets up the show and a lot of times they are on a very tight budget so you need some of the smaller end properties. You've got a ton of those, but what you don't have right now is the moderates. You've got what used to be the Radisson and is now the Marriott at the airport. That would be a moderate property. If the Executive Inn comes through with what it's talking about, you could characterize that as a moderate property. They are looking for a flag of a moderate nature. So I think you would hit the moderate market with that particular property if everything they have talked about happens. This is a question that we ask quite a bit and I don't think that this comes into play here, but would you consider shuttling? If, for example, we found out that there was a high demand for hotel properties and the Executive Inn, for example, couldn't accommodate it, you would have to get in to a shuttling system down at the River House or the airport properties. Would

you consider shuttling? Fifty/Fifty. Some would, some wouldn't. That's a challenging chart if you are forced into a situation to compete with a community like Indy and you're trying to convince a state association that has done their business in Indy to come here and they've got to shuttle, then you won't win the business. You'll have a very tough challenge. This chart is less important now that we know that if you get the number of rooms in the area that are being talked about you probably won't have to shuttle for most of your business.

Commissioner Mourdock: Are you saying with that "most of the rooms in the area" you are really defining that as the Executive Inn, are you not?

John Kaatz: Yep.

Commissioner Mourdock: I mean, it's a one hotel game.

John Kaatz: Yes, a one hotel game. It's the headquarters hotel. You will probably have some folks staying at the River House, but it is your headquarters hotel and you don't want to say that you live and die by that, but frankly if the quality and the quantity of rooms at the Executive Inn doesn't reach some of these numbers, you will start to eat into the amount of convention and trade show activity you can do. Let's just say that the quality of rooms at the Executive Inn isn't what you might expect. Well, we already have about a 10 year history with Bob Green and the Executive Inn that tells us exactly what happens. What you end up doing are a lot of the military reunions and things like that which are good pieces of business, but they are also business that pay very low room rates, spend very little in your community relative to conventions and trade shows. That's what would happen if we started to see a decrease in the quality of rooms at the Executive Inn from what they are planning now. This is a very important chart. We want to understand in terms of parking, in terms of airport access and how important the airport is, we want to understand where these folks are coming from. This is a striking chart. I've seen it very, very high in terms of the percentage of automobiles, but I don't think I've seen it as high as 90% before. Usually, 75% in some of the state markets. People don't give up their cars and they are not willing to give up their cars. If they're coming from Indy or if they're coming from Kentucky somewhere for a regional event, they're going to be driving. We will talk about some of the parking numbers and how that impacts later, but I would say on the positive side it puts less of a strain on your airport. You've got a great airport that's relatively new, but you're not going to have to worry about a lot of pieces of potential business saying, no, we're not coming there because of the airport or it's a puddle jumper plane. That probably won't be a challenge for you as most folks will be driving. In terms of the actual event activity, convention and trade show based event activity, what we have done is calculated the number of events and in this case the number of utilization days generated by those events that would be attracted to Evansville given different sizes of exhibition space. You can see the top yellow bar there is up to 10,000 square feet. If you had 10,000 square feet of exhibition space you would do about 33.7 utilization days in terms of state and regional convention and trade show business. If you build up to let's just say, 30,000 square feet you go to 43.6 and finally, if you go to 40,000 square feet, the fourth bar there, you get a little bit more state and regional convention and trade show activity which is the business that we are really trying to get here, the economic impact generating events. You would also start to get some of these public shows. There is the garden show, the home show and a couple of those that are at Roberts Stadium and some other places that now we're big enough to start getting some of those and they indicated that they want to come downtown. They would if we had all the space and some of the parking issues addressed, they would come

downtown. What I'm trying to show here is what the benefit is of adding more and more exhibition space and what you see is that after you get past 40,000 square feet the benefit really is just consumer show or public show oriented. The benefit in terms of the conventions and trade shows drops off right after 40,000 square feet of space and this leads us to our preliminary finding that you probably don't need more than 40,000 square feet of exhibition space for this building. You are sacrificing some of the public show activities, in other words some of those consumer shows might decide to stay where they are at. On the other hand, there are events that are already in the market and it's hard to justify spending a lot of money for additional space to simply move a privately run event from one building in the city to the next building in the city. We tend to focus on the yellow bars and the yellow bars tell us that we are looking at 40,000 or so square feet of exhibition space as all you really need. I talked about the conventions and trade shows from a state association prospective. Two other markets that we focused on are the other convention events, that's the business that you used to be in. The religious events were very big here because, again, they are lower budget events. The military reunions, a lot of local meeting events and you are probably going to do 14 or so given the Green's track record, additional events being what we've talked about in this market. You should be able to stay in the market that you were in and we don't see it increasing dramatically and in, fact it, might even decrease as you change emphasis away from the reunion type and move to more traditional convention and trade shows, but you are probably going to do 14 or so events and in that market you are also going to do some of the corporate banquets. A lot of the corporations that we talked to locally are looking for places to hold larger scale banquets for the holidays and things like that. There are probably 10 or so of those events out there that would be housed in the building. In addition to these market segments you are going to do dozens of these smaller meeting events, 20 to 30 people, those kind of events. This will be a destination for those people, the Rotary Club meetings, those types of events will eventually be held in this building. We talked about exhibition space, just to wrap up the last couple of charts here, meeting spaces here and other components we also took a look at. Measured, again, similar to the hotel rooms, what do you need to accommodate 90% of your event market? About 9000 square feet of dedicated break out meeting space. We are recommending probably a little more than that given the fact that this capacity here will accommodate your conventions and trade show, but in addition you will have some local meetings and things like that so I think we are around 10 to 12,000 square feet of meeting space to be appropriate for the Evansville market given...I'll even say 35,000 to 40,000 square feet of exhibition space. Similar to the meeting and exhibition space we've got recommendations for ballroom. This is a separate component of space, usually a little higher ceiling height than the meeting rooms. A little higher finish out than the meeting rooms and we're seeing demands for, probably, I would say if we were sizing it today, 10,000 square feet of ballroom space. You need 8,500 square feet or so to accommodate conventions and trade shows, but I would round that up to about 10,000 square feet to accommodate the convention and trade shows and the local needs. Some of these corporations want to bring 850 people to a banquet and 10,000 square feet of space would be a nice number to try to accommodate some of those, 10 or 12,000. Finally, parking requirements. We've focused on parking requirements for convention and trade shows only. This is the amount of spaces you need to accommodate conventions and trade shows. Again, a lot of them drive, but conversely they are not your 5,000 or 6,000 attended events. Average attendance for these events are 600, 700 or there about and we're saying that in order to accommodate 90% of those 300 to 320 parking spaces required. Now to give you a picture of how that event might unfold, it might come in on a Wednesday to set up and run Thursday, Friday and part of Saturday and then tear down on a Sunday. That might be a typical pattern. That scenario you

are going to have 300, as an example, cars coming to your community on Thursday and Friday and they are going to be here most of the day. Now, you've got 500 spaces at the Green and I would imagine that would accommodate the majority of that business because if you've got 500 people in town they'll probably be staying at the Green. If they drove they'll stay in the Green's parking lot. So, I think from a convention and trade show prospective only, you're parking problems are not, probably, going to be too drastic. You might have little bit of a challenge if you've got a Vanderburgh event going on at the same time, but as long as the Green has space available you should be in pretty good shape recognizing that most of the people who come to the shows are going to be staying at that hotel, the Executive Inn. Where you might get a little sideways, and we can talk about this a little more as the architects get into it and I should vacate and let them talk for a while, is the consumer shows. The home show, garden show, they need anywhere from 2,500 to 3,000 parking spaces for their event. Mike will go through a number of analysis that show what you've got today and those are the events...now they are weekend events so you won't have a lot of downtown daytime parking, but those are the events that might tax the parking a little bit, but we can get into that a little bit later. That's it, but again to summarize real quick we are talking about 35,000 to 40,000 square feet of exhibition space, 10 to 12,000 square feet of meeting space, 8 to 10,000 square feet of ballroom space and that should accommodate the potential convention and trade show market for the city of Evansville. Thank you.

Bill Conner: We'll take a minute between graphics and I'm going to talk about the theater a little bit. Some of you may recall, I think it was in June of '93, I made a presentation and, basically, we are on track with that design. Our major elements of the program are to increase the seat count to 2,500, to greatly improve acoustics and sight lines as well as meet a lot of light safety and ADA code issues, building regulation issues. Also, one of the things that is lacking in the current auditorium is some backstage performer technical support areas. A lot of our time is spent on trucks and how you get trucks unloaded onto the stage.

Commissioner Mourdock: Just look out there today!

Bill Conner: Audience support spaces like toilets, concessions, both refreshments and souvenir type concessions. There are all sorts of elements and we are on track and most of the design teams efforts have been spent on the convention center and the site in integrating circulation. The auditorium stays as it was presented a couple of years ago and I think things are looking up.

Eric Andersen: As Mike had mentioned my name is Eric Anderson and I'm with HOK. We have been asked to come in and help design, or work on the design, of the convention center because of our expertise and experience in convention center design across the country. To start, I think that when you look at this convention center project you have to realize that it is a significant project for Vanderburgh County. If you think of it within the context of Evansville and look at...it will be a little difficult to see the images that we have on these boards because they are a little small, but when you think of the city of Evansville what are the images and what are the landmarks that come to mind? I think for people such as myself that are coming in from the outside, of course, the Ohio River is one of the defining elements of Evansville. Some of the older buildings, those beautiful older buildings that you have here are images that people come away with. The pedestrian mall, the Main Street pedestrian mall is another image that people remember about the city of Evansville. Most recently the riverboat casino, the new development that, again, people when they leave Evansville see that as an image. Now this convention center project will become a new landmark for the city of Evansville and that's a starting point for us as we begin this

study. When we began this study we looked at the overall urban context of the city of Evansville and building on the master plan and study that was done by Veazey Parrot & Shoulders and the convention center as it exists today. We saw the city as developed between anchors. Areas of concentrated developments, one being the City Center with its focus on the city's center as well as the entrance to the pedestrian mall. The other being the river front with the new casino development. These twin anchors are connected by the pedestrian mall. As you will see, the site for our convention center is located at the defining edge of the City Center.

Commissioner Mourdock: Excuse me, Eric, we're not picking you up on the microphone. I'm sorry, we've got a lousy acoustical system.

Eric Andersen: Maybe I'll just sort of point and talk my way through it here. We are seeing that the Vanderburgh County Convention Center is really a defining edge of this City Center portion of the city. That begins to suggest where the front door ought to be. We're seeing the front door along Martin Luther King and along Locust Street which then again suggests where our service should be which is off of Walnut. With that in mind, that begins to help us to further define what the planning of this project should be. We did these diagrams just as a scale comparison. The drawing of the left is superimposing Monument Circle in Indianapolis, which I'm sure that you are all familiar with, locating it's center right on what we are call the City Center and it gives you an idea of the scale of the area. On the right, the drawing indicates a diagram showing walking distances from that center and that sort of aids us in determining the planning of where parking components of the project might go and Mike will go into that later. Kyle St. Peter, from our office, will talk a little bit about the ideal diagram for the planning of the convention center and then Mike will go into the actual schemes that we have come up with.

Kyle St. Peter: When we took a look at the urban design diagrams that Eric just looked at what we also considered is how a convention center needs to operate. The top diagram shows the Greenfield site, the Greenfield diagram, as if we were going to do this center from scratch. Basically, you have service from the backside, as Eric pointed out, on this other diagram. You want to load or service your halls from one side, you want to keep public circulation away from that. You need to have receiving, loading docks, support areas, storage areas, crate storage, etc. because you are going to be moving shows in and out simultaneously. You are going to be holding some shows while others are operating, things like that and you need to keep that as a separate event. We also looked at existing storage and existing service at the Vanderburgh County Auditorium. I think you've got a show loading right now that has a semi sticking out into Walnut and that is something that we looked at also. Is there a way to deal with that so we wouldn't have to have that situation anymore? If you go to the front side, this being the exhibit hall dock in here, service here, public here, you want to be able to load your public functions from the opposite side and you also want the bulk of your meeting space on that side also. Meeting space and exhibit space is very related. You'll have people that want to be in your exhibit hall looking at different shows and things and then they want to get together and talk and meet, so there is a definite relationship there. You also, again, are going to have simultaneous shows happening and if you'll see this diagram, you've got three halls segmented within your overall hall and you've got three blocks of meeting rooms related to each of those halls. You also, ideally, would like to have not one specific front door, but several different points of access so you could have public feeding into the different exhibit halls at different times. Then in the top diagram, again, you also have the relationship to the ballroom over to the right and then we have broke out the ballroom diagram

down below because ballroom spaces over the past four or five years have become very critical to the operations of convention centers. Most of the expansions that you see right now...the expansion we did in Indiana, the primary driver for that expansion was a ballroom. Most of the centers don't have upscale almost hotel like ballrooms to hold events and that's what meeting planners are looking for right now. So, we also have developed diagrams for the ballroom with, again, relationships to prefunction space, staging space and also meeting rooms. Since a ballroom will be to 10, 12 or 13,000 square feet or so you can actually have a fairly significant event in there that will then go and break out into meeting rooms. The other thought or the other point behind the diagrams is the amount of circulation that these buildings need. Public circulation and service circulation to function and make those three major building components happen. What we do is we take the overall kind of urban analysis and the site characteristics and opportunities with your ideal Greenfield diagram and then match the two and we try to make the best of any given situation. I believe that Mike is now going to talk about that now.

Mike Shoulders: Taking all of that input, data, study and concept work we are embarking on the development of two options at this time and we wanted to present those to you tonight. In these we will try to show you some advantages and disadvantages to both options. We have handouts which summarize these various boards, diagrams and options that you can take with you and examine at your leisure. Scheme A is a two story scheme and it's an exhibition hall of 40,000 square feet to the northeast of the existing Vanderburgh Auditorium. To give you your bearings in these diagrams we have Walnut, north is in this direction, we have Locust, Martin Luther King, the Executive Inn, the parking structure, etc. What we are looking at in both of these schemes is for the new exhibition hall part of the convention center to be to the northeast of the existing Vanderburgh Auditorium on the present gated lot that exists in that location. So we have several issues we're examining and one of those is how this building could expand in the future. We know that convention businesses and convention centers seem to be expanding all over. There is expansion at the Wayne Center and certainly in Indianapolis at the Indiana Convention Center, so we can not box ourselves in and preclude the ability to add additional exhibition hall space and the requisite docking and service space as well, so that will be an important issue in both of these diagrams. The other issue is how we relate to the adjacent uses, to the hotel spaces and how we provide parking for the various functions that go on. We will talk briefly about the numbers in parking in a moment. In this scheme we are basically loading the northeast half of this site with our new construction and not doing quite as much on the Gold Room other than perhaps a renovation of the Gold Room or a conversion of the Gold Room to space that is ancillary to the theater and auditorium. So we would have in the next diagram on the first level, again, service is off of Walnut Street, we anticipate a docking situation were we could press a drive that runs parallel to Walnut allowing us to back in the beds of the trucks at a four foot level so that we can service not only our new exhibition hall, but the Vanderburgh Auditorium. We think that if we can concentrate the docks in this vicinity that we can have service in that area for both of these functions. This entire project is a little unique to convention centers that you will find across the country in that it does have the blessing or the curse of a major auditorium at the very heart of it. This presents opportunities to us and it also presents challenges in how we access the various uses going on in the complex and also make sure that they don't conflict with one another. We believe that trying to get the semis off of Walnut Street without closing it is an important criteria for the success of this project. So again, we are coming in, we're doing a down ramp, we're backing into these spaces, we're four feet down and then we are coming back up and out. The maneuvering is parallel to

Walnut and the backing is as equal into the heart of the site itself. We want to try and keep from loading and unloading on the Ninth Street side because, as you will see or have seen from this diagram, we see this capability to expand going on almost to infinity. In other words, putting that kind of exhibition hall phase in, whether it's 20,000 a pop or 40,000, the ability to dock with those all along Walnut if we need to. If we build anything across Ninth Street, such as a parking structure or any other elements, I think that we are closing off our potential for expansion, so we are going to say to you that should be a no-no, that's faced directly across Ninth. On this scheme, as a two story scheme above the exhibition hall we are building in this instance a 13,000 square foot ballroom and this is on the floor above the exhibition hall and in this scheme about 13 meeting rooms that ring the ballroom. From our discussions with HOK and with Coopers and Lybrand we have learned that it is very important to have meeting rooms and break out rooms on the periphery of your ballroom area so that they are not segregated or separated from one another. As Bill Conner mentioned, this pink area is our renovated Vanderburgh Auditorium and we are shooting for the 2,500 seats. Again, how we access and move into the theater and auditorium will be a critical element of the success or failure of this project. The second option, which we are calling Scheme B, is an option or a scheme that takes place all on ground level other than the balconies in the auditorium. That scheme does some of the same things that Scheme A does, but it does this all on the first floor ground level. What it does, it takes the existing Gold Room and transforms it into our 13,000 square foot ballroom and has the meeting rooms ringing that space on that part of the site with good direct access to the Executive Inn. Similar kind of docking arrangement off of Walnut and as you can tell in both of these schemes the main pedestrian ways are coming off of Locust Street. This particular scheme, Scheme B, has a large loggia, gallery or arcade space around the building that allows for entry points...a major entry here and prefunction areas between the Vanderburgh Auditorium and the exhibition hall. Other direct entrances to specific portions of the exhibition hall and keep in mind, as John Kaatz mentioned to you, there are many functions that use an exhibition hall that need up to 20,000 square feet so both of these schemes are devised in a way that imagines two 20,000 square foot needs or two 20,000 square foot functions occurring at the same time. This will be divisible so that can occur and that, we hope, occurs frequently. The arcade that goes along here will certainly transform the look of the building and as we wrap the Gold Room we are going to, in this instance Scheme B, pretty much have an entirely new look to that building. The renovation of the auditorium, again, would occur in similar fashion to Scheme A. In this instance our service and kitchen area that serves the ballroom will be located right close to our docking. Now, advantages and disadvantages of Schemes A and B. Scheme A which has two stories has more square footage. Once we establish this footprint and then fill it out on the second floor I think we'll have a total footage of about 150,000 to 160,000 square feet. Scheme B which distributes everything on the main ground level is about 130,000 square feet. Part of that is also due to the fact that we will need numerous locations for stairs, if we have a two story solution, and extra elevators or escalators. In Scheme B we will have very much less, if any, we will probably have some accessing the balconies in the theater, but that's it. Everything else is on ground floor. Now remember that in Scheme A this ballroom and meeting room set of functions is 35 feet up in the air, like three stories up in the air above the exhibition hall, whereas in this one everything is accessible once again from ground level. We have the feeling that since Scheme A is 160,000 and Scheme B is 130,000 with fewer stair towers that probably the cost is going to be less on this scheme. Now, let me say a word about cost. We have our cost consultant, a full time cost consultant coming in tomorrow and we will begin to try to analyze those differences and put a price tag on the auditorium renovation as well as the new structure on

this facility and see how it compares to your budget or your available bonding capabilities. We think that there are some distinct advantages to the separations here of the various functions. We can have certain kinds of convention type facilities or meeting room type facilities going on in this part of the building while we have a completely different set of functions happening at the exhibition hall. For those functions, however, that need both the meeting rooms, the ballroom and the exhibition hall this is a little more compact and a little more proximate in Scheme A and this in some instances can be an advantage where the separation for the same group could work to be a disadvantage. I'm going to stop here and entertain any questions that you might have and that extends to all of our group; to the market analyst from Coopers and Lybrand as well as HOK and our theater people and we will be happy to answer any questions or concerns that you might have about these schemes or talk about where we go from here.

Commissioner Mourdock: First of all, my compliments to everyone involved here for a very good, informative presentation. I guess my first question is, when Mr. Kaatz was talking I heard you define at one point that using your market study you came back to say that our market study group of 570 and you got down to 200, and of those 200 they defined the 20,000 square foot exhibition area as defined as our market and then later I heard you say that everything was really based on 40,000 square feet. If our market is at 20,000 then why are we looking at 40,000?

John Kaatz: Most of the events that you will accommodate in Evansville will require 20,000 square feet of exhibition space or less, most of the convention or trade show events. The reason that you go beyond 20,000 is because number one, there are those events, as you saw on that graduated bar chart, that do require more than 20,000 square feet. I'm not recommending that you build a church for Easter Sunday, but there is a portion of the event market where larger events do require more than 20,000 square feet of space. Number two, there are some consumer shows, and I'm not recommending that you build a building for consumer shows, but there are some of those public shows, home shows and those kinds of things that might be able to gravitate downtown and the benefit of that is, for the most part, revenues to the building; they are money makers for the building. Thirdly, there is, as Mike mentioned, an opportunity to do, for example, a 20,000 square foot convention and trade show event in the exhibition hall at the same time you're doing a local function, a gift show, something like that or a yet another convention and trade show simultaneously. So while 20,000 fits most of your market, going to 35,000 to 40,000 square feet allows you to do as many things as possible to accommodate your potential event market.

Commissioner Mourdock: Just to make sure that I sum that up correctly, then you were still saying that at 40,000 square feet you would expect that we would run 55% utilization?

John Kaatz: I'm not sure where that number comes from.

Commissioner Mourdock: That was from your chart there, but don't ask me which chart. My notes say with 20,000 to 30,000 square feet we should run about 44% utilization given our market. Your recommendation that we have 40,000 foot of exhibition space because we could run about 55% utilization.

Betty Lou Jerrel: It was 55 days.

Commissioner Mourdock: Yeah, right that's days.

John Kaatz: Days, not percent. That's total days--

Commissioner Mourdock: Oh, okay. I thought that was 55% of the days, but it's 55 days.

Mike Shoulders: Richard, as you know, when you go to Indianapolis there are multiple convention halls and in a sense we are building two halls here, I guess you could look at it, because we will have it divisible into two 20,000 square foot venues and we would envision in the future should we need additional space, we hope this building will cover us for many generations, but we could be looking at an additional 20,000 in a future time and we want to allow for it.

Commissioner Mourdock: Okay, and that's the way we want to do it. Did you look at all in your study, John, as far as what the effect of the auditorium is? I never heard you use the word "auditorium" once in your presentation and I was just curious.

John Kaatz: Well, we have actually talked quite a bit about that and I think there is...the natural inclination is to have the seating capacity at the auditorium to be used for some convention and trade show events and have that be a positive. I don't think that is going to be a significant benefit in terms of the overall package. In other words, you're not going to have a lot of events that say, "Gee, Evansville is even better because they've got this 2,500 seat auditorium". It's almost too big to accommodate most of the convention and trade show activity. On the negative side there is the potential of conflicting events at the same time. You'll have a lot of folks, 2,000 or 2,500 folks coming out during the similar times of a convention and trade show. That's a potential negative so I would characterize it as not a lot of synergism and some even potential negativism.

Commissioner Mourdock: In a sense, I feel sort of like Sony trying to find out what the market research would be to sell a Walkman, when no one ever made a Walkman before; you don't know what is going to sell.

John Kaatz: The problem is it's just too big. You're going to have some events that would love to have 300 to 400 seats in a theater style setting with the stage and it would be a fantastic amenity to have. The problem is that you have 2,500. If you can get the architects to design something that serves as a 500 seat pod or 500 seat component then all the better. I think that would be very marketable, but my concern is that the auditorium is probably too big and conversely we are talking about a total of 30 convention trade show reunion events and I wouldn't want you to go spend a ton of money renovating the space or developing a 300 seat facility for that level of event activity.

Commissioner Mourdock: Is 1,000 seats still too large?

John Kaatz: Probably so.

#### TAPE CHANGE

Mike Shoulders: When John mentions being able to break that down, what we are looking at in the auditorium design to get our 2,500 seats is to have a lower floor that has perhaps 850 seats out in front of the balcony level. The seats under the balcony and the lighting...then we would have a couple of balconies above that lower level and we can down the lighting in the back half of the first main level and those seats under the balconies and shut the lights in the balconies. We will virtually have 800 seats in sort of a more intimate theater setting and that may be much more conducive to use by a lot of these groups than say the 2,500 which is going to be earmarked for special occasions.

Commissioner Mourdock: One quick question for Mr. Alexander, too, if I can find the notes I've made. Oh yes, Kyle, you said that the meeting planners today are looking for ballrooms. I'm sure your industry, like a lot of other industries, have all kinds of futuristic type plans. What do the gurus of your industry say the

market that meeting planners are going to be looking for in the year 2016?

Kyle St. Peter: We honestly haven't seen a whole lot of operational changes or new market trends other than a continuing increase in technology, the use of technology. A lot of these people are teleconferencing now. They all can't be at the same place at the same time so they want satellite uplinks and things like that. We also see in some of the more advanced technology trade shows where they are trying to do whiz-bang stuff. You need to have the infrastructure built into the halls that enables them to do that. A trend that we have seen, and maybe John can talk about just in general, is there seems to be more meetings going on that are associated with the exhibit halls. We see the ratio changing, it used to be...I've got a ratio slide, I think, that says 5:1 exhibit space to meeting space. We see that getting a lot closer now and there is a 2:1 exhibit space to meeting space or a 3:1 exhibit space to meeting space. A lot more people are meeting as we get to a more service based economy away from a manufacturing economy, I don't know. Those are some of the trends that we see and technology I think is going to be a big issue and it's just planning for that. It's planning infrastructure for that because things change tomorrow or they change a month from now and you have to put the infrastructure in to accept that.

Mike Shoulders: The other issue along those lines is that this is, to some extent, a hybrid facility and thereby makes this much harder to calculate the parking requirements. John Kaatz mentioned that for pure convention and trade show usage 350 spaces is fine, but when we throw in to that the potential for an event at the auditorium of 2,000 and also when we talk about consumer shows, the home shows and gun shows, now we need 2,500 minimum. If we have both the auditorium and a consumer show...say we have a home show that's ongoing Friday, Saturday, whatever and we have "Les Miz" going, now we have needs that could top out at 4,000. Now, as you may know, Roberts Stadium has about 3,784 spaces or something just under...I checked that today...something just under 4,000. The home show is no problem, the gun show is no problem, but the home show and gun show have expressed an interest to come down here if we have the right facilities, so now we need to begin to look a parking to draw those kinds of events. Preliminary findings are that in order to get up to the 2,500 number we could stand 800 or 900 more spaces. That's 750 in the Civic Center lot, 500 in the Executive Inn parking garage, 400 is miscellaneous on street as you find them, but close in on a perimeter block basis. If you add your 800 or 900, now we're hitting 2,500 to 3,000 and that's the kind of number, in the purest sense of things, that we would need for combined events or consumer shows. Now, someone may argue that these circumstances might only occur five or six times a year, so we have to be prepared to judge what our draw would be and whether we can afford to build a garage or another element that gets us the 800 spaces. I wanted to quickly show you some building sections to give you kind of a height relationship and also some computer models of...now we're not going to show you the architecture of these yet, we're going to show you what we call the massing of the building and there is a big difference there. These should not be seen as the final designs by any stretch, they are only a model to show how certain portions and masses of the buildings might fit together in Schemes A and B. In Scheme A, you will recall, we have a two level space where our new construction occurs and much of the massing occurs on the northeast quadrant or the northeast portion of this side. One of the disadvantages of Scheme A is the Gold Room sort of becomes the stepchild out here and we would I'm sure end up renovating it for office space, theatrical storage or whatever. I'm sure it would be utilized, but it wouldn't be glamorous space. We need our ballroom in proximity to the meeting rooms. This two level space, again, demands a lot of vertical treatment of stairs and elevators and this is the relationship of those two levels and to what might occur in a two balcony theater.

In contrast to this massive two story construction on the northeast, the one level solution with the arcade sort of levels itself out and masses itself out a little more down in scale, more human scale let's say, with many opportunities around the perimeter for engaging or for drawing in the public or the user. So that's just a real quick...that's not our architectural design, let me stress that. This is just to give you a relative sense of how the masses might begin to take shape.

Commissioner Borries: Well I want to add my kudos to an excellent report. It's very thoughtful and certainly to all of the participants here, you have put a lot of time into this. There are a couple of thoughts that I would like to share. It sure seems to me that with 90% of our traffic coming in by automobile it is a compelling case for I-69, isn't it? If Evansville is out of the way and something that, unfortunately, we know it is and sometimes a time zone away, we're not the most user friendly location in that sense. We certainly need to push hard to get that highway from all points north down here. That would really help us. Also, I think that you have come up with some very creative ideas and the thought has occurred to me that, hopefully, we can get the public involved and also be a little creative and quit talking about maybe just the Vanderburgh Auditorium and Gold Room and come up with a real creative name. The Pyramid is in Memphis. Of course I wouldn't want anything like they have in New Mexico state like, The Pit, surely we can do better than that, but to really come up with some kind of a knockout type of facility name here that really puts us on the map from that standpoint as well. Vanderburgh Auditorium and Gold Room sounds about as exciting as watching paint dry on the walls, as they say. So I want to have a knockout kind of name and maybe get the public...there's a down side too if you ask the Washington NBA team with the goofy name that they are going to be with next year, you can have some down side with that, but I would like to really get a real knockout name. Parking is something that you have repeatedly referred to which is an ongoing concern or what I see in this. With so many cars, 90% of the users of this facility driving to that event is something that you are talking about and I think we certainly have to address. Finally, I think I heard that the gentleman from Coopers & Lybrand as well pointed out that this is not going to exist is some kind of faraway island. There appears to me to be a strong relationship with the success of the hotel across the street as playing an important role in this center. If that hotel hits the moderate area in which you talk about, but is attractive and certainly done up right, and we would have every hope that it would be, that itself is going to be kind of a natural draw for what we need to have happen here. Without that commitment, well, we could have some real problems. We're stretched out along 41 and whatever we could get with Aztar or the River House and so we really, I think, need to have a strong partnership and focus very, very much on the success of that hotel, if I'm reading what you're saying. That's very thoughtful and I commend you for your work so far and it certainly gives us some things to think about and, hopefully, the public if we can come up with, again, a knockout name for it.

Mike Shoulders: Thank you, Mr. Borries. One quick thing before we go. We did identify some alternative parking garage sites. One is across the street at the old Green center site, one is in the other quadrant of the Civic Center lot and that would allow us 200 cars per level. Not in the quadrant directly across from the gated lot, but down across from the school corporation offices. The Green Center site would allow for 250 cars per level and then some site down toward the walkway, such as the parking lot across from the Executive here could give us anywhere from 120 to 180 cars per level. So, you can envision then if we are looking for 800 spaces how many levels we may have in those scenarios.

Commissioner Mourdock: You had said at one point, Mike, that the rule of thumb was like \$7,000 per space in a parking garage?

Mike Shoulders: Yes. I think Aztar is building in their garage 1,670 spaces and if you ask them they would probably be in that ballpark around \$7,000 a space.

Kyle St. Peter: We just priced a 1,200 car garage in northern Kentucky, in Covington, and it was about \$6,800 a space and it was a pretty nice...it wasn't a beer bum's garage. It was a pretty nice garage.

President Tuley: Just briefly, the process that we are going through is what I envisioned and hoped for. It's real good and I commend you, Mike, and the consultants that you're using, for the work that you've done. This is what I want to see. Something based on numbers and what we need based on those numbers for now and down the road and the ability to expand without going through a major renovation process much like what we are having to do right now. So, I welcome your insight and thoughts.

Mike Shoulders: I want to thank the Commissioners and we will continue to keep you informed on, hopefully, a monthly basis. If there are any questions that might come up in the interim you have the handout and the packet, please feel free to give me a call if you want to discuss any parts of it.

Commissioner Mourdock: We did set on the agenda, did we not, a date, a Monday night meeting in June to take some public input on potential uses for the facility?

President Tuley: I think it's the 1st or 8th.

Suzanne Crouch: It's the 3rd.

Commissioner Mourdock: The 3rd?

President Tuley: Yeah, the 3rd.

Commissioner Mourdock: I would certainly request, Mike, that and I won't say this for myself, do we as a Board feel that what we've seen here tonight should at least be surrounding the room or whatever with a real brief discussion as to what we want to show the public or would we rather just take input? I can argue either way.

Commissioner Borries: I think to stimulate, depending on where you are going to be in another month, you're going to have some figures in terms of cost and those important ideas that we need to know. Certainly, I think, the visuals will enhance what the public discussion would be all about and stimulate some questions, so if you could bring those along that would be fine.

Mike Shoulders: We'll be glad to just set those up around the room and people can mill around and look at them and I will be here for questions, basically.

Commissioner Mourdock: Obviously it's not our point to have someone from the public stand up and say if you move this room over to that corner and the wallpaper should be blue instead of red, that is not our point.

Mike Shoulders: I think that is an excellent point. We're still at a very conceptual level and we've got to pin down the adjacency of these spaces and the total amount of the space until a later point when we will get into the wallpaper, but we're not quite there yet.

Commissioner Mourdock: I will not be a part of that discussion.

Commissioner Borries: Thank you very much.

Mike Shoulders: Thank you.

RE: CHERYL MUSGRAVE - ENHANCED ACCESS

President Tuley: Cheryl, I think you're next on the agenda.

Cheryl Musgrave: Suzanne, do you need another copy of this?

Suzanne Crouch: No thanks, I'm fine, but thank you.

Cheryl Musgrave: Thank you very much for letting me speak with you today. I'm here to present to you this proposal which is called, Government "On-line". This proposal would allow citizen access to government computer database records. This project, I want to assure you, is not my idea, but it's the result of many officeholders and department heads in both the city and the county. I'm here as the Chairman of the Subcommittee for Enhanced Access. This subcommittee was formed out of Data Board itself. Now, I have prepared this notebook for you that details the project and reviews its history. Included in the notebook are reference materials, such as the membership of Data Board, the membership of the Enhanced Access Subcommittee, the responses submitted by two prospective vendors and the statutes which outline legal prerequisites for enhanced access. So, just to review the folder briefly, I wrote the beginning sections that answers several questions. On-line access, what is it? I do hope that you will read this because I understand that a lot of people have misconceptions about what on-line access is. The sort of program that we are talking about would involve off-site hardware set up and personnel staffing by an outside vendor who would run a phone line, a data link line, into the Civic Center and probably into the room downstairs where all of our databases are generally kept. It would do an inquiry only. In other words, it would only pull the information that the person wants to know and send it back to the off-site location and it is that off-site location in to which outside persons seeking access would dial. This is an important thing to understand, and there is a lot confusion that people dialing in would tie up our databases. I believe that this off-site location would minimize those problems, but with any new and complicated technical concept like this there are going to be problems and we shouldn't go in to this thinking that it's going to be very, very simple. So, On-line access, what is it?

Commissioner Mourdock: So, basically, some private company is just going to set a server up outside that's going to tie in to ours?

Cheryl Musgrave: Yeah, or a lot of servers because we have many, many different kinds of computer database here. We have the Vax, we have PC's and some of the information that people would want on one screen would pull from several different types of computer systems, so they are going to have to write software to make those different systems send that varying information to one place so that it could be disseminated. That is also that makes this unique. They wouldn't just be dialing in to see the Auditor's records. They would probably want to see a copulation of the Auditor's, Treasurer's and perhaps the Assessor's records. If you think of a piece of property, they'll want to know have the taxes been paid, what's the assessment, what kind of building is on the property and is any of it abated. There are many questions that you would normally only be able to get by making a big circle in the Civic Center and tying up lots of staff time. So, hopefully, this would make it easier for those people to get that information and that answers, essentially, question number two, On-line access and why do we want it? I think the best reason why we want it is to improve our service to our customers. I think our customers are primarily Vanderburgh County taxpayers. Many of them want this information and they want it quickly. They don't want to have to spend time on the phone. There is a much larger market out there that Vanderburgh County taxpayers may not want to subsidize. Think

of the credit card companies who would want to call and find out the...oh, we get mortgage companies calling the Assessor's Office all the time. When people fill out applications they say they own their own home when they're applying for credit and they want to know if they own their own home. If they could dial in and get this information without tying up our personnel and get it for lots of customers, I think this is a good reason to have this sort of access and also a good reason to charge for this service because our taxpayers have paid for this data and perhaps our residents don't want to subsidize Citicorp's access. Citicorp should pay for it's own access, for example. Going to a brief history of the project, I wanted you to understand how we did get to this point and to help me think about where we are going to go from here. Not only does the subcommittee want your input, but Data Board wants your input. In fact, we don't just want it, we've very much need it. We need to know how far you are willing to go and how quickly. The exhibits that I have prepared for this are Exhibit A, is the list of Data Board members and the ordinance which established the Data Board so that you will understand that it is a City/County joint ordinance. Exhibit B is the list of Enhanced Access Subcommittee members. We are a come one come all subcommittee. Some of the people are on Data Board, but many are not. If you would like to be part of the membership roster and get notification of our meetings, sign up. Exhibit C is a copy of all the reports that I could find that I had actually written and there were...maybe I've left some out, but those are the ones that I could find when I was doing this report. My filing isn't the best. Exhibit D is a copy of the request for information that Data Board sent out seeking vendors of the type of service that we want. Exhibit E is Ameritech's response to Data Board's request for information. Exhibit F I have left in there which is ComSource's response to Data Board's request, but today I received a copy of a letter from ComSource and they have withdrawn their application. We are done to a one responder situation again. Exhibit G, H, I and J are my esteemed legal opinion of the statutes that we need to follow and build upon in order to allow Vanderburgh County to have enhanced access. I like to tell people that I did get my law degree by sending in enough box tops to Kelloggs, so I really do need for you to look this over and tell me who is supposed to pass the ordinances, what they need to say and I'm not kidding here. Alright, so that's the folder here. As I said, this will require cooperation from the City Council, the County Council, the County Commissioners to pass the legal framework that would allow any elected officeholder or department head to have their databases accessed with enhanced computer access. Now, this may seem like a big project and we don't have to do all of it at once, but it is achievable and it is very important. I like to compare this project to what the installation of telephones in government offices must have been like decades ago. It is a new technology, telephones were and it will change the way we work because telephones did. Technology itself is going to continually change, telephone communication has changed a lot. Remember the ones that you saw in the movies, maybe some of you remember them I don't know, you had to crank them.

President Tuley: Why is she looking at you for?

Cheryl Musgrave: Is he the oldest one? I don't know.

Alan Kissinger: Yes, I do remember those telephones.

Cheryl Musgrave: Okay. It will allow better service and better access to the taxpayers, but enhanced access does require a new attitude about the information. The attitude is who is allowed to have this information and on what terms. Can a cranky officeholder decide that you don't get to see your information if it's on-line? No. None of these aspects really should scare any of us away from accepting the new proposal. The telephones brought positive and negative changes to the way we work, but the positive changes, I

think we would all agree, do outweigh the negative ones. The same is true with enhanced access so I am asking you to give the Data Board and the subcommittee guidance, legal assistance and to join with the City Attorneys on passing the joint ordinances that need to be done and to just allow me to have your input in general. As I told you, ComSource did withdraw by letter today and Ameritech has responded to Data Board's most recent letter by saying, we're still interested, but. The "but" comes in because they need to know the level of commitment on the part of city/county government. In other words, we really are at a fork in the road and need your input. Do you have any questions?

Commissioner Mourdock: I would add the comment that I'm not sure that I agree with your statement about telephones making life better for us after all the flooded roads we've had lately. Is it out of the question that each individual department would simply have a server? You said, basically, things would be compiled into a new database so that people could get all that multiple information from one call, basically, as opposed to making the circle within the building here. Is it out of the question that each department, each office would have it's own server and people went directly to that one?

Cheryl Musgrave: That is possible. I think that what you are really saying is why not do a homegrown public access?

Commissioner Mourdock: Yeah, maybe.

Cheryl Musgrave: There are some pitfalls in that. Indianapolis, which is where we are mostly receiving our model from in this, did have a homegrown program. I think that they pooled information from more than one office, they didn't just access one database. What they found was that technology changes really fast and that the government can't keep pace with it.

Commissioner Mourdock: Okay.

Cheryl Musgrave: The personnel needs were perhaps more than they felt the taxpayers should fund so, essentially, they privatized it and that's the focus the Data Board is taking as well. In City Council I was asked, why privatize? The Data Board arrived at that conclusion essentially because we felt certain after many discussions that City Council and County Council would not agree to fund a homegrown project with all it's various equipment and manpower needs.

Commissioner Mourdock: Any kind of budget estimate?

Cheryl Musgrave: No, that's something that we would all love to know, but Ameritech will not give us anything saying here's what it's going to cost until they can do a "needs survey" and they won't do a "needs survey" until they get some sort of commitment from us that we're really going to do this. We need to move forward.

President Tuley: We in turn say that I don't know if I want to do this or not because I don't know how much it's going to cost!

Cheryl Musgrave: That's right. They can do the "needs survey", we can send it out for bid and we can reject the bid and walk away, we're not bound to it.

Alan Kissinger: Cheryl, is that what you meant by level of commitment? The amount of money that the government councils are willing to put into this project?

Cheryl Musgrave: Yes, Ameritech does not believe that the city/county would have to hire a full-time person to achieve this. They feel that the city/county would have to hire a programmer to

do certain programming functions that are beneficial for the government to own. For example, we would want to own up to a certain level in case Ameritech flew away at the end of their contract. We wouldn't want to start from ground zero to come up again to meet another provider. They also felt that they could meet part of the needs from their side as long as there was a dedicated person within each office, like the County Clerk's Office, who would be the contact person in order to bear the workload for getting those databases...whatever needs to be done, plugged in, up to speed, whatever.

Alan Kissinger: So as far as subscription to the service is concerned that will go to the contractor that serves us? In other words, what I'm getting at and what I'm sure that the Commissioners are interested in, is this going to be the type of thing that is going to become a permanent budget item for the county?

Cheryl Musgrave: Oh, I don't think so.

Alan Kissinger: In other words, excuse me, I don't mean to interrupt, but we are going to pay for the installation, the inception of the project at some point we are going to have to pay?

Cheryl Musgrave: The way the request for information was worded, we want our vendor to bear all the up front costs and the only costs that we would bear would be that programming capacity to bring us up to where they need to connect on and that is something that we definitely and legally, apparently, want to own. In Indianapolis it took just short of two years for the fees that are paid into the system to equal the costs and now there are more fees being paid in than there are costs. It took a while for them to cross the barrier into being profitable. I can tell you that none of the members of Data Board and none of the members of this subcommittee ever want us to be in a profit phase. They want us to break even, because we want this information to be available to everybody at the lowest possible price. In fact, our longest discussions have been on what information would be free and, for example, we would very much want the minutes of all meetings to be accessed for free, ordinances free, the databases that seem to need to be charged for because they require so much babysitting and so much input are the ones that change everyday. Police records, court docket records, treasury records, parking ticket records and all those which change every day and that somebody would want to know what is the status of the record right now. It would cost everyday because we spend money here everyday maintaining these records, but we hope that the fees that would be put into the system would pay for the ongoing costs of the system.

Commissioner Mourdock: Cheryl, you said something about trying to provide this to our customers, that was your word, and the taxpayers. Since in the real world beyond government I have the title of doing business development and I deal with customers all the time, how would the Data Board address the fact that not one customer has ever called me saying we ought to have enhanced access?

Cheryl Musgrave: Perhaps because we simply don't have it yet. Perhaps your customers are not the ones who want it the most.

Commissioner Mourdock: Meaning the Citicorps?

Cheryl Musgrave: Well, actually the hottest market, apparently, for this database information is the Police, Sheriff, County Clerk, arresting court dockets, all of that because criminal activity is a big time information need. People need to know what the criminal history of this person is, so you are talking the Bar Association, paralegals, private detectives, that seems to be the hottest and heaviest market place. In Indianapolis they had a little tiff, believe it or not, with their Township Assessors and they couldn't

get them to agree to put the township records on and I understand that situation is rapidly changing, but consider those who would want land based records. You might want to know how many acres are on a particular parcel and you might not want to call or drive or have faxed, you might want to just dial it up.

Commissioner Mourdock: I understand why me sitting at home with my PC with nothing else to do might want that, but I'm just making the comment that no one is ever contacted about this.

Cheryl Musgrave: Business users are going to be the primary users of this, not your average citizen wondering how much Suzanne pays in taxes. They'll look for a reason.

Suzanne Crouch: May I ask you a question? Wasn't there some discussion at one of the Data Board meetings that, and maybe this has been resolved differently, but the officeholder would have to agree to let that information be accessed, so this project is going to be just like time accrual--

President Tuley: I hope it's better than that!

Suzanne Crouch: I hate to say it, but if these officeholders chose not to participate their information just won't be there.

Cheryl Musgrave: They could chose not to participate in telephones too, though. If they chose not to participate, then they don't participate and, in fact, it's the officeholder who participates in the whole price setting business. The County Clerk's information would not go on-line unless whoever that individual is agreed to it and then unless that person agreed to the price. If they wanted city police records and county clerk records on-line then the police chief or maybe the Mayor, I don't know who makes those decisions over there, and the County Clerk are going to have to agree on the information that is going to come to the screen. It can be done, maybe not done tomorrow or next year, but what I'm asking you for is the legal framework to allow it to be done sometime because no one can do it without these ordinances on the books.

Alan Kissinger: Cheryl, the provider of the service in this case what did you say, Ameritech?

Cheryl Musgrave: That is our only provider now.

Alan Kissinger: Okay, we have discussed this previously in reference to the request made by the realtors. Ameritech, am I correct in assuming, is going to want to be the exclusive provider of the service?

Cheryl Musgrave: They would have to have a contract which stated that we would not have a competing provider. There is a limited marketability for this. There is no way that we could get two vendors to agree to attempt to market it separately. We wouldn't even want to because it would be way to confusing. The problem with the realtors may be too involved to go in to right now, but essentially, if we don't get this enhanced access where anyone could dial in and get it we will be put into a situation where certain business organizations, like the Bar, like the realtors, like the title companies, would get the download of the databases that are of particular interest in them, perhaps even everyday if that could be done, and they would upload it on their private servers and sell that to their own subscribers. So you would enter into a situation where private and special interests would have data access, but the average citizen would not. I do not view that as a positive framework. Again, the taxpayers pay for this database, all these databases to be collected and we should put it in a format where everyone has equal access to it and not where special interest gets theirs and they're gone and the government

does not fund to provide it for anyone else.

President Tuley: You should consider a career in politics or law and I'm not sure you haven't already because the short answer to this question is, yes, they want to be the sole provider.

Alan Kissinger: Yeah.

Cheryl Musgrave: Sorry, but there is more to it than just that.

Alan Kissinger: But your saying that the public would have the same access as anyone else? Wouldn't you, in fact, have to be a subscriber to have this access?

Cheryl Musgrave: You would. You would have CivicLink. You call up and give them a credit card number and you deposit a certain amount in there and every time you access a record they deduct it from that. The library has worked with us through this whole meeting process and they envision having an account with Ameritech and having PC's at all the various libraries where you could reimburse the library on the spot for it. It could be done.

Commissioner Mourdock: It would be like any other Internet time-share service?

Cheryl Musgrave: I guess.

President Tuley: Jim wants to ask a question. Wow, that's a first.

Jim Beck: Do I actually need to come to the microphone?

Commissioner Mourdock: Yes, and you need to identify yourself.

President Tuley: You're not speaking as a reporter now, you're speaking as--

Jim Beck: I'm speaking as Jim Beck.

Commissioner Mourdock: Okay, and you do need to identify yourself.

Jim Beck: My name is Jim Beck and I don't know a lot about this. I'm listed as a committee member, but I'm not.

Cheryl Musgrave: Somebody asked me to put you on the list.

Jim Beck: Yeah, okay. The one thing that I read when this Ameritech thing came in several months ago, and I'm not a real computer freak at work, but there are some people that are, I noticed that Ameritech says that one of the benefits of their CivicLink services is a new source of non-tax revenue. You mentioned before that it would be important to have it simply--

Commissioner Mourdock: Break even?

Jim Beck: Yeah, break even. One of their pitches to the government is a new source of non-tax revenue. As a journalist I have heard comments about what happened in Indianapolis where if a reporter or somebody wants just a public record now instead of being referred to various public agencies they are being referred to Ameritech. Quite frankly, I'm a little uncomfortable with someone charging reporters or citizens for what should be provided free. Right now in the County Clerk's Office any citizen can walk in upstairs in the Clerk's library, log-on to one of those computers up there during the day, check my records on tickets, if I've been divorced you can check my divorce records, you can check my marriage records at no fee whatsoever. If you went to something like this--

Cheryl Musgrave: Same deal, same computer on the counter available to anybody who walked up.

Jim Beck: There won't be any change?

Cheryl Musgrave: No change.

Jim Beck: Okay. What she said earlier about CivicLink too, is that unless this has changed, is that they were only going to provide this during daytime hours from--

Cheryl Musgrave: Yeah, that disappointed us when we went to investigate it. I think they start at six in the morning till eight at night and when we were just astounded that they had to do that we were reminded that each of these individual databases responding to the inquiries has to be backed up, babysat and put to bed. I don't know, but I hope that they can get past that. From what the library people tell me, we need to move into the next generation of servers that does this without interruption, but we don't have those here now. That's an example of the costs that this new source of revenue would pay for. In other words, you are making it pay for itself. You're not looking to raise more revenue, you're looking to pay for something that we are already having to spend money for in a different way.

Jim Beck: It's just that as a journalist, and I probably shouldn't say this, but I'm sure that someone else from another organization would say it as well, is that I think that you need to give consideration to the fact that you are charging people for what is public. Sure Citicorp may do it, but...

Cheryl Musgrave: Do you pay for copies when you come down here?

Jim Beck: A reasonable copy fee.

Cheryl Musgrave: That same deal, same concept. It's not free now when you get a hard copy.

Jim Beck: It's also not listed as a potential resource of revenue.

Cheryl Musgrave: Yeah, well strike that. The good news is that we don't have to do everything that they did in Indianapolis. We get to make our own contract and if we don't like parts of what they did up there, cross it off. If we don't want to go into a long term deal, go short term.

Commissioner Mourdock: One point Mr. Beck is making at the end is very valid which is, yes, you may pay to get a copy, but you don't pay to take a look.

Cheryl Musgrave: Oh, and you don't pay for this either. If you come down the computer on the counter, the computer in the offices are available for no charge and they will be available in all the Civic Center and related offices for department employees to use at no charge.

Commissioner Mourdock: But the guy sitting at home with his PC who wants to have the same privilege that someone else is doing for business purposes, is he going to be able to just take a look at something without cost?

Cheryl Musgrave: If it were a free something, yes. If it were a record that you would have to pay for, no. If he didn't want to pay for it he could get in his car--

Commissioner Mourdock: Whoa, what record is there in this building that you would have to pay for if you just take a look?

Cheryl Musgrave: None.

Commissioner Mourdock: That's what I thought.

Cheryl Musgrave: But you're paying for enhanced access. You're paying for not having to drive to the Civic Center, not having to take the time, not having to find a parking place, you are paying for that convenience. If he came down here and wanted a hard copy he would pay for the hard copy in addition to paying for the travel time.

TAPE CHANGE

Jim Beck: For example, we have an editor who is responsible for computer system reporting and one of the things that we have in our office is a CD of all the Vanderburgh County property tax records which we paid probably less than \$200.00 for. So, technically, that CD now...how many property records are there in the county?

Cheryl Musgrave: Eighty some thousand.

Jim Beck: So if they charge \$1.00 for every time I log on to check who owns a property, that CD now becomes worth \$80,000.00? Would that information be available for somebody to go out and buy that in electronic form or will that exclusive agreement with Ameritech require everybody to go through them? So that the CD we have in our office we should hold on to because it might be worth a lot of money.

Cheryl Musgrave: It's worthless now because people just paid a whole bunch more taxes. That is worthless to you now, that's an example of an outdated--

Jim Beck: No, it isn't because it still has the property owners and it will say who owns this property. If there's a fire, for example, and we want to know who owns that house we look it up ourselves.

Cheryl Musgrave: This is the type of comments that we get at our subcommittee and we spend lots of time discussing things just like this and would entire databases still be available if you pass the ordinance I'm talking about, all four of them? Yes, they would, but they would be restricted in use to newspapers, educational and charitable activities. In other words, he couldn't take his downloaded database and sell any of that information. He can take it and use it at the newspaper, but he couldn't sell it. That's the key part. I hope--

President Tuley: How do we stop that?

Cheryl Musgrave: You have an ordinance.

Alan Kissinger: Cheryl, how do we explain then to the average citizen that, yes, Jim Beck has access to it because he is a member of the fourth estate? We're talking about things like equal protection, etc., and in this case we're talking about equal access.

Cheryl Musgrave: Well, remember what your choices here are. Your choices are enhanced access paid for by subscriber fees or no enhanced access because the councils that would fund them have pretty much indicated to forget about it.

Alan Kissinger: My concern though, Cheryl, is from a legal standpoint. There are already Indiana statutes in existence that require us on request to provide certain computer information or computer contained information to various...anyone who may request under the proper circumstances. If we are going to now make those statutes void, you know...

Cheryl Musgrave: Please do read the statutes that I have given to

you. Please do read them and I believe it is Exhibit G, which is the Marion County Enhanced Access Ordinance and please do read Exhibit J, which says that you can adopt a ordinance. A local agency can adopt the ordinance prohibiting the sell of those. If you're going to explain it, why does the fourth estate get it and this one doesn't, this is why. Because the statute says we may do it that way. After you discuss all these whys, therefores, ifs, ands, and buts, you come back to do we allow the special interests to take our databases and sell them or do we have enhanced access that conceivably everyone can have because the councils are not going to fund the homegrown system that comes with its own pitfalls. Is that it?

Commissioner Borries: Thank you.

Commissioner Mourdock: Thanks, Cheryl.

RE: SUZANNE CROUCH - MILEAGE REIMBURSEMENT

President Tuley: Suzanne, I've got on my agenda mileage reimbursement, but I don't see anything. Is there a copy?

Cindy Mayo: There is a letter in your folder, or there should be.

President Tuley: Yeah, I've got a letter of memorandum in reference to the fixed asset project, but I was looking for something in reference to mileage reimbursement.

Cindy Mayo: The second to the last paragraphs says:

"Would the Commissioners consider reimbursing the two students for their milage for this project?"

President Tuley: Oh, okay. I'm sorry, I apologize. I see it now.

Cindy Mayo: Suzanne sent this really just kind of in the form of a memo, but I thought that since this is a little different that maybe you should act on it in a public meeting. She didn't send it in the form of an agenda request.

Commissioner Mourdock: I'll move the reimbursement for the two students working on the fixed asset account pursuant to the recommendation of the County Auditor.

Commissioner Borries: I will second. What will you use, just the standard mileage rate?

Suzanne Crouch: Whatever it's at, 20...

Cindy Mayo: It's \$0.25.

President Tuley: It's at \$0.25. I guess there is just a standard mileage reimbursement form they will have to fill out and log and all that stuff?

Suzanne Crouch: Yes.

President Tuley: Okay, we've got a motion and a second and I will so order.

Suzanne Crouch: Thank you.

RE: APPROVAL OF CONCESSION MANAGER & ASST. MANAGER CONTRACTS FOR 1996 BURDETTE PARK

President Tuley: Okay, approval of Concession Manager and Assistant Manager contracts for 1996 Burdette Park. I have that in here as a packet, but no information about it at all. I would kind of like to see the contract before I vote on it.

Alan Kissinger: Can I give you some information on that?

President Tuley: I don't know that it will change my request, but sure.

Alan Kissinger: If you will recall and even after I have explained it to you, you may not recall, but last year at about this time Vanderburgh County entered into a contract with a lady by the name of Marilee Combs and I prepared that contract. Marilee Combs was designated the Assistant Food Manager at Burdette Park. The term of her agreement was to start on the first day of May, 1995 and ended on September 30, 1995. I think September 30 is basically when Burdette Park goes out of active summertime business. Marilee Combs was paid the amount of \$9.00 per hour for all hours worked. There was no overtime and consider there was no time and a half for overtime if overtime did occur. In consideration of the fact that this was a contract, this individual agreed that she would be a straight \$9.00 per hour. The Food Service Manager was required to perform all of the services that were listed in the Burdette Park Food and Beverage Manager job description which was attached to the contract as Exhibit A. Well, what they learned last year was two things. Number one, the Food Manager was spending considerably more time at the job than anyone anticipated she would and number two, the Food Manager could not be present at all times when a Food Manager was needed and therefore county employees, Burdette Park staff, were filling in for the Food Manager. What they are asking to do this year is to hire a Food Manager and a Food Assistant Manager. The Food Manager would be paid instead of \$9.00 per hour \$8.50 per hour and the Assistant Manager would be paid \$7.50 per hour. Once again, no overtime, no benefits, etc. They believe then that one of the requirements would be that when the manager was not present to fulfill the requirements of the job description the assistant manager would be or vice versa. There would be times when they would both be working at the same time, but there would be other times when they would schedule their time so that all times there would be no necessity for county employees, Burdette Park staff, to fill in and do their jobs for them. It would be an increase as far as money expended as far as the Food Manager and the Assistant Food Manager are concerned, but this money would come from the revolving fund which was established, it would not be an increase in budget request. This revolving fund established for the use of Burdette Park would pay for the Food Service Manager and the Assistant Manager. So, although it would be an additional expense, it would not be an additional expense as far as the County General Fund is concerned except that the money from the revolving fund that is refunded to the General Fund each year may be a bit less because of the hiring of the Assistant Manager. It would not require additional appropriation for another employee, in other words. This came upon me quite suddenly, also, but I did agree to address the Commissioners in reference to this today and to advise the Commissioners that I have been advised, less you should want to kill the messenger, that they want to hire these two people tomorrow. As far as saying that we should have had this much sooner, perhaps we should have, but here we are. Burdette Park is getting ready to open. They have interviewed these people and feel that they are qualified and can do the job. So, what they are asking for is for the Commissioners to give their approval as far as this contract is concerned or the outline of the contract that I have given you. I would then prepare a separate contract for the Food Manager and for the Assistant Food Manager, basically, modeled after last year's Food Manager contract, then have the new manager and assistant manager sign that contract and bring it back to the meeting next Monday and ask the Commissioners to sign the contract. We will have the cart somewhat before the horse, but hopefully next Monday we will get that straightened out.

Commissioner Mourdock: I appreciate the situation you're in, Alan, because it's no different from the one that I feel I'm in right now in that we would be putting the cart before the horse. I've done

that before and not always reflected on it fondly. I guess I would still say what I said a moment ago. I'd like to defer it until we see it. It raises several questions in my mind as far as the way the thing works, not so much perhaps with this coming year as in the past year. Effectively, we are going to pay two people the sum of \$8.50 and \$7.50?

Alan Kissinger: It's \$8.50 and \$7.50, yes.

Commissioner Mourdock: Okay, so we're paying \$16.00 an hour versus what we were paying before which was \$9.00. Do I understand that those two people would be there concurrently most of time although there would be times when one wouldn't be there, but the other one would?

Alan Kissinger: Yes.

Commissioner Mourdock: So there would, in fact, be a lot of \$16.00 an hour time versus \$9.00 that we were paying before?

Alan Kissinger: Yeah, as a matter of fact, each week, from what I understand, we're going to have \$16.00 per hour for 40 hours per week each week and, perhaps, there will be weeks when we will have more. Not more than \$16.00 per hour, but more than 40 hours per week.

Commissioner Mourdock: Are these people looking to work as the prior person did because it's contract even with those rates there would not be time and a half?

Alan Kissinger: Yes.

Commissioner Mourdock: I guess lastly, if the revenues sustain that type of \$16.00 an hour versus \$9.00 we've been paying, the obvious question is how were the funds expended from the past year for the difference in that since they are obviously there if they say we can cover it?

Alan Kissinger: There was a report in reference to the revolving fund made to the Commissioners, I believe, this past April. Was it last month that report was brought in?

Commissioner Mourdock: That's a good point. I have not seen that report and I was thinking of that the other day, it's about that time of year and as I was looking over this other thing.

Alan Kissinger: I have not seen the report either, but my understanding was that there was a report, although I haven't seen it, but I can check on that.

Commissioner Mourdock: Okay, you've not seen it either?

Alan Kissinger: No, but I believe that first report was given.

Cindy Mayo: There was a report that was brought in from Burdette in a manilla envelope which I did bring in.

President Tuley: Did you put it on my desk?

Cindy Mayo: No, I did bring it in during Executive Session one day and I don't know if it was disbursed or what, but it was probably three weeks to a month ago. It was their financial report. We'll look for that and see what happened to it because it was brought in at that time.

Commissioner Mourdock: All this--

Cindy Mayo: I did not realize at the time that's what was in it. When I spoke with them a couple of days later they made reference

to the financial report and I had no idea what they were talking about and they said that's what was in the sealed manilla envelope that I brought in here.

Commissioner Mourdock: With all those things as part of the discussion, again, I don't mean to throw water on anybody's parade here, but it seems...well, I would wish to defer it until we see the plan.

Commissioner Borries: I have talked to Joyce Moers, who is the Camp Administrator, and she has done extensive interviews with this. If we defer for one week we really need to do some talking with her through this week because they are ready to go with several activities out there. That's knocking on wood and assuming that we don't have more rain and that the temperature somehow, someday hits 80 degrees.

Commissioner Mourdock: If you guarantee me that all of that will happen if we do this, I'll do it!

Commissioner Borries: I'm not going to guarantee that. If those things can occur this week, as I say, she has talked with me regarding these persons and has conducted checks and several interviews and feels that they are qualified to do the job. So, we're going to be on a mighty tight time frame here, so if we can resolve this we need to do so by next week at the very latest so they can open up in a timely fashion.

Commissioner Mourdock: If we can get a copy of it tomorrow, I will certainly be ready to vote on it next week.

President Tuley: Is it my understanding that this is deferred until next week?

Commissioner Borries: Yeah.

Commissioner Mourdock: Okay, and thank you.

RE: OVERTIME - BURDETTE PARK.

President Tuley: Okay, while we're talking Burdette here is a request making reference to the park opening on May 25.

"Due to all the inclement weather this spring including last nights 3" of rain, we are extremely behind on our pre-opening clean up and maintenance. Please advise to approving overtime for our staff.

Your other option is to not paint either pool and risk opening looking bad to the general public. The family pool has about 4" of mud in it from last nights rain. This is the third time this spring that we will have to pay for materials and labor to clean these pools. We open in seventeen days.

Your immediate attention is required on this matter. Please advise!!"

This was sent May 7.

Commissioner Mourdock: Oh, you have a date on yours?

President Tuley: It's a fax date. That's the day it was faxed.

Commissioner Mourdock: Oh, okay. My comments of a moment ago notwithstanding, it's got to be cleaned. I have a strong feeling given the weather forecast that, as you were referring to a minute ago, Rick, they may clean it out this week and end up cleaning out part of it again. I don't know that we have as many options here

as we have with the situation we just discussed.

President Tuley: I don't see how we do, to be honest about it.

Commissioner Borries: I agree. I think that when you move into the closeness of opening this park and it does an outstanding job and always looks great when they open it, we really have to be sensitive to this. I would move that the request be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: LYNN ELLIS - PURCHASING

President Tuley: Department head reports. I do not see Lynn Ellis. Apparently she has nothing.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: John Stoll I saw.

Alan Kissinger: Look at all the Scouts out there.

Cindy Mayo: They're getting ready to come in.

Alan Kissinger: Are they?

Commissioner Borries: In here?

Cindy Mayo: Uh huh.

Commissioner Borries: What are they going to do?

Cindy Mayo: They're just working on their government merit badge--

President Tuley: Observe.

Cindy Mayo: --so they need to come in for a just a few minutes and see what's going on.

Commissioner Mourdock: If they come in here they deserve a merit badge!

John Stoll: The first item I've got is the cover sheet for the plans for the portion of Green River Road, Section B that we will be putting out for bid here within the next few weeks. This is the portion that will carry the Green River Road widening through the Lynch Road intersection. We just need the cover sheet signed off on so that we can have the plans ready.

Commissioner Borries: I'll move it be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: The second item I've got, I would like to request Council Call to transfer \$4,500.00 from the Franklin Street Bridge account to the Extra Help account. This would be to hire the two Signature School students that we've got working in our office right now to continue the culvert inventory that they're working on. They've got 630 culverts that they have found and they've got about half of the county done. What they're doing is setting up a database so that we will know what is out there and the conditions and things like that. Hopefully, we can use that as a tool to prioritize what culverts are out there and what we need to replace and when. They would be working from about the second week of June through about the second or third week of August.

Commissioner Mourdock: I'll move funding of the two summer students for the County Engineer's Office as requested.

Commissioner Borries: I will second.

President Tuley: So ordered.

John Stoll: Next, I've got a sidewalk waiver request for Burkhardt Crossing Subdivision. This is the commercial subdivision that will be at the southeast corner of Burkhardt and Morgan.

Commissioner Mourdock: That's intended all commercial as opposed to residential?

John Stoll: Correct. There is kind of a mix of what subdivisions out in that area have sidewalk waivers now and what ones don't. Crossroad Subdivision does have a sidewalk waiver, Cross Pointe does not. In Cross Pointe they're building the sidewalks as the lots are developed. In Crossroad they are not being constructed at all so there is no particular pattern as to what's been done already.

Commissioner Mourdock: I'm sorry, there is no particular pattern?

John Stoll: Not really. If we continue, I would say if sidewalks were not going to be waived maybe we would continue them on Cross Pointe Boulevard, but not on the other streets in the subdivision because Cross Pointe will be the main road that will connect between Lloyd and Morgan.

Commissioner Mourdock: Do you have a recommendation?

John Stoll: I would recommend that they be constructed on Cross Pointe, but the rest of the streets out there aren't going to tie into any other streets that have sidewalks. Gateway Drive and Maxwell Avenue would just tie into Oak Grove or Burkhardt Road and those would not connect, but as we continue Cross Pointe it would eventually tie together.

Commissioner Borries: Does it have sidewalks now?

John Stoll: Yes, on Cross Pointe they are being built as the lots are developed. Right now the only two lots along Cross Pointe that have been developed are for the Shell Station and for Builders Square.

Commissioner Borries: Okay.

John Stoll: There are sidewalks on the east side of Cross Pointe.

Commissioner Mourdock: So in coming before us, John, are you on behalf of the builder and is the developer's request as specific as you just described it? I want to make sure that we follow the proper protocol.

John Stoll: No, I've got the letter here and it says:

"As developer of Burkhardt Crossing Subdivision, I respectfully request that the requirements for sidewalks be waived for the proposed Cross Pointe Boulevard, Maxwell Avenue, Gateway Drive and Gateway Circle. The surrounding area has non-related businesses and the surrounding Oak Grove Road, Burkhardt Road, and Morgan Avenue are all without sidewalks.

Please present this request to the Vanderburgh County Board of County Commissioners for consideration."

Commissioner Mourdock: So if we're to act pursuant to your

recommendation we pretty well have to not grant this one and send them back to another time or ask them to come back at some other time with a revised one.

John Stoll: If you want to waive the sidewalks too, it will be years and years before Cross Pointe connects, as well. That connection will not immediately be in place. Cross Pointe won't exist between Virginia Street and Oak Grove Road for quite some time because there is no commitment from any developer to construct that portion of the road.

Commissioner Mourdock: The way that area goes, it could be six or eight months, right?

John Stoll: Six or eight months, six or eight years, who knows?

Commissioner Borries: I move that the request be granted.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: The next item that I have is also related to the Burkhardt Crossing Subdivision. In order to connect Cross Pointe Boulevard to Morgan Avenue the state has to grant the county access to that location because right now there is a signal there for southbound I-164 ramps right there at Morgan Avenue. If Cross Pointe is going to be extended up to that location to make a fourth leg of that existing three leg intersection the state has informed us that we need to petition the state requesting that access be granted. So what I've done is put together a letter that requests tentative approval of this road being tied in to the Morgan and I-164 intersection. Hopefully, they can give us a tentative approval prior to large sums of money being spent for traffic studies and for design drawings. What this letter in effect asks is that they review the proposed location and I have attached a map from the Area Plan Commission. That map is just the conceptual road plan that has been developed by EUTS and APC over the years as far as what all roads we would like to see built out there and we're just going to request that the state review that proposal and see if they consider it to be a viable alternative and let us know before, like I said, traffic studies and design drawings are prepared.

Commissioner Mourdock: What is the status of the removal of the railroad and the vacation of the easement from the railroad?

John Stoll: We've got no new information as of late on the railroad being vacated. If it's going to happen I wish it would happen soon so we don't spend a lot of money on Burkhardt Road, as well.

Commissioner Mourdock: Because everything that you're doing here is solely dependent on the railroad?

John Stoll: Right, the railroad controls it and so does the state because--

Commissioner Mourdock: Will the state act on it until the railroad is vacated? It doesn't sound like the state.

John Stoll: To this point the state basically has said that the request for this road needs to come from county officials so they have not given us a clear indication of which way they would go. This is just a means of trying to get them to commit to us and say, yes, it's a good idea or no, you can't do it and here's why.

Commissioner Mourdock: I'll move the forwarding of the letter to INDOT to clarify our position on the fourth leg of the interchange at I-164 and Morgan.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: Don't expect an answer.

John Stoll: Yeah, we're hoping for an answer, but we don't know if we'll get one. The final item that I've got is a change order on the frontage road at Baseline Road. This increases the quantity of riprap by five tons. This results in an increase of \$109.40. The contractor is Koester Contracting and I would recommend that the change order be approved.

Commissioner Borries: I'll move it be approved.

President Tuley: I'll second and so order.

Commissioner Mourdock: Because that is my employer, I will abstain.

John Stoll: That's all I have unless you have any questions.

President Tuley: Questions of John?

Commissioner Mourdock: A couple. Probably, like both Rick and Pat, my phone has been quite active this week with all the drainage questions that have come up and I have talked to you about a couple of them. Refresh my memory though, if you would, John, on the situation that I discussed with you on Marigold Court and the sewer department out there. Do you recall which one that was?

John Stoll: Yes, the sewer out there has not been accepted by the sewer department as of, I believe, it was a couple of weeks ago whenever I spoke with them.

Commissioner Mourdock: So what, excuse me, go ahead.

John Stoll: Back, I guess it was a few years ago the water and sewer department did make some repairs on that line, but it was in regard to a potential health problem and that's why they did the work. At that time all the paperwork necessary for that line to be accepted was never completed for some reason or another.

Commissioner Mourdock: What recommendation can you make for me? If they did it before on a potential health problem which is what I've gotten calls about, there was a break and there was effluent flowing every where. Apparently, there wasn't much of a response and I need to tell these folks something and, quite honestly, I don't know what to tell them.

John Stoll: Did they attempt to contact the water and sewer department again as far as acceptance of the sewer?

Commissioner Mourdock: Yes, it's my understanding. If they have not accepted it and they worked on it before...

John Stoll: Right, I don't know what would prevent them from doing it again. The way I understood it from Jim Williams was that maybe some easements weren't dedicated as of yet and just some of the...sounded more like paperwork issues weren't taken care of and that's why it wasn't accepted in the past.

Commissioner Mourdock: Were they suggesting that the specific property that line was on had not been granted or had not had the easement assigned? I would think these people right now would sign it in blood if it meant getting it cleaned up.

John Stoll: I think that's what he meant.

Commissioner Mourdock: I can't believe that they wouldn't have signed it given the nature of the call.

John Stoll: I can contact the water and sewer department again to find out more specifics as far as what it would take, if you like?

Commissioner Mourdock: Would you make a note to do that, please, and let me know?

President Tuley: Anything else for John?

Commissioner Borries: Just one thing, John. It's been a hectic time for you, I know, but one thing with this terrible weather that we've had and the flooding, I know that the Governor has requested flood assistance through the Small Business and FEMA and a number of other agencies. I think it's going to be very helpful for us to keep good records and accumulate as many figures as you possibly can if we're asked from your point, as well as Bill's, to access the damage that our county has had through this flooding. We may not know that, obviously, until some of the water subsides in certain areas, but along our right-of-way in areas and what we are going to have to do in terms of repairs, I'd ask that you and Bill work closely together and make sure that you keep, if you can, a good total. Hopefully, we'll want to forward that along to state officials and see what we can do to get some assistance in some of these areas.

John Stoll: Do we need to just track material costs or is labor costs something that's considered as well?

Commissioner Mourdock: It never hurts to try.

President Tuley: It never hurts to ask.

Commissioner Borries: I would think both. Bill has already said that he is way behind in terms of being able to get started on some of his paving programs and so if we're using labor in other areas and, obviously, we're going to have to pay for it.

John Stoll: Okay, I'll keep track of that.

Commissioner Borries: I think it will be important. I'm sure you will because you've had a lot of experience accumulating figures, but we'll need them and hopefully we can move them to the state to see what kind of assistance we can get.

Commissioner Mourdock: Which brings up another subject, as long as you're still here, John. On the line of assistance that we can get, I know that you and I have spoken briefly and Alan and I have faxed some things back and forth on the famous pits at Fuquay Road. Is there anything else that needs to be discussed on that subject or anything else needed before we continue chasing that thing?

John Stoll: I don't know.

Commissioner Borries: We have determined who the owner is.

John Stoll: Right, I spoke with the owner today and he was supposed to go out and look to see if they could assist in placing some of their fill out where it's washing out. He kind of talked like he wasn't familiar with the problem.

Commissioner Borries: If he gets up on I-164 he'll see it.

John Stoll: It's very obvious.

Commissioner Mourdock: He apparently doesn't drive on Spry Road very much. Has it continued to wash, I presume it has?

John Stoll: Yes. Bill's crews were out there again this morning fixing some additional problems that have occurred over the weekend and they're trying to set some pipe in to try and bridge the gap where the wash out is occurring to keep the water away from it, but it's all sand out there so it's going to erode and erode fast anytime we get any kind of rainfall. The problem is not going to go away and what we are trying to do, with what's going on out there right now, is to just stabilize it and fill in where it has washed away. There has been quite a bit of riprap, broken concrete and quite a bit of other assorted fill that has been placed out there, but with the sand it is just going to keep eroding. To drive sheet piling in there to try to stabilize it that way might not be that feasible because for one there is a major power line that runs right along that right-of-way line, so that would create a problem, not to mention I don't know what lengths of piling that you would be looking at or how far you would have to go.

Commissioner Mourdock: Based on the depths of the holes, at least about 50 feet.

John Stoll: Right.

Commissioner Mourdock: Just for the record, pursuant to Alan's request, I faxed him some information from the state regs from what year was that, Alan, '89 and '85 I think?

Alan Kissinger: Yes, '85 and '89.

Commissioner Mourdock: Just trying to see what there might be there. Those regs called for some language that said anything done from a barrow area had to match in to the topography of the area, which topography and landscaping--

John Stoll: You had a minimum easement off the right-of-way line and these come straight off the right-of-way lines. There were minimum slope requirements and I think it was 100 to 150 feet that you had to start off the property line if it was a 2:1 slope.

Commissioner Mourdock: Yeah, it was 100 feet in '85, but somewhere between '85 and '89 they changed it to 150, but in either case it looks to me like--

John Stoll: You weren't supposed to excavate in the '88 specs according to anything less than two feet beneath the existing ground level surrounding the barrow pit area without a specific waiver.

Commissioner Mourdock: They would have owned the property so they would have...if the waiver was from the landowner they would have given that to themselves.

John Stoll: If I remember the way the spec was written it sounded like the state would have had to have granted that waiver, as well. I've never seen any paperwork that says that any waivers were granted and, like I told you early this morning, I didn't know which spec that thing was built under, but no matter how you look at it, it doesn't sound like it met the specs.

Alan Kissinger: John, pursuant to those regulations does the state have a corresponding right to inspect and enforce?

John Stoll: Yes. I wasn't sure where to go with it from here as far as issues regarding the state or the property owner so we'll probably have to rely on Alan to give us some direction on that.

Alan Kissinger: We're not absolutely certain either, but I guess you might say that now we are narrowing targets.

Unidentified from audience: Thank you for letting us briefly visit

this evening, sorry for intruding.

President Tuley: Not at all. We would like to recognize you though. We are sorry, but we got into a lengthy discussion there, but this is Boy Scout Troop #399 from Sacred Heart Church. They are working on a government merit badge. That's quite some troop size, how many gentlemen do we have here?

Unidentified from audience: There are 29 boys with us today, but we have a total of 47 in the troop.

President Tuley: Good for you, that's great. It was a little more exciting earlier as we were seeing some projections, some drawings and some ideas on the auditorium. We get to this part of the meeting, it gets a little boring.

Unidentified from audience: We're kind of surfing through city government this evening.

Commissioner Borries: Don't use that word!

Commissioner Mourdock: Were you once a boy scout?

Commissioner Borries: Don't want to hear it, just don't want to hear it! No, you are to be commended for bringing the boys down. They are certainly well behaved and a nice looking bunch. Thank you.

Commissioner Mourdock: Were you once a scout, Rick? All three of us then.

TAPE CHANGE

Cindy Mayo: Those boys were well behaved.

President Tuley: To sit through all that long, boring discussion they were very well behaved.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill. Pete I'm sorry are you here...are you just observing or are you a boy scout too?

Pete Helfrich: I missed the good part because I was over at the Victory Center project.

Suzanne Crouch: Are you sure you missed the good part?

Pete Helfrich: I don't know.

President Tuley: That's right, you never know! Let the record reflect that Bill has submitted a progress report for the County Highway Department and the Bridge Crew covering the period of Friday, May 3 through Thursday, May 9.

Commissioner Borries: How many roads do you have closed now?

Bill Morphey: Thirty.

President Tuley: Thirty closed?

Bill Morphey: We have water at the intersection of Cypressdale and Seminary. I've never seen water at the intersection. Cypressdale floods every year and so does Seminary, but it's generally 400 or 500 feet away from the intersection. The intersection is several feet higher, but right now water is on the intersection.

Commissioner Borries: I keep coming back to that trailer court

project on Lenn Road. You can sure see it in the water. It's moving up, but it isn't there yet.

Commissioner Mourdock: Are there trailers out there now?

Commissioner Borries: Not yet.

President Tuley: There wasn't two weeks ago, I can say that.

Commissioner Mourdock: Is it still--

President Tuley: It's being developed.

Commissioner Mourdock: --yeah, but you're saying that the water is moving in. Has the water gotten over that area?

Commissioner Borries: No, but you can see it and I would say it's about a quarter of a mile.

Commissioner Mourdock: The piece of ground that used to be...there used to be a house on the southeast side of where I-164 is at Green River Road--

Commissioner Borries: Like a stone house there, or brick?

Commissioner Mourdock: Yeah, it was brick. A gentleman by the name of Wendall Kruse cut a deal and bought that house and he built that house right there on that little knob because when he and his wife first got married it was the 1937 flood and that was the one place that didn't go under. He told me one time that place and the place down there at (inaudible) the water will never get there. So, we shall see. We're testing it now, that's for sure!

Bill Morphey: I've seen more water in the last three weeks than I care to see. I'm sure a lot of other people feel that same way.

President Tuley: Questions for Bill?

Bill Morphey: I'm going to be going on vacation on the 23rd of this month for a week and I would like to ask this Board for some assistance through the Engineer's Office--

President Tuley: I'll carry your luggage!

Bill Morphey: Excuse me?

President Tuley: I'll carry your luggage!

Commissioner Mourdock: You better know where he is going first!

President Tuley: I don't care!

Commissioner Borries: Somewhere dry probably.

Bill Morphey: Actually, I'm going to Terre Haute to move my son back here from college.

Commissioner Mourdock: Have a good time!

Bill Morphey: So I'm going to be carrying a lot of luggage on that day! I would like to ask this Board and John Stoll for some assistance in erecting our salt barn out at the garage. We are already several weeks behind in our paving and I can't start paving. We've got numerous wash outs and very large projects that we are going to have to contend with before we can even start. We were planning on erecting the salt barn ourselves, but due to the severe winter and also the amount of water that we've had this spring, we just can't seem to catch up. If I could get some assistance in contracting that building out and erect the building,

we could do some of the finishing touches before we fill it with salt, but that would sure help us out.

Commissioner Mourdock: How would the Engineering Department fit into this?

Bill Morphey: Contracting. I don't have--

Commissioner Mourdock: To put a bid package together for contracting?

Bill Morphey: Yes. It is a kit and we have already prepared the lot last year, the site where the building is actually going to go. We applied for permits and we have everything in place now and I have the kit there on the lot, but we just can't find time to erect it or put the building up.

President Tuley: Do you have any idea--

Bill Morphey: Money wise? I could guesstimate in the neighborhood of between \$18,000 and \$20,000.

President Tuley: I started to say, after I said that--

Bill Morphey: I really don't know.

Commissioner Borries: I would move to have the County Engineer draw up specs.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Bill Morphey: That's all I have.

President Tuley: Any questions for Bill?

Commissioner Borries: Hang in there!

Bill Morphey: Thank you.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan.

Alan Kissinger: I think I have but one thing to report. We have been presented with a resolution entitled, "A Resolution consenting to the assignment of a community antenna television system franchise" and basically what it is, it's permission from the Board of Commissioners of Vanderburgh County authorizing the transfer of the franchise that the Commissioners granted pursuant to our ordinance in March of 1984 to Telemedia Company. There is going to be a transfer...or they anticipate a transfer of the franchise from Telemedia to T.W. Fanch One Company, which is also...there is another Time Warner Entertainment Company, Limited. There are so many companies involved in this thing it's fantastic. The long and the short of it is the transferees are filing with the Federal Communication Commission FCC Form 394 with exhibits, this is it for the record it's about half inch thick and part of the requirement of this application for the transfer of franchise authority is that the franchise which is Vanderburgh County with the Board of Commissioners representing, we are the franchise, we grant the franchise, we must adopt this resolution in order for this application to FCC to proceed forward. Quite frankly, I have not reviewed the entire application for the transfer which goes to the FCC because I haven't had the need to get to sleep that quickly. This is just a typical federal application. If the Commissioners wish I suppose we could contact Fanch and ask them to come to our meeting next week and answer any question that the Commissioners

may have before adopting the resolution consenting to the assignment or the transfer. Although I don't think that under our ordinance that...we have not been presented with any evidence that would allow us to deny the transfer at this point. But as I say, if the Commissioners wish to talk to these folks and have them answer questions and enlighten us somewhat as to what they're doing and what their intentions are, I suppose it would be totally appropriate to invite them to a meeting before we vote on a resolution.

Commissioner Mourdock: This is just relative to an ordinance, we don't have a contract, per se with them that would provide for "such transfers shall not be reasonably made" type thing?

Alan Kissinger: It is correct that we do not have a contract. We have only an ordinance.

Commissioner Borries: Just to get some information, is this the franchisee, is it on the west side? It's not TCI, I mean we have three franchises--

Alan Kissinger: Right, this is a nonexclusive franchise and the franchise holder right now is Telemedia.

Commissioner Borries: What do they serve? There's--

Alan Kissinger: I don't know. I suppose that is a question perhaps that they could answer.

Commissioner Borries: There are three cable systems in the county. TCI, maybe this one and one that is exclusively for a mobile home park. The only thing, and like you say, I mean, it would probably put you to sleep, but the only thing that I think we would want to reinforce is to see that those cable subscribers, whoever it is, that we could get a name and number, human being type people, who would service this thing. That would be a concern. We've had this shift, maybe with this franchise, several times and the biggest complaint that I have received at times is that no one knows how to get a hold of whoever the group is. If we could make some kind of contact to get some numbers, I assume that is what this is, it's the west side cable?

Alan Kissinger: I am not certain which part of the county this one serves.

Commissioner Borries: It wouldn't appear to be TCI.

Alan Kissinger: The resolution does not indicate that.

Commissioner Borries: Perhaps we could just verify who or what this serves and go from there.

Alan Kissinger: I suppose we could. Cindy have you been communicating with them?

Cindy Mayo: I did speak with them on the phone today and Ms. Timmons spoke with them, so we can get in touch with them.

Alan Kissinger: Did they give you a phone number?

Cindy Mayo: Charlene--

Commissioner Borries: Do we have a phone number?

Cindy Mayo: Charlene has that.

Commissioner Borries: Charlene, where were they?

Charlene Timmons: He gave me a Kentucky number for today and an

Indiana number for tomorrow.

Alan Kissinger: Okay.

Commissioner Borries: Oh boy, and Illinois tomorrow!

Alan Kissinger: Perhaps, if Cindy could contact them tomorrow and ask them exactly what part of the county they serve and when they are going to provide us with a--

Commissioner Borries: Yeah, that is the only thing that I would have some concerns about.

President Tuley: Have them provide this information in writing for next week's meeting if they're not going to come in person.

Commissioner Borries: I would just like to know their service area and contact person.

Cindy Mayo: You just want a contact person, a phone number and an address, okay?

Commissioner Borries: Yes, because what will happen is that inevitably someone will get some calls about that, particularly if the service goes down. Many of them feel that they may go to TCI and they are not a part of TCI.

Cindy Mayo: Right.

Commissioner Mourdock: If they want something from us they will certainly get this done right now, so I guess we are deferring this until we get that information?

Alan Kissinger: In order to proceed with their application before the FCC they must have our consent.

President Tuley: They'll respond then.

Alan Kissinger: So, they do want something from us. That's all I have to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy, you're up next.

Cindy Mayo: I just have one item that needs to be added to the consent agenda. It's a travel request that will be paid out of unappropriated funds, I assume. It's to the Indiana Auditor's Association Spring Conference and it's for two employees, so it needs to be added to the consent agenda and that's all I have.

RE: CONSENT ITEMS

President Tuley: We are ready for consent items which will include employment changes, travel requests with the additional travel request, there is a Council Call request referencing Vanderburgh Auditorium and the approval of vendor claims.

President Tuley: Do we have a motion?

Commissioner Borries: Vanderburgh Auditorium?

President Tuley: Oh yeah, let's see what that's about. I don't see a request, do you?

Cindy Mayo: Was there not anything turned in? What the Auditorium is requesting is overtime. I'm sorry, I didn't know there wasn't anything, but for Council Call their request is to go before Council to ask for monies in their overtime account.

President Tuley: Okay.

Commissioner Borries: They would have needed to do so by the 15th. I move that the consent items be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings. This week there is a Pigeon Creek Finance Committee meeting tomorrow afternoon at 2:30, the 18th which is Saturday is Armed Forces Day. Next week on the 20th there will be an Executive Session at 4:00 p.m. There is a Pigeon Creek meeting at 4:00 p.m. as well, at 5:30 p.m. is the Commissioners and we do have Rezonings next week at 7:00 p.m.

Commissioner Mourdock: One we need to add and I'm not sure of the time, perhaps Bettye Lou could tell us that, but on May 30 we are invited to join the Ozone meeting which will be in the City Council chambers at 6:30 p.m.

RE: OLD BUSINESS

President Tuley: Old business?

Commissioner Mourdock: Two items and one of them I probably should have brought up when we were talking about the Auditorium, but it slipped my mind. Two different points here, since I had brought up previously the discussion of my questions and concerns regarding the contract with the architect, I, having a little spare time over the weekend, redrafted a contract and I guess I would use the cereal box line, something about got my law degree from where ever. Alan, did you get a copy of this? I gave one to Rick and Pat.

Alan Kissinger: I did not.

Commissioner Mourdock: Okay, let me pass one down. I have not forwarded a copy of that to Veazey and Shoulders pursuant to what this Board thinks we need to do with it. I have a copy if that is your wish. Basically, I tried to work through the original agreement that was provided to us, the Standard Form of American Institute of Architects agreement, and as I discussed at a prior meeting I think that was considerably broader than certainly I envisioned the architects services to be. I think we need to narrow that considerably, hence this redraft which leads me to the second item. In some consultation with others I've come to the opinion that while there are several ways we could certainly bid the work itself, I'm leaning right now towards the idea of hiring a construction manager. In the original that was provided to us by Mr. Shoulders, basically, the architect would also serve as the construction manager overseeing those companies that came on site to do the work and, conceivably, even doing billing through the architect. I think that is clearly not the way we need to go. I think it could almost be perceived by some if there was any questions, and in a 30 million dollar project we will have questions, but could almost be perceived as a conflict of interest. I think from the point of view of what this Board needs to do, I think that we need to hire a contract manager who would act as our sole representative on a fixed fee basis to look over all the construction work there. Have someone on site whenever this is work in progress and, basically, then confer as the architect would periodically inspect to make sure that the architects plans are being followed. I think we need that protection of a third party involved with this. There are several companies in the state. I honestly don't know of any in Evansville, but there are a number of companies like this in the state and in the region who would love to bid on this type and this size of project. I have prepared a

bit of a draft letter and there are some numbers and dates in there that are, to be honest, somewhat fictitious. There isn't the urgent need to do this. Certainly, this work can be done at some point prior to bidding, obviously, but the construction manager would also help put the bid documents together. This isn't urgent, but it is something that we need to deal with in the fairly near term. I think, Rick and Pat, I gave you each a copy of this letter and I'll give one to Alan, as well, to review. We can talk about that concept if you like or questions or we can defer all this and come back at another time.

Commissioner Borries: Yeah, I would like to get some input from some local contractors on this. Also, I think Mr. Shoulders has provided either an update or some change that you may want to look at.

Commissioner Mourdock: I did get that just as we got started this evening. I didn't know that you all had received that, too. That was to provide some additional information regarding construction managers and just so that we're all using the same terms as much as possible, and Rick, you just suggested talking to local contractors. A construction manager, typically, is a firm that does either construction management period and doesn't do construction or occasionally they go both ways, but never on the same project. Construction managers are clearly that. They are managers they are not contractors working on the site. So, having said that, I think I have worn out my old business.

President Tuley: You're done with old business. Rick, do you have any old business?

Commissioner Borries: No.

**RE: NEW BUSINESS**

President Tuley: New business? The only new business that I've got...I've been contacted by a couple of people in reference to some questions about vacation time and what have you. John, the County Engineer was one, and two people from the DADS program. Suzanne, as I understand it, it's basically left up to the Commissioners then to give you some guidance as to how many weeks they're supposed to have based on their seniority or service or whatever? Is that correct?

Suzanne Crouch: Well we had a conversation with Kent Irwin and he drafted a letter...did he draft it or did the Commissioners draft it...I'll have to get it. Are you talking about when vacation accrues?

President Tuley: No, no. How much time they've got if they were transferred from...in John's case, John worked in EUTS which is a joint funded department and with no break in employment. My understanding is when we hired him in, we hired him with a continuous employment date and now apparently there has been a question about how many actual weeks of vacation he is entitled to.

Suzanne Crouch: We've made a request, the Auditor's Office, to Sandie Dieg, who is the assistant for County Council, last year to provide the hire dates that the Job Study or the Council had reported so that we could see how those reconciled with those records that we have in our office for PERF, etc. She has gotten through the S's on those employees. She is on vacation, I believe, this week, but has indicated that she will have that all finished before budget time. Then, I guess we can make that information available to you all if there is some kind of a discrepancy for those records showing what the individual employee departments show. Where we go from here--

President Tuley: Yeah, John called me and he's one and I got

another phone call that lead to two more conversations--

Suzanne Crouch: There may be some agreements that I obviously wouldn't be in tune with so...

President Tuley: I was just trying to figure out what to do...where we go and I think the way you said is the best way to approach it. If she gets that information to you and if there's something different that she has got then what you have been receiving then--

Suzanne Crouch: Maybe then we could bring that your attention.

President Tuley: Yeah, we'll look at that on an individual basis and see what the discrepancy is.

Suzanne Crouch: Sure.

Alan Kissinger: Am I correct, Ms. Crouch, that the Job Study people have basically said that it is going to be the call of the Board of Commissioners because they have already made a decision as to step raises, etc., that these people are qualified for, but they felt that the Commissioners should rule on the hire dates as far as vacation eligibility is concerned?

Suzanne Crouch: I don't know about that.

Alan Kissinger: Okay, I beg your pardon. I don't know where the problem is coming from and, John, can you enlighten us as to where your feedback has come from?

John Stoll: The way I understood it was, for county purposes my start date was January of '93 and when I hired in I thought that the time that I spent as EUTS counted as well. That would have taken it back to January of '86 and I took that to the...I forget the name of that committee, the one that has all the different representatives--

President Tuley: Job Study?

Alan Kissinger: Yeah, Job Study.

John Stoll: Okay, I took it to that committee and at that time the committee voted that it was the Commissioner's decision on the vacation time rather than that committee assigning how much vacation time I had and I never took it to the Commission for any kind of official action. I thought that reaffirmed, basically, what I thought whenever I hired in with the county and I never brought it back before the Commission. I guess right now on what Suzanne has been talking about I would only have three years of seniority versus the ten that I assumed I had.

Suzanne Crouch: Can I ask you a question, John? How did this come up, because of your pay stub?

John Stoll: When the paperwork was submitted whenever the pay stubs would start tracking the hours used--

Suzanne Crouch: It showed differently than what you thought?

John Stoll: Yeah, right. I thought I had four and that was showing two based on the hire dates that you had been provided, so that's where it came up.

Suzanne Crouch: I guess the best thing is to bring those issues to the attention of the Commissioners and if there is some disagreement with what our office had and what Job Study provide then we will forward that to you all.

President Tuley: Yeah.

Suzanne Crouch: That's your call.

President Tuley: Yeah, and I was just bringing it to the attention of the rest of the Commissioners because I had been contacted and I was trying to figure out how is the best way to handle it. It sounds like we've worked that out.

Alan Kissinger: Yeah, okay.

John Stoll: Do I need to provide a copy of those minutes from that meeting then?

Commissioner Borries: Sure.

John Stoll: Okay. I'll bring them to you next week.

Alan Kissinger: Thanks, John.

Commissioner Borries: Thanks.

President Tuley: We've got several people in here that have been sitting here all night. I assume, Dave you're not sitting there because you've got nothing else to do?

David Ellison: David Ellison and I'm representing myself as a taxpayer. I just wanted to thank the Commissioners for quick action on our main artery on St. Joe Avenue. I called Mr. Borries one morning and I was kind of appalled by the action that I got at the County Garage saying that it might be three to four weeks before they got that sewer or whatever replaced. Three days later it was installed and traffic was moving and it really helped us out. Scared us to death because we thought we was going to be farming by now, but obviously we're not. Anyway, I wanted to thank you very much for the quick response.

Commissioner Borries: Thanks for making the effort. I don't know where that information came from, but I'm glad we were able to resolve it. Like you said, I hope we can somehow resolve this weather.

Commissioner Mourdock: That answer came from the depths of depression that this weather otherwise causes.

President Tuley: Pete.

Pete Helfrich: Well, obviously, I missed my purpose for coming over here this evening for the bureau. I want to fill you in on why I wanted to be here tonight. On Wednesday of this week we are going to French Lick to make a bid for Indiana Cities and Towns the year 2000 convention and they are chomping at the bit to find out what we are going to be doing down here. I did have a chance to see the architects on the way out and they said that they would be able to supply me with at least something that we can take along with us and show Indiana Cities and Towns in our effort to bring this convention to town. If you all remember, it's roughly equivalent to the Indiana Association of Counties convention. It's about the same size, about 300 people. They are here for almost an entire week and they will fill up not only the Executive Inn, when it's renovated, but also Bernie Little's River House and we're hoping to put bodies down at the new Aztar hotel. It's really getting exciting. Dolli is almost...Dolli Kight, who is my Sales Manager, is almost in tears because we have more requests for what's going to happen and we don't have anything in hand yet, but we're really excited about it.

President Tuley: We recommend...there is going to be the next public hearing June 3rd so...

Pete Helfrich: Yes, I've heard about that and we plan to be here.

President Tuley: It's across the street.

Pete Helfrich: Oh, it's across the street. Okay, we will be there.

Commissioner Mourdock: Let's not refer to those wonderful visitors and tourists as bodies!

Commissioner Borries: Visitors!

Pete Helfrich: Visitors in our community, excuse me!

President Tuley: Bettye, are you observing or do you have anything to say?

Bettye Lou Jerrel: Just observing.

President Tuley: Okay, motion for adjournment, unless there is more new business?

Commissioner Borries: So moved.

President Tuley: Apparently there is not.

Commissioner Mourdock: Second.

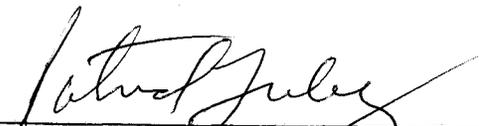
President Tuley: So ordered.

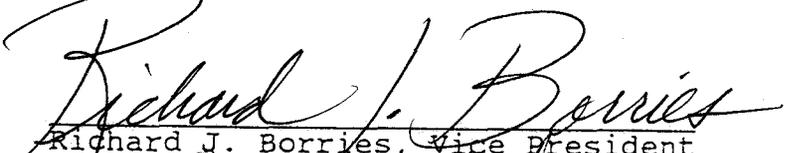
Meeting adjourned at 8:37 p.m.

THOSE IN ATTENDANCE:

Pat Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Cindy Mayo  
Charlene Timmons  
Mike Shoulders  
John Kaatz  
Bill Conner  
Eric Andersen  
Kyle St. Peter  
Bettye Lou Jerrel  
Cheryl Musgrave  
Jim Beck  
John Stoll  
Bill Morphew  
Pete Helfrich  
David Ellison  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
MAY 20, 1996

TABLE OF CONTENTS

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Any group or individual wishing to address the Commission .....	1
4-H Center request for Burdette Park surplus skates .....	1
Brian Carroll - permission to advertise vacation of easement ..	2
Les Shively - permission to advertise vacation of easement ....	3
Koester Contracting - request 30 day extension Baseline Road ..	3
Lynn Ellis - Purchasing .....	3
(no report)	
Wayne Trockman - proposed easements for Burkhardt Road .....	4
Progress report from Highway Department and Bridge Crew .....	6
for a period covering May 10 through May 16, 1996	
Alan Kissinger - County Attorney .....	8
Extension of Safe House lease agreement for 90 days	
Contracts for Burdette Park Food Manager and Assistant Manager	
Opening of Bid VC96-04-01	
John Stoll - County Engineer .....	13
Notice to Bidders - Green River Road, Section B	
Notice of Intent - discharge of storm water for Lynch Road project to be signed and sent to IDEM	
Chastain Drive, Harper Heights Subdivision street acceptance	
Wright Drive - report on street conditions and possible solutions	
Relocation of BFI's entrance on St. Joseph Avenue and the dedicating of additional right-of-way for left turn	
Vacation accrual time - minutes presented from the Personnel Administration Committee	
Cindy Mayo - Superintendent of County Buildings .....	19
Memo from Sherman Greer concerning federal inspectors in Vanderburgh County	
Information concerning a Resolution consenting to the assignment of a community antenna television system franchise	
Consent items .....	20
Employment changes	

Travel Requests:

Health Department (4)

Old business .....	20
(none)	
New business .....	20
Letter from Governor Evan Bayh concerning disaster declaration	
A Resolution of the Vanderburgh County Commissioners presented by Richard Mourdock concerning the Vanderburgh Auditorium and Gold Room and the Victory Theatre/Learning Center project	
Proposed amendment to Personnel Policy Ordinance concerning the use of county vehicles	
Adjournment .....	24
Attendance and signature sheet .....	25

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS MEETING

MAY 20, 1996

The Vanderburgh County Board of Commissioners met in session this 20th day of May, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:46 p.m.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley: We'll call the meeting of the Vanderburgh County Commissioners to order for Monday, May 20. As a point of introductions, Cindy Mayo, who is not here at the moment will be coming in and sitting down to my far right, she's our office manager and Superintendent of County Buildings; the gentleman at the far end at the moment is Alan Kissinger, County Attorney; this is Commissioner Richard Borries to my right; Commissioner Richard Mourdock to my left; Bill Fluty, who is the Chief Deputy Auditor is to Richard Mourdock's left; and Charlene Timmons, who is Recording Secretary from the Auditor's Office, will be recording the minutes of this meeting; I'm Commissioner Pat Tuley. If you will stand with us as we say the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES**

President Tuley: There are agendas, I believe, along the wall there if anybody would like to follow along. The first item under the action items is the approval of the minutes from May 13. Do I have a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: Okay, under item 4B, anybody who does not find their name or topic for discussion listed on the printed agenda, now is the time to come forward.

**RE: 4-H CENTER REQUEST FOR BURDETTE PARK SURPLUS SKATES**

President Tuley: The next item is a 4-H Center request for Burdette Park surplus skates. This is a letter sent to the Commissioners to Cindy's attention dated May 10. Basically it says:

"Dear Cindy,

Bill Murphy telephoned the Vanderburgh 4-H Center Office this morning regarding the surplus of roller skates at Burdette Park. The Vanderburgh 4-H Center requests the surplus of roller skates that Burdette Park no longer needs. As stated this morning, the Vanderburgh 4-H Center is a private, non-profit organization. The surplus roller skates would be added to our current inventory and be used for private skating events held here throughout the year.

We appreciate the donation of roller skates."

There is a note here that there is about 150 pairs.

Commissioner Mourdock: My only comment with that is that I certainly don't have any problem with donating them, and as ludicrous and extreme as this may sound, perhaps we can receive a receipt of some form from them for the donation that would free us

from any sort of liability in case someone loses a wheel on a high speed turn and otherwise breaks their ankle.

Alan Kissinger: It is not ludicrous. I would recommend that.

Commissioner Mourdock: With that as a condition to a motion, I'll move approval of the donation of the skates to the 4-H.

Commissioner Borries: I will second.

President Tuley: So ordered. Joyce is here from Burdette so she's got the information.

RE: BRIAN CARROLL - PERMISSION TO ADVERTISE VACATION OF EASEMENT

President Tuley: The next item I have here is Brian Carroll's request for permission to advertise a hearing date to vacate an easement. The suggested date here is...here is a copy of the petition. The petitioner is Sylvester C. Brown, Jr. and Linn L. Brown. They reside at 3016 Forest Avenue. There is a ten foot strip of land lying along the west line of Lot 4, Whispering Hills, Section B as platted and recorded in Plat Book L, Page 117, September 17, 1980 and it gives you more of a description in terms of degrees and what have you here. Anyway, the request is that the petition to vacate the easement advertised hearing date be set for June 10, 1996, that's the request.

Commissioner Borries: Mr. President, I move that permission for the easement vacation be advertised and set for June 10, 1996.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Commissioner Mourdock: Pat, may I interrupt for something?

President Tuley: Sure.

Commissioner Mourdock: I just saw a gentleman come in the room here, Rick Witte. I think I know why you're here, Rick, and I screwed up. I don't know if Cindy was able to get hold of Steve Batthauer.

Cindy Mayo: I left a message on his answering machine.

Commissioner Mourdock: I had told Steve the drainage matter that I think you're here for was to be scheduled tonight and the Drainage Board is not this week, but it's next Monday night. We tried to get a message out to him, but we were apparently late doing that.

Rick Witte: That's fine, I can mow my yard.

Commissioner Mourdock: Okay. I apologize that you came down here.

Rick Witte: No problem at all.

Commissioner Borries: Next week, would he come back next week?

Commissioner Mourdock: Yes, next week is the Drainage Board meeting and it will start roughly at 6:30 p.m. or so. It's immediately following our normal Commissioners meeting.

Commissioner Borries: It will be on Tuesday, that's what I wanted to do. Monday will be a legal holiday, so we'll have our meeting at 4:00 p.m. and Drainage is immediately following our 5:30 p.m. meeting and that will be on Tuesday, May 28.

Commissioner Mourdock: Again, I apologize.

Commissioner Borries: In fact, I had it written down and I would have shown up on the wrong day next week myself.

RE: LES SHIVELY - PERMISSION TO ADVERTISE VACATION OF EASEMENT

President Tuley: The next request is from Les Shively. Again, it's permission to advertise a hearing date to vacate an easement. The petitioners are Ad Craft, Inc. The address is 2545 Eastside Park Drive in Evansville. The suggested hearing date for that is also June 10.

Commissioner Mourdock: I'll move approval of the advertisement for the hearing date for permission to vacate the easement as requested by Mr. Shively on behalf of Ad Craft.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Mourdock: That was one of Les' better speeches!

RE: KOESTER CONTRACTING - REQUEST 30 DAY EXTENSION BASELINE ROAD

President Tuley: Okay, the next request is Koester Contracting requesting a 30 day extension on Baseline Road. Do you guys have a copy of the letter?

Commissioner Mourdock: This is kind of embarrassing, but I don't think I have it. Oops! Yes, I do.

President Tuley: Basically, because of all the bad weather they are asking for an extension of 30 days due to record rainfalls. This is in reference to project VC95-10-02 Frontage Road at Baseline Road.

Alan Kissinger: Do you know anything about that request, John?

John Stoll: I was going to bring that request up during my agenda. I've got a copy of that request and I would recommend that it be approved. The weather has just not been good enough to allow the construction to proceed.

Commissioner Borries: Yeah, I would wholeheartedly concur. I would imagine that most folks in the county would certainly understand this. Normally, our contract year runs from what...the construction months...

John Stoll: This one was a little different because it was bid last winter with a May completion date, but with the winter and spring both being unsuitable for construction, that's what has really put it behind schedule. Since Azteca won't have any access to the road, it really hasn't presented any problems.

Commissioner Borries: Okay, I move that the request be granted.

President Tuley: I will second and so order.

RE: LYNN ELLIS - PURCHASING

President Tuley: Okay, department heads. Cindy, you didn't hear from Lynn?

Cindy Mayo: I was just speaking to John about this. Apparently, there is a bid opening which we didn't receive an agenda request for concerning St. Joseph Avenue paving and median removal. I do have one bid that came in to the office and I know that there was one that came in earlier in the day that we took down to Purchasing, so I will go down and see if I can find out because I think that she does have something to present.

President Tuley: Okay, we'll come back to her.

RE: WAYNE TROCKMAN - PROPOSED EASEMENTS FOR BURKHARDT ROAD PROJECT

President Tuley: Okay, we are well ahead of schedule here. Wayne, I don't see your name.

Alan Kissinger: Wayne is here in reference to some proposed easements for the Burkhardt Road project and...

President Tuley: And, uh?

Alan Kissinger: And, uh...I have reviewed them, John Stoll has reviewed them. John, I didn't bring my copies with me. Did you bring yours with you, Wayne?

Wayne Trockman: I have some originals.

Alan Kissinger: Okay.

Wayne Trockman: I presented these to John for review last week, and also to Alan for review, and would like to present them to the Commissioners tonight. They will be delivered tomorrow to Indianapolis where the closing would occur and then fully executed originals would be recorded and delivered back to Mr. Kissinger.

Alan Kissinger: Wayne, would you mind briefly explaining to the Commissioners what the easements accomplish, that they are easements from whom to whom and for whose benefits?

Wayne Trockman: Both of these easements are from the Hirsch Trust to Vanderburgh County. One is for the widening of Burkhardt Road at the intersection of the Lloyd. The other is the dedication to Vanderburgh County for the extension, or at least the proposed extension at this time, of Virginia Street east from Burkhardt. As I understand, these are both objectives of the county and these easements are being granted to the county, of course, at no charge and are all part of the arrangement for the widening and expansion of Burkhardt Road, the extension of Virginia to accommodate the existing traffic problems, as I understand, in that area.

Alan Kissinger: As I was telling the Commissioners, John Stoll has reviewed the proposed easements and I have reviewed them and it is my recommendation that the Commissioners give favorable consideration to approving this and accepting those easements at tonight's meeting.

Commissioner Borries: I move for approval.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Alan Kissinger: Do you need anything signed tonight?

Wayne Trockman: Yes, I do. I have...actually, once the Commissioners sign these tonight they will be fully executed. I should tell you, however, that we are delivering these first to G & B in exchange for certain things that they are doing for the Hirsch Trust.

Alan Kissinger: If I may inform our reporter, G & B is code for Gershman Brown.

Wayne Trockman: So, quite frankly, we do not want to deliver these to Vanderburgh County until we have closed and we have all our documents signed, but we must have them at the closing tomorrow. So, if I may, I would like to present them for signatures, take them with me and then deliver them back sometime after tomorrow.

Alan Kissinger: That's appropriate procedure, with the understanding that we do have the Sheriff at our disposal.

Wayne Trockman: I don't ever want him to knock on my door except to return a stray dog, perhaps. Here are the originals and a half executed original for Burkhardt.

Commissioner Mourdock: Is this, to your knowledge, the last bit of paperwork we need before Gershman Brown gets started out there and everything else is rolling?

Alan Kissinger: I beg your pardon?

Commissioner Mourdock: Is this the last bit of paperwork we need from the county with Gershman Brown to kick them off on the whole project?

Alan Kissinger: I am not being vicious when I say that I hope so, but I really don't know. I say that because, as I think I have told you in the past, this project has been unusual in that our Memorandums of Understanding continue to change as conditions change. This is certainly going to free a log jam that we have been dealing with up to this point.

Wayne Trockman: It is my understanding that they wish to be on the property and actually turning soil as early as late this week, if not the first of next week. I'm told that they now have all of their leases and arrangements signed with their large tenants and they are under time constraints which have already started to have the project finished and are quite anxious to close tomorrow and get started.

Alan Kissinger: I think in consideration of the timing of the project, I would be relatively safe in saying, in answer to your question, yes, probably. It's just been a matter of renegotiating so many times and, hopefully, this will put most of that to an end because Mr. Trockman has been the hold up...that's not true at all, he's been very well...

Wayne Trockman: There go the Sheriff comments. Actually, if the whole process was as easy as these two easements, it would be developed by now.

Alan Kissinger: You're absolutely correct. Okay, is everything signed?

President Tuley: Back to Lynn, is there no one down there?

Cindy Mayo: No, there is no one there and the County Engineer says that this is going to create a problem if we put this off for a week because of the completion dates that are listed.

Alan Kissinger: I have some questions, briefly. Have we reached the deadline for accepting bids?

Cindy Mayo: Yes, it was at 5:30 p.m. today.

Alan Kissinger: But we have received, personally, only one bid and the other is in the Purchasing Department?

Cindy Mayo: At least one other that I'm aware of.

Commissioner Mourdock: For what project? I'm sorry, I missed that.

President Tuley: For St. Joe.

Alan Kissinger: Let me make a suggestion that at the end of tonight's meeting...first, I would request that the Commissioners

vote as to whether or not I should open the bids. If you vote favorably on that, then I would ask that instead of adjourning tonight's meeting, that you recess it until tomorrow at which time I will come back, get the other bids, and if the Auditor's Office will cooperate with me, we will go on record and I will open and report the bids and then I will turn them over to John. I assume...were you prepared to make a recommendation tonight, John?

John Stoll: We were going to take them under review until next week's meeting.

Alan Kissinger: Alright, then I can go on the record and report the bids and then I can turn them over to John. Next week he can make a recommendation to the Commissioners as to which should be accepted.

Commissioner Mourdock: The only question that I have under that procedure is if we do not adjourn tonight, how do we officially end that meeting?

Alan Kissinger: We recess until tomorrow morning and note in the record that after the bids have been opened and reported, the meeting will be adjourned.

John Stoll: Would it be possible to call Lynn and see if we can get somebody to unlock the door and ask her where the bid is and go and get it this evening?

Alan Kissinger: I don't have any objection to doing that if you can get that done.

John Stoll: I'll give it a shot.

Alan Kissinger: Okay.

President Tuley: Don't go away, you're next.

Commissioner Borries: Well, maybe not.

**RE: COUNTY HIGHWAY AND BRIDGE CREW REPORT**

Alan Kissinger: If John wants to do that, I can fill in because I'm going to do the County Highway report tonight anyway.

Commissioner Mourdock: A man of many talents.

Alan Kissinger: Of course, I'll be expecting more money!

President Tuley: I knew that was coming!

Alan Kissinger: If you want, I will proceed with the County Highway report.

Commissioner Borries: Sure.

President Tuley: You might as well.

Alan Kissinger: Mr. Milton Hayden, who is assistant to our County Highway Garage Superintendent who is on vacation, came in tonight and advised me that he had the standard written report to present to the Commissioners. He wished to add that today the County Highway Garage began putting a base on Old Boonville Highway and they anticipate that they will finish that tomorrow. Work began today on the Allens Lane railroad track crossing. The county will start its portion of that on Wednesday and it should be completed by Thursday and Allens Lane should be open again for traffic by Friday. Then he informed me that he had been working since 1 a.m. this morning and asked me if I could deliver this report. He will check tomorrow with the Commissioner's staff to see if there were

any specific questions that the Commissioners had for him or any complaints or advisement of any situations that needed to be attended to on a quick basis.

Commissioner Borries: I wonder what he was doing?

President Tuley: There were some trees across the roads from last night. I had a chance to run into him before he left.

Commissioner Borries: Okay.

President Tuley: So he was doing tree removal this morning.

Commissioner Mourdock: One item that I have, and I'm hoping that Cindy walks back in so this will be conveyed to him, but if one of us, if I don't, please remind Cindy. On Boonville New Harmony Road, just east of 41 near Camp Reveal, on the south side of the road there is, along the county easement, an entrance into a driveway and that driveway has a pipe underneath it. The ditch that runs parallel to the road plugged off at that pipe with all the leaves here several weeks ago. As a result, water went up over the pipe and then eroded out all the driveway and now these folks...and I've been to it...cannot get into their driveway and it's a county problem, it's not their problem. It's something that we absolutely need to get those folks on as quickly as possible.

Commissioner Borries: Okay, and it's on Boonville?

Commissioner Mourdock: Boonville New Harmony just east of 41. What's...

President Tuley: East of Old State.

Commissioner Mourdock: Yeah, the second driveway east of Old State on the south side of the road just before you get to Pine Gate.

Alan Kissinger: Boonville New Harmony Road east of Old State near Camp Reveal on the south side of the road?

Commissioner Mourdock: Right.

Alan Kissinger: Pipe under the road is washed out and caused the driveway to wash out?

Commissioner Mourdock: Right. I have no other questions for our representative of the Highway Department.

Alan Kissinger: I will dutifully pass out the County Highway Department report. That's all the County Highway Department has to report. Now, if you wish I will go into my report? Any luck, John?

John Stoll: Not yet.

Commissioner Borries: John, you might have some comments here because I notice that Spry Road has dominated quite a bit of one of our work crews last week. It appeared, when I drove by there this morning, that some of that had been stabilized a bit.

John Stoll: Right.

Commissioner Borries: There is some fill that somebody brought in. I don't know if we did or the owners of the property or what the situation is on that.

John Stoll: It's mainly fill that the county crews have brought in. At this point, the owners of the property say that they will start allowing additional contractors to start putting fill in there. Hopefully, they can stabilize the toe of that slope.

They're going to start dumping on the north side of the borrow pit rather than on the south side like they've been doing. The county crews installed a pipe and everything to make it where additional dumping can occur to try to stabilize that bank, but since it's all sand it's still going to be a problem until it's capped off with something else.

Commissioner Mourdock: Any new report on the situation regarding the state requirements and such at the time?

Alan Kissinger: No. With what I was doing last week I didn't get any chance to work on this week's, but my approach to this has been to go back through the history of the legislation that led up to the present statute to see if there was a predecessor statute, if this merely amended an old statute, or if it's a brand new one. The reason is, if a state statute has been violated, then perhaps it constitutes what is known as a tort. We must give notice to the state within six months after the tort has occurred. We may have lost that opportunity, I don't know. That's where my research is going and I may come in and give you one of those reports that says, if you do this, this happens; and if you do this, this happens. I don't know what to recommend, but at least, hopefully, I'll be able to do that in an educated manner. I would like to at least know what I'm talking about and have completed my research.

Commissioner Borries: Thanks, John.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan, do you want to go ahead and give your report then?

Alan Kissinger: One thing that I have to report on, we have continued the contract by agreement of the Commissioners for the lease of certain premises by the Vanderburgh County Community Corrections and asked two things of corrections personnel. Number one, that they deliver to us a new proposed lease for some new term. Number two, that they report to us in reference to various improvements that have been made at the facility and the sources of the various funds for those improvements. I have talked with Judge Young and he has indicated that he has no objection to doing those things and will propose a new lease. In reference to the time constraints that we have placed on this, he says that because of all of the things that have been done there and all of the different sources of funding over so many years in the past, it is not going to be possible for him to report, or anyone from Community Corrections, to report to the Commissioners by the end of May. He has agreed that he would be happy to meet with the Commissioners in reference to this and will probably be asking for the assistance of the Auditor's Office to trace back and find out the source for the various funds for the various monies that have been spent there. In short, what he is asking is that we extend that period of time for some reasonable time to allow them to go into this. When I was talking to him his attitude was, hey, this is a lot of stuff. I didn't realize that we were putting such a burden on them, but apparently this has been going on under this lease for such a long period of time that they would literally have to go back into each budget and each appropriation request, etc. and find out where funds came from for various projects out there. He is not resisting doing it, he is just saying that he cannot do it by the end of May. I guess, in short, what I am asking is that the Commissioners consider extending the period of time under the old lease, continuing the terms of the old lease for a specific period of time until it is reasonable for us to expect a report on the funds, the improvements and the source of those funds at Community Corrections.

Commissioner Mourdock: Given the old Peter Principal that any job takes the amount of time assigned to it and I guess the Peter

Principal works for attorneys as well as everyone else.

Alan Kissinger: To a degree, but in this particular case we are pushing a judge, so the Peter Principal is not totally applicable as it would be to attorneys.

Commissioner Mourdock: Those don't apply either! Well, let me retract that statement slightly because obviously there are folks involved other than the judge with the Auditor's Office and all, but is it your feeling that another 30 days is going to do it? Or another six months?

Alan Kissinger: I don't think six months...I think six months is more than we should expect it to take them. I think if we say 30 days we might be back here in 30 days asking for another 30 days. So if we say 90 days...you know, this is the starting point. In 90 days we would like to have the report and I think we will probably get that. I do not get the impression that there is any secretiveness or an attempt to keep any information from us, it's just a matter of being confronted with so many things to do at one time and they didn't know where to start. Someone suggested maybe the Auditor's Office and that sounded real good to them!

President Tuley: I'll bet.

Commissioner Mourdock: Based on that comment, I would move that we extend the lease on its present basis for 90 days.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: The next matter that I have is that we have prepared proposed contracts for the hiring of the Food Manager and Assistant Food Manager at Burdette Park. Joyce is here tonight from Burdette Park to answer any of the Commissioner's questions. I think that you have had an opportunity to review the financial reports that were prepared by the Burdette staff and presented to the Commissioners, I believe, in April. I would also like to point out that some time back in the summer, at the request of the County Council that fund, at a public meeting, effectively loaned like \$25,000.00 to the county into the General Fund. So, in answer to your question, can the fund afford it? That question seems to have been answered in the positive. As to what we are going to pay these folks, I think, as a matter of fact, those figures have changed since last week. I believe that the person they anticipated hiring as the manager has now taken a full time job so they have gone to their second choice for manager. Am I correct that you are requesting the approval of \$8.50 an hour and \$7.50 an hour?

Joyce Moers: It's \$7.50 and \$6.50.

Alan Kissinger: Oh, \$7.50 and \$6.50. So that comes up to a total of \$14.00 an hour instead of \$16.00 an hour as it would have been at last week's meeting.

President Tuley: The hours are staggered, right?

Joyce Moers: Yes. I do have an employee handbook and right inside the front are the employee hours for the manager and employees. I put in their schedules so that you can see there are very few times that they do overlap. It is a two person job. At the very bottom I have totaled the hours that each person would have. One person would have on one schedule 37 1/2 hours and on the other schedule, there would be 36 1/2 hours. I did that because there are times when they don't get out on time at the end of the day. It takes longer to clean up, maybe they had to stay open a little longer because the crowds are a little bigger than we anticipated on some

days. This gives them flexibility of adjusting those hours up a little bit, but not exceeding the 40 hours. With the very little time that they overlap, you can see that it really is a two person job. Last year we had one person trying to do this and try to stay under 40 hours. The excess time was covered by either myself or someone else on staff.

Commissioner Mourdock: I have just three quick questions since I've had a chance to review the contracts, and I appreciate the fact that last week that I didn't have those, I guess it's my fault here that we're looking at this again. The first question, and these are more to Alan than they are to you, Joyce, although you're welcome to chime in here, too. The rates in excess of 40 hours you said, I believe, last week, that because it is a contract that we are not looking at any risk there as far as time and a half.

Alan Kissinger: That is correct.

Commissioner Mourdock: Okay, that's question number one. Question number two, I notice in the liability section you've got us responsible, meaning the county, quote:

"And shall hold Food Manager harmless from any and all liability for property damage or personal injury which may result in the normal course of the execution of the Food Manager's duties pursuant to this agreement."

Alan Kissinger: Accidents which may occur. God forbid, food poisoning or something like that.

Commissioner Mourdock: Exactly the thought that was going through my mind.

Alan Kissinger: We provide the products that are sold there, the equipment on which to prepare those products and the location so it would be unreasonable for us to try to hold them liable or have someone else hold them liable.

Commissioner Mourdock: In the case of negligence of this person, if they let some raw hamburger sit out in the hot sun for six hours?

Alan Kissinger: Yes, that would be outside the course of their responsibility and we would not be liable for that.

Commissioner Mourdock: Okay. I said there were three, that was two and I've forgotten the third one.

President Tuley: This has great detail.

Commissioner Borries: Yeah, I want to commend you Joyce for this. Has this been in effect, your employee handbook?

Joyce Moers: Yes, it has. Saturday and Sunday I spent training our staff.

Commissioner Borries: I mean you had this last year as well as this year?

Joyce Moers: Right. I started with it last year and revised it as I needed to. We found that we needed to add things and I put together my notes from last year plus what we started with and developed a new handbook.

Commissioner Borries: How many employees do you use out there?

Joyce Moers: I had hoped to have about 20 and I had 17 show up this weekend, which you always anticipate a few that won't. I, hopefully, will be able to fill those other three spots. With as

many locations that we have, as many schedules that we have and with the heat, you don't want them to have to work too long of a shift on really hot days, so we really do need to have the excess people to cover those hours.

Alan Kissinger: The school kids will be breaking loose soon.

Joyce Moers: Uh huh.

Commissioner Mourdock: I did think of my other question, if I can go back to it for just a second, Alan? On the nature of the relationship here, these are obviously contract employees and I'm just curious, but are we consistent with our other contract employees for the county regarding the payment of income, social security and all other taxes? We're not withholding those taxes?

Alan Kissinger: Are we consistent in that they are contract employees? Yes, although we do have seasonal employees that we do withhold on.

Commissioner Mourdock: But they're not contract employees?

Alan Kissinger: Correct.

Commissioner Mourdock: They are just temporary?

Alan Kissinger: Correct.

Commissioner Borries: Well, again, I think that part of the confusion on what was discussed last week was not clear, at least to me, on an explanation regarding the scheduling, but you've clarified that today and indicate here that they are not working at the same time except, again...you're really...your peak days are what, Friday and Saturday in the summer?

Joyce Moers: Friday, Saturday and Sunday.

Commissioner Borries: Extensive...your hours are later on Friday and Saturday than they are...

Joyce Moers: Friday, Saturday and Sunday. Friday nights we go till 10:00 p.m. once we start our pool parties. Saturday and Sunday we are open until 7:00 p.m. Holidays we're also open until 7:00 p.m. The other days we close at 6:00 p.m. I do have a few times that we overlap, but I think it's important for one manager to talk to the other to see if there are problem areas or things that they need. They are going to have to do scheduling and if one can be on rotation while the other one is preparing the schedule, I think it's important to have some overlap time, but there is very little.

Commissioner Borries: I know this weekend coming up you are going to get started.

President Tuley: This is it.

Commissioner Borries: We need to take some action.

Commissioner Mourdock: Did they get all the mud out of the pool?

Joyce Moers: Yes. We have one pool filled---

Commissioner Mourdock: Not with mud, I hope?

Joyce Moers: ---the other one they're almost ready. No, not with mud, with water. The other one they are going to finish painting. They were working on it this afternoon. As soon as they get the painting finished they are going to fill it. Hopefully, start on it Thursday because we have safety patrol kids out there Thursday.

Commissioner Borries: So you have one person in to hire tonight?

Joyce Moers: No, two.

TAPE CHANGE

Commissioner Borries: Those names, and that's the main decision we need at this time, is that correct?

Joyce Moers: I think Alan just needs approval for the contract, is that right, Alan?

Alan Kissinger: Yeah, we can just fill in the blanks. If you want, do you have the names of the individuals now? If you just make those names as a part of the record then we can fill in the blanks after the Commissioners have approved with the understanding that they will be persons named specifically for Manager and Assistant Manager and that one will be paid \$7.50 an hour and one \$6.50 an hour and today's date, obviously, or whenever they are going to start, will be the starting date on the contract.

Joyce Moers: Okay, I have a question. I did have one come in Saturday, or Sunday I'm sorry, for a little bit of the training just so they could kind of familiarize themselves. Can Saturday be part of this contract or do they need to be considered a part-time person or can that be covered at all?

Alan Kissinger: Sure, you can cover it in the contract as long as the Commissioners agree to pay for it. Yes, they can make that person's contract effective that date.

Joyce Moers: That is the only day, you know we're opening next week and I had no time to do training any other time with this being put off another week.

Alan Kissinger: Yes, you can do that. So, what are the names of the people?

Joyce Moers: The manager will be Suzanne Kasinger at \$7.50 an hour. The assistant manager will be Shavonna Garret at \$6.50 an hour. Did I say \$7.50 an hour the first time?

Alan Kissinger: Yes, \$7.50.

Joyce Moers: Alright.

Commissioner Borries: I move that the contracts for those positions be approved.

Commissioner Mourdock: You want to amend that slightly, Rick, to cover this Saturday situation?

Commissioner Borries: Yeah, was it one day?

Joyce Moers: One day, Sunday.

Commissioner Borries: For the manager?

Joyce Moers: Assistant manager.

Alan Kissinger: If you wish, you can just say that you move the contract be approved effective the 17th day of May.

Commissioner Borries: I will amend my motion to include actually the 18th day of May, Saturday?

Alan Kissinger: Yes.

Joyce Moers: We were training Saturday, but she was not there

Saturday. She was there Sunday, so if you want to make it effective Saturday, since that was her first day of training.

Commissioner Borries: That's no problem. Effective Saturday, May 18.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Joyce Moers: Thank you.

Commissioner Borries: Thank you, Joyce.

Alan Kissinger: That's all I have to report.

President Tuley: Cindy has both bids, it looks like now.

Alan Kissinger: I would ask then for the Commissioner's permission for me to open those bids.

Commissioner Borries: For the record then, there were only two bids?

Cindy Mayo: Mr. Stoll expected only two bids to come in on this.

Commissioner Borries: You did, John? That's affirmative? Yeah, I move that the County Attorney open the bids.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, while he is reviewing those, John, you want to go ahead and give your report?

John Stoll: First, I've got a Notice to Bidders for the section of Green River Road, Section B, that we will be building this summer. I recommend that the Notice to Bidders be signed.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next up I've got a Notice of Intent to discharge storm water that needs to be filed with the Indiana Department of Environmental Management. This is for Lynch Road, Phase 2. This is just a paperwork thing that we need to submit to IDEM saying that we will be discharging storm water in accordance to all the procedures, and we pay them \$100.00 and---

President Tuley: They say, okay!

John Stoll: --they say, okay.

Commissioner Mourdock: Not that fast, they don't!

John Stoll: The letter needs the Commissioners President's signature on it and I recommend that it be approved.

Commissioner Borries: So moved.

Commissioner Mourdock: Is that for the construction period, I presume?

John Stoll: Yes.

Commissioner Mourdock: While we are doing construction we need the discharge permit?

John Stoll: Right, it's for the year 2002. That's the anticipated construction time frame for Lynch Road, Phase 2.

Commissioner Mourdock: Oh, this is solely for Phase 2?

John Stoll: Right. We've already done all the paperwork associated with the paving of the phase that takes it out to Burkhardt, from Oak Hill to Burkhardt. This is for the section between Burkhardt and---

Commissioner Mourdock: I-164?

John Stoll: Right.

Commissioner Mourdock: Having heard the motion previously, I will second.

President Tuley: So ordered.

John Stoll: Last fall I sent you a memo regarding Chastain Drive in Harper Heights Subdivision, regarding a street that we found that was not county accepted, and in front of you is a timetable of what events have occurred since the subdivision was built and it was circulated between you last fall. Since that time, we have verified that the residents did pay for the improvements that they said they had paid for. We've got copies of the checks, the original cost estimate for the work that was done and that all just verifies that the work they told us had been done as they maintained the road had been really completed. For whatever reason, the road was never accepted even after the county had told the residents at one time that it could be accepted upon completion of the work that they had done. I don't know whether the residents didn't follow up or whether the county didn't follow up, but the street was never accepted. Now this has come up again and, based on the work that had been completed, it's in pretty good shape. There are about three sections of concrete that would have to be replaced, but that's about it. The joints need sealed as well, but overall, given that the road is 20 some odd years old, it's in fairly good shape. In order to prevent it from becoming another Westchester and Whitman, I would recommend that we go ahead and accept it now knowing that we will eventually need to replace three slabs of concrete out there. If it weren't for the fact that the residents out there had done some work at one time on the basis of recommendations from the county, which we've got documentation on what the county requested, I wouldn't recommend that we take it. But it looks like they followed up on their end and the county hasn't followed up on their side of it. If we continue to let it go, it will continue to deteriorate and it will be one of those problems out there that nobody will take any responsibility for.

Commissioner Borries: I agree. I have driven the road and observed it and I can offer no reason why it has not been accepted. I have no idea. As so many things happen, it oftentimes is discussed here in a meeting and referred. Then you don't hear anything for a while and then all of a sudden somebody will call and there will be other checking...somebody will say, well, we'll have to see and people change and that all complicates the situation as well. I would concur and I think that, although there are some repairs that appear to be needed, the overall quality of the road seems to be acceptable at this point, but if we continue to let this matter drag on, I'm not sure, and it's obviously not going to stay better by itself.

John Stoll: I just handed Pat a letter from 1985 from the County

Engineer that requested that specific work be done, and based on what we've been able to determine, that work was done, but then the road was not accepted and that letter states that the road could be accepted by the county upon completion of that work, so that is the basis for the recommendation.

Commissioner Mourdock: I'll move that we accept the street of Harper Heights as suggested by the County Engineer.

Commissioner Borries: I would second.

President Tuley: So ordered.

John Stoll: The drawing that I've just handed out is also a street that has been a problem as of late. That's on Wright Drive and that's the street that everyone thought was county accepted until we went out to do some research to find out what the right-of-way was. The street was conditionally accepted upon the residents granting a 40 foot right-of-way and that right-of-way was never granted. On the basis of Alan's recommendation, the street was no longer deemed to be county accepted. In order to establish the right-of-way on that road, we hired Bernardin Lochmueller & Associates to, basically, stake it out and give us a drawing on where true right-of-way lines lie. The drawing that you have in front of you is the survey that Bernardin Lochmueller prepared. We only have a 16 foot right-of-way there and I have been getting some phone calls from some residents out there who just want to know what the status of the road is. On the basis of what we've seen, there are really about three options. One, the county doesn't take it back because of the narrow right-of-way width. Two, we could take it back with the existing 16 foot right-of-way knowing full well that it won't be paved and it will remain a gravel road because there is just not enough width out there to pave it. The third option would be to have the residents dedicate the right-of-way to make the 40 feet which was originally requested when the road was conditionally accepted back in 1968. The problem with the right-of-way dedication, as you can see in the drawing on the north end, there is a house and a barn which is right up on the existing right-of-way line so there is no way to get the right-of-way at that point. We would only be able to get the 40 foot right-of-way from that property line on southward. If you want to go out and take a look at this so you can make a determination on which way you want to approach it, that's fine. I just wanted to bring to your attention that there are some residents out there who have been calling.

Commissioner Mourdock: What do the residents want? Do they want us to accept the road and pave it?

John Stoll: Some of them want it paved, some of them don't. I think, mainly, they want it county maintained.

Commissioner Borries: This sounds like a lot of things we get into.

John Stoll: You bet.

Commissioner Borries: Some do and some don't.

Commissioner Mourdock: Some of them are going to grant easements and some of them aren't.

John Stoll: Probably. I haven't talked to...I've talked to two, basically, and that was Savage and Thacker.

Commissioner Borries: Savage is going to have a real problem.

John Stoll: I'm sorry, not Savage. I forget the other guy's name, but it wasn't Savage.

Commissioner Mourdock: Schmitt? Merida? Duncan?

John Stoll: I think everybody's main concern was that the road is county maintained. If we accept it with a 16 foot right-of-way it won't be paved. There is no way that can be paved and be safe. Speeds would increase and it's just not wide enough. If it's going to be accepted on a 16 foot right-of-way, which it wouldn't be a problem for the county crews based on what Bill Morphey and Milton Hayden had said last week, they could accept it on the basis that it is a gravel road and will be maintained as a gravel road. If it were to be widened, there is quite a bit of work that would need to be done as far as clearing the expanded 40 foot right-of-way.

Commissioner Mourdock: Could we receive easements from those who have not yet...we're going to maintain it at 16 foot, then we are not getting any additional easements. What we've got, we've got?

John Stoll: Right.

Commissioner Mourdock: Go ahead, Alan, I took care of my scenario.

Alan Kissinger: John, do I understand correctly that if we get the additional right-of-way, that we can make this road 40 feet wide or at least we can maintain a road with a 40 foot right-of-way, much wider than the one existing, except at the point where the barn is located?

John Stoll: Right. Where it intersects Meyer Road.

Alan Kissinger: Would we actually funnel it down at that point?

John Stoll: It would have to remain its existing width. There is quite a bit of work that would have to be done on the south end just to clear the right-of-way and put in new ditches and things like that before it could ever be widened even south of the barn, so it's not something that could happen overnight. At that point, it would either have to taper back down to the existing width or we would have to get the right-of-way from the person on the east side of that right-of-way line. There would, potentially, be a jog in the road and also the person on the other side of the east right-of-way line has no need for access to that road because they've got access to Meyer Road, so they might not be real receptive to giving us right-of-way.

Alan Kissinger: Is that a stop sign intersection there?

John Stoll: Yes.

Commissioner Mourdock: If we accept it under its present conditions to maintain it as only a gravel road, Alan, do we accept any greater liability on behalf of the county?

Alan Kissinger: No. Mr. Mourdock, when we get into the liability is when we do what John has suggested we not do: when we take that narrow corridor and pave it and invite higher speeds. We've found that out in a painful fashion. It is understood that there will be roads that will never be suitable for paving.

Commissioner Mourdock: I move that we accept Wright Drive as a 16 foot easement and note in the motion that we have no intention of paving.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Borries: What I would say is that if they raise this issue again about whether or not...and you're real clear on your explanation, but every one of these homeowners would have to agree

to at least give us 40 feet. We wouldn't pave all 40 feet, but we would probably go 24 or something like that, but if we can't get the easement larger than what Commissioner Mourdock described, the 16 feet, then they need to understand that it is never going to get paved.

John Stoll: I can bring that up to these people and if they want to start the process of dedicating the right-of-way they can do that now, but I don't know that they would come to a consensus on each one giving 40 feet at this time.

Commissioner Borries: They wouldn't have to...

Alan Kissinger: They would merely have to give sufficient additional right-of-way.

John Stoll: Yeah, 20 feet.

Commissioner Borries: You probably would have to look at an extra 12 feet on each side.

John Stoll: The problem is that only the people who live on the west side of the road have access to the road. There is a tree line on the east side and so they have access out to Meyer, so they are not going to have much interest in giving additional right-of-way.

Commissioner Borries: Okay.

Commissioner Mourdock: We've done all we can do.

President Tuley: That's right.

John Stoll: I didn't bring an acceptance form, but I'll bring that to next week's meeting. The plans that you have in front of you are for the relocation of BFI's entrance on St. Joe Avenue. What they are going to do is dedicate some additional right-of-way and construct a right turn lane into their new entrance. It will be a 400 foot turn lane with 150 foot taper and it's substantially longer than what is out there right now. This entrance will be farther north, more up towards the fire station that is up there. Since it is an expansion of an existing county road that is why the plans are before you. I would recommend that the plan for the right turn deceleration lane be approved.

Commissioner Mourdock: Is all this, John, and this may go a little bit beyond your area, but is all of this part of the plan that they submitted to IDEM as part of their operational permit for the relocation of Locust Creek and that new landfill that's being developed? Is this what they showed as a part of that plan?

John Stoll: I don't know, specifically, in regards to being tied to their other permits, but this is as a result of the new landfill and they will be building their new road coming in there on the north side and they will be building a new bridge across the relocated Locust Creek, so I would assume that it is all part of the same.

Commissioner Mourdock: Say that part about the bridge, what bridge will be built?

John Stoll: They'll be building a new bridge on Locust Creek, too.

Commissioner Mourdock: Not as a part of the St. Joe Road, but as part of their entrance there?

John Stoll: Right. That won't be a county accepted bridge, it's on their private entrance road so that won't be anything that we will be reviewing and approving.

Commissioner Mourdock: The turn lane is all on their property? I presume for the 400 foot turn lane we are getting additional easements?

John Stoll: Right.

Commissioner Mourdock: From them?

John Stoll: Yes.

Commissioner Borries: I move that the turn blister, essentially that's what it is I guess, on St. Joe Avenue in the entrance of the Laubscher Meadows Landfill be approved.

Commissioner Mourdock: I think I'll second that, but just one other question. It's not just a deceleration right turn lane, but there is also a blister that comes out from the northbound?

Commissioner Borries: Deceleration and acceleration, I guess?

John Stoll: Yes.

Commissioner Mourdock: But, obviously, the acceleration lane is only 100 feet versus the 400 feet of the other one?

John Stoll: Right.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: Last week, the issue of my vacation time came up and the minutes that you have in front of you are a copy of the minutes from 1994 where it was taken in front of the Personnel Administration Committee. They said it was the Commissioner's decision rather than that committee's decision on my time at EUTS towards vacation seniority.

Alan Kissinger: John, although I know it doesn't concern you personally, it is my understanding that exactly the same question has been asked in reference to Bill Campbell, who is the director of the Drug and Alcohol Deferral Service.

President Tuley: There is a letter from him?

Alan Kissinger: Yes.

President Tuley: We're doing just that.

Commissioner Borries: Well, I move approval and I will do so with the idea that roughly one third of the funds for the EUTS Study Committee are county funds. Maybe it's higher than that, John might know, but I know that it is a joint funded department which works in county government. It was my understanding that when you moved from your position to the position of County Engineer there was no break in your employment whatsoever and so you've had continuous employment and, again, based on the clear funding, the mixture of funding, in fact, it's from the City of Evansville, the County of Vanderburgh, and Warrick County throws in some.

John Stoll: The City of Henderson.

Commissioner Borries: City of Henderson, Ky, so it's a jointly funded department. I would move that the request for vacation, according to the years of experience that you've had with that department and in county government, be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. On the Drug and Alcohol Deferral Services, there are two people mentioned. What I would like to do is get each of you a copy of this letter and let you gnaw on it until next week and then we will bring this back next week.

Alan Kissinger: I can briefly give you some detail on that. The history of the Drug and Alcohol Deferral Service is that it started under the management of the Vanderburgh County Prosecuting Attorney and then for a brief period of time it functioned under the direct supervision of the Vanderburgh County Superior Court and Misdemeanor Traffic Division when there was a judge there by the name of Kissinger, and then it was accepted by the county. These folks are in exactly the same situation. There has been no gap in service, there has merely been a change in budgets. As far as their status as employees, I think that there has been no gap in service.

President Tuley: They have always been paid by the County, right?

Alan Kissinger: Yes, they have always been county offices, but under the supervision of different offices.

President Tuley: There is another request, that's why I thought maybe you might want to look at it.

Alan Kissinger: That's fine. I just wanted to give you that.

President Tuley: Are you ready to open up those bids so these gentlemen here can go?

Alan Kissinger: Yes. Bid recap on project VC96-04-01, the St. Joe Avenue paving and median removal. There were two bidders.

- |    |                           |              |
|----|---------------------------|--------------|
| 1. | J. H. Rudolph & Co., Inc. | \$268,089.10 |
| 2. | Koester Contracting Corp. | \$262,477.69 |

The County Engineer has requested that the Commissioners take this matter under advisement until the meeting on May 28 at which time he will make a recommendation to the Commissioners as to the award of the contract.

Commissioner Borries: I move that the bids be referred to the County Engineer, John Stoll, for review of one week.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Commissioner Borries: Sorry to keep you waiting.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

Cindy Mayo: I have a memo from Sherman Greer that he asked if I would read it into the record.

"Federal inspectors are expected in Vanderburgh County Tuesday or Wednesday of this week to look at infrastructure damage. Please inform necessary department heads that federal inspectors may be contacting them directly for damages done during the recent flooding. If departments are contacted, please let our office know."

This was faxed late this afternoon so I have not yet contacted the department heads, but I will do that tomorrow. The only other matter that I have is, last week I was asked to get some information on transferring the franchise for the cable TV. I did speak with a gentleman that had called and I believe his name was Mr. Hawkins, but he said that this is exclusively for Wells Mobile

Home Park.

Commissioner Borries: That's what I thought. That was the cable?

Cindy Mayo: Yes. I do have a contact person, address and phone number so if we would get any complaints, they are out of Ferdinand, Indiana, so they would be able to come here the day that they received notice of any problems.

Commissioner Borries: Great. I move that the transfer of the license be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Cindy Mayo: That's all I have.

**RE: CONSENT ITEMS**

President Tuley: Consent items. We have employment changes and travel requests.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: SCHEDULED MEETINGS**

President Tuley: Scheduled meetings, let me find it. As you heard, next Monday the 27th is a holiday, oops, let's go back to this week. The 21st, tomorrow morning at 9:00 a.m. there is an Insurance Committee meeting. On the 23rd there is a Steering Committee meeting at 9:00 a.m. The 27th, Monday, is Memorial Holiday so there will not be a meeting, however, on Tuesday the 28th there will be an Executive Session at 4:00 p.m., 5:30 p.m. is the Commissioners followed immediately by the Drainage Board meeting. That takes care of scheduled meetings.

**RE: OLD BUSINESS**

President Tuley: Old business? Okay.

**RE: NEW BUSINESS**

President Tuley: New business. I've got a couple of things and both are along the same lines. In reference to 9A, this is a news release sent down from the Governor's Office. As of Friday, May 10, Governor Bayh formally requested federal aid for residents affected by flooding in southern Indiana that started on April 28, 1996 and is continuing. Basically, the counties that were affected are Crawford, Dearborn, Franklin, Harrison, Lawrence, Martin, Orange, Vanderburgh, Warrick and Washington. The outcome of that...basically, let's just read it here:

"Under a Presidential Disaster declaration, low interest loans from the Small Business Administration are available to homeowners, renters and businesses. For those who do not qualify for loans, other programs administered by the Federal Emergency Management Agency (FEMA) are also available. They may include temporary housing, individual and family grants, disaster unemployment assistance and others."

It talks about not being just affected by rain, but the same counties have been affected by snow, ice and wind storms through the blizzard of '96. It said:

"In his letter to President Clinton, Governor Bayh left open the possibility of requesting aid for local governments to repair damaged roads, bridges and other public facilities. An assessment to determine actual damage has to wait until flood waters recede. The Governor, however, noted that some of the jurisdictions were declared eligible for snow removal assistance for the Blizzard of '96 and are waiting for a decision on assistance for a severe March snowstorm. Governor Bayh wrote, "I cannot emphasize enough the fact that local government infrastructure budgets, especially in southern Indiana, are facing overwhelming problems that cannot be corrected without your assistance"."

Commissioner Borries: I would say amen to that! That was one of the reasons that I suggested that we look at this on that last sentence because maybe John Stoll, with our continuing problems along those pits as well as others, but the river hasn't gone down enough for us to truly assess where we are in relation to our needs or damages with other parts of our infrastructure. Let's hope soon that this river will subside, as well as Pigeon Creek that affects part of our damages. Apparently, the city of Evansville could have, certainly, some infrastructure needs so that we could write to Governor Bayh and ask him to write to the President concerning the infrastructure needs here. Your budget is certainly going to be stretched, or the Highway, as we already know on Spry Road we've had unexpected repairs there and I'm sure you're keeping totals of all this. The sooner that we can accumulate this information, the better off we'll be.

President Tuley: Along those same lines of thinking, we also have a letter here that I have prepared. Darrell Rice contacted me last week about the possibility of some federal assistance under the provisions of Section 403, Agricultural Credit Act of 1978 to repair damages caused by the storms of April 28, May 7 and May 10.

"Extensive damage to roads, bridges and streams have occurred county wide. Total damages are not calculated as of yet due to continued flooding. Current damages are estimated in excess of \$500,000.

We understand, as sponsors of an emergency watershed protection project, our responsibilities will include acquiring landrights and permits needed to construct, and if required, to operate and maintain the proposed measures. We are prepared to furnish the 20 percent local cost-share of the construction work."

This letter is addressed to Robert L. Eddleman, Natural Resources Conservation Service. So, if the Commissioners wish, we can try to hit from every angle and every possible source of revenue or money that we can get.

Commissioner Mourdock: I will move approval of the letter.

Commissioner Borries: Second.

President Tuley: So ordered. It takes all three signatures.

Commissioner Mourdock: I have a new business item if you're finished with that one.

President Tuley: I'm finished.

Commissioner Mourdock: Okay. As this Board knows, we've had a number of discussions that seem at times to be, perhaps, frustratingly limited to the confines of this room regarding the potential duplication of efforts between what the county is doing at the Vanderburgh Auditorium and Gold Room expansion and with what

the city and others are intending to do with the Victory Theatre/Learning Center project. I listened to the City Council meeting last week until about 11:00 p.m. as they debated the issue for the funding. As you know, they, ultimately, unanimously approved to vote for the funding of the Victory Theatre/Learning Center project. Sometimes it is easier to start a big fire than it is a small one, because I think it is very important that the people on the City Council recognize the duplication that could exist if we do not work together. We, meaning the City and County. I would propose for this Board tonight a resolution, which I'll read in just a second, and then also ask if it be the will of this Board that I speak to the City Council tonight. Quite honestly, I am going to do that if this Board agrees or not, but I will, quite honestly, too, represent it as either my point of view or the point of this Board. However, the specifics of this Board need to be limited to the resolution. Let me read it, very quickly, into the record:

"Whereas, Vanderburgh County is in the process of renovating the Vanderburgh Auditorium and Convention Center, and

Whereas, the County is, as part of that renovation, modernizing the Auditorium facility, creating new display and convention space, creating business and meeting rooms and re-designing and modernizing the banquet facilities, and

Whereas, the County Commission desires to create a facility which will adequately serve the City and County, and

Whereas, the County Commission recognizes with concern the possible duplication of facilities by the planned renovation of the Victory Theatre/Learning Center Project,

BE IT RESOLVED THAT, The Board of Commissioners of Vanderburgh County hereby:

invites all members of the Evansville City Council to its June 3rd, 1996 meeting on proposed uses for the Vanderburgh Auditorium and welcome any statements the Council or its representatives may choose to offer,

invites the Mayor of the City of Evansville to its June 3rd, 1996 meeting on the proposed uses for the Vanderburgh Auditorium and welcome any statements he or his representative(s) may choose to offer,

urge the government of the City of Evansville to actively work and meet with County government to avoid a duplication of services and facilities offered by the Vanderburgh Auditorium and Gold Room renovation and expansion and the renovation of the Victory Theatre/Learning Center Project.

urge the government of the City of Evansville to actively work and meet with County government to avoid any voids of services and facilities offered by the Vanderburgh Auditorium and Gold Room renovation and expansion and the renovation of the Victory Theatre/Learning Center Project."

Mr. Fluty just advised me that I may have misspoke; the meeting is June 3, not June 23. With that Resolution, I would ask that this Board approve it. I will also submit for the record the comments that I intend to make which are fully formalized here. I will submit those too, for our record.

Commissioner Borries: I will agree with your resolution and I can support it. I think it is very important for all citizens in our community to have knowledge and input of how these plans are going to move forward, so I can support your resolution. I guess, coming from, again, my perspective and my background, as I have had to say so often on my watch, it seems as if I've had to repeatedly contend with negative comments about Vanderburgh Auditorium and that's why at times I feel almost defensive in terms of trying to defend its mission. It is, in fact, owned by all the taxpayers of the county and that has been a major focus of where I've been headed. I guess to emphasize that point further, I just can't imagine a better performance than I saw with the "Les Miserables" production that was in this community for this past week. I mean, the voices, the sets, the sounds, the lights and all of the effects in that production were truly first class. I hope that as we move forward, that we are truly going to have something that we can be proud of to house that kind of production in the future. So, I want to tell Commissioner Mourdock that I would agree with that. I think that we do have to move forward and communicate with everybody very carefully on these projects and, again, all the while where I'm staying focused on what the county's project has to be at this time.

Commissioner Mourdock: I would add, since you mentioned the "Les Mis" performance, I saw "Les Mis" on Saturday night here at the Auditorium. It was the second time that I had seen that presentation. I also saw it at the Kentucky Center for the Performing Arts in Louisville. In fact, my wife's comment immediately after was, "There was nothing lacking from this performance than what we saw in Louisville", and I added that, "Except here the seats were a lot more comfortable". You've got a lot more room. It was an outstanding performance.

Commissioner Borries: You bet and I would echo that. I saw it in New York and the seats were more comfortable here. I was in the balcony so I can't really say that I saw all the full effects of all the sets, but it was really an outstanding production and equaled anything that I saw there. So, I can support your resolution and I think that we do have to look at a larger picture. I guess that is why I also advocated the inclusion of what the future would be also to the area known as the Green Center and hotel and everything else. There is really a lot that we need to look at, but your resolution is on target as these two projects move forward, so I would certainly second.

President Tuley: There is a motion and a second and I wholeheartedly agree with both of your comments and I will so order.

Commissioner Mourdock: Very good, thank you.

President Tuley: There is one item yet to be discussed under new business which I believe is your topic, Mr. Borries.

Commissioner Borries: Mr. President, it has come to this Board's attention through some sources regarding some personnel in the county concerns and perimeters of what the county's vehicle policy was. I have attempted to look at these uses, share the information with others of this Board and see if this would perhaps clarify any confusion that might take place regarding the vehicle use. I must say that this does regard, or would involve, some change on the part of the way vehicles and their use and their display have been in the past. Like all things, things change and if there is any confusion or concerns that have been voiced, unsubstantiated or otherwise, perhaps this might clarify that policy.

"Vehicles designated for "take home use" by the Vanderburgh County Commissioners apply only to emergencies which occur after or before regular county

business hours. Designated employees who drive these vehicles will park them in a secure place after or before regular county business hours. During regular county business hours, these vehicles will be used only on official county business.

All Vanderburgh County vehicles will display an official county identification. This does not apply to certain designated vehicles used by law enforcement officials of the Vanderburgh County Sheriff's Department."

President Tuley: Alan, since this represents a change to policy that we recently adopted, how do we go about getting it enacted?

Alan Kissinger: The appropriate way is to file an ordinance to amend our present Personnel Policy Ordinance, then schedule it for a time when it can be considered by the entire Board of Commissioners, at which time it should be voted on. If there is a majority vote, then it would be adopted as an amendment to the present Personnel Policy Ordinance.

Commissioner Borries: If this Board would have any suggestions, this may not be in exact form, but I would offer that as an amendment to the Personnel Policy or a clarification to be added to the codification through the ordinance process.

Commissioner Mourdock: With that amendment, I apologize I had to step out for just a second, but I presume what I caught as I came back in is as Alan was saying that he would fine tune, if you will, this language and put it in ordinance form? I would certainly agree with that. I would ask that be done just as promptly as possible.

Alan Kissinger: I will try to have this ready for the 28th meeting and ask for approval for advertising at that time.

Commissioner Mourdock: That would be excellent.

Commissioner Borries: I would move that be approved and given to the County Attorney for proper language for codification to the County Ordinance.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Commissioner Mourdock: One footnote to that. Obviously, it isn't a personnel policy matter, but we may want to just do an inventory of sorts of all the county's practices as far as fueling vehicles just to make sure that we are keeping good records on them. Again, that's not a policy matter.

President Tuley: Okay, any other business before the Commissioners before we go to Rezoning? I guess we'll move for adjournment for the regular meeting and go into the Rezoning Hearing.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

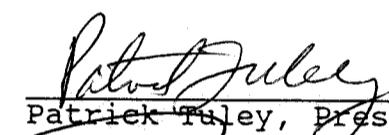
President Tuley: So ordered.

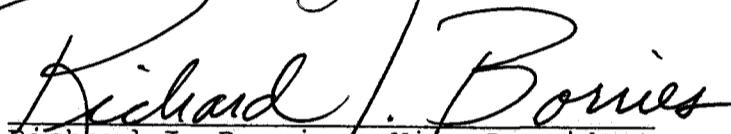
Meeting was adjourned at 7:16 p.m.

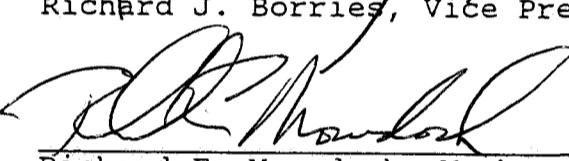
THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Bill Fluty  
Charlene Timmons  
Rick Witte  
John Stoll  
Wayne Trockman  
Joyce Moers  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
REZONING MEETING

MAY 20, 1996

Approval of minutes .....	1
First readings .....	1
VC-6-96           Hobert Head           1600 Orchard Road	
Final readings .....	1
VC-2-96   Martha M. Ryan       804-1100 Royal Avenue	
VC-3-96   Richard Wilder       3025 N. St. Joseph Avenue	
VC-4-96   C & S, Inc.       11001 Highway 41 North	
VC-5-96   Greg Kempf       13333 Birch Drive	
Adjournment .....	7
Attendance and signature sheet .....	8

VANDEBURGH COUNTY BOARD OF COMMISSIONERS  
MEETING OF REZONINGS  
MAY 20, 1996

President Tuley: Alright, I need to call to order the Rezoning meeting for Vanderburgh County for May 20, 1996.

**RE: APPROVAL OF MINUTES**

President Tuley: We do have minutes to approve from the meeting of April 15, 1996, in which four of the petitions being heard tonight were read and heard for first reading.

Commissioner Borries: Mr. President, I move that the minutes of the County Board of Commissioner's Rezoning meeting dated April 15 be approved as engrossed by the Auditor and dispense with the reading.

Commissioner Mourdock: I will second.

President Tuley: So ordered. We have several petitions tonight.

**FIRST READINGS**

**VC-6-96     HOBERT HEAD                     1600 Orchard Road**

President Tuley: The request is a change from AG to C-1. Is the petitioner here?

Commissioner Borries: Probably not on the first reading.

President Tuley: First reading, I'm sorry. They wouldn't be here on the first reading.

Commissioner Borries: Mr. President, I move that rezoning request VC-6-96 be approved on first reading and forwarded to the Area Plan Commission for their deliberation.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**FINAL READINGS**

President Tuley: Okay, we have final readings on the rest of the petitions to be heard tonight.

**VC-2-96     Martha M. Ryan                     804-1100 Royal Avenue**

President Tuley: The request is to change from M-1 to C-4. This does come with a recommendation from the Area Plan Commission having 10 affirmative votes and 0 negative votes.

Beth Burger: Mr. President and Commissioners, my name is Beth Burger and I'm an attorney with Bamberger Foreman Oswald & Hahn. I'm here on behalf of Martha Ryan, the petitioner. Also here with me this evening is Mr. Dick Rheinhardt. We are requesting a rezoning from M-1, light industrial, to C-4, general commercial. It will be a rezoning of Lots 10 through 20 in Ryan Commercial Park, Section 2. The parcels are currently vacant or unimproved lots. They are located on the west side of Royal Avenue just south of Vogel Road. The property on the east side of Royal Avenue is also unimproved lots at this point currently zoned C-4. The lots on both sides of Royal Avenue have been developed together and will be marketed together. It is intended that the down zoning of the Ryan Lots will have the effect of making all the lots on Royal Avenue more marketable by restricting and eliminating the industrial use. The notification requirements have been met at this point. There were no remonstrators at the Area Plan Commission meeting and it does come from the Area Plan Commission meeting with unanimous approval. I would also note that the staff

report expressly states that the petition to down zone those lots is consistent with the projected commercial land use designation in the comprehensive plan. With that, I'd be happy to field any questions that you may have.

President Tuley: Questions for the petitioner's representative?

Commissioner Borries: I don't have any.

Commissioner Mourdock: I have none.

President Tuley: Are there remonstrators in regards to this petition? Apparently not.

Commissioner Borries: Mr. President, I move that VC-2-96, petitioner Martha M. Ryan, be approved on final reading.

Commissioner Mourdock: I will second.

President Tuley: Okay, roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Beth Burger: Thank you.

VC-3-96 Richard Wilder 3025 N. St. Joseph Avenue

President Tuley: The request is a change from AG to C-4. This also comes from the Area Plan Commission with 10 affirmative and 0 negative votes for approval.

Les Shively: Mr. President and members of the Board of Commissioners of Vanderburgh County, my name is Les Shively and I'm representing the petitioner. This site on St. Joe Avenue you may be able to refer to it easier as the Hoosier Pete. Hoosier Pete has been there since at least the late '40's or '50's, back when Alan was in high school. Fortunately, or what ever, it was before we had a zoning code in the county and that property has been agricultural even though it has been a service station for a number of years. We have some photographs of the area and as you can see the staff report indicates that the area is surrounded by C4 and C2. In fact, one of our competitors just rezoned, I believe, the property across the way. It's going to be a Huck's, is that right Dick? What we plan to do with this facility is to upgrade it to today's standards making it a Union 76. What is the trade name again, Dave?

Unidentified from audience: The trade name is Always Open.

Les Shively: Always Open is the trade name. It will be a C-Store, a service station, and, again, it will be consistent with the use there. It will improve the facilities already there. It is certainly consistent with the master plan and consistent with the other commercial uses in the area. As we are more definitive, we have a conceptual site plan right now, but as we are more definitive, and before we pull our permits, we will go to site review. We will work with Mr. Stoll and the Evansville Urban Transportation Study to work out our ingress and egress to make sure that works appropriately, and any other agencies that are necessary to get appropriate site review. Again, the Wilder family plans a substantial investment on this corner and as Commissioner Tuley noted, it did receive unanimous approval by the Planning Commission and there were no remonstrators present at that meeting.

I will be more than happy to answer any questions you may have at this time.

Commissioner Mourdock: I don't have any questions, but I was just reviewing my notes of that meeting, the Area Plan meeting, and noted that either you or Mr. Wilder stated that it was going to be a half million dollar investment out there.

Les Shively: Approximately, yes.

Commissioner Mourdock: That is certainly going to be somewhat of a shot in the arm. It's going to be nice to see that new look in that area.

Alan Kissinger: If I could, just for the record, advise Mr. Shively that I didn't reach high school until 1958, but his youth I'll take into consideration and give him a pass on that one.

Commissioner Mourdock: He was but a gleam in Chick's eye at that point!

Alan Kissinger: Perhaps not even that!

President Tuley: How is your dad doing, speaking of your dad?

Les Shively: Unfortunately, he had to go back into the hospital. He's having complications, but I think he is going to be okay. It's a pleurisy condition that developed after the surgery, but I appreciate you asking.

Commissioner Borries: Please give him our best.

Les Shively: Thank you, thank you very much.

Commissioner Borries: I would also like to say that we are in the process of trying to improve the accessibility in that area by removal of the median as requested by some developers and owners across the street. I certainly want to commend you, too, for your investment in that area and hopefully given the fact that, again, there is one big hole out there left by Kmart, but whatever you are going to be doing is going to be, certainly, an improvement. We hope that we, as Commissioner Mourdock says here, can get some investments and interest going in that particular area. At this time, I would ask for approval for VC---

President Tuley: Oops! I was going to say we didn't ask about remonstrators. Are there any remonstrators in reference to the above? Apparently not. Go ahead, I'm sorry.

Commissioner Borries: I would ask for approval of VC-3-96, petitioner Richard Wilder.

Commissioner Mourdock: I will second.

President Tuley: I'll ask for a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes.

Les Shively: Thank you very much.

VC-4-96 C &amp; S, Inc.

11001 Highway 41 North

President Tuley: The request is to change from C-1 to C-4. As was the case with the previous two, this comes with a recommendation from the Area Plan Commission with 10 affirmative votes and 0 negative votes.

Hugh Trowbridge: Gentlemen, my name is Hugh Trowbridge and I am President of C & S, Inc. We have the property at Hillsdale and 41 which we are proposing to build a convenience store with gasoline and an automatic touch free type car wash. I am open to any questions which you might have.

Commissioner Borries: I'm trying to get the exact...

Commissioner Mourdock: Just south of Hillsdale.

Barbara Cunningham: This is a subdivision that is on agenda at the June meeting.

Commissioner Borries: Gotcha.

Barbara Cunningham: (inaudible comments not made from microphone)

Commissioner Borries: The state is?

Hugh Trowbridge: The state says they are going to close the crossover.

Commissioner Borries: Are you on the other side of what is know as Swifty?

Hugh Trowbridge: We're south.

Commissioner Mourdock: This is immediately south of Hillsdale.

Barbara Cunningham: (inaudible comments not made from microphone)

Commissioner Mourdock: It's on the southeast side of 41. There used to be a hotel?

Hugh Trowbridge: A dance hall.

Commissioner Borries: I know right where you are now. Like an Oaks or whatever it was, dance place there. Yeah, okay. Okay, yeah, I do know where you are now.

President Tuley: I'll ask, but I'm sure that there is not. Are there any remonstrators?

Commissioner Mourdock: The one point, and I don't want to use the word "concerned" in capitol letters here, and I voted for this in APC and see no reason to change that vote tonight. At the APC we talked a little bit about the frontage road situation and, again, this goes somewhat beyond your scope, but I have grave concerns that the state of Indiana will not always be consistent in what they allow entering and exiting off of 41. We've seen over at the Burkhardt area that sometimes where they have their ingress and egresses off the road don't necessarily make good sense. I certainly hope that something we strive for in this county is that we develop a series of frontage roads off of 41 in this area as it develops, and further north, because I don't think there is any question that the 41 corridor is going to see continued development. I think we need to make sure that we give good planning to the frontage road aspect of that. Toward that end, you will notice that there is a new road here which is called Walnut Road.

Hugh Trowbridge: Walnut Road comes south and it will be kind of

like a frontage road going into this.

Commissioner Borries: Oh, okay. I see.

Commissioner Mourdock: I guess that raises a question.

Commissioner Borries: Then there is Smithdale Road that you've used.

Hugh Trowbridge: There are two accesses and it's a limited access highway. There are two accesses now, but one of them will be closed and we will have what's called Smithdale coming into this.

Barbara Cunningham: They currently own acreage to the east.

Hugh Trowbridge: Right, behind this.

Commissioner Mourdock: Do you own acreage to the south?

Hugh Trowbridge: Yes.

Commissioner Mourdock: Yes. As you continue to develop that acreage to the south, will Walnut Road proceed straight south, parallel to 41?

Hugh Trowbridge: I would say...well it won't...yes, parallel to 41, yes, I would say so.

Commissioner Mourdock: Would you, as a condition of approval...

Hugh Trowbridge: We were told by the State Highway Department that it took an act of Congress to get an opening in that fence. Now that's what we were told. I mean, you've had other experiences, but...

Commissioner Mourdock: Congress changes. I understand that, but I just get frustrated with our inconsistent development plan.

Hugh Trowbridge: Sure.

Commissioner Mourdock: We try to do the right thing and then the state will change its plans. Again, my concern is just to make sure that as that property develops we have a good system of frontage roads that extend from Hillsdale to the south, parallel to 41. We don't want to get into a...an example I can think of on the east side where we suddenly get a dead end road that otherwise ought to continue straight through.

Hugh Trowbridge: I would see no reason why there should be any other openings onto 41 other than what we have and this is to our advantage too, having a business there, it has to come by us.

Commissioner Borries: I agree with Commissioner Mourdock, or share his concerns here. I think you have, however, established a precedent with this and on the record through this discussion should other future developments occur we will be asking them the same question, to continue this road. This kind of plan makes sense, particularly since it will, again, avoid a number of cuts on Highway 41 which, frankly, I don't think the state would agree to anyway.

Commissioner Mourdock: They won't right now and we just need to make sure that everything in the area develops logically. Not just with 41, but even for that matter, coming back to Hillsdale. We want good traffic flow. Did you ask for remonstrators?

President Tuley: Yeah, I did.

Commissioner Mourdock: Okay, having spoken my peace, I would move

the approval of VC-4-96, 11001 Highway 41 North.

Commissioner Borries: Second.

President Tuley: Roll call. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Hugh Trowbridge: Thank you gentlemen.

VC-5-96 Greg Kempf 13333 Burch Drive

President Tuley: The request is to change from AG to M-2. Once again, this comes with a recommendation of approval with 10 affirmative and 0 negative votes from the Area Plan Commission.

Danny Leek: Thank you. My name is Danny Leek with Morley & Associates and I am representing Greg Kempf in his petition to rezone the property. As stated, his property is located at the east end of Burch Park Drive on the south side of the roadway. A portion of the property is already zoned M-2 and there is a small portion in the rear of it that is zoned agricultural. The purpose of the rezoning is for the development of a tool and die shop on that piece of property. I'd be happy to answer any questions that you might have.

Commissioner Borries: Danny, what did you say, Burkhardt Drive, is that the name of it?

Danny Leek: Burch Park Drive.

Commissioner Borries: Oh, Burch Park Drive.

Danny Leek: I'm sorry.

Commissioner Borries: I gotcha. Is there still then a slice or a portion of this property that is A?

Danny Leek: There is a portion that is lined west of and behind the O'Neal Steel Plant that is still zoned agricultural and I don't know what the reason was that it was left out.

Commissioner Borries: I wonder why that is?

Barbara Cunningham: It must be non-performing. We were surprised because there is an industrial...

Danny Leek: Yeah, it is industrial use by O'Neal Steel, but I don't know why they didn't go through the petition to rezone. I don't even know what it is used for now.

Commissioner Borries: I guess there is a reason behind it, but I don't understand.

Danny Leek: We were surprised to find it there, too. We thought everything was already M-2.

President Tuley: Other questions? Any remonstrators?

Danny Leek: I hope not.

Commissioner Borries: Chased them all out!

REZONING MEETING  
MAY 20, 1996

7

President Tuley: Motion to approve?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: Roll call. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Danny Leek: Thank you very much.

Commissioner Borries: For the record that was VC-5-96.

President Tuley: Thank you, I'm getting tired and I want to get out of here.

Commissioner Mourdock: What's going on next door?

Barbara Cunningham: That's Burkhardt and Green River.

President Tuley: Again!

Commissioner Mourdock: I was concerned about being in a hurry to make sure they didn't end before I got there.

Alan Kissinger: Don't worry about that.

Commissioner Mourdock: Not to worry!

President Tuley: Motion to adjourn?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

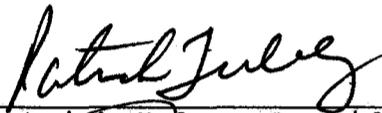
President Tuley: So ordered.

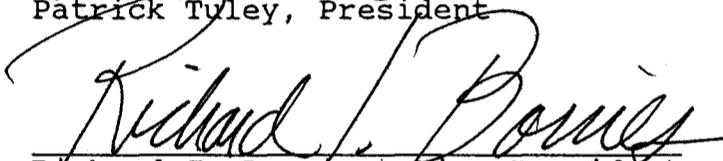
Meeting adjourned at 7:43 p.m.

**THOSE IN ATTENDANCE:**

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Bill Fluty  
Charlene Timmons  
Barbara Cunningham  
Beth Burger  
Les Shively  
Hugh Trowbridge  
Danny Leek  
Others unidentified  
Members of media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
MAY 28, 1996

TABLE OF CONTENTS

Introduction and Pledge of Allegiance .....	1
Approval of minutes .....	1
Any group or individual wishing to address the Commission .....	1
Joe Profaizer - Annual agreement FY97 City/County cost share ..	2
Harris Howerton - final approval of DOC grant .....	2
(deferred)	
Stand for Children Day - Proclamation .....	3
Ordinance for collection of dishonored checks .....	3
(first reading)	
Lynn Ellis - Purchasing .....	4
(no report)	
John Stoll - County Engineer .....	4
Wright Drive - street acceptance	
Award contract - VC96-04-01 to Koester Contracting	
Notice to Bidders - Schissler Road bridge replacement	
County Highway Department and Bridge Crew .....	4
Progress report for May 17 through May 23, 1996	
Alan Kissinger - County Attorney .....	5
(no report)	
Cindy Mayo - Superintendent of County Buildings .....	5
Consent items .....	5
Employment changes	
Travel requests:	
Knight Township Assessor (1)	
Auditor (1)	
Scheduled meetings .....	5
Old business .....	5
Agreement with Veazey Parrott & Shoulders	
(deferred)	
New business .....	6
Meeting recessed, reconvened, and adjournment .....	6
Attendance and signature sheet .....	7

VANDEBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

MAY 28, 1996

The Vanderburgh County Board of Commissioners met in session this 28th day of May, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:30 p.m.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley: We are going to call this meeting to order and it is going to move rather swiftly as we have a hearing out at Central High School with regard to I-69 tonight. Hopefully, we will get through this meeting, go out to Central and then we will come back and conduct the Drainage Board hearing. So, we'll call this meeting to order for the Vanderburgh County Commissioners, May 28, 1996. I'll bypass the introductions because I think everybody knows who everybody is tonight. Let's go ahead and quickly do the Pledge of Allegiance if you would, please.

**RE: APPROVAL OF MINUTES**

President Tuley: Under the action items we have approval of the minutes from last week's meeting, May 20.

Commissioner Mourdock: I'll move approval of the minutes from May 20.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: Item 4B, any group or individual. Mr. Boultinghouse, I know you're here with regard...

Maurice Boultinghouse: I'm here to listen.

President Tuley: Okay.

Maurice Boultinghouse: I would appreciate any information I can get, but I have not any intentions of directly addressing the Commission.

Commissioner Borries: Are you here for drainage matters or a matter before the Commission?

Maurice Boultinghouse: Schmitt Lane.

President Tuley: Schmitt Lane, the sewer project. Anything that we can update Mr. Boultinghouse on. He came by and to see me last week, but I wasn't there at the time he came by. He called on Friday and I indicated that somewhere along the line we need to have a discussion fairly soon as to how or what we might be able to do.

Commissioner Borries: I think we had asked Attorney Kissinger to send the information on a...well what was it? A new statute or at least a revised statute?

Alan Kissinger: Yes.

Commissioner Borries: To Bill Jeffers' office and we may hear some information about that at the Drainage Board yet this evening, but because of the unusual nature of tonight's meeting we're going to recess this meeting and come back at about 7:00 p.m. and take up Drainage Board matters. If, and no offense to Mr. Jeffers, but certainly I have to trust the County Attorney's position here, if he feels that this new statute could address some of the Barrett

Law areas, then I think that we could probably set up the same kind of situation that Mr. Jeffers would remember on Kimball Drive where we had a Barrett Law provision that allowed for people to pay into that. The sewer was installed and it went that way, but anyway, that's, as I understand, where we are.

Alan Kissinger: Mr. Boultinghouse, if you leave your name and address, and if you don't want to wait for the Drainage Board meeting, I'll send you a letter advising you what Bill Jeffers, from the Surveyor's office...I'll advise you as to what his opinion was.

Commissioner Borries: You may want to wait now for a while anyway. It's thundering and raining!

Maurice Boultinghouse: If I come often enough maybe I can get on the payroll!

Alan Kissinger: Don't put any money on that!

**RE: JOE PROFAIZER - ANNUAL AGREEMENT FY97 CITY/COUNTY COST SHARE**

President Tuley: Item 4C, Joe Profaizer. The annual agreement for fiscal year '97, City/County cost sharing percentages.

Joe Profaizer: Joe Profaizer from SCT. I've just submitted an agreement for the fiscal year 1996 cost percentage between the City and County for facilities management to SCT Corporation. The County's percentage has been reduced by 3.91 percent starting January 1, 1997. That is from 66.07 percent to 62.16 percent for facility management fees to Systems and Computer Technology. This has been approved by the Data Processing Board on May 22 and we are just requesting the respective signatures. I'll be glad to entertain any questions.

Commissioner Borries: I'll move the agreement for funding year '97 be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Joe Profaizer: Thank you.

Commissioner Mourdock: You didn't have to come back after 7:00 p.m. I could see that on your face.

**RE: HARRIS HOWERTON - FINAL APPROVAL OF DOC GRANT**

President Tuley: Item 4D, Harris Howerton, final approval of DOC Grant.

Commissioner Borries: Where is the grant?

President Tuley: What I have is, this was presented in February and could not be approved because if there were any changes it would have to be completely redone.

Cindy Mayo: He said that he was going to give you call, Pat, and go over this with you to answer any questions ahead of time. That's all the information that was given to this office.

President Tuley: Did Harris call me, I'm trying to remember? Let's defer this until next week and I'll call Harris and find out. Maybe he called me and I don't remember what he said. It looks like the actual grant request is less in '96/'97 than it was in '95/'96 and I want to make sure that is correct. So, let's defer that until next week.

Commissioner Borries: I can't quite get it though that the grant itself wouldn't be here for us to sign if it is a final approval. That was my question.

President Tuley: Yeah. Well, that's the reason I'm saying...I'm not sure if Harris talked to me. He didn't provide me with a grant, I know that.

**RE: STAND FOR CHILDREN DAY PROCLAMATION**

President Tuley: Okay, Stand for Children Day proclamation, quickly, not to give this less meaning than what it should be, but we'll move on rather quickly.

"WHEREAS, on June 1, 1996 Americans from all backgrounds will come together to take a "Stand for Children" at the Lincoln Memorial in Washington, D.C. and renew our community's commitment to improving the quality of our children's lives; and

WHEREAS, on Stand for Children Day and beyond, families, citizens, members of religious congregations, schools, community-based organizations, businesses, political and cultural groups will join together as a local and national community to recognize our children's unmet needs and rededicate ourselves to addressing them; and

WHEREAS, caring for our children must be our families', community's, and nation's first priority; and

WHEREAS, this commitment must begin at the local level - where children and families live and work and have the potential to thrive, and where all citizens, working together, can make a difference in our children's lives, we, the County Commissioners of Vanderburgh County, State of Indiana do hereby proclaim June 1 as STAND FOR CHILDREN Day in Vanderburgh County and urge all citizens to support this day through their presence in Washington, D.C. and by dedicating ourselves to the task of improving the quality of life for all our children and leaving no child behind for all of our children from this day forward.

WITNESS my hand and corporate seal of Vanderburgh County, State of Indiana, this 28th day of May, 1996."

This is a request from Mike Davis, Association of Indiana Counties, that each of the counties recognize, sign and adopt a proclamation for the Stand for Children celebration on June 1. Basically, I'll ask for approval and all three need to sign the proclamation.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**RE: FIRST READING - ORDINANCE FOR COLLECTION OF DISHONORED CHECKS**

President Tuley: Okay, Alan.

Alan Kissinger: This is what is referred to as the first reading of the check ordinance. As the Commissioners will recall, they authorized the advertisement of the ordinance to authorize the Vanderburgh County Treasurer's Office to charge a fee for the collection of bad checks or to put a lien on the real estate of the party who wrote the bad check. The final reading of that ordinance and the Commissioner's vote will be on June 3, 1996. The Auditor's Office has advised me that the advertisements are in order.

Commissioner Borries: I move the first reading of the ordinance for collections of dishonored drafts and checks by the Vanderburgh County Treasurer be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**RE: LYNN ELLIS - PURCHASING**

President Tuley: Lynn Ellis, I understand is not here.

**RE: JOHN STOLL - COUNTY ENGINEER**

President Tuley: John Stoll.

John Stoll: The first item is the acceptance of Wright Drive as we discussed last week. The clarification on the acceptance form basically acknowledges that it's a 16 foot right-of-way, it corrects the distances and it accepts it as a rock road given the current right-of-way width. I recommend that the street be reaccepted with the corrections noted on the form.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The second item is a recommendation to award contract number VC96-04-01, St. Joseph Avenue paving and median removal to Koester Contracting in the amount of \$262,477.69. They were the low bidder on the project.

Commissioner Borries: I'll move that the contract be approved.

President Tuley: Second and so ordered.

Commissioner Mourdock: Let the record show that I abstained from that one, please.

John Stoll: The next item I've got is a Notice to Bidders for the Schissler Road bridge replacement. This will be contract number VC96-05-02. I recommend that the Notice to Bidders be signed.

Commissioner Borries: I'll move that the notice be signed.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: That's all I have unless you've got any questions.

President Tuley: Make it stop raining!

John Stoll: Sounds like a good idea to me.

Commissioner Borries: Thank you, John.

**RE: COUNTY HIGHWAY DEPARTMENT AND BRIDGE CREW REPORT**

President Tuley: Bill Morphew is on vacation, however, the Highway Department has submitted a progress report for the Highway Department as well as for the Bridge Crew for the period of Friday, May 17, 1996 through Thursday, May 23, 1996. I would say that this shows there is work being done in various parts of the county. Please submit that for the record.

**RE: ALAN KISSINGER - COUNTY ATTORNEY**

President Tuley: Alan Kissinger.

Alan Kissinger: Nothing to report.

**RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS**

President Tuley: Cindy Mayo.

Cindy Mayo: I just have one late consent employment change that needs to...it came from the Assessor's Office today, that needs to be submitted under consent.

President Tuley: Okay. That's the only thing that you've got?

Cindy Mayo: That's all I have.

Commissioner Borries: I move that it be added to the consent agenda list.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

**RE: CONSENT ITEMS**

President Tuley: Speaking of consent items, we have employment changes, travel request and that appears to be...of course claims.

Commissioner Mourdock: I'll move approval of the consent items as submitted.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: SCHEDULED MEETINGS**

President Tuley: Scheduled meetings.

Commissioner Mourdock: I don't know that it's on the calendar, but it has been omitted the last several meetings. Just as a reminder, we do have at 6:30 p.m. on May 30, the meeting regarding ozone in the City Council Chambers with the representatives of City Council, the Mayor's Office and County Council, also.

President Tuley: Okay.

Commissioner Borries: Where is that going to be?

Commissioner Mourdock: City Council Chambers.

Commissioner Borries: At 6:30 p.m.?

Commissioner Mourdock: Yes.

President Tuley: Next Monday, if I'm not mistaken, is the public hearing at the Auditorium in regards to the Auditorium, so the meeting will be conducted at the Auditorium. There is an Executive Session at 4:00 p.m. and then the regular scheduled Commissioner's meeting at 5:30 p.m.

**RE: OLD BUSINESS**

President Tuley: Under old business there is an agreement with Veazey Parrott & Shoulders. That item is continued for another week. Any other old business?

**RE: NEW BUSINESS**

President Tuley: Any new business? Motion to recess this meeting to attend the public hearing out at Central High School with regards to I-69. We will then come back and reconvene the Drainage Board for this evening.

Commissioner Mourdock: I'll move for recess.

Commissioner Borries: I will second.

President Tuley: So ordered.

Meeting was recessed at 5:46 p.m.

Meeting was reconvened at 6:45 p.m.

President Tuley: We will bring the Commissioner's meeting back to order so that we can formally adjourn, then we will be able to start the Drainage Board meeting.

Commissioner Borries: I'll move that we adjourn.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

The Commissioner's meeting adjourned at 6:45 p.m.

COMMISSIONERS MEETING  
MAY 28, 1996

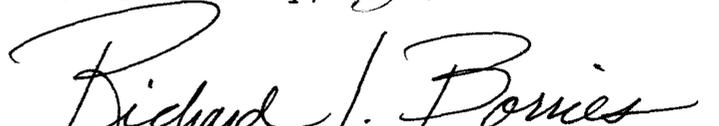
7

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Bill Fluty  
Charlene Timmons  
John Stoll  
Maurice Boultinghouse  
Others unidentified  
Members of the media

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
JUNE 3, 1996

TABLE OF CONTENTS

Introductions & Pledge of Allegiance .....	1
Public hearing - Vanderburgh Auditorium renovations .....	1
Public comments from:	
Edward Moser	
Sam Stone	
Janet Watkins	
David Wilson	
Bruce Lomax	
Approval of minutes .....	11
Any group or individual wishing to address the commission .....	12
Request for funding - Four Freedoms Monument restoration .....	12
Final reading - Ordinance - collection of dishonored checks ...	13
Alan Kissinger - County Attorney .....	14
Proposed lease between Steven and Karen Kahre and the Vanderburgh County Extension Service	
Proposed transfer of real estate from Vanderburgh County to Evansville ARC Incorporated located at 615 W. Virginia, Evansville, IN and permission to advertise for public hearing	
Lynn Ellis - County Purchasing .....	17
(no report)	
John Stoll - County Engineer .....	17
Submitted a request for a sidewalk waiver made by Fred Kuester for Browning Road Estates West, Section 3	
Bill Morpew - County Garage .....	17
Submitted a progress report for the Highway Department and Bridge Crew for the period covering May 24 through May 30, 1996	
Cindy Mayo - Superintendent of County Buildings .....	18
(no report)	
Consent items .....	18
Employment changes	
Travel requests:	
German Township Assessor (2)	
Perry Township Assessor (2)	
Pigeon Township Assessor (2)	
Monthly Treasurer's Report	
Monthly Time Accrual	
Scheduled meetings .....	18

Old business ..... 18

Letter to former employee of the Treasurer's Office  
concerning pay for eligible vacation and sick time  
accrued.

Discussion of vacation time accrual for the following  
people:

Bill Campbell Drug and Alcohol Deferral Service  
Emarie West Drug and Alcohol Deferral Service

New business ..... 20

Adjournment ..... 20

Attendance and sign in sheet ..... 21

**VANDERBURGH COUNTY**  
**BOARD OF COMMISSIONERS**

**JUNE 3, 1996**

The Vanderburgh County Board of Commissioners met in session this 3rd day of June 1996 at the Vanderburgh Auditorium at 5:42 p.m.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley: As most of you are aware, tonight we are going to have a public hearing in regard to this wonderful facility that we are planning an upgrade for. You will see presented tonight by members of Veazey Parrott & Shoulders, the selected architect for this particular project, who will provide a brief overview of some ideas. I want to emphasize the word "idea" only at this point in time. They presented to the Commissioners, several weeks ago, two different ideas they had for what the project may encompass and what it may look like. Tonight they have a third one that they would like to offer up. Again, I just want to stress that these are just concepts or ideas that they have developed to this point. Nothing has been agreed to. Nothing has been selected as being the project. Tonight our goal is to have input from the citizens to give us some additional ideas, some things that maybe we haven't thought about that need to be encompassed into this project and that's why we're here. Having said that, what I would like to do is go ahead and call the meeting to order. If we may start by introductions, to my far right is Cindy Mayo, who is the Superintendent of County Buildings and our office administrator; to her left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is County Auditor, Suzanne Crouch; and to her immediate left is Charlene Timmons, the Recording Secretary from the Auditor's Office. She will be recording and typing the minutes of this meeting. If you wish to address the Commission...is there a sign up sheet for speakers that is going around at this time? Anybody that wishes to speak...I see a lot of faces, but I only have five names on this list. If there is anyone that is not on the list that wishes to address the Commission tonight I would appreciate it if you would sign up. Identify yourself and your address, if you would please, for the record from the podium. If you would, please stand with us, face the flag and say along as we say the Pledge of Allegiance, please. Do you guys just want to go straight to the public hearing?

Commissioner Borries: Yeah.

President Tuley: What we are going to do is mess around with the agenda, so to speak, just a little bit. We're going to go right in to the public hearing. I'm sure that is why most of you are here. I would like to start off, if I could please, by recognizing the County Council members that we see present. If I miss someone who came in since I've started writing down this list, please stand up and let us know that you are here so you can be recognized. We have Councilman Royce Sutton; we have Councilwoman Bettye Lou Jerrel; we have Councilman Phil Hoy; we have Councilman Rick Jones. From the city side I am glad to see certain members of the city represented tonight. We have Mayor McDonald; we have Councilman Steve Melcher; we have Councilwoman Gail Rieken; and Councilman Taylor Payne. Is that all the elected officials that I see here tonight? That's all I see, but are there more of you out there, I guess is what I should ask?

**RE: PUBLIC HEARING CONCERNING VANDERBURGH AUDITORIUM RENOVATIONS**

President Tuley: Okay, I guess at this point and time we would like to have the presentation given by Veazey Parrott & Shoulders. The two presenters are Michael and Charlene Buente.

Michael Buente: Thank you, Commissioner. My name is Mike Buente, project architect with Veazey Parrott & Shoulders. Along with me, as you said, is my wife and fellow project architect, Charlene Buente. Mike Shoulders, who is the principal in charge of this project and who has been spearheading this project from the start, sends his regrets. He has one of his sons graduating at the Harrison graduation ceremony at this same time so he has left us with the charge to present the project as it stands to date. First of all our charge as we understand it is twofold. Firstly, is to renovate an over 25 year old auditorium that has served this community, but to renovate it into a first-rate auditorium that can seat over 2,500 and regularly attract road shows similar to the recent attraction, Les Mis. The second, and just as important charge, is to build a state of the art convention center able to compete both on a regional and a statewide competitive market. As you indicated earlier in your May 13 Commissioners meeting, Mike Shoulders presented Schemes A and B. Since that time we have developed a third which we call Scheme C, that has just been completed as of Friday. This will be the first public presentation. With that, I would like to walk over to the concept sketches and just go over a few of the main points on each one. The first one is called Scheme A. We have a site plan and some sketches for each one. I know this is difficult for a lot of you to see from that distance, but I'll briefly go over it. To orient the plan, we have the existing floor plan in a circular fashion that is located here. The Executive Inn is located here. The Civic Center Complex is with the Courts Building and the Civic Center is located in this area. To the east or to the left of the plan is the current parking lot for the Civic Center. This plan concept basically takes the theater and renovates it. All three of these schemes you will find that the Walnut artery going into the city becomes the service area for the entire complex. The main entry into the entire complex is located on and along Locust Street. The exhibition hall is located directly to the left with future expansion capability into the parking area. This plan, Scheme A, is the one that some of you may have seen in the paper Saturday. Again, we have a service area along Walnut Street. The existing Gold Room becomes renovated. The existing Vanderburgh Auditorium becomes renovated. An exhibition hall of approximately 40,000 square feet that can be subdivided. The service area located in gray is along Walnut. Entry loggia and or vestibule along Locust Street and we have a common, in this case, a common lobby prefunction area which serves both the Vanderburgh Auditorium and the exhibit hall. This particular scheme is a two story scheme. Located on the second level is a ballroom of 13,000 to 15,000 square feet. Break out meeting rooms surrounding the ballroom. Kitchen and storage area located on the service side of the complex and then the upper levels are potentially upper levels to the renovated theater. In section or a slice right through the building, you see the renovated theater, the existing Gold Room, two story lobby prefunction space with the possibility of natural light coming into this area, exhibition hall and a ballroom and the break out meeting rooms. The obvious disadvantage of this particular plan is that we have the large column free areas located on the bottom floor which makes our structure deeper and probably more costly. I'll move on to the second one, Scheme B. This one has also been seen before. This particular plan envelops the entire site as we know it. It, again, keeps the theater in its present location and it becomes more centrally located in the complex. The exhibition hall is located in the same area, but the ballroom and break out areas are moved more toward the downtown area facing the Executive Inn. Again, the service area is along Walnut and the entry along Locust. This plan is a single story plan which we think has some economies because it is a single story plan. It does some other things that Scheme A did not do. One, is that it creates a gallery or a prefunction area all the way, wrapping around the Locust Street side, which means you can enter this complex at various points and have the same entry experience. It gives some separation for the patrons who are coming into the

renovated theater toward the east end of the theater. Entrance to the exhibition hall would be along Locust Street so you would have two distinct lobby prefunction areas. Where Scheme A was a large prefunction area and it did have a mix of both theater patrons and exhibition goers. Again, in section, this is a single story solution or concept. Ballroom, meeting areas, break out meeting rooms in this location. The exhibit hall in this location. Scheme C is one that, again, is new. It's really a derivative of, probably, Scheme A. It is a two story solution, but some of the spaces have been moved around. The major difference in plan is that the exhibition hall has been moved out, over and enveloping Ninth Street so Ninth Street would have to be vacated in this concept. The meeting rooms are located as a space between the theater and the exhibition hall. On the second floor would be the ballroom. On the enlarged plan, again, the theater, meeting rooms, exhibit hall, the gray area is a service area feeding each of these areas. The lobby prefunction is again along Locust. We are looking at a focal point type entrance probably directly across from the entrance to the Civic Center or the walk across from Locust. The second level ballroom is located directly above the meeting rooms with a kitchen storage area, again, to the Walnut side. All of these ballrooms, as well as the meeting rooms, would be designed for maximum flexibility with movable partitions to accommodate various size groups that may use them. Tonight you have seen the three schemes and I want to back up a little bit and tell you where we are in the process. We are currently developing these three schemes in parallel with the programming effort. The programming is being done by our consultant HOK out of St. Louis and also paralleling that programming study is a market analysis which is being done by Coopers & Lybrand. These are still in a preliminary stage. Nothing has been finalized. What these sketches attempted to do is to put the relationships that are shown in the written format in the program in some sort of graphic fashion. I want to assure everyone here tonight that nothing is finalized at this time, nothing is carved in stone. All of these are subject to change and will change. They will be developed further. We appreciate you coming tonight and I invite you to come up later on break to look at the plans and we would be happy to converse with you over them. Tonight as you give your input, the design team that is here will be listening to you and I assure you that we will take your input and try to implement that or take that into consideration as we move forward with the project. At this time, I would like to turn it back over to the Commissioners.

President Tuley: Thank you, Michael. Any questions from the Commissioners at this point? Okay, I have five people identified as having a desire to speak to the Commissioners tonight and I will just take you in the order in which you signed up. Forgive me if I mispronounce your name. I believe the first one appears to be Edward G. Moser.

Edward Moser: Ladies and gentlemen, my mission is simple. I've already sent a letter a few months ago to the Commissioners. My position is President of The Coterie of Evansville, Inc. This is a dance organization that has its roots here in Evansville and we've been in business since 1945, so we have some age and we have some experience. The nature of the letter that I had sent to the Commissioners is that in the process of this, regardless of what comes out, we are interested in a good, sound ballroom, but we would want to have a wood floor. This is the focal point of my presentation. Incidentally, the membership is made up primarily of Evansville people, but we also draw from Illinois, we also draw from Kentucky, Owensboro and as far down as Paducah. We have a wide and varied membership. This is a program and this year we are going to present six dances. We've had one and we've got another one coming up in January. We are meeting at the Gold Room. For heaven sakes get away from the terrazzo floor, please, if you can, if you can muster that up. I don't know how many of you are acquainted with the Indiana Rupp up at Indianapolis. I have been

furnished with some specifications of that floor and the roof. It is 8,700 square feet. You get one end of that you get down to the dance where the band positions itself and it looks like a tremendous room, so we applaud either 13 or whatever works out because we set up in the Gold Room 50 round tables and most of the tables are taken. They may not be a full compliment of eight, but they're usually taken. We have a membership now of 250 couples and we have 56 couples on the waiting list to get in and you can only get in one time a year. That's essentially the main reason that I'm here is to plead and bargain with you as best I can. The wood floor, if you will. Thank you very much.

President Tuley: Thank you, Mr. Moser. Okay, the second name appears to be Sam Stone.

Sam Stone: Yes, my name is Sam Stone, 1805 Stringtown. I'd like to address the Commission with what I believe is a simple question. It's on my mind. The auditorium, I see, does need renovation. It's 25 years old; it does need renovation. We're talking about building a new ballroom and exhibition hall for the town when there is an existing ballroom and exhibition hall right across the street that is closed. We're going to make a parking lot into a ballroom and exhibition hall and we've got another facility just directly across the street that looks like it could be remodeled and brought up to whatever standards you would wish at a lot less cost to the taxpayers. I just wonder if that's been studied and your feelings on that? Mr. Moser, as I remember, the ballroom does have a wood floor.

President Tuley: I believe you are correct. I will say that there were several meetings, several discussions along the very line that you just asked about. This was not something that was just overlooked. The decision that the majority of the members of this Board, and I would say that majority was split by party lines. It was not a majority of two Democrats versus one Republican. It was one Republican and one Democrat that felt that the renovation of the Green Auditorium and Convention was not in the best interest of this community in the long run for various reasons. I don't know if it could ever provide and do the kind of things that we can do with this existing facility. I don't know, but there were some questions, and I don't know if they were valid questions or not about the structural integrity. I'm not an architect. There were arguments for and against that it was solid and that it wasn't solid. That is not my area of expertise, personally. I felt that the project and the path that we were taking was in the long run in the best interest of our community. I can only speak for myself.

Commissioner Mourdock: Since I was the other vote who was not favorably inclined to see the Green as the focal point for our convention business, I just add to what Pat said by saying, might that have been a cheaper route? I think the answer is, yes. However, I also believe strongly that you get what you pay for. I believe very strongly in this community and the image that we want to present and having been the head of the largest convention that annually came to that facility when it used to be open, I will tell you that many, many times we spent Board meetings in that association wondering what we could do differently, where we could do it differently because that facility, for all its square footage, really didn't necessarily meet our needs. I think we need a more multipurpose facility and so with Commissioner Tuley I tended to think at the time and still do that this alternative, while it may cost us more, in the end is going to buy us more value and certainly buy a better symbol as to what this city and county look to toward the future.

Commissioner Borries: Thank you for your question. I think that probably by the discussion you can tell there was one of us that did fully agree with this line of thinking. In relation to what Commissioner Tuley said, he is absolutely correct that we did have

several hearings on this particular subject. Let me just say real clearly that when you are two to one that's the way that the vote goes and that's pretty well the direction we were headed. When that decision was made I have to respectfully say to the other two, which I think they've agreed on and said very well here, we need to do something with this facility that we are all going to be proud of. Oftentimes and unfortunately there is sometimes a mentality that we'll say this is Evansville and we can't have anything really too nice here. Let's just kind of get buy with bare bones. We just don't get the opportunity to build facilities and plan for the future as often as it comes along, probably, once a generation. This one was built in 1967 and here we are now looking at the 21st century and so this is now where we have to, I think, set our sights. As to what the future is over there, I think there is still a big question mark. I share your concerns about a duplication of facilities. I share concerns about the support for an investment of a large hotel that's across the street that will simply not go away. I would hope that we might want to examine some short term interim uses of this particular facility because I believe that we ought to be in the convention business right now. Not only talking about the future because I think the business is out there and I think the future could hold as much as 40 million dollars of convention business for this community in a very reasonable fashion. The best year that we had was the year that the movie, A League of Their Own, came here and they talked roughly about 16 million and with new facilities, a renovated hotel, all the attractions that are moving into this community I think that 40 million dollars is indeed an achievable goal, perhaps higher. But in the short run looking at what the uses are of the facility I would share your concern.

Sam Stone: I thank you. I just hope you continue to think about that and try to compare the cost of one versus the other. Thank you.

President Tuley: Thank you, Mr. Stone. Janet Watkins.

Janet Watkins: Janet Watkins, Vanderburgh County representative. Commissioners, City Council people that are here, Mayor and your staff I'm here to encourage that the Civic Auditorium and the Victory Theatre work together for a common parking garage. I've heard it talked about a little bit, but I understand that where the Lloyd Senior Citizens have moved out would probably make good for both units to use. I don't know how the funding would be. I know there are all these laws that you can't do this and you can't do that. You can't buy the Green Convention Center with tax dollars, but somehow I would like to see the city and county work together so that one large parking garage will fill the needs, not only for these two new buildings, but also for the current Civic Center and the people that work there. That's what I'm here for. Thanks.

President Tuley: Were you going to say something?

Commissioner Borries: I don't know what the laws are in terms of buying something with tax dollars. I know you have to go through a lot, but I didn't catch that part.

Alan Kissinger: There is a statutory procedure in place required for the county to use in certain purchases. I don't know that there would be legal obstruction to prevent us from purchasing additional real estate for the purpose of erecting a parking facility.

Commissioner Mourdock: Just to follow that for one more second, Alan, obviously this predates my time, but with both city and county representatives here you might explain or, Rick, perhaps you've got the best handle on explaining the Building Authority and how that works. That is jointly serving both the city and the county and it would seem that if we had a common purpose in mind

that we could use the same type of format for a parking garage. Was that a rhetorical question or did I answer my own question?

Commissioner Borries: You answered very well your own question there. The Building Authority does an excellent job. It's a separate authority that was set to issue bonds and cover the maintenance and management of the Civic Center and there could be some exploration there, a feasibility, that they would continue to work with both units of government should a parking garage be a top priority and I believe it will have to be.

President Tuley: The only thing that I would like to add is that there have been some very, and I want to stress the word "very" followed by "informal", discussions to see if that's a possibility and see where that takes us. At this time there is nothing more to say than it has just been a very preliminary, informal discussion. A person talking to another person or two. At no time was there a majority of any of the government bodies involved in any discussion. It is something that is being thought out and thought through and there is communication between the city and county to see if that is a feasibility and a possibility. Next speaker is Dr. David, and I hope I'm reading this right, it looks like Wilson.

David Wilson: That is correct.

President Tuley: Thank you.

David Wilson: Members of the Council and everybody else, I would like to...well, first of all I represent the Friday Night Dance Club here. I am the current president. I was the co-founder 13 years ago and we have 165 couple members and an informal dance club. We go to various halls and we have 12 dances per year. We have some experience in planning a dance and I would just like to share some of the details of that with you. We go to one hall when we anticipate having about 125 couples on the dance floor. This hall has 3,250 square feet. It's the VFW over on Illinois Street.

#### TAPE CHANGE

David Wilson: When we've got 150 couples we can't use the VFW. We have to go to the 4-H Center which is about 4,500 square feet of dance space. What I am saying is that it takes about 25 to 30 square feet for a couple on the dance floor. This is a number that we can keep in mind when we are planning the size of dance hall that we want to build. That is just for the dancing. Now, for the seating it takes another 15 square feet per couple. So, we're up to about 40 square feet per couple for a given dance. I would just like to emphasize that if we cut the size of this ballroom from the projected 15,000 square feet down to 13 or even 10 or 9 we will simply be cutting the capacity to hold a dance crowd. This is what we are talking about. Here again, I would like to say that I would recommend projecting a dance floor that will take care of 500 couples for the city of Evansville. It looks to me like the plans that we've had introduced today, particularly the third plan where there can be variability in the size of the room, might be satisfactory. I just want us to keep thinking about this. It takes about 40 square feet to provide adequate ballroom dancing for a couple. I know that 15,000 sounds like a huge hall, but if you divide it by 40 then very quickly you're under 500. You're down to 375 or somewhere in there. In addition to being in the Friday Night Dance Club and being it's president I am also a member of Coterie. I'm on the Board of Directors of Coterie. I know Mr. Moser very well. I have to fully agree and substantiate what Mr. Moser said in his presentation, particularly the need for a wood floor. Now a wood floor sounds like a luxury, but I'll have to say that as people get older and want to continue dancing...we have people in the 80's and even up to 90 who are still dancing on the dance floor. The terrazzo floors get harder and harder as you grow

older. A wood floor is by far and away the most acceptable. In fact, among some dancers it's the only acceptable floor for a dance. Thank you very much for your time.

President Tuley: Thank you, Dr. Wilson. Before we go on to the next speaker I would like to note that Councilman Curt John from the city also came in as well. Curt, would you just let everybody see your hand so that we know where you are at. Okay, the last one that have I identified on this sign up sheet is Debra Switzer. Is that right?

Debra Switzer: Hi, my name is Debra Switzer and I live at 1700 N. Ruston. I have expressed this feeling to several different County Commissioners on occasion. I happen to have a depth, balance and coordination problem. I also happen, as a lot of the people who are handicapped, do not have a lot of income. Numbers of us happen to enjoy cultural and civic opportunities and such things at the Auditorium on occasion. The problem with the current auditorium is that the upper level which is the not only the most accessible because it is straight across, but it has no hand rails which makes it virtually impossible for some of us to, with safety and comfort, get up to where the cheaper seats are. We either have to pay more for a seat which makes us less apt to come to opportunities here or risk the danger of getting up and down without a handrail. I find that today with the Americans with Disabilities Act and all we are supposed to, as taxpayers, be able to have all the facilities able to be accessible to us. At this point, that particular part of the building is inaccessible. Your auditorium has done a wonderful job in putting in an elevator which makes the rest rooms now much more easily accessible and some of the other things. I don't know how these particular plans will make all levels accessible to people who are handicapped, but who are mobile. I just want you guys to consider even doing something right now to make the upper levels in the interim accessible to the people. Some people have been shocked to know that...they all thought that everybody could get up to the upper levels and didn't realize that there were no handrails on those particular levels right now. Like I said, I really do not know what they are going to do as far as making it physically accessible with this renovated convention auditorium situation. Thank you for your consideration.

President Tuley: Thanks for your input. That is everybody that had signed up, but if anybody else came in, or anybody has changed their mind since they have gotten here and would like to address the Commission, I think now would be the appropriate time.

Bruce Lomax: I'm Bruce Lomax and I live at 3108 Washington Ave. I would like to address this ballroom situation. We have the big band dances which I have been to three or four times here down through the years and I can't find the floor. There are too many people in there. You can't hardly get in the building or get out of the room that we have and that's 13,000 square feet. Now we want to build another ballroom at 13,000 square feet which we won't be able to get the crowds in and I think somebody should really address this and give it some thought. We're really going to have to. I went out and researched 32 states. Ballrooms and all kinds of convention centers, theaters, everything that you might have and the city of Evansville is very, very far behind the majority of places in the United States. Now I can show this to people and I've got the records all ready to prove this. I talked to Bettye Lou one day and I said, "Bettye Lou, I think we should make this building that we are going to renovate at least 3000 seats". We build buildings for the future, not for the present. Three thousand seats is not a whole lot more than the 2500 you want to put in which is not enough seats if you are going to spend this kind of money. The trade show building at 40,000 square feet is not much more than we have at Roberts Stadium. We have 32,000 square feet out there. If we're going to build a building and this research that I did shows that we'll need a building in here at

least 75 to 80 and maybe 85,000 square feet of floor space, 40,000 won't be near enough. It might take care of today, but it won't take care of it 25 or 30 years from now. We were doing the same thing as we are doing right now, 25 or 30 years ago this was the finest building that we could think of for our community, but it's not going to take care of the situation now. Maybe we ought to think down the road and I think we should think a lot bigger than we are thinking now. Thank you for your time.

President Tuley: Thank you, Mr. Lomax. You wanted to ask a question?

Commissioner Mourdock: Yeah, I do and first of all I want to say thank you to the Mayor and the members of City Council for coming since I expressed to all of you at one point my concerns, and the concerns continue, that we don't overlap facilities. Realizing that it's probably impossible not to have some overlap, but I also see that our role of stewards of tax money is to get the best bang for the buck and to be able to serve most. With that I have a question, and I don't mean to put you on the spot Mr. Hafer, but as the architect for the Victory, the question has come up tonight several times about the ballroom. I know that there is a ballroom at the Victory and I know nothing more about in regards to square footage and the floor type and I was wondering if you could address those questions? I don't expect you to have the exact number of square feet, but again, I want to try to keep from duplicating and I apologize for putting you on the spot.

Ed Hafer: My name is Ed Hafer and our firm is the architect for the renovations to the Victory Theatre. The terminology "ballroom" is probably a misnomer at the Victory. You might call that a marketing term. The ballroom at the Victory is something slightly less than 5,000 gross square feet. A ballroom of that size or a large meeting room of that size I would assume, although those decisions haven't been made, that if there is to be a hard surface floor in that area for dances, parties and things like that it would probably be a portable one or a removable one that would be there for smaller receptions and things like that. At any rate, the gross area of the "ballroom" in the Victory is something less than 5,000 square feet.

Commissioner Mourdock: When you say portable floor I think of the Boston Garden and the parquet wood floor. Is that what you are saying?

Ed Hafer: Not anything quite that extensive.

Commissioner Mourdock: I didn't expect a leprechaun in the middle of it.

Ed Hafer: The same thing that is used in most hotels and things like that. The Marriott Hotel has a portable wood floor that they use for receptions. The Evansville Country Club also has such a thing.

Commissioner Mourdock: On one other subject, you heard a moment ago Mr. Lomax suggesting that this auditorium ought to be at least 3,000 seats. You heard Mr. Buente say that at this point the direction that the Commissioners have given him is for something in the range of 2,500 seats. What is the current that you see at the Victory right now? Again, I realize that can be in somewhat of a state of flux, but what do you expect that to be?

Ed Hafer: Right now I would expect the Victory to have approximately 2,000 fixed seats. When the Victory opened it had 2,500 seats and that was back in the 1920's. In the early '40's the Lowe's people owned it and renovated it to 2,388 seats. We would expect to lose some of those for more comfortable seating, accommodations for the impaired, meaning wheelchair platforms and

things like this, as well as some equipment areas and things like that. Right now, it looks like a number of around 2,000 would be...

Commissioner Mourdock: Two thousand fixed?

Ed Hafer: Yeah, I don't think it will go over that.

Commissioner Mourdock: Okay, because I believe in fair play here I want to make the podium open to you to go the other way, too. Do you have any questions that you have for us or, I guess it's only fair to say, for Veazey Parrott & Shoulders regarding the plans. Again, I don't mean to put you on the spot, Ed. I didn't know you were going to be here tonight, but do you see areas where we ought to be working together more or areas where there has been publicity saying there is overlap and clearly there is an overlap? I have a very hard time, I will tell you, not as an architect because I'm not, but I have a hard time just making sure we're getting the best use of public dollars. I do not want to see us fall over each other, the city and county.

Ed Hafer: I think that what has been prepared so far is certainly very preliminary in nature.

Commissioner Mourdock: Are you saying on our end or your end?

Ed Hafer: On your end. Mike Shoulders and I met some months ago to talk about the two projects. We've had a couple of meetings since then relative to common issues. We'd certainly like to be included in your project in terms of knowledge about what is going on just as, I think, Veazey Parrott & Shoulders should be aware of ours. At this point, no, I don't see anything that I have any particular questions on. I think in deference to what has been presented tonight, as Mr. Buente indicated, other firms are currently doing marketing studies as well as programming studies and I think until all of that data is finalized and things like that you are really working both ends against the middle. I think they need to get a couple of steps farther down the road with that.

Commissioner Mourdock: That's a very good point. I presume the Victory Group has done the same thing with their marketing studies?

Ed Hafer: The Victory group has still really used as their basis the marketing study that was done by Coopers & Lybrand back in '92, I believe.

Commissioner Mourdock: Okay. One last question, at least until I think of another one. Ms. Watkins, I thought--

Ed Hafer: I didn't come here to be the featured speaker.

Commissioner Mourdock: --I apologize.

Ed Hafer: That's okay, I'm just kidding.

Commissioner Mourdock: I hope you appreciate my concern.

Ed Hafer: Yes.

Commissioner Mourdock: I speak for, I think, both Rick and Pat in that concern. Ms. Watkins made the comment about the possibility of having a common parking facility. Do you see that as something we should work toward?

Ed Hafer: I think it's a common problem, but whether it's a common parking facility or not, I think remains to be seen. Both facilities need parking. There are problems with putting so many parking spaces at one site. I mean, let's just say that there is a lot going on downtown tonight and I hope that day is coming. Say

there is a performance in the Auditorium, there's a convention going on and something is happening in the Victory and maybe there is just a bunch of people downtown. To bring all those cars into one site, I think, there are some inherent problems in that. Secondly, I think there is another aspect of parking. We're dealing here with facilities that have very specialized uses that may not fill up a parking garage 24 hours a day, seven days a week. We need to look at how parking can be constructed to help other problems that we have in the downtown also. I think there is a common problem and both sides need to talk relative to how the parking needs are going to be met. But to say that it should be in one massive structure, I think the jury, at least in my mind, would still be out on that.

Commissioner Mourdock: Personally, I don't visualize one massive structure taking care of 100 percent of the needs of both in that situation where both are happening, but I don't think that situation would come up every night either.

Ed Hafer: I think most of you have seen Aztar's parking garage that has 1,675, and I can never remember the exact number, parking spaces. It's a huge structure that is several blocks long and over a block wide. Discussions have been had that maybe it could be located, this parking garage, at the corner of Locust and Martin Luther King. I mean, it would be the corner of Locust and Martin Luther King and everything a couple of blocks in either direction. Just to begin to understand the scale that we may be looking at here, but I think that Ms. Watkins brings up the proper point that both people need to look at the parking situation and how the needs can be met.

Commissioner Mourdock: I agree. Five years from now, Ed, do you see...it's too simple of a question. Never mind. It's too much of a softball and not my style. Thank you, Ed. Again, I apologize for putting you on the spot, but I very much appreciate you being here.

Ed Hafer: Thank you.

President Tuley: Any other questions or final questions, so to speak? Is there anybody else out there? You've got us in a position where you want us, I would think. We're here and we are accessible and we're looking for your input as well.

Debra Switzer: That reminded me of a question that I hadn't really considered. In the renovation, you know there is a parking lot right over next to the auditorium which is very, very good for people who have difficulty getting in and out who are not being taken by somebody who is going to park the car farther away. I hope that you will consider in the renovations not eliminating those particular parking spaces or making something to make it accessible near to where the auditorium programs will be because, again, some of us have a lot of trouble walking any place. I personally and a lot of other people are often by themselves so we don't have somebody to drop us off as some of the other people have. Thank you.

Commissioner Mourdock: For the record, that was Debra Switzer again. Let me just be sure, Debra, are you saying to have it accessible do you mean a walkway across the street level? Is that what you mean by accessible back into the functions?

Debra Switzer: Well or close. Either close or for instance at the Executive Inn they have the parking garage and then they had a walkway which was at the correct level. You know, they had elevators and a walkway which made it very, very accessible for a person who has some kind of physical disability. Thank you.

President Tuley: Do you want to wrap up on anything?

Commissioner Mourdock: Okay. If we have no other people rushing to the microphone. I'll say it a second time, I very much appreciate the fact that the members of the City Council are here and the Mayor. I want all of you and the public at large to know that while this meeting may be ending that does not mean that anytime in the near term will the final bits of ink be placed on a piece of paper as far as exactly what this plan will be. It will take some months and certainly the public as a whole is more than welcome to keep us informed as to what you think should or should not be in the facility and what we might do to make this be something that we can all be proud of for many decades to come. I certainly have pledged to all of you that I want to work with the city, the Victory folks and make sure that we have not just one star attraction downtown, but two.

Commissioner Borries: Let me add my thanks to the officials for coming tonight. This was intended to give you an update and let you know the progress of what we've done. It is the people's building here paid for by the taxpayers of this community and certainly when we are spending tax dollars, as Richard Mourdock has pointed out, we want to do it wisely. I think the positive about this is that it is certainly an exciting time to be in this community. Things are indeed not gloom and doom here. It is exciting to think about two functions and important for us to think about not duplicating what these two facilities do. We could certainly be a lot worse off and, unfortunately, there are many communities that are a lot worse off than Evansville right now. I think that from a positive side we certainly have to take a look at what we have and certainly build to make sure that these things truly do last for generations and are widely used. I would like to add my appreciation for all those who have attended.

President Tuley: I'll be real brief. I just don't want to repeat everything. It is important and we are glad to see the general public here, those of you who spoke, those of you who just came to listen. I'm glad to have the city officials here. As Commissioner Mourdock said, we're open for input. It does not have to be in a public forum like this. You can catch us through the Commissioner's office, you can catch us at home, at our workplace or wherever you need to track us down, so to speak, to provide us with input on your feelings. We are continually, once a month, getting updates from our consultants to let us know where they are in the process and we would love to share that with you and keep you advised as things progress so that you do know and continue to know what exactly has been planned for your building. It will be your building now and it will continue to be your building for the future. We appreciate your input and you taking your time to come join us tonight. As far as I'm concerned, this will conclude the public hearing with regard to the auditorium. I would like to take a five or ten minute break and then we'll get back to the business before the Commissioners and the regular meeting for the rest of the evening. Again, we thank you.

**BREAK IN MEETING 6:35 P.M.**

**MEETING RESUMED 6:45 P.M.**

President Tuley: Let's go ahead, it's a quarter till seven, so let's go ahead and start the regular meeting.

**RE: APPROVAL OF MINUTES**

President Tuley: The first item of the agenda is the approval of the minutes from the May 28 meeting.

Commissioner Mourdock: I'll move approval of the minutes from May 28.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: Item 4B, any group or individual who wishes to address the Commission who does not find their name or topic listed on the agenda, now is the time to come forward. Okay, there doesn't appear to be anybody.

**RE: REQUEST FOR FUNDING - FOUR FREEDOMS MONUMENT RESTORATION**

President Tuley: We have a letter, item 4D. A request for funding for Four Freedoms Monument restoration. Mike Bevers has been in contact with me for the past several months. It's a project that is being done through the Evansville Downtown Civitan Club. Basically, he originally approached me with a letter on March 26th asking for something in the neighborhood of \$8,000.00 for the restoration of the Four Freedoms Monument. They have raised quite a bit of money. I forget exactly what the figure is now, but I think somewhere in the neighborhood of 20 plus thousand dollars. They have approached the city as you can tell by the letter. They've got a commitment from Mayor McDonald and the city of Evansville of \$6,000.00 that is contingent upon the county making a likewise commitment of \$6,000.00. If both of those government agencies come through, then the Evansville Convention and Visitors Bureau will also donate \$6,000.00 for a total of \$18,000.00 which is the final amount of money needed to successfully complete the project. I think with everything that is headed downtown on the riverfront the Four Freedoms Monument has become kind of a symbol our town, at least in the riverfront area, and I think it is important, personally, that it not be in shambles, that it should be a nice monument and be well maintained. This civic organization has taken it upon themselves to raise the bulk of the money and they are asking for some help from the community here through our respective government agencies.

Commissioner Mourdock: Just one question, as I read this and you used the word a moment ago, Pat, to be well maintained, but that's not to say ongoing maintenance. This is strictly a capital improvement type thing?

President Tuley: I'm sorry, it is a capital improvement type project, you're right.

Commissioner Mourdock: Okay. Is the funding that we would use for this CCD money?

President Tuley: That is a question that I would assume that since this is a capital outlay project that it would. So, yes, that would be my recommendation. I think that is probably the only source of revenue that the Commissioners have that we could call from to make the commitment.

Commissioner Mourdock: I agree it's a symbol of Evansville and as you've heard me say before, I didn't want to see CCD money used for anything other than capital projects and while this one may not be a capital project in the way that most folks think of it in the community, I think it is worth doing, so I will move the expenditure pursuant to the matching funds of the City and the Visitors Bureau.

Commissioner Borries: I will second that and add that I think it is always interesting in the experiences that I've had with several foreign visitors, particularly Japanese visitors to our community, that when they stay in the downtown area many of them have gone over to this particular spot and they look out over the river. I think it's a real part of Evansville's history, as well as United State's history, traditionally, to look at the dates of when the states were organized, the freedoms that we espouse, so I would

agree with Commissioner Mourdock. I think it is not only a capital improvement, but certainly also a statement to our nation's history that I have seen a lot of visitors go over and see. I will second, assuming that the matching funds are in place. It will certainly be a needed improvement out there.

President Tuley: I will so order. I guess as a matter of formality, I will send Mr. Bevers a letter to that regard. Also, I guess at this point and time then do we need to make a formal commitment or request, I mean, of the Council for approval of the appropriation?

Commissioner Borries: Yeah, I would think that would go with this request, but if not we can do so.

President Tuley: Okay, are we to late to get on...is July the first time that we can be heard? Cindy, could you send a request to the Council along with a copy of Mike's letter and a recommendation from the Commissioners that we recommend approval? By then it looks like the city will have acted on it and I believe we will be in pretty good shape there.

Commissioner Borries: Mike Bevers has certainly done a yeoman's job battling this thing and I certainly want to commend him in the record for his diligence on this project.

President Tuley: I stand corrected, too, because I'm reading a letter from Jim Haddan of the Parks Department and it appears...and I'm not sure if the \$18,000.00 commitment from the City, County and Visitors Bureau is in this, but it appears that they have raised something like \$35,000.00 as opposed to \$20,000.00 for this project on their own.

Commissioner Borries: Yeah, they really have, wow!

President Tuley: They have done quite well.

Commissioner Mourdock: Should we quiz ourselves on each of the four freedoms?

President Tuley: Let's go to item 4E.

Commissioner Borries: One of them is freedom from fear, I think.

Commissioner Mourdock: Fear, religion, want and speech.

Commissioner Borries: Speech, yeah.

Commissioner Mourdock: That was a Democrat who said that!

President Tuley: I thought you were a Republican?

Commissioner Mourdock: I am, but it was Roosevelt, I meant, who said that.

Commissioner Borries: That's right.

**RE: FINAL READING - COLLECTION OF DISHONORED CHECKS AND DRAFTS**

President Tuley: Alan Kissinger, final reading of check ordinance.

Alan Kissinger: There is really very little for me to say. The Commissioners are familiar with the ordinance as it has been proposed. I think I have told you previously that this charge for dishonored checks, drafts, etc. received by the Treasurer's Office for the payment of taxes is allowed by statute. The ordinance fairly well tracks the statute and complies with the requirements of the statute. The County Treasurer has requested this and feels like this will be a significant tool for her use in the collection

of the dishonored checks and drafts. I recommend that the Commissioners give favorable consideration to the adoption of this ordinance.

Commissioner Borries: I will move that the check ordinance for dishonored drafts and checks for collection through the Vanderburgh County Treasurer be approved.

Commissioner Mourdock: I will second.

President Tuley: Since it is an ordinance I will call for roll call. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

**RE: ALAN KISSINGER - COUNTY ATTORNEY**

President Tuley: Alan, you've got the floor if you just want to go ahead under department heads.

Alan Kissinger: I'm up again, okay. Two things to report tonight. Both of them coincidentally real estate matters. The first matter is the proposed lease between the Vanderburgh County Extension Service as tenant and Steven and Karen Kahre. The basics of the lease were outlined to the Commissioners at a previous meeting. The Commissioners indicated some concern about cost of living adjustments for the future of the lease and renewals of the lease. I would advise the Commissioners that there is now a cost of living adjustment paragraph added to the lease which I have reviewed and it is in compliance and very much like other cost of living adjustment clauses. I think that Mr. McCampbell has indicated his satisfaction with the terms of the lease. I find the lease to be in good legal order and ready for the Commissioners to consider for a vote as to whether or not the county should, in fact, enter into this lease.

Commissioner Mourdock: In changing office space, the space that is currently occupied by the Soil & Water folks, will their space be subleased or otherwise will the county still be paying for that space through the Building Authority? Do you see the point of my question? I want to make sure that we are not double paying for space we are not using. Is that space being subleased to someone else?

Alan Kissinger: I haven't determined any plans for that, but the history of vacant space in Vanderburgh County Complex here is that almost before it empties it is refilled. So, I am sure that someone will be vying for that space very quickly.

President Tuley: To answer your question further, if it were obviously to become another county office then you know we will receive additional expenses...we won't receive, but we'll have additional expenses in order to keep the space. However, if we give up the right to that space and the city would take it over then, obviously, the city would be paying additional money to have the space.

Commissioner Mourdock: Is it your expectation that some other county group would want that space as opposed to giving it up to the city?

President Tuley: As Alan said, I wouldn't be surprised if you don't start getting phone calls yet tonight.

Commissioner Borries: I think that is a very valid question because I would suggest that we direct Cindy Mayo, as Superintendent of County Buildings, to prepare a memo for various county offices less we get the rush here tomorrow morning. Maybe she can designate a time to look through the space should this move be approved and designate a time when people can come in and look. Then we could evaluate whether or not we feel that these needs would not only be valid, but whether or not, again, it would justify continuing that space. If not, the city of Evansville would certainly be, as a joint tenant there, a likely prospect there to use some of that space.

Commissioner Mourdock: I have no doubt that someone, either county or city, is going to claim the space. I just don't want to see us get a double hit on that and if it is another county agency that is going to come in there, then they are going to have to come up with the funding out of their budget to do that. Is that...

Alan Kissinger: That is correct.

Commissioner Borries: It comes through us. There is one check that is written to the Building Authority and it's based on a per square foot of use in the facility. If it remains a county facility, which again will be our decision, our county space and then the amount we send the Building Authority would not change. If it is decided by this Board that none of the requests at this point could be justified, then the matter would be turned over to the Building Authority and then I'm sure that they would go ahead and talk with the city of Evansville. Should they take up the use of some of the space then our proportion goes down. It works like the computer contract with Data Processing.

Commissioner Mourdock: Okay.

Commissioner Borries: May I suggest then that we would ask Ms. Mayo to prepare a memo notifying offices, is that agreeable?

President Tuley: Yeah, that's fine. Is that a motion then?

Commissioner Mourdock: So moved.

Commissioner Borries: Yeah, I would move then.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: Have the Commissioners actually voted on whether or not to enter into this lease?

Commissioner Borries: No.

Commissioner Mourdock: Not yet. We've kicked them out, now what are we going to do?

Commissioner Borries: Yeah, they've got a real problem tomorrow if we stalemate now.

Commissioner Mourdock: I'll move the approval of the lease between the Kahres and the county for the purpose of providing the Soil and Water folks office space.

Commissioner Borries: It's not really Soil and Water. We probably need to clarify that. It's actually for the Vanderburgh County/Purdue Extension Service. Soil and Water already has another off-site spot and I might say in keeping with their mission that this is one of the reason that individually we have been contacted on this to get information to see that their mission certainly can be more centrally located in near downtown Darmstadt,

if you will. In these facilities they can gain more connections with many of the constituents that they serve in that area. It certainly seems to be a wise and hopefully time will prove that to be correct. I second the motion.

President Tuley: I will so order.

Alan Kissinger: The next matter I have concerns the proposed transfer of county real estate from Vanderburgh County to Evansville ARC Incorporated which is an Indiana non-profit corporation. The address for that real estate is 615 West Virginia Street here in Evansville. As the Commissioners will recall, in 1994 the Board of Commissioners adopted a special ordinance providing for the transfer of surplus property to non-profit corporations and it was an ordinance adopted under the Home Rule Statute setting out the specific procedure for exercising this power. The procedure is number one, a public hearing has to be held and that public hearing must be advertised and there are specific requirements as to what is contained in the notice of public hearing. At the public hearing the Commissioners can discuss and ask for public comment on the proposed transfer. I have prepared for the benefit of the Vanderburgh County Auditor, the form of notice of public hearing with instructions as to how it needs to be advertised so I suppose that the only thing there is to do this evening is for the Commissioners to vote as to whether to approve the advertising and to schedule the date of the public hearing.

Commissioner Borries: I could make a brief comment. Having served on this Board the past year I know that part of their long range plans have been to consolidate their functions in basically one site. They have been spread out over a variety of areas. They are in a rapidly changing age, as I guess all of us are, but certainly the mission of ARC has been to get into some partnerships with various corporations regarding manufacturing and certain services. To do that they have the land available for them and it will be, I think, a much more cost effective aspect in the future for them to have all of their operations located in one place. Having said that, we, meaning the county, have now solved a major problem that this building had and that was the unusual architectural design of having the parking on the roof and then leaks developed. I guess I should not say unusual, but certainly we have learned the hard way that when you park on top of the roof sometimes bad things can happen. In this case, the roof has now been repaired and it has been certified by the County Engineer. The ARC group, as I understand it, is willing to now take full control of this and certainly from the county standpoint we've done as we said we would do to make the building fully useful and fully accessible to any future buyers. Again, this will certainly promote the mission of ARC as well as end some continuing obligations that we've had on that particular facility. I would move at this time, I guess in a long winded way, to advertise for the transfer of this building to ARC of Evansville and that it would be advertised for a public hearing over a period of ten days and advertised twice. Is that right?

Alan Kissinger: No. The advertisement needs to appear but once, but the ad needs to appear at least ten days before the date of the public hearing. I guess we'll need some input from the Auditor's Office in reference to how long it will take to actually get this advertised and have a ten day lead time as to which meeting we could first consider this.

Commissioner Borries: I'll amend my motion to advertising once within that ten day period and defer to the Auditor for scheduling.

Suzanne Crouch: The 17th of June.

Alan Kissinger: The 17th of June? Does that give you sufficient

time.

Suzanne Crouch: Yes, ten days before?

Alan Kissinger: That is fine.

Commissioner Borries: So I will further amend my motion to include June 17, 1996 as the date for the public hearing.

Commissioner Mourdock: I will second the most recent of the amendments.

President Tuley: So ordered.

Alan Kissinger: I am going to turn over the notice of public hearing form of advertisement and the proposed warranty deed which I have prepared in case the Commissioners vote to approve this transfer. I have nothing further to report.

President Tuley: Okay.

**RE: LYNN ELLIS - COUNTY PURCHASING**

President Tuley: Okay, Lynn Ellis is not here.

**RE: JOHN STOLL - COUNTY ENGINEER**

President Tuley: John Stoll has submitted a request for Browning Road Estates West, Section 3 sidewalk waiver. The request was submitted actually by Fred Kuester of Fred J. Kuester Engineering and Land Surveyor. John has reviewed and...let me just read John's response,

"I received the attached sidewalk waiver request for Browning Road Estates West, Section 3 from Mr. Fred Kuester. This subdivision, located off Boonville New Harmony Road, does not have sidewalks in any other phases of the development. The lot sizes in Section 3 range from 0.45 acres to 1.24 acres. Since this is not a high density subdivision, nor are there any other sidewalks located in this development, I would recommend that the sidewalk waiver be granted for this phase of the subdivision."

Commissioner Borries: I move that the request be granted.

Commissioner Mourdock: I will second based on the recommendation of the County Engineer.

President Tuley: So ordered and that concludes John's report for tonight.

**RE: BILL MORPHEW - COUNTY GARAGE**

President Tuley: Bill Morphey has submitted the Vanderburgh County Highway Department progress report as well as the Vanderburgh County Bridge Crew progress report for the period of Friday, May 24, 1996 through Thursday, May 30, 1996. Looks like, basically, work everywhere throughout the county. Tree removal, grass cutting, Spry Road, Henderson Road, guardrail work and headwall on Spry Road, and just worked about the county by both segments of the highway.

Commissioner Borries: For the record, Mr. President, last Friday, May 31 was the official date that the Tekoppel Overpass Bridge was reopened. The vendor for the suspicious...what's my word?

Commissioner Mourdock: Cracks.

Commissioner Borries: Well what was the...?

President Tuley: Crossbeam, wasn't it?

Commissioner Borries: Beam! The suspicious beam conducted final tests. All of the repairs were made and the engineer certainly in the interest in serving the public and lessening some of the frustrations related to this particular project did open it last Friday, May 31.

President Tuley: That's good news, finally, I think.

**RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS**

President Tuley: Cindy Mayo.

Cindy Mayo: I have nothing to report.

**RE: CONSENT ITEMS**

President Tuley: Okay, we have consent items. I might add that there was a pink slip submitted late this afternoon with regard to employment changes in the Pigeon Township Assessor's Office to be considered along with the other employment changes, travel requests, monthly Treasurer's report and monthly time accrual report.

Commissioner Mourdock: I'll move approval of the consent items as submitted with the amendment.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: SCHEDULED MEETINGS**

President Tuley: Scheduled meetings. At 3:30 p.m. Wednesday the County Council meets for the monthly meeting of June. Next Monday, the 10th, there will not be an Executive Session held because there is a 4:30 p.m. Solid Waste meeting and then the Commissioners will conduct their regular meeting at 5:30 p.m., and that will be back over in the Commissioner's Hearing Room.

Commissioner Borries: There is also a special Drainage.

President Tuley: Oh, that's right. There is a special Drainage Board meeting that night immediately following the Commissioner's meeting.

Commissioner Borries: We're all going to anxiously await, I'm sure, but we do need to--

President Tuley: Can I wait over here?

Commissioner Borries: --acknowledge that there is going to be a special Drainage meeting there. Let's hope it stays dry between now and then.

**RE: OLD BUSINESS**

President Tuley: Okay, under old business, I've got what I guess is considered old business. Here is a letter addressed to a former employee of the Vanderburgh County Treasurer's Office stating pay for eligible vacation and sick time that has been accrued. At the request of the Treasurer the Commissioners are sending the letter to the individual how and why the amount that she is being paid for was accumulated, how it was calculated. If the Commissioners would so desire to sign the letter.

Commissioner Borries: I think this matter has been referred to the group that did major work on the county personnel policy and I think it is in conjunction with what our personnel policy currently states, if I'm correct on that?

President Tuley: You are correct.

Commissioner Mourdock: I would add that if we would proceed in any way other than that as indicated we could and undoubtedly would run afoul with the State Board of Accounts as far as are we pursuing all the steps of our personnel policy.

President Tuley: I think you are absolutely correct. I'll entertain a motion to approve this letter.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered. There is a signature space for all three of us. Old business. The only other item that I had was a while back there was a discussion with regard to vacation time for John Stoll. I think we resolved John's, but I've been contacted, Alan has been contacted several weeks ago in regard to Bill Campbell of the Drug and Alcohol Deferral Services as well as Emarie West, who is a secretary for him, questioning vacation allowance based on employment with the county. Alan, you have a background with regards to the DADS program and how it was initiated and started?

Alan Kissinger: Yes, the Drug and Alcohol Deferral Service originated as an idea of the then Vanderburgh County Prosecuting Attorney, who was Bill Brune. Bill Brune ran the program approximately two or two and a half years and the employees there were paid through the county through the Auditor's Office and then the program as a result of an Indiana Supreme Court decision was turned over to the Vanderburgh Superior Court. Coincidentally, I ran the program for a few years through the Vanderburgh Superior Court. Once again, all the employees, Bill Campbell included, were paid by Vanderburgh County. Then sometime a short time later, approximately two years later, it was established as a separate department of the county and remains so today. So, Mr. Campbell specifically has been a county employee since the...well, not the inception of the program because Mark Owen was the Director of the program originally, but very shortly thereafter, Mr. Campbell became the Director of the program while it was still under the directorship of the Prosecutor's Office, so all of those people have been county employees since their date of hire.

President Tuley: Emarie West was an employee of the Knight Townships Trustees Office and the only exception might be that their salaries are actually set by their own Board. However, I think all the revenues are generated for salaries just like any other county employee.

Commissioner Borries: I would think, though, doesn't the check say Vanderburgh County on it.

President Tuley: Yeah, it says Vanderburgh County Auditor on it.

Suzanne Crouch: I don't know, I would have to check on that.

Cindy Mayo: They get a check from the payroll department. It is issued by them.

Commissioner Borries: It has Vanderburgh County on it?

Cindy Mayo: Yes.

Commissioner Borries: To me, on this one it's a little bit like John Stoll's although she's moving from a different unit of government there was no interruption of service so it seems to be to be a matter of eligibility and continuity from that standpoint. I think, again, because it says a Vanderburgh County check and it just comes out of a different line item from a different unit of government, so I would see that she would be entitled to the benefits at least without a disruption in service.

Alan Kissinger: You know, that question has arisen previously too, as to their status as county employees in consideration of the fact that there is a state statute dictating how their salaries will be determined. How their salaries are determined has absolutely nothing to do with whether or not they are county employees. You can almost ask the question with a question. If they're not county employees then who does employ them?

President Tuley: Right. The question on the floor is then from a standpoint of vacation only at this point and time. Are they entitled to vacation based on their initial employment date?

Alan Kissinger: My opinion is that they are entitled to it. As far as if you're using their date of hire in consideration of the fact that there is no gap in service, but I do think it becomes a question of interpretation of the personnel policy by the County Commissioners. My recommendation is that you give favorable consideration to granting them the vacation time back to their date of hire. In the case of the one lady, who was with the Township Assessor's Office, that her time with the Assessor's Office be included in that date of hire, the calculation.

Commissioner Borries: That's for vacation only in this case? Kind of a case by case basis?

Alan Kissinger: Yes.

Commissioner Borries: I would move that based on the attorney's recommendation and comments here that the request for vacation benefits for Mr. Bill Campbell and Ms. Emarie West be approved.

Commissioner Mourdock: Based on that recommendation, I will second.

President Tuley: I will so order. That's all the old business that I have. Do either one of you two have old business?

**RE: NEW BUSINESS**

President Tuley: Do either one of you have new business? Motion to adjourn?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: We're out of here!

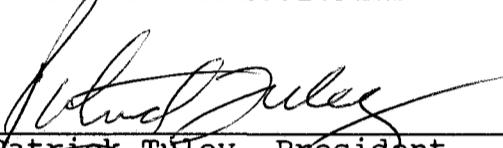
Commissioner Borries: It's daylight still!

Meeting adjourned at 7:20 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Cindy Mayo  
Charlene Timmons  
Michael Buente  
Edward Moser  
Sam Stone  
Janet Watkins  
Davis Wilson  
Debra Switzer  
Bruce Lomax  
Ed Hafer  
Members of media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



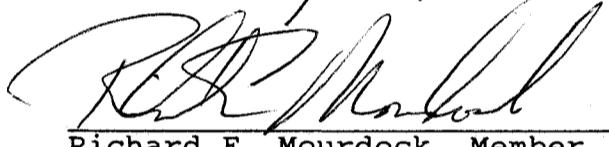
---

Patrick Tuley, President



---

Richard J. Borries, Vice President



---

Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
JUNE 10, 1996

TABLE OF CONTENTS

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Opening of bids VC96-05-01 .....	1
North Green River Road/Lynch Road	
Any group or individual wishing to address the commission .....	1
Roger Lehman - Approve study for GIS City/County .....	1
Michael Lockard - P.U.R.E. ....	7
Cheryl Musgrave - Enhanced Access Data Board Resolution .....	10
Dennis Feldhaus - Ordinance - Employee Blank Bond .....	13
Report on bid opening VC96-05-01 .....	15
North Green River Road/Lynch	
Jayne Berry Bland - Collection of bankruptcy account .....	15
(unable to attend)	
Brian Carroll - Petition to vacate easement .....	15
Les Shively - Petition to vacate easement .....	17
Barbara Cunningham - Request for CCD Funds for CAD station ....	18
Eric Schwenker - Oak Hill/St. George sewer project .....	19
Suzanne Crouch - Brucellosis & Tuberculosis contract .....	27
Kendra Owen - Noise ordinance .....	27
ACORN - discussion concerning proposed ordinance .....	28
Lynn Ellis - Purchasing .....	32
(no report)	
John Stoll - County Engineer .....	32
Street acceptance - Cross Pointe Boulevard Supplement agreement - R. W. Armstrong and Assoc. Street plan request - Seasons Subdivision	
Bill Morpew - County Garage .....	33
Progress report from Highway Department and Bridge Crew for May 31, 1996 through June 6, 1996	
Alan Kissinger - County Attorney .....	34
Discussion regarding county vehicle ordinance	
Cindy Mayo - Superintendent of County Buildings .....	35
Letter from Mark Acker, Veterans Services Officer Discussion regarding minutes of June 3, 1996 concerning Emarie West	

Consent items .....	35
Employment changes	
Auditor's Office - monthly financial report	
Council Call - Burdette park extra help	
Auditor's Office - approval of vendor claims	
Scheduled meetings .....	36
Old business .....	36
New business .....	36
Letter requesting use of Burdette Park pool for the Boys and Girls Club of Evansville	
Adjournment .....	37
Attendance and signature page .....	38

VANDEBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

JUNE 10, 1996

The Vanderburgh County Board of Commissioners met in session this 10th day of June, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:42 p.m.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley: If we may call to order the Vanderburgh County Commissioners meeting for Monday, June 10. As a point of introductions, to my far right is Cindy Mayo, who is our office administrator and Superintendent of County Buildings; to Cindy's immediate left is Alan Kissinger, County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is County Auditor, Suzanne Crouch; to her immediate left is Charlene Timmons, who is Recording Secretary and she will be recording the minutes of this meeting; and I'm Commissioner Pat Tuley. If you will please stand with us, face the flag and say along as we do the Pledge of Allegiance, please.

**RE: APPROVAL OF MINUTES**

President Tuley: There were, and may still be, additional agendas along the wall over there for anybody who does not have one. The first item on the agenda under action items is the approval of minutes from the meeting of June 3, 1996.

Commissioner Borries: Mr. President, I move that the minutes of June 3, 1996 be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**RE: OPENING OF BIDS VC96-05-01 NORTH GREEN RIVER ROAD/LYNCH ROAD**

Commissioner Borries: Also, if we might just deviate a bit because I think it is going to be a very short item, but if we could direct the County Attorney to open the bids in relation to the North Green River Road project so that he can begin his review?

Commissioner Mourdock: Was that a motion?

Commissioner Borries: I so move.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: We'll go back to the agenda then. Item 4B, any group or individual wishing to address the Commission who does not find their name or subject for discussion listed on the agenda, now is the time to come forward. Anybody meeting that description? Okay, everybody is here for a reason that's listed.

**RE: ROGER LEHMAN - APPROVE STUDY FOR GIS CITY/COUNTY**

President Tuley: Roger Lehman, approve study for GIS City/County.

Roger Lehman: The dark blue is the original copy. In the interest of time I have written a short presentation so I don't ramble too much. I'm here today representing the City/County GIS Forum which is an informal group of department heads and technical personnel that have been meeting for the last 18 months, plus, on the topic and subject of GIS, Geographic Information System. We initially

met because the City/County utility, the Sewer and Water Department, was proposing to do a pilot program on GIS and when that was initiated, it kind of spun off to maybe that this is something that we should look at county and city wide. We wanted to look at it as a system that could help the agencies and departments that do the work, particularly with maps. We also wanted a system that would not cost the taxpayers an arm and a leg. The forum, as a body, is convinced that the GIS system would be the best thing since computers and two-way radios for the city and the county. If you recall, a short history when we first went on computers, that was somewhat of a large undertaking and it was something that once it was done, we wondered how we survived without them. Radios was another one, particularly for my department. For many years we didn't have them, but when we got them, we practically doubled our efficiency overnight. Because of the combination of data on maps, information sharing and retrieval would become faster and much more accurate. A lot of the departments within the city and county depend a lot upon mapping. All of us have a tremendous amount of data and when you can link those two together and come up with accessible data and accurate data, then it makes very good sense to look at that. I won't go into how each department might benefit from this because that would take all night. We'll just move on with the fact that we believe that it is a very valid idea. At this time we are not asking for money to complete a study for the potential of GIS simply because Indianapolis has it, Bloomington has it and several other progressive cities in the Midwest have it, but rather because we sincerely believe that our time has come. There was no negative intended there. We sincerely believe that we can better serve the citizens of this county by providing correct information in a timely manner and because a significant portion of the costly part of the GIS has already been completed. To speak to that just briefly, the city and county jointly did aerial mapping of the entire county over the past three or four years at a cost of about a half million dollars. Those maps are all digitized. Normally that is a cost that is folded into the cost of bringing up a GIS system, so we've got a half million dollars of GIS already done even though it may or may not have been intended for that. I think that maybe three years ago it might have been looked at that way. The Utility Department and Board of Works are in a joint pilot program now with a total investment by 1998 of approximately 1.2 million dollars to provide a GIS system for the utilities. They are, at this time, doing a one square mile pilot project in the downtown area and their intention is to eventually include the entire county as far as utility goes for their use. In other words, Sewer and Water, basically. These projects, along with the seismic study, are being conducted by Georgia Tech and being funded by the USGS to the tune of about \$150,000.00 makes this the time to determine the cost benefit of the county wide GIS. Enclosed in the packet I have given you is our letter of request, an endorsement from SIGECO who is also proceeding with a GIS system on their own, and it would make very good sense and be very logical if our system and their system could be compatible. There is a letter from the utilities consultant, Rust Engineering, who is taking care of the GIS pilot program for the utilities and a letter from IU concerning Indy's GIS and they show an estimate there where they have spent \$10,000,000.00 on the system and they have saved \$23,000,000.00 now. That's good. The information is in there so you can take it and analyze that on your own. These kind of activities and potential cost savings, even if you can't save \$2.00 for every \$1.00 you spend, I think is still worthwhile. This issue should be addressed once and for all. We've been talking about it off and on for about the last five years. We got close to being serious about three years ago and then it went by the wayside. The utilities are proceeding on. SIGECO is proceeding on. We believe it is time that we hire some professionals in the field to show what Vanderburgh County could expect from GIS implementation. This study, which the specifications would be approved by Data Board, by the forum and by affected departments, would be required to provide

a cost benefit, it would be required to provide personnel requirements, maintenance costs, hardware/software requirements and costs, department by department needs analysis, and proposed funding sources. There are funding sources outside of the General Fund that can be tapped for this. I don't have numbers and I don't have locations, but there are other sources besides the General Fund. However, we are asking tonight for \$35,000.00 maximum from the county. We are also asking this from the city for a total of \$70,000.00 to do a complete study of the city and county and the departments to determine whether or not GIS can benefit the city and county to the tune that it does in other localities. We see no reason why it could not; we see many reasons why it could, with the letter that we are submitting. It has all the department head signatures that would utilize GIS in a major way. There are a couple of signatures missing there, but it is not because they didn't want to sign, I didn't ask. I just had my secretary type all of the county departments on there and some of them we didn't feel would be direct beneficiaries necessarily of GIS. All department heads that were presented with this information signed it, so it is somewhat of a unified approach from the department heads as well as elected officials. At this time, I would be glad to answer any questions. County Assessor Cheryl Musgrave is here and she has a presentation to make to piggyback onto what we have already talked about and maybe let her make the presentation, and then we will try to answer any questions.

Cheryl Musgrave: I'm here to present the original document that you have in your packet, the resolution from the 1999 Land Valuation Commission. The members of the Commission have been frustrated in completing our task because we don't have maps that organize the data the way we need to use that data. Currently, it takes a tremendous amount of data entry time and then our results really still are not very satisfactory. So, I have here today the resolution,

"That an electronic mapping system, otherwise know as "GIS" (Geographic Information Systems), would be beneficial to Vanderburgh County and, in particular, the Vanderburgh County Land Valuation Commission by assisting in gathering and preparing data to be submitted to the Indiana State Board of Tax Commissioners. This electronic mapping system would allow for immediate processing of available data in a visual format. This visual format would aid the Land Valuation Commission in valuing the land in Vanderburgh County, Indiana."

I'll submit this to you, if I could have the file marked copy back, here is the original. That was written and signed by most of the members of the Commission before Judge Fisher outlawed our current assessing system and so now I don't know if we are going to need a Land Valuation Commission, but I can tell you that as an Assessor, we are going to need a GIS system more than ever. Currently, we are actually using for the Land Commission, photocopied and taped together pieces of maps that were actually produced by the Soil and Water Conservation Department because these maps have more information in a visual way than the county maps do. The county maps are too big, too cumbersome, too hard to read and so the Land Commission is actually using outside sources to make its data. I'll show you, this is what we are using. Let me show you what we could be using. This was provided to us by Sidwell Corporation; I don't know how well you can see it, can you see it? This is the aerial photograph that he was telling you about that the county has already paid to have done and digitized. This is a digitized picture and on top of it, you see what the water department is doing, I believe, in a partial way. The lot lines, these are the deeds taken from the Recorder's Office, reread and plotted electronically on top of the aerial photograph. There is quite a bit of information available on these. Not only are our streets named, but you can also see the buildings themselves and see how

they sit on the parcels. It also has the lengths of the lines available for you. It shows where all the creeks are. This is what our county needs to use, not only for the Land Commission, but for all the people who come to our counter all day, every day to look at the county's maps. This is showing you just two layers. That's what it is called in GIS, layers of information. The Water Department really couldn't care less, I don't think, about anything except where their sewer pipes are located and what they might do is add to this the other layer showing where all the pipes and easements are and it would show it right on top of this. You can just keep stacking the layers and get as much information as you could possibly want in one place. GIS is to electronic mapping...I'll turn this around so that other people can see it...what word processing is to document management. It is an electronic way to manipulate the information that we have. It is expensive to get started, but I do believe that we, like Indianapolis, will save money as we go along simply because now we have to have office, after office, after office enter this information into their records. With the GIS system it would be entered in the office that has the responsibility to do that, but accessed by everyone else. I encourage you to find ways to fund this project or drive the bus of this project, ways to work with the city on developing a pilot project for maximum usefulness and I really want to be a part of it, but it does need somebody to push it along. I'll let you go back and ask questions of either one of us. Thank you.

Commissioner Mourdock: The \$70,000.00, Roger, that the city and county, assuming...and you've not gotten approval from the city yet is that right?

Roger Lehman: No, we made an approach to the city and they are taking it under consideration.

Commissioner Mourdock: Okay. The \$70,000.00 is actually buying you hardware and software?

Roger Lehman: No, that's buying the information to determine whether or not we need to buy the hardware and software.

President Tuley: It's a study.

Roger Lehman: The total GIS system could cost from two, three or four million dollars in its totality including hardware and software and data. A majority, I think, 80 percent of the cost of GIS is converting paper data into digital data that can go into the computers. That's 80 percent of the cost. We have taken care of, like we said with the mapping, about \$500,000.00 of that already. What we are asking for now is not a GIS system because I don't think that any of us are really qualified to say GIS is going to save the county \$10,000,000.00 in the next ten years. We feel like we are in a position to say that we think it can, but we want somebody to do a study of each department and do a study of what the requirements would be for personnel, because it does take personnel to maintain this. You can't just have a box over here and run it, you have to have somebody maintain it. There are continuing costs for it, too, in addition to the start up costs. We think that unless we find out by someone who is in this field whether or not it will help us, that we would be silly to just say let's do it, but we would also be silly if we say let's just stick our heads in the sand and forget about it, because we don't know. We've had enough presentations, like I said, this has been going on about three or four years. Most of us who have attended a lot of those presentations have no doubt that this will save money in the short run as well as the long run. Definitely in the long run and most likely in the short run. We feel we need to have someone tell us what we need, how it needs to be done, what kind of time frame to implement it on, again, what the costs are going to be, what the benefits are going to be, how it will work with our current

computer system, the networking and so on and so forth.

Commissioner Mourdock: That study will also tell you how you can coordinate with the utility study and the SIGECO study?

Roger Lehman: Yes, that would be in the specifications also. Now, with SIGECO, it is a little different because they are private. We'll put in there as much as possible to coordinate to be sure and most of the systems today and, again, GIS is not new, it has been around for about 10 or 12 years now and they've got most of the bugs worked out. Most of them can talk to each other now. In the past, if you had one ArcInfo and somebody else had some other brand name, you know, there is just nothing that you can do to get it to go together, but now most of the modern systems can talk.

Commissioner Mourdock: So, effectively, SIGECO's data would just become another layer of our data?

Roger Lehman: Right, to the extent that they can release their data because of their position in the industry. They are very interested in us getting it because they can use our data for sure.

Commissioner Mourdock: Did I understand you to say that across the entire county, everything we have property wise is digitized?

Roger Lehman: Yes. No, all the maps are digitized, they are not property parcels. It is not in parcels.

Commissioner Mourdock: Okay, I didn't think we were that progressive.

Roger Lehman: The contour lines and the aerial photos and all that stuff, it has all been done.

Commissioner Borries: Just real quickly, Roger, you're actually asking for some kind of service contract, is that right?

Roger Lehman: RFP, is what we were thinking, a request for professional services.

Commissioner Borries: Are you going to do this jointly between the city and the county?

Roger Lehman: Yes.

Commissioner Borries: Who would issue this RFP and award the contract?

Roger Lehman: That's a good question! I kind of volunteered to do that through our office since we are a joint office and I'm somewhat in the lead on this thing for a while.

Cheryl Musgrave: I think Data Board would be the place to have that RFP issued from and he is scheduled to make a presentation to Data Board at our next meeting. I don't have the date, but it's in a week or two.

Roger Lehman: I think the Data Board doesn't have funding capabilities so they can't really, technically, they can't...

Commissioner Borries: I guess they can act as a contractual advisor.

President Tuley: They could act as a technical advisor.

Roger Lehman: Right, so it would have to go through another source. Like the Board of Public Works in the city, it could go through the Commissioners, it could go through other sources, but we will assure you that we will find a place if we get the money.

Commissioner Borries: You are going to issue an RFP? You've not made any decision on who is going to do this consulting study at this point, is that correct?

Roger Lehman: That is correct. That is what we want someone to tell us. It has been suggested and we may go back because the city does have Rust Engineering under a contract now to do the utility study. It may be beneficial to piggyback onto their contract. There is also data people, SCT, who runs the computer room now, is looking into a partnership with a GIS primary firm and it may be beneficial to piggyback onto the contract with SCT and go through their consultant for it also. We really need to have the funding so that we can explore these possibilities seriously.

Commissioner Mourdock: As far as a separate line item that we would be handling this out of, I heard you say that was a question in your mind, is that right? You didn't have a specific line item to say...

Roger Lehman: I have a contractual services line item in my budget so we could do it. From a technical standpoint we could run it through my budget.

Commissioner Mourdock: I meant as far as the source for the funds from the county.

Roger Lehman: The source of funds from the county, I assume, would have to come from the General Fund for the study. There are other sources available and there may even be for the study, I'm not sure that it is practical to go to those now, but when we get to the point, and if the study says, yes, it is practical and, yes, we can save money, then part of the study requirements says, okay, tell us where we can get money. There is money from perhaps Soil and Water Conservation, from the State, and there is money from perhaps other sources locally besides the General Fund. Of course, the city and the county will, hopefully, go into this as a joint venture and the cost would be divided up according to the usage.

President Tuley: You say that the city is taking it under advisement?

Roger Lehman: Yes.

President Tuley: When did you make your presentation to them?

Roger Lehman: Two weeks ago.

Commissioner Borries: Have they approved any money?

Roger Lehman: No.

President Tuley: When do you go back before them or are you to go back before them?

Roger Lehman: This is a matter and I tried to call Leslie again today. I don't know that they will do...we're asking for the money in 1997, actually, so I anticipated this coming in the budget process in 1996. I'd rather get it this year, but I'm not that much of a dreamer. I anticipated that it would come out in the budget hearings, the joint budget hearings, and it would be worked out at that time.

Commissioner Mourdock: I am certainly in support of this system. I don't think this technology can do anything other than save us money, and as one who has spent a lot of time in the Assessor's Office, Auditor's and Recorder's Offices over the year looking at plats and maps trying to pin things together, this would be very handy. I'm certainly supportive and I think that the best that we can do at this point is to also take it under advisement and to

certainly give it full consideration in the budget process for '97.

President Tuley: I agree.

Commissioner Borries: Thank you, sir.

RE: MICHAEL LOCKARD - P.U.R.E.

Roger Lehman: Oh, if I might, Mike Lockard is not here yet is he?

Michael Lockard: Yeah, I'm here.

Roger Lehman: He asked me to tell you that he might be late for his presentation, so I wanted to pass that along. He's here, so I don't have to say anything.

Commissioner Borries: Was he on the agenda?

Cindy Mayo: He did come in the office.

Commissioner Borries: Was he supposed to be on the agenda?

President Tuley: Are you on the agenda because I sure don't see your name?

Michael Lockard: I looked at that a while ago. I stopped in and talked to Sunny.

Cindy Mayo: On Thursday, I believe.

Michael Lockard: Yeah, and she said that she would put me on there right after Roger. I don't know why it's not on there.

Commissioner Borries: We have a long one tonight. Is it going to be brief tonight?

Michael Lockard: No, not long, about one or two minutes and that's it.

Commissioner Borries: Okay, great.

Michael Lockard: My name is Michael Lockard and I'm with P.U.R.E. and the reason that we are here is that you guys have already graciously voted on and accepted the need for the ordinances for the adult usage. You have probably noticed that the city is in a position now that they are almost ready to put the ordinance in place. In fact, I got an advanced copy of the notice the other day that is going to be filed Wednesday to do the initial reading, the first reading, for next Monday. What we were coming to ask tonight was if you could vote or make a motion or whatever is necessary to go ahead and have the public meeting that is necessary in order for this thing to pass and survive the constitutional court challenges and the processes that are necessary in order for an ordinance to be enacted. All of our research and in talking with Kevin Winterheimer, City Attorney, has shown us that there has to be some type of public input meeting as well as a formal presentation to you all as County Commissioners to show that there is a need for this ordinance, the documentation to provide why the ordinance is necessary, and also to prove that after looking at all the information, that you feel it is necessary as well. So, what we were hoping for tonight is that you could either set some kind of date or at least look at having a date some time in the extreme near future to go ahead and have the public input and the presentation of the information. I believe that Barbara has done the groundwork to do the land use study. I spoke with her last week.

Alan Kissinger: That is correct. Barbara Cunningham, from the Area Plan Commission, has informed me that the map is nearly

complete and she needs some input to complete the map. The ordinance, therefore, has not been completed in consideration of the fact that we are going to have to consider the map before we decide the number of feet from certain facilities.

Michael Lockard: Right.

Alan Kissinger: I think that probably the best that we can do at this point is to promise you that with all deliberate speed we will get to the point of preparing an ordinance that the Commissioners can consider and then schedule a public hearing on that ordinance after we have had, basically, a familiarization with the Commissioners. After we have done that, and I agree with you that if you do not have a public hearing and give public notice of that hearing, then it is entirely possible that our ordinance would be declared unconstitutional for that reason.

Michael Lockard: I knew that when the city did theirs that they had three total public meetings prior to Kevin even drafting the ordinance. In fact, we even gave him a sample ordinance that we had prepared. They were going along with having the public meeting to get the input prior to drafting the ordinance so that any kind of public input as to what we wanted as citizens could be drafted into the ordinance and then he was going to have the first reading next Monday.

Alan Kissinger: Oh, I see your point. I don't want to influence the order that this takes, but I was assuming that we would go in the normal order that we do when we introduce and adopt legislation of that type. At the pleasure of the Commissioners, if they wish to set public hearings prior to that time, it certainly will not have any detrimental affect on the preparation of the ordinance.

Michael Lockard: That's why we were hoping for that because we felt like it would definitely speed the process along even more. One of our great fears, of course, is that once the city get theirs enacted, that as long as the county goes along with the exact same time, more or less, that it will prevent somebody from saying, okay, the city has done a great job so we're going to go out into the county now because they don't have that in place yet. That was one of our great fears, and one of our hopes is that would not have any possibility of occurring. I think from your past comments that you guys were under the same exact thought and that is why we were hoping that if we could ask for the public meeting, we could at least get that part of the process started and get it out of the way, more or less.

Commissioner Borries: Depending upon your review, can we adopt a similar ordinance that the city...

Alan Kissinger: We can adopt an ordinance very similar to the city as far as the way the ordinance is set up. The one problem that the county is not going to deal with that the city does have to deal with is that if you prohibit certain activities and you prohibit it within a certain number of feet from a church, school, day care center, etc., then you have to be very careful. The city has to be more careful to be certain that they do not by definition in their ordinance, eliminate an otherwise legal activity from occurring. We don't have that same problem in the county, but we do need the map that is being prepared by the Area Plan Commission so that we can come up with a number of feet that is going to be reasonable in the county without eliminating the possibility of this type of business, which although undesirable to some, certainly not illegal in most cases. As far as having input from the community prior to preparing an ordinance, it does make sense because that way, if we have already prepared an ordinance, then we are going to have to go back and amend it if the Commissioners decide that there are good suggestions from the public that should be included in the ordinance.

Michael Lockard: Looking at what they have drafted so far based on what Barbara has looked at for the county, I don't think there is going to be much of a problem of having it be too restrictive out in the county. The distance requirements that are still somewhat along state guidelines is the 500 feet to 1000 feet rule which out in the county, of course, you don't have as much of your protected areas as you do within the confines of the city limits.

Alan Kissinger: Exactly and what we really have to concentrate on are those areas where we may violate the legal dictates.

Commissioner Mourdock: Your request, Mike, is not asking for a special meeting, it's just asking for a normal Commissioners meeting for which there is an announcement prior to that meeting saying that issue will be discussed?

Michael Lockard: Right. I'm not sure how the county does it in relation to the city. I know that they formed a special committee to do it, however, their main purpose was just to have the special meeting or some type of meeting where the public was invited to put their input in. All three of them were somewhat lengthy, to the tune of two to three hours, especially the last one. It was done and he had all the documentation he needed from the public and other sources to show, the Area Plan Commission came in and did their presentation which was part of the requirement we have discovered, and there was a formal presentation to the City Council saying here is what we have found. One of the department heads, and I not sure which one, but it was from one of the department heads saying that this is what we have discovered and then it was all done. Once Kevin got through with that he was able to draft the ordinance. That's what we were hoping is that sometime within the next 30 days or so you could advertise for a meeting that the public could come to and comment and then, of course, the actual performance of drafting the ordinance could officially begin because you have survived that public input meeting.

Alan Kissinger: I have a skeletal framework, if that's not duplicitous, of the ordinance that I am going to recommend to the Commissioners, but certainly any input that we can get from any source would be helpful at this point.

Michael Lockard: We have a manual which, if you guys do not choose to purchase, we will purchase it for you as one of our organization's programs. It was written by a national law center and it's called the National Law Center for Children and Families. It's \$85.00 and it has every single court case since the written ordinance, any challenges that have been presented, anything that goes along with that, and ordinance and land use studies dating back to the middle '70's. It has a sample ordinance, and I know you don't want to hear this, it's about 90 pages long, their sample ordinance. It also has a memorandum of law that goes through and describes everything that a municipality needs to perform to put one of these in place that will survive just about every kind of challenge that you can imagine. It was written by former State Attorney General's legal people and judges. It is a wonderful ordinance. Kevin's comment was, "I wish I would have had this two years ago". It is a very good book to have and we have purchased it for the city and we would be more than willing to do the same for you. They are going to pay us back for it, so that's a hint! We will be glad to provide that for you.

Alan Kissinger: Rather than that, we do communicate frequently with the city's legal staff and I'm sure that Kevin Winternheimer wouldn't have any objection to me borrowing his copy.

Michael Lockard: I will say that it is probably the best documentation that we could have ever come across in order to do this because it does go through all the court challenges that have been presented. I know that part of the problem is looking at

everything that has been challenged. It goes through all the challenges and shows what ordinances were upheld and which ones were thrown out because they violated the First Amendment or the Fourteenth.

Commissioner Mourdock: Because we do have a number of issues to deal with tonight and the 90 pages that you mentioned does not bother me nearly as much as the thought of a two to three hour meeting, which would otherwise coincide with a Drainage Board, which tends to be four and five hour meetings, but I would suggest that perhaps on July 8. Let's see, the Fourth of July is on Thursday. Do we have the holiday on the Monday before or following?

President Tuley: Right on the day.

Alan Kissinger: No, it's on the day.

Commissioner Mourdock: On the day, okay. Then I would suggest Monday, July 8th that we issue public notice that this proposed ordinance and language would be discussed at that meeting. I don't know if that needs to be a motion, or can I make it as a suggestion? Would you like it as a motion?

President Tuley: Just make it as a motion.

Commissioner Mourdock: I'll move that we use the meeting of Monday, July 8, a regularly scheduled Commissioner's meeting, to discuss and receive public input on the adult usage ordinance.

Commissioner Borries: Second.

President Tuley: So ordered.

Michael Lockard: Thank you very much and I'll get back with you with this information. I've got about ten inches of info to copy off and send to you.

Alan Kissinger: Okay, thank you.

President Tuley: That's the longest one or two minutes I have ever seen.

Michael Lockard: Sorry, my watch is broken. Thank you, sir.

**RE: CHERYL MUSGRAVE - ENHANCED ACCESS DATA BOARD RESOLUTION**

President Tuley: Cheryl.

Cheryl Musgrave: I'm just here to see if the Attorney has been able to get in touch with the City or Council Attorney about the Enhanced Access Ordinance? I did fax you the draft that Kevin Winternheimer wrote and I am most anxious to have these ordinances adopted.

Alan Kissinger: The Commissioners have not requested that I prepare an ordinance.

Cheryl Musgrave: May I request that the Commissioners request you to prepare an ordinance?

Alan Kissinger: If you wish, you may request that.

Cheryl Musgrave: Alright, here I am with that request.

Commissioner Mourdock: Cheryl, I plead guilty. Just so you gentlemen know, Cheryl and I had lunch shortly after the last time she was here to discuss enhanced access and I told her at that point that I would be communicating at a meeting between that

luncheon and now, some of her very valid points on enhanced access. I confess that amongst all the drainage issues that we have been dealing with that I haven't yet gotten that done, but I will continue to pursue that, Cheryl. Do not interpret my delay as a lack of support to move in that direction. I think it is something that we need to do. As you've said before, I think it is a logical thing to do with GIS and I certainly want to see us proceed along those lines. I would also like to talk with some of the other county officeholders.

Cheryl Musgrave: Alright.

Commissioner Mourdock: I've had several discussions along those lines, and I will add, I think there seems to be some agreement as far as getting the thing rolling.

Cheryl Musgrave: Would it be possible, though, to ask your attorney to start reviewing the legal documents so that the questions that need to be asked will be brought to your attention in due time?

Commissioner Mourdock: I think that is fully appropriate. I don't know, again, that we need a motion for that.

Cheryl Musgrave: Do you need a motion for that?

President Tuley: I'm one of the Commissioners!

Commissioner Borries: Who wrote this proposed resolution here?

Cheryl Musgrave: I wrote the resolution. The resolution has been adopted by Data Board.

President Tuley: Data Board to this Board and to the city?

Cheryl Musgrave: To this Board, to City Council.

Commissioner Borries: You are envisioning another board?

Cheryl Musgrave: No, the Enhanced Access Board would be Data Board, but the statute requires the formation of an Enhanced Access Board so you just twin them. They would be one in the same.

President Tuley: Kind of like the Commissioners and the Drainage Board?

Cheryl Musgrave: Right.

President Tuley: There is a comment here, Rick, that might alleviate some of your...if you've got some fears, but the Data Board's position is that no matter what the timetable for enhanced access, the ordinance referred to in the resolution needs to be passed. I guess, basically, we may or may not, depending on funding, ever get to that point. This is something that would have to take place if we intend to get to that point.

Cheryl Musgrave: That is correct.

Commissioner Mourdock: I see two critical aspects of this whole process, maybe three. One, is just the technical. Do we have everyone on board that needs to be involved with this on a department by department basis to make it work? Number two, is what we need to do structure-wise to meet the requirements of the state statute. What this resolution is regarding is the latter, it does not preclude the third area which is the funding of this issue.

Cheryl Musgrave: That is correct.

President Tuley: We've got two, probably, necessary and needed requests tonight and both of them have a great cost associated with them in the initial outlay. I'm not saying that you won't recoup that cost over time, but you are talking about a lot of money going into it.

Cheryl Musgrave: Perhaps and perhaps not. Adopting the ordinances--

President Tuley: Costs nothing.

Cheryl Musgrave: --costs nothing and we can proceed on a thoughtful plan with the other. I have spoken with Ameritech. You recall, Mr. Mourdock, that you asked me to find out whether they would accept the plan of going with just the Assessors and, yes, they would accept that, but they would prefer to have the Assessor, the Auditor, the Recorder and the Treasurer all working as a unit providing their information as one. The Treasurer and I would have done this two months ago because we are so enthusiastic. The Auditor needs more time to study it, but is very open to the idea and I'm guilty because I haven't asked the Recorder yet. Ameritech is most willing to even do it with just the Assessors alone. The outlay in capital would not be that great because they are talking about simply using the equipment that they have established in Indianapolis and running a data link between here and there. I don't think that even if just the Assessors go on that we are talking about any money. That remains to be seen. Ameritech has agreed to come and do its survey at the end of this month some time so we will have numbers to give you later. Again, the ordinances are not dependent upon receipt of those numbers, they are separate.

Commissioner Borries: Isn't Ameritech, as you say, the only vendor?

Cheryl Musgrave: It is. It's the only one.

Commissioner Borries: It is a pretty well presumed outcome on how the feasibility study is going to work, don't you think?

Cheryl Musgrave: The feasibility study wasn't to determine the vendor, it was to determine how much would it cost to do this so that officeholders who were concerned about the cost would have that question answered for them and be able to accept or reject the proposal on that basis. Currently, an officeholder would say, how much does it cost and what does it entail? All we can do is go, well, we don't know that yet.

Commissioner Borries: I'm very interested in the funding part of the detail and I don't see that and it is of great concern.

Cheryl Musgrave: We cannot get that until they come here to do their study.

Commissioner Mourdock: In that sense, I think we're in kind of a catch-22 here. The Ameritech people don't want to invest a considerable amount of time and money not knowing whether we are really committed to doing it and we don't know if we are really committed to doing it until we know how much it is going to cost.

Commissioner Borries: Right.

Commissioner Mourdock: Unfortunately, there is just the one vendor. Otherwise, that catch-22 might be a catch-11 or something.

Commissioner Borries: You know, they are very capable. We've had very good experience with them on the phone system at a considerable cost savings, however, there was more than one vendor in that particular process.

Cheryl Musgrave: By the time we get done with this, there might be another vendor. I don't mean that viciously. It's true, the data processing world is moving so fast. If we got the ordinances on there we could definitely put this out for bid because then we would have the legal underpinning to do a project like this.

President Tuley: When are you going before the city or have you already gone before the city?

Cheryl Musgrave: No, I sent them the same letter that I sent to you. I'm going to hustle on over there and see if I'm on their agenda.

Commissioner Mourdock: A letter of the same date that you sent them?

Cheryl Musgrave: Exactly the same. All I'm asking you for tonight is permission to have your attorney read the proposed ordinance that Kevin Winterheimer has already written and to make comments in that regard to you.

Commissioner Mourdock: Again, I'm sure Commissioner Borries' comments about the funding, but I think we need to kind of break the log jam here and I will move that the Commissioners direct the County Attorney to report back to us by July 8 as to the possible wording of an ordinance and the legal ramifications of the Enhanced Access program.

Commissioner Borries: I will second upon the idea and that is contingent that the city of Evansville is also a participant on this because I don't see this working well unless you have a joint initiative.

Commissioner Mourdock: I'll amend my motion.

President Tuley: So your motion now includes his amendment, then?

Commissioner Mourdock: Correct.

President Tuley: We have a second and I will so order.

Cheryl Musgrave: Thank you.

**TAPE CHANGE**

**RE: DENNIS FELDHAUS - ORDINANCE ON EMPLOYEE'S BLANKET BOND  
COVERAGE**

President Tuley: Okay, Dennis.

Dennis Feldhaus: Good evening, my name is Dennis Feldhaus and I'm the insurance agent of record for Vanderburgh County and my purpose of being here this evening is to ask the Commissioners to consider an ordinance which is not 90 pages, but only 2 and is here for your approval. The ordinance basically covers the aspect of how we want to cover faithful performance of our employees. There are two ways to do it within an insurance contract. One, is through the crime coverage which we currently have and the other way is through a blanket bond. House Bill 15-10, back on July 1, 1995, was amended to enable a municipality to cover faithful performance either by a blanket bond or a crime policy. Presently this entity, Vanderburgh County, is covering them both ways. In order to do that I have asked the county attorney to draft the ordinance. It is there before you this evening. Basically, the bottom line is that the ordinance will allow us to go to Council so that the fiscal body can sign off on an ordinance that will allow us to cover faithful performance through the crime portion of our insurance policy. No money is involved and, in fact, savings are involved because we are paying both ways now. We are paying for individual surety bonds

for all public officials, elected, some appointed and we also pay for the crime coverage under the current property and casualty policy so we can reduce our exposure to expense.

Commissioner Mourdock: Are you saying that we are double covering?

Dennis Feldhaus: Yes, and it had to be that way. We needed the crime coverage for more than just faithful performance. The faithful performance came under the bond concept and, therefore, now that we can do that and we have that endorsement and it is at a limit of \$300,000.00 which is acceptable to the State Board of Accounts, Mr. Simpson, whom I have met with and the County Attorney has also met with. We are ready to move forward and I ask for the approval of the ordinance.

Commissioner Mourdock: The reason that we can change now is because the state ordinance--

Dennis Feldhaus: The state law was amended, yes. House Bill 15-10 and that is Indiana Code--

Alan Kissinger: Code 5-4-1-18.

Dennis Feldhaus: --5-4-1-18.

Alan Kissinger: If I may, Dennis, that was Public Law 49-1995, which means that it was passed in 1995. It became effective probably July of '95 or sometime in '95. Nonetheless, the critical portion or the operative portion of that statute says, except as provided in Subsection B, the following, and for our purposes, we are concerned only about county officers:

"The following county officers shall file an individual surety bond."

Then they go through a list of all the people that must file an individual surety bond and then Subsection B, which is the exception that they point out in Subsection A:

"The fiscal body of a county may, by ordinance, authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance and to cover the faithful performance of all employees, Commission members, persons acting on behalf of local governmental units..."

...etc., etc. Now, that gives us the option of the blanket bond or a crime insurance policy. That says the fiscal body of the county and the fiscal body, in this particular case, before it can authorize the purchase of the policy needs authority from the legislative body, the County Commissioners, saying that we authorize these various officeholders, etc., to be covered by the crime insurance policy. That tells the County Council, alright now we can authorize the purchase of the crime insurance policy for that purpose. Now, there maybe circumstances in which, and Dennis and I discussed this, on a case by case basis we may want to purchase an individual bond for a particular officeholder or employee or some other person serving the county, but this does not preclude us from doing that. This merely allows us to insure everyone under the crime policy, but if we see some specific need or some particular risk that needs to be double covered by an individual bond as well, we can still do so. It would really cut back on...well, let's see, we are talking about one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve...we're talking about at least 15 officeholders that we are buying bonds for now that we would not have to under this policy. There are a number of other employees, chief deputies, etc., etc., that are covered. If you'll notice what I gave to you, I also gave you a proposed ordinance that I had prepared for the Vanderburgh County

Council, assuming that the County Commissioners adopt this ordinance, and I did talk to Joe Harrison, Jr. about this. This was in response to...well, it wasn't directly in response to, but was partially in response to a request from the County Council that we look into the feasibility or the possibility of doing this. When I looked into it, I didn't see any negatives. I don't think Dennis does either. Also, the State Board of Accounts has indicated that they thought that this was an appropriate procedure to follow.

Commissioner Borries: I move that the ordinance be advertised.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Dennis Feldhaus: Thank you.

**RE: REPORT ON BID OPENING FOR VC96-05-01 NORTH GREEN RIVER ROAD  
AND LYNCH ROAD**

Commissioner Borries: The bids. Do you want to report on the bids now?

Alan Kissinger: Yes, I can do the bids.

President Tuley: You got them?

Alan Kissinger: Bid recap on project number VC96-05-01 for the reconstruction of Green River Road at the proposed Lynch Road intersection.

1. Koester Contracting Corporation \$888,248.69
2. Koberstein Trucking Incorporated Itemized, not totaled
3. Blankenberger Brothers Incorporated \$734,209.57

I am assuming that the County Engineer's Office would like for these to be taken under advisement for some period of time and I don't know how long?

Tim Spurling: One week.

Alan Kissinger: Until next Monday? Alright.

Commissioner Borries: I move that these bids be referred to the County Engineer for one week.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**RE: JAYNE BERRY-BLAND - COLLECTION OF BANKRUPTCY ACCOUNT**

President Tuley: Item 4G is Jayne Berry-Bland, collection of bankruptcy accounts.

Cindy Mayo: Sunny spoke with Jayne this afternoon and she was not going to be able to attend tonight.

President Tuley: Okay, defer that one.

**RE: BRIAN CARROLL - PETITION TO VACATE EASEMENT**

President Tuley: Brian Carroll, petition to vacate an easement.

Brian Carroll: Good evening, I'm Attorney Brian Carroll and I'm here tonight representing Charles and Linn Brown who have filed a

petition to vacate a ten foot public utility easement that is shown on the plat of Lot 4, Whispering Hills, Section B. Mr. and Mrs. Brown own Lot 4 and they also own the property immediately, I believe, to the west of this property which adjoins Lot 4. Shown on Lot 4 is this 10 foot utility easement, and the reason we are here tonight asking that utility easement be vacated is that in putting together the Brown's house plans, since they own the two lots and there is also a lake on the adjoining lot to the rear and in order to configure their house to make maximum use of the lot and also because of the topography of the lot, it would be necessary for them to encroach upon the ten foot utility easement. Because of that, we filed the petition to vacate. We have given all proper notices to the adjoining land owners and to the public utilities and we are asking that it be vacated. Mr. Brown is here to answer any questions that you might have regarding his plans. I believe he has a map that shows, if I can show the Commissioners, this is Whispering Hills, Section B. Here is Lot 4, their lot, also the adjoining property that they own, there is a lake back here in the rear of their adjoining property. In order to configure the house to take advantage of the lot, it, in essence, kind of becomes one big lot and with the lake behind, they will need to encroach on this public utility. It really only serves this lot. There are also public utilities that run along the rear of Lot 4 and the other adjoining lot.

President Tuley: Mr. Carroll, normally, I don't see it in here unless I am mistaken, but normally we get a response back from those public utilities that you've contacted?

Brian Carroll: We've got a response back from two. From Ameritech and the Cable, TCI. We have not received responses back from SIGECO.

Alan Kissinger: Do we have the certified receipts from them?

Brian Carroll: We've got certified receipts from all of the adjoining land owners. I basically have a letter to all the utilities.

Alan Kissinger: I see.

Commissioner Mourdock: A letter to all the utilities or from all of the utilities?

Brian Carroll: To all the utilities asking for their comments. We received comments back from two, but not from the other two.

Alan Kissinger: Any objections from the other utilities who did respond?

Brian Carroll: We have not heard any response from the other utilities.

Alan Kissinger: Normally, if they don't respond, then we assume that there is no objection.

Brian Carroll: Generally, my experience is that you will hear from them if they have a problem.

Alan Kissinger: If they have an objection, they'll let you know it real quick.

Charles Brown: Legal notice was served in the paper, also.

President Tuley: Is there anybody here to address the request before the Commissioners? Motion to approve?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: This is changing the ordinance, is it not? It requires a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Brian Carroll: Thank you.

**RE: LES SHIVELY - PETITION TO VACATE EASEMENT**

President Tuley: Les Shively.

Les Shively: Mr. President and members of the Board of Commissioners of Vanderburgh County, my name is Les Shively and I'm representing Ad-Craft. We have a similar request to the one that preceded. Just to move it along, this is for Ad-Craft and they are out there in the East Side Industrial Park off of Old Boonville Highway. They are going to put an addition on their building and, in fact, this project was started last year and we have been trying to get this worked out. What happened was their contractor inadvertently staked out and started pouring footings and all that good stuff and found out that they were encroaching on a utility easement and that is why we are here this evening. It would best be illustrated this way: here is where the proposed building is and there is a 30 foot utility easement, and we are only going to vacate this little portion right here. It's 15 feet by 75 feet or whatever, we will still leave 15 of the 30 intact. Here are my letters and I'll give you all the originals. TCI has no problem for the record. SIGECO has no problem, in fact, SIGECO already gave us...they already filed something and I have an original and I'll give you the original letter, and Ameritech has no problem. We also sent a letter to Evansville Sewer and Water Utility, but they have not responded. They have no facilities in the area that we are vacating, but there is a sewer line that runs along this south line here and it's a good ten feet from the area that we are vacating. It's not in the area of vacation, it's a sewer line and nobody else has any facilities there. Since this was recorded on the plat, unfortunately, it's the only way that we can appropriately deal with it. We were going to proceed with an encroachment, but since we are putting a permanent structure on part of that we thought the appropriate thing to do is simply vacate it so there would not be any questions or any utilities mislead in the future.

Commissioner Mourdock: The initial easement was for 30 feet and you're cutting it simply in half?

Les Shively: Right.

Commissioner Mourdock: So that easement would still be there?

Les Shively: Most of your sewer easement would be about 15 feet, so what we are leaving is standard for a sewer line. Also, Indiana law says any utility that has anything in place, even if you would grant the vacation, utilities that are in place are unaffected. The sewer line is not in the vacated area.

Alan Kissinger: Mr. Shively, have you talked with the Auditor's Office in reference to the receipts for certified mail to the property owners?

Les Shively: They are all in. Oh, there are two we haven't

received?

Charlene Timmons: I've got seven plus the one envelope that was returned unanswered.

Les Shively: Nothing has come back to us. We sent them all. We can give you an affidavit that we sent them all out to those addresses as noted in the Treasurer's Office, if that would suffice.

Alan Kissinger: I think that would suffice. Which means now that we have that out of the way you can go ahead and consider the petition.

Commissioner Mourdock: With the stipulation that the affidavit be provided, I will move approval of the vacation of the easement as requested by Mr. Shively.

Commissioner Borries: Second.

President Tuley: Roll call. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I will vote yes.

**RE: BARBARA CUNNINGHAM - REQUEST FOR CCD FUNDS FOR CAD STATION**

President Tuley: Barbara.

Cindy Mayo: Barbara is on vacation, but she did speak to me about this and I told her that I would try to answer any questions. I guess, basically, the main reason that she is requesting this now instead of budget time is because she does have other monies that she can transfer instead of asking for the full \$12,000.00. She is able to cut it in half and ask for about \$6,000.00 because there are other monies that she can transfer this year yet.

President Tuley: Is that a joint funded office?

Cindy Mayo: Yes, it is.

President Tuley: Do you know what the breakdown is?

Cindy Mayo: No.

Commissioner Borries: It is like 50/50 I think.

Suzanne Crouch: I think it's 85/15.

Cindy Mayo: I think that is closer, yes.

Commissioner Borries: Really?

President Tuley: So much for splitting down the middle! I don't think they'll buy into that.

Commissioner Borries: The way the hiring situation is, it's...

President Tuley: Kind of hard to tell.

Commissioner Borries: Yes, kind of hard to tell how that works. In the interest of time here, and we have, again, so many things this evening, I guess this seems to be technology night. I don't know how this fits in with the overall GIS or whether or not there

could be any kind of duplication here of some of the things that they are talking about. The other thing is that, in the interest of time this evening, it also mentions that Data Board approval is still required. I'd like to delay on this pending approval of the Data Board.

President Tuley: Sounds fine to me.

RE: ERIC SCHWENKER - OAK HILL/ST. GEORGE SEWER PROJECT

President Tuley: Mr. Schwenker.

Eric Schwenker: Good evening. As you will recall, I have appeared before you one time previously discussing the installation of a sanitary sewer in the area of Oak Hill Road, that you see running north and south; St. George Road, running east and west; Rode Road, running east and west; and Hexler Court, running east and west. This has been a notoriously low area in which there has been no sewer service. All these folks out here have septic tanks and field bed systems, most of which do not work very well. I can get the head of the Department of Health to testify on my behalf on that particular point.

Commissioner Mourdock: Excuse me, Mr. Schwenker. Your voice isn't carrying very well. If I could, would you pull the microphone out of the bracket there and use it that way?

Eric Schwenker: I'm sorry.

Commissioner Mourdock: Thank you.

Eric Schwenker: Is that better?

Commissioner Mourdock: That's much better.

Eric Schwenker: On the map there are 77 households, 34 of them are east of Oak Hill Road. That being east. There are 43 of them west of Oak Hill Road, on this side then. To date we have contacted almost all of those folks and 57 of them have said, yes, they want and will participate in the installation of a sewer. Those folks are indicated on the map with green dots. Seven folks to date have said, no. They are indicated on the map with red dots. Three of them have said that their existing sanitary system is working quite well and they do not need a sewer and the other folks have said that they just flat cannot afford one. They are, for the most part, retired and on a fixed income. I know that at least one of the ladies is in very dire financial condition because of her husband and his very severe stroke. Seven have said no, and they are indicated by the red dots. You can see they're all west of Oak Hill Road. There are 11 people that I haven't yet been able to contact. Hopefully, I will be able to get them done by the end of this week. We are having a meeting Thursday night at 7:00 p.m. at Bethlehem Church. We have some questions which always come up when we discuss this. I guess starting from the top, will the county build a sewer for us? As I said, the Department of Health will confirm the need, therefore, my next question is, can county funds pay for all, or if not all at least part of the sewer installation? We had an engineering estimate made for the cost, copies of which I gave you at our last meeting and that estimate amounted to approximately \$320,000.00. It was made by the same engineering firm that has put in and is putting in the sewer system for the Keystone Subdivision, which is north and east of the area about which I am speaking, namely on the top part of the map. At the top of the map it indicates the pumping station that they have already installed and on the map it indicates the force main that they have already installed to go to the sewer located on Bergdolt Road which is off the bottom of the map. Most of the folks that live in this would have to be classified as "middle-class". A lot of them are retirees including their spokesman. Many of the others are young

couples with young children and they are using the housing there as, I guess, stepping stones, if you will. These are a lot of their initial attempts at home ownership, so they are starter housing or however you would want to put it. All of these places out there are reasonably modest installations and therefore came the question of can the county participate in part of the cost? Then we can get at least some of the seven who said no to change their indication to yes, so that they can afford. If we do have to pay, either some or all, how do we do that? I'm sure, of course, that we could pay, if the county does do this, in a lump sum up front. Nobody would turn that down I wouldn't think. However, could that also be paid over the years on an assessment plan? By over the years, I mean perhaps ten or even twelve? The third question is how can we protect the folks that sign up for the thing now from losing, if you will, money on the proportion of folks then after it is installed that then come in and say, oh yeah, I've changed my mind and I believe I would like to get in on your sewer for a tap-in fee. The first suggestion that had come up was to divide the total cost by 77 and charge each of us 1/77 of the cost. That would be fine if all 77 folks said, yeah, we want in. If 10 or 12 of them, or pick any number, say, no, we don't want in, then the county would be left holding the bag for paying off the balance of the bond that our individual 1/77 didn't pay for. I have another suggestion. If the county could finance the thing with a 12 year bond and everyone initially pays an assessment of 1/77 for the first ten years and after that time the indebtedness be recalculated and those of us who are on the sewer then have to pay off the rest of the indebtedness with an increase in our assessment over the last two years. What this would do is give us a ten year cushion. For the people who say, no, I don't want in because I'm going to wait and climb on the bandwagon later. At least then they are going to have wait at least ten years before they can get on that lovely bandwagon, but at the end of the twelve year bond assessment, the county would still have their interest in the thing, their investment paid off. The last question that the folks have asked me, I guess I need to address this to the County Attorney, and that is if the project flies and we participate, we all sign up for assessments and we are getting assessed along with our sewer bill every month, then if I sell my house and I leave, am I still liable for the payment of the balance of the sewer installation bill or does that obligation stay with the property and is it assumed by the new owner? I think I know the answer, but I would like to hear it.

Alan Kissinger: The second choice.

Eric Schwenker: The second choice?

Alan Kissinger: Yes, that's assuming that there is going to have to be a lot of background work that goes into this. The county has participated in projects such as this in the past. I, quite frankly, have not seen the agreements or any covenants that were placed in the deeds of the various property owners, but, yes, you can certainly put a covenant in the deed and it is called a covenant running with the land, meaning that whoever owns the land has the obligation to pay. It may or may not enhance the marketability of your real estate depending on whether or not the people are looking for a low price, no, but if they're looking for a good sewer, yes. But, yes, the short answer is yes; if you move, you can move away from the liability.

Eric Schwenker: Okay, you can leave the debt with the property, so to speak.

Alan Kissinger: Yes.

Commissioner Mourdock: We have discussed the Barrett Law several times and the changing nature of the Barrett Law through the most recent legislative session. Do you have an update for us since the

last time that we spoke of it?

Alan Kissinger: I have an update, but nothing new and I'm not certain that we did speak of this in a public meeting although I know that I spoke of it with one or maybe two of the Commissioners in passing. There was a point at which the Commissioners had asked that the County Surveyor's Office give some input in reference to a statute that was used on the previous project and it was determined that statute was repealed and everything just kind of fell from there. Later I did some research on it and determined that another statute almost identical to that statute has replaced the repealed one. I then copied that statute and sent a memorandum to the County Surveyor's Office asking for their opinion as to whether or not the new statute was sufficient to do what the old statute had accomplished and generally just asked for the Surveyor's Office opinion on that statute. That opinion was that the new statute was almost identical to the old statute allowing a Barrett Law type of funding of these projects, but perhaps better in that under the old statute there was a requirement that any bids on these projects be within five percent of the County Engineer's or the project engineer's estimate. The new statute does not include that provision. The statute is there and it can be used. The difficulty that we are going to run into here is going to be time, and part of that time would be my time and the time of my staff. I ask each of you to recall that when these agreements were prepared the last time, they were prepared by the County Attorney's law firm, but they were prepared on an hourly rate. This is going to be a significant legal undertaking. It's going to be a significant engineering undertaking. There are going to be a lot of people involved. I would ask the Commissioners to consider some alternatives. If one of the Assistant County Attorneys would wish to prepare this, I would ask that Assistant County Attorney be paid on an hourly basis and I can tell you up front that I don't have the time to even begin approaching this until probably October of this year. I don't know if any of the other County Attorneys are ready to do this. Another alternative is that the property owners consider hiring private legal counsel to research the previous project that the county became involved in, and is still ongoing as far as payment is concerned, and perhaps develop the legal documents modeled after the present statute and the previous project. If the County Commissioners say that they want the County Attorney staff to do what the County Attorney staff did the last time, then we are talking about a real big project and the project certainly wouldn't be covered by the salary compensation that the County Attorney is presently being paid. So some consideration needs to be given to that. Whether or not you could get it done at a lesser price, I don't know. I would certainly think that someone...I know that there are attorneys in the county with expertise in this area who could probably approach this in a less expensive manner than someone who has to go in and just start familiarizing themselves with this type of thing from the ground floor. Somebody who built a barn can build another one more quickly than a guy who has never built one.

Eric Schwenker: Yeah, okay, if we took that approach, then we would have to have some type of organization set up because there would be a significant legal bill involved.

Alan Kissinger: Well, I think it would be significant, but then when you balance that against the total cost of the project and the total enhancement to the value of most of your real estate out there, I think that it would be a good investment.

Eric Schwenker: Then we would also have the problem of paying for that.

Alan Kissinger: That's everyone's problem.

Eric Schwenker: Right, but if we could keep it all in one house,

so to speak, then there would be one bill to pay and everybody would recognize that bill was there.

Alan Kissinger: I don't know of any way--

Eric Schwenker: We have already invested, my son-in-law and I, almost a \$1000.00 in this activity.

Alan Kissinger: I don't know of any way that the county can pass on its legal expenses to the folks for this project.

Eric Schwenker: That could not be included as a part of the cost of the sewer?

Alan Kissinger: I don't know of any way that could be done, no.

President Tuley: That couldn't be added in as part of that in addition to the \$320,000.00?

Alan Kissinger: If there is a way, it is not apparent on the face of the statute.

Eric Schwenker: So then if we did it privately, that would be a cost of whatever it is on top of the \$320,000.00?

Alan Kissinger: Certainly.

Eric Schwenker: In any case.

Alan Kissinger: I'll be happy to look into that and see if there is a possibly, but I don't know of any way that the county can attach legal fees to a project such as this. Truth of the matter is, that it is going to be only the county...the county is going to be involved only to the extent that it is financing. It is going to be the city that is going to be actually collecting the money for us. That is where the time and work is going to come in. There is going to have to be consultation with the city as far as the type of contract that they require and one of these projects was undertaken very recently, as the Commissioners will recall, in the Daylight area. The Daylight sewer project and also, the Commissioners will also recall that the contracts, etc., were prepared by the parties that were going to benefit from the sewers.

Commissioner Borries: In the city, Mr. Schwenker, it essentially boils down to a user fee even in the city. One of the reasons there is obviously a difference in the tax amounts from city and county are strictly because you have various departments here that are in the city that the county does not have. We simply don't have a county sewer department and that's why we'll have to start first with the utility. The project that I am familiar with, or at least the one that was elaborate and it did get done, was known as the Kembell Drive sewer project and that was off of Old State Road. It does involve, essentially, getting a certain number of people signed up to say that there is a petition given to the utility department to go ahead and get this end. I cannot remember if a bond was issued by the county.

Commissioner Mourdock: It is your recollection that it was a Barrett-type issue?

Commissioner Borries: Yeah, it was a Barrett issue.

Alan Kissinger: I don't think there was a bond issued previously, but I do believe that there had to be an appropriation by the county in order to pay the city to do the project.

President Tuley: The county must have been wealthy at that time.

Alan Kissinger: Apparently wealthier than they are now.

Commissioner Borries: It will take some research. I can tell you that the person that...I mean, if the Barrett Law is in effect with just some minor modifications, as Attorney Kissinger says, then Bill Jeffers from the Surveyor's Office would have a lot of that information. He either lived in the area or I know that he was affected in some way with this project. There was a design, Jim Morley was involved in this, I think. He also had some--

President Tuley: I'm throwing my hand up and the only reason that I'm doing that is that it seems like we could assign one of the Assistant County Attorneys to do this research and present it back to this Board because we are getting calls from Mr. Schwenker, we're getting calls from Mr. Boultinghouse, we're getting calls from people out on the west side of town now. We need to go ahead and research this, what it would take and how it would work, and get back with them. At that point, it would be up to them to decide if they could live within those constraints that would be part of the Barrett Law. What I'm concerned about is a couple of questions that you had...you were around, I wasn't here when that went through, but I don't think there is any way that the county can participate, per se, with county funds in doing this. Now we could either put up the construction costs through bonds or cash reserves and then recoup the money, but we wouldn't actually be a partner in this deal.

Commissioner Borries: I don't think that was a part of that. Each homeowner was assessed a certain amount that was paid to the Water and Sewer Utility.

President Tuley: Right. The next question that we had, and let's try to address these questions as we are answering. Number one, in theory, there is the possibility that the county would be willing to pull this together to see that this happens through the Barrett Law. The Barrett Law exists if everything can be pulled together within the confines of the Barrett Law. I think, probably, and I'm speaking for myself, but I see you guys nodding, that you are willing to pursue it and see. Number two, I don't know of any provision in my limited knowledge of the Barrett Law that says that 57 people out of 81 on that you divide it by 80 in any way, shape or form. If the other 23 don't want to come on board, I don't know how you would divide that up.

Alan Kissinger: There may be some guidance for us here because I know that University Heights--

**TAPE CHANGE**

Alan Kissinger: --is presently dealing with a state agency and the city has through consultation with that state agency. They have a situation there were they have been cited by the state agency for not complying. It's a health standard situation. The city has given them a checklist, bring your existing sewer system up to this point and then we will bring a line over that you will pay for. Now, how they are going to pay for that, I don't know. That may be exactly the situation that we need to look at to see if there is any state assistance that is available to the county in providing financial assistance to these folks.

President Tuley: Okay.

Eric Schwenker: I attended a meeting of their association and I was under the impression from that meeting that they were going to get some assistance in the installation of the forced main that will be required from their system which is already in and up, but not running well, I guess, over to the Evansville Water and Utility Sewer system.

Commissioner Borries: That's the big difference. They are going to have to upgrade what they have.

Eric Schwenker: Yeah, right.

Commissioner Borries: So there are funds available, and I don't remember who I talked with on that, I think, for existing ones and I'm not sure that whole model fits when you're building new as in this case.

President Tuley: My whole point in the last five minutes has been nothing more than to say that we as this Board need to know for our own knowledge how to answer these requests when they come before and to not send Mr. Schwenker or anybody else out to do that. I think, and I'm not talking about you personally, Alan, but I'm talking about one of the Assistant County Attorneys should be the one to go to the Surveyor, gather that knowledge, do the research and then report back to this Board so that we know so we can give a reasonably intelligent answer to these people when they come forward. In fact, it would be nice to hand them a package that says if you're interested in doing something through Barrett Law, here is what you have to do.

Commissioner Mourdock: Exactly. I'll go one step further to say that maybe it ought not even be an assistant county attorney if, as Alan was saying before, there are people out there that have done this before, you have built the barn before, they have a lot of this information and we may be able to contract with an attorney who is not currently one of the county attorneys to get this done.

Alan Kissinger: I was advised that Tim Hubert--

Commissioner Borries: That's who I was going to mention.

Alan Kissinger: --and I talked to Tim Hubert about it and he drew a blank.

Commissioner Borries: Tim Hubert was exactly the name that I was going to use from Bowers Harrison Kent & Miller prepared, as was my understanding unless he farmed it out to somebody else, and his name was used in terms of preparation. Bill Jeffers...Tim Hubert was exactly the name I was going to suggest.

Alan Kissinger: Where was that project?

Commissioner Borries: Kembell Drive.

Alan Kissinger: I'll call him again and maybe--

President Tuley: I'm not asking for an attorney to be appointed to pull the thing together in terms of a contract. All that I am asking for is someone to pull the information together so that we can say, this has to happen. That's all I'm asking for.

Commissioner Borries: Caranza was the other part of that, too. Caranza sewer. Kembell/Caranza sewer, that's it.

President Tuley: Mr. Boultinghouse has been calling me. Bob Reed has approached, there is a possibility on the west side, so I think that the more coverage that there is on this, that we are going to get more people coming forward with requests and we need to know.

Alan Kissinger: Yeah, I agree.

President Tuley: So, that's the only thing that I'm asking for here so that we can say that when you leave tonight, you know that we are going to pull this together and provide you with a package that says these are the ground rules, this has to happen. I know Mr. Jeffers at least made available to you, and I assume you got

that, a ten page synopsis or whatever? The last time I talked to you, you were going to the Surveyor's Office to pick it up.

Eric Schwenker: Of the Barrett Law?

President Tuley: Yeah.

Eric Schwenker: Oh, yes. I got that and incidentally it was missing a few pages. I read all the pages that he sent me and according to the way that I interpret it, what I read, you can do it. If you want to do it, you can do it. The law says you can do it. You can do it with a bond issue and I didn't read in there anywhere where you couldn't divide the thing by 80 or where you could. I didn't read any limitations as to how you collect the bond unless there is some other legal document that tells you how to do that. I guess they figured that you would make sure that you got your money back if you were putting it in there.

Commissioner Mourdock: I don't think there is any question among the members of this Board that we can do it. That is what the state statute is there for. It's to do it. We simply need advice to us, as Commissioner Tuley is saying, to tell us when people like yourself come in here this is the plan and this is how it's going to get done.

Eric Schwenker: Yeah, great.

Commissioner Mourdock: That's where, quite honestly, I feel like our Board has been somewhat delinquent because I can think of four situations where probably since I have been on the Board that the Barrett Law may be an answer. Granted, it has been somewhat in a state of flux with the state legislature messing with it, but at least it seems to be resolved now and we just need to move forward and get it done.

Alan Kissinger: The one thing that we need to keep in mind is regardless what the present status of the law is, the county must come up with the initial funds and that may, in fact, be one of the barriers. This project may be affordable for the county, but another may not.

President Tuley: No question. I just want to know what...I want to be able to sit down and pick up, if possible, a two or three page document that says if you enact the Barrett law, this is what happens.

Commissioner Mourdock: Basically, answer the questions that Mr. Schwenker proposed to us a few minutes ago.

President Tuley: In fact, present him with a package when he comes into the office that he may not have to come back to ask those questions because he already got it.

Alan Kissinger: Between now and next week I'll try to find out as much information as I can in reference to the Kembell/Caranza sewer project and see if I can find any documents or any information on that which may help us get to the point that we want to get to in reference to this project.

Commissioner Borries: Are we assigning a county attorney to do it?

President Tuley: That's what I want to head for, Alan. I appreciate that you want to step up to the plate, but your plate got pretty full in the first five or six items that we've talked about.

Commissioner Mourdock: Are you saying to appoint a county attorney, Rick, to do what Pat had said?

Commissioner Borries: Yes.

President Tuley: To pull it together and just say that this is what you have to do.

Commissioner Borries: When you start contacting and getting all the legal documents to 57 or whatever homeowners, you're talking about a huge amount of work.

Commissioner Mourdock: That's right.

Commissioner Borries: It's very complex.

Commissioner Mourdock: Next week when you report back, Alan, on the general status, maybe you can make a recommendation to us as to which--

President Tuley: Which one has the time.

Commissioner Mourdock: --one, because we need to move on.

Commissioner Borries: It's Kembell Drive Caranza sewer. Tim Hubert was the name that I remember and Bill Jeffers was involved in it.

Eric Schwenker: Would you have any wild guess as to how long it might take to achieve such a document that Mr. Tuley was saying that he would like to see?

President Tuley: I would say that by next Monday night we should be able to give you a timetable once Alan has had a chance to sit down and talk to them and maybe the assistant attorney that he assigns to this can say that I should be able to have this to you in two weeks, three weeks, four weeks or whatever it is.

Eric Schwenker: Yeah, okay.

President Tuley: We should have that answer. In fact, you can call Ms. Mayo next Tuesday and, hopefully, she will be able to tell you that, yes, it was assigned to attorney such and such and his initial thought on this is it will take X weeks or whatever.

Eric Schwenker: By next Tuesday, do you mean tomorrow, sir?

President Tuley: A week from tomorrow.

Eric Schwenker: A week from tomorrow. So then that would be after a meeting a week from tonight in which he would have that information?

President Tuley: Yes, exactly.

Eric Schwenker: Okay, alright.

President Tuley: You're more than welcome to come down here, but I'm just trying to save you from making countless trips down here.

Eric Schwenker: Well, I appreciate that. Alright sir, I thank you. I thank you, gentlemen, for your time and your patience. I know that you are running into overtime because I can see the folks for the next meeting out in the hall.

Commissioner Borries: This is going to be a long one, I think.

President Tuley: I hope they're for another meeting!

Commissioner Mourdock: No, they are not. I recognize the faces, but at least they're not carry sticks and torches.

Commissioner Borries: Thank you, Mr. Schwenker. Again, you do a fine job; excellent work on this.

**RE: SUZANNE CROUCH - CONTRACT FOR BRUCELLOSIS & TUBERCULOSIS  
ERADICATION**

President Tuley: Okay, Suzanne, you have something for discussion.

Suzanne Crouch: This is the contract between the State Board of Animal Health and the Vanderburgh County Commissioners for the Brucellosis and Tuberculosis testing. We signed a similar contract last year and the state will provide \$1,000.00 to enact that testing and it is to take effect in January of 1997. It's to test cattle under the State/Federal Cooperative Program in Vanderburgh County.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Suzanne Crouch: Thank you.

**RE: KENDRA OWEN - NOISE ORDINANCE/DIRT BIKES**

President Tuley: Kendra Owen, noise ordinance in reference to dirt bikes.

Kendra Owen: You've already said that my name is Kendra Owen and I live on Jobes Lane which is in between Boehne Camp and Red Bank Road out on the west side. I basically came to find out what I need to do, I would like to see a noise ordinance, an ordinance stating that, basically, you have to have a certain amount of property in order to ride off-road vehicles on it. Other than being here talking to you right now, I don't know what else I need to do. We have a gentleman that lives across the street that owns .46 acres and he rides his dirt bikes on it all day long, all the time.

Alan Kissinger: Vanderburgh County has a noise ordinance, but we are limited as far as motor vehicles are concerned to controlling that noise when those vehicles are on a public way. We do not have much authority as far as controlling that noise or the use of those vehicles on their own private property. If it becomes a total nuisance, then I suppose that you might bring some action for the abatement of that nuisance, but I would advise the County Commissioners that the noise ordinance already in effect is designed to limit or control noise on public right-of-ways, on public ways generally, but we're just severely limited as to what we can do on private property.

Kendra Owen: I was told that Posey County had an ordinance limiting the use, but I never got a chance to check it out or verify it.

Alan Kissinger: I don't know, Posey County may have some type of ordinance, but the difficult thing about any ordinance is the enforcement of it and there are just certain things that cannot be enforced on private property that can certainly be enforced on public property.

Commissioner Borries: We are battling a noise ordinance where we repeatedly get calls from a certain restaurant and it becomes very complex and in an age where, I guess, Ms. Owen, we can't have it both ways when folks are telling us to get the government off our backs, don't do this, that and the other. We just don't have the staff and, frankly, the complexity to get into regulating every activity. I think as Attorney Kissinger has said so well here that

there are enforcements if this person, and it is verified through law enforcement officials such as the Sheriff's Department, is a nuisance to the neighborhood and a hazard. Then there are certainly statutes available where that person can be cited and in some cases fined for being a nuisance and disrupting the rest of the neighborhood. I think that seems to me to be a much better way of looking at this whole issue because the issue is not...I know the noise is probably distracting, but what you are really saying is that this particular person is a nuisance. Is that correct?

Kendra Owen: Yes.

Alan Kissinger: We get these requests quite often, or we get these inquiries quite often in reference to someone who works on cars. Then if it's a zoning situation we can certainly do something about that, but if it's just a piece of property that someone is using for their own private amusement they are certainly allowed to do so unless, as said before, it does become a matter of being a public nuisance in the neighborhood and then you would have certain civil remedies as far as the abatement of that nuisance is concerned. Also, you may have the possibility of the enforcement of criminal law if...you're not within the city limits there are you?

Kendra Owen: No.

Alan Kissinger: Then certainly if some member of the County Sheriff's Department were to observe this, listen to it, hear it, then perhaps it does constitute a nuisance or even disorderly conduct.

Kendra Owen: I do have a video camera, too.

Alan Kissinger: What I am saying is that I think perhaps that is the best way to approach it because we don't have the jurisdiction. We could pass an ordinance such as you are asking for, but we couldn't enforce it.

Kendra Owen: Okay, thanks a lot.

Alan Kissinger: Certainly.

Commissioner Borries: Thank you for coming.

**RE: ACORN - DISCUSSION OF PROPOSED ORDINANCE**

President Tuley: This discussion, are you going to take the lead on it?

Commissioner Mourdock: With item 4N on the agenda being the discussion of the findings of the ACORN group, as you will recall, we met on May 31 jointly with the officials of the City and County Councils and the Mayor to see where we wanted to go with that and what I was going to propose this evening was, in fact, that we begin to draft ordinances specific to the requests of the ACORN group. They put forward four different items that they feel will begin to address the ozone issue. I certainly agree with them. I think it is a beginning although probably just that. The four items being the use of lower Reid vapor pressure gasoline, Stage I recovery systems at gasoline service stations, the restrictions on HVLP guns, which are spray guns, which begs the question that when HVLP guns are outlawed, will only outlaws have HVL...never mind. Lastly, pollution prevention task force. The last item, I think, is going to be the critical one for us. I know that we've got a lot of people in the hallway tonight, but we need to have some discussions as far as number one, how would such a force be funded? Number two, who would be on it? Number three, coming back to part of the discussion from the Solid Waste meeting earlier this evening, how are we going to enforce these ordinances? I think, my opinion, and this is not from ACORN, but my opinion is that we need

an enforcement branch that clearly has the muscle and the wherewithal to make sure all this works. If we don't, we are just putting words on a piece of paper. Clearly, EPA has let it be known that the ozone issue isn't going to go away under the Clean Air Act of 1990. There will be restrictions on this county unless we fail to act in a positive manner and I think having legitimate enforcement mechanisms are going to be something that they are going to look at specifically. Having said all that, I want to see us move towards those four items as ordinances and to begin the discussion as to how we fund it and how we enforce it.

Commissioner Borries: What do you envision the role of the city would be in this thing? Since we had joint meetings, it was my understanding that we were going to move forward on joint ordinances, wasn't that your understanding?

Commissioner Mourdock: Well, my understanding was that we, the Commissioners, would discuss what we feel is appropriate as an ordinance and that they were going to discuss what they thought appropriate as ordinances and then the two would be meshed together in probably another public meeting. I think, probably, the greatest area of potential differences would just be how the enforcement was done. I have to say potential because I don't know where they are going to come from on that. We have an EPA Board, we have an EPA Department. Historically, that hasn't necessarily been the muscle, perhaps, that I think this will take. Again, that is just my opinion. In doing them jointly, Rick, you describe to me what do you see working? How did you come out of that meeting? Perhaps we did come out with a slightly different impression.

Commissioner Borries: Well, I saw joint ordinances being drafted that were going to apply to the entire county, but I thought that by virtue of the City of Evansville being there and I suppose we are even going to have to involve the Town of Darmstadt that you would certainly have to have ordinances here that coincided. That was my understanding.

Commissioner Mourdock: Mechanically, how do we do that?

Commissioner Borries: I think we can certainly authorize our attorney to begin that draft, but I think that we need to communicate through--

Commissioner Mourdock: To begin that draft while working with Mr. Winternheimer?

Commissioner Borries: --our attorneys. Yeah.

Commissioner Mourdock: That's fine. That's a reasonable first start. I just want that we reported at the May 31 meeting that we were going to deal with this item tonight and if what we need to do is simply to have a motion to direct Mr. Kissinger to begin consultations with Mr. Winternheimer to draft ordinances relative to the four points that I made, then I will make that a motion.

Commissioner Borries: I will second that and I would like to defer the other parts because I think it is going to be somewhat complex in relation to looking at the enforcement and the funding. We need to study that further.

Commissioner Mourdock: I don't disagree with that.

Commissioner Borries: I would again want to be very aware of joint funding possibilities so that this burden does not fall entirely on the county.

Commissioner Mourdock: Amen. I agree. There have been a lot of people work very hard in this community and, quite honestly, when I walked into the ACORN group for the first time and I saw the

people in that room I thought that this is going to be oil and water through the whole process. These people will never agree on anything. The fact is they did agree; they reached a consensus as to these four items. Some would say that it didn't go quite far enough and some would say it went too far, but the point is that they agreed on these four and if we fail to act, I think that we have done them a great disservice and the community a disservice. Again, I applaud them for their efforts.

Commissioner Borries: I commend them for their efforts. I believe that the four that were suggested were certainly a reasonable first start, but I have some concerns about the funding and certainly the enforcement part that we have to work through. I see that as certainly ongoing dialogue with the city as well as the county. I think that it's going to take a coordinated effort.

Commissioner Mourdock: Do you have a target date in mind for those, at least the three items taking the PPT out of it?

Commissioner Borries: Item 4 in terms of the...?

Commissioner Mourdock: Yeah, the HVLP, the reid vapor and the Stage I. Those are things that can be done relatively quickly. Especially, the lower reid vapor pressure is something that can probably be done yet this season although there is certainly going to be some lead time there.

Commissioner Borries: Well, if the monsoons continue, we probably won't have to worry too much about seeing the sun for a long time or anything else here.

Commissioner Mourdock: I hope that wasn't a wish!

Commissioner Borries: No, it wasn't a wish.

Commissioner Mourdock: That only brings us other problems.

Commissioner Borries: I would certainly wish for a lot of sunshine and heat at this point and dryness. I would envision that within a month or perhaps two months, looking at it reasonably, we could get the first three enacted by ordinance.

Commissioner Mourdock: Okay.

President Tuley: We had a motion and a second and we had a comment. Ms. Terry.

Christine Terry: My name is Christine Terry and I would like to make several comments. First of all, as Mr. Borries is aware, I have approached the Commissioners twice in years past expressing a desire and request for an interlocal agreement with the county to have jurisdiction in all of Vanderburgh County for the Evansville EPA Office as do a number of other agencies within the city have an agreement with the county. I think that it would help in our enforcement and to also give local representation to every citizen in Vanderburgh County which is lacking at this time. I do not feel it is fair for some of the citizens to have local representation and others have to go to Indianapolis for relief. Secondly, I would like to say that we do not have the support that is needed in the court system for the enforcement that we attempt to do currently, and that is a very high stumbling block at this time. I have tried several times to have education seminars with some of the judicial system and have received no response whatsoever. Thirdly, I would like to say that this cool weather is extremely helpful, however, the one hot Saturday that we had, we did hit .1 already, so it doesn't take very much. The main reason that I came this evening, besides to hear your comments, was to express to you some information that was given to me earlier today by Rose Zigenfus of the EUTS Department. She informed me today that there

is CMAQ, Congestion Mitigation Air Quality, funds in the amount of \$160,000.00 that is going to be used by the city to convert vehicles to alternative fuel. She just found out today that in order to receive these funds, a formal policy must be adopted stating that the city/county will have an alternative fuel program for fleet vehicle operations. It was suggested by Janet McCabe at IDEM that this be included in the items that the county will do for its maintenance plan along with the recommendations that ACORN made that this be a fifth item to be considered to add into the plan. Currently, the city has an agreement with SIGECO that they will pay \$1,000.00 per vehicle and the federal grant will pay \$4,000.00 per vehicle for the conversion. The total cost for the conversion is \$5,000.00 per vehicle, hence the vehicle conversion would be completely paid for. Ms. Zigenfus was interested to find out if the county would perhaps be interested in a similar funding program for the county vehicles to have them converted?

Commissioner Borries: I talked with Ms. Zigenfus earlier today.

Christine Terry: Okay, she said she was going to try to contact you.

Commissioner Borries: I have talked with her and we've worked with the Clean City group on several different alternatives and I believe that we would be interested. Of course, our large trucks would not qualify here, some of our diesels, but many of our other vehicles would.

Christine Terry: Right, and so she asked that I come and disseminate this information to you and that if you would like to--

Commissioner Borries: Yeah, I had a call from her today.

Christine Terry: --okay, pursue that grant then, but to also make it known that would be something very important to be considered as you are considering the ACORN recommendations to perhaps incorporate this in to that.

Commissioner Mourdock: Yeah, and because we were...I had down on my list the discussion of what we would do with county activity especially during alert times and how we need to curtail those. I don't know if that would necessarily be part of the plan and then become part of SIP, but it certainly is something that we need to discuss. I wanted to just keep my comments tonight more towards the ordinance part because I don't see those things being necessarily ordinances. I see those as county work rules at times of ozone alerts.

Christine Terry: It's an alert day plan and it's what the city is pulling together for the different departments of what each department would do when we do issue an alert of things that they would curtail.

Commissioner Mourdock: Curtail only within the city government activities?

Christine Terry: That's what I said. Each department would curtail within their department. I just wanted to mention those few points to be considered while you are thinking about an ordinance to also again consider doing an interlocal agreement between the city and the county for the EPA Department because I think with all the money that is going towards Title 5 fees by new businesses that are being established outside of our area of jurisdiction all of those fees, and we're talking thousands and thousands of dollars, are going to the state. None of them are staying in the county and I think that is very wasteful because we receive 31 percent of each company's Title 5 fees now for doing the work within Vanderburgh County within our area of jurisdiction. So the 69 pin that you see people wearing also represents the 69

percent of the Title 5 fees that we are allowing to go to Indianapolis and not keeping here locally. That is something else to consider as a funding source for different programs as you are considering these things. Thank you.

President Tuley: We had a motion and a second and I will so order.

Commissioner Borries: So moved.

President Tuley: No, I said we had a motion and a second, I'm just now getting around to so ordering.

Commissioner Borries: Oh!

President Tuley: Sorry.

Commissioner Mourdock: That is what happens when the Commissioners need a break.

President Tuley: That's right and this one does.

**RE: LYNN ELLIS - COUNTY PURCHASING**

President Tuley: Lynn Ellis, I take it, isn't here? Okay.

**RE: JOHN STOLL - COUNTY ENGINEER**

President Tuley: John is not here, but his able assistant, Tim, is.

(President Tuley left the room)

Commissioner Borries: Tim Spurling, Assistant County Engineer.

Tim Spurling: Okay, the first thing on my list is a street acceptance in Cross Pointe Commercial Subdivision, Section 3. It's 780 feet of Cross Pointe Boulevard and I recommend that it be accepted.

Commissioner Mourdock: Based upon the recommendation of the County Engineer's Office, I move acceptance of the Cross Pointe Boulevard Commercial Subdivision, Section 3 street.

Commissioner Borries: I will second and so order.

Commissioner Mourdock: I guess I will need to amend that and say specifically to the 780 feet of Cross Pointe Boulevard.

Commissioner Borries: Yes. So ordered.

Tim Spurling: Second is a supplemental agreement with R. W. Armstrong and Associates for the design of Vanderburgh County Bridge number 72. It's a bridge rehabilitation at Stringtown Road over Pigeon Creek. This results in an increase of \$2,505.00 and I recommend that it be accepted, also.

Commissioner Mourdock: I'll move acceptance of the change order as recommended by the County Engineer for Bridge number 72 rehabilitation.

Commissioner Borries: Second and so ordered.

Tim Spurling: Finally, I have a street plan request for approval for the Seasons Subdivision and I recommend that these plans be accepted.

Commissioner Mourdock: Refresh my memory, Tim, where is the Seasons? I should know where that is at.

Tim Spurling: It is east of Shoshoni between--

(President Tuley returned)

Commissioner Mourdock: Okay, I gotcha. Pursuant to the recommendation of the County Engineer, I'll move approval of the street plan request for the Seasons Subdivision.

Commissioner Borries: I will second.

President Tuley: So ordered.

Tim Spurling: Okay, thanks a lot.

President Tuley: Thank you, Tim.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill Morphey, County Garage.

Commissioner Mourdock: Tim, you will be staying for the Drainage meeting I trust?

Tim Spurling: I can.

Commissioner Mourdock: Please do. Thank you.

President Tuley: Let the record show that Superintendent Morphey has submitted a weekly progress report for the Vanderburgh County Highway Department and the Bridge Crew for the period covering Friday, May 31, 1996 through June 6, 1996.

Bill Morphey: Good evening.

President Tuley: Good evening, Bill.

Commissioner Borries: Well, we have some roads closed again, I guess?

Bill Morphey: We still have Old Princeton closed right now along with Happe and Seminary in the Union Township bottoms. South Weinbach is still closed. We do have most of the roads where we had local flooding last night, the water has gone down except for Old Princeton and it should be down yet tonight, hopefully.

Commissioner Mourdock: I have one request, if you would, to check in to. I'm not sure, to be honest with you, if this is a Vanderburgh or Warrick County road. I should remember and I don't. Right at the intersection of Boonville New Harmony and Warrick County Line Road there is a huge like Volkswagen-sized chuckhole where the coal trucks go in and out of there and I have gotten three calls in the last couple of days about that.

Bill Morphey: Koester trucks? Yes, that's a--

Commissioner Mourdock: I didn't say Koester trucks, no, they are not Koester trucks!

President Tuley: He did!

Commissioner Mourdock: I know he did.

Bill Morphey: I did. Well, it was actually one of the supervisors from Koester had called me on that. He said they were his trucks. Anyway, yes, that is County Line East and I was planning on paving a section of that. Go in and repair the holes first and then pave that from Boonville New Harmony approximately 1,500 feet and that would take care of that.

Commissioner Mourdock: Okay, thank you.

Bill Morpew: I looked at that today and it is very bad.

Commissioner Mourdock: Yeah, it is. That's what I've heard.

Commissioner Borries: In the interest, again, of time, Bill, with the lengthy agenda that we've had if we could...I think I talked to you earlier this past week to look at our area in Melody Hills, specifically Swinging Way, which is encountering a lot of difficulty.

Bill Morpew: Yes sir.

Commissioner Mourdock: See what information we can get and what problems we can correct there.

Bill Morpew: Okay, I'll do that.

President Tuley: Thank you, Bill.

Bill Morpew: Anything else? I do need to ask the Commissioners because I need to go before Council and ask for money appropriations and also transfers. I need to do that before the 15th.

Commissioner Mourdock: Are those requests and transfers pursuant to the submitted budget?

Bill Morpew: Sir?

Commissioner Mourdock: Are they pursuant to the budget that you have been working under?

Bill Morpew: Yes.

Commissioner Mourdock: I'll move approval for a Council Call by the Highway Superintendent to the County Council.

Commissioner Borries: Second.

President Tuley: So ordered.

Bill Morpew: Thank you.

Commissioner Borries: Thank you.

**RE: ALAN KISSINGER - COUNTY ATTORNEY**

President Tuley: Alan.

Alan Kissinger: I kind of blew my report on everybody else's here. I am in the process or I do have a draft of the new county vehicles ordinance. I need a little bit of input from the Commissioners at this point. We do have in the form of a County Ordinance in the Vanderburgh County Personnel Policy certain guidelines, if you will, on the use of county vehicles. I just need to ask the Commissioners if you want me to draft a separate ordinance that will address the problem, but not through the personnel policy. For example, in one of the administrative areas of county government, or do you want that ordinance to be a part of the personnel policy so for enforcement purposes we can use it as far as enforcement disciplinary purposes are concerned, if the personnel policy is violated? I'm really not certain how you want me to proceed on that. We can go either way. We can amend the present personnel policy which, quite frankly, I will amend the entire section on county vehicle usage if I do that, or we can make it a separate ordinance under the area of county administration. I don't really have any preference, but if we are going to use this

as an instruction type of thing to county personnel, as far as county personnel policy is concerned, then it is my opinion that it should be under the county personnel policy.

Commissioner Mourdock: I concur.

Alan Kissinger: If you are going to use it merely for information or instructional purposes, then it could be under administration.

Commissioner Mourdock: I concur that it ought to be, in my opinion, underneath the personnel policy because I think that if there is going to be a violation out there, that's the guide that we are going to use for disciplinary action.

Commissioner Borries: That's fine.

Alan Kissinger: Unless the Commissioners have questions for me, I have nothing further to report.

**RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS**

President Tuley: Okay, Cindy.

Cindy Mayo: I only have two items. There was a letter faxed late this afternoon from Mark Acker, Veterans Services Officer.

"Please be advised, I request permission to attend the VFW State Convention in Indianapolis June 13 and 14, 1996. All expenses will be paid by the VFW at no cost to the county. Veterans issues will be the mainstay of the conference. Please feel free to contact me if further information is needed. Thank you for your kind attention in this matter."

President Tuley: He's going on the 13th and you got that late this afternoon? Good thing that we don't have any questions.

Commissioner Borries: I move that it be added to the consent agenda.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Cindy Mayo: The County Auditor gave me an excerpt from the June 3 minutes in reference to the employee that was at the Knight Township Trustee Office, who had vacation granted, there were a couple of references made in that she worked in the Knight Township Assessor's Office and the Auditor just requested that it be acknowledged that it be the Knight Township Trustee's Office.

Commissioner Borries: Yes.

Cindy Mayo: That's all I have.

**RE: CONSENT ITEMS**

President Tuley: Okay, we have consent items which include employment changes, travel requests, the Auditor's Office submission of the monthly financial report, Council Call request from Burdette for extra help, the Auditor's Office approval of vendor claims and the added item, Mark Acker's request.

Commissioner Mourdock: The only question that I have is if either of you have any information with the Burdette Park extension? Is that weather related?

President Tuley: Extension?

Commissioner Mourdock: Not extension, but extra help.

President Tuley: He was grossly underbudgeted.

Cindy Mayo: This is, I believe, the second year that they have done that. They know that he will have to come back for more funding, but in order to get under the amount that Council has to get under at budget time, they cut this and then tell him to come back.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: SCHEDULED MEETINGS**

President Tuley: Scheduled meetings. There is a Pigeon Creek Finance meeting at 2:30 p.m. tomorrow. There is a 5 p.m. Welfare to Work meeting on Wednesday night. Friday the 14th is Flag Day. The 17th, next Monday, 4 p.m. Executive Session, 5:30 p.m. Commissioners and at 7:00 p.m. Rezoning.

**RE: OLD BUSINESS**

President Tuley: Under old business we have the Department of Corrections Grant signature page, supposedly. I didn't see it. It was approved, as I understand it, in a February meeting and there were no changes. As I understand it in talking with Harris, it just basically required the Commissioner's signature, however, I don't see anything in here for signature.

Alan Kissinger: Did that go before the Commissioners at last week's meeting?

President Tuley: Last week...maybe it was two weeks...maybe it was last week.

Alan Kissinger: Last week or two weeks ago?

Commissioner Mourdock: I think it was two weeks ago. He brought one out to my office to sign and I know you had seen it already, Pat. We moved on it before, but we didn't have the copy of it.

President Tuley: Okay, right. So it's been signed and it's been approved.

Commissioner Mourdock: You signed it, I signed it, but I don't know if Rick signed.

President Tuley: Alright, does anybody else have any old business?

**RE: NEW BUSINESS**

President Tuley: Under new business I have a request from the Boys and Girls Club of Indiana.

"To whom it may concern:

I am writing you on behalf of the Boys and Girls Club of Evansville as instructed by Mark Tuley, Burdette Park Manager.

Each summer the Boys and Girls Club takes two trips to Burdette Park and is allowed free use of the swimming pool. This is often the only exposure many of our youth have to such a nice park and facility.

We are again requesting two trips for this summer, the first on Friday, June 28 and the second on Friday, July 19.

We greatly appreciate Burdette Park's generosity as well as the cooperation with your office.

Appreciatively,

Michael Hurt"

Commissioner Mourdock: I'll move approval of the request.

Commissioner Borries: Second.

President Tuley: So ordered. That's all I have under new business. Is there any other new business? We have several items to be signed and then we do have a special Drainage Board meeting, but we are going to need to take a break here for a couple of minutes before we go on to the Drainage Board. Motion to adjourn?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

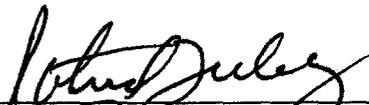
President Tuley: So ordered.

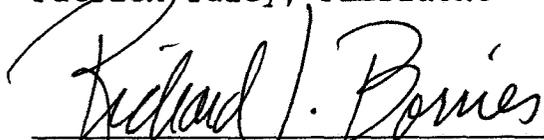
Meeting was adjourned at 7:50 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Cindy Mayo  
Charlene Timmons  
Roger Lehman  
Cheryl Musgrave  
Michael Lockard  
Dennis Feldhaus  
Tim Spurling  
Brian Carroll  
Charles Brown  
Les Shively  
Eric Schwenker  
Kendra Owen  
Christine Terry  
Bill Morphew  
Members of the media  
Others unidentified

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS MEETING  
JUNE 17, 1996

TABLE OF CONTENTS

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Any group or individual wishing to address the Commission ...	1
Jo Ann Gannon - 12701 Red Gate Road	
Opening of bids for VC96-05-02 Schissler Road Bridge .....	9
Mike Wathen - Soil and Water Conservation Service .....	9
Norm Campbell - SIGECO liaison for county .....	11
(deferred until next week)	
Joe Profazer - Comdisco disaster recovery services .....	12
Barbara Cunningham - request for CCD Funds for CAD Station ..	12
Barbara Cunningham - Letter of Credit .....	14
(Sycamore Hills Phases I, II, and III)	
Report on bid VC96-05-02 Schissler Road Bridge .....	22
Alan Kissinger - Transfer of property to Evansville ARC .....	22
Suzanne Crouch - SWCD Agreement amendment .....	23
Suzanne Crouch - USI Overpass Trust Fund .....	24
John Stoll - County Engineer .....	26
Awarding of bid for Green River Road, Section B to Blankenberger Brothers for \$734,290.57	
Council Call to transfer funds	
Bill Morpew - County Garage .....	28
Weekly progress report for Highway Department and Bridge Crew for June 7 through June 13, 1996	
Lease/purchase agreement presented for signature with GEM Capital for a Etnyre Distributor	
Alan Kissinger - County Attorney .....	30
Permission to advertise amendment to the Vanderburgh County Personnel Policy regarding the use and security of county vehicles	
Cindy Mayo - Superintendent of County Buildings .....	30
(no report)	
Consent items .....	30
Employment changes	
Travel requests:	
Treasurer (3)	
Knight Assessor (1)	
Perry Assessor (1)	
Auditor (1)	
Health Department (10)	

Scheduled meetings .....	30
Old business .....	30
Contract with Veazey Parrott & Shoulders (deferred)	
Report of the Welfare to Work Council (presented by Richard Mourdock)	
New business .....	31
Request from the Evansville Athletic Council to waive the rental fee at Burdette Park, Bishea Building	
Meridian Subdivision request to close off neighborhood for annual Neighborhood Block Party	
The IU Alumni Club requesting funds or materials to be donated to help build the Center Creek Handicapped Playground at the Vanderburgh County 4-H Center	
Rental Agreement between the City and County for space located in old EMA Offices, Room 18.	
Appointment of John Browning to the Airport Authority Board	
Adjournment .....	34
Attendance and signature page .....	35

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

JUNE 17, 1996

The Vanderburgh County Board of Commissioners met in session this 17th day of June, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Okay, we'll call the Commissioners meeting for June 17, 1996 to order. At the point of introductions, to my far right is Cindy Mayo, our office manager and Superintendent of County Buildings; to her immediate left is Alan Kissinger, County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, County Auditor; to her left is Charlene Timmons, who is the Recording Secretary from the Auditor's Office for this meeting. If you would, please stand with us and say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: Thank you. Under the action items we have several things, the first one being the approval of the minutes from the meeting of June 10, 1996.

Commissioner Mourdock: I'll move approval of the minutes of the Commissioners meeting of June 10.

Commissioner Borries: Second.

President Tuley: I will so order.

RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION

President Tuley: Item 4B, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda now is the time to come forward. I see some faces out there that I don't recognize as being part of the agenda. First with your hand up, come on up.

Jo Ann Gannon: I'm Jo Ann Gannon and I live at 12701 Red Gate Road which is in the McCutchanville area. I am in Browning Road Estates which is adjacent to Hunters Ridge. My husband and I and several other people from the subdivision came before you several years ago and we had some rather severe drainage problems at that time. With your help, you encouraged Mr. Fuquay, the developer of that subdivision, to correct those problems, to put in a culvert and to put in a ditch, etc., and that took care of that problem. We were very, very pleased. Unfortunately, we are back here again approximately two and half, maybe three years later and we are having drainage problems again. I forwarded a letter to the County Commissioners. Mr. Fuquay, unfortunately, filed an erosion plan and did not follow through, did not maintain the silt fences, did not do any ground cover for a lot of the open areas and has been doing some recent dumping. As a result, the three ditches that adjoin our property and drain primarily Hunters Ridge are now full to capacity with silt. One of the ditches, which is a natural ditch that runs behind us, was about 18 to 24 inches deep and it is now approximately three inches deep. As a result, every time it rains, not just when we've had some of our torrential rains of the past few months, we are getting flooded again and now the ditches won't hold the silt so now the silt is coming back over on us. At the most recent rain we had more than a foot of water in our front yard. We've been down this road before. All we want to do is enjoy our property quietly and not have the water and not have the silt. We could handle some water occasionally if there were some water from a torrential rain, but now we have a substantial silt

buildup in the ditches. At the side where we have it piped under our yard there is enough silt there that it looks like beachfront property and the silt has killed our grass in several areas. We have a culvert that is no longer draining because of the silt buildup. We were out of town for a week...I have a few photos to show you. I know that you gentlemen probably get to see more photos than you really want to see and we didn't get a picture of the most recent one, but now the road has silt on it. I have photos of the damage that was there previously. We know what's coming. We've been down this road before. It's the water and now the silt is starting and before long our road will be impassable with the silt. We would really appreciate any assistance that you can give us. I understand that Mr. Fuquay is working with the Soil Conservation people to now repair the silt fences and to do some ground cover that he should have done two years ago. Unfortunately, the damage has already been done to us. We would really like to have the ditches cleaned out so that they could have the capacity again and then something done so that we are not here to see you again in the next two or three years with the very same problem. We really don't want to bother you or take up your time with this another time. We would really appreciate whatever you could do for us. In the photos that I'm showing you, this is the ditch and this is the culvert coming underneath our driveway. The rocks here are from the driveway which is a good distance away. It used to drain, but now this here is completely filled in and is much higher than the current culvert so it will no longer drain. This is the ditch that he installed at your encouragement about three years ago and the ditch is barely there and the silt is all over the place. This is our road and this is the ditch. It was a good three foot wide, deep ditch and now it's maybe two inches wide and two inches deep. It will not carry the water at all. This road now...this was taken before the most recent rain that we had in the past week. The road now has...its got some junk on it.

Commissioner Mourdock: Is that Red Gate?

Jo Ann Gannon: Yes. This is our little side street. Red Gate runs the other way. This is the water that...this is one of the pipes that you had him install and you can see by the color of the water that it is definitely not clear drainage. It's very muddy containing a lot of silt. Thank you.

President Tuley: Oh, Mike is here. I was going to say, Mike was supposed to be here for later, but he is here now. Mike, I know you sent us a letter last week, I think, was it last week in reference to this same property or same developer?

Mike Wathen: Yeah, I wrote one to...I copied you guys on a letter that I wrote to Roger Lehman dated June 6.

Commissioner Borries: Mike, would you identify yourself?

Mike Wathen: Mike Wathen, Conservation Service, Vanderburgh County. I spoke with Mr. Fuquay about 45 minutes ago, as did Bill Jeffers. Bill asked that I submit his report. He just wrote this about an hour ago so he didn't have time to type it up, but here it is. I've got a letter from Mr. Fuquay, which I believe you guys were copied on as well, dated June 10th in which he basically says that he is going to correct the problems. I was out there this afternoon and there was a lot that was completely bare that does now have mulch on it and my understanding is that it has been seeded. Some of the sediment has been taken care of up on the street and there has been some silt fence added in some areas where it was needed. Until it rains again, to be honest with you, I really couldn't tell you if anything else is going to be needed or not.

Commissioner Mourdock: It sounded to me, Mike, like Ms. Gannon's main point, or at least the major point of having the problem, is

with drainage ways that have been silted in. We can put up silt fences now and, hopefully, prevent that in the future, but number one, is what she is saying correct in that those have been silted in?

Mike Wathen: There has been some siltation downstream, yes. Actually, if you go further downstream from their house it is, actually...in my opinion, what has happened is that the sediment is going through their lot, and because the grade doesn't flatten until it gets downstream, when the grade flattens the sediment is actually dropping out further down. In those pictures...

Commissioner Mourdock: Even if it's dropping out further down I guess that is validating what she says as far as the water backing up. Was that your point, Ms. Gannon?

Jo Ann Gannon: Yeah.

Mike Wathen: They have a siltation problem.

Jo Ann Gannon: Just him fixing it now won't solve our problem.

Commissioner Mourdock: Right, which brings us to the next logical question, I think, is the drainage way that is currently silted up...and I'm not that familiar with the area...does Fuquay or the developer still have the obligation to maintain that?

Mike Wathen: It is my understanding that they do.

Commissioner Mourdock: He does? Okay, as part of his drainage control plan, the one that was approved?

Mike Wathen: The erosion control, yes.

Commissioner Mourdock: In your correspondence with him have you talked to him about that part of it or just fixing the current problem?

Mike Wathen: No, I have talked to him about both and he has indicated to me that he is willing to do whatever is necessary to fix it. I guess what I'm saying is that this is a situation where there is so much sand involved. There is a tremendous amount of sand out there. To be honest with you, I haven't had a chance to check the soil types on it yet, but I don't think that soil type has got that much sand in it. I'm wondering if there is some sand moving from some location, but I don't have that confirmed as of yet.

Commissioner Mourdock: Again, the key point here being that we have a drainage way that is silted up and it's the developers responsibility. Is the developer telling you that he is going to clean it out?

Mike Wathen: I did not have him tell me that he was going to clean it out. I did have him tell me that he would do whatever is necessary to keep it from silting in again, but at the same time he did not tell me that he wouldn't clean it out. It was just an issue that I was trying to...at the time this was going on it was raining every day. I was trying to keep any more from getting down in the ditch and it wouldn't have done any good to clean it out during that time frame anyway because one more rain and it would have silted in. So my focus was on stopping any more from coming in at that point.

Commissioner Mourdock: I understand the timing of it, but I heard Ms. Gannon say too, that the ditches are filled with silt every time it rains, not just when we get the torrential rains of the season. If that is the case and the erosion plan that he had calls for keeping that drainage way open, and maybe I am taking this one

step too far, but since it was also a drainage plan for that subdivision am I taking it a step too far?

Mike Wathen: I am not familiar with the drainage plan. I am only familiar with the erosion control plans.

Commissioner Mourdock: Okay, then I'll ask the same question to these guys then.

Mike Wathen: The drainage plan would be something that Bill Jeffers would probably be the one to ask about that.

Commissioner Mourdock: If we issue a drainage plan to a developer while the developer is still involved in that real estate, I guess it implies to me that he is responsible to keep it maintained to a level of that drainage plan?

Commissioner Borries: That is correct.

Commissioner Mourdock: So in being the case, it would sound to me like we have some leverage to make this work.

Commissioner Borries: Wasn't there correspondence from Roger Lehman, this past week? Did I read somewhere concerning this same development?

Commissioner Mourdock: I saw some from Mike, but I didn't see anything from Roger coming back.

Mike Wathen: No, I sent a letter to Roger.

Commissioner Borries: You did?

Mike Wathen: Yes, it's right here.

Commissioner Borries: Didn't you state, Mike...yeah, I got it. This was dated June 6 and you said that you didn't believe that Mr. Fuquay was in compliance. Do you now feel that he is in compliance? With today being...what is today, the 17th?

Mike Wathen: With the Vanderburgh County Ordinance and my understanding of it, and that's something that I would like to talk to you guys about at a later time is some clarification on some things because it is vague in a lot of areas, but my understanding of it is that as long as he doesn't have any more sediment leaving the site he would be in compliance, yes. That does not address the sediment that is already downstream.

Commissioner Borries: I'd be happy to discuss it with you, too. I don't know where it is vague. I mean we've attached enforcement powers in this and, of course, you are one of our technical advisors on this so if you tell us that he is not in compliance, then he's not in compliance. It is real simple with me. To me where the vague area is, and this gets to where the Gannon's concern is and where we always run into problems, is that when we are talking about certain drainage areas, as you well know, they would be considered private property. The county has no jurisdictional power over any of these unless they are called a legal drain. We go over and over and over this, we sound like a broken record, I guess. In this situation, if these were working before shouldn't we ask Mr. Fuquay? Either that or the Gannons are going to have to have legal recourse, but somebody other than the county is going to have to go in and clean out these drains. We can't do that. We, meaning Vanderburgh County. We cannot order, even as a Drainage Board or as Commissioners, anyone to do work on that. That's where our dilemma is. If you are saying you would believe, and, I guess, I could just ask you yes or no, would you say that most of the silting is being caused by the Hunter Ridge development?

Mike Wathen: In regard to Mr. and Mrs. Gannon's property I would say that most of the silt is being caused by the Hunters Ridge development, yes.

Commissioner Borries: Then I think that the developer ought to, with the Gannon's approval because essentially somebody owns that property and someone needs to get their approval, but they need to clean it out.

Commissioner Mourdock: Yeah. The property where the siltation has occurred that is causing the water to back up on you all that's not on your property, it's not part of Hunters Ridge, correct?

Jo Ann Gannon: I think that he has sold it. It is part of the lots that he has sold and there are three ditches that drain and go to the ones that we are talking about. They all adjoin our property and they form a square around our property, but they do not belong to Mr. Fuquay at this point.

Commissioner Mourdock: Okay, just in case that wasn't picked up on the microphone, which is entirely possible, let me just say that Ms. Gannon said that she believes that the property where the siltation has occurred is in the Hunters Ridge development, but not necessarily on properties presently owned by Mr. Fuquay that he may have sold them in the meantime. If, in fact, that is part of that same subdivision, then I think that makes our case and the point that you were just saying, Rick, even simpler. It's not that he needs a third party since it has been part of that subdivision, but I think it is his obligation to clean it up.

Mike Wathen: One point that I would like to make on Mr. Fuquay's letter that he wrote back to me on paragraph three. It says:

"After some conversation you (meaning myself) agree with me (meaning Mr. Fuquay) that not all the silt problem was coming from Hunters Ridge Subdivision. Some was coming from Browning Road Estates Subdivision."

I did tell him that, but that was referring to the property further downstream at which point two ditches Y. At their property the ditches have not Y'd yet, so the only place that it could be coming from would be upstream from their property which is Hunters Ridge Subdivision. Down further on the same ditch there is also a tremendous silt problem which we've got pictures of and a portion of that, I think, is coming from Hunters Ridge, but I also think that a portion of it is coming from Browning Road Estates. That's to qualify that third paragraph if you have any questions.

President Tuley: Mike, on this letter to Roger dated June 6, that you sent us copies of and now we've got your copy, have you talked to Roger because you said in here that you felt like he should be given ten days, weather permitting, to have the erosion measures installed? To your knowledge has Roger done anything and have you talked to Roger about that since you sent this letter?

Mike Wathen: On that particular one, no. The reason that I put ten days on there is that is what the ordinance says.

President Tuley: Yeah, I know.

Mike Wathen: That's where I got the ten days from.

President Tuley: You haven't talked to Roger then to know if Roger has sent a letter notifying what part of Section 150.119 that he is in violation of?

Mike Wathen: I'm not aware that he has, but I'm not aware that he hasn't either. He did try to call me back a couple of times today, we've been playing tag for two days. We've both been buried.

President Tuley: Cindy, could you, and I'll ask the Board, but tomorrow call him and find out if he has directed or had contact with Mr. Fuquay on this letter. There was a copy to Mr. Fuquay, but it doesn't tell him what he is violation of and whatever and we need to get that notice to him if it hadn't been done so that Roger can take whatever action, I guess, that he is going to take.

Mike Wathen: It was my understanding that Mr. Fuquay was going to be here this evening. I left the office and they had either just hung up or he was on his way so he may still show up, I don't know.

Commissioner Mourdock: Let me ask one other question since I'm not familiar with the topography, and, Mike, you can answer this. The properties, the lots that were sold from Hunters Ridge where the siltation is occurring that is causing the water to back up on the Gannons, is there any reason why the owners of that lot would not have it be advantageous to them to have those drainage ways cleaned out? In other words, are they going to get a nice volleyball area out of this as opposed to having a ditch run through their property?

Mike Wathen: That would depend on two factors. First off, I think the way that they explained it, I think they meant it right, but I think they explained it to you a little bit incorrectly. The property downstream from theirs there is enough grade in that and that is why there is no sediment there. The property that I'm referring to where the sediment is dropping out is probably five or six hundred feet down from their lot. It's a long way down.

Commissioner Mourdock: Is the water backing up the full five or six hundred feet?

Mike Wathen: No. It couldn't because the elevation of the road down below is not high enough to act as a dam. It would actually go over the road before it would back that far up.

Commissioner Mourdock: Let me go back to the problem that they brought up then. If you're saying that they described it inaccurately then give us your point of view. The properties that they say cause water to back up on them and they are saying that there is a siltation problem, is there any reason for anyone to benefit from that siltation problem?

Mike Wathen: There is no reason for anybody to benefit from the silt leaving the site, no. All it is going to do is clog the ditch up and reduce the capacity of the ditch.

Commissioner Mourdock: That's what I am saying. Is there a benefit for somebody instead of having a ditch to have it clogged up?

Mike Wathen: I can't see where it would be, no.

Commissioner Borries: Just to continue Commissioner Mourdock's question one step farther, since the county can not do work on private property who, in your opinion, should clean out this silt if it is not of any use?

Mike Wathen: It would just be my opinion, I don't know any rules or laws.

Commissioner Borries: That's what I'm asking. I have opinion! I think it is probably going to be the same as you say, but you are our technical advisor.

Mike Wathen: I can tell you this much that whatever opinion that I would offer is going to apply to 150 subdivisions across Vanderburgh County.

Commissioner Borries: That's fine.

Mike Wathen: I guess the way that I would look at it is that if the silt would have never got there in the first place there wouldn't be a problem. Now in the event that it has, I guess, that would be something or there should be some consideration made as far as the person who allowed it to get there.

Commissioner Borries: Michael, you didn't answer my question.

President Tuley: Your tap dancing, Mike.

Commissioner Borries: You didn't answer my question. If the county can not work on private property, if there is no benefit to the siltation, then who, in your opinion, should remove the siltation?

Mike Wathen: The person who allowed it to get there.

President Tuley: Who is that person?

Mike Wathen: Oh, Hunters Ridge owners, Jim Fuquay.

Commissioner Borries: Okay. Thank you.

Mike Wathen: Boy, you get a lot put on you when you stand up here. I tell you what, I'm going to sit down.

President Tuley: Hey, you ought to sit back here!

Mike Wathen: It's a lot safer over there, I'll tell you. I made a comment to somebody today and they asked how much time have you put on this development? I multiplied out how much time I put in by the number of developments that I'm doing and I came up to 826 hours that I would have to work in one week. We've been busy.

Commissioner Borries: Well, you answered my question, thank you, Mike.

President Tuley: Where do we go from here?

Commissioner Mourdock: I would move that we ask the County Attorney to draft a letter to Mr. Fuquay summarizing the conversations that have taken place in this meeting and advising Mr. Fuquay that we feel he must clean that drainage way if he intends to stay in compliance with his erosion control and drainage plans.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Borries: Just as one quick amendment, do we need to set some kind of time frame or when do you think that we need to...

Commissioner Mourdock: I would amend the motion to say that Mr. Fuquay needs to rectify the situation within 30 days.

Commissioner Borries: I will second.

Jo Ann Gannon: (inaudible comments not made from the microphone)

Commissioner Borries: Well, do these ditches have names.

Commissioner Mourdock: Excuse me, before we get--

Commissioner Borries: You are going to have to come forward, Ms. Gannon.

Commissioner Mourdock: --yeah, before we get to that, what we are saying is that he needs to make sure what's in reality out there is in compliance with the erosion control plan.

Commissioner Borries: That's correct.

Commissioner Mourdock: If that is one ditch or that's 20 ditches, then that's what it takes.

Jo Ann Gannon: Thank you.

Commissioner Borries: It would also go without saying that if we need to notify an adjoining developer, you mentioned another developer here, then perhaps there could be some sharing of the removal, but the problem...really, about the only thing that we have as an enforcement or punitive measure is this kind of jawboning that we are doing here with our technical staff. The ultimate thing is to deny any more building permits through the Building Commissioner. That is the ultimate thing that we can do, but in good faith we probably have to take this step before we take the final step. If they do not comply with our request, then the only other thing that we can do is ask the Building Commissioner not to issue any more building permits.

Mike Wathen: I can tell you this in all fairness to Mr. Fuquay that at the Y that I was describing to you earlier the sediment is probably 50/50. So, from that point on I think it would unfair to expect him to clean that part down without help from the other developer. Secondly, at what point do you want to draw the line on how far down you go?

Commissioner Borries: Michael, you're the man.

Mike Wathen: We get so many property owners...I mean, I don't mind making the decisions, but I just want to make sure that I don't make a decision in trying to make the best one that I can and with the rules being the way that they are that I do something and I overstep my bounds.

Alan Kissinger: Mike, you're just going to have to have them color code that dirt!

Commissioner Borries: I think that we support you. Again, as I said, you are our technical advisor, the person who has the experience. I think you are a reasonable person and if you can identify within a reasonable proximity there where you feel that another developer's involvement is, personally, I support you. I mean, I don't think that you're going to take any unreasonable steps here.

Commissioner Mourdock: The inherent risk of decision making is making the wrong choice and the obvious way to totally avoid that bad risk is to make no decision and that is not acceptable.

Mike Wathen: Well, I tried that and he wouldn't let me do that.

Commissioner Mourdock: So, we're willing to risk it.

Mike Wathen: I thought about referring you back to that section, but they won't know any more than they did when I started. We are going to have a bunch of these come up, guys. I mean, I have had 20 of these come up in the last four or five days. I know that everybody else has been covered up with them, too. A lot of them are extremely controversial. I don't mind making them and I'll expect full support. I'm not going to make any decision that I think will cause anybody any embarrassment, but at the same time we are certainly not going to have everybody happy either.

Alan Kissinger: Mike, one thing that you might want to do, too, is

that when you are talking with the various property owners who are complaining on these things is to advise them, as I will advise these folks now, that if they want the developer to, in fact, come in with their equipment or with anyone else's equipment and clean these ditches, then they are going to have to give them permission to come onto their property and do so. If they don't want to give that permission, then it may be a way out for the developer or whoever the guilty party happens to be. They will say that they tried to clean it, but the property owners wouldn't let them come on the property.

President Tuley: One final comment, on your recommendations and decision making, if you use your training, your experience and everything to the best of your ability then I am sure that you are going to get all the support from this Board that you need. As long as that decision is based on that experience, background and training, then I don't see a problem in the Board not supporting you.

Mike Wathen: Okay, on the agenda my name is down there further if you want to...

President Tuley: Let me do something before and then we will go ahead and let you go on since you've got the podium. You don't even have to leave the podium, Mike, for what we are going to do.

RE: OPENING OF BIDS - VC96-05-02 SCHISLER ROAD BRIDGE

President Tuley: Let me find it here, John Stoll, under 4H. We need to open bids for VC96-05-02, Schissler Road Bridge.

Commissioner Borries: I move that the County Attorney be directed to open the bids for VC96-05-02.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: MIKE WATHEN - SOIL AND WATER CONSERVATION SERVICE

President Tuley: Now, Mike, under item 4G we have you back up here.

Mike Wathen: I have another report from Bill Jeffers regarding Willow Creek. I have received nine phone calls in the past four working days in the office from the residents out there. I've tried to get a hold of Mr. Hatfield today and wasn't able to. My understanding is that he did call as I was leaving the office at about 5:00 p.m. We've got three pictures and Bill has a report that he asked me to enter.

President Tuley: For the record, Bill submitted another report in reference to Hunters Ridge and the Gannon's property. It's very informal and he wrapped it up this afternoon. Both of them have indicated that he will formalize these reports and have them to us at the next Drainage Board meeting which will be next Monday night. I assume that is probably the same on this one here?

Mike Wathen: To be honest with you, Pat, I read it on the way over here and I'm not real sure.

President Tuley: Okay.

Mike Wathen: One observation that Bill wanted me to point out to you in the pictures is the color of the one pond in relationship to the color of the other pond as far as the sediment that is involved.

Commissioner Borries: You're here in terms of the erosion control

policy. Do you want us to take some action here on Willow Creek?

Mike Wathen: I'll put it this way, I would like to talk to Mr. Hatfield first and I have been unable to do that as of right now. He has tried to call me back he just hasn't gotten a hold of me. There are a couple of items out there that I would like to see addressed. I think they are fairly significant and, unfortunately, they are both items that I am afraid are going to cost a fair amount of money in order to accomplish what needs to be accomplished, but I don't see any other way to fix it correctly. I would like to take them up with him first.

Commissioner Borries: Okay, so when it talks about this erosion control policy it is in regards to Willow Creek and before we take any action you want to talk with him?

Mike Wathen: I would like to talk to Mr. Hatfield on that one. I don't know what your agenda says, but mine didn't say that on it.

Commissioner Borries: It just had VC Erosion Control Policy.

Mike Wathen: Okay, what I was basically going to ask about was what we discussed earlier. At what point, since the rules are as vague as they are, you know, you've already answered my question on that and that was the only thing that I was going to bring up there.

Commissioner Borries: If you could maybe put down in a memo, and I know you are very busy, where you feel they are vague. I would like to know because, again, expressing my sentiments individually, I fully support what I would see in the control ordinance. If you feel that you're not empowered or that it is weak in certain spots, then we need to know that. Tempered full well with the fact, with the Gannons here as well as many other unhappy people that we have dealt with in Drainage Board after Drainage Board here recently, I think it was reported in the media recently that this county is now 16 inches or somewhere around 16 inches above normal in terms of rain. I don't know where that gets us, but that is about as high as I can ever remember. Frankly, if the Ohio River would have been as high as it got at the end of April when those first big rain events started coming, then we would have really have had some problems a lot worse than we did. Having said all that, there is nothing worse than telling that to a homeowner who has a flooded basement or something else, but I guess the reality of it is that if it is vague to say that, no, all these erosion plans are not going to withstand 16 inches above normal rains, well, I understand what you are saying there. I don't know what would, but if we're saying that there are some developers that simply regardless of how much rain we've had are not following the erosion control policies that are set out, then I support you on that. I think we need to work with those developers, but if they're not following your directions and suggestions then we just have to let the chips fall where they may, but I certainly support your recommendations.

Mike Wathen: We will have, probably, a lot of letters written within the next couple of weeks.

Commissioner Borries: I would suspect that as time goes on it will dry up, probably, and we look like we are now in our summer sweat mode for a while, that some of these complaints will begin to lessen. Again, 16 inches, man that's a lot of rain. More than I can ever remember us, being this county, being above normal in this kind of situation. It could have been a lot worse.

Mike Wathen: I guess one point, the vague thing, let me just qualify that real quick. One statement in there is about the seeding, okay, it says establish seeding. Okay, in my mind establish seeding is as soon as you get an opportunity you get out there, make a seedbed, get the proper seed planted and you do it.

I'm seeing guys going out there and they're doing that, but they're not putting any silt fence up, they're not doing any straw bales, they're not doing anything to break the water up so then their seed washes out. Then they come to me and say, look I did exactly what it said, I put in proper seeding, but we got a big rain and it washed it out. Well, had they put the silt fence up from the get-go they probably would have been okay. I would have been more apt to have them put the silt fence up and do it properly the first time. We've got a bunch of guys out there that basically go out there with a handful of seed, throwing it out and calling it done. It's not really fair to the guys who are spending four and five hundred dollars buying silt fence, trenching it in and doing it properly. I guess that is where I would see some vagueness in the rule when it would refer and just say, establish seed. That's just one example, there are others.

Commissioner Borries: So we need to amend it. Again, if you will just put that in a memo...so you think that we are not talking about the silt fences and the other things in that ordinance that need to be in there?

Mike Wathen: Actually, I would be happy to put down about ten items that I think need to be in there and if we could amend those items I could have that ready by next week. It will save me time in the long run. I think we need to add about ten, at least ten items similar to the way the Rule 5 does things with the IDNR and IDEM, Indiana Department of Environmental Management, rules. I think if we would apply some of the ten main ones, I don't think that we need all of them, there are a bunch, but of the ten main ones I think that if we just use those as our baseline or as our barometer I would then have a nice line to shoot off of and I would have something to use as a baseline as opposed to a paragraph that basically says, establish seeding.

Commissioner Borries: Okay.

Mike Wathen: I can have that for you at the next meeting if you like. I will provide everybody with copies and I would like to get you guys' input possibly next week on that as well if need be or whatever input we need. I think Bill Jeffers would probably go along with that same idea, too. We discussed that briefly this afternoon. That would be what I see as getting everybody on the same page. It's difficult for me to go to 100 sites with specific situations and as fair as I try to be there is a lot of decision making on every single one of them.

President Tuley: Okay, thanks, Mike.

Commissioner Borries: Thanks, Mike.

Mike Wathen: I have no reason to stay here unless somebody else needs me or if you guys need me. My little girl has got a T-Ball game and that is where I'm headed.

President Tuley: Good luck.

RE: NORM CAMPBELL - SIGECO LIAISON FOR COUNTY

President Tuley: Item 4C, Norm Campbell, SIGECO liaison for the county has been--

Commissioner Mourdock: Maybe somebody else was here to speak.

President Tuley: I'm sorry. Anybody else that's not on the agenda? Okay, alright. Item 4C has been postponed until next week at the request of Mr. Campbell.

RE: JOE PROFAIZER - COMDISCO DISASTER RECOVERY SERVICES

President Tuley: Joe Profazer.

Joe Profazer: Joe Profazer, Computer Services. We currently have mobile disaster recovery services with Digital Equipment Corporation who has now sold that unit of their business to Comdisco. They are the worlds largest and, in my opinion, the most experienced provider of disaster recovery services. This is just a consent of the transfer of the agreement to Comdisco. I have spoken with both companies and they are going to honor our agreement right now so this is just another business spinning off another division. I'm just requesting the respective signatures from both the County and the City when I get there.

Commissioner Borries: Are you recommending that it be signed?

Joe Profazer: I recommend approval of it, yes.

Commissioner Borries: So moved. I move that the agreement be signed.

Commissioner Mourdock: Second.

President Tuley: So ordered. There is a place for a signature from all three of us.

Joe Profazer: Thank you.

RE: BARBARA CUNNINGHAM - REQUEST FOR CCD FUNDS FOR CAD STATION

President Tuley: Okay, item 4E is a follow-up letter from Barbara Cunningham with regard to her request for CCD funds for her CAD station. Basically, it just reads:

"Last week when I sent the information requesting a higher performance AutoCad system, I was incorrect in my assumption that Data Board approval would be required. I was told by Tim Vancleave from Data Processing on June 11, 1996 that he could grant approval if funds were available in our budget."

Did we act on that last week or did we ask her to go get Board approval?

Suzanne Crouch: You deferred it because you wanted to look at it in relationship to GIS. We spoke to Joe about this concerning GIS.

President Tuley: Joe, do you want to come up. Suzanne told us that she has talked to you with regard to GIS and the request for this CAD.

Suzanne Crouch: He spoke with Charlene.

Joe Profazer: Yeah, I spoke with her this morning and that system is purely a PC upgrade. It's not going to be in any conflict with the GIS system if there is going to be a GIS system. All it is that she is asking for is money for a computer upgrade. The processing power of her current CAD computer is not up to snuff.

Commissioner Mourdock: So it wouldn't be in conflict, probably, although not definitely. Probably it would work in conjunction with GIS.

Joe Profazer: Correct, I think it would and I think that GIS would be a totally separate application. It would just be another application on that computer.

Commissioner Mourdock: In the minutes of last week, which I

finally found, the final part of them was that the other thing is:

"In the interest of time this evening it also mentions that Data Board approval is also required and I would like to delay on this pending approval of Data Board."

That was Commissioner Borries' comments and that is the way we acted.

Commissioner Borries: In this environment and it's all very technical, but is this done by anybody else in the county?

Joe Profaizer: City and county wide, I mean, she is requesting a new--

Commissioner Borries: Uses Planimetric maps and she wants to increase the speed. Is this done by anybody else?

Joe Profaizer: Planimetric maps is an application for AutoCad and she is asking for an upgrade to her PC which almost every department city and county wide does. That runs through our microcomputer area with Tim's approval. It is not for an application, it's basically another user asking for an upgrade of their PC which does not require Data Board approval.

President Tuley: Are you familiar with what she is asking then, Joe. I'm not trying to ask you to do her job or be her, but it sounds like something that you're knowledgeable of, would it be beneficial to the operation of her office?

Joe Profaizer: Yeah, I have read the past minutes and Tim has had communications with her and he has recommended that and I'm not going to question Tim. No, I'm in full agreement with it, yes.

Commissioner Mourdock: Is there any question whether or not this is a capital item.

Commissioner Borries: I couldn't see that there would be any question on that.

Commissioner Mourdock: I would see it as a capital item also. Do we have an estimate at this point as to where we are in this budget year as far as CCD funds?

Suzanne Crouch: I think you have well over one million unappropriated.

President Tuley: Close to one million and a half, I think, isn't it? Pretty close.

Commissioner Mourdock: I certainly support, as we discussed last week, the implementation of GIS. CAD stuff when it is well used is a very effective part of that process and a very effective part of any kind of mapping and having the pleasure of currently serving on APC there are times when I would like to have some good maps in front of us that this type of system could develop. Having said that, and with the recognition that this truly is a capital item, I'll move approval of CCD funds for the CAD station as requested by Ms. Cunningham.

Commissioner Borries: Second.

President Tuley: So ordered. Thanks for your input, Joe.

TAPE CHANGE

RE: BARBARA CUNNINGHAM - LETTER OF CREDIT FOR SYCAMORE HILLS  
PHASES I, II AND III

President Tuley: Okay, the next item is a letter from Barbara Cunningham, again, concerning a letter of credit with regard to Sycamore Hills, Phases I, II and III. We will just enter that into the record here.

"This memo is to inform you that yesterday the Area Plan Commission was forced to draw on two letters of credit: one for the streets in the Sycamore Hills Subdivision, Phases I and II, and one for the street in Sycamore Hills, Phase III. A copy of our letter to the Citizens National Bank of Tell City is enclosed for your files, along with a copy of a Cashier's Check (for Phases I and II). The check for Phase III is forthcoming. Based on inspections by the County Engineer's Office, the developer (Gary Williams) has not met statutory requirements in regard to the completion of the street in accordance with the approved road plans so that these streets can be accepted by the county. We were notified by Citizens National Bank of Tell City on Friday, June 7, 1996 that the letter of credit would not be extended.

These funds will be turned over to the County Auditor to be placed in a special account to be used for improving the problems with the streets in Phases I, II and III of Sycamore Hills. Within a reasonable amount of time, the county should use these funds to initiate work on Castle Brook Road, and if necessary, Old Dominion Road. We have received calls from homeowners in this section of the subdivision about the condition of the road.

If you have any questions concerning this matter, please contact me."

Enclosed is a copy of the check for \$9,500.00 along with the letters that she made reference to. Submit that for the record. Okay, we have already covered Mike. We've covered item H.

Commissioner Borries: Question, just on...a comment about this Area Plan Commission thing. There is a copy of a check for \$9,500.00, but I didn't see the \$2,800.00 that they refer to, I don't know where that is. Maybe that's in the future. There is a \$2,800.00 letter of credit.

President Tuley: She said there was another check to be sent in yet.

Commissioner Borries: I guess John Stoll is coming to the mike now.

John Stoll: That check has been issued.

Commissioner Borries: My only concern is in this individual and this situation, I mean, I think I understand why they are doing this and I support that request, but the problem is how much is it going to cost for these roads to be accepted? Is it going to be more than what this is?

John Stoll: Yes, based on an estimate done by Tom Goodman it was going to be about \$25,000.00.

President Tuley: The balance then comes from the homeowners or does it come from the county?

John Stoll: That is not addressed anywhere.

Commissioner Mourdock: I'm sorry, what was the amount, John?

John Stoll: It's about \$25,000.00. There is about enough to cover half based on Tom's estimate.

Commissioner Mourdock: The roads have not been accepted?

Commissioner Borries: Right.

President Tuley: That's what I thought. They have not been accepted so I don't know financially what obligation we have at this point. The homeowners will be in here if it's not the current ones then the ones down the road will be in here.

John Stoll: The letter of credit was issued, I believe, back around '90 or '91. It was reduced to just cover the remaining surface asphalt in '92 or '93, but since this has carried on for such a long time deterioration occurred on the work that had already been completed to the point that it no longer just needs surface asphalt. It needs surface, plus patching and some reconstruction. That's why there is more work that needs to be done there than there is money available.

Alan Kissinger: The ultimate answer to your question is the reason the developer is required to post a letter of credit is somewhat of a hedge or a guarantee against that developer's insolvency because it is the developer who is responsible for bringing the road up to the standards where it can be accepted by the county. If the developer does become insolvent the letter of credit is withdrawn and then the situation is that it becomes the responsibility of the property owners to bring the streets up to the level so that they can be accepted by the county and then they have a civil action against the developer. It's basically, like trying to drill a dry hole, however, because if the developer is insolvent then that is why the letter of credit was withdrawn and these are just very unfortunate situations to which there is no remedy available to the County Commissioners.

Commissioner Borries: I move that we accept the letters of credit and then we need to go to the next phase at some point here in the near future.

John Stoll: Put a contract together for the repairs?

President Tuley: Have you had any contact with the developers since then?

Commissioner Mourdock: I'm confused and I just want to be clear on the motion because I heard two things said. I heard Commissioner Borries saying to accept the letters of credit?

Commissioner Borries: Yes.

Commissioner Mourdock: As a motion, I guess, maybe that's as far as we need go at this point.

Commissioner Borries: That's all I'm suggesting.

Commissioner Mourdock: Well, I will second the motion that we accept the letters of credit.

President Tuley: So ordered on that.

Commissioner Mourdock: Okay, then I heard John say to proceed and issue a contract for the repair of the roads and that's the question that I have. Again, going back, if we haven't accepted the roads then we have no authority for the roads.

President Tuley: I hope that is a mixed term here. You've already got a construction estimate, you say, or do you need to actually get one?

John Stoll: We've got an estimate, right. Tom went out there last week.

President Tuley: I know where you are going with this. We don't want to award any kind of a bid if we are going to pay for it. We've not accepted the roads yet, correct?

John Stoll: Right.

Commissioner Mourdock: Why would we even solicit a bid?

Commissioner Borries: Well, the aspect when I had talked with John earlier simply comes up to get some kind of estimate as to what it is going to take to do the roads and fix them to bring them up to county standards.

Commissioner Mourdock: Let me stop you. Is that what you were saying, John? Just get an estimate as to what it would cost to do that so that the people out there would know, is that what you were saying?

John Stoll: We got an estimate to find out what the shortfall would be on the letter of credit and, basically, to try to find out where we go from here because, like I said, that wasn't defined anywhere.

Commissioner Mourdock: Okay, sorry to interrupt you, Rick. go ahead with what you were saying.

Commissioner Borries: That's why I am saying that we need to, at this point now, review what our options are here. What are our options? If the homeowners are expected to now bring this up...what happens if we use the \$9,500.00? Does that get us close to where they could be accepted or not? I mean, I guess that is what I want you to do some thinking about. What do we get out of this \$9,500?

Commissioner Mourdock: I wouldn't spend \$9,500.00 to buy a boat with a hole in it. I don't want to see us rush out and say, okay, you guys we've got \$9,500.00 here, but that doesn't solve your problems. See you later. That doesn't do anything either. I just thought I felt us moving towards some kind of commitment to get this process rolling and I don't see that we are empowered to do that. I heard Alan say a moment ago, what is our obligation? Our obligation under the letter of the law is zero because we have not accepted those roads.

Alan Kissinger: It is our obligation, however, to collect on the letter of credit.

Commissioner Mourdock: That's right. Yeah.

Alan Kissinger: If we have collected on the letter of credit and there are insufficient funds available to bring the roads up to scale, then it is the property owners who are stuck with the obligations.

Commissioner Borries: I'm sorry?

Alan Kissinger: It is the property owner who is stuck with the obligation. As I understand it, and I'm not certain about this, but in this particular instance, is the developer insolvent?

John Stoll: That I don't know.

President Tuley: I don't think so. He just had some additional approvals done for that same area. I won't say that it has been more than six months ago because it was when I was on the Area Plan Commission.

Alan Kissinger: Then the property owners do have a civil action against the developer. To do either one of two things. Cause the developer with his own funds to bring the roads up to the level that they need to be or if they are unsuccessful in doing that, then to use their funds and to sue to be reimbursed by the developer for those funds. It's basically a contract between the property owners and the developers that the county attempts to help enforce by requiring the letters of credit.

Commissioner Mourdock: I thought I heard you, but apparently I misunderstood this, too, it's not been a good night for me here so far, but I thought I heard you say that the reason that we had to foreclose or to claim the letters of credit was insolvency.

Alan Kissinger: No, I said in the event of insolvency, then the property owners are left holding the bag.

Commissioner Mourdock: Right.

Alan Kissinger: If the developer is not insolvent, then of course they do have good action against the developer.

Commissioner Mourdock: What was the legal trip wire that caused the APC to get those funds?

John Stoll: They stated that they were told by the bank that the developer was not going to extend the letter of credit and then the county has two options, either call in the letter of credit or let it go. Since there is work that is remaining it couldn't be let go.

Commissioner Mourdock: Theoretically, the developer could be in the greatest financial shape he has ever been in and he just chose not to redo the letter?

John Stoll: Right, and that is just on the basis of what they told me because I haven't talked to the developer to find out whether or not he specifically said that he wasn't going to renew it or what. That is what Area Plan told me.

Alan Kissinger: If the developer says, I'm not going to extend the letters of credit and John had not done his homework, then the property owners would have been left holding an even bigger bag.

Commissioner Mourdock: Right, \$9,500.00 worth. Or \$9,500.00 plus \$2,800.00.

John Stoll: Yeah, it is over \$12,000.00.

Commissioner Borries: A question then for clarification. I can see where John was headed here. So the county gets the \$9,500.00. We then are what, I don't have the right word here, we're not mandated, but we must use that \$9,500.00...yeah, mandated or whatever, obligated to spend that money on those roads, is that correct?

John Stoll: Alan might be able to address that better than I can.

President Tuley: Barbara is here now.

Barbara Cunningham: Yeah, I'm here. Yes--

Commissioner Borries: Barbara, would you want to come up here, please?

Commissioner Mourdock: Your timing was exquisite.

Barbara Cunningham: I saw John up here and we had talked about this today so I wondered if you had questions. Yes, the letter of

credit says that money is to be used for those roads. There were two letters of credit. One for \$9,500.00 and one for \$2,800.00.

Commissioner Borries: What John has to and we then have to continually, as another one of the little challenges of this job, do is to work with homeowners who buy homes on beautiful sunny days and then later find out that their roads are not accepted. I'm not going to start naming names, but I can think of two glaring subdivisions right now or areas where the homeowners simply think that the county can go out here and redo these roads and they are massive amounts of money. What he was saying to look at, too, are we going to have to pay now or are we going to pay later. These roads are not going to get better by themselves. I guess we need some information about what the intent of this developer is and if he is or is not insolvent.

Barbara Cunningham: I have absolutely no idea.

Commissioner Borries: That was my question about what we are supposed to do with the roads. I mean what do we do, put \$9,500.00 down and where does that get us because like Commissioner Mourdock just said, I mean, are we going to buy a boat here with a hole in it?

Barbara Cunningham: Well, let me back up a little bit. The letter of credit has been effect since 1984, I believe, when we changed the subdivision ordinance. This is the first time that we have had to call in a letter of credit that one has not been renewed or has not been completed satisfactorily. So, for 12 years we have been way ahead by getting approved roads because before the developer could just walk away and leave the roads and not finished them as you see a lot on the southeast side of town where you see wide spaces where the road was supposed to go through and then they decided just not to, so we are ahead of it. Now, I think that probably the problem that we have with this one is that the letter of credit is always approved by the agency that enforces it with the roads. In this instance, with roads it is the County Engineer's Office, sewer and water is the Utility Board, etc. At that time, a certain amount was put back that said this would be enough to do the roads with a five percent overage that we have in there so if there are any problems this would be enough to do the roads at this time and they sign off on it. John always signs off on it. What happened was that the letter credit was reduced by the County Engineer's Office, not by John, but by the County Engineer's Office, what two years ago or something like that?

John Stoll: In '92.

Barbara Cunningham: In '92, so it was reduced to this sum which they thought at that time--

Commissioner Mourdock: Are you talking a massive reduction?

Barbara Cunningham: Pretty much. We had the total letter of credit and it was reduced to what they thought was sufficient.

John Stoll: What they did was they built the streets, put down all the rock and the asphalt base, the curb, the storm sewers so the only thing that was left remaining to do was the asphalt surface. The letter of credit was reduced to cover just the asphalt surface that remained which wouldn't have been a problem if the surface would have been placed in some reasonable time frame, but it was never placed and so it has deteriorated over the years to where the deterioration is not covered by the letter of credit that is remaining.

Commissioner Mourdock: So there was never a surface course put down?

John Stoll: No.

Barbara Cunningham: John and I have been talking and Herb Butler, too, that we need to change so that instead of just a straight renewal on the letter of credit, which they sometimes do with us, that we've talked...we were talking about it this morning and we've talked in the past, that we need to change the letter of credit procedures so that John will review to see if that is still enough money to do it. To check on the street and see if that is still a sufficient amount to do it.

Commissioner Borries: That was exactly my point. I just wanted to know what we were going to do with the money.

Commissioner Mourdock: The moral to this story--

Barbara Cunningham: Is don't reduce it!

Commissioner Mourdock: --is don't reduce it because now the economic decision for the developer is, do I pay \$15,000.00 to put the base course down, whatever the number is, or do I walk away from \$9,500.00 and I'm free and clear?

President Tuley: He's going to have to face a civil suit.

John Stoll: Herb Butler and I spoke about that this morning and we were going to try to put a letter together that the city and county both could issue to the engineers stating that reductions wouldn't be granted any more and you have basically two conditions. It is either done or it's not done.

Commissioner Mourdock: Do we have a policy in place, Barbara, that if, lets assume, a developer forfeited a letter of credit, can he come back next week and start all over with another subdivision?

Barbara Cunningham: Certainly, he can always start over again.

Commissioner Mourdock: Okay, let me give you a point of view from someone with a history in the mining business. Under federal mining law if you walk away from a reclamation bond you are put on a list and you can never get another mining permit anywhere in the United States. Can we have something like that locally if a developer walks off?

Barbara Cunningham: I don't know that we...the system should work. I think that where we made the mistake is what happened was that the letter was reduced or there would have been enough to finish it. You hate to have no one ever to be able to do a subdivision again.

President Tuley: I...

Barbara Cunningham: I don't know. I mean, it's up to you, but Suzanne and I set up a procedure that we put the money in the Auditor's Office solely for the purpose of street repair in that subdivision.

Commissioner Borries: Everybody wants government out of their lives until it affects them. There are going to be some homeowners out there that would fight tooth and nail for limited government, blah, blah, blah. Now, all of a sudden guess who they might think...I can give you one clear answer who they might think needs to finish off these roads. I'll give you a real, load and clear answer. We get walked on all the time on things like this, Barbara. This isn't the first time and it ain't going to be the last here.

Commissioner Mourdock: After being on this Board for a whopping total of just 18 months, almost, there seems to be a recurring

theme. It's not like we have 200 developers and on any given night we have a problem with more than 2, 3, or 4 at the most.

Barbara Cunningham: This is the first one. I've sweated out a few, but this is the first one that we have called in. We checked with the bank last Friday. Another thing that we do is that before the letter of credit is pulled we send out letters. It is not necessary because the developer and the bank do the letters of credit, but we send out letters a month ahead of time, ten days ahead of time and sometimes five days reminding them that the letter of credit will be coming due and would they please let us know if their improvements have been accepted or if they plan to extend the letter of credit. In this instance we heard nothing.

Commissioner Mourdock: I'm glad that we have the good history that we have.

Barbara Cunningham: I think it's a good history, really. I really do. If you stop and think since '84 till now and this is the first one that we've done and look at all the streets that we've got in that have been up to standards, that John has accepted, that Herb Butler has accepted and have been done right. We, perhaps, don't have all the money it will take to get this one right, but if you look at the percentages we sure have done pretty well. It took two tries, but we did get both letters of credit on Monday.

President Tuley: I don't want you to misunderstand. I don't think anybody up here is criticizing the procedures in place, but this just caused us to open our eyes and review what we've got.

Barbara Cunningham: It always does and then you have to do new regulations.

Commissioner Borries: It's a matter of whether the glass is half full or half empty. I would concur that the system is working to an extent, but now we're faced with a dilemma here coming up and he's going to be faced with some unhappy homeowners who are going to say, why don't you accept these streets.

Commissioner Mourdock: I go back to the moral of the story. We don't want to reduce bonds or letters of credit to the point where we are giving people an economic incentive to walk away from it.

Barbara Cunningham: That's right. That is why I think John and Herb's idea today that they don't plan to reduce them any more is perhaps a good one and less time consuming for them as staff and everything, too. Either they are accepted or they are not.

Commissioner Mourdock: Accepted in total?

Barbara Cunningham: Yeah.

John Stoll: Extensions, too, because developers can get indefinite extensions. They just come back over and over again. These original letters of credit on Sycamore Hills were back in '90 or '91.

President Tuley: Now you're hitting an area that I was thinking about.

Barbara Cunningham: That's why we are talking about changing them again.

President Tuley: There might be a possibility in the new procedure that we put some time guidelines in there and he may have a request to increase the letter of credit.

John Stoll: Yeah, there is no provision for that either.

Barbara Cunningham: Yeah, because now there is not really a provision to do that. You just wait until they don't renew them.

President Tuley: We might not only reduce them, but build in a--

Barbara Cunningham: We know that we've got to do some work on it.

Commissioner Borries: I will certainly concur with both of those because this whole situation of reducing it certainly defies the law of economics. I've never seen a road yet get cheaper the longer that--

Barbara Cunningham: I didn't reduce it.

Commissioner Borries: Well, I'm not saying that. I'm just saying that I don't see roads getting cheaper as they age. The opposite becomes true. Strictly inflation alone, I mean, you're not going to be able to build something in 1996 that you did in 1993 or 1991 so I do think that we have to take great care.

Barbara Cunningham: John was going to say too, that he was glad that they pulled it in now because it was not getting any better.

John Stoll: One of the reasons why they don't put the asphalt surface down is they say that as construction vehicles come in and start building houses and developments and whatever you are putting in your subdivision it is just going to tear the surface up. To a certain extent that is true. That is one of the reasons why the surface is not down on a lot of subdivisions whenever they are out there still building. I know what you're saying, Rick, that it is not going to get cheaper, but that was the reason why we would reduce it because it was going to get damaged anyway. It's a trade-off as we don't allow any reductions and we require the surface to be put down in conjunction with the rest of the pavement those surfaces will get marred as houses and commercial developments are built. It will be a trade-off on that as well.

Commissioner Mourdock: By the way, you've got your CAD system. We have already voted on your CAD system.

Barbara Cunningham: Thank you.

President Tuley: Pending Council approval you have it.

Barbara Cunningham: What?

President Tuley: Depending on if Council approves it, but we are recommending that they approve it.

Barbara Cunningham: Okay, I have to go before them and request a transfer. Thank you very much.

John Stoll: I guess in the meantime, what do we do with the \$12,000.00, anything?

President Tuley: I think what we do is contact the developer and say that the letters of credit have been called in and just exactly what are your plans to do?

Commissioner Mourdock: Certainly earmark those funds for Old Dominion and Castle Brook.

President Tuley: Tell him that you've got an estimate on what you think it is going to cost to bring those up to standard and he should be considering doing it.

Alan Kissinger: In the meantime, John, you might talk to the Auditor about placing those funds in a special interest bearing account.

John Stoll: They already are.

Alan Kissinger: Then that's all you need to do presently. As the Commissioners have said if you contact the developer tell him that we have this much in place and this is our estimate of what it is going to cost to repair and what are your intentions?

President Tuley: He is responsible and we'll have to go from there.

RE: REPORT ON OPENING OF BIDS VC96-05-02 SCHISLER ROAD BRIDGE

President Tuley: Alan, do you have your bids ready?

Alan Kissinger: Yes.

President Tuley: Do you want to go ahead and do that?

Alan Kissinger: I have opened the bids for project VC96-05-02, for the Schissler Road Bridge and the bid recap is as follows:

1. CLR, Inc.	\$115,079.00
2. Cortez Construction	\$128,284.00
3. Deig Brothers Lumber and Construction Co. Inc.	\$128,644.00
4. Southwest Engineering, Inc.	\$ 99,474.00
5. Phoenix Construction Co.	\$114,178.25

John, do you want these taken under advisement until next week's meeting? John is gone, no, there he is. Yeah, the County Engineer has asked that these bids be taken under advisement until next week's meeting.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: ALAN KISSINGER - TRANSFER OF PROPERTY TO EVANSVILLE ARC, INC.

President Tuley: Alan, you still have the floor under 4I.

Alan Kissinger: I believe that I have gave the original deed...did I give the original deed to the County Auditor? Alright, as the Commissioners will recall we have advertised for a public hearing tonight regarding the transfer of real estate belonging to Vanderburgh County to the Evansville ARC, Incorporated. This is a non-profit corporation and also as the Commissioners will recall we, approximately two years ago, adopted an ordinance to deal with these situations for the transfer of certain county real estate, surplus real estate, etc., to non-profit organizations. I suppose this is the time for the Commissioners to invite any comment from anyone here in the audience and I will be happy to answer any questions regarding the deed and any other transfer information that the Commissioners may have.

President Tuley: I will ask for any public input, but recognizing most of the people and I don't think there is anybody here to comment on it. Apparently not.

Alan Kissinger: I recommend that the Commissioners give favorable consideration to the transfer of the real estate noted in the warranty deed from Vanderburgh County to Evansville ARC, Incorporated. I might also add that John Stoll has given his final report as to his inspection of the roof repairs and that those repairs have been completed in a satisfactory fashion.

Commissioner Mourdock: I'll move approval of the transfer of the

noted property from the County to Evansville ARC.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: I have prepared a deed for the signature of each Commissioner.

President Tuley: It's in the signature folder and we'll catch it after the meeting.

Alan Kissinger: Okay.

RE: SUZANNE CROUCH - SWCD AGREEMENT AMENDMENT

President Tuley: Okay, item 4J. Suzanne do you want to...

Suzanne Crouch: Sure. This was an agreement that the Commissioners signed with Soil and Water Conservation on March 11, 1996. That agreement needs to...there are really two options. I guess right now Soil and Water Conservation is ready to get their \$4,000.00 and apply for their grant, their seed money and there are two options to the Commissioners. In the minutes of the March 11 meeting the Commissioners indicated that it would be CCD monies and the agreement, if it is to be CCD monies, needs to be repaid by December 31 of this year and then it needs to be approved by County Council because it would be an interfund loan between the CCD Fund and the General Fund. The other option, which I believe that Charlene talked about with Cindy, is if it was appropriated as a pure appropriation out of the General Fund, then at the end of the year that money could be repealed back to the General Fund and that is also a option if you aren't wanting to do an interfund loan. Mr. Rice indicated that they would have that money available by the end of the year. If you decide to do CCD, then we just need to amend the agreement to reflect December 31 and then the Council would have to act upon that.

Commissioner Borries: This is for what again, Suzanne?

President Tuley: We made a grant, remember, the Commissioner approached us about a \$4,000.00 loan for them which is their seed money for their grant. We told them that they could pay it back within one year, but the law states that they have to pay it back within the fiscal year that it was borrowed in.

Commissioner Borries: Why don't we just do it out of the General Fund then?

President Tuley: That's one option. That's fine with me.

Commissioner Borries: I don't know, but I just have a little thing and I guess it doesn't make any difference because it is going to be paid back, but when we start tiptoeing around this CCD that's why I was just trying to get an idea here if it was for some capital improvement, then I could understand a little bit better. Surely, there ought to be \$4,000.00 available in the general fund until the end of the year?

Suzanne Crouch: Oh yes, I would presume, and they had indicated that they would be able to pay it back before the end of the year so they could repeal that money back.

President Tuley: Why don't we just...

Suzanne Crouch: The agreement does not indicate that it is CCD money.

Commissioner Borries: It doesn't?

Suzanne Crouch: No, but in the minutes of the meeting you indicated that it was to come from CCD.

President Tuley: We could amend that and turn that into a motion.

Suzanne Crouch: Change the dates?

President Tuley: Change the dates and recommend that it be appropriated out of the General Fund and repealed back into the General Fund once it is paid back.

Commissioner Borries: I'd move that.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Suzanne Crouch: Thank you.

RE: SUZANNE CROUCH - USI OVERPASS TRUST FUND.

President Tuley: You have the floor still, Suzanne.

Suzanne Crouch: This is something that I'm sure that Mr. Kissinger can probably speak to more than I can. We just sent a letter to Mr. Hawkins at Old National Bank inquiring what needed to happen. He stated this and I think the ball is in your court really.

Alan Kissinger: The situation at the present time is that I have talked with the County Engineer and we are in the process of identifying those projects to be named in the resolution for the transfer of these funds. The one serious provision is that all of this money must be transferred to other like projects and the money must be spent before April 18, 1997. There is a total of \$1,571,887.73 in the construction fund for the Tekoppel Avenue and the USI overpass projects. As soon as we have identified the various projects to which this money can be transferred I will prepare the necessary resolution for the Commissioner's approval. Hopefully, that will be by next week, but if not by next week then certainly by the week after. If you will recall, we attempted this once before and we had found that there were claims that had not yet been paid, but we are clear on all of that now.

President Tuley: Okay. Oh, did we need a motion to direct Alan to start preparing the resolution?

Commissioner Borries: Probably to be clear we could do so. I would move that the County Attorney be directed to prepare a resolution stating the use of the funds left over from two previous projects. That's all I'm going to say.

Commissioner Mourdock: Two projects or one?

Commissioner Borries: Two bridge projects. It was Tekoppel and USI.

Alan Kissinger: One bond issue, but two projects, yes.

Commissioner Mourdock: With that clarification, I will second.

President Tuley: So ordered. Before we go on to department heads, Mr. Fuquay came in. Did you want to address the Board? You missed the presentation.

Jim Fuquay: That is what I understand (inaudible comments not made from the microphone).

TAPE CHANGE

President Borries: Okay, Jim.

Jim Fuquay: The reason that I came to the meeting was that I had written a letter last week addressing some silt problems that the Gannons had mentioned in a letter of theirs. I've been in constant contact with Mike Wathen of the Soil Conservation District and we have all of our silt fences in place. What happened was that some of the silt fences that we had in place from a while back...we had such hard rains that, those silt fences, some of them were not effective and some of the silt was going downstream. So we went out and erected new silt fences and we did that work last week. We've done everything, to my knowledge, that I was supposed to do, as far as the silt fences and erosion control and since I heard that the Gannons were coming to the meeting I wanted to come to the meeting and make sure there wasn't anything else that had been missed here that I need to know about.

Commissioner Borries: I think there is. We directed, and you need to work with Mike Wathen to determine how we can open up some of the ditches because she provided some pictures and, apparently, this is not all your development.

Jim Fuquay: That is correct, yes.

Commissioner Borries: But that there is some real problems now with ditches that used to carry water across their property that have now silted in so much that what is happening is that the water is just kind of flailing all around now because the ditches now longer carry water since they are silted in. We are asking, or at least we had directed you to work with Mike Wathen to determine here what you could do to help reopen some of these drainage ditches.

Alan Kissinger: Mr. Wathen did indicate that at the point where the Gannons are having the problem that he does believe that it is all as a result of silt that has come from your development. Lower down, down beyond that point where there is a Y and he believes that Browning Road Estates contributes there, but at the Gannon's location he does believe that it is entirely your development.

Jim Fuquay: Okay, I was out there looking, in fact, I have taken some pictures myself when it rained two inches a week ago last Thursday night and Friday morning, on the 7th after I had seen John Stoll and Mike out at the development. I took some pictures that morning which I've got because I went to look to see what the problem was because I had heard that there was silt and mud down there. There wasn't any and I've got pictures to show that. The ditch, if you remember correctly, I spent several thousand dollars putting a culvert in down there at that intersection off-site from my development. That ditch and everything is totally open, there is no silt whatsoever in that ditch. That's the main ditch that takes it across from the Gannons so if there is something silted in that's why I am here. I heard that and I want to know what it is so I can correct it.

Commissioner Borries: There are pictures. I don't know if they are here.

Jim Fuquay: I've got some pictures, too.

Alan Kissinger: Probably the best thing to do instead of having dueling photographs--

Commissioner Borries: Yeah, I don't think we are going to resolve anything...

Alan Kissinger: --you might contact Mike Wathen because he has the information and may be of assistance to you.

President Tuley: Bill Jeffers, from the Surveyor's Office, is supposed to formalize a report to the Drainage Board which will meet next Monday night so you might, time permitting, want to come back to hear his report or at least get in contact with him.

Jim Fuquay: Okay.

President Tuley: Get a copy of what he is going to submit to us.

Commissioner Mourdock: If I may add one thing. The word ditch, at least the way they described it to me, I'm not sure the word ditch is necessarily the right word as far as the source of some of their problems. It sounded more like some drainage ways--

Jim Fuquay: Swales?

Commissioner Mourdock: --or swales, if you will, that they were talking were silted up and the water used to flow across them and it kept water from pounding on their property and right now it's the other way. Because it has silted up and they referred to three specific lots that they believe that you have sold, but those three lots are within Hunters Ridge. Perhaps, it's something on those three lots that is a source of their problem.

Jim Fuquay: Okay, well I'll get with Jeffers and Wathen.

Commissioner Mourdock: We appreciate you coming in to deal with the problem.

Commissioner Borries: Yeah, thank you, Jim.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, now we'll go on to department heads, John.

John Stoll: The only item that I've got is the award of Green River Road, Section B. I'd like to recommend that it be awarded to Blankenberger Brothers in the amount of \$734,290.57.

Commissioner Borries: I move that the bid be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: In regard to what Alan was talking about earlier, this is one of the projects that I would propose that we pay with the bond surplus. I spoke with each of you, it has been some time ago, but I propose that we would spend the bond surplus on this, plus the Stringtown Road Bridge and whatever other projects are necessary to get the total up to the million and half that we need to spend and then transfer the money that I had appropriated for this to the Fulton Avenue Bridge. That way we will have more of the local share for that when that becomes available for bid. If we transferred the money that is currently allocated in this project, plus the Stringtown Road Bridge, we'll end up with roughly a million and half of local funds available for Fulton Avenue which will still not be enough, but since the state only gets 14 million dollars a year, give or take a little bit, state wide for all federal aid bridges they'll be a lot more likely to give us two million dollars for Fulton Avenue than they would four million dollars. That's the reason why I propose that we transfer the money that way and spend the bond on this project.

Commissioner Borries: I think it's a very, very wise plan because as you know I have insisted all along that when this road project starts, and it has been long awaited, that we need to be building that bridge at the same time.

John Stoll: We have no guarantees on the federal money at all right now and this will just be some more incentive for the state to, hopefully, cooperate with us.

Commissioner Borries: I know. We have repeatedly asked on this and to your knowledge we are now to 99 or 98 point something that the bridge project--

John Stoll: It's almost done.

Commissioner Borries: --the bridge design is approved by INDOT and so everything is in place there.

John Stoll: I know that Rose Zigenfus has made some initial contacts with the state requesting bridge money, but I don't believe that we have gotten any response back on that as of yet.

Commissioner Borries: It sure seems to me idiotic to be building a brand new expanded road and end up at that Fifth Avenue Bridge. We've got the design now so all we need is the money and I think that is a wise plan. Hopefully, the state will come through for us.

John Stoll: In regard to that then, I would request Council Call to transfer the \$650,000.00 that is currently allocated for the Green River Road project to the Fulton Avenue Bridge, to transfer \$454,000.00 that is currently allocated towards Stringtown Bridge to the Fulton Avenue Bridge and to repeal the \$100,000 of Road and Street money that was allocated for the Green River Road project, repeal that back to the Road and Street Fund. Like I said, build all those projects out of the bond surplus instead of the line items that are currently budgeted.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: That's all that I have.

President Tuley: Questions?

Commissioner Mourdock: Yeah, Rick's question raised one in my mind. What's the latest on Burkhardt Road redesign? Have we heard or seen...when will we be getting final plans on that from United?

John Stoll: We had a field check a week ago Thursday and there are some revisions that will be made to the plans. They are going to be moved a meter and a half to the east to miss the water lines so that we won't have any problems with the water line that currently runs up the west side of the existing Burkhardt Road. There will be some modifications to the signals and there are a couple of other minor design changes, but once they get those design changes made they can define what parcels of right-of-way that we need to buy. The original agreement did not address right-of-way acquisition so we will probably have to have a supplemental agreement here in the near future to address the three parcels of right-of-way that we will need to acquire on phase I. That will be coming up and depending on how the ditch is addressed we may need to have a hearing during the Drainage Board meeting regarding piping the ditch, but it is progressing and if they keep moving at the same pace then we might have some plans ready for bid next month. I guess the thing that could hold us up would be right-of-way, but that can be addressed as we proceed. Hopefully, the property owners will be cooperative.

Commissioner Mourdock: Hopefully, what?

John Stoll: Hopefully, the property owners will be cooperative.

Commissioner Mourdock: I would think so.

Alan Kissinger: I think most of that is ironed out.

John Stoll: Yeah, that is the way that it sounds. We would have only had two, but the zoning there on the southeast corner didn't get approved so that shot down some of our donation.

Commissioner Mourdock: Why are you looking at me?

John Stoll: I'm not. I'm looking at all of you.

Alan Kissinger: He's just a little paranoid!

Commissioner Mourdock: No, I'm on APC.

Alan Kissinger: I know!

John Stoll: I didn't even think about that.

Commissioner Borries: Thanks, John.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill. Let the record show that Bill submitted a progress report for the County and Highway Department as well as the Bridge Crew for the period covering Friday, June 7 through Thursday, June 13. I would think that it is safe to say showing work done throughout the county. Long day today, huh?

Bill Morphey: Yes, sir. I started early this morning at about 3:00 a.m.

Commissioner Borries: Tree down?

Bill Morphey: Two of them. We had one on Felstead Road just south of 62 and another one over on Allens Lane off of Harmony Way.

Commissioner Borries: Where are we in relation to the paving schedule now?

Bill Morphey: We finished Hirsch Road on Friday and moved down to Old Henderson Road. We had, I think, about eight or ten spots down there where we lost some asphalt. It's not a large quantity, thank God, this time, although it looked a lot better than it always has in the past. There are some spots down there that I have asked John Stoll to go down and look at with me because we need to figure out a way to keep that water from getting between the concrete and the asphalt and from lifting off there. I repaired some last year. That crack that went down the middle of that road was anywhere from an inch to six inches and I repaired about two and half miles of that. We blew it out about eight inches deep and I filled it in with flowable fill and I put pave prep on top of that before we paved the road. We used 17,000 feet of that stuff and it worked. I think there was approximately 20 feet that came up. On that section where the pave prep came up we hadn't used the grout there, we tried the crack seal with emulsion, so the rest of it worked.

President Tuley: Do we still have some damage along Old Henderson that needs to be repaired?

Bill Morphey: Yes, we've had a dozer down there for about three weeks.

President Tuley: Is it still down there now?

Bill Morphey: It's going back tomorrow. We moved the paver and

the roller down there today to take care of those bad spots where the asphalt came up and we are going to take a look at the possibility of the slope wall aging and whatever John can come up with. That road, when it was built years ago, the concrete road was built with a slope wall on each side and of course the dirt came over the top of that slope wall and came up to the edge of the road and kept the water from going up underneath of it. Over the years, certainly, the river has taken its toll on that road.

President Tuley: Any other questions?

Bill Morphey: I have an agreement here that I need to give to you. It's the lease/purchase agreement with Gem Capital on the Etnyre distributor that we have purchased at the first of this year.

Commissioner Mourdock: Is it an Etnyre distributor?

Bill Morphey: Yes, sir. An Etnyre distributor.

Commissioner Mourdock: What is that?

Bill Morphey: An asphalt distributor.

Commissioner Mourdock: Is that the brand name, Etnyre?

Bill Morphey: Etnyre? Yes, sir.

Commissioner Borries: I move that the lease agreement be signed.

Commissioner Mourdock: I just want to clarify. I do remember talking about one some time ago, but I remember, and now that I think about it, that was a paver. The one we talked about designating as an emergency and then we decided not to do it or was that the distributor?

Bill Morphey: That was the distributor.

Commissioner Mourdock: That was this distributor?

Bill Morphey: Yes.

Commissioner Mourdock: So, that has been a while?

Bill Morphey: Yes, it has. Well, we didn't get it until the end of March as per the contract. It was delivered in a timely fashion.

Commissioner Mourdock: Just one question here, now that it is all coming back to me. This is the lease purchase agreement that was obtained by the bid process that Lynn Ellis put these people through, correct?

Bill Morphey: Yes.

Commissioner Mourdock: I will second the motion.

President Tuley: So ordered. There are about 15 places for me to sign.

Commissioner Mourdock: Just you.

President Tuley: Just me.

Bill Morphey: That's all that I have.

President Tuley: Questions for Bill?

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: I've got my agenda covered. Who's up next?  
Alan.

Alan Kissinger: I have prepared, at the request of the Commissioners, an ordinance to amend the Vanderburgh County Personnel Policy which is now a part of the Vanderburgh County Code by adding four subsections regarding the use and security of county vehicles and county take-home vehicles. This will be included as a part of the county personnel policy and it does contain the possibility of a penalty in consideration of the fact that violation of certain sections of the personnel policy can result in suspension or even termination of employment. Therefore, this does need to be advertised twice, once 10 days before it is voted on and once at least three days before the vote. So, I request the permission of the Commissioners to advertise the ordinance to amend the Vanderburgh County Code.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered. Oops--

Commissioner Mourdock: Do we need roll call?

President Tuley: --we need roll call don't we?

Commissioner Borries: For permission to advertise?

Alan Kissinger: No, not for permission to advertise.

President Tuley: To advertise? Okay, sorry. We're okay then.

Alan Kissinger: I have nothing else to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy.

Cindy Mayo: I have nothing.

RE: CONSENT ITEMS

President Tuley: Consent items. There are employment changes and Treasurer, Knight Assessor, Perry Assessor, Auditor and Health Department travel requests as well.

Commissioner Borries: I move that the requests be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings. There is an Insurance Committee meeting at 9:00 a.m. in the morning. There is a Steering Committee meeting at 9:00 a.m. Thursday morning. Next week on the 24th at 11:00 a.m. is the Pigeon Creek Overlay Committee; at 12:00 p.m. is the Pigeon Creek Technical; 4:00 p.m. Executive Session; 4:00 p.m. Pigeon Creek meeting; 5:30 p.m. Commissioners meeting and at 6:30 p.m. a Drainage Board meeting.

RE: OLD BUSINESS

President Tuley: Okay, old business. There is a contract from Veazey Parrott & Shoulders that will be continued. New business.

Commissioner Mourdock: One other quick update under old business.

President Tuley: Oh, I'm sorry.

Commissioner Mourdock: This will just take a second. Last week I mentioned that the Welfare to Work Council is getting back together and just as an informational item they have subdivided into four subcommittees with the purpose of making specific proposals to us that we might recommend to the County Council as far as possible funding. The four areas being job training, child care, transportation and also what they are referring to as a safety net type of program for people who are off of welfare after the state statutory two year limit. They asked that I make you aware of that as the process goes forward.

Commissioner Borries: What were the four? Job training, child care, transportation and what?

Commissioner Mourdock: Something that they are calling the safety net.

Commissioner Borries: Oh, okay.

Commissioner Mourdock: The comment that I made to them in speaking with a number of people who would have to be voting on this, I told them that I think that if any of those specific areas would be seeking or would receive approval it would have to be something based on an initiative based type of process and they seemed to understand that. How they will tie that in to the safety net, I have no idea, but at least that was the challenge that they were left with.

President Tuley: I'm sorry, I should have asked. Any other old business?

RE: NEW BUSINESS

President Tuley: Under new business there are several items here.

"The Evansville Athletic Council respectfully requests that you consider waiving the rental fee for the fifth annual Sport Appreciation Picnic to be held at Burdette Park on Wednesday, August 21, 1996.

Arrangements for using the Bishea Building on that date have been cleared with Mr. Mark Tuley, Park Manager. Thank you.

Sincerely,

Michael E. Madriaga  
Supervisor of Athletics  
Physical Education and  
Driver Education"

Commissioner Borries: We've done that in the past. I move that it be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Okay, the next item, Meridian Subdivision requests closing of neighborhood for a block party.

"The residents of Meridian Subdivision in Vanderburgh County are planning the second annual Neighborhood Block Party to be held Saturday, September 21, 1996 from 2:00 to 7:30 p.m.

We would like permission from you to block Meridian

Avenue from Fuquay Road to Meridian Drive during these hours.

After you make a decision, please contact me and let me know what we have to do to comply with any rules there may be.

Thank you very much for your consideration in this matter."

This was submitted by Carol Mercker.

Commissioner Borries: I move that it be approved with notification to them to be aware of any emergency vehicle needs.

Commissioner Mourdock: Is that request coming through on behalf, I mean, is it a petition of a number of people or just one person?

Commissioner Borries: I think it's from the residents.

President Tuley: Yeah, the residents of Meridian Subdivision.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Cindy, can you call them tomorrow and tell them that they got approval subject to their understanding that any emergency vehicles they can not block.

Alan Kissinger: You know, as much as Bill Morphey isn't going to like to hear this, I think that there needs to be a notice published by the county that the road has been closed by authority of the County Commissioners.

President Tuley: Not a bad idea.

Alan Kissinger: You can do something for me someday, Bill!

President Tuley: That's a long way away. You might need to jot that down. It's not until September 21st.

Commissioner Borries: Do you want a copy of this?

President Tuley: The next item is the Indiana University Alumni Club of Greater Evansville.

"The IU Alumni Club of Greater Evansville has voted to help develop the Center Creek Handicapped Playground which is located at the Vanderburgh County 4-H Center as our community project. We feel this facility, which will be accessible to the mentally and physically challenged citizens of southern Indiana, will be a very valuable addition to Vanderburgh County.

We have pledged \$500 to help construct a basketball court, and members of our club will be volunteering their time and talents..."

I'm confused. It says on Saturday, June 1 to help prepare the site. The letter is dated May 15 so it must have gotten delayed between mailings because it has just now got here. The real meat of it is:

"However, we recently learned that it will cost approximately \$5000 to \$6000 to have the area paved. We were wondering if there is any county money available, possibly from the Aztar revenues, that could be used to help pay for this worthy project. Any amount would be appreciated very much. If money is not available for park development, perhaps the county would have access to

concrete or asphalt paving materials that could be used for this purpose.

We would appreciate it if you would present this request to the County Commissioners. We will be glad to answer any questions that might arise, or if you will inform us of the meeting date when this will be presented we would be glad to attend and furnish more information, pictures of the site, etc."

This was from Charlie Cantwell. It says it was addressed here, but this is the first time that I've seen the letter. Basically, the request is for funding or material.

Commissioner Mourdock: I would move at this point that we take it under advisement until we have a lot more information than we have in this letter.

President Tuley: I'm familiar with the project. I'm not saying that other than I know that there has been a huge amount of support from volunteers and corporations throughout the county and local areas in support of this project. It is kind of spearheaded by North Civitan. It's a worthwhile project, but like you said, there are so many projects it would be prudent to take it under advisement. I can provide the Board with all the different contributors and what they have contributed. It's pretty lengthy. Okay, a rental agreement between the city and county on space in the basement. This is the area that was the old EMA Room 18 downstairs. They vacated to go out to their Diamond Avenue location. There is seven hundred and...lets see. Wait a minute.

"The county shall pay the city the square footage rate for the current rental year based on the Building Authority charges for the use of approximately 432 square feet with the city to use approximately 720 square feet."

Basically, what they are saying is that they are splitting the room up and they're maintaining 720 and they're giving us 432 for storage and they would like for us to pay our respective rent on this at the going rate which is not listed in the agreement.

Suzanne Crouch: The city says that the going rate is \$14.1140569532 per square foot.

President Tuley: Why don't they get a little more accurate!

Suzanne Crouch: The total cost would be \$609.72.

President Tuley: Okay, is there a particular office or does anybody know who is going to use that space? Somebody must have...is it just storage?

Cindy Mayo: Right, there was an agreement signed last year on this when EMA was thinking about moving. The Prosecutor's Office was wanting to use part of it for storage and since that time this is new square footage figures. We never appropriated any money and there was never anything done with that because the EMA did not move, in fact, when they said they were going to.

President Tuley: If it's for the Prosecutor's Office I'm sure if we approve the concept that the Council will be creative in financing how they are going to pay for it.

Commissioner Mourdock: I'll move approval of the rental agreement.

Commissioner Borries: Second.

President Tuley: So ordered.

Cindy Mayo: Pat, there were three copies of that. They said they need all three of them.

President Tuley: Okay, here is a reference to appointments to the Airport Authority board.

Commissioner Borries: Mr. President, I would like to place the name of the renomination of Mr. John Browning, a resident of Vanderburgh County, as a member for reappointment to the Evansville Vanderburgh Airport Authority Board. Mr. Browning has served for, I think, it's a two year appointment?

Cindy Mayo: Two or three.

Commissioner Borries: I can't remember.

Cindy Mayo: His appointment expires at the end of this month.

Commissioner Borries: He has indicated that he would be willing to serve again and so at this time I would nominate Mr. Browning.

Commissioner Mourdock: Is that Board, and I don't recall an Airport Board coming up in my term, thus far, is that one that we do like others where, basically, so many are dedicated for one political side to appoint, then one for the other side and they have staggered terms?

Commissioner Borries: I don't know if there is a political affiliation on the airport as much as there are Mayoral appointments, Commissioner appointments, so forth. They are staggered.

Commissioner Mourdock: I will second.

President Tuley: So ordered. Is there any other business? We do have a first reading on--

Commissioner Mourdock: I move adjournment of the Commissioners meeting.

Commissioner Borries: Second.

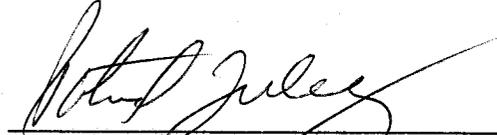
President Tuley: So ordered.

Meeting was adjourned at 7:29 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Cindy Mayo  
Alan Kissinger  
Suzanne M. Crouch  
Charlene Timmons  
Jo Ann Gannon  
Mike Wathen  
John Stoll  
Joe Profaizer  
Barbara Cunningham  
Bill Morphew

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS MEETING  
JUNE 24, 1996

TABLE OF CONTENTS

Introduction and Pledge of Allegiance .....	1
Mike Wathen - Vanderburgh County Erosion Control Policy .....	1
Approval of minutes .....	4
Any group or individual wishing to address the Commission .....	4
Norm Campbell - SIGECO liaison for the county .....	5
Dan Swidron - Willow Creek Estates .....	6
Ordinance for Crime Insurance coverage - first reading .....	7
John Stoll - County Engineer .....	8
Street plan approval - Burkhardt Crossing Subdivision	
Street plan approval - Malibu Park, Section 4, Phases B and C	
Utility agreement with Ameritech for Green River Road, Section B	
Easement for Ameritech located off of Eastland Drive near I-164 & Pollack to service new trailer park	
Supplemental agreement with Bernardin Lochmueller regarding Ohio Street Bridge project	
Awarding of Bid VC96-05-02, Schissler Road Bridge to Southwest Engineering	
Supplemental agreement with United consulting regarding Burkhardt Road project	
Bill Morpew - County Garage .....	12
Submitted progress report for the County Highway Department and the Bridge Crew for the period of June 14 through June 20, 1996.	
Alan Kissinger - County Attorney .....	14
Resolution concerning USI Overpass and Tekoppel Avenue/Pigeon Township Overpass funds	
Update on amendment concerning lease agreement with Mr. and Mrs. Steven Kahre	
Report on ACORN ozone level attainment measures ordinance	
Request to the Commissioners that County Attorney Keith Rounder be paid an hourly rate for the case of Melton versus Vanderburgh County (protracted litigation)	
Cindy Mayo - Superintendent of County Buildings .....	17
(presented by Alan Kissinger)	
Quitclaim deeds - New Beginning Church of God in Christ Habitat (4) Choice	

Consent items .....	18
Employment changes	
Travel requests:	
Computer Services (1)	
County Assessor (1)	
Perry Assessor (2)	
Treasurer's monthly report	
Scheduled reports .....	18
Old business .....	18
Veazey Parrott & Shoulders (deferred)	
New business .....	18
Request for use of the Bishea Building June 21, 1997 for the County employee picnic	
Information submitted by Richard Mourdock concerning letter being sent to the Mayor regarding LEPC and the EMA	
Meeting adjournment .....	19
Attendance and signature sheet .....	20

VANDEBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

JUNE 24, 1996

The Vanderburgh County Board of Commissioners met in session this 24th day of June, 1996 in the Commissioners Hearing Room of the Civic Center Complex at 5:52 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: I would like to call the meeting to order. As a point of introductions, to my far right is the County Attorney, Alan Kissinger; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is County Auditor, Suzanne Crouch; to her immediate left is Charlene Timmons, who is the Recording Secretary for this meeting. There should be agendas posted along the wall over there for you to follow along and find out where your topic or your name is. If you would all please rise with us, face the flag and say along as we say the Pledge of Allegiance.

RE: MIKE WATHEN - VANDERBURGH COUNTY EROSION CONTROL POLICY

President Tuley: Okay. Under the action items we have 4A which is Mike Wathen from Soil and Water Conservation along with Lyn Miller from the Department of Natural Resources. They have asked to be placed first because Lyn has to go back to Indianapolis, I guess.

Lyn Miller: Corydon.

President Tuley: Okay, he is going to Corydon, I'm sorry. I knew that he had to leave.

Mike Wathen: We just gave you guys copies of both a model ordinance and copies of Rule 5 and we would like for you to look at those. Our intentions being...you all still have a copy of the Vanderburgh County Ordinance the way it presently reads. We would like to see some of the measures in which Rule 5 addresses possibly adopted within the Vanderburgh County Ordinance in hopes of achieving some local enforcement on the local level.

President Tuley: Lyn.

Lyn Miller: Just the reasoning, I guess, a little bit behind this is that Rule 5 is basically administered by the state and enforced by the state of Indiana and the larger the government, a lot of times the slower the process. With some local jurisdiction it may speed the process and it may solve a few things that Rule 5 don't that could be added within the model ordinance. I guess that my suggestion is that you might want to consider putting a group together to attack this from a lot of different directions and come up with some proposals for the public and you all to look at.

President Tuley: Mike, I met with you last week about this proposed idea, so to speak, and you have also been meeting with Roger Lehman, the Engineer's Office and different ones so do you not have a letter supporting this?

Mike Wathen: Yeah, I've got a letter which was signed by John Stoll, County Engineer; Bill Jeffers, County Surveyor; Roger Lehman, Building Commissioners; myself; one of our Board members, Kemper Lease; and Bill Morphew, County Highway. I would like to submit that into the record.

Commissioner Mourdock: What would change? What situation, typically...what would this do that you are not doing now?

Mike Wathen: I think that what it would do is speed things up from a enforcement standpoint and would also give us some local control.

Commissioner Mourdock: How would the enforcement part of it work?

Mike Wathen: What I would typically see happening is that if we had somebody in violation I would go look at the situation and then write a letter to Roger Lehman, the Building Commissioner and he in turn would issue a citation.

Commissioner Mourdock: Okay, so the Building Commission would still be the enforcement arm in that sense?

Mike Wathen: That is correct.

Commissioner Mourdock: Okay. You're saying put some folks together to review that? Lyn, you made the comment.

Lyn Miller: Right, some various...I'd be glad to help with it. Like the Soil and Water Conservation District members from there, maybe the Homebuilders Association, various different groups like that to come together and maybe ask for some public input. Put, possibly, also with that. Eventually it will get public input, I understand, but maybe if they want to submit some things in writing or whatever to give some other ideas to go into it. That model ordinance is just kind of a starting point. There are a lot of things that can be adjusted in there and I am sure that you would want to so that you can fit your local situation.

Commissioner Mourdock: Just as a matter of history, since I wasn't on the Board when the Drainage Ordinance was done, was there a task force or group somehow that helped formulate that? Was it that same mechanism?

Commissioner Borries: Yeah. I can speak a little to that, Commissioner Mourdock. There were hearings held; there was a task force formed. The hearings focused in on one issue, for example, in the Drainage Ordinance it had to do with plastic versus concrete or whether or not we could use a combination of both or under what circumstances. So, there were certainly interested vendors as well as technical people who served on this. Hearings were held and then the ordinance was adopted after the hearings. I think we can do that and should as we move forward, but certainly I think that you gentlemen would...let us just ask you, would you be willing to serve on this task force?

Lyn Miller: Yes.

Mike Wathen: Yeah.

Commissioner Borries: Good. Not only serve, but perhaps chair some of the initial parts of that.

Mike Wathen: Sure, no problem.

Commissioner Borries: Okay, and set the table insofar as putting out a model ordinance because we would have to have something to at least have hearings on at first.

President Tuley: Lyn, you had indicated that you wouldn't mind or would encourage citizen participation in writing. I don't know if you said in writing, but I would recommend anything that you receive from a citizen be in writing. Where should it be sent? Should it be sent to you? Should it be sent to Mike? Should it be sent to the Surveyor's Office?

Lyn Miller: Well, not to me because I've got a bunch of counties that I'm in so, probably, Mike would be the central location at the Soil and Water Conservation District Office. That would probably be a good place to send that stuff.

President Tuley: Mike, could you give us your address for the

record of the Soil and Water Conservation Office.

Mike Wathen: Yeah, it would be the Soil and Water Conservation District, 12445 Highway 41 North, Evansville, Indiana 47711.

President Tuley: Okay. Questions?

Commissioner Borries: No. I would move that we form a task force to develop a model ordinance to consider for erosion control. I might suggest, and this was part of the confusion, I think, that I had last week, Mike, when we discussed this because I thought you were headed in a way of looking at the Drainage Ordinance to make some revisions or additions to that. Clearly, one of the reasons that we are talking about this under the Commissioner's agenda is, as Commissioner Mourdock has pointed out, this has to do with a revision of the County's Building Code. Am I correct about that?

Mike Wathen: That is correct. Specifically with the part that deals with erosion control.

Commissioner Borries: Okay.

Mike Wathen: That is 151.37.

Commissioner Borries: So the task force would be formed to consider amending, probably, 151.37, Erosion and Sedimentation Control as it applies to the County's Building Code? Am I correct on that?

Mike Wathen: Yes, that's it.

Commissioner Borries: That's an important difference for me because I had some confusion last week as Mike and I talked. I value Mike's work, but I couldn't quite get a handle on where we were headed with enforcement and thought we had gone through some pretty exhaustive hearings on the Drainage Ordinance and that is why I wanted to get this in the record that we are talking about the Building Commission and the Building Ordinances at this time.

Commissioner Mourdock: You started to make a motion there, Rick, and just to clarify you were saying that the motion was to form a task force with the purpose of revising 151.37?

Commissioner Borries: Yes, Erosion and Sedimentation Control in the County's Code of Building Ordinances.

Commissioner Mourdock: I will second that motion because I feel that certainly with all the drainage issues that we have been hearing of late we need to have something with some teeth in it that is easily understood, easily enforced and does the job.

President Tuley: Okay, we have a motion and a second, but just for the record that task force should include the County Engineer, County Surveyor...let met start over. Either the Officeholder, Department Head or their representative. Those offices recognized would be the County Engineer's Office, County Surveyor's Office, someone from the Building Commission, Soil and Water Conservation, County Highway Department, we would like to have representation from the Homebuilders Association and, Mike, we've got on here too, Vanderburgh County SWCD Supervisor, as well?

Mike Wathen: Kemper would like, I think, to have input. I can ask him about it.

President Tuley: Until the initial meeting would you kind of act as the chairman of this thing and pull a meeting together. You guys can elect a chairperson once you have your first meeting, but in the interim if you would act as the chairperson and pull this first initial meeting together.

Commissioner Mourdock: One passing thought before we leave that as well, you mentioned the Homebuilders Association and I certainly think that they ought to have a representative, but I'm wondering if we should do something from a similar side but a more commercial aspect. I don't know who from the commercial side that might be, the Chamber of Commerce, perhaps, I don't know. Certainly, if all the things happen out on Route 41 that have been discussed there will be some industrial development and they will certainly be subject to Rule 5 because it would be larger than five acres, but still just to have the local enforcement might help.

President Tuley: Agreed.

Mike Wathen: I think it is a good suggestion. Do you want me to investigate it and see what kind of interest I can come up with?

Commissioner Mourdock: Yeah, I don't have any recommendation to make so I would be interested in whatever recommendation you would make from that side.

Lyn Miller: Is there an Urban Development Committee or anything within this county or city that you could get somebody from that?

Commissioner Mourdock: Good question. There is certainly the Department of Metropolitan Development that works with businesses coming from outside.

Lyn Miller: That might be a place to start.

Commissioner Mourdock: You might ask them for a recommendation. We tend to look at this because normally most of the people who attend our meetings are here as homeowners, but certainly there is an industrial component just as well.

President Tuley: Sure.

Commissioner Borries: Again, Mike, this Board and the office will be happy to accept any comments, but if persons wish to comment it would be much easier for them to comment in writing and that is what we want. Put things in writing to be considered directly to you. Your address again is?

Mike Wathen: Soil and Water Conservation District, 12445 Highway 41 North, Evansville, Indiana 47711.

President Tuley: We had a motion and a second and I will so order at this time. We appreciate your input.

**RE: APPROVAL OF MINUTES**

President Tuley: Item 4B, approval of the minutes from the meeting of June 17, 1996, last Monday night.

Commissioner Mourdock: I will move the approval of the minutes from the Commissioner's meeting of June 17, 1996.

Commissioner Borries: Second.

President Tuley: So ordered.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: The next item is item 4C, any group or individual wishing to address the Commission who does not find their topic or name listed on the agenda. I know there are several of you here that are actually here for the Drainage Board, so that wouldn't apply to you at this particular meeting, but anybody else who is here to address the Commissioners.

Bill Wittekindt: My name is Bill Wittekindt, Jr. and I live on Red Gate Road. I would just like to say that if you need a citizen member on this committee I would like for you to consider me. That's all.

Commissioner Borries: Thank you, Bill.

President Tuley: Alright, thanks, Bill. Any other group or individual?

RE: NORM CAMPBELL - SIGECO LIAISON TO THE COUNTY

President Tuley: Item 4D, Mr. Norm Campbell, SIGECO liaison for the county. At this time I would actually like to call forward Mr. Bob Gulick.

Bob Gulick: Patrick, Commissioners, thank you for giving us time on your busy agenda. As you know, I am the government liaison representative for SIGECO and have been for many years. Our company has recently initiated a new program in which an executive is appointed to larger accounts and Vanderburgh County has been assigned Norm Campbell to represent Vanderburgh County. I will still be your government liaison representative so we are kind of in a gray area here as to what his duties will be and what mine will be and we will have to work this out together. Norm will be available to assist the county in new ways beyond what I normally have done in the past for you and he is here to give you some highlights on that.

President Tuley: Thanks, Bob.

Norm Campbell: Thank you very much, I appreciate you giving me your time today. As Bob said, we will be working together to try and assist the county in any way possible. The main function that I have been serving for other accounts in our area is energy efficiency, improvements, power quality issues, outage issues, billing issues and, basically, good solid customer service to try and improve how the county or different accounts views or uses utility service from SIGECO and that includes gas and electric. My background is that I'm a mechanical engineer so I've also been able to help on some engineering projects to try and upgrade or improve efficiency. I'm also the liaison to try and bring the divergent points within SIGECO together to meet our customer's needs. That is the main function of the new Key Accounts Grouping. As Bob said, I have been assigned to the county and I wanted to introduce myself today to the three of you and, also, I'll be calling your department heads to introduce myself and try to set up times so that I can find out what the issues are and so on and so forth. With that, that is about it and I would like to thank you for your time unless you guys have some questions?

Commissioner Mourdock: With the new input that we have and with the new convention center going in that will be a 40,000 or 50,000 square foot facility, will SIGECO help us promote the convention business and subsidize those rates over there? There is going to be a lot of use over there!

Norm Campbell: That's a question that I don't think that I'm capable of answering. That would probably be better to come out of our Public Relations Department and some of our other executives. I do know that if and when you consider new buildings that Bob and myself will work greatly to try to make sure that the buildings are as energy efficient and what I would call as high-grade as possible. We are willing to help in any way that we can.

President Tuley: We appreciate that.

Commissioner Borries: Yeah, one thing that I think would be real helpful and one area that I would like for you to consider is to

work with our manager at Burdette Park. We have a beautiful park in the western part of our county that often gets hard hit. It's a beautiful wooded rolling hills kind of area and I know that in addition to all the other natural hazards that you have to contend with, as well as us, he frequently has some real problems in terms of trees and power and everything like that. Perhaps you might have some suggestions for him as we begin to look to the future there at Burdette Park. I guess what I am tactfully and specifically asking for is your advice and help to try to put as much of our wiring and everything underground as possible.

Bob Gulick: I know that we have looked at that issue in the past, but it does need to be updated periodically.

Commissioner Borries: Yeah, I know that is a big one, but it is something that we need to continue to look at.

Bob Gulick: Do you have calling cards?

Norm Campbell: Yes, I do. You will also notice that there is also a pager number available and I carry that pager with me wherever I go, 24 hours a day, so if anything happens please don't hesitate to give me a call.

President Tuley: We appreciate you coming before us.

Norm Campbell: Thank you very much, I appreciate your time.

Commissioner Borries: It's nice to see Bob here, too.

Commissioner Mourdock: Especially in that tie!

Commissioner Borries: Always enjoy Bob. He had a hat that was pretty interesting too, but he didn't bring it up with him. Good to see both of you.

RE: DAN SWIDRON - WILLOW CREEK ESTATES

President Tuley: Okay, as soon as we get some more people seated we will go ahead and move on. Item 4E is Mr. Dan Swidron, Willow Creek Estates.

Dan Swidron: Good evening. Dan Swidron from Willow Creek Estates. I only have a few questions, actually, addressed to Mike Wathen. This Rule 5 that you talked about is this going to be integrated with a local subdivision code and who will enforce the rule overall? Is there a--

Alan Kissinger: If I can tell you Mr. Swidron, it will be a part of the County Building Code as was indicated when Mr. Wathen was at the podium. It will not be a part of the Subdivision Code as such, but it will be a part of the County Building Code, our Erosion Control Code, so that we can address it specifically and we can set our own agenda in reference to the ordinance that we adopt and refer it to what is known as Rule 5 for the Indiana Administrative Code for Erosion Control.

Dan Swidron: For all the years that we have been coming to the meetings we only knew of Rule 5 which meant erosion leaving the development and actually there is a local subdivision building code--

Alan Kissinger: Mr. Swidron, that is exactly what this is designed to address.

Dan Swidron: Is there a deadline for the task force to finish their investigation? Are you going to put a deadline on it? Say three months because I have worked on an environmental team for the city, ACORN, and they said by May 1st we had to have suggestions to

IDEM. Are you going to have something like that, too?

Commissioner Mourdock: While you did not hear us make a date, I heard him make the comment that it was going to make the work easier or something along those lines because of the difficulties he has had doing what he has needed to do. So, I would think, certainly, the monkey is on your back to get it done, but it sounds like you have every reason to get it done reasonably quick.

Mike Wathen: Well, I only left the podium ten minutes ago so I haven't started yet, but I will get on it very quickly. I want to eat before I do anything!

Commissioner Mourdock: I understand, but Mr. Swidron's question is not without merit in that it is frustrating at times to see things start and never get finished. I think his point is that it needs to be done in a timely fashion and my point is that I think Mr. Wathen has every reason to make it happen in a timely fashion.

Mike Wathen: I have every intention of starting on it as soon as possible.

Dan Swidron: We at Willow Creek will offer our services even though we don't have the expertise, but we've had the problems. Thank you.

President Tuley: That is why we, quite honestly, have asked for citizen's input. You guys have gotten a lot of experience so your input is needed and welcome.

Dan Swidron: Okay, thank you.

Commissioner Borries: Please respond, Mr. Swidron, to Mike in writing if you have some comments and things that you feel are important in this process. Put them in writing because that is what we have to go by.

Dan Swidron: Okay.

Unidentified: (Inaudible comments not made from microphone)

Dan Swidron: We won't know until the actual investigation starts and they start coming up with some kind of amendment, right?

President Tuley: As part of the amendment process there will be a public hearing. There will have to be notification, but you guys have a very legitimate concern here and we can make sure that you are notified when that public hearing is going to be.

Dan Swidron: So we can have a chance to read it?

President Tuley: Read and see and offer input. It will all be presented at a public meeting where everybody can say, hey, we would like to see this if you could add it or take this out or whatever.

Dan Swidron: Okay, thank you.

Mike Wathen: Lyn and I have already put together four possible dates in the last ten minutes so we are already working on it.

President Tuley: Okay, thank you.

RE: ORDINANCE FOR CRIME INSURANCE COVERAGE - FIRST READING

President Tuley: Okay, item 4F is the first reading to authorize Crime Insurance Coverage Ordinance, sounds like Alan.

Alan Kissinger: As the Commissioners will recall, this is an

ordinance that is being considered for adoption under Home Rule whereby we will specifically set out the method for the county either complying with the statute by having individual bonds, blanket bonds or a crime insurance policy for various county employees that are required by statute to be bonded for the performance of their work. As I told you originally, this was recommended by Dennis Feldhaus. Tom Simpson, from the State Board of Accounts, who works locally with us has a copy of the proposed ordinance and I asked for his comments. I have received none and I don't think that means approval, but I think that if he had any specific objections he would let us know. Dennis Feldhaus feels like, and I think can show us on paper, but you know how those insurance guys are, that we will save a lot of money by using the crime insurance coverage as opposed to the individual bonds or blanket bonds. So when it comes up for consideration if you wish I can ask Dennis to be here at that time, although I can tell you basically the same thing that he can except for the savings numbers.

Commissioner Mourdock: I'll move approval on first reading of the Special Home Rule Ordinance to Authorize Crime Insurance Coverage for all Vanderburgh County Officers and Employees.

Commissioner Borries: Second.

President Tuley: So ordered.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Department head reports. John Stoll.

John Stoll: The street plans that you have in front of you are for Burkhardt Crossing Subdivision at the southeast corner of Morgan and Burkhardt. The streets that are proposed to be in that subdivision are asphalt street with curb and gutter. Gateway Drive, the street that loops around through the subdivision, that will be a 29 foot street while Cross Pointe Boulevard will be a three lane street. Two lanes with a two-way left turn lane. I would recommend that the plans be approved subject to three changes. One, the minimum elevation currently is at 382.86 and that needs to be raised to 383.2 which would then be at the same elevation as the low point on Oak Grove Road. The other changes would be that Morley and Associates continue to work with Bernardin Lochmueller so we can make sure that the segments of road that Bernardin Lochmueller will be designing, which is the segment of Oak Grove Road between Gateway Drive and Burkhardt Road and the segment of Cross Pointe Boulevard from Morgan Avenue down to Gateway Drive. We need to continue to coordinate those two designs and design those two intersections between the two consultants.

Commissioner Mourdock: I understand that you want the two consultants to work together and that is fine, but are you saying that this is subject to that happening?

John Stoll: Right, there are a couple of changes that they will have to make. There are some corner radius changes that will have to be made from the plans that are submitted here. Bernardin Lochmueller just submitted some preliminary drawings of what they are proposing last Friday and these plans don't reflect those changes as of yet.

Commissioner Mourdock: I guess that I'm concerned that we would approve something subject to two independent consultants working together. That seems kind of ambiguous to me. I understand that it is in our best interest to have that happen, but can we really do this subject to that?

John Stoll: Since the drawings have already been done and Morley and Associates has said that it is no problem to incorporate that,

I've already got it on an AutoCad disk that Bernardin Lochmueller gave to me, so both consultants have said that it is no problem to continue to coordinate the designs. Then again, Bernardin Lochmueller will have to coordinate their design at Oak Grove and Burkhardt with United Consulting and their design as the Burkhardt Road design continues.

Commissioner Mourdock: So all the design criteria that is incorporated in this matches everything that EUTS has done as far as traffic flow?

John Stoll: Yes. There will need to be--

Commissioner Borries: So, in fact, the recommendation you were saying, they've agreed to?

John Stoll: Right.

Commissioner Mourdock: Pursuant to the recommendation of the County Engineer, I'll recommend approval of the roadway plans for Burkhardt Crossing.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next street plan approval is for Malibu Park, Section 4. This is just for a short segment of road that runs north off of Caribou Drive. It's this segment right here. Here again it will be a curb and gutter street and we recommend that the plan be approved.

Commissioner Mourdock: The only part of the plan that we are dealing with is just the radii that is here, is that what you are saying?

President Tuley: No, Lots 59, 60 and 61.

Commissioner Mourdock: Oh, okay.

Commissioner Borries: About three lots.

President Tuley: It looks like 59, 60 and 61.

Commissioner Borries: Curb and gutter, what kind of streets?

President Tuley: Concrete or asphalt?

John Stoll: Concrete.

Commissioner Mourdock: Pursuant to the recommendation of the County Engineer I'll move approval of the road plans for Malibu Park Subdivision, Section 4, Phases B and C.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item that I've got is a utility agreement with Ameritech for Green River Road, Section B that we are going to be putting under construction here in the near future. This is a permit for them to be located in the right-of-way and for them to relocate their facilities in right-of-way. There is no charge. This is not a reimbursable relocation that will go on with this, it is just a permit for their facilities to be there. I would recommend that the permit be signed.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I've got an easement for Ameritech to locate some of their facilities out off of Eastland Drive out near I-164 and Pollack Bridge. This would be for them to be able to put some of their facilities in to provide service down toward the new trailer park and in that area. It's a small square property that Vanderburgh County owns as a result of relinquishments from the I-164 project. It is adjacent to an existing right-of-way and we wouldn't have any need to expand that road and I would recommend that the easement be granted.

Commissioner Borries: So moved.

Commissioner Mourdock: Just one question. Is the easement benefitting any particular property out there?

John Stoll: Oh, no.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: Next, I've got a supplemental agreement for the right-of-way services for the Ohio Street Bridge project. This is with Bernardin Lochmueller and this would result in an increase in the agreement of \$2,901.64. The reason for the supplemental is due to the extra work that had to be done in conjunction with acquisition of the Mulzer property down there adjacent to the bridge. You may remember that was the parcel where the easement was granted by the City Water and Sewer Department for Mulzer and there were extra appraisals done as a result of that easement so that Mulzer could have a mooring easement is about what it comes down to so they could tie their barges off adjacent to the Ohio River bank right at where Pigeon Creek comes out into the Ohio. It was just work that was not anticipated as part of the original right-of-way services agreement.

Alan Kissinger: I would point out to the Commissioners that because of John's efforts we saved considerably more than this little bit of extra money is going to cost us in the way that we acquired that right-of-way.

Commissioner Mourdock: Is there a difference between a supplemental agreement and a change order?

John Stoll: This is a change order for consultants is about what it comes down to.

Commissioner Mourdock: Alright. Is there a number on here? I'll move approval of Supplement Agreement Number One between the County and Bernardin Lochmueller for the Ohio Bridge Project.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item that I've got I would like to recommend that project number VC96-05-02 the replacement of the Schissler Road Bridge be awarded to Southwest Engineering in the amount of \$99,474.00. Southwest Engineering was the low bidder on the project.

Commissioner Borries: I'll move that the bid be awarded to Southwest Engineering for the reconstruction of the Schissler Road Bridge.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The final item that I've got is a supplemental agreement for the Burkhardt Road project. I briefly mentioned this last week. United Consulting submitted this to me today. The total supplemental agreement would be for an amount not to exceed \$55,350.00. This supplemental would cover the design modifications that INDOT requested as a part of our work on their right-of-way. There was some additional survey work that we did not have originally that has to be picked up in order for INDOT to issue a permit off of the design that we are doing. It covers the design changes that are anticipated up at the Burkhardt Crossing Subdivision area. That project was not on the books at the time that the original agreements were signed and since that is a 90 acre commercial development we are adding additional lanes up at the Burkhardt and Morgan intersection. This also covers right-of-way services, right-of-way engineering and right-of-way acquisitions and that covers up to ten parcels of permanent and temporary right-of-way. Most of the right-of-way is for the parcel for the intersection at Morgan and Burkhardt.

Commissioner Mourdock: How much of the \$55,000.00 is for easement and how much of it is for the consulting side of it?

John Stoll: Well, \$43,550.00 is for the right-of-way engineering and lets see, the design changes at Morgan and Burkhardt and Lloyd and Burkhardt are \$2,700.00 and the additional survey work is \$9,100.00.

Commissioner Mourdock: Can I safely assume how much of this work, since INDOT generated it for us, how much of it they are going to cover?

John Stoll: Zero.

Commissioner Mourdock: That was my assumption.

Commissioner Borries: I'll move that the agreement be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: That's all I have unless you've got any questions.

Commissioner Mourdock: Just on this last one, John, before you leave. Since we are dealing with a change order, I'm sorry, a supplemental agreement here was any of that money included in the previous estimates that you have given us as far as cost estimates for Burkhardt Road.

John Stoll: There was and I don't remember off the top of my head how that compares. The right-of-way issue was addressed in the estimates, but the change in the scope of the design work was not. Off the top of my head I don't remember what the right-of-way issues...what the cost estimates on the right-of-way services were. I don't have a copy of that with me.

Commissioner Mourdock: Did you negotiate with them on some level on these fees or have quite a bit of discussion with them to reach those numbers?

John Stoll: Those are very consistent with what we've had in the past. In fact, some of the appraisal work is cheaper. Some of the appraisals that we've had exceed \$950.00 and some of the...lets see the actual buying was \$950.00 per parcel and the appraisals were, I think, one thousand or two thousand so they are consistent with

what we have seen in the past. Hopefully, when it is all said and done the north end of the project won't have as many parcels as are anticipated with that agreement because we are trying to avoid any temporary right-of-way that we don't absolutely have to get by shifting the road. The road was shifted about a meter and a half to avoid temporary right-of-way along the entire west side of the road. If things go on the north end like they have on the southern portion we might be able to avoid some of those costs as well.

Commissioner Mourdock: You say its shifted a meter and a half.

John Stoll: Right.

Commissioner Mourdock: I'm glad they're using that new CAD software.

John Stoll: I wish there was CAD software.

Commissioner Mourdock: Pardon me?

John Stoll: I wish there was CAD software.

President Tuley: Okay.

**TAPE CHANGE**

Dan Swidron: Is there any open questions for Mr. Stoll?

Commissioner Borries: Not at this time, no. You are certainly more than welcome to talk to him at any time through the week.

**RE: BILL MORPHEW - COUNTY GARAGE**

President Tuley: Bill. Let the record show that Bill submitted a report for the Vanderburgh County Highway Department and the Vanderburgh County Bridge Crew for the period covering Friday, June 14, 1996 through Thursday, June 20, 1996.

Commissioner Borries: Are you all finished on Hirsch Road?

Bill Morphey: Yes, sir. We finished Hirsch Road and we've been doing some patching with the paver on Old Henderson Road. We finished that and we are wedging Cypressdale. We started over there today. We've got one lane all the way through and we will have the second lane done tomorrow and probably by Thursday, if it doesn't rain too much, we'll be finished with Cypressdale. We will move over toward Hogue Road, Huckleberry and that area.

Commissioner Borries: I noticed that Pigeon Creek has really dropped significantly. We don't have any roads closed at all now do we?

Bill Morphey: No, we got nothing closed.

Commissioner Borries: It's kind of a silly question to have to ask this late in June, but with the weather that we've had this year...

Commissioner Mourdock: I have a question unrelated to your report. I pass it on to you only because it came in here in a letter. It's a letter from Vera M. Bufkin regarding some limbs that were cut down and left on the property. Do you remember that?

Bill Morphey: Where was that at?

Commissioner Mourdock: Pardon?

Bill Morphey: Where is the property?

Commissioner Mourdock: 1419 South Governor. I have a hunch that

this probably started quite some time ago. I'll just pass the letter on to you. Apparently, the county has an adjacent lot and we took some trees down--

Bill Morphey: Okay.

Commissioner Mourdock: --and the limbs were left on it. The comment is made here that while we did that apparently the limbs were supposed to be hauled. There is a note on here, I think it is Sunny or Cindy's handwriting, called Bill Morphey, he ordered a contractor to cut the tree down". Obviously, he should have hauled that off, but I just wanted to bring to your attention that the contractor apparently didn't and you either need to talk to him or make sure that he goes off our bid list if he doesn't do the work.

Bill Morphey: We are going to haul the trunk ourselves. There are three trees there. They cut the trees down and mulched the limbs, everything within and up to a four inch diameter. They cut the trunk in sections for us and we are going to haul it off.

Commissioner Mourdock: Is that what we contracted with the contractor to do specifically?

Bill Morphey: Yes.

Commissioner Mourdock: He did his part.

Bill Morphey: We keep the price down a little bit that way.

Commissioner Mourdock: He did his part and we've just been slow to do ours?

Bill Morphey: I don't know if we've been slow. It was just last week that he cut the trees down.

Commissioner Mourdock: The letter was dated June 6. Well, maybe it's a different one. I'll pass the letter on to you and you can deal with it.

Bill Morphey: Sure.

Commissioner Mourdock: We're amazed at how quickly the public responds at times. I guess that was real quick if she wrote the letter complaining before the trees were even cut down!

Bill Morphey: Could be in anticipation that there was going to be limbs laying there!

Commissioner Mourdock: Right, clairvoyant.

President Tuley: Since you were before us with a personnel problem tonight--

Bill Morphey: Yes, sir I was. I have a copy of a drug and alcohol test on one of the employees that I would like to give to you.

Alan Kissinger: Wait just a minute. Bill can submit a pink slip on this if he chooses to and you can take action on that.

President Tuley: Okay, that's what we've got you here for.

Bill Morphey: Do you want this.

Commissioner Borries: Yes, I think we'll refer that matter to the Attorney. It has to do with a medical report, is that correct?

Bill Morphey: Yes, sir.

Commissioner Borries: Okay, thank you.

Alan Kissinger: The department head can submit an action request, a pink slip, whatever you call it, for the Commissioner's approval. There does not have to be any discussion of this in a public meeting.

Bill Morphey: Okay. I believe there was a pink slip submitted, but it hadn't got to the Commissioners yet. That was done Friday.

Alan Kissinger: Is that what they call them, pink slips?

Bill Morphey: Yes, sir. It's on the back of your agenda there.

President Tuley: Let me ask you this then. Until we take official action after that slip is submitted does the current status of the person remain the same?

Alan Kissinger: Yes.

Commissioner Borries: It may be in the agenda.

Bill Morphey: It's not on there. It was just done Friday.

Commissioner Borries: Okay.

Bill Morphey: So it wouldn't be in your packet today.

Commissioner Mourdock: We will have a document to act on next week?

Bill Morphey: Yes you will.

President Tuley: Anybody have anything else for Bill? I figured you have something for us because you weren't moving away.

Bill Morphey: No, sir. I recognize some folks behind me and thank God that I don't recognize all of them! They're from Radio Road, Walnut, Hillsdale and that area. We did start ditching over there Friday. We did some ditching in there today and placed a new culvert. We sawed the road in one spot to replace one of the culverts going across the road and we will be in that area for probably four to six weeks to complete the whole area. It should all be done and have decent drainage.

President Tuley: The ditches that you are making reference to are all roadway ditches in our right-of-way, correct?

Bill Morphey: Yes, sir.

President Tuley: Yeah, there are a few faces, but I've been to several meetings lately so unfortunately they are not all from the same place.

Bill Morphey: That's all I have.

Commissioner Borries: Thank you.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan.

Alan Kissinger: The first thing that I have to report is that I have prepared for the Commissioner's consideration a resolution which can be voted on tonight and passed tonight assuming it is unanimous. As the Commissioners are aware, in April of this year we issued bonds, basically, they were special tax refunding bonds for the 1989 USI Highway 62 Overpass and the Tekoppel Avenue/Union Township Overpass projects. There is presently approximately one

and a half million dollars remaining in the construction fund. Specifically, there is \$1,571,887.73 remaining. That money is presently being held in a trust account by the trustee who was appointed in the Bond Ordinance and that trustee is Old National Trust Company. An account representative with the trust company sent a letter to, I believe, the Auditor regarding the possibility of transferring those funds. In compliance with the Indiana statute we may transfer those monies into another account once we have indicated that all of the expenses for construction, etc. on these projects have been paid. After it goes into that account it can be spent on other like projects for the construction, reconstruction or improvement of any other highway in the county, but for no other purpose. That is the only thing that we can spend that money for. The County Engineer has advised me that there are several projects to which these funds can be dedicated which are projects appropriately addressed in the statute. This resolution allows the transfer...the one thing that this resolution does that wasn't necessarily required by the statute is that it authorizes the County Auditor to establish a new fund into which these monies will go because today we can not identify by project number every project that the County Engineer feels will be appropriate for these monies. As requests for approval of the expenditure of these funds come in, then we will have a specific identification of each project for which money from this fund will be taken and we will have a record of that specification. Also, it needs to be noted that if this money is not spent by April 17, 1997 which is one year after the date of the issuance of the '96 bonds then, basically, we lose the opportunity to spend that money on these construction projects. There is specific language in reference to rebating in the 1996 Ordinance as to how that money has to be handled after that time. I would also remind the County Auditor, although I probably don't have to, that we also have to comply with various Internal Revenue Code requirements specifically in reference to arbitrage. We cannot collect a greater amount of interest on these bonds than we are paying on the repayment of the bonds. I forget what the percentage rate is, do you remember, Suzanne?

Suzanne Crouch: No.

Alan Kissinger: Lets put it this way, if, for example, we are paying 7.5% interest on the bonds we can not invest this money in such a fashion as to collect interest on it in an amount greater than 7.5%. If so, we are, according to the Internal Revenue Service, arbitraging. It is not allowed any longer and these are what used to be called "do nothing bonds", but as a consequence if we do that then we pay a penalty in the amount of every bit of profit that we made from the interest. So, it does not benefit us. I am satisfied in my own mind that we have covered all of the state and federal laws within this resolution. This resolution was not necessarily even required. This could have been done specifically by an order from the Commissioners to the Vanderburgh County Auditor, however, I believe that the resolution memorializes this transaction much more thoroughly and answers some questions that other people handling this fund may have in the future. I recommend that the Commissioners give favorable consideration to the adoption of this resolution.

Commissioner Mourdock: Alan, two questions. First of all, you said that we have until April 17, 1997 to spend the money. Does that mean to spend every penny of this money or to spend money from the account which this money is dedicated to?

Alan Kissinger: To spend every penny of this money.

Commissioner Mourdock: Okay. Second question, when you were handing it out and walking down here your term was a resolution for us to consider and then you said if it would be considered unanimously. Does it have to be unanimous?

Alan Kissinger: It can be passed tonight if there is a unanimous vote. If there is not a unanimous vote then you must advertise it for hearing.

Commissioner Mourdock: I haven't run in to that one before.

Alan Kissinger: Yeah. I keep a few things up my sleeve just to keep you guessing from time to time.

Commissioner Mourdock: So what you are telling me is now is the time to cut the deal, right?

Alan Kissinger: That's right.

Commissioner Mourdock: Find something that we differ on here! I'll move approval of the Resolution of the Board of Commissioners for the USI Overpass Funds from the 1989 bond issue to be transferred.

Commissioner Borries: I will second.

President Tuley: Do I say, so ordered on this since it is not an ordinance or because it's a resolution should I take a roll call?

Alan Kissinger: I would take a roll call so that we will know that it is unanimous.

President Tuley: Roll call. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Alan Kissinger: The next matter that I have--

Commissioner Borries: This will also keep, just for the record, the State Board of Accounts happy. There has always been a philosophical disagreement between the State Board of Accounts and our county. When this was prepared it clearly stated that Old National Bank was going to be the depositor on record. The State Board of Accounts says that all monies must be kept on hand with the Auditor. It has been a standoff and I will not internationalize with any other phrase other than just to say that there has simply been a standoff and a philosophical difference. This ends that difference. The Auditor now has control of it and the State Board of Accounts should now be happy.

Alan Kissinger: The next matter that I have is that I have briefly in the past addressed the Commissioners in reference to the Vanderburgh County/Purdue Extension lease with Mr. and Mrs. Steven Kahre. After I looked at the lease and approved its form, our insurance agent and Cindy Mayo look at the lease as well. The Commissioners have already signed the lease, but the lease provides for payment of insurance and payment of property taxes by the lessee and that is inappropriate. It was a provision that was bargained for so I brought with me tonight the insurance binder pursuant to the lease and also I am advising the Commissioners that next week I will present you with a proposed amendment to the lease which the basic result will increase the amount of the monthly rental by \$272.95. It will go from \$3,300.00 to \$3,626.00 monthly. That is just in the way of information.

President Tuley: For the record, that is still less rent than we were paying at the location they were at prior to the signing of the contract per square foot.

Alan Kissinger: Yes, yes it is. I have been in contact with Mr. Tim Method, just as it sounds, of the Indiana Department of Environmental Management, in reference to the ACORN ozone level attainment measures ordinances. Mr. David Bunner is working on this for the city and Mr. Method has offered to send to the county, apparently, a stack of information bigger than this and also some sample ordinances from other counties and a proposed ordinance from the Indiana Department of Environmental Management. Within the next two or three weeks I am certainly hoping to have something to present to the Commissioners for their consideration in reference to the ozone levels attainments. Mr. Keith Rounder, Assistant County Attorney, has requested that I address the Commissioners. As the Commissioners will recall, the County Attorney contract indicates that the county will pay a salary to County Attorneys except in cases of bond issues and protracted litigation. Mr. Rounder has been assigned to defend the county in the case of Melton versus Vanderburgh County and others. This has become a matter of protracted litigation. As you will recall, some months back Mr. PeeWee Melton was traveling on a county road near a state road when he was involved in a fatal automobile collision. Mr. Rounder has shared with me some of the various pleadings that have been filed in the case and the time that he has already expended in the case. To make a long story short, I am asking the Commissioners tonight to approve an hourly rate payment on the case of Melton versus Vanderburgh County for Vanderburgh Attorney Keith Rounder.

Commissioner Mourdock: For the record, is that based on a preestablished rate?

Alan Kissinger: It is. By ordinance the county pays \$70.00 per hour for legal services which I might point out is much below the national average.

Commissioner Borries: I'll move that the request be granted.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: That completes my report unless the Commissioners have some questions for me.

**RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS**

Alan Kissinger: I now move to Cindy Mayo's report.

President Tuley: I was going to say that we are not going to get a report from Cindy.

Alan Kissinger: Yes, you are going to get a report from Cindy. The only thing that Cindy had to report is that she has tonight to present to the Commissioners four Quitclaim Deeds. They are deeds to surplus county property and these deeds are from Vanderburgh County pursuant to the ordinance that we passed some time back in reference to surplus property being transferred to not-for-profit corporations. I'm not sure, quite frankly, who all these deeds go to. Well, one goes to New Beginning Church of God in Christ; one of them goes to Choice of Vanderburgh County; one to Habitat of Evansville. I shouldn't say one, two at least go to Habitat of Evansville. I beg your pardon, four go to Habitat. The deeds are all in order. I have reviewed the deeds and I asked Cindy to include some other things in the deeds and she has done so. These deeds are before the Commissioners tonight for their consideration to approve the transfer of these properties and to sign the deeds if you should see fit to approve the transfers.

Commissioner Mourdock: You did indicate that those grantees are all 5013C?

Alan Kissinger: Ms. Mayo indicated to me that she had confirmed that as to all of these grantees, yes. I also have from Habitat a check in the amount of \$4.00. I have been advised, because the wording of the deeds is \$1.00 and other good and valuable consideration, that this check was sent by Habitat because it is my understanding that someone in the Auditor's Office refused to accept these previously because it was not accompanied by the dollar. I would advise the County Auditor's Office that it is not essential to collect this dollar. The one dollar and other good and valuable consideration are words of legal art, if you will, that meet the requirement that there can be no exchange of property without valid consideration. There is a belief among some real estate lawyers that the one dollar isn't even essential, but everybody is afraid to take it out, so it is not essential for the County to collect that one dollar in a case such as this before the deed is accepted. However, Habitat sent \$4.00. Cindy Mayo has nothing further to report.

Commissioner Borries: That will be about the best \$4.00 we will ever get because the houses that they construct and the work that they do on these abandoned pieces of property in our county far exceed what we could ever expect, I think. It is certainly a worthwhile endeavor and I move that these Quitclaim Deeds be signed.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**RE: CONSENT ITEMS**

President Tuley: Under item 6, consent items, we have employment changes, travel requests and the Treasurer's monthly report.

Commissioner Borries: I'll move that the consent items be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**RE: SCHEDULED MEETINGS**

President Tuley: Scheduled meetings. There is a 1:00 p.m. Job Study meeting on Wednesday and at 3:30 there is a Personnel and Finance meeting. Next Monday, July 1, we will have our Commissioner's meeting with our Executive Session prior to that.

**RE: OLD BUSINESS**

President Tuley: Item 8A has been continued or I will request a continuance until next week again. Any other old business?

**RE: NEW BUSINESS**

President Tuley: New business. There is a request to the Commissioners for use of the Bishea Building for the 1997 County Employee Picnic scheduled for June 21, 1997.

Commissioner Borries: I'll move that the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered. Any other new business?

Commissioner Mourdock: Yeah, my brain kick in one second ago. I had some discussions earlier this week with some people with the Local Emergency Planning Committee or Planning Council and just so the two of you will be aware there seems to be some coordination

challenges at times with the Emergency Management Agency. The LEPC works under some federal guidelines and state guidelines dealing with programs that are set up in case of a chemical spill or railroad car or whatever.

Commissioner Borries: HAZMAT?

Commissioner Mourdock: Yeah, they don't actually do the work, but they help set the plans in place and you all will be receiving a copy of a letter that I am going to forward on to the Mayor since EMA works under his jurisdiction, but I think we have some challenges out there that the communication could be better made. I just wanted you to know that.

President Tuley: Okay, thank you. Any other new business? Motion to adjourn this meeting?

Commissioner Borries: So moved.

President Tuley: Would you like to second, please?

Commissioner Mourdock: I'm sorry, second.

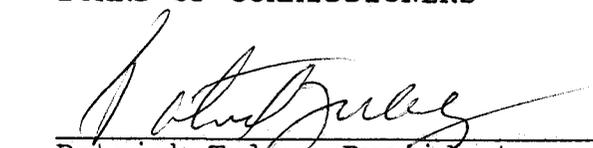
President Tuley: So ordered.

The meeting was adjourned at 7:02 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Charlene Timmons  
Mike Wathen  
Lyn Miller  
Bob Gulick  
Norm Campbell  
Dan Swidron  
John Stoll  
Bill Morphew

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS



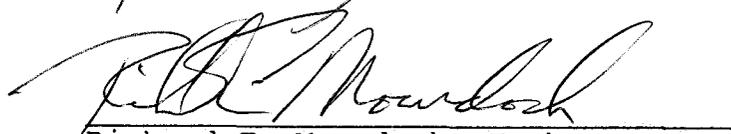
---

Patrick Tuley, President



---

Richard J. Borries, Vice President



---

Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
JULY 1, 1996

TABLE OF CONTENTS

Introduction and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Any group or individual wishing to address the Commission .....	1
Leroy Walther - 8417 Old State Road	
Mike Wathen - Soil and Water Conservation District .....	6
Final reading - Special Home Rule Ordinance .....	8
to Authorize Crime Insurance Coverage for all Vanderburgh County Officers and Employees	
Peer Counselor Contract - Health Department .....	8
John Stoll - County Engineer .....	9
Approval of road plans for Seasons Pointe Boulevard	
Koester Contracting requesting 15 day extension on VC95- 10-02 Baseline Road project	
Change order - Azteca railroad spur	
Letter to INDOT concerning turnover date of Local Service Road Number 9	
Update on the Green River Road project	
Bill Morpew - County Garage .....	14
Progress report for Highway Department and Bridge Crew for the period of June 21, 1996 through June 27, 1996	
Alan Kissinger - County Attorney .....	15
Request authorizing hourly payment to Carl Heldt in the case of Howard D. Coats versus Ray Hamner, as Sheriff, Federal Court Case #EV95-214-C-R/H	
Update on the ACORN proposals for ozone reducing measures	
Cindy Mayo - Superintendent of County Buildings .....	17
Quitclaim Deeds to be put through the tax sale procedure again	
Deed for 2130 Kathleen to be transferred to Evansville Housing Authority	
Consent items .....	18
Employment changes	
Travel requests:	
Health Department (1)	
Center Assessor (1)	
Knight Assessor (1)	
Auditor's Office (5)	
Auditor's monthly time accrual report	

CCD requests for 1997 budget ..... 18  
    Coliseum  
    Auditor  
    Old Courthouse Preservation Society  
    Union Township Assessor  
Scheduled meetings ..... 22  
Old business ..... 22  
    Veazey Parrott & Shoulders  
New business ..... 23  
Meeting adjournment ..... 23  
Attendance and signature sheet ..... 24

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS  
JULY 1, 1996

The Vanderburgh County Board of Commissioners met in session this 1st day of July, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:35 p.m.

**RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE**

President Tuley: We would like to call the meeting to order for the Vanderburgh County Commissioners for Monday, July 1, 1996. As a point of introductions, to my far right is Cindy Mayo, Superintendent of County Buildings and our office administrator; to her immediate left is Alan Kissinger, County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is the County Auditor, Suzanne Crouch; to her immediate left is Charlene Timmons, who is the Recording Secretary from the Auditor's staff; I'm Commissioner Pat Tuley. If you would, please stand with us, face the flag and say along as we do the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES**

President Tuley: There are agendas posted along the wall. Under the action items, item 4A is the approval of the minutes from last week's meeting.

Commissioner Mourdock: I'll move approval of the minutes from the regular Board of Commissioners meeting of June 24, 1996.

Commissioner Borries: I will second.

President Tuley: So ordered.

**RE: CERTIFICATION OF EXECUTIVE SESSION**

President Tuley: Item 4B is certification of the Executive Session. This is just to let you know that there was an Executive Session held prior to this meeting. The items discussed were those items that are allowed by state statute. There were no decisions made.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: Item 4C, any group or individual wishing to address the Commission who does not find...I see a hand up. I'm going to go ahead and let you come on up, sir.

Unidentified: Good evening. I represent the extension of a sewer line on Old State Road from Pine Creek to Mount Pleasant.

Commissioner Borries: Do you want to give your name and address for the record, please.

Leroy Walther: Yeah, Leroy Walther, 8417 Old State Road. I understand that the Barrett Law for the funding of sewers has been repealed and right now there is a procedure being written for the procedure that you have to go through to get the extension and what I want to know is what is the status of that?

Alan Kissinger: If I may, you are correct to a degree, Mr. Walther. The statute that originally and previously that the county relied on in order to assist residents with the funding of sewer installations was repealed. We discovered later that another statute had been adopted by our legislature and is now in effect which allows Barrett Law type funding again. What we have been asked to do at this point, basically, is to develop a contract, if you will, for the residents of your subdivision community and we are aware of the boundaries and the people involved and the residents who are interested. We have been asked to develop a type

of contract or a proposal for a contract that everyone could enter into to allow for Barrett Law type funding. To a degree it certainly isn't the Commissioners fault. I asked the Commissioners if they would authorize hourly payment for whomever this attorney happens to be, whoever the county attorney happens to be that advises the Commissioners in this matter. I have talked to the other County Attorneys and one of them indicated that he would probably do the job, but wanted to look at his immediate commitments so that he would know if he had time to do it. To make a long story short, you are still on the track, but you are going uphill a little bit now. Hopefully, when we get over that hill by getting this attorney on the job this thing will begin to move a little more quickly.

Leroy Walther: Do you have any timetable?

Alan Kissinger: No. Quite frankly, if I gave you a timetable I would really be stretching it because I don't know myself how much work or time and effort is going to be involved in developing these documents that we are going to need. If I said that it would be six months then I might be saying not enough time or I might be saying much to much time. I just don't know. As I say, we have not forgotten you.

Leroy Walther: What it is, we're a group of 27 residents and we have a sewer line on the west side and on the east side, but we cannot hook into it. There has been some complaints with the Health Department on some septic systems in this area.

Alan Kissinger: Right.

Commissioner Mourdock: Are all 27 residents interested in participating?

Leroy Walther: I've got 19 that are interested.

Commissioner Mourdock: Okay, I'm sorry, but what was the address of this again?

Leroy Walther: It runs from 8015 to 8650 on Old State Road. In this area there is just two vacate lots, all the rest of them are residences.

Commissioner Mourdock: You've said that of the 27 you've got 19. Are the other eight opposed or just noncommittal?

Leroy Walther: There are six of them that are definitely no and where this takes play is reading between the lines. They think that they should be able to go for a free ride at a later time.

Commissioner Mourdock: That won't work.

Commissioner Borries: That ain't going to happen.

President Tuley: That's not going to work.

Alan Kissinger: This is not something new though, believe me. This is not unique to this situation.

Leroy Walther: I realize that. This is the third time I've worked on this.

Commissioner Borries: Democracy is a tough business, but it ain't going to happen for free. The Barrett Law is essentially a user fee where each property owner pays his or her assessment. There is a mechanism, and that is why I was asking the other Commissioners and our Attorney, and what we have to research is what kind of percentage within that field that it works out to be. Once you obtain the percentage of those people who say that they are going

to back this sewer project, then the Utility Department says, yes, we can sustain this cost. It is strictly a money game with them from that standpoint and that is why it is a user fee. The folks who choose not to do so might not have to tap on originally, but when they tap on they will pay the same as you did. They are not going to get it free.

Leroy Walther: Then is this new system that you are talking about the one that pays for the sewer up-front or does the county issue bonds and cover that? They're asking questions and I want to go back with some answers for them.

Commissioner Mourdock: That is part of the discussion that we really don't have a good answer for right now.

Alan Kissinger: I know that there is an Indiana State Department that apparently will assist the county with a grant or a loan or something such as that, but we haven't done this in so long that we are relearning the process.

Leroy Walther: I understand that there is another section of town working on this also.

Alan Kissinger: Oh, more than one.

Commissioner Mourdock: Several.

Leroy Walther: Well, one of them that I know of. One of them is Bixler Court.

Alan Kissinger: There is another one, University Heights.

Commissioner Borries: University Heights. It's an expensive proposition and one that if there was some magical way that we could extend sewer lines in to so many different areas of the county we would not only help our homeowners, but really be tremendously supportive of a lot of economic development in a lot of areas, too. It's a cost item and the county just doesn't have a utility department.

Leroy Walther: We understand that.

Alan Kissinger: One thing that needs to be kept in mind, Mr. Walther, when you're talking to the other residents there is that one of the conditions for taking advantage of Barrett Law type funding or the assistance for funding is that each resident must agree that in the future if there is an attempt to annex your property into the city of Evansville, then you waive your right to object to that annexation, your right to remonstrate against that annexation because you are receiving, basically, a city service in the form of a sewer.

Leroy Walther: I'll ask one more question. The ones that are on the sewer system are they under that same rule now?

Alan Kissinger: Most probably, yes, because this is not a new requirement.

Commissioner Borries: Because of changes in the comprehensive plan, and of course Building Commission and subdivision ordinances, new subdivision particularly if they are...well, actually if it is a subdivision where you have less than five acre lots, you are required to install and get it on to a sewer system. What frequently happens is that the developers oftentimes have to work with the city to provide additional lift stations and additional capacity in certain areas. Almost all of your new subdivisions, because of smaller lots, have to be on it unless you are talking about a lot of five acres or more.

Leroy Walther: No, I'm not.

Commissioner Borries: Anymore that is the way the law works. Before when you didn't have as much population in the county and as much growth in certain areas there really wasn't any law, but now it does require that anything less than five acres you have to be installed in a sewer system.

Commissioner Mourdock: One question that your discussion brings up, Mr. Walther, and certainly you need to hear the answer to. Alan, your comments notwithstanding about the amount of time that this will take, and I certainly understand that on a specific basis when there is a lot of paperwork and in this case at least 27, but can we get, for lack of a better word, a game plan from you that when people like Mr. Walther come in we can provide them simply a printout as to the current status of the law, what the county can do and how the procedure works? We keep hearing these questions and it seems like at this point it would be very simple so that everybody leaves with the same type and kind of information. Say, here is the county's plan for addressing this issue realizing that it is not setting the wheels in motion on every one of them, but at least this is a procedure that we as the Commission and working with the Utility Board would follow.

Alan Kissinger: Well, no, I can't without doing to work necessary to actually allow the county to enter into the contract to do this. That is the problem.

Commissioner Mourdock: Why is that? I don't understand that.

Alan Kissinger: There is a statute...if you will recall our previous discussions Mr. Jeffers, from the Surveyors Office, indicated that there had previously been a statute that allowed this, but the statute had been repealed. Another statute has been adopted and in going through that statute, interpreting that statute and the step by step procedure that is required and then establishing a procedure to follow by the county is going to be the time consuming situation here. I have looked at the statute and I can see that there are certain things that we must do, but all the various offshoots of those things that are also going to have to be done and it is going to be a time consuming process just to advise people what their rights are under that statute. When we discussed this before the reason that I said that whoever the county attorney is that does it, and I don't have time to do it, but that county attorney should certainly be paid on an hourly basis because, as a matter of fact, what we are doing is that we are doing the legal work for these residents. The county is doing legal work for private individuals that they would normally have to pay for.

Commissioner Mourdock: I understand why the process needs to be done, but I think you are hearing more than I might be saying. I'm not saying that we start looking at every individuals title--

Alan Kissinger: No, sir, I'm not either. What I am saying is that if you ask me now how do we start the procedure if these people come in and say that we want to do it, then I would have to say, I don't know because I have not had time to look at the statute, analyze it and give an opinion on it. So, can we set out a procedure that the county will follow? I can't at this moment and I'm trying to get another county attorney to come in here and say, yes, I have the time to do it.

Commissioner Mourdock: Did I hear you say a moment ago that one of them is thinking that he does have the time?

Alan Kissinger: Yes. I have talked with Keith Rounder and he has indicated that he is not necessarily opposed to the idea, but I do know that he and I are going to be involved in a jury trial that starts on the 15th of this month and it is consuming most of our

time now.

Commissioner Mourdock: Is it the consensus here of the Board that we in fact have Mr. Rounder do that as quickly as possible? Again, Mr. Walther, you've said you've been here and this is the third occasion, not necessarily in front of this group?

Leroy Walther: Not in this time frame, but before, yes.

Commissioner Mourdock: I just feel rather embarrassed as a public official at times, I guess, that government works so slowly. Sometimes when people come before us we don't have a good answer to give to them and I understand that there are few simple answers here, but if we could move that way I think that we would be doing the public a service.

Alan Kissinger: I think that we would be doing the public a service also, but I need to point out again that it is totally appropriate for the county to develop this procedure, however, and I don't know how to make this come out right, but if it is a situation where someone feels that they just can't wait for the county attorney staff to do this, then they are at liberty to hire private legal counsel to do what we have been asked to do. It would not be inappropriate to ask them to do that although the Board of Commissioners has indicated that they would like the county attorney staff to do that and as a consequence we certainly intend to do it. We just want you to know that it cannot be done quickly.

Commissioner Mourdock: I guess I even see as part of our game plan the 3x5 card that we would hand out to people like Mr. Walther, perhaps, just describing that. Maybe that is our program. What we will do is that we will deal with your attorney when an attorney comes in and presents us with the facts relative to this, this, this and this. I'm not suggesting that we assign a county attorney to do individual citizen's work because clearly you don't have the time for that and no one would have. We could use every attorney's time in the county and wouldn't accomplish that.

Alan Kissinger: No one has asked really that we do individual citizen's work, but my understanding of what has been requested is to analyze the statute, give an opinion on it and develop the documents necessary to deal with people such as Mr. Walther and his neighbors and other residents in subdivisions who come in and make these types of requests. That will be a time consuming procedure.

Commissioner Mourdock: I guess the last thing that I heard there, and I don't mean to belabor this, but I heard you say, develop the documents. I don't know, at least from my vague understanding, that I would even see us, the county, going that far as far as documents that need to be prepared. Maybe that does shift back to the 27 people working together through a common attorney.

Alan Kissinger: There are certainly things that they are going to have to do and are probably going to have to seek private legal counsel to do that. Especially the various title documents and so forth. One of the things that is positively going to have to be done is that we are going to have to have absolute proof that each individual actually owns the property that he or she is making the request for. That certainly would not fall on us. There are other things and if we are going to establish a uniform procedure then we are going to have to go from the very beginning and take it all the way to the very end so that we can anticipate everything. If we are going to establish, for example, a brochure for individuals who want to make these requests, then we are going to have to cover absolutely every base.

Commissioner Mourdock: About the time we get it printed the state

will change the law on us.

Alan Kissinger: Almost undoubtedly.

Leroy Walther: That law was changed in '95, wasn't it?

Alan Kissinger: It was '94 or '95, yes.

Leroy Walther: There was another amendment in '93 on it.

Alan Kissinger: It was repealed once.

Leroy Walther: Yeah.

Alan Kissinger: Totally.

Leroy Walther: That was in '95, wasn't it?

Alan Kissinger: No, no. It was before '95 that it was repealed.

Leroy Walther: Anyway, all that I wanted was that I had heard that you were working on a procedure of what landowners had to do and where we had to go if we was on a septic system. You were talking about five acres and I will say that the biggest lot that anyone has in this area is probably three to four acres and the majority of them are maybe one acre and a half to two acres. Some of them may be an acre. There is nothing real large. It is a developed area. Whatever you can do--

Alan Kissinger: Don't lose contact with us.

Leroy Walther: Okay, but it is on your agenda to proceed with it?

Alan Kissinger: Yes, it is.

Leroy Walther: Alright. Thank you very much for your time.

President Tuley: Thank you. Anybody else under 4C who is wishing to address the Commission who does not find their name or topic for discussion listed on the agenda?

**RE: MIKE WATHEN - SOIL AND WATER CONSERVATION DISTRICT**

President Tuley: Okay, 4D, Mike Wathen.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. I wanted to keep you guys informed as to where we stood on the task force regarding erosion control. We have a task force in place unless you guys want to add somebody additional, but I think that we've got pretty good representation here. We've got a member from the Homebuilders--

Commissioner Mourdock: Name the names if you would, Mike.

Mike Wathen: Okay, the Homebuilders I don't have the name. I talked with three different people and they assured me that there would be a representative there.

Commissioner Borries: I would tell you a person who would probably fit in that category. He called me about it and he expressed some, I won't say concern, but apparently he wanted to be a part of it.

Mike Wathen: Well, we've got them involved.

Commissioner Borries: Bill Kattmann.

Mike Wathen: That was not the person that I spoke to. I don't recall. The president--

Commissioner Borries: Could you call him to see if he would want to be part of this process?

Mike Wathen: Sure.

Commissioner Borries: I think that he was concerned enough. He is a realtor, but he builds homes as well and develops subdivisions. He has some, I don't know if you would call them concerns, but some feelings about this and I said, "I'll tell you what we are going to be forming a task force, would you want to be a part of it?". He said, "Yes, he would".

Mike Wathen: You don't happen to have a phone number for him by any chance?

Commissioner Borries: I could look it up. It's Kattmann. Two t's, two n's.

Mike Wathen: I can find it. Okay, Homebuilders; Building Commissioners, Roger Lehman; County Engineer, John Stoll; Surveyor's Office, Bill Jeffers; Soil and Water Conservation District, Kemper Lease; we've got representation from Sub Review, Buddy Bauer and Buddy is also a developer; IDNR, Lyn Miller; and Bill Morphew, at the County Garage. I thought that would give us a pretty well rounded group there and I'll look into Mr. Kattmann tomorrow.

Commissioner Mourdock: Have you had any interest or have you received any calls from individual citizens or any groups of subdivisions with people who are interested in serving on this group or who have sent you anything in writing?

Mike Wathen: Not that was interested in serving on the group. I've had some calls from some people wishing to offer opinions, but not serve on the group. I have received two letters. One from a developer who wants to be involved after we get the thing to the point of public comment and he talked with me at length about some different ideas that he had and some were very good, I might add. Secondly, I got a letter from an engineer who said basically the same thing. They wanted to have input.

Commissioner Mourdock: But none of those have yet submitted it in writing, did I hear you say? Have they just given you a call at this point?

Mike Wathen: These past two that I mentioned did submit in writing. All the residents just called. Anyway, I said last week that I would give you a status report and we've got the date set up for a week after next at our office and at Attorney Kissinger's suggestion we are going to use the model ordinance that we presented to you last week as our baseline. I'm hoping that we can come up with something shortly thereafter. The second matter that I said that I would report back to you on is the situation that was brought up regarding the sedimentation from some of the residents last week. I've spoken with the developer and he is correcting the problems now and he asked me to submit this letter for the record.

Commissioner Mourdock: Which development?

Mike Wathen: The Villas.

Commissioner Borries: Good. That's a good letter.

Mike Wathen: I might add that he has already made steps as of today to start on a lot of this so our office is satisfied and I don't think that we will have any more problems from that point when this is completed. The third matter is Shadow Bluff. I said that I would look into that. Bill Jeffers and I went out there last week and met with several of the neighbors as well as Sitecon,

who is the engineer for that project. Our office has not had an erosion control plan submitted on that yet, but I spoke with Keith at Sitecon, with the neighbors and with the developer and if they do it the way that we discussed, and I have every reason to believe that they will, then we don't have a problem with that subdivision. Matter of fact, we will recommend it. So, I had not looked at it as of last week when the neighbors were here talking about it, but our office will recommend it based on a suitable erosion control plan.

Commissioner Mourdock: Once one is submitted.

Mike Wathen: When one is submitted which my understanding is that it will be very soon.

Commissioner Mourdock: That is the Darmstadt one right, Shadow Bluff?

Mike Wathen: Yes, it is the one off of Boonville New Harmony Road.

Commissioner Mourdock: Have we had any contact...have either of you heard anything from the folks in the Darmstadt Council since our last meeting? I have not.

Mike Wathen: Most of the neighbors that were here last week also met us out there and I think that once we spent some time and walked over and explained it a little bit I think it helped the situation a little bit as far as their concerns. That's all I have.

President Tuley: Okay, thanks, Mike.

**RE: FINAL READING - SPECIAL HOME RULE ORDINANCE TO AUTHORIZE  
CRIME INSURANCE COVERAGE FOR ALL VANDERBURGH COUNTY  
OFFICERS AND EMPLOYEES**

President Tuley: Item 4E is the final reading of the Authorize Crime Insurance Coverage Ordinance. That sounds like an Alan report.

Alan Kissinger: I'd be happy to answer any questions for you on that. I feel like after having gone through it twice before that I would be repeating myself, but if anyone has any questions, obviously, I'd be happy to try and answer them.

Commissioner Mourdock: I'll move approval on final reading of the Special Home Rule Ordinance to Authorize Crime Insurance Coverage for all Vanderburgh County Officers and Employees.

Commissioner Borries: I will second.

President Tuley: Roll call. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes.

**RE: APPROVAL PEER COUNSELOR CONTRACT - HEALTH DEPARTMENT**

President Tuley: Okay, there is a request for approval of a contract from the Health Department for the Breastfeeding Peer Counselor Contract. Cindy, did you have any conversation--

Cindy Mayo: No.

President Tuley: Did this money come out of the WIC program?

Cindy Mayo: It is out of one of their programs. This was approved by you last year or earlier in the year and it is time for renewal and they just need your approval since it is a contract.

President Tuley: It has been approved by the Board of Directors for the Vanderburgh County Health Department. It pays \$6.00 an hour for a maximum of 16 hours per month with a notation that there will be 32 hours per month maximum if counseling women from two different WIC clinics. It comes out of their program and their money. Their Board approved it and I guess because it is a contract involving the county that is why we must sign off on it as well.

Commissioner Borries: I move that the contract be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: JOHN STOLL - COUNTY ENGINEER

President Tuley: Okay, department head reports. John Stoll, County Engineer.

John Stoll: The road plans that you have in front of you are the extension of Seasons Pointe Boulevard from the Seasons Subdivision up to Covert Avenue. This will be built as a Department of Parks and Recreation project and this is a curb and gutter street with a 36 foot wide pavement. The one issue that came about at the drainage review concerned the pipe that was in Kolb Ditch to make sure that we had an adequate sized pipe in that ditch. I have discussed it with Bill Jeffers and he submitted a note to me that said:

"Vanderburgh County Surveyor's Office approves the street plans proposing to cross Kolb Ditch at the point shown for the entrance to the Seasons Subdivision with a 53 x 34 inch pipe. John Stoll and Bill Jeffers have investigated the upstream and downstream crossings of Kolb Ditch and find said pipe to be adequate."

Commissioner Mourdock: So you are recommending approval?

John Stoll: Yes.

Commissioner Mourdock: Is this a pipe plan?

John Stoll: Pardon?

Commissioner Mourdock: Are we calling this a pipe plan?

John Stoll: No. It is a road plan. It is just that the main issue on this one was the size of that pipe to make sure that we had something adequate in Kolb Ditch.

Commissioner Mourdock: Pursuant to the recommendation of the County Engineer, I'll move approval of Seasons Pointe Boulevard.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I've got a request from Koester Contracting for a 15 day extension of Frontage Road at Baseline Road construction deadline. The request is as a result of the bad weather at the start of June and as a result of some poor soil conditions. We evaluated several different ways to try and address that and we

ended up going with lime stabilization, but that evaluation combined with the poor weather resulted in the request for a 15 day extension. The project only requires some striping now and some ditch grading along the 41 side of the road so it should be finished within this 15 day extension and I would recommend that the extension be granted.

Commissioner Borries: So moved.

Commissioner Mourdock: I will obviously abstain from voting on this.

President Tuley: I'm sorry. John, just for the record you are making reference to this letter and it refers to Project #VC95-10-02, Baseline Road?

John Stoll: Right.

President Tuley: Okay. I'll second and so order.

John Stoll: The next item that I've got also pertains to Azteca. I have a change order on the railroad spur for an increase of \$2,237.35. This was due to the need for additional stone out there on the project. This will finish the project. There will be no other change orders that will be done.

Commissioner Mourdock: What was the amount?

John Stoll: It was \$2,237.35.

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: I would ask for a roll call vote just to be consistent with my past policy on this given issue.

President Tuley: Okay. Commissioner Mourdock?

Commissioner Mourdock: No.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes.

John Stoll: Next I've got a letter that needs to be submitted to INDOT regarding the transfer of Local Service Road Number 9 in front of the Gershman Brown site along the Lloyd Expressway. That is the little short stretch of gravel road that we were returning to the state. After the original Memorandum of Agreement was signed back in April they have now sent me a letter back stating that we need to tell them the exact time that we will relinquish this road back to the state. I put together a letter that states:

"In accordance with the enclosed Memorandum of Agreement signed on April 29, 1996, this letter is to inform you that the Vanderburgh County Commissioners agree to transfer L.S.R. #9 along S.R. 66 to the Indiana Department of Transportation. The effective date for this transfer shall be July 8, 1996 at 12:01 A.M."

I just picked that date out of the air. They just said that they want a little bit of advance notice as far as when we would be turning the road over to them and they said that there was no particular reason why you would want to put any date, but they said that their attorney advised them that they needed to have a date on there so if there were any problems prior to that date then they could still assign the responsibility to us.

Commissioner Borries: I move that the transfer be approved to July 8, 1996 12:01 a.m.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: The only other item that I've got this evening relates to the Green River Road project. We held a preconstruction meeting with Blankenberger Brothers last week and right now it looks like they are anticipating closing the road on July 10 to begin the fill. It looks like they are going to begin working in the fill area first so hopefully we will get some good weather so they can get that done as fast as possible because the road will have to be closed there just north of Lynch Road to raise the road. It will be raised about eight feet.

Commissioner Mourdock: Closed means, obviously, closed in its entirety not just closing down to one lane?

John Stoll: Right.

Commissioner Mourdock: How long do you expect it to be closed?

John Stoll: The entire contract time is 90 days. As far as a specific number of days of total road closure I don't really have that yet because they have not given us a breakdown of how long each work element would take.

Commissioner Borries: I am sure there will be some alternate routes. For example, if motorist southbound on Green River wish to go to Hirsch they could go what, east on Hirsch to Burkhardt?

John Stoll: Then south on Burkhardt. That will be the sign detour route. There will be signs that say Green River Road detour with Hirsch and Burkhardt being the detour. The signs will have Green River Road listed as well. It won't just say detour, it will be specific for the project.

Commissioner Borries: Good.

John Stoll: That is all I have.

President Tuley: John, I've got a copy of a letter from INDOT. It is just a memorandum. You were not cc on it, but just for your information it is from Stephen Dilk, Area Engineer, Local Transportation Section, Indiana Department of Transportation.

"RE: Just a reminder for using Consultant Selection Procedures when requesting federal funds.

We would like to take this opportunity to request your continual support in following your adopted Selection Procedures to the letter when consultants are required and federal funds are involved.

Specifically, when requesting proposals from consultants to accomplish the work, please solicit all Disadvantaged Business Enterprises that are in business for the requested work and appear on the Indiana Department of Administration Minority Business Development Division DBE Certification Directory. There is a copy of this directory in our office for your use if requested. It is updated quarterly."

This letter was not directed to the County Commissioners per se, but I think it was just a memorandum that they sent out to all counties just as a reminder. I'll just submit this to the Auditor's Office and if you want a copy of it they can give you a

copy of the letter.

John Stoll: Okay. We did adopt the revised procedures several months ago, but since we don't have any federal funds we won't be putting out any proposals any time soon.

President Tuley: That goes into the "does not apply at this time" category. Anybody got anything else for John at this time.

Commissioner Borries: No...just one item for John. I know he is aware of it and I've seen some small articles in the paper about it and at least questions and lest folks think that we are dragging our feet on this project do you want to kind of give some brief comments about Lynch Road and the Lynch Road extension?

John Stoll: Based on some conversations that I've had--

Commissioner Borries: I've asked you several times about it. I've been asked about it by several people so I know that you have been in contact with INDOT on this.

John Stoll: Yes. Steve Dilk, of INDOT, told me that basically they were inundated with projects trying to beat the metric conversion deadline so they've got more projects than they have federal funds available right now. So, as it stands right now they're telling us that the earliest that we will have any federal money available for Lynch would be November, but we don't have any guarantees that we will be on the November bid letting as of yet.

Commissioner Borries: I think it probably behooves all of us to stay in contact with INDOT on that and I continue to remain optimistic. Maybe I'm naive or a Pollyanna in this, but I hope that we can see some progress on it. It's a real shame that we can't, but that is the word that I had heard is that they, because of this metric conversion business...I mean, our money is in place.

Commissioner Mourdock: Why is the metric conversion even a factor in this thing? At one point, shortly after the renown Republican revolution that I was reading about in the paper that was one of the things that I thought repealed.

John Stoll: It doesn't matter for Indiana though. The state had already changed all their specs to metric so they are not going to change back. So really any plans that are done in English are, basically, obsolete and will have to be changed regardless of what Federal Highway did even though they extended their deadline to 2001, INDOT had already converted everything.

Commissioner Mourdock: So I was right in my recollection?

John Stoll: They did.

Commissioner Mourdock: The people in D.C. did, by definition at least, the right thing and it was just in the state that they pulled the plug and decided to keep going further into the swamp?

John Stoll: Even before that was done they had already switched, I think, the majority of their specs to metric so in order for all the LPA's to not have to convert their plans to metric they had to submit their plans by October of 1996. That is where the--

Commissioner Mourdock: What is LPA?

John Stoll: Local Public Agencies. So that is why they have the onslaught of projects.

Commissioner Borries: So they are swamped?

John Stoll: That is what they tell me.

Commissioner Borries: Well, we'll continue.

John Stoll: Probably among other things. I don't know if there are other things that provoked all those projects, but everything on our end is done. Bernardin Lochmueller has submitted the final plans, the county has submitted a letter requesting the loan, the interest free two year loan for the balance of whatever the bid is that comes in. It's the difference between our available local money and what bid comes in. Rose, down at EUTS, has submitted a letter to the state outlining how the federal funding would breakdown so we are just waiting for them to cut loose with some federal money which they are saying right now is backlogged until at least November.

President Tuley: So, in a nutshell, without us just staying on the phone to INDOT to try to keep this thing moving we've done everything locally that we can?

John Stoll: Right.

Commissioner Mourdock: I'm just glad the folks in Indianapolis a few years ago decided not to stick with the English pound and to go ahead and convert to the U.S. currency!

John Stoll: The one thing they take the lead on comes back to haunt them.

Commissioner Borries: Are you a father yet?

John Stoll: No.

Commissioner Borries: Very close, though, right?

John Stoll: They say July 30, but I don't know if it is going to last that long.

Commissioner Borries: Okay.

President Tuley: You or the pregnancy?

John Stoll: Yes.

Cindy Mayo: It's going to be a girl.

John Stoll: That is what they tell us.

Janet Watkins: Would it do any good to write INDOT, because can they grandfather those?

Commissioner Mourdock: The shift to move metric, do you mean?

John Stoll: Our plans are okay.

TAPE CHANGE

John Stoll: People are trying to beat it to make sure that they don't have to convert their plans is the way that I understand it. We don't have to convert this set of Lynch Road plans to metric so we are all right.

Commissioner Borries: Aren't our plans designed all the way to Burkhardt Road?

John Stoll: Right.

Commissioner Borries: So really what we are waiting on is the actual construction engineering is what we are talking about, laying the pavement?

John Stoll: Right.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill. Let the record show that Bill has submitted a Vanderburgh County Highway Department progress report for the Highway Department and the Bridge Crew for the period covering Friday, June 21, 1996 through Thursday, June 27, 1996 with work, apparently, around the county. Bill, you let me know last week, and we don't have to name the individual by name, but someone who stays on you constantly called you and thanked you for the job that was done on Old Henderson.

Bill Morphey: Old Henderson Road, yes. I've talked to him a lot, but I have never heard a kind word out of him until last Wednesday or Thursday. He called me about 6:30 in the morning and said that we did a wonderful job on Old Henderson Road. It was amazing!

Commissioner Mourdock: Bill, I see something on here about working on the lots and it brings to mind the situation that I mentioned to you last week when I got the letter about the tree that was taken down. Did we get that cleaned up?

Bill Morphey: I went by there and looked. Those trees have not come down yet. I had contacted the tree company that was going to take them down...I had asked for prices because we have to get three prices from all the different contractors or whatever contractors that are interested in taking the trees down. I had already awarded it to AAA Tree, but they haven't taken the trees down yet. He told me that he was going to get to it the Thursday before, but I had called him after this meeting last Monday night. I went out there Tuesday and the trees were not down yet so I called him on Wednesday and he said that his bucket truck had broken down and it was in the shop, but he would get it taken down as soon as he got his equipment back.

Commissioner Mourdock: What trees were down because the--

Bill Morphey: There was no trees down. There were some branches that had fell during a windstorm.

Commissioner Mourdock: Okay, the person who apparently wrote that letter felt that those limbs had been--

Bill Morphey: She evidently thought that a crew had taken them down.

Commissioner Mourdock: Were there that many?

Bill Morphey: No. There are three trees on the lot and there were several branches that had evidently come down during a windstorm or something.

Commissioner Borries: Are we finished with the culvert on Walnut and Radio?

Bill Morphey: No, sir.

Commissioner Borries: Still working?

Bill Morphey: Still working. We should be finished tomorrow with the section of Radio between 41 and Walnut and we have approximately a third of them done on Walnut between Radio and Campbell Road. It's moving right along. It looks real good out there.

Commissioner Borries: Good.

President Tuley: Any other questions?

Bill Morphey: Thank you.

President Tuley: Thanks, Bill.

RE: ALAN KISSINGER - COUNTY ATTORNEY

President Tuley: Alan.

Alan Kissinger: I just wanted to notify the Commissioners, basically, Carl Heldt sent me a letter requesting that he be paid separately on an appeal out of federal court. Carl handled this case, filed a motion for Summary of Judgement, argued the case and won a motion for Summary Judgement over in federal court. He did not ask to be paid separately on this case. Now they are allowing this individual, who was a prisoner in the Vanderburgh County Jail and is now a prisoner and I'm not sure where, but nonetheless this individual has a whole lot of time on his hands so he has decided to appeal and the federal court has allowed him to proceed in forma pauperis. In other words, he doesn't have to pay any fees or anything so it doesn't cost him anything to sit in his cell on a daily basis and process this appeal and Carl is stuck with defending the appeal. I would point out to the Commissioners that it is part of the contract that bond issues, protracted litigation, appeals, etc., are some of things listed that should be authorized for separate hourly payment. I would request that you give favorable consideration to authorizing separate hourly payment to Carl Heldt, Assistant County Attorney, in the case of Howard D. Coats versus Ray Hamner, as Sheriff, Federal Court Cause #EV95-214-C-R/H.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: I have received from the Indiana Department of Environmental Management, hereinafter referred to as IDEM, a packet of information which contains various items that eventually the Commissioners will be considering in reference to what is know as the ACORN proposals for ozone reducing measures. This thing is written in code. I received it on Saturday morning at my office and I am about to get through the definition section. Specifically, what Mr. Method provided to me, and to David Bunner who is working on parallel measures for the city of Evansville, are statutes and Indiana Administrative Rules dealing with specific counties. Floyd County, Clark County, Lake County, Port County, Porter County, etc., dealing with such things as low RVP fuel, and I thought I was going to be able to show you how smart I was and tell you what RVP was. Reid--

Commissioner Mourdock: Reid vapor pressure.

Alan Kissinger: --yes. I am reviewing this material now and I have met with David Bunner and he wants to meet with me as soon as he has had an opportunity to review it. I think this is one of those things that is not going to go quickly because Mr. Method also advised us that anything that we do on a local level is going to have to be approved at the state level. Informally, I was told that if we should propose certain ordinances specifically for Vanderburgh County that they may even...they don't know this is true, but they may even say, hey, instead of doing that why don't we do like we did in Floyd, Clark, Porter, etc., and just include Vanderburgh County in the state legislation. In some cases I think that we might want to consider that. In other cases, I think that we might want to be specific as to Vanderburgh County and certain limitations as to times and so forth as to when these regulations would apply. In short, it is going to be...we are caught in a bureaucracy that we cannot avoid. As a matter of fact, we can pass

these ordinances and my understanding is that if IDEM has not approved them in advance, then they can come in and basically tell us not to enforce the ordinances in the form that we have adopted them.

Commissioner Mourdock: It works several ways and that is certainly one of them. I'm certainly not being presumptive, you're the attorney, I'm not, obviously. We can pass ordinances in Vanderburgh County relating to the VOC emissions that we can enforce and we can do everything with, but the state's role in that is whether or not they would chose to include them as part of the SIP, State Implementation Plan, which is part of the Clean Air Act.

Alan Kissinger: Right.

Commissioner Mourdock: While, hopefully, everything that we do they do sign off on, I guess to me that even says more loudly that we need to keep the process moving because I will guarantee you to those folks who occasionally sit in this room and think that county government is slow, we all know how speedy state government is. We are meteoric compared to their pace.

Alan Kissinger: I agree. David Bunner and I have both talked and he has indicated that the city is anxious to have more information on this and his advice on implementation so he and I are going to meet. Probably, this is even going to involve a trip to Indianapolis. Mr. Bunner and myself will go to Indianapolis and meet with those people and see if we can get some more specific instruction. Well, you probably know more about this than I. I can tell you about the legal part of it, but I'm having to learn the technical part of it as I go through the legal. This is greek. Some of it is just greek. I think I could even write an ordinance and say, here is what it has to be boys, but I couldn't tell you why! That is merely a progress report on that to let you know that it has not been forgotten.

Commissioner Mourdock: On that subject, could you possibly provide me with a copy of all of that information that Jim Method sent down?

Alan Kissinger: I'd be glad to.

Commissioner Mourdock: I have to add as a footnote that twice this weekend under the Ozone Alert I was in...one time I was in the AutoZone on First Avenue and some other time I was somewhere in public and suddenly I overheard people talking about ozone which I thought was kind of interesting. All the discussions that have taken place with ACORN and, in fact, one lady I overheard say that she wasn't going to go down to Thunder, all those cars down there and it wasn't a good time to do that because of the ozone. The public is listening.

President Tuley: Good.

Alan Kissinger: Are you sure it wasn't just someone mispronouncing AutoZone? I know, people are aware of it and with good cause. It is relatively new in Indiana, but there are other states and they know the effects of ozone and they know the negative health effects, especially.

Commissioner Mourdock: That has been the fear of the last few days as we have started to move towards the one hundred and twenty parts per million. If we get up over that 120, then we have an economic development issue that will haunt us.

Alan Kissinger: Yes. That's all I have to report. If the Commissioners have any questions I will be glad to try and answer them.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Okay, Cindy.

Cindy Mayo: I have several deeds that have been prepared by the County Auditor's Office. This is for surplus property that we received in 1994, but there have been no title searches run on them. Donna Krowl, in the Auditor's Office, has been in touch with Keith Rounder and his recommendation is that we deed these properties back to the owners and run them through the tax sale procedure one more time. I believe there is about 30 of them to put back in the owner's name before we receive the property as surplus. There is a place on here for three signatures. I don't know if, perhaps, maybe just the President needs to sign?

Alan Kissinger: With deeds I think each Commissioner should sign. Does everyone remember the problem that we had previously in reference to these surplus properties? The proper procedure for declaring these things surplus properties, the court procedure, etc., was not followed. If it has not been followed here, and Keith Rounder says that we ought to go back through the procedure to get it done right, then I would recommend that you heed that advice.

Cindy Mayo: We have about 100 pieces of property that there have been title searches run on and after the tax sale is conducted in August?

Suzanne Crouch: August 12th.

Cindy Mayo: When Donna gets time she and I are going to work together to send out notifications and work on being able to sale those properties because they have remained in our name. But these are ones that Bill Morphey was glad to see us get rid of whatever we could so they don't have to cut the grass on them.

Commissioner Borries: I move that these Quitclaim Deeds be signed.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Cindy Mayo: I also have a deed from the Commissioners to the Evansville Housing Authority for surplus property. There were some deeds that went through last week's meeting also and there will be some more forthcoming. These are ones that there have been title searches run on, there has been notifications sent out, an order has been granted and this has attached where the Housing Authority has their title insurance in place. It has a copy of the title search work attached. They own property on either side of this so they would like to have this particular piece of property. I think they are going to go in and...there is a home on here. They are going to rehabilitate and do some work on the home and do whatever the Housing Authority does. I don't know if they rent or sell, I don't really know.

Alan Kissinger: I have reviewed the documents as far as the title searches and so forth that Ms. Mayo provided and they all do seem to be in order. It is not necessary that we follow our local ordinance in reference to this piece of property in consideration of the fact that this is a transfer to another governmental unit.

Commissioner Borries: I move that the transfer be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: That's all I have.

RE: CONSENT ITEMS

President Tuley: Okay, the next item is the consent items. The only comment that I would make under item 4D listed as consent is that I don't want any misunderstanding that if we approve the consent items as submitted that those are automatically approved.

Commissioner Mourdock: Can we just deal for the moment with consent items A through C?

President Tuley: I think that would be prudent.

Commissioner Mourdock: I'll move approval of the consent items which encompasses the employment changes, travel requests from the Health Department, Center Township Assessor, Knight Township Assessor, Auditor's Office and the Auditor's monthly time accrual report.

Commissioner Borries: I will second.

President Tuley: So ordered. I think at this time we can let the record reflect that there is CCD Funding requests for the 1997 budget. Apparently, there are two items mentioned in the request from the Coliseum. One from the Old Courthouse Preservation Society from Faye Gibson and there is also a request in tonight which I think the Auditor would probably like to discuss with us, or do you just want it submitted to be taken under advisement?

Cindy Mayo: The third CCD request is from Union--

President Tuley: Oh, Union Township Assessor's Office.

Cindy Mayo: --yes.

President Tuley: For some computer equipment, yes. So we actually have four. You told me that you wanted to make some comments?

Commissioner Mourdock: Yes, I did. Do you want to talk about yours, Suzanne, to just explain what it is?

Suzanne Crouch: Well, I apologize for the lateness of the letter. We were actually waiting and did not receive a second cost until this morning and this lateness reflects that. This is a project that I believe the Commissioners are very aware of and you all have been instrumental and being involved in bringing it to fruition. This is the next level and that is to acquire the hardware and software to actually put a timekeeping system in place within the county offices. After reviewing the report that I submitted or the letter if you have any specific questions I would be happy to try and answer them.

Commissioner Mourdock: I'll move approval of the CCD request as requested by the County Auditor.

Commissioner Borries: Second.

President Tuley: So ordered.

Suzanne Crouch: Thank you.

President Tuley: Now on the others, are we to take those under advisement?

Cindy Mayo: I will tell you that they have been because the budgets had to be submitted to the Auditor's Office--

President Tuley: As of today.

Cindy Mayo: --as of Friday. So that has been turned in, but that

does not and I told the departments that it certainly did not mean that you had approved that amount of money. I did not have the information in time to get it to you last week.

Commissioner Mourdock: My comments are regarding the CCD requests for both the Coliseum and the Old Courthouse and I'm going to sound probably rather radical here for a second. It jumped off the page to me as I read the request for the Old Courthouse that there was a recommendation, I believe, for \$187,000 for air conditioning and that comment was followed up by the statement that essentially said that if we make these \$187,000 worth of improvements then we will have a much more competitive series of office sites with the unstated there being of course that they are competing against a lot of private segment people who are out building office buildings and maintaining office buildings. In light of all the folks who have come before the last few weeks regarding drainage, particularly, and our need for money, the \$187,000 struck me with the question of why do we continue to own the Old Courthouse? Why do we continue to own the Coliseum? I don't know if there has ever been a conversation within this Commission as to the possibility of divesting of those properties, but with all the private management that is happening around the country I believe it is time that we stop and consider that as something that we need to look at. Again, \$187,000 for air conditioning may be the right price, I don't know, but the point is that we are basically using government to compete against people in the private sector. I don't see any good reason for holding on to those buildings and those facilities.

Commissioner Borries: Now wait a minute! I would just respectfully disagree to this point. Both of these structures are an integral part of the history of Vanderburgh County. They are both on the National Register of Historic Places. They, I suppose, make a statement about the county's past as well as having played some parts now in the county's future since we have had some county offices move back to the Old Courthouse. The Coliseum has, I think, in many respects become a model of what a group of Veterans or any kind of not-for-profit group can do to beg, borrow and steal to renovate. Now, the county has participated in several different renovation phases of the Coliseum, but much of what has been achieved at the Coliseum was achieved through the tireless efforts of the Veterans who operate it. In effect, they are operated by a private management of sorts because both groups, although they are not-for-profit, they are not paid for out of any county funds. Having said all that, I do share Commissioner Mourdock's concerns about the uses of all that money before we have a chance to look at the big picture on CCD Funds. I support uses and air conditioning of the Old Courthouse in those areas where it directly benefitted the workings of government, specifically in the wing where the Veteran's Service Officer and the County Highway Department are now there. As to whether that whole project should be undertaken, I want to spend some time to study that. These grand old buildings, I guess, are a dilemma in a lot of communities. If I were sitting here and said that this building where it sits should have been built and we should have abandoned the Old Courthouse looking back on it now, hindsight being 20/20, I'm not so sure that we should have. I think there could have been some tremendous renovations and some beautification done at that Old Courthouse that could have made it probably the most marvelous structure south of the Statehouse. You can really see the wonderful things that have been done to the Indiana Statehouse. This courthouse, Old Courthouse, is really magnificent. To put it on the auction block or to put it in the sale of some private hands, I don't know. I have some unsettling feelings about that.

Commissioner Mourdock: I certainly--

Commissioner Borries: I would kind of...I understand loud and clear what you are saying because I think that you are definitely on the right track there, but because they're so much a part of the

historical record of the county it just concerns me a bit to say to put them on the auction block.

Commissioner Mourdock: Probably there is no two people in this county who enjoy a good debate more than you and I.

President Tuley: I always like a tennis match!

Commissioner Mourdock: Your points are well made. I guess I wouldn't have even have thought to have said it if I did not know that they were on the Historic Register because, obviously, on that register it prevents a developer from coming in and knocking them down and turning it into a parking garage. I, too, recognize that there is a historical significance, but then I look at the Old Post Office. That is owned privately and yet it is a beautifully renovated structure, well maintained, well operated. The occupancy rate seems to be very high. Regarding county offices that are moving back in there, well, that is certainly true, but just last week or maybe two weeks ago we signed a lease for a building in Darmstadt for a county agency to go in to that had nothing to do with prior use. I don't know that it should effect us. In the end the debate isn't about air conditioning, certainly. It's just about should we have capital invested in a building like that which could otherwise be used for the business of government in providing services rather than just maintaining a structure? Obviously, there is a chasm between the two positions here, but that is my point. I think that if we can spark a healthy debate among the community on this issue, which is sometimes like pushing a rope I suppose, but it would be helpful.

Commissioner Borries: Well, what you say about the Old Post Office, I think, is certainly true. It has been renovated and certainly stands as kind of a model for what can be done.

Commissioner Mourdock: I believe that it's on the register, too.

Commissioner Borries: Yes, I'm sure it is.

President Tuley: It's also on the market again, too, isn't it?

Commissioner Borries: Yeah. I guess that I also come from a prospective that we had a wonderful old train station and part of it, at least one stone of it, sits in my side yard. I went down there and got this one piece when they tore that old train station down. With some of the other mediocre, shall I say...maybe that is the polite word...mediocre examples of architecture that have since replaced that particular structure, I guess I would have that fear. I would want to look long and seriously at how we do this, but I could never support the demolition of these buildings.

Commissioner Mourdock: The National Register basically says very strictly...in fact, to be quite honest, it probably limits somewhat the economic value of those buildings because it dictates what a new owner can do which was the purpose of that national act. Certainly, if we can find a way to best utilize our capital as any private individual or private business would--

President Tuley: What is our actual capital outlay on those buildings other than insurance?

Commissioner Mourdock: I don't mean it just in essence, I mean that those buildings have value. It may not be showing up on the books right now as value, but there is equity in those buildings.

Commissioner Borries: There is some substantial investment and offices that are going in on the jail portion which is going to be quite a nice asset. Well, yeah, lets see what we can do. We don't have any real ongoing cash outlays every year except as needed when we get these requests is the way it works. There has never really

been a kind of ongoing plan where we had that. I remember that we had to repair the cupola one year with helicopters and do some renovation on a deteriorated portion there.

President Tuley: Do we not have a long term lease on the Coliseum with the Veterans?

Commissioner Borries: The Veterans have a long term lease.

Commissioner Mourdock: Which would tend to make it more marketable, by the way.

President Tuley: Not at the price that it is leased at.

Commissioner Borries: What is it, \$1.00 per year?

President Tuley: Something like \$1.00 per year.

Commissioner Mourdock: That wouldn't help market it, would it?

President Tuley: I don't think so. You solicited a good debate and I think we'll get one.

Commissioner Borries: I commend your--

President Tuley: Thought process?

Commissioner Borries: --yeah, your thought process in all of this.

Commissioner Mourdock: With all of that, I do understand that we are--

Commissioner Borries: I tell you what, if there comes to be a super offer tomorrow from individuals as a result of our discussion, why I certainly could be persuaded as long as I know that they are going to be, I guess as you pointed out, as long as I know that the historical integrity of those buildings remain intact. Monroe County has done an excellent job of theirs. I guess Warrick County is now in the process of renovating part of theirs rather than building new.

Commissioner Mourdock: I believe that Monroe County's are all privately owned. Did they not go into the Koch Group, who renovated them? I think that is the case.

Commissioner Borries: I don't know. Is it still the Koch Group? They still have county offices that use it on a ongoing basis. They have not built a new structure as this one.

President Tuley: Let me ask then, will there be more discussion down the road?

Commissioner Mourdock: Perhaps, and I guess for now we are taking those CCD items for the Coliseum and for the Courthouse under advisement?

Commissioner Borries: Yes.

President Tuley: Yes and Union Township Assessor, John Bernard's letter. His was a--

Commissioner Borries: Shouldn't that go before the Data Processing Board?

President Tuley: Apparently he has been in contact with them.

Cindy Mayo: He has.

President Tuley: It makes reference to talking with Mr. Van Cleave

in terms of what they need and what the cost would be.

Commissioner Borries: Okay.

President Tuley: Okay.

Suzanne Crouch: I have a question. I believe that Cindy, and correct me if I'm wrong, but the budget was turned in for CCD was about \$300,000 for Commissioners.

Cindy Mayo: Right, and that included the hundred and some odd thousand for the Coliseum and the \$187...I turned in the full amount of the requests, but I did tell them that it did not necessarily mean that it would go before Council that way.

Suzanne Crouch: Two questions. One, obviously, we can amend that to include the...well, no. I guess my question is this, last year we advertised what was turned in and then at budget time we had monies--

President Tuley: Additional.

Suzanne Crouch: --yes, and we were not able, obviously, to honor those requests starting in January because the requests were greater than the amount that was advertised. So, would the Commissioners want us to advertise a little higher amount just to cover anything that would come up between the next few weeks and Council time?

President Tuley: I would recommend that, yes.

Commissioner Borries: Because you can't, as you know, you certainly can't raise it once you've advertised so I think that would be a prudent thing to do.

Cindy Mayo: That was what was turned in by this office. I think that Burdette turned in some CCD funding and the Sheriff's Department, I think, turned in some CCD funding.

President Tuley: So the \$300,000 was from the Commissioners only.

Cindy Mayo: Right.

President Tuley: I still think that we ought to follow the recommendation that we do go ahead and raise that just in case something comes up. We don't have to spend it just because it is advertised for that.

Suzanne Crouch: Cindy, do you want to let me know later what you all decide?

Cindy Mayo: Sure.

Suzanne Crouch: Thank you.

RE: SCHEDULED MEETINGS

President Tuley: Scheduled meetings. There is a County Council meeting this Wednesday at 3:30 p.m. The 4th is a holiday near and dear to all of us, Independence Day. The 8th, which is next Monday, there will not be an Executive Session because of a Solid Waste Board Meeting, but the Commissioners will meet at 5:30 p.m., however. Next Tuesday there is a Pigeon Creek Finance Committee Meeting at 2:30 p.m. on the 9th. That takes us through the rest of this week and next week.

RE: OLD BUSINESS

President Tuley: Under old business we have item 8A, Veazey

Parrott & Shoulders.

Commissioner Mourdock: I have some things to report here and I guess I will ask in the form of a motion, but just to bring you up to date I have had some discussions with Mike Shoulders. You will recall that from the initial presentation that was given to us I had some questions about a basically cost plus type contract. I did not feel comfortable with that. I wanted to make sure that we could negotiate something towards a fixed fee to better protect the county's interest. We have gone back and forth several times, and I am confident that Mr. Shoulders will agree with this in final form, but I am at the point where I would like to make a motion that we direct the county attorney to have discussions to formalize the contract for basic architectural and engineering services with Veazey Parrott & Shoulders to an amount based on five point three quarter percent of our estimated thirty million dollar cost. The one thing that I would specifically add to that motion that needs to be addressed in the negotiations is terminology regarding the definition of reimbursables. In a letter that we have received from Mr. Shoulders that question remains somewhat out there, but at least he has agreed to that fixed fee at the five point three fourths percent figure which I, having scanned the market a little bit and made some phone calls, believe for the basic architectural and engineering services that is reasonable.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Mourdock: The second item there are, for lack of a better word, additional specialized consultants that could well be utilized in the Auditorium project. Those include such people as acoustics, project cost analysis, kitchen planning and those types of things. I would like, and I put it in a motion, to direct the County Attorney to negotiate with Veazey Parrott & Shoulders that they are not to exceed costs for the sum of consultant services not to exceed \$500,000 and to negotiate a savings incentive with Veazey Parrott & Shoulders so that if they are able to bring in the cost at less than the \$500,000 we have a formula by which they benefit from those savings. In other words, giving them an incentive to save money on behalf of the county.

Commissioner Borries: Second.

President Tuley: So ordered. Other old business?

RE: NEW BUSINESS

President Tuley: New business?

Commissioner Borries: No.

President Tuley: Motion for adjournment?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

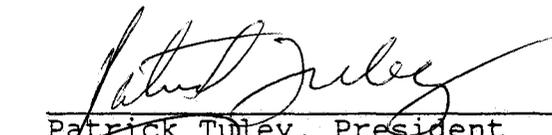
President Tuley: So ordered.

The meeting was adjourned at 6:55 p.m.

THOSE IN ATTENDANCE:

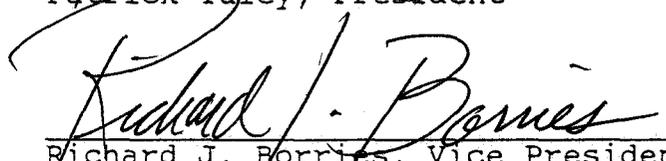
Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne Crouch  
Charlene Timmons  
Leroy Walther  
Mike Wathen  
John Stoll  
Bill Morpew

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



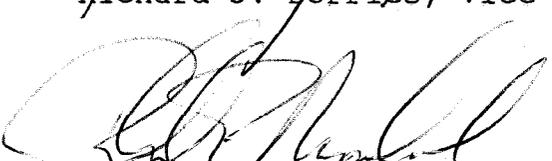
---

Patrick Tuley, President



---

Richard J. Borries, Vice President



---

Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

MINUTES OF THE  
VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
JULY 8, 1996

TABLE OF CONTENTS

Introductions & Pledge of Allegiance .....	1
Approval of minutes .....	1
Public hearing regarding proposed adult usage zoning .....	1
Michael Lockard - P.U.R.E.	
Roger Lehman - P.U.R.E.	
First reading - Amendment to County Personnel Policy .....	16
regarding county vehicle use	
Ken Sumrall - Willow Creek Subdivision .....	18
John Parillo - Willow Creek resident	
Bruce Hatfield - Willow Creek Development Corporation	
Dan Swidron - Willow Creek resident	
Bart Gander - Willow Creek resident	
John Stoll - County Engineer .....	22
Keystone Subdivision, Section 3 - street plan approval	
Fulton Avenue Bridge Plans	
Council Call	
Supplement agreement - Lynch Road right-of-way services	
Willow Creek Subdivision .....	26
Dan Swidron - Willow Creek resident	
Bill Morphew - County Garage .....	27
Progress report from Highway Department and Bridge Crew - June 28 through July 4, 1996	
Alan Kissinger - County Attorney .....	29
Ozone update	
Enhanced access update	
Cindy Mayo - Superintendent of County Buildings .....	32
Letter from Susan Kempf requesting 3 month leave of absence	
Consent items .....	32
Employment changes	
Travel requests:	
Auditor's Office (4)	
Auditor's Office:	
Submitted monthly financial report	
Approval of accounts payable vouchers	
Submitted statement of salaries and wages	

Scheduled meetings .....	33
Old business .....	34
New business .....	34
Agreement between five local counties and PIC	
Doug Briody - Bowers, Harrison, Kent & Miller opposing liquor permit to Revco Drug Store 800 North Main Street	
Adjournment .....	39
Attendance and signature sheet .....	40

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS MEETING

JULY 8, 1996

The Vanderburgh County Board of Commissioners met in session this 8th day of July, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:45 p.m.

RE: INTRODUCTIONS & PLEDGE OF ALLEGIANCE

President Tuley: Okay, we'll open the meeting for July 8th. As a point of introductions, to my far right is Cindy Mayo, she is the Superintendent of County Buildings and our office manager; to Cindy's immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, County Auditor; to her immediate left is Charlene Timmons, who is Recording Secretary; I'm Commissioner Pat Tuley. Before we really get started, last meeting we had trouble with people saying they couldn't hear what was going on so those of us up front will try to speak into the mike and those of you at the podium please speak into the mike. The other problem that we had was that there were a lot of sidebar conversations going on amongst the Board members and in the audience, so if everybody would cooperate we will see if we can put this in to a situation where everybody can hear what is going on. If you would, please stand with us and say the Pledge of Allegiance.

RE: APPROVAL OF MINUTES

President Tuley: Okay, there are agendas or at least there were, I assume what I see over there are still additional copies for anybody who would like to have an agenda. We will follow the agenda as it has been printed. The first item on the agenda is the approval of the minutes from last week's meeting.

Commissioner Borries: Mr. President, I move that the minutes of the last meeting held July 1, 1996 be approved as engrossed by the Auditor.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

RE: PUBLIC HEARING - PROPOSED ADULT USAGE ZONING ORDINANCE

President Tuley: Item 4B is what I think that several of you that are here are here for. It's the public hearing regarding the proposed adult usage zoning ordinance. Tonight was the night that was scheduled to have the public hearing and that is what we are going to do. Alan, do you want to take the lead on this?

Alan Kissinger: I was going to let Mr. Lehman take the lead on this.

Roger Lehman: I'll pass it on to Mr. Lockard who is our spokesman.

Alan Kissinger: Briefly, obviously, this is one of the public hearings that is required before the county can adopt an ordinance to change the zoning laws in Vanderburgh County. Mr. Lehman and...I apologize, I forgot your last name.

Michael Lockard: Lockard.

Alan Kissinger: Mr. Lockard has been through this procedure with

the City Council and Mr. Lockard, or the group that Mr. Lockard represents, P.U.R.E., which is the acronym for Pornography Unwanted by the Residents of Evansville, have submitted a large work very well put together entitled Observations Concerning the Need for Regulation in Adult Entertainment Facilities in Evansville and Vanderburgh County. That document contains, it appears, 15 different categories and all of these things are appropriate for consideration by the Commissioners and the other Boards required to have hearings in these matters. The categories included are sexually oriented business regulation, a brief thesis on the necessity for control; Evansville ordinance submission; P.U.R.E. adult entertainment regulation proposal; model obscenity statute; letters from local residents supporting such an ordinance; regulation of live adult entertainment; the Evansville City Council submission; how to legally stop nude dancing in your community, authored by the National Family Legal Foundation; Pornography, a report; American Family Association; a land use study from the National Law Center for Children and Families; a law memorandum on sexually oriented businesses, National Law Center for Children and Families; the Indianapolis adult entertainment study; research and information on adult entertainment; state statutes regarding obscenity, pornography and nudity; pornography statistics and dangers; case law relating to pornography and adult use ordinances. I recommend that the Commissioners incorporate this document into the minutes of tonight's meeting and make it a part of tonight's meeting. All of these categories, these 15 categories mentioned, are appropriate categories and some required categories for consideration by the Board of Commissioners prior to taking to the next step in adopting this zoning ordinance. Now, Mr. Lockard.

Michael Lockard: Thank you. I apologize for the length of this. This was received by our group from Mary Arnold, from the Redevelopment Commission, and we have taken kind of a lead from them when it comes to going through this particular ordinance passage of what is required, for lack of a better word, by law to make sure that it survives any kind of constitutional challenge. What they did was is that they took...in your books it is in Section Six, which is the study locally by Kevin Winterheimer, City Attorney for Evansville. He originally titled that "Dealing with live entertainment", however, after the meetings with the city they did progress out to include all forms of adult entertainment. What they did at the City Council Subcommittee Meeting on the adult usage is that Mary went through just the highlights of each section of that ordinance which is what we are going to go ahead and read through tonight. I will give a copy later of this so that it can be incorporated as well because it is a page by page summary.

Alan Kissinger: Thank you.

Michael Lockard: So, it is in Section Six, which is titled "Live Adult Entertainment Facility Study Summary". On page one it identifies the terms used to refer to adult entertainment facilities where nudity and sexual acts are emphasized. Some of the negative secondary effects are identified with the moral concerns of communities starting to emerge. On page two it defines that adult business is a very big business. Newsweek, in August of '88, reported an eight billion dollar gross. Local elected officials generally try to regulate adult business because of political pressure, but not planning their legal needs. The most complex are centered on issues of constitutional law and free speech guarantees of the First Amendment. The First Amendment guarantees freedom of expression which extends to sexually oriented media. Federal cases usually go before tenured judges with

significant First Amendment knowledge while state and local judges are usually elected and less familiar with the intricate issues of First Amendment law. On page three there are four basic ways to regulate adult business. Number one is the obscenity doctrine. Number two is zoning ordinances. Number three is licensing and number four is nuisance doctrine. The supreme court has upheld cases involving municipalities that single out adult uses if the municipality could show a substantial public interest in regulating such uses unrelated to the suppression of speech and that the regulations allow for a reasonable number of alternative locations. The courts will strike down any attempts to regulate because of objection to sexually explicit message to exclude all adult uses through an outright ban, excessive requirements or undue discretion in the hands of the officials who review applications. On page four the courts have also upheld separation from sensitive land uses and dispersal when the criteria for measurement can demonstrate the ordinances aimed at deterring the negative secondary effects of adult businesses. Municipalities do not have to undertake their own studies if local officials reasonably believed the findings from other cities were relevant to their own community and problems. In order to use the findings of another community the local City Council must be given a written report summary of the studies relied on and an oral presentation of the findings of the report, which is what we are doing here tonight. A city may also rely on input from city planners, law enforcement, realtors, personal observations, experiences of legislative bodies and local public hearings to provide local support for the findings. On page five the Supreme Court has stated that government may not effectively deny adult businesses a reasonable opportunity to open and operate, however, they must fend for themselves in the real estate market on an equal footing with other prospective purchasers and lessees. The courts have further stated that land with physical characteristics that render it unavailable for any kind of development or legal characteristics that exclude adult businesses may not be considered available for constitutional purposes. Cities may impose significant location restrictions on adult businesses to avoid undesirable secondary effects, but may not effectively ban the businesses by exiling them to location that presents insurmountable physical, legal or economical barriers to operation or development. The courts have also held that regulation need only refrain from denying adult use operators a reasonable opportunity to open and operate their businesses and are not entitled to more than equal protection. On page six, by Indiana State Statute I.C. 35-45-4-1 anyone knowingly or intentionally appearing in a state of nudity in a public place commits a public indecently, a Class A misdemeanor. Nudity is the showing of human male or female genitals, pubic area or buttocks with less than a fully opaque covering. The showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state. Nude dancing is expressive conduct protected by the First Amendment. The statute is not aimed at the erotic message conveyed by the dancing, but sought to ban all public nudity whether or not it is combined with expressive activity. The court has stated that governmental regulation is sufficiently justified if it passes the established four part test for evaluating governmental regulations that incidentally effects expressive activity. The four parts are as follows: 1) it is within the constitutional power of the government, 2) it furthers an important or substantial government interest, 3) the governmental interest is unrelated to the suppression of free expression, and 4) the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.

Indiana statute restricting nudity on moral grounds was determined to be unrelated to the suppression of free expression. Further stated was that the state was not proscribing nudity because of the erotic message, but was only making the message slightly less graphic by requiring dancers to wear pasties and G-strings thereby addressing the evil it sought to prevent - public nudity. It was not dancing that the state prohibited, but the public nudity. On page seven Justice Souter viewed the statute as a substantial governmental interest in combating the secondary effects of the businesses offering nude dancing as entertainment. State and local governments have been given the green light to bar nude dancing on public morality grounds, however, the regulations must be aimed at preventing harmful secondary effects of the adult use. On page eight, licensing provisions raised significant First Amendment problems because licensing imposes a prior restraint on the freedom of expression. A prior restraint was found because rather than penalizing expression after it occurs, licensing prevented the expression from occurring in the place. While licensing can be upheld as a form of regulation the appropriate safeguards for time limitations at city official discretion must be strictly identified. When judging constitutional sufficiency of an adult ordinance the courts examine several issues including: is the ordinance content neutral? The ordinance should not prohibit adult businesses all together, but may restrict their location if the purpose is to protect the city's retail trade, maintain property values, protect and preserve the quality of the city's neighborhoods and the city's commercial districts and protect the city's quality of life. Page nine, content neutral time, place and manner regulations will be upheld if they serve a substantial governmental interest and do not unreasonably limit alternative avenues of communications. Ordinances will be struck down if the requirements are applied exclusively to adult uses and the only apparent purpose is to suppress protected speech. Again, a community may rely on experiences of another community when adopting its ordinance so long as whether evidence the city relies on is reasonably believed to be relevant to the problem that the city addresses. Page ten, guidelines to follow when enacting adult business regulations are: 1) Officials must recognize that the only permissible goal of adult business regulations is the reduction of their undesirable secondary effects. 2) Local officials must exercise caution if relying on other communities findings other than their own. Officials must be able to demonstrate that they gave consideration to those findings. 3) Local officials must ensure that adult businesses are left with an adequate number of sites that are either zoned for commercial development or are generally suitable for some form of commercial entertainment. 4) The courts will give local officials sufficient leeway, but not total latitude when enacting regulations to address the public health concerns such as preventing patrons from engaging sexual activity on the premise. An ordinance should include the purpose stated, the in-house experience used in determining governmental interest, the findings on the number of alternative sites, the existing studies that apply to the ordinance and surveys performed by consultants to support the negative secondary effects. Page eleven, comparable. Most communities use zoning as their regulator. Page twelve, bibliography and cited cases, resources for the material compiled for this report. Page fifteen, case findings. *Young v. American Mini-Theatres, Inc.*, anti-skid row zoning. *Young* sustained the ordinance that zoned only adult bookstores and theaters since they were defined in terms of the content of the material that they sold and exhibited. Classifications based on sexually explicit material are permissible, but they advance significant governmental interest and

leave open reasonable alternative channels of communication. The courts also upheld the ordinance requiring adult uses be separated through other uses through distancing requirements so long as they were not so restrictive as to raise the effective preclusion issue. *City of Renton v. Playtime Theatres, Inc.* This case was treated as a time, place and manner regulation which had to be content neutral. The purpose of the viewpoint neutral ordinance was to preserve the quality of urban life which was unrelated to the suppression of speech. The standard of constitutionality for content neutral is whether it serves a substantial governmental interest and whether it allows for reasonable alternative avenues of communication. The court stated that the First Amendment did not require a city to conduct new studies or produce new evidence independent of that already generated in other cities. The court also upheld the distancing requirements so long as they were not so restrictive as to raise the effective preclusion issue. Page sixteen, *Woodall v. City of El Paso*. The atypical effect of the distancing requirements on adult businesses was to require all 39 existing business to totally relocate. *Topanga Press, Inc. V. City of Los Angeles*. Topanga established guidelines for determining when a site located in manufacturing and industrial zones may legitimately be considered to be potentially available for adult businesses. First, they must be reasonably accessible to the general public and second, they must have a proper infrastructure of sidewalks, roads and lighting. Third, they must be reasonable sites for some commercial enterprise. Sites not reasonably available were warehouses, swamps and sewage treatment plants. *Alexander v. City of Minneapolis*. As subsequent ordinances restricted adult businesses to a single district comprising of 6.6 percent of the cities total commercial acreage. The courts will usually uphold ordinances that restrict adult uses to certain zones and or that preclude them from other zones as long as they are not so restricted as to raise the effective preclusion issue. Page seventeen, *FW/PBS, Inc. v City of Dallas*. The courts held the licensing requirement could be treated as content neutral under *Renton* and thus needed to comply only with the relaxed time, place and manner standard since the ordinance was aimed at the secondary effects of the businesses. For licensing to be valid it must expressly limit the time a locality has to act on a license application. The time limit must be explicit, either by its terms or by authoritative state court interpretation and it must be reasonable. *Smith v. County of Los Angeles*. The court held the conditional use permits for adult businesses so deficient in providing objective guidance so vague that it constitutes an invalid prior restraint. *Fantasy Book Shop v. City of Boston*. The courts held the ordinance unconstitutional since the city interpreted the ordinance to give it added authority to reject licenses in the exercise of its general police powers. Page eighteen, *Arcara v. Cloud Books, Inc.* The state authorized the closing of the bookstore because it was being used as a place for prostitution or lewdness. The court upheld the closure. Modern nuisance regulations employ two basic remedies: 1) The blanket injunction preventing any further activity of the kind found to be a nuisance. 2) The padlock order closing down the property on which the nuisance was conducted for a period of time, usually one year. *Barnes v. Glen Theatre, Inc.* In wishing to present totally nude dancers there was a challenge to the statute prohibiting nudity in public places and requiring the wearing of pasties and G-strings. The question of nonverbal conduct was raised. The question to resolve the issue can be answered in order: 1) Is there a message? 2) If so, what it is? 3) Is that message protected under the First Amendment? 4) If so, may it never the less be regulated in the manner and under the circumstances at issue? Government's interest

in regulating alcohol outweighed the owners' and patrons' right to provide and view nude dancing. New York State Liquor Authority v. Bellanca. The court held that the Twenty-first Amendment authorizes states to regulate nude dancing in places serving alcoholic beverages. Page nineteen, studies, the Indianapolis study 1983. The city of Indianapolis, Indiana researched the relationship between sexually oriented businesses and property values and the relationship between crime rates and sexually oriented businesses, cabarets, arcades and massage parlors. Appraisers overwhelmingly felt that an adult bookstore located in an neighborhood would have a negative impact on residential and commercial property values within one block of the site. The negative impact dissipates as the distance from the site increases, therefore, by three blocks from the bookstore its impact would be minimal. Major crime occurred at a rate higher in areas which had sexually oriented businesses and that sex related crimes were higher in those areas with sexually oriented businesses. The Los Angeles studies, 1984. The LAPD released their study that the number of sexually oriented adult establishments in Hollywood increased from 11 in 1969 to 88 in 1975. During the same time, the rate of crime increased more in the Hollywood area than the rest of Los Angeles. Minneapolis study, 1980. The Minneapolis study examined the effects of the sex oriented and alcohol oriented adult entertainment on property values and crime. The study found a close association between sexually oriented businesses, high crime rates and low housing values in the neighborhood. Control variables, such as income were inserted. It was unclear whether the sexually oriented business caused a decline in property values. However, the study found a stronger relationship between sexually oriented businesses and crime rates. It found that the crime rate index is positive and significant regardless of which control variable was used and sexually oriented businesses continue to be associated with higher crime rates. The study concluded that the addition of one sexually oriented business to a census tract will cause an increase in the overall crime rate by a factor of 9.15 crimes per 1000 people per year even if all other social factors remain unchanged. Page twenty, the Phoenix study, 1979. This study compared three areas with sexually oriented business with three control areas with similar demographics and land use characteristics, but no sexually oriented businesses. The study found property crimes and sex crimes higher in the areas with the sexually oriented businesses. It also showed the area with the greatest concentration of sexually oriented businesses had a sex crime rate over 11 times as large as a similar area having no sexually oriented businesses. Page twenty-one, neighborhood associations. Two neighborhood associations have adult businesses within their boundaries here in Evansville. Jacobsville has Club Playboy, Lucky Lady and Teezer's. Star has Chances R. Page twenty-two, Appraisers. The appraisers who addressed the question of devaluation of real estate stated a generalization could not be made. Several factors would have to be looked at including the surrounding area of property values, the extent of the business, the reputation of the business and what homes were selling for before and after the establishment of the business. Page twenty-three, Realtors. The realtors who commented on the devaluation of real estate made generalized statements that property values decreased. However, no one provided hard evidence to support their claim. What seems to be perceived, perception can be very real. Page twenty-four is the negative secondary effects. A list of some of the negative secondary effects which can be considered when evaluating the issue of the need for an ordinance to regulate adult entertainment businesses. Page twenty-five is the incident reports. The Evansville Police Department provided the data for

COMMISSIONER MEETING  
JULY 8, 1996

7

the incident reports from 1993, 1994, and January through October of 1995. On page twenty-six is the Area Plan Commission. A letter from Ms. Barbara Cunningham, Executive Director Area Plan Commission, reporting on the approximate land areas in C4 or M zonings would be at least 500 feet away from churches, schools and residential areas. The most recent calculations resulted in an area of approximately 2,311 acres or 8.87 percent of the city. This is only an estimate to provide general information since there are several variables that would have to be considered if an exact acreage percent is necessary.

Commissioner Mourdock: Excuse me, time out. You need a breath, anyway. The numbers that you were just giving, the 2000 acres or eight percent. That is saying how much of that acreage is within 500 feet of one of the two existing facilities that you were referring to?

Michael Lockard: That is how much would be available for adult use. There are, I don't know how many thousands of acres comprise the entire city, but that is the amount remaining that an adult use could locate into.

Commissioner Mourdock: Eight percent?

Michael Lockard: Right, 8.87 percent and that is within the city. The county...I know Alan has directed them to apprise a county map. I don't know what figures she came up with, but I know that she was working...Barbara was working on that.

Commissioner Mourdock: That's in a 500 foot radius?

Michael Lockard: She looked at several different schematics. One being 500, one 1000 and one 1500, I believe, and gave a variable percentage for the county.

Commissioner Mourdock: But within the city that eight percent was based on 500?

Michael Lockard: Yes, 500, that is correct.

Alan Kissinger: That figure is going to change for the county. In the city the 500 feet is appropriate because of the density of population and we will not be so restricted in the county because of the lack of density in population.

Michael Lockard: The final...and I'm paraphrasing here, but I think that the final total that the city came up with was somewhere in the tune of about seven percent because they used two different distances. They have 500 from churches, schools and parks and 1000 from residential so that did alter the schematic somewhat. I think as soon as they get the CAD system going it will be able to give a pretty much exact percentage of it. Alright, appendix. Acronyms and abbreviations and definitions supplied by the Evansville Police Department as a supplement for the incident reports. Time and costs to defend an ordinance. The following information has been provided by the cities identified in the cases. In most cases, the cities contacted were no longer able to answer the question of time and/or cost due to personnel changes and the work being done entirely in-house. Those who were able to reply stated that the challenges were time consuming and costly. Time ranged from three to four months at the local level to an excess of ten years for the U.S. Supreme Court. Costs were in a range from five thousand dollars for local cases to one million dollars for U.S. Supreme

Court cases. Alexander v. City of Minneapolis was ten years with no dollar amount. It was all done in-house. Taping Press v. City of Los Angeles was five years and four hundred to seven hundred thousand. Fantasy Book Shop v. City of Boston, no time but seven hundred and twenty-five thousand dollars. City of Renton v. Playtime Theatres, no time, but one million dollars. FW/PBS, INC. v. City of Dallas, five years and no cost. City of National City v. Weider, seven years, five hundred thousand. That completes that portion with the study. The other portion, and I'm not sure what tab it is in there, but it is from the National Law Center for Children and Families. It is the land use studies that are so important to document why or what areas that we received documentation and information on that we can relate to the local area. The land use study, and I am going to give a very brief summary on each one of these. You have entire pages on each one of these summaries.

Alan Kissinger: It is in Section nine.

Michael Lockard: Section nine? Thank you. The Phoenix, Arizona study, May 25, 1979. The study examines crime statistics comparing areas which have sexually oriented businesses to those that do not. This study was significant for covering the issue of property crimes more extensively. The results showed that the number of sex offenses were 506 percent greater in the neighborhoods where sexually oriented businesses were located. Indecent exposure was the most common offense and the largest contributor to the increase in crimes. Without considering indecent exposure, the number of other sex crimes such as rape, lewd behavior and child molestation was 132 percent greater than in the control areas. Property crimes were 43 percent higher and violent crime was 4 percent higher in those areas with sexually oriented business. Tucson, Arizona, May 1, 1990. The police department investigative services sent a memorandum to the city prosecutor describing events and activities at adult entertainment establishments that "Demonstrated the needs for stronger ordinances". The report cited a wide variety of illegal sexual conduct in virtually all businesses. Employees were arrested for prostitution and obscene sex shows. Dancers were prostitutes where customers for a price could view them performing live sex acts. Customers were allowed inside booths with dancers where they were encouraged to disrobe and masturbate. A fifteen year old was the youngest underage dancer. Officers found puddles of semen on the floor and walls and if tissues were used, they were on the floor or in the hallway. Fluid samples were collected on two occasions. The first instance found 21 of 26 or 81 percent tested positive for semen. The second found 26 of 27 or 96 percent positive for semen. "Glory holes" between adjoining booths facilitated anonymous sex acts between men. Garden Grove, California, September 12, 1996. Independent consultants looked at whether adult businesses should be regulated because of their impact on the community in terms of crime, decreased property values and diminished quality of life. Statistics were measured from 1981 to 1990 and included crime data and surveys with real estate professionals and city residents. The findings were as follows: crime increase significantly with the greatest number of serious offenses, homicide, rape, robbery and assault, burglary and theft. The greatest impact in the decline of property values was in single family residences located within 200 to 500 feet of the business. The chief factor in the decline was the increased crime associated with the adult businesses. Nearly 25 percent of the random sample of citizens surveyed lived within 1000 feet of an adult business. Of that, 21 percent cited specific personal experience with problems associated with the adult businesses.

Eighty percent that they would want to move if a business opened near them and 85 percent support city regulation of the location and 78 percent strongly advocated the prohibition of adult businesses within 500 feet of a residential area, church or school. Women expressed fear for themselves and their children. The report concluded that adult businesses have a real impact on everyday life do to harmful secondary effects. Number four, Los Angeles, California, June, 1977. City planning studied the effects of the concentration of the sexually oriented business on surrounding properties from 1969 to 1975, a time of proliferation of such businesses. A report focused on five areas with five control areas free of the businesses. Data came from property assessments, sales, public meetings, responses from questionnaires and crime statistics. While the data did not conclusively show a relation of property valuations through the concentration of sexually oriented businesses, more than 90 percent of the realtors, real estate appraisers and lenders said that a grouping within 500 feet of residential property, or 1000 feet, decreases the market value of homes. The public cited fear, concern for children, loss of customers, difficulty in hiring employees and the necessity for churches to provide guards for their parking lots. More crime occurred in the concentrated areas than city-wide. Pandering, 340 percent; murder 42.3 percent; aggravated assault 42.5 percent; robbery 52.6 percent; purse snatching 17 percent. Street robberies having the face to face contact increased 70 percent. Category two assaults, forgery, fraud, etc., increased 42 percent more in the study areas over the city as a whole. Whittier, California, January 9, 1978. The City Council commissioned a study of the effects of adult businesses on adjacent residential and commercial areas. Whittier had 13 adult businesses, including six motel studios, four massage parlors, two bookstores and one theater. The study compared two residential and four business areas over a span of ten years, 1968 to 1977. The comparative year was determined to be 1973. After 1973 57 percent of the homes in the adult business area had changes in occupancy compared to only 19 percent in non-adult business areas. Residents complained of excessive noise, pornographic material left laying about, exhibitionism and drunk drivers in the area. For businesses, the area with the most concentration of adult businesses showed a 134 percent increase in annual turnover. In the comparable area with no adult business a 45 percent decrease in turnover was experienced. In the area of crime the adult business area had a 102 percent increase while the entire city had only 8.3 percent increase. Malicious mischief rose 700 percent; assaults up 387 percent; prostitution up 300 percent; and theft increased more than 120 percent. Ten types of crimes were reported for the first ever in the after adult business study period. Indianapolis, Indiana, February of 1984. The city compared six sexually oriented business study areas and six control locations. They both have high populations of low income and older residences. The city collaborated with Indiana University on a national study of real estate appraisers to determine valuation effects of the sexually oriented businesses on adjacent properties. Crime in the study areas increased 23 percent and sex related crimes rose 20 percent over the control areas. Residential areas had a 56 percent greater crime increase and sexually area crimes were four times the rate than commercial areas. Homes appreciated at one half the rate of homes in the control areas and one third the rate of the city. The city as a whole had 50 percent decrease denoting a high occupancy turnover in the study areas. Appraisers noted residential value depreciation was greater than commercial depreciation in the study areas. The study concluded overwhelmingly that adult entertainment businesses have a serious negative secondary effect on their immediate environment.

Minneapolis, Minnesota, October of 1980. The report was divided into two sections. The relationship of bars with crime and the impact of adult businesses on neighborhood deterioration. For this study, an adult business is one where alcohol is served, including restaurants or sexually oriented businesses such as saunas, adult theaters, bookstores, rap parlors, arcades and bars with sexually oriented entertainment. Census tracts were used as study areas and evaluated for housing values and crime rates. Housing values were determined by the 1970 census compared to the '79 assessment. Crime rates compared 1974-1975 and 1979-1980. The report concludes that concentrations of sexually oriented businesses have significant relationships to higher crime and lower property values. A recommendation was to prevent adult businesses next to residential areas and an adult business should not be adjacent to one another or even a different type of late night business i.e. a 24 hour laundromat or movie theater.

Cleveland, Ohio, October 24, 1977. Captain Delau, commander of the City's vice and obscenity enforcement units, reported at the national conference on the Blight of Obscenity in Cleveland July 28-29, 1977 on the crime statistics for 1976 for robberies and rapes. The evaluation was done by census tract. Cleveland had 26 pornography outlets whose location were not regulated by city zoning laws. The study tracts where the sexually oriented business located had nearly doubled the number of robberies as the city as a whole, 40.5 percent compared to 20.5 percent. One study tract with five sexually oriented businesses and 730 people had 136 robberies while the city's largest tract with 13,587 people had only 14 robberies. In the three tracts where the high incidents of rape at 41, it was nearly seven times the city average of 2.4 rapes per census tract. A much higher tract was identified where pornography outlets are located.

Oklahoma City, March 3, 1986. The study contains the results from 34 respondents of a survey of Oklahoma City real estate appraisers. The appraisers were given a hypothetical situation which presented a residential neighborhood bordering an arterial street with various commercial properties. One vacated building would soon be occupied with an adult bookstore. No other sexually oriented business were in the area and no other vacant commercial space existed. Thirty-two percent said that the bookstore would decrease home values by at least 20 percent. Seventy-six percent said that an adult bookstore would negatively effect other businesses within one block. The level of depreciation is greater for residential than commercial and the negative effects on property value dropped sharply at three blocks. The findings support results from other national surveys and surveys on the negative secondary effects on property values, particularly residential property.

Amarillo, Texas, September 12, 1977. The Police Department provided an analysis of the areas of concentrated adults only business and had two and a half times the street crime as the city average. The Planning Department concluded that concentrations of these businesses have detrimental effects on residential and commercial activities caused by noise, lighting and traffic during late night hours and increased opportunity for street crimes and the tendency of citizens to avoid such business areas. The study noted the lack of zoning regulations would lead concentrations of sexually oriented business or more such business locating near residential or family and juvenile oriented activity sites such as churches and parks.

Austin, Texas, May 19, 1986. This study examined crime rates, property values and trade area characteristics which were the basis for developing an amendment to an existing sexually oriented business ordinance. The report focused on sexually related crimes. To determine the effects of the businesses on property values, the city sent surveys to 120 real estate appraising or land firms. For trade characteristics, three

businesses: a bookstore, theater and topless bar were observed on a weekend night to determine customer addresses. Sexually related crimes ranged from 177 to 482 percent higher in the study area than the city average. In study areas that had two sexually oriented business the rate was 66 percent higher than the study areas with only one business. Eighty-eight percent said a sexually oriented business within a one block of a residential area decreases the values of homes. Thirty-three percent said that depreciation would be at least 20 percent. Such businesses are seen as a sign of neighborhood decline and underwriters were hesitant to approve the 90 to 95 percent financing most home buyers require. Of the 81 license plates traced, only three lived within one mile of the business. Forty-four percent were from outside of Austin, one significant recommendation was to limit businesses to the highway or regionally oriented zone districts and that required dispersion. Beaumont, Texas, September 14, 1982. The City Planning Department encouraged amendments to existing adult business ordinances to include eating and drinking places featuring sexually oriented entertainment, strippers, etc. Zoning laws required adult uses to be located 500 feet from residential areas, 300 feet from another adult use, and 1000 feet from a church, school, park or recreational facility where minors gather. Police verified that bars, taverns and lounges, especially with sexually oriented entertainment, are frequent scenes of prostitution and the sale and use of narcotics. Houston, Texas, November 3, 1983. The report by the committee on a proposed regulation of sexually oriented business determining the need and appropriate means of regulating such businesses by conducting public hearings. The testimony provided by residents, business owners, realtors, appraisers, police and psychologists. The Law Department then directed a proposed ordinance and held additional public hearings before being voted on by the City Council. Testimony was summarized in to six broad premises. The rights of individuals were affirmed, sexually oriented businesses can exist with regulations that minimize adverse effects. The most negative effects were on neighborhood protection, community enhancement and property values. Problems increased when businesses were concentrated and businesses contribute to criminal activity and enforcement of existing was difficult. The ordinance required a permit with a nonrefundable application fee, distancing requirements, amortization period that could be extended indefinitely, revocation of permit for employing minors, blighting appearance or chronic criminal activity and false permit information and age restrictions. Very last is Seattle, Washington, March 24, 1989. The report concerns a proposed amendment to add topless dance halls to existing regulations for adult entertainment establishments since six of the eight such dance halls had been established since '87. A number of reports from other cities were used as supporting documents. The increased numbers of adult cabarets resulted in citizen complaints and petition drives. Protests cited decreased property values, increased insurance rates, crime fears and that most often the patrons were not from the community. Additional findings identified increased police and emergency vehicles were not conducive to healthy business and residential environments. The recommendation was that cabarets be located in the same zones with adult motion picture theaters. I apologize profusely for having to stand here and read through all that, but unfortunately that seems to be what the courts have stated is that it must be a completely oral presentation summing up the basic premise of the case. Thank God I didn't have to read that entire book! We'd be here until next week. One nice thing about reading all that is that I'm not going to say a whole lot tonight. The only thing that I would say is that I would urge you to take advantage of the law foundation

that I told you about. They will offer a free legal opinion on any regulation that you write. This is made up of an organization of Attorney Generals, State Attorney Generals, Judges and Court Administrators that have years and years of experience in dealing with this. Some of them are pioneers in this field of doing this type of legal work. All you have to do is just write them a letter. It has to be on a municipal letterhead and they will offer you an opinion. It won't cost the county anything, so, I don't think there is anything wrong with asking their help. They might have something that will be an insight that we may not normally have here in Indiana.

Alan Kissinger: Did you...I'm sorry.

Michael Lockard: Go ahead. The other thing is, and this comes from the ordinance that was filed with the city, that we would hope that you would do one additional thing that the city so far has not put in there, but we are still proposing to them. There are a few things that these adult businesses utilize and sell that are not protected by the First Amendment because it is not an expressive activity. One of them is the sell of pornographic devices, is how I think they describe it. I'm not going to go in to what they are, but they are listed in there several times over. The city and the county can, I believe, enact a outright ban on those and make that efficient and effective towards current businesses. The main reasons it that it is a health concern. You can regulate them due to that. Along those lines, and I'm talking with the Weights and Measures Inspector to work on this, you can also regulate so that there are no doors on the peep shows for a health and safety concern. The city is looking at it, but they haven't put it in there yet and we hope that you will put it in there from the very beginning.

#### TAPE CHANGE

Michael Lockard: That is about all that I have for you tonight.

Alan Kissinger: I, for one, would like to thank you for all the hard work that you have put into this. You have made my job much, much easier. Let me ask, do you have any timeframe of how soon we could get a response from the law foundation if we sent the ordinance for a legal opinion?

Michael Lockard: When I spoke to Ms. Larue, she indicated that they cannot give an exact time because they have to look at these as they receive them, but it probably wouldn't take too long.

Alan Kissinger: Okay, thank you. Can you tell us about the distances that are being looked at?

Michael Lockard: I think Barbara did prepare a map looking at 1500 because that is what we originally said in here, so we would hope that 1500...in that section, I think it is Section two or three, which is the P.U.R.E. proposed ordinance. We have in there several additional proposals over and above what Kevin has in here, such as parks, schools, churches and residential. We have a couple of others that I hope that you all will look at and consider.

Commissioner Mourdock: That was going to be the nature of my question because I looked back at my notes and it was February 12th when you were here before. At that point, we were talking about two different distances, 1500 feet for what you just mentioned, schools, churches, public buildings and then the notes show that we

talked about 500 feet for residences in the county.

Michael Lockard: That's the thing, as you know, a matter of seeing...we know that we can't restrict them out of business. That is where cities get in trouble. If we can survive with a higher distance it would be nicer and I think more protection, but it is just a matter of what the zoning map ends up looking like when it is all said and drawn out as to how much distance we can give. The last that I talked to Barbara there is a tremendous amount of percentage available for them even based on 1500 because of the open farmland which is open for them to go into. If they want to build in the middle of a farm, they can do that so it creates a tremendous amount of area that they are open to if they wish to build on that infrastructure.

Commissioner Mourdock: The National Law Center that you referred to, are those folks out of Virginia Beach?

Michael Lockard: No. They have two offices, one in Washington, D.C. and one in California. I'm not sure exactly the city, but I think it is Santa Ana, California.

Michael Lockard: Any further questions?

Alan Kissinger: Not from me, but once again, I want to offer my thanks for your very good work here.

Michael Lockard: I apologize that you guys have to carry that around with you.

President Tuley: You had to bring it here!

Alan Kissinger: You can bring it over to the house!

Commissioner Borries: Thank you, very much for your comprehensive work.

President Tuley: Comments by other members of P.U.R.E. or any other individual or groups represented?

Roger Lehman: My name is Roger Lehman and I live at 1220 North Red Bank Road. I am a member of the P.U.R.E. organization, which we don't have any officers or anything we are just all members so everybody is on equal footing within our group. I would just like to encourage the Commissioners to act in as rapid a manner as possible in keeping with the good sense of staying with what the city is doing so that we end up with a comprehensive rule that is enforceable and is the same or as close to the same as the city's. I would, however, say that if the city is not willing to go as far as you feel that they should then the county enact some additional requirements keeping the basic requirements the same, but enact some additional requirements that might apply only to the county. I don't really know what happened many years ago, but I know that there used to be massage parlors in the county and there were some rules put in place that were evidently constitutionally sound and now we have those places no more. We feel like with something going on in the city it is going to make those businesses look to the county and we want the county to be prepared to not regulate them out of business, but to make sure they follow all the rules and are located in places that are acceptable for that type of activity. The further away from schools and churches and houses the better. I know one issue is residentially zoned property versus residentially used property because the majority of the

residences in the county are in agricultural zones, they are not in residential zones and I know that is going to be a problem. I would hope that if the residentially zoned map creates an area of 50 percent of the county still available that we could place some method or restriction in there that would place limitations on distance from residentially used property, also. In the city that is almost impossible to do, but in the county, again, with the vast amount of land that is available for rezoning and development that might be a possibility. I would just ask the Commissioners to keep that in mind. We appreciate your support and we know that you all are in favor of regulating this business in a proper manner and doing what the majority of the citizens in this county want to do. We appreciate it.

Alan Kissinger: Mr. Lehman, if you all have the same status, then in the future I can refer to you as President Lehman!

Roger Lehman: No, no, no! Member, member.

Alan Kissinger: Oh, Member Lehman?

President Tuley: Any other individual or group?

Alan Kissinger: I would ask, and Beverly I'm not trying to put you on the spot, but Beverly Behme is here from the Area Plan Commission and I would ask her to address the Commissioners briefly on the interest of the Area Plan Commission in keeping this ordinance as close to the city ordinance as possible and why the Area Plan Commission has that interest.

Beverly Behme: I'm Beverly Behme, Area Plan Commission. I do have a copy of the city ordinance and we know that there is going to be differences between the city and the county just with the large area that we have. We would from an enforcement standpoint it would be much easier on the three investigators of the Planning Commission to keep it as closely as you can to the city. It is not going to be exactly the same, it can't be. As far as the zoning classifications...I don't know, have you seen a copy of the city's?

Alan Kissinger: The city ordinance?

Beverly Behme: The city ordinance.

Alan Kissinger: Yes.

Beverly Behme: Because the zoning classifications are C4, M1, M2 and M3 with a special use is the way the city wants it. The city ordinance is on the agenda scheduled for the Area Plan Commission recommendation at the August Plan Commission meeting. If it comes out intact then it will go to the City Council for final approval. If there are changes it will ping-pong back and forth until we come up with one with single document. Only as an enforcement and the fact that almost all of the ordinances that we have other than specific agricultural uses are exactly the same as the city.

Alan Kissinger: Thank you very much.

Commissioner Mourdock: Alan, just to clarify something, and I'm not looking to get a law degree here so maybe the answer can be fairly simple, but I heard Mr. Lockard speaking of basically two methods by which restrictions could be applied. One, being licensing and the other being zoning. Would, as Beverly just mentioned, a zoning with a special use, is special use in that context considered a

license?

Alan Kissinger: No, it isn't. There could be a requirement of both a license and a special use permit. The license would be outside of Area Plan Commission's jurisdiction because it would not be a zoning matter at all.

Commissioner Mourdock: Yeah, I know it would be, but I was just wondering if we are in a defensible position as a city and county so that if someone said that we are simply trying to keep this out by a licensing process that we can say, no, this is not in fact a license it is an act of zoning. So, you are saying that special use is not a license so I guess that answers that question.

Alan Kissinger: That is correct. A special use is not, as such, a license.

Michael Lockard: Along those lines, that is something that we had some discussions with Kevin Winternheimer, City Attorney and Barbara Cunningham, from Area Plan over which one would be better. Special use versus a brand new zoning. There was some talk of using, I think they called it a C5 zone was debated because with this special use zoning it is almost a totally different approval method. With the special zoning you would have to literally apply to rezone that area from whatever it is and they're saying C4 and above to C5 and you would have more than one voted meeting to go through whereas if you just go through a special use zoning it goes to the Zoning Board, they vote on it and it is done with. Whereas, if it is going to be a brand new zone, such as a C5, Area Plan has to look at it and then, I think, City Council or whoever votes on it. It was debated back and forth and Kevin decided to go with the special use which was the way he went with it.

Beverly Behme: If I may add something here? With the Board of Zoning Appeals the special use is a stacked on classification. In other words, you have to be zoned properly in order to apply for the special use. The Board of Zoning Appeals is a Board that is appointed, they are not an elected Board. It is also the one Board that makes decisions on special uses and variances. You may not contact that Board on any item that is on an agenda so there wouldn't be any public contact other than the meeting itself. You couldn't write the Board and if you do the process that we use is that if anyone wants to contact the Board they send it to our office and we give it to them the night of the meeting and that is the only way that you can really talk to the Board. Everything has to be done the night of the meeting. A zoning classification there would be the Area Plan Commissions involvement which would only be at the zoning part whereas now you would need...say if it was a piece of ground in an agricultural zone they would have to at least petition for C4 and after the zoning, if the zoning was granted, then they would have to go to the Board of Zoning Appeals for a special use. So if it were a zoning classification it would go to the Plan Commission and then it would go to--

Commissioner Borries: Here. This Board or City Council.

Beverly Behme: --right, correct.

President Tuley: Anybody else? Any comments from Board members? Do you have a comment that you would like to make at this time?

Commissioner Mourdock: No, I will just be anxiously awaiting what the summary of the proposed ordinance will be. I think we

discussed on February 12th that there seems to be a consensus here to do this and I think we just need to make sure that the wording is correct and that it will withstand any kind of constitutional argument.

Commissioner Borries: Let me thank you, too, to add that to our record for your...to Mr. Lockard for his, again, extremely comprehensive work. I believe that you are headed in the right direction. I underlined a sentence that certainly, I think, puts us on some sound legal ground having to do with the aspect of distances that regulated problems associated with these types of facilities and are not intended to limit or deny access by adults to articles protected by the First Amendment. So, you have separated the issues between the constitutional issue of free expression with the First Amendment and talk about it in the aspects of zoning which I think that certainly citizens can properly understand. Your work is excellent. I would also want to concur and say that I think that it makes solid sense to follow the City Councils ordinance as close as possible, first of all in the interest of time, but then to make those adjustments that we feel are appropriate in the county.

President Tuley: Not to belabor this, but, Mr. Lockard, you and your group have done an excellent job and I really appreciate your time and effort. I don't know what you do for work, but if you are as dedicated to your work as you have been to this project then your boss must be one happy person.

Alan Kissinger: He is self employed!

Michael Lockard: He stays pretty satisfied.

President Tuley: We thank you for all your time and effort and it is going to make our job much easier.

Michael Lockard: Since starting with this group this is my first ever involvement with anything with the government in any way and it has been an extreme pleasure to work with all of you. Your support and comments and your ready acceptance of the information that we've given you is a good reflection.

President Tuley: I guess that concludes the public hearing.

**RE: FIRST READING - AMENDMENT TO COUNTY PERSONNEL POLICY CONCERNING  
COUNTY VEHICLE USE**

President Tuley: Let's continue on if we might. Item 4C is the First reading on the use of county vehicles.

Alan Kissinger: I think, as the Commissioners are aware, what this does is, basically, it amends our personnel policy setting out specific guidelines for the use of county vehicles by county employees. It could perhaps be more detailed, but then by the same token I think that it is specific enough to cover the intent of the Commissioners in wanting to control the use of these vehicles and it is also broad enough that it is not going to be the type of thing that someone is going to have to come back and read every time they want to go use a county vehicle. It is to the point, but by the same token it is broad enough that it will be easily understood. I believe that the ordinance will certainly accomplish the goals that the Commissioners had in mind when they proposed--

Commissioner Borries: We don't have it.

President Tuley: We don't have it.

Alan Kissinger: You don't have it?

Commissioner Mourdock: Yeah, do you have your copy?

Alan Kissinger: No, I don't.

Commissioner Mourdock: The last that I saw it was about six lines long and I just wanted to make sure that we got the same wording.

Alan Kissinger: Yeah. Well, I'll get you one. I will also tell you that these readings are sometimes (inaudible), but at least tonight we found out that in this reading we need to make sure we have a copy of the ordinance. Quite frankly, I don't know where it is and I'm not pointing fingers, but I am relatively certain that I gave the original copy to somebody at this table the first night that it was introduced. However, I will get another copy of it and if anyone finds it in their pocket they can turn it in and no names will be taken. Basically, the ordinance says that county employees are to drive county vehicles only directly in relation to official county business. If they are take home vehicles, then the vehicle is for transporting the designated employee to and from his or her employment with the county and during the course of employment, once again, for official county business. It does not restrict them from taking the vehicle, for example, to lunch if they are going from lunch to another area where they are going to do county business. By the same token, it does not make it a lunch vehicle or a break vehicle. It also requires that the vehicles be marked specifically with some kind of county marking and I think that Commissioner Borries recommended that the county does have a logo type of marking and that would be appropriate for most vehicles. I think that Burdette Park has just clearly put Burdette Park on their vehicles and that would certainly seem to be satisfactory there since those vehicles normally stay within the park. As I said, it is specific enough to do the job, but it is general enough to be easily understood.

Commissioner Mourdock: Without a copy of the document here, can we have a first reading?

Alan Kissinger: Sure.

Commissioner Mourdock: One question, going back to what you just said about the marking of vehicles. I think your words were, with few exceptions. It is my understanding from the copy of text that I saw that the only vehicles that would not be clearly marked would be a few vehicles within the Sheriff's Department, is that correct?

Alan Kissinger: The Sheriff's Department is specifically excepted from this ordinance. Primarily because the Sheriff has certain marked vehicles that are marked pursuant to state statute and there is an obvious understandable need for the Sheriff to have vehicles that are not marked so they are specifically excepted. Those are the only vehicles that are accepted. Community Corrections, etc., are not excepted and should be marked in the same requirements and they should follow the same requirements as any other county vehicle.

Commissioner Borries: Without any changes, I'll move that the amendment to the Vanderburgh County Personnel Policy regarding the security and use of county vehicles be approved on first reading.

Commissioner Mourdock: I'll assume in good faith, obviously, there is no other reason to have it any other way that the last copy that I saw is still the effective one.

Alan Kissinger: It is. I have not changed it in any way.

Commissioner Mourdock: I'll second.

President Tuley: Under the same assumption, I will so order.

**RE: SANDRA SUMRALL - WILLOW CREEK SUBDIVISION**

President Tuley: Item 4D, Sandra Sumrall.

Ken Sumrall: That is my wife and I would like to stand in for her if you don't mind. This may be at a different part because it is really in relation to Willow Creek Estates, if we want to do that later down the agenda or I can go ahead and make my presentation at this time.

Commissioner Borries: You requested to be on the agenda.

Commissioner Mourdock: If you would, state your first name, too, please.

Ken Sumrall: My name is Ken Sumrall, I live at 9010 Marfield Court in the Willow Creek Subdivision. I and some of the residents, some of my neighbors, have determined that we would work with Mr. Hatfield and get some of our problems out of the way and we've had some success. I'm here to really report that we've had some success with this. Basically, in the retention pond, the upper retention pond which has been much discussed, we have, in working with Mr. Hatfield, been able to with the contribution from neighbors with labor, money and equipment we have been able to clean out this pond so that we would improve the pond to have better maintenance access and to improve the appearance of it and the working of it. We have basically accomplished this task in the past week. We brought in the equipment needed to perform the task of cleaning out the large amount of sediment that had infiltrated into this pond, virtually rendering it useless and almost impossible to maintain. We, the neighbors around this pond, have every intention of maintaining where our properties join this pond. We have every intention of maintaining this pond, keeping it clean and keeping it neat looking so that it will compliment our homes instead of being a mosquito pond or whatever it had degenerated in to. I am happy to report that we basically completed this project this week. We have a few things to do. We have increased the ponds capacity in probably the neighborhood of 30 to 35 percent. We have sloped the sides to the proper 3:1. We've sloped the dam 3:1. We've increased the basic width of the dam to be able to get rid of some of the sediment. We had to be able to have some place to put it. We put a great deal of it and increased the dam capacity. The basin itself is complete and ready to accept water if it should rain. We've been pumping on it so that it would work and now it is ready to accept water at any time. The work that remains consists, basically, of the final grade around the top of the dam and around the apron that adjoins our yards. We still have that to complete. When we were working on it this past four day weekend some of it was so gummy that we really couldn't complete that part. We really wanted to get the basin finished and we are in the process of completing that. I think that truly this week we ought to be able to complete this thing and get our aprons done and get the last of the top of the dam. The sides of the dam are

complete, it's right on top where we put some of that gummy stuff, the wet clay, was really, really tough to work with. The work that remains is that. We will seed and straw the areas that were disturbed. We will seed and straw those immediately and make it look decent. We are going to be able to mow it. We will be able to get to all of it and mow it and keep it neat and functional. From this improvement, we believe the subdivision as a whole will benefit from this improvement through improved drainage, improved capacity and certainly higher property values because it won't be just a hole in the ground. Certainly, it is going to enhance our properties that adjoin it. There are five properties that adjoin that and those people have been working with us on it in providing labor and manpower, money and equipment. We feel like we've had a lot of success working with Bruce on this particular project and also we are helping him on the adjacent property to mine, I don't know what that address would be, but anyway it is an area where he had to put a pipe in and we worked on that. He put the pipe in and we worked toward filling that with some of the overflow from the cleaning out of the sediment. As I understand, he has got some more pipe to put in there so this is an ongoing thing here, too. We will continue to help him if he requires additional help. We feel like if we can help him and give a little assistance in labor and things and encourage it seems like we can get a little more out of him and get a little more of what we need to have done. We feel like, also, that he has made a good effort to comply since his license was reinstated. He has made a lot better effort to comply with the laws in trying to keep the subdivision going. I even saw him out on Saturday cleaning the street and maintaining the silk fences and cutting some weeds. Now, that's a shocker! That is progress, I've got to say. After talking with some of the neighbors, I thought that most of them had seen a great improvement in his compliance efforts. I'm not here to really get on the bandwagon, but I think that we have had a lot of improvements out there. I know that some folks won't agree with what I am saying here tonight and certainly we've had some people who have been much more involved down here than I have and early on it helped us a lot. It brought the problems and the tensions to you folks and you guys were able to get a lot of things done for us and put the pressure where it needed to be and I certainly appreciate those efforts. It seems that we don't agree, a lot of us don't agree with everything that some of the folks are saying and that some of the folks are trying to do. I just wanted you to know that they don't necessarily speak for all of us. Some of them may disagree, but they don't really speak for all of us. We have no committee or we have no homeowner's association at this time. We do hope to have one and I do think that will help us a lot when we get to that point where we can organize and have a democratic homeowner's association. I want to see this subdivision completed. I want to see all the houses built. I want to see all the streets done in a professional manner that way all the residents can have a quiet and a clean place to live. I guess that is why I am here tonight is to report that we are trying a different track here. It seems to be working and I would like to see the thing completed.

President Tuley: I only have one question. The improvements or changes that you guys are helping out with, is that with guidance from Soil and Water Conservation or the Surveyor's Office?

Ken Sumrall: We've had guidance from Bill Higgins and we've had some guidance from Mike Wathen. We want to do it exactly right. We went into this, of course, with Bruce's help and all of us and we wanted it to be right the first time. We've made two runs at it and the weather got us last fall and we weren't able to complete

it. Then we got caught up in this licensing thing and it kind of got stopped for a moment until we could get going so we have jumped back into as soon as it got dry. My God, it rained for half of the spring, you know.

President Tuley: I don't mean to sound--

Alan Kissinger: You don't need to tell us!

President Tuley: Right!

Ken Sumrall: Yeah, I'm sure the Drainage Board had plenty to do during that time. Anyway, I think that we have made quite an improvement. To end on a positive note and to give you a little positive news anyway.

President Tuley: Thank you.

Ken Sumrall: Thank you.

Commissioner Borries: That is certainly refreshing.

Commissioner Mourdock: Just so that I know, Mr. Sumrall, all the folks in the back row, are you all together there?

Ken Sumrall: Yes.

Commissioner Mourdock: Okay. Do the rest of you wish to say anything? You're free to or not.

John Parillo: I'm John Parillo and I live at 9014 Megan Court. I am not part of the elect Bruce Hatfield for Mayor Committee, but I just wanted to say that the issues that we've had that we've brought up to Bruce have been corrected in an expeditious manner. We had lousy weather in the spring and we had mud, but that was expected and it didn't surprise me. When we have tried to work with him everything seems to work out pretty well. I don't know who and I don't really care who has been saying the problems that we were having, but from my personal experience I haven't had them. That if we do hear of great amounts of problems coming out of Willow Creek I would like for you know that they don't represent the views of the entirety because I for one don't see any big problems. Thanks.

President Tuley: Thank you.

Commissioner Mourdock: I hope you are not declaring candidacy here!

Bruce Hatfield: No way! Bruce Hatfield, President of Willow Creek Development Corporation. Your department heads have brought up something that will come up in the Drainage Board soon. They had a concern about some of the new pipe that I was able to put on to make a couple of places better. They had some suggestions to go ahead and put some more on and I just wanted to, working with Mike, make a statement that we will put it in with the final drainage plan for Section D and when that is approved we will do that first and then move on. It is not a large area, but it will help me, too, so it is a two-way street there. I just wanted it on the record so that Mike would know that we do plan to do it the minute that the Drainage Board approves it.

Commissioner Mourdock: Could you be a little more specific, Bruce? Are you changing pipe diameter?

Bruce Hatfield: No, John Stoll gave me permission to add some pipe that went to the lake, the upper basin, and we took it so far out and they suggested that we take it all the way to the lake which I agree with. John let me add some pipe on two lots, I think it is 45 and 46, and Mike would like to see us connect those two. It would eliminate all erosion problems in the future and it would help two lots of mine, too. Just wanted to make it public. I can't go ahead and do it without Mr. Jeffers' permission to do the right channels, I will submit it with the final of Section D and I told Mike that we would start that before we even get to Section D. You might want to get a letter out to me on that. I just wanted it on the record that I will do it.

Mike Wathen: Mike Wathen, Soil and Water Conservation. You guys received a letter from Bill Jeffers dated June 24th. I think it outlines pretty well what is expected of Mr. Hatfield in order to comply with his office. In that letter it also addresses some concerns that I had and Bruce has pretty much identified those this evening in what he just said. We need a pipe extended to the pond all the way to the pond itself so that there is no opportunity for there to be a discharge at the outlet of the pipe and create an erosion problem. We also need pipe added at the lot immediately north of the pond and across the road so that there is not an opening there creating an erosion problem between and I also think there is potential for somebody to get drawn in there if the water was real high, like a small child or something. Those are the two main items that we need to have done and as long as we can get those things done then we won't have a problem with that part of it. What Bruce referred to was just a letter that looks like it was addressed to the Drainage Board. This is the first time I've seen it myself. Is there a problem with me giving him a copy of that? Basically, it just states what he needs to do.

President Tuley: I think it would be wise to give it to him.

Commissioner Mourdock: Sounds like a good idea to me.

Bart Gander: Bart Gander, 9209 Marfield Court in Willow Creek. We are all making statements for the record and my statement is that I have been here on several occasions and I don't feel like I have done anything wrong. I am a resident of Willow Creek. The violations that have been corrected are being corrected and still need to be corrected and still need to be addressed. I'm not going to disappear until it is all done or I sell my house, so if anyone disagrees with that then that is fine. I live in the subdivision and I expect the things that are promised to be done to be done. I'm going to keep fighting until it is over. Thank you.

Dan Swidron: Dan Swidron, 9200 Hannah Court. I do want to start this on a positive note. Yes, we have come a long way as homeowners. We've seen some positive corrections being done, but it is a constant battle. We still have many unresolved issues, building code violations, letters from homeowners that has to be addressed, regular subdivision violations. We've come a long way to get to this point, however, there is one issue that I do want to bring up, since Mr. Sumrall brought up about the pond. Back in '94 Mr. Kissinger said that no one should dig out the pond. There shouldn't have been a contract between Bruce Hatfield and the neighbors that live on the pond. However, they did make the contract with Bruce that they will dig out the pond. However, it was also brought up that the homeowners that don't live on the pond do not want to maintain that pond and there was supposed to be a letter from Bruce Hatfield and Toby Shaw at that time stating that

the homeowners on the pond would maintain the pond. We haven't received the letter yet. The plat has to be changed showing that it is the homeowner's, because it is personal property, on the pond are responsible for the maintenance of that pond if anything goes wrong even though it is taking in subdivision water, we will not be responsible for that pond. I think that is, to be honest, something that should be done by the homeowners on that pond and Bruce Hatfield. Thank you.

**RE: ANY GROUP OR INDIVIDUAL WISHING TO ADDRESS THE COMMISSION**

President Tuley: I think we are ready for 4E.

Commissioner Borries: I would just like to thank all of the residents that came in tonight. It certainly is refreshing to hear some comments that have to do with working together because I think as Mr. Sumrall seems to indicate by his comments you can either be part of the problem or part of the solution and he is certainly working in that area. I certainly commend you for what you are doing and, in fact, it will make for a better subdivision because your quality of life and those that choose to sell their property, or whatever, will have, I think, the subdivision will have a much better reputation and certainly a much better future if everybody decides to work together on this.

Commissioner Mourdock: Ditto.

President Tuley: Thanks for coming in all of you. Okay, under item 4E, now is the time for any group or individual who wishes to address the Commission and does not find their name or topic for discussion listed on the agenda, now is the time to come forward. I don't see, I don't think, anybody else. Anybody else here under that category?

**RE: JOHN STOLL - COUNTY ENGINEER**

President Tuley: Okay, we are down to department head reports. John Stoll, you are the first one up.

Commissioner Mourdock: John looks surprising well rested, I might add.

John Stoll: She just came home today.

President Tuley: What did you have?

Cindy Mayo: A little girl.

President Tuley: Oh, did you have a little girl?

Commissioner Borries: Congratulations!

**TAPE CHANGE**

President Tuley: Before you get to business, share to the rest of us that don't know her name.

John Stoll: Jessica Leigh. Yeah, she was born July 3rd.

President Tuley: Congratulations, mom and dad.

Commissioner Borries: It's John, Jennifer and Jessica now?

John Stoll: It gets worse if you hear the rest of my family's names. They are all J's. The street plans there are for Keystone Subdivision, Section 3. These plans are asphalt streets with curb and gutter just like to first two sections of Keystone. The plans have been reviewed and I would recommend that they be approved. The main street in the subdivision will have a thicker pavement section than the side roads just for the simple fact that it will probably have some traffic that cuts through those streets once it does connect up to Heckel Road. There is an increased pavement section on Cobblefield Drive, but the rest of it is the standard county road section.

Commissioner Borries: Your recommendation then?

John Stoll: To approve the plans.

Commissioner Borries: So moved.

Commissioner Mourdock: I will second and note that again this week I heard some more good things about this particular subdivision. They seem to do an outstanding job.

President Tuley: That is what I have been hearing. So ordered.

John Stoll: The mylar there is the cover sheet for the Fulton Avenue Bridge plans. They're finally done to the extent that we need signatures on the cover sheet.

Commissioner Borries: Oh, man.

President Tuley: If I could dance I would stand up and do it!

Commissioner Borries: Oh, man. Let's sign these quickly.

Commissioner Mourdock: It was rumored that this would happen someday!

Commissioner Borries: This is really some good news.

Commissioner Mourdock: You've reviewed the plans and recommend the acceptance of the bridge plan?

John Stoll: Right. We've just got a draft set of plans and the plans will eventually have to be reviewed and approved through the state.

Commissioner Mourdock: I'll move preliminary acceptance of the bridge plans for the Fulton Avenue Bridge.

Commissioner Borries: I will second.

President Tuley: So ordered.

John Stoll: One step at a time.

Commissioner Borries: Is this part of the federal project? So, essentially we are looking at what kind of a match on that?

John Stoll: This would be 80/20, but since we will be requesting Federal Bridge Funds there is no guarantee that we'll get the Bridge Funds just for the fact that state policy has been that bridges within urban areas are not the highest priority for bridge monies. We've succeeded in getting bridge money on Ohio Street and

Franklin, but there are no guarantees on this one so that is why the funding issue is kind of up in the air on this still.

Commissioner Mourdock: Someday someone will have to explain to me the logic of why a rural bridge is of greater importance than an urban bridge.

John Stoll: If you read the policy that is not what it says.

Commissioner Mourdock: It's how you interpret it.

John Stoll: It says something along the lines of a certain percentage of the money has to be spent on roads that classified rural, minor collector or lower. Nowhere does it say urban bridges are not entitled to the money. I can't make sense of it.

Commissioner Borries: This is certainly good news and this indicates that it is 100 percent done assuming state approval.

John Stoll: The next item that I've got, I would like to go before County Council to request appropriation of \$1000 in the Engineering and Equipment line item in Cum Bridge. That \$1000 will be to cover a software upgrade for AutoCAD and I would also like to request an appropriation of \$133,380 in the Road and Street Fund in to a Traffic Engineering line item. The Traffic Engineering Department has typically been funded out of the County Highway Fund, but since there were some shortfalls and the State Board of Accounts zero out a lot of the line items in Highway so there is no money in the Highway Fund to cover the county's share of the Traffic Engineering Department so we found out that we would just go ahead and put this in the Road and Street Fund.

Commissioner Mourdock: What is the source of the funds?

John Stoll: Pardon?

Commissioner Mourdock: What budget item is it coming from into the Road and Street Fund?

John Stoll: It would be just an appropriation in to the Road and Street Fund. It used to be paid in the County Highway Fund, but there is no money available there and there is some unappropriated money in Road and Street so we've created a line item and will appropriate the money out of the Road and Street fund.

Suzanne Crouch: John, aren't you all looking at putting that line item in Local Roads and Street budget for 1997?

John Stoll: Right, that change was made last Friday, I believe.

Commissioner Mourdock: I'll move approval of the request for Council Call.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I've got an supplemental agreement for Lynch Road right-of-way services. This is for Phase 1 of the Lynch Road. This supplemental will increase the original contract amount by \$831.25 and the reason the supplemental is needed is due to some additional time that was spent by the consultant in trying to finalize the Marathon parcel right-of-way out there at the corner

of Oak Hill and Lynch. The original agreement did not cover all the hours spent on that parcel and it went to condemnation and there has been quite a bit of negotiations going on and this \$831 is just to cover the increased expense of that parcel.

Commissioner Borries: So moved for approval.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: The final item that I've got is a letter that we need to send to the state regarding right-of-way acquisition of Lynch Road. It is just a letter that certifies that we will follow their applicable procedures on right-of-way acquisitions since the construction of Phase 2 of Lynch will eventually be funded with federal money. We are just certifying that we will follow all the guidelines that they have established.

Commissioner Borries: I'll move that the letter be signed.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: That's all I have.

Commissioner Mourdock: A quick question on Green River Road. I haven't gone back to my notes and haven't looked at the minutes from the last week either in this regard, but there was a brief discussion, I believe it was last week, on Green River Road and the length of time that the road was going to be closed for repairs?

John Stoll: Right, it is a 90 work day contract.

Commissioner Mourdock: But did you not say that the road would not be closed the full 90 days?

John Stoll: We don't have that. I haven't had a chance to talk to Blankenberger Brothers to find out specific time frames as far as when they anticipate the road to be reopened so I don't know that at this time.

Commissioner Mourdock: Did I have an out of body experience here then? Did that discussion take place?

John Stoll: We did talk about it last week.

Commissioner Mourdock: I thought the discussion came up, and I've got the minutes so I can check and I'm not looking to find fault, but I've just gotten several calls about it being closed 90 days and it was my recollection that it was as you just said the period for the work, but that the road itself wouldn't be that entire period.

President Tuley: I think I had an out of body, too. I think, unless it was a different road, I thought we said that it wouldn't be totally shut down or something.

Commissioner Mourdock: Right. That is exactly right. We were talking about lane control.

President Tuley: Was that a different road than Lynch?

John Stoll: Green River will have to be totally shut down because the road is going to be raised about eight feet.

Commissioner Mourdock: I do remember you saying that as well.

John Stoll: I'll try to find out more specifics on the time frame and whether or not Blankenberger anticipates it opening sooner than the 90 work days.

Commissioner Mourdock: Based on the calls that I have gotten, if you can find information that would indicate that it is going to be something less than that then I think we need to get that to the media, too.

Commissioner Borries: John, last week I think that Commissioner Mourdock asked about how long you expect it to be closed and John mentioned that the entire contract was 90 days. I guess in clarification, is that work days or calendar days?

Commissioner Mourdock: What page are you on?

John Stoll: Yes.

Commissioner Borries: Eleven. Just as you said last week, it says:

"As far as a specific number of days total road closure I don't really have that yet because they have not given a breakdown of how long each work element will take."

John Stoll: Based on what I was told last week, I believe that they were going to start with the water line installation first, but they can't get going on the entire road until all the utility relocations are out of the way. SIGECO and Ameritech need to get moved out of the way before they can really start on the fill area. As far as specific time frames, like I said last week, I still don't have that as of yet, but I will try to have it for next Monday's meeting.

President Tuley: Going back to the minutes you did say it would be closed in its entirety. Okay, anything else?

Commissioner Borries: Congratulations again.

**RE: WILLOW CREEK SUBDIVISION**

President Tuley: Let's go back and see if this Willow Creek thing is done before we go on. I think they may be sitting there because of eight under old business. Folks from Willow, you're welcome to sit here all night if you so desire, but if we're waiting for 8A, I don't think we are going to go back to Willow Creek if everybody has had a chance to say what is on their minds. We put it down here because you guys called in late, or one of you called late.

Dan Swidron: I have a comment under old business. My name is Dan Swidron, Willow Creek Estates. We would like to make one comment about the old business just for the record. We would like to thank Mr. Stoll's Department, Mr. Jim Williams, from the Sewer and Water Department for assuring us that Mr. Hatfield and Marfield Development cannot proceed with Section D until all the streets are taken over in B and C Section. And that the lift house is taken over and brought up to specs. There are still some streets that still need to be repaired and once that is repaired than the county will take over the streets and he can proceed in Section D. Also,

I would like to thank Mr. Wathen and Bill Jeffers for doing everything that they could to help improve Willow Creek Estates and also in taking our advice for extending that drainage pipe that goes into the number one basin that Mr. Sumrall talked about. Originally that wasn't going to be extended. We just wanted to thank all the departments helping us get this far with our problems. At the last meeting we still had several issues to talk about and some of the building code violations are going to be addressed. Mr. Roger Lehman is taking care of some of them at this point. Thank you.

Commissioner Borries: Thank you.

President Tuley: That will conclude the discussion on Willow Creek tonight. I thought that is why we still had so many people sitting here.

RE: BILL MORPHEW - COUNTY GARAGE

President Tuley: Bill. Let the record reflect that Bill Morphey, County Highway Superintendent submitted the progress report for the Highway Department and the Bridge crew for the period covering Friday, June 28 through Thursday, July 4, 1996. Again, you are doing work all over the county, it does appear, all kinds of work. Okay, Bill.

Bill Morphey: That is a misprint.

Commissioner Mourdock: You could read my eyes! You're doing well. I was looking a trying to figure out where Walnut Rafl was! It's Walnut Road on the front page so I will assume that is what it is on the back.

Bill Morphey: Yes, it is.

President Tuley: Somebody really missed some keys. I got another letter regarding those trees that I think we keep talking about.

Bill Morphey: The ones on Governor? At 1419 Governor?

President Tuley: Yeah, the one that came up last week. I got a letter that was in the "route to" today from a lady saying that a couple of guys came out there and they were waiting on somebody else that was supposed come out and do something.

Bill Morphey: One of them, I understand, they have taken down and they were taking the other two down.

Cindy Mayo: I think that letter is probably--

President Tuley: Old?

Cindy Mayo: --a couple weeks old. Maybe not. The last time that Mrs. Bufkin wrote in has been a little bit. Or I believe it was her son or grandson that wrote the letter for Mrs. Bufkin.

President Tuley: Okay, maybe I missed it and it came back through or something. Well, I knew that you reported on it last week and that is why it struck me as odd. I didn't look at the date on it.

Bill Morphey: We were just waiting on the contractor to go out and remove them.

President Tuley: Okay, so we are done with that then?

Bill Morphew: Yes.

President Tuley: Good. Okay.

Commissioner Borries: I think also on your work report, I believe that you got a portion of Fuquay Road between--

Bill Morphew: Spry and--

Commissioner Borries: --Spry and Pollack?

Bill Morphew: Yes, sir.

Commissioner Borries: It looked nice. I believe that may have been Wednesday the 3rd because I was in that area and went around some folks, honked and a few things. Capella, I don't think I was on Capella, but I was on Fuquay so I know that they finished that.

Bill Morphew: We finished the surface on Capella today. We are going to go over and do a patch and also put some surface on Spry where we had that washout problem and that will be the last bit of work over there and then Spry will be finished.

President Tuley: How is it going out there on Walnut Road?

Bill Morphew: We have made a lot of people happy.

President Tuley: Have you?

Bill Morphew: It's amazing. We've been...well, they want to have a big party at the ballpark when it's all over with! Evidently those folks out there are happy that they are getting ditches and driveway culverts put in and are sized appropriately and now the water will run into the ditches instead of in their houses. I went to a neighborhood association meeting last Tuesday night and there were 25 people there. I felt that it was a good meeting and everyone out there thinks that we are doing a wonderful job and they would like to see it finished.

President Tuley: Keep at it.

Bill Morphew: Will do. I have one request. I have a laborer who is trying to get her CDL drivers license. She has the permit and she has been driving for about a year and a half and she would like to use the county truck to take her test in this Thursday. There would have to be another driver with her in the vehicle. They have to go to the site and the site is in Mt. Vernon where you go to take the test. It takes about an hour.

Commissioner Borries: Is that standard for a CDL?

President Tuley: Yeah.

Bill Morphew: Yes, sir. The test is lengthy. I've only had one other person apply for their CDL since the CDL became effective and that person had worked at the garage for twelve years prior to taking a leave of absence while serving in the military. When he came back he did get his permit and he got his CDL license using a county truck. This is the second person.

Commissioner Borries: I move that the request be granted.

Commissioner Mourdock: I guess the only question I would have is to make sure that liability wise we would be covered in that situation.

Alan Kissinger: Certainly.

Commissioner Mourdock: The second question is taking a county vehicle outside the county. Does that pose us any problem?

Alan Kissinger: No, as long as there is permission.

Commissioner Mourdock: The third point, going to the place where the test is to be given, I presume this person wouldn't have to be driving anyway and the person with the CDL can drive it over and then this person can take the test and pass or fail while taking the test right?

Bill Morpew: She does have her CDL permit so she can legally drive, but she has to have a CDL licensed person with her.

Commissioner Mourdock: Obviously, it would be to the benefit of the county if you had another employee who had their CDL?

Bill Morpew: Yes, sir.

Commissioner Mourdock: Did you make the motion, Rick?

Commissioner Borries: Yes.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Bill Morpew: Thank you.

Commissioner Borries: Thank you, Bill.

**RE: ALAN KISSINGER - COUNTY ATTORNEY**

President Tuley: Alan.

Alan Kissinger: Well, I think I'm going to look rather dumb here. I've got two categories that the Commissioners wanted me to report on. Apparently, one is enhanced access and the other one is the ozone update. I can quickly update the ozone situation in that Mr. Bunner and I...Mr. Bunner, from the City Attorney's Office...have discussed this and Mr. Bunner is requesting for both himself and me, since I got him the last bit of information from Indiana Department of Environmental Management, he is requesting additional information from IDEM. I don't know how long it is going to be before I can get back on this. Don't get the wrong impression I am not making excuses. I am preparing for a trial this week and it is a Vanderburgh County trial and we are going to try the case next week and I anticipate that it will take most of the week. I don't anticipate that I will have done anything on the ozone...I can't think of the magic word, but there will be no further updates on the ozone situation until I get finished with this trial. I am going to take vacation, I think I had advised the Commissioners at the two previous meetings that I would not be here on the 15th because we will be on trial in Gibson County. I will not be here on the 29th or the first meeting in August either. It will be probably sometime the second meeting in August before I can update you on that. Enhanced Access, there is someone here from the

County Assessor's Office and if you have information please share it with us. If you are just waiting to see what the progress is--

Doug Bennett: I'm just waiting to see what the progress is.

Alan Kissinger: Okay. Once again I guess that I am going to look rather dumb here because I was not of the impression that someone had thrown me the ball and I was running with it. I didn't know that there were any specific instructions to me as to what was to be done at this point. If you have something specific for me or something that I can be working on or advising you on I will be glad to do so, but up to this point I wasn't aware that it was my go.

President Tuley: Yeah, I think that the only thing that we talked about doing was maybe going ahead and putting the ordinance in place so that eventually or when, if, or ever we had the money or the desire to do it we would already have the ordinance in place. I think that was the discussion.

Alan Kissinger: I think that was discussed and my only concern with doing that is if we put the ordinance in place, then I know as a matter of fact that there are some real estate people right now who have proposed another form of enhanced access and I think you are aware of those people. If we put an ordinance in place right now then it is very likely that they will come in and say, okay, I want the information and here is what I want and I don't think that they could be denied. If you want an ordinance then of course we can do that. I don't know necessarily that it is a good idea to adopt an ordinance before we have an appropriation of funds to carry out the intent of the ordinance.

Commissioner Mourdock: Clearly it is my recollection, and we would have to review the minutes, but as Pat just said we voted, I believe, to direct to you to draft an ordinance. In my way of thinking what that means is to start us down that road and as in the case of any other ordinance, just like we had the P.U.R.E. people here tonight, that may lead to some discussions and some groups with different opinions, but that is just part of the ordinance process.

Alan Kissinger: Okay, with that understanding.

Commissioner Mourdock: Yeah, I understand that there could be some different sides battling here, but that is the way the process works.

Commissioner Borries: It was my, and I don't specifically recall that recollection, but what I do remember was that it appeared that the Data Processing Board and its members had not spoken by consensus. I believe, to tie in to what Alan says, that we can start on the road, but I don't want to spin our wheels until we get some kind of consensus of exactly what this Data Processing Board recommends on enhanced access. We have some very clear recommendations and comprehensive reports from the P.U.R.E. group tonight, but I didn't get...have we received anything from the Data Processing Board?

President Tuley: There was a letter presented and I think it was from Mike Russ in which he said that you have to go through several steps, but part of the process was and I don't think that he had a problem per se with putting the ordinance in place so that when and if we got to it...that's my recollection. I may be mistaken.

Commissioner Borries: I just need to review what the Data Processing Board recommended on that.

Alan Kissinger: Yeah, and I didn't want to cause a debate amongst the Commissioners as to what happened or what didn't happen, I am merely saying that it is not my recollection or my understanding that we were at that stage. If we are at that stage then I certainly agree that I need to contact the people involved, specifically, the Assessor's Office. There are some of these things that I am not going to be able to do, quite frankly. The Board of Commissioners is going to have to invite comments from all of the officeholders, department heads and etc., that may be effected by this. The history of this thing in Indianapolis is well number one is that I think that Indianapolis has been sued on their enhanced access ordinance. Whether that has been settled or is still pending I don't know, but I assure you and I'm not saying that this is inappropriate, but I assure you that every officeholder who is going to provide information for this enhanced access is going to have an opinion and they are going to insist to a certain extent that if they are going to comply with the ordinance that their opinion be considered or perhaps you are going to do it my way or you're not going to do it. I think it would be totally appropriate to invite those various officeholders and department heads in to advise us as to what kind of problems that we can anticipate from their specific offices.

Commissioner Mourdock: That is a very valid point and that was part of our discussion. It was on June 10th that the discussion took place. Part of that discussion, although I don't detail that in my notes, was that it may, in fact, mean that enhanced access is limited to a given office at a given time. Again, we will have to check the minutes from June 10th, but I think that part of our discussion then was that if state law says that we have to such an ordinance to make the thing work, then at least let us get that far. My notes of that were that we directed AK to report back on July 8, which is probably why this is on here now, as to the language of an ordinance.

Alan Kissinger: Alright. I will try as soon as possible to put some kind of proposed language for an ordinance together. Once again, I am not making excuses, I just know what my schedule is for the next month and it's a killer.

Doug Bennett: (inaudible comments not made from mike)

Alan Kissinger: I do not.

Doug Bennett: I'll see if I can get you one.

Alan Kissinger: Appreciate it. Thank you very much. I think that I have nothing further to report.

President Tuley: I'm just trying to remember that night because I remember there were a couple of things that you said you were going to take and I think I remember saying that you have already got so much on your plate that...

Commissioner Mourdock: You're right. I remember that.

President Tuley: I don't know how you can handle all that is being put on you.

Alan Kissinger: There was one other thing that I did want to report

to you. I have received some phone calls from some representatives of the various subdivisions that are asking that the county assist them with the Barrett Law funding in getting sewers into their subdivisions. Without being rude to these people I have explained to them that they need to address their comments and questions to the Commissioners Office or to the Surveyor's Office, etc. They are asking technical questions which I cannot answer and they are asking legal questions which I am not going to answer because I don't think they are sending any money to me. Also, I have talked with Keith Rounder and told him that it was the desire of the Commissioners that he run with this particular ball. He has not indicated that he had any specific objections to that. Once again, I will advise you that Keith Rounder and I are both working towards this trial next week so it is going to be a couple of weeks before he gets to it. Now I think I have nothing else to report.

RE: CINDY MAYO - SUPERINTENDENT OF COUNTY BUILDINGS

President Tuley: Cindy.

Cindy Mayo: I have a letter that was faxed in to the office from Glen Koob and it is addressed to Glen Koob from Susan Kempf, who is an employee in her office.

"Dear Glen,

As of July 10, 1996 I respectfully request a 3 month leave of absence with benefits due to the adoption of my child.

Thank you for your consideration in this matter."

I did tell Glen that you would need to approve it only from a benefits standpoint because she is asking for and her only benefit would be her insurance. This is an overseas adoption and they do require that the mother take a minimum of three months leave. They would like to have a six month leave, but she has said that she will only be off three months. I spoke with Kent Irwin and he said that this does fall under the family medical leave act, so you just need to approve her benefits.

President Tuley: That is with her paying her share, of course?

Alan Kissinger: Yes, she will have to continue to pay the employees share.

Cindy Mayo: Right.

Commissioner Borries: I would move that the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: That is all that I have.

RE: CONSENT ITEMS

President Tuley: Okay, consent items. We have employment changes, we have travel requests, we have the Auditor's monthly financial report, the Auditor's Office approval of accounts payable vouchers, the Auditor's Office statement of salaries and wages submitted to the Commissioners' Office. There is a lot of stuff from the

Auditor.

Cindy Mayo: We did only keep one copy of the salaries and wages in the office. I don't know if it is in your folder, Pat. Okay. We did not give a copy to all three of you.

President Tuley: Are these projected '97 salaries?

Suzanne Crouch: That is correct with the three percent increase and it reflects the step increase.

President Tuley: For those who have a step increase. Okay.

Commissioner Borries: I'll move that the consent items be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**RE: SCHEDULED MEETINGS**

President Tuley: Scheduled meetings. There is a Pigeon Creek Finance meeting at 2:30 p.m. tomorrow afternoon. Next Monday the 15th there will be an Executive Session at 4:00 p.m. At 5:30 p.m. there will be a Commissioners meeting and at 7:00 p.m. there will be Rezoning. Do we have many rezonings?

Suzanne Crouch: Two final readings and Bev said they were pretty...

President Tuley: Pretty cut and dry?

Suzanne Crouch: Yes.

President Tuley: Okay. Under old business, the one item has already been discussed unless one of you have--

Commissioner Mourdock: Time out. Going back to the meetings here, are we properly advertised for the Executive Session?

President Tuley: That is a good question.

Commissioner Borries: We are not.

Alan Kissinger: No, we are not properly advertised for that Executive Session.

President Tuley: Is there any way for us to get properly advertised between now and next Monday night?

Suzanne Crouch: I don't know if we can get that in.

President Tuley: I need a request to conduct a Commissioners meeting for the sole purpose of discussing personnel matters--

Alan Kissinger: Pending litigation and threatened litigation.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered. If we can get that advertised for 4:00 p.m.

Suzanne Crouch: Would you like for the rest of the year also?

Commissioner Borries: Yes.

Commissioner Mourdock: Are you amending your motion then, Rick?

Commissioner Borries: I am amending the motion.

Commissioner Mourdock: I will second.

President Tuley: Okay, alright.

**RE: OLD BUSINESS**

President Tuley: We are still under old business. Does anybody have any old business?

Commissioner Mourdock: Yeah, just one update. Last week we had a seemingly brief, although it seemed at the meeting to be a little bit longer, discussion on the assets that we have as county buildings. We've had a number of folks call in with comments and some of them have been more than colorful. At any rate, several have requested that they come before the Commission next week and, obviously, as any citizen can at any time they have the welcome mat out to do that. I guess that I am just mentioning to you that there will be some folks come in, I think, pros or maybe all cons, I don't know, but we will find out when they are all here together. I just wanted to give you that as an update. Secondly, under old business the Auditorium and we have talked about the contract manager situation. The construction manager situation and I didn't know if we were ready to act on that or not. If not, that is fine I just didn't want the subject to be forgotten.

Commissioner Borries: I haven't, but I've got another call to make on that this week.

President Tuley: Maybe we could put that on the agenda for next week with the understanding that if we can make the calls then we could act on it.

Commissioner Mourdock: I have no other old business.

President Tuley: Okay. Do you have any old business, Rick?

Commissioner Borries: No.

**RE: NEW BUSINESS**

President Tuley: Okay, new business.

Commissioner Mourdock: New business as listed is the agreement between local elected officials and PIC and I think that you have something in your packet on that. Very briefly, what this is about, the Job Training Act provides funding through PIC for job training. In Southwest Indiana we have five Indiana counties that are basically under one district for the administration of this act. Historically the funds come from the feds through the state government and then to the five counties for their disbursement. Several years ago, I think three years ago, perhaps you know the date on that, Rick, but the Governor sent out an edict that the counties that were getting this funding had to, basically, sign a pledge that if under their guidance any of the money was misspent or otherwise inappropriately authorize then the county would come

in and make up the difference for those funds. At that time three to four years ago it was seen as rather continuous and it was ultimately worked out that an audit would be done annually to show how the funds are being spent. To date, within the five counties there has never been any hint of any kind of impropriety with the funds. Nonetheless, the Governor has come back one more time and said here it is. We want you to sign off on an agreement that, basically, puts the county in the position of accepting liability for those funds. In a meeting in the Mayor's Office last Friday there were representatives from the five counties present. We talked this thing up and we talked it down and the long and the short of it is that we are over a barrel. The Mayor, obviously, cannot approve the signing off of the acceptance of the liability unless the City Council approves it. The same is effective for the County Commission versus the County Council relationship. We have been told by the state that unless all the signatures on the back of this document are in place by July 15th that they would withhold funding for the five counties.

**TAPE CHANGE**

Commissioner Mourdock: It is not going to possible for all of the five county representatives to have voted in public meetings to approve this paperwork, however, Jerry Yezbick is trying to get with the Governor's Office to let them know that it appears to be in the works. For Vanderburgh County's PIC program for this year's budget there is \$1,057,706 that effectively we are going on the line for. That is another way of saying that we are already on the line. If we do nothing and the state does carry out their threat of cutting off the funding, then we have just lost \$1,057,706 of funding for the Job Training Program that is in place. I feel in an sense that we are be extorted by state government. The Job Training Partnership Act was one of those rare things where, you may recall, it was authored by the likes of Dan Quayle and Teddy Kennedy and anytime two that are that diametrically opposed can come together to do something then there must be some common merit there. I think that the program falls into that category certainly. So, I guess, two things to put before you. Number one, is it appropriate for us to act on this without the Councils' blessing because it could result in financing? The second thing is that if we feel we can as an Executive Board do it, do you want to vote to approve this thing?

Alan Kissinger: Yes. The County Commissioners can vote this. Basically, my understanding, Mr. Mourdock, is that the county is accepting liability for the responsible use of the funds.

Commissioner Mourdock: Right, and only the responsible use of the funds within Vanderburgh County, by the way, not the four adjacent counties.

Alan Kissinger: I would think that under those circumstances, I'm not sure that we should perhaps talk with Dennis Feldhaus about this, but I think that probably we could insure these people or ask that they be insured under our crime policy.

Commissioner Mourdock: We have that in place presently, is my understanding, to the sum of a million dollars with something like a five dollar deductible.

Alan Kissinger: Unlike the City Council, the Executive in the county, being the County Commissioners, can act in a matter such as this in consideration of the fact that...well, we could even if it

required an appropriation and then the Council could turn us down, but in this case it will not even require an appropriation so therefore, yes, the county can act on this.

Commissioner Mourdock: I was going to make the argument from a slightly different fashion. In a sense, we are accepting a grant.

Alan Kissinger: Correct. Exactly.

Commissioner Mourdock: Which we do regularly so it seems to me that we have justification on that basis, too.

Alan Kissinger: Right. A part of your question was does it require County Council approval and the answer to that is no.

Commissioner Mourdock: With that opinion offered, I will move that we act to accept the Service Delivery Area Agreement between the elected officials and the Private Industry Council of Southwest Indiana for programs under the Job Training Partnership Act.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: I hope that description of the whole thing didn't make it more complex.

Cindy Mayo: Is there one original document on it that will be going to all of the officials? We didn't know if we should put sign here on it.

Commissioner Mourdock: That is a very good question because there are actually several different drafts floating around.

President Tuley: The one that I've got that came out of this folder here is covered with a letter dated July 5 and also minutes of the meeting that was conducted, so I would assume that this is probably the most recent.

Commissioner Mourdock: In looking at the document I can say at least the signature page is because I recognize where that has been changed. One question and it is a very pertinent one, too, was how long would such an agreement be good for? I raised the issue that has come up at this Board a couple of different times. Do we have the right to sign for documents that will significantly extend beyond the terms of those serving on the Board.

Alan Kissinger: Yes.

Commissioner Mourdock: Even with that being the legal answer, there was real concern among the Commissioners who were at the meeting and the wording came out in Section 15:

"This agreement and all future agreements shall cover the time period reflective of two (2) consecutive JTPA Program Years, July 1, 1996 through June 30, 1998. Therefore, this agreement and all future agreements shall be renegotiated and renewed on a bi-annual basis."

So we are covered either way.

Alan Kissinger: Settled that.

Commissioner Mourdock: I would suggest that I think that we have at least two originals in the room.

President Tuley: What is this.

Commissioner Borries: Yeah, I've got one.

Commissioner Mourdock: Perhaps we can execute three, keep one, send one to Yezbick and perhaps send one to the Mayor to let him know.

Commissioner Borries: This feels like an original we can sign it. Commissioner Tuley, I am going to put a date there by yours.

President Tuley: Okay. Suzanne, are all these people going in the same car.

Suzanne Crouch: Yes.

President Tuley: I saw four people and just one of these so I assumed they were going in the same car.

Commissioner Borries: Mr. President, I have just one other brief item of new business. I have, again, received some calls regarding a request for a permit from a drug chain.

Cindy Mayo: I would like to go and get him.

President Tuley: This guy here was wanting to know if we were going to make a comment and I told Cindy that I didn't know if there was going to be any comments made or not.

Commissioner Borries: Who is he?

President Tuley: He is from Bowers, Harrison, Kent & Miller. I don't know who he is.

Suzanne Crouch: Doug Briody. I think it's him.

Commissioner Borries: Who does he represent?

President Tuley: I don't have any idea. He just wanted to know if there were going to be any statements made. I told Cindy I didn't think so, but if you got a call and you want to talk about it then I am more than willing to listen.

Commissioner Borries: What it concerns is--

President Tuley: It is the same issue that we've talked about before, I'm sure.

Commissioner Borries: Yes, it is. The extension of certain, I guess, expanded liquor license to areas in which, I guess, some residents and neighbors have expressed some concerns. So, did you have a statement at all, sir, that you wish to make?

Doug Briody: Good evening ladies and gentlemen, Commissioners. My name is Doug Briody and I am an attorney here in Evansville with the law firm of Bowers, Harrison, Kent & Miller. We are currently involved in the room next door in the hearing before the Alcoholic Beverage Commission a local Board of Vanderburgh County for the Commission. George Barnett and myself are attorneys representing some remonstrators who are opposed to the issuance of a three-way beer, wine and liquor permit to the Revco Drug Store located at 800

North Main Street in Evansville. Mr. Barnett has represented remonstrators in opposition to the issuance of alcohol beverage permits to drug stores and grocery stores within both Vanderburgh County and Warrick County in the past and we are aware that many local officials here in Vanderburgh County, including the Board, have taken a stance in opposition to the continued growth of alcoholic beverage permits within the county. We are aware that there was a recent stance taken by the Board with regard to the Schnucks grocery store located along the West Lloyd Expressway. Tonight I have just a bit of new information that I would like to present to the Board. We received in our office today, a study under the auspices of the Indiana Prevention Resource Center, which is an arm of the Institute for Drug Abuse Prevention located at Indiana University, Bloomington. It was a study that was commissioned by the Indiana Governor's Commission for a Drug Free Indiana. This study indicates that a number of the concerns that the Board has considered in the past, particularly with regards to minor or underage drinking, have been on the increase here in 1996. This is the most recent survey that is available and we understand that a number of problems, such as binge drinking and simply put, underage consumption in general have been on the rise over the past year. There was some decline from say 1993 to 1995, I believe, but both binge drinking and total consumption by minors have taken an upsurge within this past year. We understood that the Board was meeting today and we just thought it was appropriate to let you know that we are once again opposing the issuance of a drug store permit to the Revco location at 800 North Main Street. There are within a one mile radius of that proposed location some 67 alcoholic beverage permits.

President Tuley: How many and how close?

Doug Briody: There are 67 within a one mile radius of that store.

President Tuley: One mile?

Doug Briody: There are approximately 303 permits within the county, so over a fifth of them are located very close to that Revco location.

Commissioner Borries: I think there was another Revco that you did not mention, but at least it was another drug store location in the approximate location of Weinbach and Washington Avenue where this Board also, I think, repeated a stand in relation to being in opposition of expanded liquor sales in that area.

Doug Briody: I believe there also may have been one located at Washington and Kentucky.

President Tuley: That's the one.

Commissioner Borries: That's the one, I said Weinbach. I'm sorry.

Doug Briody: I know the Board did take a stance at that time. Some of the problems that were applicable there with regards to high crime rates are also to be found in the Jacobsville Neighborhood. I would just point out along that line as well that as the Commission knows that is an area that is trying to be enhanced by community and grass root efforts at this time and we think that another alcoholic beverage location there in the neighborhood would simply add fuel to the fire that is already existing. We would appreciate the Board's consideration.

COMMISSIONER MEETING  
JULY 8, 1996

39

Commissioner Borries: Well, at this time I would move and in being consistent with previous stands that this Board consider a letter to the Alcoholic Beverage Commission in opposition to this request.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Doug Briody: Thank you very much.

Commissioner Borries: That is all that I have.

President Tuley: Any other business new or old? Any other business, then?

Commissioner Mourdock: I will move for adjournment.

Commissioner Borries: Second.

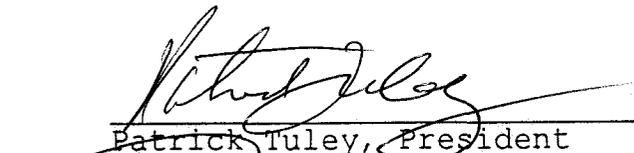
President Tuley: So ordered.

The meeting was adjourned at 8:01 p.m.

THOSE IN ATTENDANCE:

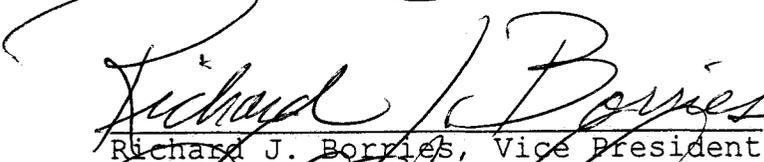
Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne Crouch  
Charlene Timmons  
John Stoll  
Bill Morpew  
Ken Sumrall  
Dan Swidron  
Bart Gander  
Doug Briody  
Roger Lehman  
Michael Lockard  
Beverly Behme  
Bruce Hatfield  
John Parillo  
Doug Bennett  
Others unidentified  
Members of the media

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS



---

Patrick Tuley, President



---

Richard J. Borries, Vice President



---

Richard E. Mourdock, Member

Minutes of the  
Vanderburgh County Board of Commissioners  
July 15, 1996

Table of Contents

Introductions and Pledge of Allegiance .....	1
Certification of Executive Session .....	1
Approval of minutes .....	1
Public hearing regarding sale of Old Courthouse .....	1
and Coliseum	
Speakers:	
Beverly Preske	David Jones
Leonard Gibson	Melissa Canada
Rick Jones	Patricia Higgs
Mary Wilson	Ken McCutchan
Diane LaRue	Jay Nagle
Lisa Schuttler	Kent Brasseale
Dot Humma	Phil Hoy
David Coker	Conrad Roe
Bobby Rickard	Mike Murray
Ron Riecken	Grace Strange
Tom Angermeier	
Final reading - Amendment to Vanderburgh County .....	21
Code 2.88.285	
Harris Howerton - Contract/Substance abuse instructor .....	23
(Deferred)	
Any group or individual wishing to address the Commission ...	23
Edward G. Moser - Coterie Club of Evansville	
Daylight Sewer Project - Mike Robling .....	26
John Stoll - County Engineer .....	30
Council Call	
Supplemental agreement - Ohio Street Bridge	
Travel request - FEMA, Princeton, Indiana	
Green River Road update	
Bill Morphew - County Garage .....	32
Progress report for Highway Department and Bridge Crew	
July 5 through July 11, 1996	
Travel request - FEMA, Princeton, Indiana	
Dennis Brinkmeyer - Assistant County Attorney .....	34
(No report)	
Cindy Mayo - Superintendent of County Buildings .....	34
Memo regarding tax sale figures from Auditor's Office	
Update from Bill Jeffers concerning Hunters Ridge	
Request from JCI Advertising concerning use of	
Burdette Park for commercial	
Memo to all county offices regarding Co-op Office	

Consent items .....	36
Employment changes	
Travel requests:	
Coroner (1)	
Health Department (2)	
EMA (1)	
Weights & Measures (1)	
County Assessor (3)	
Local Emergency Proclamation	
Correspondence & phone list regarding sale of Old Courthouse and Coliseum	
Scheduled meetings .....	36
Old business .....	37
Ozone situation update from Richard Mourdock	
New business .....	38
Suggestion from Richard Mourdock to discuss CCD requests during Commissioners meeting July 29, 1996	
Adjournment .....	39
Attendance and signature sheet .....	40

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

JULY 15, 1996

The Vanderburgh County Board of Commissioners met in session this 15th day of July, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

Introductions and Pledge of Allegiance

President Tuley: If we may, we do have several housekeeping items that we have to take care of, so to speak, and I would like to start by doing that first. We've just called to order the meeting of the Vanderburgh County Commissioners for Monday, July 15, 1996. As a point of introductions, to my far right in the empty chair will be Cindy Mayo, she is the Superintendent of County Buildings and our office manager; to my immediate right as it is right now is Dennis Brinkmeyer, he is one the Assistant County Attorneys; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; the lady in the dark suit there is the County Auditor, Suzanne Crouch and she will sitting on the other side of Richard Mourdock; and on the far end is Charlene Timmons, she is the Recording Secretary from the Auditor's Office who will be recording the minutes of this meeting. For those of you who plan to speak and who have signed the speaker's list please speak from the podium, state your name and your address for the record. We do record the minutes verbatim as best we can. Needless to say, I would say that this is a little bit of an emotional issue. Please keep comments directed from the podium. If we get a lot of sidebar conversations and what have you we will not be able to pick up and record what the person from the podium is saying. Having said that, if everybody will please stand and face flag as we say the Pledge of Allegiance.

Certification of Executive Session

President Tuley: Through those introductions I think I failed to introduce myself. I'm Commissioner Pat Tuley. Before we get into the action items, let the record reflect that an Executive Session was conducted prior to this meeting. The only topics discussed were items permitted under law such as personnel matters, pending litigation, threatened litigation and contractual matters. There were no official actions taken.

Approval of Minutes

President Tuley: Item 4A, the approval of the minutes from the July 8th meeting. I would request a motion for approval, please.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: I will so order. I will thank Charlene Timmons because that was a lengthy meeting with a lot of information put forth and you did a good job getting that done in a timely fashion.

Commissioner Mourdock: As always.

Public Hearing - Sale of Old Courthouse and Coliseum

President Tuley: Item 4C is the public hearing for input on the sale of the Old Courthouse and Soldiers and Sailors Memorial

Coliseum. I think before we actually get in to the public input that Commissioner Mourdock has a couple of comments that he would like to make.

Commissioner Mourdock: Yes, I would. First of all, I am very much heartened to know that there are this many that came out to talk about the issue that came up here a couple weeks ago. As we were doing the Pledge of Allegiance the sound from that side of the room nearly bowed me over which is a pleasant change because too often when we are here we are debating issues to an empty room. When we deal with the kind of numbers that we deal with day in and day out I will tell you as an elected official that it is kind of frustrating because you want to serve people and you need to know what they think. I know that there are many of you who came here specifically tonight to tell me what you think and that is especially appreciated. However, something needs to be clarified especially to those of you who I see around the room who are obviously Veterans. When the discussion took place here on June 24th, I think, whatever the first night was when the discussion took place regarding both the Coliseum and the Courthouse the comment was made regarding the lease with the Coliseum to which I replied that dealing with the Coliseum as a commercial property to try, and I'll use the real estate term for a moment not perhaps the proper term in general usage, but to dispose of that property would not be possible. There was no way of even looking at that nor should we consider it. However, the courthouse, I commented at that time, was something that we ought to consider. I make that comment for all of you who are here as Veterans. I do not see it as being at all possible, let alone likely that in anyway the Coliseum would be on a for sale list. There will be no auction sign going up in front of it. I am just one vote of three on this Board, but I certainly think that is the consensus of the other members on this Board. If you are here to disagree with me, I guess I hate to take the bat out of your hands, but we are not going to disagree. You are certainly welcome to stay and participate in the discussions regarding the courthouse, but I personally think...again, you are welcome to make whatever comments you would like to make, but I think it is somewhat of a moot point regarding the Coliseum. It was publicized in the paper correctly a week ago regarding the Coliseum that it was not on some sort of sales list and, again, I am mystified and a little bit amazed that it continues on as an issue for public discussion. I just want to make my position clear on that and if you've read the papers I guess you understand that. If you haven't seen the papers, then I understand why there is a question. I just wanted to make that point before we go into discussions.

President Tuley: Having said that then, just for the record and so we make it official and what have you, would someone entertain or at least I would entertain a motion that says we will drop any discussion with regard to selling, auctioning or any way disposing of the Soldiers and Sailors Memorial Coliseum?

Commissioner Mourdock: I would be more than pleased to make that as a motion.

Commissioner Borries: I would be more than pleased to second.

President Tuley: I will so order. Okay, those of you that are here to address the Soldiers and Sailors Coliseum, like Commissioner Mourdock said, you are welcome to stay, but there is not going to be a whole lot of need for discussion on it because it is not for sale. Now, when I call off some of these names, and some of these I know from your backgrounds what you might be here for or you have

indicated it on here, but if you still wish to address the Commission that is fine. We will be glad to hear you. The Coliseum, I don't know what discussion we need to have at this point and time, but we will just play it by ear. Once we get in to matters such as the Courthouse or whatever, we are willing to listen to you, but please provide us with new information. We don't need...I'll say this as politely as I can, we don't need ten people saying the same thing to us. If you've got new information or a different point of view we will gladly hear it. We will not deny anybody the right to speak, but we may cut you short and say, okay, we've heard that so please give us new information and let someone else address us. The first person that I find on the speaker's list is Beverly Preske.

Beverly Preske: Vanderburgh County Commissioners, thank you for giving us this opportunity to have input about the sale of the Old Courthouse. I am the director for PATH and PATH is a resource center here in Evansville for people with disabilities. I guess I need to back up. Beverly Preske, 6700 Upper Mount Vernon Road, 47712. When we began to look for a location for our office we looked for a local that would allow us to be autonomous. By that I mean that we do a lot of work with families and individuals that have disabilities and special needs and in an advocacy role sometimes by helping them with the School Corporation and issues that deal with Social Security and Medicaid and rehab issues. When we went to look for a location we could have probably and did have offers from entities that were affiliated with those people to locate, but we really wanted to stay outside of those facilities so that people would be comfortable coming to us. We have been tenants in the Old Courthouse for two years. We are supported in our space there totally by Community Development Block Grant Funding. We are a total volunteer organization. We have held over the past two years many, many meetings where we have trained people with disabilities and their families on issues about special health care needs and disabilities. Tonight, one of the reasons that I ran in the door and signed up real quick is because we are hosting a dinner for Riley Child Development Center and we are tonight training local pediatricians on issues about infants with disabilities and how to help families identify them more quickly. We are doing this in space that is provided in the Old Courthouse that is of no charge to us. So needless to say, it is valuable to us to not have to go out with a very small budget and look for space. We are able to organize the only inclusive bowling league in the community from this location. The largest christmas party for children, which I will just throw in, this year we outgrew the Old Courthouse and we used the Coliseum for our party and we do that with the Clowning for Kids group which is Judge...I forget his name.

President Tuley: Lensing?

Beverly Preske: Well, it's the judges. Dave Cosby and his group over there. I can't think of his name. Anyhow...I'm nervous. The other thing that we do is that we try to help the city of Evansville meet the American with Disabilities Act compliance by helping to provide the manpower for the special needs area during Thunder on the Ohio. We are able to do that because we have a home base and that is in the Old Courthouse. In addition to these types of things that we do in the community, we maintain a lot of information on assisting technology and resources for people with disabilities. Without the space from Faye and the use of that facility at no charge we would be greatly hindered in our work. There would be no available space that would be affordable. I understand that some agencies are moving in to this new incubator

building and that is, as I understand it, designed to assist new businesses to get a start. I don't think that our agency would be able to afford the rent there or we would find ourselves housed with other entities that we might be in, not conflict, but might find ourselves assisting a person with advocacy efforts for that. Faye and the staff there have gone way overboard to make us comfortable there. They have the basement entry level for people with disabilities which is not only an asset for us, but the Aids Resource Group and the other entities in the building that may have people coming in that use wheelchairs. We also now have a bathroom on the first floor that is accessible. As the Director of PATH, Incorporated I would like to ask you to reconsider your sale of the Old Courthouse. I understand that the Old Courthouse is self-supporting and from what I was able to pick up in newspaper articles the tax that was imposed in 1996 was available at all county owned buildings and I think there was an increase I read in 1997 and if this whole action has come about because they applied for that funding, then I think that they were entitled to do so. The historic value and pride associated with having this old building and the community being on the National Registry makes all of us proud to live here in Evansville. I'm sure you'll hear plenty from the other service agencies that are going to speak after me and I thank you for the opportunity to give you my viewpoint. Do you have any questions? Thank you.

President Tuley: Speaker number two on the list is David Jones.

David Jones: I've got my speech written here. I just wanted to make some very brief remarks even though it is now a non-issue I think...I'm David Jones, P.O. Box 1065, Evansville, 47706. My office is in the Court Building across from the Old Courthouse. There were some things that were...I am Judge Advocate, which is the military term for legal advisor to the Veterans Council of Vanderburgh County. I am also a member of the Board of Directors of that organization. I apologize, I only have three copies. Hopefully, I have been delegated to be a spokesperson for the entire organization and we just wanted to set a few things straight and then we'll get out of here and that will leave some spaces, hopefully, for the folks on the Old Courthouse. I appreciate the opportunity to address you. I think that the first thing that we wanted to set straight was that it was our understanding and I think were approached in terms of did we have any requests in the nature of a wish list for items for the building. It wasn't that we are coming in seeking to drain tax money for the Coliseum. It was our understanding that this was more or less a wish list and if monies were available what would you want to do. This non-battle was a battle back in 1970 when the Coliseum was basically up for the wrecking ball. What distinguishes this building is that this is by law...this is a memorial. This is a monument to veterans and it was built under legislation. It was opened in 1917. Actually, at that point, it was for Civil War Veterans and Spanish American War Veterans, but as World War I ended they passed some additional legislation and added World War I Veterans. Subsequent legislation went on to add World War II Veterans. I won't go into all of this because I think you know that. One of the things that I passed out which I found of interest is an article from the Evansville Courier from January, 1917 when the Coliseum was about to open. I think that kind of gives everybody the background of the building. It is not as old as the Old Courthouse and didn't cost as much. It was roughly a quarter of a million dollars at that time, but it was something that touted as being a great benefit, not just as a memorial or a monument to veterans, but as something that served a public need. I think that what we wanted to submit to you is that need is still there. It is just as relevant today as it was in

1917. I think that number one, the building was constructed entirely with private donations. Later on, in much later years, children's milk money was collected to put the old organ in there. That is on our wish list to attempt to restore that organ. The silent movies that were shown in there the projectors are still over there. I would encourage anybody to come over and tour the building. Since 1971 when the Veterans Council took over, and, again, we want you and the community to understand that this is something that should be kept not just because legally you are bound by a 99 year lease from 1971, but that this is something that is meritorious and performs a public service. The county, pursuant to that agreement, expended approximately \$160,000 from that time until now which was basically to repair the roof and boilers which was the county's original obligation at that time, although that money wasn't all spent up front, but that is the basic numbers. Since 1971 the Veterans Council has raised and expended on the building three million two hundred and eight thousand and some odd dollars which is put back into the building in maintaining it which is an asset of this community. None of that is tax money. At the time that the Veterans took it over the county was expending roughly \$150,000 a year in tax money to keep the structure going. Those operating expenses are roughly \$180,000 a year to keep the building maintained. The difference in those monies have gone to refurbishing, replacing and upgrading. I think that anybody that is familiar with the building can see that even on the outside those things are going on. The things that are on the wish list that we had asked for, for instance, were new steel doors for fire exits and some more chairs. Another point that I wanted to make was that we don't see the building as being in competition with the private sector and I know this is a valid argument in many cases whether it is this body or any other governmental entity who has to compare services and operations. We think that number one, we don't lease office space. The venue that is provided over there is certainly not in competition with the Auditorium or the new Auditorium and we are not in competition with Roberts Stadium. We've got a unique niche in that market. In fact, we kind of see ourselves as an emergency overflow when the sock hop gets rained out they can run into the auditorium, when something at Mesker fails they come and use the Coliseum. We've got kind of a unique venue that is there for everybody so I think that was basically the other point. We will continue, hopefully with your blessing, to take care of it, to keep it going and I anticipate that it will do so long after we are gone and thank you very much for the opportunity to be here to add a few things to the record.

President Tuley: Okay, there should be a few more seats then for those of you who would like to sit down in a chair or something more comfortable than the...I didn't speak fast enough because here come some more. As people are filing in, is Mr. Leonard Gibson still here?

Leonard Gibson: My name is Leonard Gibson and I live at 1503 East Indiana Street, Evansville 47711. I would like to state that I have been raised here so I feel very much a part of this community. Recently my wife and I had guests from Indianapolis who had never been to our fair city. They had heard a lot about it and have been told to visit our Old Post Office and Courthouse, walk our beautiful walkways and tour the Reitz Home and the beautiful old homes in our downtown area. My wife and I gave them a grand tour of our city from the far east and Angel Mounds to the far west of our town through our parks and other places of interest. I learned something by doing this. I found out that the Old Post Office, which I used to really like to show off, seemed like a complete stranger to me since it had been sold. It was not this way with

the Courthouse. I felt that the Old Courthouse was still a part of the community and belonged to the community. It is still a beautiful building to be proud of. It provides a service to our community by providing office space to people who couldn't afford the high rent somewhere else. It provides a place for children's theaters for acting which would probably close if it had to move. Also it has a fall and spring craft show that lets us keep in contact with tristate neighbors whom we would never if there wasn't an Old Courthouse. It also provided a place this year for the Arts and Crafts to bring Boots Randolph to the city for the saxophone competition contest to start the Riverfest off this year. In closing, I would like to say that if we put as much effort in trying to find ways to help renovate and restore our old buildings and preserve some of our heritage as we put forth in trying to get rid of them or tear them down, then our community would be a lot better place to live in and be proud of. Thank you.

President Tuley: Okay the next person, and I'm sorry I'm having a hard time reading it, but it looks like Melissa and I can't read your last name, but you are from the Totally New Theater.

Melissa Canada: My name is Melissa Canada and I live at 3811 Mesker Park Drive, Evansville, Indiana 47720. The Old Courthouse is just a building, stone, mortar, steel and wood. When it was built it was created in the style of the period and it housed the government of Evansville. It no longer holds that honor, but instead it has taken on new honors. An honor of preservation and architecture. It, along with a few other buildings in our Evansville downtown area, preserves a style that will no longer be duplicated and a history that will never be repeated. An honor and service, a service to the community. Two theater groups among the tenants reside within its walls. I, along with many other men, women and children, are involved with one of those groups. Totally New Theater has presented for the last six years and continues to present original productions to the community that are affordable and suitable for family groups. Because of Totally New Theater young people have found an interest that has directed their energies towards positive goals and because of Totally New Theater young people are pursuing careers in the arts, such as I am. Because of Totally New Theater the community of Evansville has the opportunity of affordable theater. Transference of the deed to this building to a private enterprise could mean the demise of Totally New Theater and it could mean the eventual destruction of the building itself. Please, before you take your vote to decide the fate of this building consider the fate of the tenants. Thank you very much.

President Tuley: The next person is Rick Jones.

Rick Jones: Hi, my name is Rick Jones and I am a member of the Vanderburgh County Council. Do you still want my address?

President Tuley: No, I know how to get a hold of you.

Commissioner Borries: Yeah, if you want to give it, why not?

Commissioner Mourdock: Depending on what you say here, you may think twice before you give it.

Rick Jones: It is 2267 West Mill Road. As a member of the Vanderburgh County Council I do not support relinquishing the Old Courthouse to a private developer, contractor and/or realtor or anyone else. The Courthouse should stay in the hands of the group that has made its existence successful, the Old Courthouse

Preservation Society, for several reasons. The Old Courthouse provides office space for a variety of profit and nonprofit organizations at affordable rates. The proposal of installing central air-conditioning will provide a more cost effective alternative end solution to the current Civic Center overcrowding. In my tenure on Council, this is the only major expense that I know of for the Old Courthouse that has been discussed. Community organizations can and have used the Old Courthouse for their fund-raising activities with little or no charge making it a useful community asset. We have 18 for-profit and not-for-profit organization tenants who currently reside in the Old Courthouse. The Old Courthouse Preservation Society has done an excellent job at maintaining and improving this grand old building relying on rent from tenants, private donations and their own fund-raising efforts with little or no cost to the taxpayers of this county. Commissioner Mourdock, I hope you will consider all the facts regarding the Old Courthouse property and reconsider your position on this issue. Thank you.

President Tuley: Patrick Higgs.

Patrick Higgs: Hi, I'm Patrick Higgs, 7212 Pecan Lane, Newburgh. My name is Patrick Higgs and I'm the President of the Board of Directors of Repertory People of Evansville. We are a twenty-two year tenant at the Old Courthouse and the oldest tenant of the Old Courthouse. For those twenty-two years we have been bringing people in to see the beauty of this building. The building, I think we can all agree, needs some work. It needs a new paint job for the first thing, but a little bit of paint here and there and if we can't get it done it is not going to fall down. It is probably the most solid structure that this town has got. It is just one of those things that I love to take people to see the beauty and the history of this town. The building can't speak for itself. It is up to you and the community which is showing over pouring support for keeping this a public entity not a private donation because we don't know. I don't know how many people remember the old L & N Depot, but it was a beautiful building very similar to the Old Post Office and now it is an empty lot. I don't think that any of us want that to happen to the Old Courthouse, but if it goes to a private management company that might happen. I have been involved with RPE for over ten years and before that I was involved with the Evansville Dance Theater which used to be housed in the Old Courthouse. On the wall as you walked up to the main floor there was a lease agreement which lasts, I believe, for 99 years. As far as I understood, that building was taken care of for 99 years and it is a shame that this question has come up to even think about getting rid of it. Thank you.

President Tuley: The next person, and again I apologize if I mispronounce your name. I'm having a hard time reading some of these. It looks like Mary Watson from the Courthouse Preservation Society.

Unidentified from audience: Wilson.

President Tuley: Wilson, I'm sorry.

Unidentified from audience: That's alright. My writing, I know isn't good.

President Tuley: I apologize to you, Ms. Wilson.

Mary Wilson: It's not necessary, really. Mary Legler Wilson and I live at 920 South Boeke Road. I would just like to say that I am

a decedent of some of the earliest settlers in this area. In fact, I still own property that has been in the family since 1836 and I'm sure that somebody in my family has been paying taxes for many, many years. I don't feel that tax money spent for supporting a really, truly unique architectural gem would be a waste of money. Just as a side, if the community can support a stadium for tractor pulls, rock concerts and basketball games, then it should be able to support its historical heritage.

President Tuley: Ken McCutchan.

Ken McCutchan: Gentlemen, thank you. I'm Ken McCutchan and I'm a lifelong resident and property owner in Vanderburgh County currently living at 1400 McDowell Road. The century old Vanderburgh County Courthouse is a real gem of architecture and of art which all citizens in the county should be proud of. The mere suggestion of selling it to a private developer to do with it whatever he wants is nothing less than preposterous, I think. Who would consider selling your great grandmother's jewels? Well, this is jewel of our architecture and art for our county and we should not hesitate to spend a few bucks now and then to preserve this treasure which is irreplaceable. I would like to read just a few sentences from the Evansville Journal of 1890:

"People who have traveled extensively and are competent to judge freely say that the courthouse being built in this city is one of the finest public buildings of its kind in the western country. For architectural beauty and excellent workmanship it cannot be surpassed.

The ponderous masonry of this new courthouse looks as though it would last forever and at the same time its symmetrical and graceful lines make it ever pleasing to the eye. It will be one of the chief ornaments of the city and an institution of which the people of Evansville will justly proud.

This is in 1890. Now, as recently as 1978 there was published a large elegant coffee-table book titled Courthouse, A Photographic Document, published by Horizon Press. On its 250 pages are photographs of some of the most unusual and beautiful county courthouses in the United States. A documentary by Jane Thornton of the New York Times says, "This book throws new light on the history of the United States. The county courthouse symbolic center of each community from the colonial era to the present reflects the attitudes and aspirations of each generation up to our time. This expiration of a vital part of american life tells us much about the people who left their mark on these spaces over the period of two and a half centuries and makes an important contribution to the knowledge of architecture of the United States. The courthouse stands for the dignity of the law, the democratic principle and is the most significant building widely distributed across the county." I mention this because our own Vanderburgh County Courthouse is included in this volume, not with just one photograph, but with five photographs which gives us the idea that the authors of this book thought this was certainly a significant building. During the years that it was used as a courthouse the people learned to look upon it as a formidable pile of gray stone where they had to go to pay their taxes, appear in court or perform some other disagreeable tasks. They have gone there with their eyes to the ground and few, if any, have ever really stopped to look up to see the irreplaceable beauty that it actually has. Like the Notre Dame in Paris, or Westminster Abbey in London and dozen of other famous landmarks in Europe this courthouse is the kind of

building so encrusted with sculpture and stone carvings that one cannot take it all in at just a glance. It requires study and one sees something new and interesting each time he looks at it. There are not only fourteen main statues of human figures, all female except one, but there are also the national emblems, the great seal of the State of Indiana, ornamental friezes, fat little cherubs usually found in baroque decoration, countless garlands and wreaths (all different) of flowers, leaves, fruits and vegetables that are all indigenous to our area. Undeniably we have something here that is very special. The sweating, skilled, sure hands of the artisans who created it are now gone, but they have left us a masterpiece of their vanishing art form that, if properly cared for, can be enjoyed and cherished by generations unborn. I was a member of the Conrad Baker Board from almost the beginning for about 15 years. During that time I took many, many tours of the courthouse, both inside and out. Probably I have taken thousands of people through in those years. I have had two comments that stick in my mind. One comes from tourist who came off of the Delta Queen back in the days when it stopped here regularly. Many of those people were amazed that they found a building like ours here on the banks of the Ohio River in Indiana and they often said that they spent hundreds of thousands of dollars to go to Europe to see buildings that in the most part not any more interesting than the Vanderburgh County Courthouse. The other comment comes from citizens who have been born, raised and lived here all of their lives. They invariably said they didn't realize that these things were here. They've looked at this courthouse thousand and thousands of times, but they've never seen anything but the clock. Now, there is a great difference between looking and seeing. Most people look, but very few people see. So that is the thing that I ask you to do now. Mr. Mourdock, I would like to give you a copy of this book. I hope that you will examine it carefully and look at the pictures in it and read the captions. Perhaps it might change your mind a little bit.

Commissioner Mourdock: Okay, thank you.

President Tuley: Diane LaRue.

Diane LaRue: My name is Diane LaRue and I live at 3315 Cross Bow Lane, Evansville 47715. I'm here as a representative of Totally New Theater in the Old Courthouse. I have two children who participate in the theater and I have been amazed every time that I go in there and I see these children and I see how they grow. Not just mine, but all the children that come to learn about music and theater and lights and sound and everything there is to know. I never even knew it was there, but I always knew that the courthouse was there. While my children have spent countless hours inside these walls learning about the arts and learning about self esteem and what they can do when they set their minds and hearts to it, my husband and I have walked around the building and just marveled at this incredible structure. Every time that we walk around it we see something new that we never saw before. When this issue came up I thought, how can this be? How can this be that this theater is in jeopardy with all the good things that they are doing especially when I'm hearing about the Victory Theatre renovation and an arts center in downtown Evansville and how important that is? I didn't understand and so I needed some information so I made some phone calls and I what I was told by representatives of our city government was first of all to clarify, which I did not understand, that the Victory Theatre was a city government project. That being said, the stated purpose of the renovation project is to establish a theater district in downtown Evansville. In doing that, the city is in the process of issuing

a bond of up to fifteen million dollars and five million dollars has already be donated privately to establish this theater district. This fifteen million dollar bond money is coming from riverboat revenue which I understand represents only 20 percent of the expected revenue that the city government will generate from riverboat revenues. There will also be a performing arts center nearby with an estimated completion date of August 1997. It is just a year away so we have obviously got a tremendous commitment in this area to the arts. Again, how can that be? Yet your little theater that is teaching children how to grow can be threatened. Riverboat income, what I found out is that both the state, the city and the county government receives a dollar for every single person that boards that boat. Aztar is projecting that 2.3 million people will board that boat this year. That means 2.3 million dollars for the city, the state and the county government and that is revenue, as I understand it, that must be spent for capital improvements only. Yet I understand that there have been no decisions by this County Commission as to exactly how those monies would be spent. That being said, I would read this summary:

"Evansville city government obviously recognizes the importance of the arts so much so that they are making a 20 million dollar commitment. Isn't it not then ironic that our county government is willing to risk putting two community theater groups and several other non-profit organizations out of business over the cost of air-conditioning. At the same time, they may be turning their backs on the awesome beauty of a building that stands alone as truly representative of our heritage. Not only should this Commission squash any notion of selling our courthouse, each of you should be enthusiastically looking to ways on how to spend your newfound 2.3 million dollar bounty on renovations that will ensure all generations to come will have the opportunity to enjoy this buildings majesty. Anything less, gentlemen, I think is shameful. Thank you."

President Tuley: Jay Nagle.

Jay Nagle: My name is Jay Nagle, 824 East Riverside Drive, 47713. I am the artistic director for Totally New Theater. The people from the theater show you how much love they have for the space. I won't keep you long, but basically I want to talk about the issue of office space. We have a space in the building, we are not an office space. We are a space of dreams. We have many people that have come through our space that are going on to pursue their careers in the arts and, basically, what I would like to say is not only our space, but the Repertory People and people that cannot afford a large overhead can afford the space that is available in the Old Courthouse. More than anything, ours is a space of dreams. Thank you for your time.

President Tuley: Here we go again, I think it is Lisa Schuttler.

Lisa Schuttler: My name is Lisa Schuttler, I live at 3025 Tremont here in Evansville. I am a little for-profit business there and I'm in the basement. Now, okay that was the easy part. The thing that I was mostly bowed over with was the idea of air-conditioning. I mean, I signed my lease thinking my space...well, just taking what I could get because I felt privileged to move my business out of the home and into the big downtown. I mean, there were a lot of things that I didn't really plan on. My place is 95 degrees, 85 degrees in January, but I can open my window a little bit. This is an office building, is my point, you know and I bring in...my

little business will bring in a company president, it will bring in someone working their master thesis. I have a lot of people come in to my business and just what brings to mind also that I didn't think about is this one poor girl, it was her last hurrah. It was her master thesis and she was proofreading it and out from the crevice comes a roach this big. That is probably one of her memories of her master thesis. I am so used to them...I don't know. I see the roach and I think do I want a roach or do I want some woman standing over my shoulder telling me what and what not to do eight hours a day. No, I'm sorry, but I'll have to take the roach. You know, when push comes to shove they're disease carrying. They're not really pleasant, you know. So, this is an office building and I just think to attract a high dollar tenant that you are going to have to look at the little things. Literally, the little things. That HVAC, you know...well, HVAC, well I mean more than just opening a crack in my window so I think yeah, there are a lot other issues I think other than air-conditioning on the third floor. There really is and I just...and paint, but I really thank you for saying something about paint. I, once again, I...and self esteem, the lady mentioned self esteem. Yeah, my self esteem goes down when I am typing far, far into the night and a roach crawls up my leg and it has happened. You know, lets think of it as an office building and my place is a place of dreams, too. I make dreams come true also. Thank you.

President Tuley: The next one is Kent Brasseale.

Kent Brasseale: Hi. My name is Kent Brasseale and my address is P.O. Box 3646 Evansville, Indiana 47708. I come here as a member of and on behalf of the Old Courthouse Preservation Society. As David Jones earlier pointed out, the Coliseum is something of a memorial and a landmark and I think similarly the Old Courthouse is, too. It is not a memorial to wars and to the people who have fought and died in those wars, but it is a memorial to our community and to the county's cultural heritage and the county activities that have gone on since the late 1800's. The Old Courthouse Society's mission is that part of it has been defined to preserve, restore and utilize the Old Courthouse. We have also taken on the task of supporting the historical and cultural heritage of the community by preserving the Old Courthouse. This is a tremendous task and I think it has been done quite well. I have been a member for, I think, three years. It has obviously gone on for a lot longer than that. The building is made available to the public at no charge. It is a non-profit organization. People come in there all the time. We have school classes that come in for field trips to see the building and to learn a little bit of history about their local government. We have individuals that will just come in to the building and wander. They will walk in to some of the tenants office space and just look around. They feel like the building belongs to them. Architectural classes are held to study the architecture of that building. Like I said, the community not only feels welcome there, but they have a sense of ownership of that building and we fear that this sense of ownership would be lost if the building is put into the hands of the private developers. Although the building is on the Historical Register, that is not going to protect it if a developer wants to use their own funds to do work to that building. Other buildings that were once public have been turned private and they have now been either substantially altered or they have been lost. As was previously referenced, we only need to think back to the L & N Depot that is no longer with us. The Old Courthouse is certainly a building that will not be recreated. A little bit about the Old Courthouse Preservation Society itself, it is a very diverse, all volunteer Board that works hard to fulfill its mission. Like you we want the

building to be restored, we want it to be used to its best potential and in that regard we have a long term plan for it. I think, in the packet of materials that was given, Tab Number Three references our strategic plan. You can see that we have constant revisions being made to that as things are fulfilled and as other needs come up. We are constantly working on that and it includes a membership drive, it includes getting information out to the community about the building and it includes activities that are going to encourage public access and use of the building. Obviously, ways to preserve and restore the building and currently we are looking at ways that we can curtail the utility costs which is one of our biggest line items in the operating expenses. Of course, we are looking at ways to increase the usability of the building. That is what brought us here to ask for the air-conditioning or the funding to do the air-conditioning of the first floor. I think all of the things that we are working for are very interdependent on each other. Not only does the air-conditioning help to make the building more usable, but it also serves to make the temperature in there more constant so you are preserving the plaster work that is in there and the woodwork in there from deteriorating as quickly. To do that we do need to do something to make the building more usable and to increase the revenue of it so that we can keep making the restorations. The county has struggled to bring redevelopment to the downtown. In order for that to be a success we need to have activities that are going to draw people to the downtown and I think the Old Courthouse provides a forum for that. We have craft shows in the spring and in the fall that have a very good turnout. The Junior League holds the Festival of Trees there at Christmas time and that also gets a very, very good attendance. One thing that I want to stress is that all of this is done by the Board without a regular subsidy from the county. We don't get any regular operational funding from the county and over the last ten years we have put approximately 2.3 million dollars into that building. Of that money, less than nine percent of that was contributed by the county. Like this, it was requests for some capital improvements to the building, but the operational expenses are handled by charitable efforts and fund raising efforts. Sometimes, though, the capital improvements require a little bit more money than the charitable contributions can provide. As I said, we too want the building to be restored to its original splendor. Obviously, that is what we are working for. We also want it to be used to its fullest potential. I don't think that we are there yet and I don't know what kind of use that would be, but if we can find a developer that can do it and it is consistent with the mission of maintaining that building and keeping it available to the public then I would be very interested in talking with that developer. I do question that a sale is the proper way to go about that even if we do find a developer. I think that you lose a lot of control in a sale of a building like that being the memorial that it is, I think, it needs to stay, ultimately, in the hands of the county. If you have a sale you do lose a lot of that to the developer. You could put restrictive covenants into the deed that may limit their uses of the building or the work that they can do on it, but if things start going wrong it is going to be a lot more difficult to get control of it again. We would have to go through a condemnation proceeding likely. I think the better way, if a developer can be found, would be through a sublease of the building that way the safeguards on top of what the Historical Register requires could be written in to the lease and if things start going sour you have got a lot quicker way to take care of it. We really are interested in developing the building to its best use and to its original splendor. We want to preserve it for the citizens of the county and also for the future generations. Thank you.

President Tuley: The last name that I have on the speakers list is a Dot Humma, I believe. Humma, I'm sorry.

Dot Humma: My name is Dot Humma and I live at 1112 Rose Marie Avenue, 47715. I have served on the Board of the Old Courthouse, on the Board of Directors, but I would like to talk to you about a group of ladies who back in the early '70's, when the Society first started working on the building, formed an auxiliary and there are quite a few of them here tonight with me. We worked. We didn't believe in being just volunteers. We worked and we set up a gift shop. After cleaning up the building and cleaning up the space where we would put the gift shop and there were a lot of days when we would have to go down in the lower level and run the winos out, carry out the dead pigeons and then we could get up there and do our work. Eventually, the first floor was filled with shops which I think was suggested in the paper as being a good use for the building, shops and restaurants and we did have that at one time. After about a year, the shops began to close. It was sort of a novelty. I saw the same thing happen in Louisville. I'm not a native Evansvillian, but in Louisville this same thing happened with historical buildings that were used for commercial purposes. It's a novelty at first and people enjoy coming, but they just don't last. After the shops closed that was when we started craft shows and other fund raising things. The craft show has been the most successful as far as meeting our budget. I think that the concept of office rental has really been a lifesaver for the building along with astute management that we have had. I get this tonight, I don't really feel that people feel this is just an office building. I think they have respect for the building and love it as much as we did when we were working. The Society is pretty well self-sufficient until a major project comes along. As far as day to day maintenance we have pulled it on our own. I say, we, I'm not active any more, but I still love the building and I don't think that private ownership would have this respect for the building that the Society has. So many volunteers have given so many hours of service and money that if this goes to private ownership and is not maintained I think a lot of people are going to be very, very upset and if that is not enough reason, Mr. Mourdock, I think I could get some of these auxiliary ladies and we would be really glad to give you a tour of the building and probably give you about 100 real good reasons why we feel it should be saved. Thank you.

President Tuley: There were several of you who were out in the hallway who may not have been given the opportunity to sign the speaker's list. Phil Hoy and then I guess, David, you'd be next.

Phil Hoy: My name is Phil Hoy and I live at 217 Cherry Street in a 100 year old house so you know that I believe in preservation. This is the second house that I have worked on. I am also a member of County Council and I stand to support keeping the Courthouse in the hands that it is in right now. Secondly, I can tell you this, when the air-conditioning vote comes our way you will get a yes from me. A few years ago we started with the third floor, as you remember and on Council we said that if you get three tenants then we will vote the money and we did. Now, on the fourth floor we have the Arts Council, we have the Veterans, we have the Aids Resource Group and the County Engineer. This is the kind of tenant that I think we are looking for. Tenants that are going to be there for the long haul and it is my belief that if we air-condition the whole building than we are going to create a base of money coming from the rents that will help keep the building up to date. I have to tell you that I have a special interest because I am a board member of RPE Theater as well. It will be so nice when

that air-conditioning is in there when we don't have to shut her down and then bring it back up and sweat during a performance. Not those on stage, but us in the audience are sweating through the performance because it is so darn hot. This is the Ohio Valley and this is the way it is here. It is muggy and you have my support on an air-conditioning bill. Thank you.

President Tuley: Mr. Coker.

David Coker: My name is David Coker and I am a west side resident. Last year during my brief tenure as candidate for Mayor of the city of Evansville one day I walked in to the Old Courthouse building and I walked in to one of the vacant offices on the main floor there as you come up the steps. I walked in to one of the vacant offices and had visions of huge damask curtain swags hanging down from the enormous windows and I thought to myself how magnificent it might be if perhaps the office of the Mayor of the city of Evansville could be moved into the Old Courthouse building and a revolving fund established out of the city budget to purchase Kargis furniture. Period Victorian furniture to furnish the mayor's office in this town to show to the people of the city of Evansville who very rarely have an opportunity to see Kargis furniture, let alone know what it is, in the mayor's office. What an idea. Obviously, we are not going to see that happen next week or next year because it is a little to far fetched for whatever reason, but be that as it may I have worked on residential restoration projects myself in the past. I know what they cost and they are very expensive in most instances because you usually don't have any idea how much a building is going to cost to renovate until you actually get in to it. Having lived in Washington, D.C. for a while I have another personal experience that I would like to share with you this evening. When I first moved to D.C. there was a beautiful Bozart's edifice on the northern aspect of Capitol Hill called Union Station. In 1979 when I moved there, there were homeless people sleeping on the main floor of the barrel vault lobby of this incredible Bozart structure that is on Capitol Hill in our nations capitol. I was there about two or three years until finally Daniel Patrick Moynihan, the Senator from New York, finally once and for all made an issue and cajoled the congress into spending 75 million dollars to renovate Union Station, which to this day is an active Amtrak train station. They renovated this facility in an adaptive reuse where now there are several restaurants in the building. There are several boutiques, clothing stores, furniture stores and all manner of shops and so forth that you see in these kinds of adaptive reuse projects all across the country. Congress, as I said, spent the money, but congress could not get one vendor to operate in that building until they turned the management of the building over to a private real estate management company to handle to management of the facility. Whereas I can, on one level, agree with most of the reservations that are being expressed by these people that are here this evening regarding relinquishing total county control of this facility. On the other hand, since this building that we are standing and sitting in was built 30 years ago I cannot remember a time when the Old Courthouse building was perhaps anymore than at best 45 percent occupied. Yet there has never been a major effort to renovate this facility. I think this is a very healthy conversation that we are having in this community right now about the destiny of this structure which I think most people here agree is an architectural jewel that we cannot see go by the boards. At the same time, there has never seemed to be the political will in this community to renovate this building and spend the six to eight million dollars that it is probably going to cost to renovate it and bring it up to the standards, to market standards, that people that lease space in

downtown Evansville expect. I can also have some feeling for what Commissioner Mourdock wants to do with this building and I cannot help but to believe that there is not a role for the private sector in all of this. What that role might be I think is what this whole conversation should be about. If there is not the political will within the public sector to do this, then perhaps there is in the private sector, I don't know. Perhaps we should test the market. Perhaps we should ask people with the local construction industry, local banks and community leaders what their feelings are in this regard. I can't help but believe that there is not a role for the private sector in some way, shape or form regarding the renovation and the management of this structure if we decide to do something with it. Simply spending \$187,000 for air-conditioning doesn't get it as far as I'm concerned. If we are going to do something with this facility, then lets do something and make it nice. That's all, thank you.

President Tuley: I don't want to call it a rebuttal, but I think we've got one.

Kent Brasseale: I wouldn't call it a rebuttal, but I just wanted to verify because David said he couldn't remember it being occupied more than 45 percent. Of the more than 45,000 square feet of rentable space in that building there is only approximately 4,000 square feet that are not being occupied at this time.

Conrad Roe: My name is Conrad Roe and I live at 927 Harmony Way. Our company is a tenant in the Old Courthouse and I really haven't heard, other than Lisa, I haven't heard any tenants come up here and talk about this. I have a real hard time understanding why we are even talking about this. The tenants in the Old Courthouse, Don Collins over here and Keith and I don't know who else is here there is TNT. You don't go to the Old Courthouse. You don't rent in the Old Courthouse because it is wonderful office space. You rent in the Old Courthouse because it is a grand old lady and when you walk around the courthouse and you're there at night...I don't know how many hours we burn on the weekends and at night, but when you are there in the evening and you are walking around this courthouse you understand that this isn't an office building, this is an environment. When you walk down the stairs and your hand goes down the brass banister you wonder how many hands have gone down there. When you walk up the steps and see all the little curves in the marble and wonder how many people have swished up and down those stairs. You people are talking about history here. You don't put a dollar sign on that. Mr. Coker, I am sorry, but I totally disagree with your statement here. You don't talk about \$167,000 or whatever it is, when you start talking about the worth of the building. This is a piece of our history. It is a...I remember when I was very little my father took me down there and my father passed away about three years ago so I am real emotional right now and I ask you to bear with me. My father was an artisan, he was a craftsman. He spent a lot of time in that building taking me through there and showing me the woodwork and all the different things. Any one of you, Mr. Borries, Mr. Tuley, Mr. Mourdock, if you vote to sell this building you are selling every one of us down the drain.

President Tuley: Any other comments?

Unidentified from audience: Yes, I would like to thank Mr. Mourdock for bringing this out in the open now because finally this building is going to get the attention that it needs and I don't think there is anybody here that wants to sell the place. I would like to thank you and maybe we will get some public support and

funding for this grand old lady, as he said.

Commissioner Mourdock: Would you state your name for the record?

Bobby Rickard: I'm Bobby Rickard of 4104 Deer Trail, thank you.

President Tuley: Final comments? There is a hand up.

Mike Murray: My name is Mike Murray, 218 North Marine. I am only 25 years old and I don't have the experience that some of these people do have today, but in 1976, our bicentennial, my father took me to the Freedom Train and then to the Old Courthouse. I must have been five years old and it is one of the most earliest experiences that I can recollect. In fact, my brother was in diapers still and he was carried. When I think about the possibility...I'm just recently married and thinking about a family and not being able to take my child down to see this it kind of gets me here, too. What, am I going to take a picture of the book to an office building and say look son this is our courthouse? Or is it going to be most people now for our architecture are we going to go to the mall and enjoy that? Thank you.

President Tuley: Any more hands, comments?

Ron Riecken: I'm Ron Riecken and I live at 5935 Knight Drive on the east side. I am the President of the Old Courthouse Historical Society. Kent Brasseale has done an excellent job of who we are and what our mission is and I would just like to say that I think you all understand now the importance of this building to this community and would respectfully would ask you to fund our air-conditioning project so that we can continue to preserve this building. Thank you very much.

Grace Strange: My name is Grace Strange, I live at 1208 S.E. Second Street, Apartment A. I don't own property and right now I'm not employed so I don't pay any taxes. However, as far as the private sector goes I consider myself the private sector. I have put a lot of sweat equity into the building there. I have been a member of RPE for about four years. This past fall a group that I belong to, the Redbird Restroom Poetry Company held its poetry reading there. We had a poetry renaissance festival in Evansville that lasted the whole weekend. If it weren't for RPE allowing us to use their facility we would not have been able to pull it off. We had an entire weekend of poetry readings at Fitzgerald's Pub and at RPE and in our home. I think we spent a total of \$60 and got a lot of enjoyment for a lot of people. I have a lot of emotional investment in the Old Courthouse. My father painted the flagpole on top of the courthouse. It was one of his first union jobs as a union painter. In fact, I can walk up the hallway to RPE and look and see the paint that my dad slapped up there in the '50's. It's still there. We need a lot of things. We need paint, we need air-conditioning. I don't think that it is too much to ask considering the amount of money that is always spent on things on the east side. It would be nice to see money stay downtown for while. When I was very young my father made three predictions about Evansville. One, was that the L & N Depot would buy it. Two, Riverfront Park would buy it. Guess what the last predictions was, gentlemen? Please don't make that come true. Thank you.

President Tuley: Any additional comments from the audience. I won't call last chance, but...

Tom Angermeier: Last call. My name is Tom Angermeier. I am currently not a resident of Vanderburgh County, I live in Posey

County, but I have lived here for many years and I am one of the two founders of Repertory People of Evansville in the Old Courthouse. As he said before, we have been there for twenty-two years and I am probably more familiar with the physical aspects of this facility including probably Faye because I have been in, up and down this building many times, many years, many places. It needs many things. Air-conditioning is just one of the first things that it needs. It needs electrical work bad. The panel out in the hallway where we turn our lights on and off in the hallway went bad, the circuit breaker went bad. They don't make them anymore. Either the box had to be replaced or we had to find an antique circuit breaker. Well, I dug around back in our old electrical stuff and I found one, but that is the sort of thing that needs to be taken care of yet. The drainage around the building lacks in some places. There is water that pours off the building and sometimes it pours down into the basement. The basic structure itself is very solid. It won't fall down in our lifetime if we never do anything to it, but it will last for centuries if we do the proper the maintenance to it now and do the right thing. Thank you.

President Tuley: Unless I see any other hands go up then I think it is time for the Commissioners to make whatever comments that they feel appropriate.

Commissioner Mourdock: Oh boy, I get to go first!

President Tuley: You brought it to the table.

Commissioner Mourdock: I noticed that a couple of you were rather nervous when you walked to the podium and I couldn't help but thinking as I saw you and knew that you were nervous that you ought to be on this side of the table right now because there are a lot more of you than there are of me. Mr. Rickard's comment of a few moments ago thanking me for starting the debate. I have to tell you as a politician that I learned a long time ago that sometimes it is easier to start a big fire than it is a small fire. Two weeks ago when we sat here I made the comment, which I now no was wrong, because I turned to Rick Borries about this subject and I said, "Rick, I know there is no one in this county who likes to debate more than you and me" and I'm convinced that there are at least about 40 of you right now that probably do like to debate more than Rick and I at least on this particular subject. Too often people look at this building, I think Mr. McCutchan said it pretty well, as a place where they have to come to do disagreeable things and that is what they see government to be and maybe it is that kind of attitude that caused Faye Gibson to say to me at lunch today...she knows what I am going to say..."Given what happens in the Civic Center we ought to auction it off and keep the Old Post Office". Quote that correctly, that was Faye's comment, I might add. I appreciate more than all of you are going to recognize that you took the time to come down here tonight because in this city and in this county unfortunately there is often an image that too many public decisions get made in private meetings. Those decisions I think are bad. I think this is in fact a very healthy subject to discuss. The thing that will shock all of you right now, probably, as you sit there is to find out that Dick Mourdock is not the Dr. Jack Kevorkian of historic structures in Evansville, Indiana. I do not want to see the Old Courthouse die, I want to see it renovated. I want to see it become what all of you at this microphone tonight talked about. You know, Mr. Angermeier's last comments there put it in perfect perspective. This isn't really about air-conditioning, and by the way the minutes of a couple of weeks ago showed that I commented that my comments aren't about

air-conditioning. I told Faye today at lunch that I don't have a problem with air-conditioning that structure. It is not about the money it is about what we are going to do with it and where it is going to go in the future. Mr. Angermeier's comments that it needs electrical work, it needs air-conditioning work, it needs paint, it has drainage in the basement and all those things are real and that doesn't count the roaches that go up Ms. Schuttler's legs, okay? We need to do something with what is truly a grand structure. A couple of years ago I had the occasion to be in England and a gentlemen there, who I will never forget, made the comment to me and we were in a pub at the time so conversation was loose, but he made the comment to me, "Do you know the difference between an American and Englishman?". I said, "No, what's that?". He said, "An Englishmen thinks 100 miles is a long way and an American thinks 100 years is a long time." Well, it isn't. For 100 years that building has been there and it has graced this community as it was described. A great lady, a gem, a jewel and all those things. I'll take a poll right now because let me tell you what I vision, what my vision for that building is. It is a place that is clean, that is sparkling, that is vibrant, that is energetic, that is open to all of Evansville all the time. How many of you want to see that type of structure down there? Every hand in the place. We've heard discussion as Mr. Angermeier said, it is going to take a lot of money. How many of you think given two or three million dollars that it would fix that building up a long way? A long way. Okay, how many of you think that the county is ready to vote and spend two million dollars in that structure. That is where we disagree, folks. I wish that it were not that way, but I'll tell you with the funding constraints that we have we don't have the money to do it. That is why I think that Faye was very conservative in her request for \$187,500. That may be a start, but I think it was Mr. Coker who said that was not going to get us very far and when you compare that to Mr. Angermeier's list I think clearly it won't. The question is not what should the building be, but simply how are we going to get there. I have to tell you as a business person that I heard two sides to these discussions tonight and this came across in the capital budget request that was sent to us by Ms. Gibson. It said on the one hand that we have a lot of not-for-profit agencies in there that can afford it because it is good and on the other hand we want to make this capital expenditure to make it competitive with commercial office space. A member of the Board of the Preservation Society said to me the other day that we have a building that doesn't know what it is going to be when it grows up. It think that is pretty well said. Is it going to be an office building? I heard some say tonight that it would be. Is it going to be something else open to the public? I heard others like Ms. Canada say that is what it ought to be. I think that building is something that is truly a treasure. I am the last person who wants to see it knocked down or in any way altered. However, I think we need to have a better plan so that we can make the commitment to make that building be what it should be. With that I will close my comments with one last thing and that is, quite simply, the idea of whether we turn this over to a developer which was raised tonight and I think has some very interesting possibilities. Whether we sell it, obviously none of you, at least I didn't hear anyone speak for it, so I will assume that you are all against that, but if we have that great goal down there to make it something that is much more vibrant than it is today, then it seems to me that we have to take a different direction. Taking a different direction may seem like a very bad idea to you, but I will tell you things like the Interstate Highway System, Women's Suffrage, Civil Rights Act of 1964, the abolition of slavery, all those things were seen as bad ideas and yet, ultimately, the wisdom of those ideas came through. I hope as this debate continues in

the community, and I certainly hope it will, I hope that we find a way to do better for that building than we have in the past. I know that the people who are working down there as volunteers have done a great job there. They are assets to this community and every bit as important as that building is, but if we want it to be something more than lets start planning for it. Thank you.

TAPE CHANGE

Commissioner Borries: Let me also thank you for your polite attendance, your sincere concern tonight and I think it's the compelling reason why you are here. All of the remarks that I've heard are extremely eloquent and I don't think that I could really match much of what has been said. Let me just say as succinctly as I possibly can that coming from where I have been on this Board for some time that I would oppose the sale and change of the Old Courthouse to some, at this point, private group until hell freezes over and then I'll fight it on the ice. This wonderful structure is a powerful statement, I think, of architecture that south of the Indiana Statehouse is simply the best and most imposing structure that any community could be blessed with. Having said that, in an age of boxes and in an age of privatization that I think, frankly, also deserves a lot of discussion because I have also heard today that kind of thing may indeed be the new form of patronage for the extremely wealthy. We have a lot of serious thinking that we have to do about what we care about and what we do about our public structures. How we care for them and what is the best use for them. In the past, I have supported the removal, and it was a magnificent kind of event, the restructuring of the cupola. I urge the County Council to put air-conditioners in there and not window air-conditioners. I disagreed strongly with one County Councilman who had, to me, a remarkable background in air-conditioning who wanted to clutter the building with 12 feet ceilings with window air-conditions that to me I never did get. I supported the wing and the County Council did approve that money. I envision that building and the future of that building as an excellent example of a private/public partnership. In fact, private people are currently managing it. Faye Gibson and the Old Courthouse Preservation Society is a collection of individuals that does not receive government money to do what they are doing. They are a private management group. Having said that, I think that indeed I would echo the comments that what Commissioner Richard Mourdock has done is certainly bring this discussion to another level. He has despite the fact that many of us might respectfully disagree with his opinion as it was originally said. We also know that we have work to do to get this building to where we want it to be. That is going to take the energy and the refocusing of a lot of where we are headed in the future with this particular structure. It is magnificent. It belongs to the people. To me it would be as much, again, a travesty or an injustice as trying to put the golden arches near the Statue of Liberty and tell the folks well we can't afford this one either. For all those millions of people who have gone through the golden doors, we are just going to switch it to the golden arches and auction it away to the highest bidder. That's a travesty, that's not America. America to me is still community. It is still individuals working together to try to accomplish something where all of us put our tax dollars and our energy together to really come to grips with not only our past, but our future. That is what we need to focus in here and, I think, dedicate ourselves, all of us, to do more than just talk about what a great facility it is, but how we are going to really get this thing as magnificently reconstructed, perhaps, as the Indiana Statehouse. One final thought, we could get that done if...there used to be a Commissioner on this Board that had the best idea that

I have ever heard in my life about government. He said that if we could just get the Indiana legislature to move every ten years to someplace out of Indianapolis we would all have, probably, some of the greatest facilities that the world could imagine. All you've got to do is to go Indianapolis today to see what they are talking about because the Indiana legislature for years has acted as the Indianapolis City Council. They have given them everything. If we could just get the Indiana legislature to meet down here one time in that beautiful old courthouse, I'll bet you we'd get the money and a major start to do the wonderful things that they have done if you have been in the Indiana Statehouse with the marvelous reconstruction of the painting and the architecture in that. That is just a wild dream. That ain't going to happen. They are going to stay there and we are going to fight this thing out as best we can. I think that there is certainly a Chief Justice of the State of Indiana who has some very dear attachment to this building and perhaps he might also have some thoughts how we could get that funding. In the short run, I will support the air-conditioning. I will support those improvements and I will support you in the efforts to, again, truly develop a long range plan for the future of that grand old building. In an age of boxes, boxes that have sometimes blighted our skyline, that one stands out as a magnificent exception and let's keep it that way. Thank you for coming.

President Tuley: I'll be real brief. Hell hockey, I've never heard of that before! There is, I think, going to be some good come out of this discussion. I know that you've taken a lot of hits and a lot of calls and some of them a little too personal for what I think you were trying to do.

Commissioner Mourdock: Not all people agree to disagree agreeably.

President Tuley: There you go. It does make us sit back and think about our heritage and some of the beautiful buildings that we have in this community. Let me try to get the right man's name here, Mr. McCutchan's point of view on how we often look at things, but we truly don't see what we have. There is a lot to be said for that comment. I've taken that building for granted. I walk by it, I drive by it and I look over there and I say that I look at it, but I won't say I see it. I didn't really see it until last week when I got asked by one of the local stations to come over and be interviewed about this discussion and only then did I truly look up there and start to see this building. Never had it occurred to me at that point and time that I would be maybe in a position to decide the fate of that building for sure. Where it's going and where we are going with it. There is a grand old history and I could see my grandfather for reason coming out of that place and I'm sure that he paid his taxes down there and everything else just like everybody else did. Maybe not my dad, I don't know about my dad, but my grandfather did I know. Rick and I, Commissioner Borries, several years ago took a bold act, a bold move and we did what every politician in the world is afraid to do. We enacted a tax. It was a cumulative capital development tax. The very thing that these kind of projects is what that money is intended for. To put that money to it so that we can take care of our own, so to speak, to take care of the buildings that we have and the roads that we have. It wasn't an easy move. We've continued it another time when it was ready to expire we extended it. It is unfortunate that at this point that money truly a lot times hasn't been used for what it was designed for and what the intent was. We've got a grand opportunity as a community right now with that money and riverboat money. A plan is being devised for some of the use, but wouldn't it be nice to take some of that money each year and set it

aside and put in some of these grand old structures and maintain our heritage. As that young guy said, he is 25 years old and the thought of going down and holding up a picture and saying that this where it all started, where are we at now? Commissioner Mourdock handed me something here and it is a valid point. Here is the CCD requests for 1997 budget all totaling over three million dollars. That fund has 1.1 million dollars right now, I think, in it. It will generate about one million dollars again in 1997. Nobody is asking us to do all of these at one time so let's work on it a little bit at a time. Let's provide some money and let's do this part and \$187,000, you're right, it is not going to make a dent in what that building needs. It has been pointed out that we found money to renovate Rogers Stadium, we've found money for the Victory, we are finding money now for our own auditorium so let's think about some grand old buildings, the prettiest building that we have in this community and think about it for a change. I would support a vote if it were here tonight. I do need you to understand, as an audience, because you might want to keep this group together because this Board is only a recommending body. I don't want to put my two Council members who are here tonight on the spot, but all this Board can do is recommend to the Council that they set aside those funds for that and we will be submitting a list of those requests to them so keep in contact with your Council members, with your newspaper and this office to find out when those requests are going forward and we you can be heard because we can make all the recommendations in the world, but if the Council doesn't go along with us and say, spend it, it won't happen.

Commissioner Borries: Thanks for coming, we heard you!

Commissioner Mourdock: Thank you for disagreeing so agreeably.

Suzanne Crouch: We have rezonings.

President Tuley: Yes, I think we need to go ahead and go right into those and then we will come back to our agenda. Basically, at this point in time I guess we are still legally within the Commissioners meeting and I will entertain a motion to recess the Commissioners meeting. We just had a lengthy public hearing on the Coliseum and the Courthouse and we will immediately go in to the rezonings scheduled for tonight. We've got two scheduled for a third and final reading and at the conclusion of that we will go back and reopen the Commissioners meeting and continue on with our agenda. At this point in time, I would ask for a motion to recess the Commissioners meeting.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

The meeting was recessed for rezonings at 7:28 p.m.

The meeting reconvened at 7:50 p.m.

Final Reading - Amendment to Vanderburgh County Code 2.88.285

President Tuley: Okay, we will continue on with item 4D, the final reading of the use of county vehicles.

Commissioner Mourdock: Tonight we do have the ordinance in the packet.

President Tuley: Right.

Suzanne Crouch: Pat, did you get that form that I sent to your attention? Remember, we spoke about the form that the city uses and you said to get it to you because you may want to include that just as a form?

President Tuley: Okay, yeah, I remember that discussion.

Dennis Brinkmeyer: Let me just explain--

Commissioner Borries: County Attorney, Dennis Brinkmeyer.

Dennis Brinkmeyer: --Mr. Kissinger and I discussed that this afternoon when he asked that I sub for him this evening. There was some discussion, I think, that maybe Suzanne had mentioned to him that the form be included or incorporated in the ordinance and he was of the opinion that it should be separate from that particular ordinance and stated that he would discuss with each of you next week the feasibility of how that would apply to that particular piece of legislation or ordinance.

Suzanne Crouch: Do you know how that works, Dennis? If they would decide to use it would they amend it or just kind of have it available?

Dennis Brinkmeyer: Not having any idea about any background information I really wouldn't hazard an opinion--

Suzanne Crouch: Okay, sorry, I didn't mean to put you on the spot.

Dennis Brinkmeyer: --as to what that was. He was familiar with that and wanted to be sure that he would discuss that next week at the next Commissioners meeting.

President Tuley: Part of that, too, I think, is for identifying vehicles in which there may be taxes due as a fringe, is what it looks like as well. That is the primary purpose, I think, as much as anything which is probably something that we need to entertain.

Commissioner Mourdock: Is this something that would cause us to do anything to modify the ordinance that we have in the process?

Dennis Brinkmeyer: No, I did not take it to be any problem at all as far as the particular ordinance to be signed.

President Tuley: So we can act on the ordinance and this really wouldn't be part of the ordinance it would be just part of the paperwork?

Commissioner Mourdock: Certainly. Since this ordinance is part of the personnel policy and since part of the personnel policy routinely calls for the different types of forms and information that follows, I guess.

President Tuley: Okay. Do we have a motion to approve the ordinance to amend Vanderburgh County Code 2.88.285 policy on take home vehicles?

Commissioner Mourdock: I'll move approval.

Commissioner Borries: Second.

President Tuley: Since it is an ordinance I'll ask for roll call.  
Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes as well.

Cindy Mayo: If I might add, Kent Irwin did ask if a signed copy of that could be faxed to him or sent to him since they did write the personnel policy handbook.

President Tuley: I'm getting tongue-tied all night so if anybody can tell me where Rogers Stadium is, I'll be glad to go there!

**Harris Howerton - Contract for Substance Abuse Instructor**

President Tuley: Okay, Harris Howerton contract for Substance Abuse Instructor.

Cindy Mayo: Karen Angermeier called this afternoon and said that Harris was sick and not in today.

President Tuley: Okay.

Cindy Mayo: I did ask again if she could get a copy of that to us before next week's meeting if this was to be voted on and she said that she would talk to Mr. Howerton about it when he came back in.

President Tuley: So we will call this one continued.

**Any group or individual wishing to address the Commission**

President Tuley: Item 4F is any group or individual wishing to address the Commission who does not find their name or their topic for discussion listed on the printed agenda. Now is the time to come forward.

Edward Moser: Gentlemen, I know it's been a long day. I'm Edward G. Moser and I appeared at your meeting about a month and a half ago and I represent the Coterie Club, which is a dance club in Evansville. We made a strong pitch along with Dr. Davis Wilson, who is with the Friday Night Dance Club, about a wood floor for the ballroom that is proposed. Two questions. Has any movement been made with respect to this wood floor and I'm not referring necessarily to a portable floor, I mean a permanent wood floor? Has there been any movement in that direction yet? The reason is that I have a Board meeting with my Board on Wednesday night and I was anxious to make this appearance before you to get any last minute information that we could bring back to the Board.

President Tuley: To be as candid as I can be with you I would say at this point in time there is not a move to do that or a move to decide that it won't happen. We are still hammering out the details and getting our architect signed on and getting the contract signed. That should happen, I hope, not later than next Monday. At that time, I think, that we can sit down with the architect and start discussing the pros and the cons. I know, I think initially...did he make some comment?

Commissioner Borries: I can't recall if he has.

Commissioner Mourdock: Who are you talking about, Mike? I don't

recall him making a comment one way or the other regarding the floors, but at this point it is important for you to understand the artist's conceptions that we've seen of the facility, basically, we are looking at the building in the largest possible concept. Should we have it two story, should we have it one story, expand it further or contract it? Those types of details have not yet risen to a discussion.

Edward Moser: Of course, at your meeting over at the Auditorium I was privy to those drawings and I appreciate your concerns and everything. One more thing, we have bands and dates set for next year for our dances. Have you any input as to when this construction will be going on? We are about ready to sign some contracts with supplemental dance places like the Coliseum and the 4-H Center. This is a flip the coin, you see.

President Tuley: Right. The best that I could answer that is that we hope in preliminary discussions to break ground in February. This is a project that will probably take, I'm going to say 15 to 18 months to complete.

Edward Moser: So we're pushing into 1998?

President Tuley: Right.

Edward Moser: It's 15 to 18 months?

President Tuley: Yeah, 15 to 18 months. There has been some preliminary discussions of somehow phasing it in. Maybe doing the convention center first whereby we would still have the Gold Room and the auditorium for use and then once that is all done then moving down and doing just the opposite so that may come in the latter part. I'm not exactly sure at this point and time unless you guys have input?

Commissioner Mourdock: Until we know exactly what the structure is going to be, coming back to the drawing that you saw, we don't know how it will be constructed.

Edward Moser: Gentlemen, we are not unmindful of this. There are still some decisions to be made and I'm just merely trying to get some input and I hope you appreciate that.

President Tuley: We do. We are looking at the fall of '98 before we actually have the whole thing completed.

Edward Moser: So, if I came back here in a couple of months would you say that would be too early or what?

President Tuley: In order for us to--

Edward Moser: I know it will probably be in the paper, but I would much rather hear it from you all.

President Tuley: In order for us to break ground in the first part of February I would think in the next two to three months we better have some decisions laid in ground because we've got to go to market and get the money.

Edward Moser: Yeah, right.

President Tuley: I'm not trying to avoid your question, but I would hope by two months that we should wouldn't you think? Within two months we should at least have the general idea, as Mr. Mourdock

was talking about. We should be narrowing it down or even nailing it down within two months if we are going to go two story or one story and the general concept.

Edward Moser: So approximately two months from today?

President Tuley: I'd say, yeah, within reason.

Edward Moser: Yeah, I'm not putting you to the test.

President Tuley: I think within two months. We had that meeting about a month ago? A little more than a month ago?

Edward Moser: It was June 3rd or June 4th.

President Tuley: Okay, about six weeks ago.

Edward Moser: It was on a Monday over at the Auditorium.

President Tuley: Right, and we were hoping to be about three months from that point ready to go so we should be within a couple months. We should be I'd say about the middle of September.

Edward Moser: Incidentally, we had a marvelous dance over at the Gold Room yesterday. We had a tea dance. We have a couple of tea dances and the rest of the dances are on a Saturday night. We had delightful crowd come in from Illinois, Indiana, Evansville and Kentucky. We had a good band, Ronnie Scott from Bloomington, Illinois who just played marvelous music. We've had him before. On that high note I will depart. Thank you very much for your time.

Commissioner Borries: Just a question. I appreciate you coming it. I can't really recall, but does the Green Center up there have a wooden floor?

Edward Moser: Oh, yes.

President Tuley: Oh, yeah.

Edward Moser: We were formally at the Gold Room and moved to the Green Center for that one reason.

Commissioner Borries: Is that right?

Edward Moser: It is a permanent floor. We have 250 couples in our organization. Not all of them show up for one dance. From the dance last night I got five more applications to get on the waiting list. I've got 65 couples on the waiting list to get in and we only do this one time a year. We are talking about a reliable, functional and a great organization that has been around since 1945. We are celebrating our 50th year in September. I think we are in a position...I've never seen a ballroom dance facility where they have competition I've seen on T.V., but never has there been a terrazzo floor in them. It has always been a permanent wood floor. I tell you what, if you are considering a portable floor you have got to remember that those joints, and I've experienced this at the Effingham Keller Convention Center, but I tripped on those joints so if you are going to do a wood floor get the best advice on how to lay it and boy you'll have some great backers here in the city of Evansville. Thank you very much. Any other questions?

Commissioner Borries: Thank you.

Daylight Sewer Project - Mike Robling
---------------------------------------

President Tuley: Since Mike is here do you want to go ahead and go on with his Daylight Sewer deal since he is here?

Commissioner Borries: Sure.

Commissioner Mourdock: That's fine.

President Tuley: Mike, why don't you come on up. For everybody else, we are going to...we didn't realize for sure that Mike was going to be here so they put this down under old business, but since he is here we are going to deviate from the agenda and we are going to cover item 8A at this point.

Mike Robling: Last week I sent each of you a memo concerning the Daylight Sewer Project along with a copy of an engineering report from Three I Engineering and their cost estimate for the project. They have looked at two different alternative routes one of which has an option. Either route will serve the purposes of the Indiana Department of Commerce Grant which the county received to serve the four businesses that are located on Highway 57 and the one on Green River Road. Before the engineering consultants can proceed with the project we need to tell them which route to take. Both Three I and the Water and Sewer Utility have indicate their preference for the second route which would connect a forced main which would connect to a sewer at the Airport Industrial Park. If it is your choice to do the Petersburg Road part then do that as a separate gravity sewer as part of the project.

Commissioner Mourdock: Mike, clarify for me if you would, the Hornets Nest which, obviously, is on Boonville-New Harmony Road right at the intersection of Petersburg Road, obviously, they are interested in getting connected. Then on the maps going south it looks like you go approximately another quarter to a half mile proposed either--

Mike Robling: Do you mean south on Petersburg?

Commissioner Mourdock: Yeah, right. You are going to get gravity flow from the south to north. What is along Petersburg south of the Hornets Nest that we are serving with that? Is that the new subdivision?

Mike Robling: Well, the sewer currently ends at the BSH Subdivision which is going to have a golf course and they sold land to the School Corporation. They have built the sewer up to that--

Commissioner Mourdock: Up to the point--

Mike Robling: --southern point of those gravity sewer lines.

Commissioner Mourdock: So they will connect right there? Is that what you are saying?

Mike Robling: Right, that is as far north as that particular sewer goes right now. At the end of the Airport Industrial Park on Hedden Road is apparently the end of the other sewer goes.

Commissioner Mourdock: So right now the sewer out of that subdivision has no way out? I mean, it is not up and functioning?

Mike Robling: No, it is functioning and it all goes down and passes under the airport somewhere.

Commissioner Mourdock: So it flows continually south? So we'd be changing the flow out of that subdivision if we incorporated it with either of these plans?

Mike Robling: No, we would just be adding flow at the top end of the pipe at this point.

Commissioner Mourdock: Okay, so if we add it to the top end of the pipe we would not need to have that forced main going from Petersburg to 57?

Mike Robling: Right.

Commissioner Mourdock: That part would come out. We would just go straight south?

Mike Robling: The distances of gravity and force mains are approximately the same on either route. I think really the main question is whether you want to serve the Hornets Nest location at Petersburg and Boonville-New Harmony.

Commissioner Mourdock: And whether or not we want to serve the other homes between Petersburg and 57.

Mike Robling: Right. Part of the reasons for the engineer's preference to utilize the forced main along 57 is that residences are not as likely to make the investment necessary to hook into a forced main and that is most likely going to be a residential area along Boonville-New Harmony Road, whereas the area along Highway 57 is more likely to attract industrial development and industry is more likely to incur the costs to tap into a forced main.

Commissioner Mourdock: There are already quite a few houses along Petersburg that could tie in.

Mike Robling: Right.

Commissioner Mourdock: I'm sorry, along Boonville-New Harmony.

Mike Robling: Right. There are also some houses along the Highway 57 route as well.

Commissioner Mourdock: Correct.

Mike Robling: I think if it is your choice to provide the gravity section along Petersburg Road then the second alternative would be the one that would be the best which would do the forced main along 57 as well as the gravity along Petersburg Road.

President Tuley: If both of them serve the purpose and if we include...what was the individual's name there at the Hornets Nest?

Commissioner Mourdock: Schmidt.

President Tuley: Schmidt. Whatever one is the best route to take as long as he is included, I think that is the best route. If he is included with either one then I don't have a problem with it myself going with their recommendation on option two.

Commissioner Mourdock: Route one as I read this was not included. Route one would not be the forced main across Boonville-New Harmony.

Mike Robling: No, route one is the forced main across Boonville-New

Harmony.

Commissioner Mourdock: I'm sorry to be dense. Tell me again the difference between one and two then? I thought one was not including the Hornets Nest.

Mike Robling: If you take one and two in their entirety they will both serve the Hornets Nest. The second one is more likely to attract industrial tap ins and the first one is less likely to attract residential tap ins.

President Tuley: But they both will serve the Hornets Nest?

Mike Robling: They will both serve the Hornets Nest.

Commissioner Mourdock: Am I the only one who read that wrong?

President Tuley: No, I misunderstood that, too.

Commissioner Borries: No, I don't get it.

Commissioner Mourdock: Good.

Commissioner Borries: I don't see on number two then, for example, I don't see it going over to the Hornets Nest.

Mike Robling: Well, there would be in essence two separate sewers on number two. There would be the forced main that goes down and goes under the highway to connect in to Hedden Road and then there would be the gravity sewer from the BSH Subdivision north along Petersburg Road.

Commissioner Borries: So, you are saying that the pink forced main is indicated under proposal one actually works for proposal two as well?

Mike Robling: No, the pink forced main is the dotted line on Boonville-New Harmony Road.

Commissioner Borries: How do you get to the Hornets Nest, Mike?

Mike Robling: You build a gravity sewer north on Petersburg Road to Boonville-New Harmony. It is essentially a separate sewer.

Commissioner Mourdock: Okay, so you go--

Commissioner Borries: Oh, okay.

Mike Robling: There is a pink and a green line there and the green line isn't connected to anything there at the northern end.

Commissioner Borries: I gotcha you.

Commissioner Mourdock: Okay, and that would be simply gravity flow from the Hornets Nest parallel to Petersburg Road to join in to the existing gravity feed?

Mike Robling: Right.

Commissioner Borries: Then two might be better. I mean, the green one.

Commissioner Mourdock: The only difference then would be does the Hornets Nest go gravity flow south or--

Mike Robling: The Hornets Nest would go gravity flow south in either proposal.

Commissioner Mourdock: Okay, alright.

President Tuley: I think we are brain dead maybe we should discuss this next week!

Commissioner Borries: It wasn't clear to me. I thought we were coming down to an either/or situation.

Commissioner Mourdock: That is what I thought, too.

President Tuley: That is what I first thought.

Commissioner Borries: You are just telling us that, basically, under two or under the green...I'm not even going to call them one or two because I'm so mixed up now.

President Tuley: Go back to one and two because I'm color blind.

Commissioner Mourdock: Then you've got a real problem!

Commissioner Borries: It looks like to me that the one that goes down 57 picks up some potential industrial sites and according to what you've said in your memo that fulfills some of the mission of what we asked the grant to do from the Indiana Department of Commerce, to pick up the businesses?

Mike Robling: Right.

Commissioner Borries: So basically what we are eliminating under the other proposal is just the forced main along Boonville-New Harmony Road?

Mike Robling: Right.

Commissioner Mourdock: Let me say this and you can tell me if this is right. If we do number one, then we are going to go forced main across Boonville-New Harmony and then everything from up north through that forced main is gravity flow back to the south?

Mike Robling: Right.

Commissioner Mourdock: If we did choice number two, we would have one leg along Petersburg that would go from the Hornets Nest south to tie into the gravity flow and as a separate system we would have all that parallel to Route 57 going underneath to Hedden Road. I think I've got it! Now, the cost.

Mike Robling: If you include the Hornets Nest the cost is essentially the same for either.

Commissioner Borries: I'm for including it. He has been one of the driving forces.

Commissioner Mourdock: I didn't think this was about including it or not including it. I thought we had it either way?

President Tuley: I thought we were passed that?

Mike Robling: If you have decided to include it, then I think you should go with the engineer's recommendation of route two.

Commissioner Mourdock: I agree, the point is to include it.

President Tuley: If we've agreed to that and both plans serve the need, then at this time we should go with the engineer.

Commissioner Mourdock: Yes. I move towards plan two.

President Tuley: Okay.

Commissioner Borries: Was that a motion?

Commissioner Mourdock: Yeah.

Commissioner Borries: I'll second.

President Tuley: So ordered. Now, do you know what you're doing?

Mike Robling: I tell Three I that they can start doing their aerial photography.

President Tuley: They are both equal in cost.

Commissioner Borries: It seems like that was a little more difficult than I thought it was going to be.

President Tuley: Really, the initial presentation to me I thought did not include, and he talked with me on the phone, the Hornets Nest unless you chose one or the other.

Commissioner Mourdock: What did not get included were all these homes along here in plan two.

President Tuley: I honestly thought that was what the whole thing was about is the businesses.

Commissioner Mourdock: Right, but we will probably hear from--

President Tuley: Yeah, we'll probably hear about it. Anybody else under 4F, any group wishing to address the Commission.

John Stoll - County Engineer

President Tuley: Okay, department heads. John.

John Stoll: First I would like to request Council Call to transfer \$13,994.00 from the Franklin Street Bridge to the County Line East Bridge. The money that is needed at County Line East Bridge is because I did not encumber enough money at the start of '96 to cover the piling for that bridge. The Franklin Street Bridge is complete so there is no need for that money in that account so that is why I am transferring it from that account.

President Tuley: We have a request for a transfer from Franklin Street Bridge to County Line East Bridge.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Second, I've got a supplemental agreement on the Ohio Street Bridge right-of-way engineering. This increases the original contract by \$2,007.00. The need for this is the same as

the right-of-way services supplemental agreement that was approved two weeks ago and it was simply because we had quite a few more legal descriptions that had to be drawn up to accommodate all the easements and property transfer that is going on with Mulzers and the Water and Sewer Department in conjunction with the Ohio Street Bridge.

Commissioner Mourdock: The change agreement is with Bernardin?

John Stoll: Right.

Commissioner Mourdock: I'll second the approval. I'm sorry.

Commissioner Borries: Move?

Commissioner Mourdock: I think I did it both at one time. That's pretty--

Commissioner Borries: I was going to wait to see what you were going to do on that one!

Commissioner Mourdock: And then I lost the vote!

Commissioner Borries: I will second.

President Tuley: So ordered. I think that is my role! I think those are my lines.

John Stoll: The third item is a travel request. It was for Bill Higgins to travel to the FEMA meeting in Princeton this morning. I recommend that it be approved.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The final item, last week we discussed the construction time frames on Green River Road and I don't have the specific schedule still, but everything that I was told today was to basically assume that the road would be closed for the duration of the project basically. Right now they are trying to get some things ironed out with utility relocations on the gas line and the electric line and it looks like we are going to be able to save some money because we won't have to do as much water line relocation. As it stands right now, unless things change, is to just assume that the road will be closed for the entire 90 work days. If I get anything more specific I'll bring it to the meeting, but as it stands right now they have not provided a written estimate.

Commissioner Mourdock: We do have provision in there for liquidated damages?

John Stoll: Yes.

Commissioner Mourdock: As a matter of practice, and maybe this question will go to Suzanne I don't know, but could we as a matter of policy in situations like this give an incentive plan in our contracts when we bid it if people get it done before the deadline? You know, have some incentive plan out there? We have liquidated damages on the one end, but we don't have any real bonuses for them to get done a head of time. I was just wondering if we could

routinely incorporate language like that. I don't know if there is any reason by state law that we couldn't, but it is just a thought.

John Stoll: I've heard of that being done in contracts, but I've never seen how INDOT has done it, but it is something to look in to.

Commissioner Mourdock: I don't know if INDOT ever has, but it would certainly be helpful.

John Stoll: One thing that was brought up today in regards to the Green River project is that Blankenberger was proposing putting in a gravel road that would provide access to all the properties so they could do all the pavement removal and subgrade treatment at the same time rather than having it broke into a series of smaller work areas, but that would involve a change order and they haven't provided any costs or breakdowns as far as what that would cost us. That might be a way to get the job speeded up a little bit.

Commissioner Borries: Yeah, that is something to look at.

John Stoll: They are supposed to provide some costs and some estimates of how much time it would save on the contract so if I have that next Monday I will bring it to the meeting.

Commissioner Borries: You look pretty rested. Things going pretty well?

John Stoll: Yeah, she sleeps better than we do.

Commissioner Mourdock: He came here tonight for peace and quiet!

President Tuley: Don't ever come here for peace and quite.

John Stoll: She has a habit of waking up at 2:00 a.m.

President Tuley: She likes to be fed, dad!

John Stoll: She's getting fed by mom right now. That is the good thing about being married to a teacher because she doesn't have to work right now. That's all I've got, unless you've got any questions.

Commissioner Borries: Thank you.

President Tuley: No questions tonight.

TAPE CHANGE

Bill Morpew - County Garage

President Tuley: Okay, Bill you're on. Let the record reflect that Bill Morpew submitted the report for the Vanderburgh County Highway and Bridge Crew covering the period of July 5 through July 11, 1996. Once again it looks like you guys are pretty much all over the county. What is the word on the meeting today?

Bill Morpew: On the meeting, FEMA?

President Tuley: Yes.

Bill Morpew: I attended and I guess I need to request travel to Princeton also for this morning. Mr. Higgins rode with me. I

attended the SEMA and the FEMA meeting in Princeton. They are going to have a team through all the different agencies this week. I am supposed to have all my paperwork and my pricing and everything done this week for the team to look at and inspect. I think we are going to get our money back.

Commissioner Borries: Great.

Commissioner Mourdock: What do you estimate that dollar figure to be?

Bill Morphey: I originally guesstimated \$300,000.

Commissioner Mourdock: The bulk of that money is overtime monies?

Bill Morphey: No. It is going to be split up. There was quite a bit of material involved as far as culverts, concrete, asphalt and rock, stuff like that. We have several and of course Old Henderson Road is going to be a guesstimation because I'm not going to have that thing done until October, probably. The pavement is done, but we've got a lot of concrete work to do down there, some shoulder work and we have hauled a lot of dirt down there. A lot of that dirt that came off the St. Joe Avenue project is now down there on the shoulders on Old Henderson. Of course, the various culverts that were replaced on St. Joe Avenue, Allens Lane, the washout on Spry Road into the borrow pit, those are pretty good sized projects, too. It looks like it is going to be a fast and furious week, but I think we are going to get our money back.

Commissioner Borries: Anything essentially that was flood related you are putting in there?

Bill Morphey: Yes, sir.

Commissioner Borries: That includes your time and your material?

Bill Morphey: Yes, sir. They said that we could also go with all of our overtime. That goes in also. The machinery, if we had machinery failure the cost of repair or replace on that piece of equipment--

Commissioner Mourdock: I hope you thought about that when you sent equipment out to work, the ones that needed some--

President Tuley: He may not have this time, but I bet he will next time!

Bill Morphey: There were a lot of thoughts running through my head at that meeting today. I took a lot of notes. We are going to come in real close to that dollar figure that I estimated.

President Tuley: Okay, any other questions? Questions of us?

Commissioner Borries: I move that you be approved to attend that meeting.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Bill Morphey: Thank you.

Dennis Brinkmeyer - Assistant County Attorney

President Tuley: Alan as you notice is not here. Dennis, do you have anything to report?

Dennis Brinkmeyer: No, nothing.

President Tuley: Okay.

Cindy Mayo - Superintendent of County Buildings

President Tuley: Cindy.

Cindy Mayo: The Auditor's Office brought a memo in today that has some figures on the tax sale that is going to be conducted August 12th so I would like to give the three of you a copy of this for your information. I turned in a request today for CCD funding. I did not have time to get your approval. I had a meeting with the Auditor's Office and with Data Services last week over the time accrual project. The Auditor's Office is going to be, I guess, a test office for the time accrual project. There will be a \$3000 fee involved for the hardware and software for them to be a test office. I did turn the request in today for funding for \$3000 from CCD for this project and if it is not approved then we can always withdraw the request.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Cindy Mayo: Bill Jeffers called the office this afternoon and he was out at Hunters Ridge and Red Gate. He said that he had two more individuals that live out there that he needed to speak with. One is Mr. Gardner who needs dirt and the other one is a fellow that is in Alaska right now that they are hoping to get the dirt from. He will be gone for one week. Mr. Fuquay has agreed that he will do all of the work in the subdivision and Mr. Gannon, I believe he is the other contractor involved, has agreed that he thinks that it will work and he is cooperating with it. Bill said that he will be in next week to give a full report at the Drainage Board Meeting.

Commissioner Borries: Mr. Gannon is not a contractor.

Cindy Mayo: Okay.

Commissioner Borries: I think the other developer that was involved in it was Wittekindt, Bill Wittekindt.

Commissioner Mourdock: Yeah.

Cindy Mayo: Well, maybe Mr. Gannon is who he has been speaking to.

Commissioner Borries: He is a homeowner.

President Tuley: He's a homeowner because Mrs. Gannon called me today to tell me that the only thing that Mr. Fuquay had done to this point and time was something that was not in the discussion and they hadn't asked for. He put some seed down and some straw and they lost all that in the rain last night.

Cindy Mayo: I think that the problem is that they are still speaking to all the homeowners and trying to get all of the homeowner's cooperation because they do have to go on some of their property and they have to get their permission to do so. He said that he would give a full report next week at the Drainage Board.

President Tuley: Could you call Mrs. Gannon at Old National Bank tomorrow and just relay that Bill will be giving a full report at next week's meeting and that if she wants to...she wanted to come tonight and I said that I don't think you want to come tonight. I think she works at the main office, I'm not sure.

Cindy Mayo: Okay. I have a request from JCI Advertising. They spoke with Mr. Tuley at Burdette Park.

"This is to request permission to shoot footage for a commercial at Burdette Park on July 24, 1996. Our production crew will be in the park from approximately 8:30 a.m. until 11:00 a.m. We will be randomly asking people in the park questions regarding a jewelry item we will show them. We will explain to anyone allowing us to interview them that they will be required to sign a release form allowing us to use them in a commercial. They will receive some sort of coupon or gift for their participation.

I will have our crew check in with the director when they arrive at the park that morning. If there are any requirements I need to know about please call me."

It gives a phone number. Mr. Tuley said that they do routinely get requests and they normally turn down requests for outside firms to come in a shoot their own commercials in the park. I think that they did it one time. They did have someone come in and there were complaints from some of the people that were visiting the park.

Commissioner Mourdock: Do you know, Cindy, who is shooting the commercial?

Cindy Mayo: It is JCI Advertising.

Commissioner Mourdock: I'm going to be real blunt here. Is it a political spot? Do you have reason to--

Commissioner Borries: No, it's jewelry.

Cindy Mayo: No, it has to do with jewelry. It is a private--

Commissioner Mourdock: Oh, I missed that. Okay, I'm sorry.

Commissioner Borries: I don't know, but I don't have any problem with it. Maybe I'm wrong.

Cindy Mayo: He said they never allow them to come in the aquatic center and talk to those people there that they would have to speak with the patrons of the park--

President Tuley: In the general area?

Cindy Mayo: Yes.

Commissioner Mourdock: In the past, you said that this has not been permitted?

Cindy Mayo: They normally do not. Apparently there was someone that shot some sort of commercial there and they did get some complaints on it. Since that time, they have normally tried to discourage it and I believe that they did try to discourage this and they wanted to speak to someone else about it.

Commissioner Mourdock: The discouragement, if you will, was requested by the director of the park?

Cindy Mayo: Yes.

Commissioner Mourdock: Well, in my "to be consistent" line, I don't try to micro manage folks. I think if he is out there and hired to make those decisions and he has made them this way in the past then I think if we did anything other than back up his decision we would, in effect, be undermining his authority out there. I'll open it up for debate that way if there is one, but I would move that the request be denied.

Commissioner Borries: I will second.

President Tuley: So ordered.

Cindy Mayo: My last item is that I need to let you know that I did send a memo out to all county offices. I will be in the Co-op Extension office, or in the office that was vacated by Co-op Extension, tomorrow from eight till noon for anyone who wishes to come in and look at the office and then I requested that they submit a written request to us by Friday if they wish to have any or all of that office. That's all I have.

#### Consent Items

President Tuley: Consent items include employment changes, travel requests, local emergency proclamation and correspondence and phone list about the sale of the Old Courthouse and Coliseum which I have already forwarded down.

Commissioner Mourdock: I'll move approval of the consent items as filed.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled Meetings

President Tuley: Scheduled meetings. At 9:00 a.m. there is an Insurance Committee meeting tomorrow morning. On Thursday morning at 9:00 a.m. there is a Steering Committee meeting. Next Monday, the 22nd, there is a 4:00 p.m. Executive Session, which we have been advertised for and at 5:30 p.m. there is a Commissioners meeting and a 6:30 p.m. Drainage Board.

Commissioner Mourdock: While it is not formally on the schedule, all department heads of the county are invited to a picnic lunch that I am sponsoring on Wednesday at 11:45 a.m. at Garvin Park so please feel free to come on down, all department heads or your designee. We are just going to have a little lunch in the park because it is going to be a nice day.

President Tuley: These are what departments?

Commissioner Mourdock: All department heads. How many did we invite, Cindy, 47?

Cindy Mayo: I believe so.

Commissioner Borries: That's great. Is that the 24th or the--

Commissioner Mourdock: The 17th.

President Tuley: Oh, I wrote down the wrong day. At 11:45 a.m.?

Commissioner Mourdock: Yes, 11:45 a.m. I'd love it if you were there.

President Tuley: Great. Can I bring my fishing pole and try to get one of those big old cats?

Commissioner Mourdock: Sure can, but you'll be eating chicken unless you want to start your own fire!

Old Business

President Tuley: Okay, thank you. Under 8, old business, Daylight Sewer is done. Any other old business?

Commissioner Mourdock: Just as an update on old business. I was involved in a five way phone call today with Tim Method up in Indianapolis and some members of the Indiana Oral Marketers Association, AMOCO, and Indiana Petroleum Jobbers Association. They had some comments regarding the one proposal of the four that ACORN recommended to us. They were specifically concerned about the lower reid vapor pressure gasolines. One of the gentlemen, who's name escapes me but it might be Mike Bates, but he will probably come to speak to the Commission just to express a little bit of their, not necessarily concern, but things that they want us to be aware of. He did make the point where they have done this in other areas and it has generally lead to two things. A couple cents a gallon higher prices which we have been advised of and that storage can be a problem in that you obviously can't mix the two gasolines. You either have to dedicate a whole new tank for the lower reid vapor or the higher. He was emphasizing what the ACORN group has speculated all along that if in fact we go that route with an ordinance requiring the use of that gasoline in Vanderburgh County that given so much of the total fuel usage for the region is in Vanderburgh probably the other counties would end up getting lower reid vapor pressure gasoline also. We might end up getting a little bit more effect. I'm sure the higher cost of gasoline will never be well accepted, but it seems that the ozone situation is not being well accepted either.

Commissioner Borries: I can never understand why gasoline cost so much here anyway? Between here and Terre Haute with the same state tax formula and everything else there is...I traveled through there Saturday and bought gas just south of Interstate 70 at \$1.07 and here it's \$1.19. We're on the Ohio River and they're not and I don't get it?

President Tuley: It's the Wabash River.

Commissioner Borries: Must be.

Commissioner Mourdock: Let me ask a question that is a procedural matter and maybe Suzanne can address this one, but hypothetically if--

President Tuley: The last hypothetical was that meeting where--

Commissioner Mourdock: Yeah, I know, I know. Hey, we are supposed to ask questions in these jobs. If the Pollution Prevention Task Force, which is one of those four recommendations from ACORN, if they want to put things in effect that will require some funding, obviously, the county is going to have to look long and hard to find the funding to do that. Is there any way that the county could enact on its own a half cent or quarter cent a gallon type fee? Most taxes on gasoline are state.

Suzanne Crouch: I don't know, I haven't come across that.

Commissioner Mourdock: I don't know if there is anything that would preclude us from that or not.

Commissioner Borries: I don't think so. I think what the state allows, and I'm not an authority on that, but you can get CAGIT, which is the adjusted income tax, or you can do COIT, or you can do a combination with EDIT, which is that .025 economic development and I think that is all they can do on the Home Rule. No, wait a minute. We do a one cent food and beverage which you can do under Home Rule. I don't know. We could research that.

Commissioner Mourdock: I'm not being a proponent of that--

President Tuley: It's just a thought.

Commissioner Mourdock: --but clearly if the Pollution Prevention Task Force is going to get some things done it is going to take some reasonable funding to do that and I think that we ought to begin to explore that and do that. That's it for new business for me.

President Tuley: New business?

Commissioner Mourdock: No, that's old business, I'm sorry.

New Business
--------------

President Tuley: New business?

Commissioner Mourdock: New business, as long as we are on that subject of monies. I have in front of me the requests that have come in thus far for the CCD funding and as best I know this is accurate at this point. There is just over \$3,024,000 in funding requests and as you were saying earlier, Pat, we've got about \$1,100,000 presently and we may get another one million so we've got some trimming to do. I think it might be a good way to address this if maybe two weeks from tonight as part of our regular Commission meeting that we start talking in real numbers how these budget requests can be addressed and forwarded to Council. I mean, CCD is our fund, we are responsible for it and we have the oversight and I think that we need to make specific recommendations for it and not let Council do it.

Commissioner Borries: No problem. Do we have that in our folder tonight?

Commissioner Mourdock: I don't think so. I've got it and I'll get you a copy.

President Tuley: Any other new business? Do you have anything. Whose time clock said 8:30 p.m.?

**Commissioners Meeting**  
**July 15, 1996**

39

Dennis Brinkmeyer: Cindy Mayo.

Suzanne Crouch: I said 10:00 p.m.

Commissioner Mourdock: I said 8:15 p.m.

Dennis Brinkmeyer: She is tougher than Jimmy the Greek!

President Tuley: I'd say that I'll entertain a motion for adjournment.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

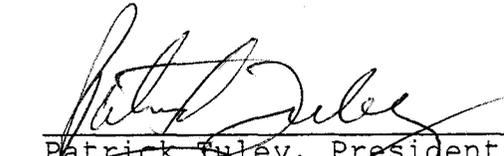
President Tuley: So ordered.

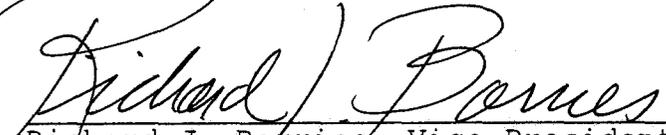
The meeting was adjourned at 8:25 p.m.

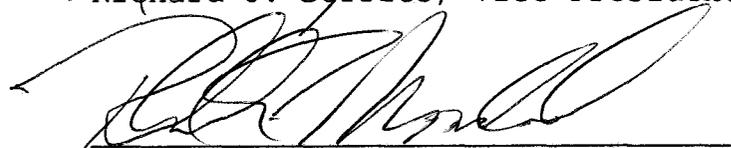
THOSE IN ATTENDANCE:

- Patrick Tuley
- Richard J. Borries
- Richard E. Mourdock
- Dennis Brinkmeyer
- Cindy Mayo
- Suzanne M. Crouch
- Charlene M. Timmons
- John Stoll
- Bill Morphew
- Beverly Preske
- David Jones
- Leonard Gibson
- Melissa Canada
- Rick Jones
- Patrick Higgs
- Mary Wilson
- Ken McCutchan
- Diane LaRue
- Jay Nagle
- Lisa Schuttler
- Kent Brasseale
- Dot Humma
- Phil Hoy
- David Coker
- Conrad Roe
- Bobby Rickard
- Mike Murray
- Ron Riecken
- Grace Strange
- Tom Angermeier
- Edward G. Moser
- Mike Robling
- Others unidentified
- Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
 \_\_\_\_\_  
 Patrick Tuley, President

  
 \_\_\_\_\_  
 Richard J. Borries, Vice President

  
 \_\_\_\_\_  
 Richard E. Mourdock, Member

VANDEBURGH COUNTY BOARD OF COMMISSIONERS  
MEETING OF REZONINGS  
JULY 15, 1996

TABLE OF CONTENTS

Call to order .....	1
VC-6-96 Hobert Head, 1600 Orchard Road .....	1
Final Reading AG to C2	
VC-7-96 Sylvester Elpers, 331 Rusher Creek Road .....	2
Final Reading AG to M1	
Approval of minutes .....	4
Adjournment .....	4
Attendance and signature sheet .....	5

VANDERBURGH COUNTY BOARD OF COMMISSIONERS  
MEETING OF REZONING

JULY 15, 1996

The meeting was called to order at 7:28 p.m.

**FINAL READING: VC-6-96 Hobert Head, 1600 Orchard Road**

President Tuley: The request is to change from AG to C2.

Beverly Behme: With a Use and Development.

President Tuley: I'm sorry, with a Use and Development Commitment. Yes ma'am, thank you. Mr. Head, would you like to address the Commissioners? Basically, if you would just kind of like to walk us through what it is that you are trying to do and why you want to do it.

Hobert Head: Okay, it is a television and appliance repair and the main reason is to try to cut dollars. I've got a pole barn built and I will work out of it instead of trying to pay high-dollar rent. There is just not a whole lot of money to be made in the repair business and rent is awfully high nowadays.

President Tuley: Basically, this pole barn is located behind your residence and you are requesting to rezone just a portion of your total property, is that correct?

Hobert Head: Yes, sir.

President Tuley: You have a Use and Development Commitment which states what?

Hobert Head: That if I decide to sell the property that I will have it turned back over to agricultural and not leave it as commercial.

President Tuley: Small appliances---

Commissioner Borries: Under C2 you don't do retail sales?

Hobert Head: No.

Commissioner Borries: Okay, it is strictly a repair occupation?

Hobert Head: Yes.

President Tuley: Here is his Use and Development Commitment:

"The use of the real estate shall be specifically limited to an appliance and electronics repair. In the event that the real estate ceases to be used for such, the owners of the real estate shall petition to return the real estate to agricultural property."

For the record, this did come from the Area Plan Commission with seven affirmative votes and zero negative votes. Any questions from the other Commissioners? Rick, you started to ask one.

Commissioner Borries: I got it answered.

Commissioner Mourdock: I've had my chance twice, I guess, with Mr. Head at the APC so my questions have been satisfactorily answered.

President Tuley: Are there any remonstrators here with regards to

this petition? There does not appear to be any. Is there a motion?

Commissioner Borries: I'll move that VC-6-96, Petitioner Hobert Head, be approved.

Commissioner Mourdock: I will second.

President Tuley: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes. The request has been granted.

Hobert Head: Thanks very much.

**FINAL READING: VC-7-96 Sylvester Eplers, 331 Rusher Creek Road**

President Tuley: The petitioner requests a change from AG to M1. Again, this petition was approved by the Area Plan Commission with a positive recommendation having seven affirmative votes and zero negative votes.

Les Shively: Mr. President and members of the Board of Commissioners of Vanderburgh County, my name is Les Shively and I am representing the petitioner. Briefly, let me identify the area that is here in blue, and you can see it marked here, we've rezoned most of this area around Rusher Creek Road as C4. There is a Holiday Inn Express, you have Arby's and a McDonald's. The reason we are going for the M1 here, as we explained at the Planning Commission Meeting earlier this month, is that as you move further away from 41 you have no frontage or visibility from 41, so desirability of the property for a C4 use becomes less of a retail type business use. Fred Barber, of F C Tucker, submitted a letter and he is the broker that has handled all this area for marketing. Quite frankly, there has been no interest in this property in the C4 category, but there has been interest by distribution companies, warehousing of goods and such, and they have expressed interest, but that requires an M1 and that is precisely why we have gone with the M1. I have prepared this display using a planimetric map, from the Planning Commission Office just to show you that we are keeping with the master plan that basically says that most of the area moving from Boonville-New Harmony Road north of I-64 is for future commercial industrial development. Sewer and water have been extended to most of this area. As you can see, most of that has come to fruition by the areas that we have marked as M2 and C4. I have taken some photographs of some of the businesses that are already established in this zoned area. I know that you have been through a lengthy public hearing so I will cut it off right there, but I would be more than happy to answer any questions that you might have regarding this requested rezoning petition.

Commissioner Borries: Les, this is already C4, is that correct?

Les Shively: Yes, sir. I'm sorry.

Beverly Behme: No.

Les Shively: No, I'm sorry, it's AG. It is part of a larger tract that has been rezoned C4 previously, but this section was left out

because they did not have a tentative use for it at that time. It is AG to M1, Mr. Borries, I misspoke.

Commissioner Borries: Okay.

Commissioner Mourdock: You mentioned at APC, Les, and I don't believe that you just mentioned it, I was checking my previous notes, but the road access terminates at this property, is that correct?

Les Shively: Right.

Commissioner Mourdock: For the M1 development that you are looking for here you are pretty well committed to that one way in and out?

Les Shively: Well, yes and no. I think that it is one way in and out although it is not shown here...Bev may have a more updated drawing than what we have.

Beverly Behme: Yes.

Les Shively: We've got Rusher Creek here and you've got this road here. In theory, you could go from here through here and have both access points.

Commissioner Mourdock: Does the right-of-way exist for Schroeder Road all the way back to here?

Les Shively: Yes, sir. It does exist all the way back. We don't have plans to extend it because I think it would require the adjacent property owners to cooperate a little bit!

Commissioner Mourdock: I would think so, unless that right-of-way was already granted and I don't think it has.

Les Shively: We would be more than happy...that would be great. We would love to do that. We have worked, by the way, to be a part of this. We did work with that property owner, I believe it was the same one, and we have a standing agreement that, I think, says about cooperating on the improvement of that road and splitting the cost. We did that a little farther to the north and we are willing to do that again, but for right now, basically, you come off Rusher Creek then you can go straight into 41 or you could go down here to Elpers Road, down to Schroeder Road at that ingress/egress point. We would sure like to do that and we are certainly agreeable to it. The actual traffic generated by the proposed uses that we are looking at are going to be less than if we get another C4 retail type situation. It is not going to be something open to the general public. If you've been out there, the roads and right-of-ways are more than sufficient for the turnaround of semi's and such.

President Tuley: Any other questions?

Commissioner Mourdock: Want to make a prediction about how long it will be before we have another stoplight there?

Les Shively: Only the Indiana Department of Transportation and the next Governor of the State of Indiana know for sure.

Commissioner Mourdock: One of those two answers is probably correct, but not both!

Les Shively: I don't know if a traffic light warrant study has been

ordered for that intersection. That would be up to EUTS and the county to do that.

President Tuley: Any remonstrators? Apparently not.

Commissioner Mourdock: I'll move the approval of VC-7-96, the 331 Rusher Creek Road petition to modify from AG to M1 zoning.

Commissioner Borries: Second.

President Tuley: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes. Petition is approved.

Approval of minutes
---------------------

President Tuley: Other matters that we need to resolve here with regards to rezoning is that we do have the minutes from the June 17, 1996 meeting that need approved.

Commissioner Mourdock: I'll move approval of the minutes from June 17.

Commissioner Borries: I will second.

President Tuley: So ordered. Alright, we also have some rezoning documents to sign. Any other business for matters of rezoning? I'll entertain a motion to adjourn the Rezoning Meeting and reconvene the Commissioners Meeting.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 7:49 p.m.

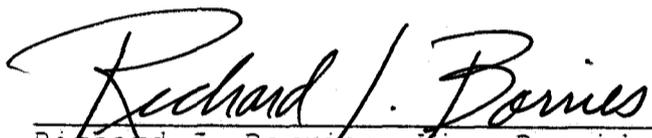
Rezoning Meeting  
July 15, 1996

5

THOSE IN ATTENDANCE:  
Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne Crouch  
Charlene Timmons  
Beverly Behme  
Les Shively  
Hobert Head  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS MEETING  
JULY 22, 1996

TABLE OF CONTENTS

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Veazey Parrott & Shoulders monthly presentation .....	1
Any group or individual wishing to address the Commission ...	14
Karen & Robert Skipper, Green River Road project	
Harris Howerton - Substance Abuse Instructor contract .....	17
Suzanne Crouch - Mercy Ambulance contract discussion .....	18
Discussion concerning advertising of ordinance amendment ....	21
Chapter 153 of the Zoning Code	
John Stoll - County Engineer .....	22
Supplemental agreement - Lynch Road	
Questions concerning prevailing wage law	
Bill Morpew - County Garage .....	23
Progress report for Highway Department and Bridge Crew	
for the period of July 12 through July 18, 1996	
Alan Kissinger - County Attorney .....	24
Payment of clothing allowance to two former VCCC	
employees	
Permission for Keith Rounder to represent County at	
real estate sale in Union Township	
Sunny Titzer .....	25
(No report)	
Lynn Ellis - Purchasing .....	25
Award Bid Number APA-025-96 - Commercial fueling	
to Busler Enterprises	
Consent items .....	26
Employment changes	
Travel requests:	
Veteran's Services (1)	
Health Department (4)	
Auditor's Office (2)	
Perry Township Assessor (1)	
Scheduled meetings .....	26

Old business .....	27
Richard Mourdock requests suggestions from Cindy Mayo regarding tenant for Room 202	
Veazey Parrott & Shoulders contract	
New business .....	38
Adjournment .....	39
Attendance and signature page .....	40

**Vanderburgh County  
Board of Commissioners Meeting**

**July 22, 1996**

The Vanderburgh County Board of Commissioners met in session this 22nd day of July, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m.

**Introductions and Pledge of Allegiance**

President Tuley: Okay, if we may call the Vanderburgh County Commissioners Meeting to order for Monday, July 22, 1996. As a point of introductions, so that everybody knows who is sitting up front, to my far right is Sunny Titzer, she is our secretary and office assistant. I'm not sure that I called you the right name there, Sunny, because she does about ten different jobs or more, but she is filling in for Cindy Mayo, who is on vacation this week. To Sunny's immediate left is Alan Kissinger, who is the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's left is the County Auditor, Suzanne Crouch; and to her left is Teri Lukeman, who will be the Recording Secretary for this meeting. If you will please stand with us, face the flag and say along as we say the Pledge of Allegiance.

**Approval of minutes**

President Tuley: Under item 4A, we have the approval of the minutes so at this time I would request approval of the Board minutes from the July 15th meeting.

Commissioner Borries: Mr. President, I move that the minutes of the July 15, 1996 meeting be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Under item 4B, just for the record there was an Executive Session held prior to this meeting. The items that were discussed were the same items that were specified in the public notice as permitted by law and no formal or final action was taken.

**Veazey Parrott & Shoulders monthly presentation report**

President Tuley: Item 4C, Veazey Parrott & Shoulders monthly presentation report.

Mike Shoulders: Thank you, Mr. President. Commissioners, my name is Mike Shoulders, President of Veazey Parrott & Shoulders. I have appeared before you before so I will continue to identify myself each month. We have a status report for you today and let's go ahead and put some of our boards out here for them to look at. We've been working diligently based on your comments that you gave us at the last update to try and get more detailed information for your review. We are going to show you some plans that have more identification of the spaces, such as the concessions, mechanical and restrooms. Before that we've had fairly broad brush conceptual

drawings. These are starting to firm up somewhat. We have two schemes that we've boiled our efforts down to and they are called, interestingly enough, Schemes A and B. They are based on what we call the "Architectural Program". Let me just speak briefly about what we consider to be an "Architectural Program". Let me introduce some people that had a lot to do with that program. The persons that I brought we me tonight are Rus Blemker, please stand, a graduate architect with my office Veazey Parrott & Shoulders; Bill Conner, from Jerit/Boys of Chicago, a theatrical consultant; Kyle St. Peter, from HOK, St. Louis; Eric Anderson, from HOK in Chicago; Mike Buente, an architect with my office who did the cooling tower outside, so any kudos that you have for him tonight will be accepted.

Commissioner Mourdock: I had just mentioned to Pat a minute ago that I see the new cooling tower was on and now I understand why.

Mike Shoulders: Yes, that sort of has a prime focus point right on the model there and we are quite proud. You should also see it at night.

Commissioner Mourdock: I'm sure we will!

Mike Shoulders: The architectural program that we have been preparing is a document that is based on our factual research into requirements for a competitive convention center for this community. It is based with the help of HOK, a nationally known convention center architectural firm, and Coopers and Lybrand, who has made a presentation to you at one of our previous meetings. The architectural program begins to lay down in black and white terms the required spaces and square footage in a project. Bill Conner, from Jerit/Boys, is doing it for the auditorium and theater portion and our office, with the consultation of HOK, is doing it for the convention center. What we are trying to do, and we have been working at this all along, is to come up with a bound document that summarizes all the research, all of the requirements and square footage that should go into making a highly competitive lean, mean convention center for Evansville. In a couple of weeks, we will be submitting to you this document for your records and for your review. It is in the printing stages and the final tweaking stages and we will take any comments on it that you have tonight on some of the tabulations. In a couple of weeks, we will give you this bound report that you can have throughout this project that does summarize the assumptions, the market research and our conclusions about just how big we should build this facility and what should go into it. We are studying the costs of these options, A and B, but we do not have those completed. We believe that we are shoehorning a lot building, a lot of facility, on this site. We feel that once we have got all the costs tabulated that we are going to be pushing that magic thirty million dollar number or right on that. We will have more for you in a week or so on the cost status. Today, let me start by just briefly summarizing some of the program information and then showing you the elements in Schemes A and B. Our convention center program which spells out--

Commissioner Mourdock: Excuse me, Mike. You need to carry the mike over. Either that or get a longer pointer!

Mike Shoulders: Okay. The convention center program which is based on the market research done by Coopers and Lybrand begins to spell out the square footage that needs to happen in our exhibition space, ballroom space, conference space, prefunction space, etc. You will see that this then is the comparison chart that we need to compare these schemes to. This is our basis that we began

designing with. We also have them broken out. The theater program. These are some of the existing spaces that we are using and renovating and these are some of the other additional spaces that have to do with additional seating capacity and the functioning of the Vanderburgh Auditorium. In the present building that is on the site there is about 80,000 square feet and when we are done with our theater enhancements adding balconies, adding seating, adding more restroom space, etc, we are going to be at about 110,000 square feet that is directly attributable to the Vanderburgh Auditorium renovation and the theater part of this program. We are going to be at about 150,000 square feet of new construction on our convention center. When you began to look at these building programs you are going to start to see numbers that combine the theater program and the convention center that amount to 260,000 square feet, plus. Okay, that is what we think we need to be competitive and to really deliver services in this facility. I will start with Scheme A and let me start by describing to you what you are seeing on the model. We put this model together and it is what we call a massing model which begins to show you some of the architectural shapes, masses and volumes that we are dealing with on our site here. We've shown the Executive Inn, the present Green Center, the Civic Center, the cooling tower, the present Vanderburgh Auditorium and the parking lot here which we will displace in a moment. We want to begin to show you how some of these elements in Schemes A and B will begin to relate to the adjacent buildings and potential parking structures. Eric, why don't you go ahead and put Scheme A on the model there and I'll start to describe what we are going to see here. Scheme A, is a scheme which begins to...it is what we sort of call a Greenfield Site Solution. It begins to build all of the new convention center space to the northeast of the present building. There are some advantages to that and there are some drawbacks to that. You will notice that in both Schemes A and B in response to this program we have theater seating, 2500 seats; we have exhibit hall, 40,000 square feet in expandable and modules of 20,000 in the future; ballroom space, 15,000 in both; and meeting rooms totaling about 10,000 square feet. Those numbers are at the upper limits of what Coopers and Lybrand has continually told us that we need in this market to do a job for the next 20 to 30 years in delivering convention services. Scheme A then begins to devote most of the present building to the theater related functions that go on having to do with Vanderburgh Auditorium. Our convention center is built to the northeast of the present building, 40,000 square feet exhibition hall that can be separated and no columns within that space. Then the meeting rooms and the ballroom are built in between the exhibit hall space and the present Vanderburgh Auditorium. Let's take a look at that in a little larger scale here. The convention planners and the programmers that we've talked to on a national basis feel that there is some advantage to aggregated and having the breakout rooms and the ballroom, which is over these meeting rooms on an upper floor, to having these in very close proximity and allowing this part of the project to function rather independently of what is going on in our Vanderburgh Auditorium. In terms of convenience and the functioning of a convention, this is probably what we would call the ideal scenario. It also makes sense for this building to the degree that we picked up the Gold Room almost as a bonus space. We've already built a ballroom here next to the exhibit halls, above the meeting rooms, a very tight, compact, functional relationship and then we pick up the Gold Room for renovation of other needs, let's say. Storage needs, theatrical green room, rehearsal space and so it becomes a theater related space rather than functioning as a banquet hall. Remember that we need about 15,000 square feet in a ballroom and the present Gold Room is only about 10 or 11,000 so it is

undersized and we have had statements from users, Old National Bank and Bristol, that it is just a little too small for the functions that they need. In Scheme A we meet the program. Both of these meet the program requirements. In building out and having most of our new construction in this direction we would have to extend across Ninth Street so one disadvantage to this Scheme that is not present in B is that we have gone over the site limit that you gave us originally. We admit that wholeheartedly and we haven't talked to the city about that. This is the first time that we have really presented this, but we wanted you to see what happens in the Greenfield approach when you build a whole new convention center which functions very nicely for both of these and the fact that you have to extend that construction across Ninth Street. Again, on the upper level of this approach we have our rotunda entrance here that works its way into an atrium sort of configuration between the new renovated auditorium and our convention area. We have developed all the necessary spaces that will support a convention setting; show manager's offices, restrooms, concession areas, storage and all of our service is feeding in from this gray area. Our kitchen is placed at a second level, above the truck docks and immediately adjacent to the ballroom close to a freight elevator so in these drawings we are starting to flush out the little details, the doors, the elevators, the stairs that need to happen to make these more than just conceptual drawings that you have seen in the past. Again, on the second level a freight elevator takes us up to a kitchen, a large commercial style kitchen, that functions to have direct service to this ballroom and please bare in mind that all of these spaces in the convention center, the exhibit halls, the meeting and the ballroom are designed in a way so that we can combine and break these into different combinations of uses. We can use this as all one 50,000 square foot space or we can break it up into six separate meeting halls. We can break it into half. If our 15,000 square feet in our ballroom is not adequate then we can go to a 20,000 square feet sit-down dinner in one half of the exhibition hall. So there are all types of flexibility. We can subdivide this hall and we can accommodate in this kind of scenario and configuration virtually almost any kind of meeting or crowd that you can imagine. Again, the theater in both schemes that you are going to see has at least two balconies to enhance and increase seating from 2,001, that is present, to 2,500. We are going to show you a few images at the end of this presentation on both theater and convention center projects that have been done across the country to start to give you an idea of what some of these spaces and materials might look like. If we were to cut a section through the project here again are our two balconies and the theater. We have a theater atrium and we've got some interim balcony levels here for concessions and restrooms that are going to function to serve this theater. Here, again, you see the new construction of the convention center all happening to the northeast of the present building. We think that another advantage to this kind of construction is the potential to look at these as almost separate projects for construction and we could potentially go in here and complete the new construction of this convention center a little sooner than we may be able to open up the convention center in Scheme B. I am going to show you Scheme B, which is a little more intertwined in our convention space. Scheme B, makes an effort to stay with your original parameter which is to stay on the subject site. Eric will change now from Scheme A concept to Scheme B and when you look at Scheme B you are going to see that it hugs the site and one of its strengths is that it has a strong relationship to the hotel. It is closer and Scheme B pushes its way up to Martin Luther King giving the potential for some crosswalks. It has a glass wall, sort of a prefunction space that you can kind of think of similar to the mezzanine on the

Auditorium. It is glass and there is a lot of glitter and lights at night. We can do that along Martin Luther King with escalators working in here to get people from first level meeting rooms up to a ballroom which is built on the second floor in this scheme. Let's take a little closer look. This one also meets the program of all spaces outlined by Coopers and Lybrand and it is done on the site. What it requires us to do is to sort of have a hybrid project where the ballroom and meeting rooms are on the Martin Luther King side of the building and the exhibit halls are on the opposite side of that from the theater. Now, again, we think that there are some very nice things that begin to happen architecturally with this kind of a project with the facade along Martin Luther King, the points of entrance and the potential connections to the hotel. We have talked to the Executive Director of the Indianapolis Convention Center to find out if he thinks there is a real problem with splitting these functions and he said that in this sized facility with this proximity to the hotel and with good flow in these prefunction areas and in our arcades that come along here he doesn't think it is a major problem. Certainly, he said, that when you build a new project if you had it all together that would be preferable, but given the fact that this theater sitting right in the middle of the site, if you have to split these it is not a major problem. So, what is happening then is while the present Gold Room is a little too small for the final ballroom configuration what we have done is we have come in here and basically constructed our meeting rooms, about 10,000 square feet of meeting rooms, on this lower level and extending the building out from its present location here, which is where the Gold Room is presently, and then on the second level we then have our ballroom up above and our kitchen. Now, in both of these schemes we are trying to allow for pretty direct usage by delivery trucks and semi trailers much more efficiently than the building presently has. If you recall, the building now requires semi's to be out along Walnut Street. What we are trying to do is to allow these trucks to come in and back into a depressed dock situation that runs parallel to Walnut and thereby keeping this dangerous and inconvenient situation of sticking out into the street. Both schemes can accomplish that. Again, the theater proper is about the same in both. In this scheme the administration for the theater and the box-office, etc., are in this present location where you see it now. In this scheme it is moved to a different location than you presently have. What I would like to do now is to just entertain some questions on these two schemes. These schemes represent where are current thinking is and we, again, want to convey to you tonight the pros and cons of each of these and we will try to deliver some cost figures in a couple of weeks in our program books. We would be interested in your reactions to these schemes and, again, would like to answer questions. Maybe before we even get into the questions, let's show them some of the images of other convention centers and theater projects that we've researched so they can kind of fill in the visual gaps here in this model and get a mental picture of what some of these elements mean.

Commissioner Mourdock: Even as you do that, Mike, on Scheme A you had a cross-sectional view. Do you have one of those for B, also?

Mike Shoulders: Yes, we do. Let's take a look at that one. Just put them both up there to compare. See, the theater treatment and the atrium is quite similar in both and you see that the existing Gold...we think that Scheme A may end up just slightly less expensive than Scheme B because of some of the complexities of the renovations and reconstruction, but not a great deal. Remember that they both meet the program. We are pushing hard against that

thirty million dollar ceiling and should we find that we come in and we find that we are over that then there are areas where we can make some cuts, but we don't want to start out showing you a cut up version of what we think the ideal situation is. We think we ought to respond directly to the research that has been done and show you what this community needs and then if the numbers are higher than we can spend then we will start curtailing. We wanted to get your reaction to where we are here tonight. In cross section again, this indicates the new construction or the construction of the meetings room and a ballroom above them where the present Gold Room is located. We had a Scheme B before we developed this that did not meet the program that tried to use the existing Gold Room and expand it as a ballroom and we could not get enough satisfactory meeting room space on that site when we did that. We are convinced that this Scheme B meets the program, meets the needs of the community, stays on the site and we will have to see what the costs are on it. Okay, Mike, why don't you and Eric do a little dialogue here on some of the imagery that we have been trying to identify.

Mike Buente: Thank you. One of the first things that we did as a design team and I think that Eric presented some of the images that he, as an outsider to this community, came in and shared in the very first meeting. We did a very similar thing looking at historic buildings in Evansville and what can we draw from Evansville's past that might serve as a inspiration or an element that may be used in this facility. As some of you know, we used to have a railroad station north or northeast to the site. Koch's Brewery was over here and part of the Civic Center is also across the street onto the Federal Court Building site. You will see some images here, we took some photographs out of some booklets that show historic Evansville. Here is the Koch Brewery. You will notice that there is a stronger corner element, a base detail, rich arched type elements that give some richness, natural light by monitors, a very strong architectural and probably a business identity. The old City Hall, again, is a very strong identity element. It had a stone base, tower spire, limestone banding. The Grand Hotel and the Vendome had interesting glass torch type elements on the facade with glass flames at the top. Again, a turret on the corner element, the heavy use of awnings for some control and also for some texture on the facade. There was a heavy use of brick and stone. All major elements downtown were brick and stone. Some limestone buildings, the Old American Trust and Savings Building. There was a heavy use of signage. There must have been a time when we had cheap electricity, probably because of the coal. One of the things that Eric saw as an outsider that he doesn't see typically on every town of our size is that these electric signs probably had a lot of movement and a lot of activity and vibrance to it. This one is, I think, a Sterling sign. You've got a light delicate support element that goes on to a building. It is another element that doesn't destroy the building, yet adds to the texture. Again, the same sign on a larger scale and a photograph showing the ornamentation of the light fixtures on Main Street. The old L & N Station photograph showing the delicate metal structure. Then, since we did come from the river and the city originated on the banks of the river, some kind of images and you will find some similarities in here. There are some delicate railings, lightweight structure holding the decks. I'll let Eric talk about some of the images on the existing and projects that they both worked on and that are elsewhere in the community.

Eric Anderson: Thanks. As Mike had mentioned, these boards really talk about architectural image and identity. Mike has gone through some of Evansville's architectural heritage and pointed out some of the elements that give a building its identity and image. If you

look at this board here, we have begun to look at some of the convention centers and theaters across the country, some of which HOK has done and others that other firms have done. This is just a sampling of images of convention centers and theaters across the country. I won't get into too many specifics, but you can begin to cross reference some of the elements that you find in historic Evansville buildings with some of the elements that you would find in a convention center as a civic landmark type building. In St. Louis, HOK has done the America Center, a large convention center and here you can see a major rotunda entry element, a very strong signature piece and not unlike some of the elements that you will see in the old city hall, the brewery building. You can begin to see that when you are searching for an identity to a building you begin to prioritize what the pieces are that you want to enhance or what the pieces are that you want people to remember. Here you have an entry piece that is highlighted and you will see that fairly consistently with a theater or a convention center where you will highlight the entry as a very important piece. This is another HOK project, the Northern Kentucky Convention Center in Covington, Kentucky. It may be difficult for you to see from there, but, again, we have a very strong cylindrical entry piece, a signature element for the project helps give the building an identity. If we go inside some of these elements you begin to pick up some of the other pieces that Mike was talking about. Here is the ceiling to a rotunda element and you can see that it has a skylight or a light monitor allowing for some natural light in the public spaces to give it some drama. If we go on, we can begin to look at some of the interior spaces of convention centers and you can begin to get a sense of the types of space that we would be looking at inside our project here. There is a very large public concourse space or prefunction area where there would be breakout areas for the convention center so during sessions people can come out, register before they go in and come out for a break, so a very large public space for that to occur and there are a couple of different examples, but you can begin to see how, typically, you would have a wall of glass that would allow for a lot of natural light and a very large space for those functions to occur. If we move on to theaters, I will just point out some of the interesting elements about theaters. One, in the actual audience chamber you want to create some sense of drama or architectural richness in it as well as the lobby space. Here are some images of different lobbies of theaters, but you can see a very dramatic type of element which is appropriate for a theater. These are just some of the images that we have begun to look at, but we are looking at these and some of the historic buildings of Evansville for some inspiration for how we might design the way this building will look. Mike, I don't know if you want to go over some of the initial sketches that we've developed to talk about image ideas for our project here.

Mike Buente: Thank you. Mike, showed you the models which start showing things in a three dimensional form and massing. There is some sense of some of these elements that you've seen, both in the left image board and also some on the historic image board. The one that you see in the center is a collage of images that are really our exercises that we are starting to do on what some of these pieces and spaces may look like specific to this project. There is kind of a mixture of both A and B and maybe some of the other ones that we have explored as well. You see that we are talking about some sort of a signage element that may pick up on the rich electric history signage that might also be a corner piece or an identifying element to the site. I would mention, what is this thing going to be called? Well, this is where maybe the name of the facility would be displayed. At the bottom you see some

thumbnail sketches that resemble some of the model forms, but in each one you will see the identity element as being something strong on the corner of Vine and Martin Luther King Boulevard. We are going to have some large volume public spaces that contain circulation, both escalators and stairs. This shows a large public space that in this case might feed the back of the auditorium. It would add some drama and progression to the different levels in the auditorium. Again, this is a public concourse type space that shows maybe some historically inspired trace restructure. Possible corner element, again, incorporating some signage on the corner and then, of course, the main center of focus of the project in the center of the site would be the auditorium. As Eric described, a large dramatic space that is both visually dramatic, but also acoustically correct audience chamber with added balconies and seating, etc. I guess with that, I will turn it back over to Mike for questions.

Mike Shoulders: In summary, our forefathers in Evansville when electricity came into wide usage in the 1900's they began to celebrate that factor and they began to see large beer bottles and neon signs, a large Koch Brewery sign, festivity, vibrance and life. We believe that in this new building that we are going to create needs to become a focus and it needs to use bright lights theatrical surfaces, drama, sweeping spotlights and flashing signs. Not to be garish, in any sense, but to have that vibrance and that activity. We think the architecture should do that and the signs and everything should support that kind of festive, vibrant concept. With that, since we have bored you for about a half an hour, we will entertain any questions that are on your mind.

President Tuley: Mike, you said that you would have some figures in another couple of weeks or so, I don't want to put you on the spot, but in an overview or quick analysis between A and B, I think you said B was probably going to be a little more expensive because of the structural nature of what we are trying to do?

Mike Shoulders: Yeah, I think B is going to probably be half a million to three quarters of a million more than A. Just, again, in terms of renovation and demolition type of issues, rather than the clean, new constructions that happens in A. Now, B stays on the same site so, again, you get kind of a trade-off. That is even taking into account some of the costs that might be associated with vacating Ninth Street, if that is ever done. Again, we bring this to you tonight for the first time. We have had no discussions with city officials or council or anything of that nature on a vacation. It is theoretical at this point and, obviously, nothing is cut in stone.

Commissioner Mourdock: First of all, I wasn't bored at all.

Mike Shoulders: Thank you.

Commissioner Mourdock: Anytime I realize that the expenditure of thirty million dollars is somehow going to be attributed to my judgement I get real attentive, so I wasn't bored at all.

Mike Shoulders: Good, we appreciate that.

Commissioner Mourdock: You did just say something that was interesting as far as communicating with the city and it comes back to the old issue of not wanting us to deal in a vacuum here. Your pictures of former Evansville, if you will, and what the decor is...maybe that is not the right word. I did hear a new word though what was it, fenestration? Windows, I presume?

Mike Shoulders: Window treatment, yeah.

Commissioner Mourdock: From the German Fenestra, I guess? Okay, at any rate, how is this design, as you are looking at it, correlating with what is happening that the Victory? Are we going to have two totally different concepts between here and there and the Old Post Office and the Old Courthouse and all these different buildings? I hear you saying that you want to have a theme to what Evansville was?

Mike Shoulders: Not necessarily. We don't envision recreating history in this building by any stretch of the imagination. We think it should be a modern, vibrant architectural piece and not be any kind of direct copy, but we do also realize that in our heritage there are good examples of architectural treatment. As Mike mentioned, the corner elements that highlight and emphasize. There is a modern way to do that with modern materials and you see a couple of those examples over here. That element does many things that the city hall spire does, but it is the modern version. We see this as modern looking, material-wise anyway, building and not a historic restoration such as the Victory might be so that is one difference between the two of them.

Commissioner Mourdock: The types of spires that you have there are on this one, which is plan B, in front of you is what you have on the southwest side?

Mike Shoulders: Right. We also, of course, need to be continually thinking about parking. These are the three parking garage potential sites that we talked with you at the last meeting about.

**TAPE CHANGE**

Mike Shoulders: These are labeled one, two and three and they represent 1,200 space parking structures. One and two are five stories. Three would have to be ten stories to reach the 1,200 spaces and for that reason we feel that number three is probably not as viable an option if you want to try to achieve 1,200 spaces. A ten story garage right there on Martin Luther to us is not really an architecturally desirable thing to do, but a five story garage may be. The two options for that and one is on the Civic Center site across from the Evansville-Vanderburgh School Building and the other is on the old Green Convention Center site. Keep in mind that we will definitely lobby for keeping this area open for future expansion, that is a given. All over the country we see convention centers expanding their exhibition halls and we have set this building up to allow to do that at 20,000 square foot increments with docks and service. We could almost go to infinity, all the way to the newspaper building. I'm exaggerating, but that is conceptually what...these would be two 20,000 square foot modules. Consequently, on either of the two sites we think you can achieve a desirable relationship between the parking structure and the convention center and theater complex.

Mike Buente: One of the reasons that we looked at the imagery of other convention centers and auditoriums is that we are trying to be a competitive convention center which means that groups and entities are going to be comparing you to other convention centers. We are not saying that these that we are showing are necessarily are going to be the direct competitors to this market, yet, they are representative of what conventioners see out in the market. Some of the elements that you see there aren't just historically driven, but they are prime cutting edge architecture. The one spire, which Eric did talk about and its right here, is the new

Anaheim Convention Center which has a signage element and spires. So, you could say that it is driven from history, but whether it is or not it is a modern interpretation of something that was always good and still is good.

Mike Shoulders: We hope to be able to compete with Anaheim when we are done here with convention trade, don't we guys?

Commissioner Borries: Well, I'm really excited by what I see at this point because you have added some thoughtfulness and some creativity to avoid, perhaps, the boxiness that we all know and understand so well in this community. Knowing full well that part of this building will have to be exactly that. When you get into convention centers they're really pretty in a lot of things. They maximize the use of space. They maximize, also, the flexibility that you have to have for a wide variety of gatherings, but yet your thoughtfulness about looking at the history and the symbols and aspects that would make this structure unique are commendable. I really like what I see.

Mike Shoulders: Thank you, Commissioner Borries. I want to stress that we are not just doing idle dreaming here. We will have a functional building. We will have docks that work, kitchens that work, service quarters that work and we are looking at circulation so that the person with the salad oil cart isn't going right out in the middle of the chandelier rotunda and spilling oil. It is back in a tile mopable quarter and those kind of issues are as much on our mind as the issues regarding the festive, attractive nature of this facility. We believe that both of those elements are very critical to a successful program. I appreciate your comments, Commissioner Borries, on that. We think, again, that tonight we have raised or two or three important issues that we would like you certainly not to answer anything tonight for us, but to ponder and think about and give us guidance in the long haul. Do we want to begin a dialogue in terms of going across Ninth Street and vacating Ninth Street? It is a very pertinent question and if it doesn't come to the fore now, it will definitely come to the fore in the future when we try to expand the building. That is one element that we see. We have two schemes for you and one is on the site, certainly, so it can be done and the other expands the facility across Ninth. The other issue that we will be coming to you will be on the costs and, again, we just don't have them all pulled together. We have a particular cost consultant in Fort Wayne who is probably at home right now with his calculator and lead pencil and all that and he is working away at that. We would like to get back to you in a couple of weeks, again, with the summary binder of the summary of the project to date and begin to present some costs to you. I know that will be an issue which starts to allow you to help us make decisions.

Commissioner Mourdock: With that summary that you will be presenting in a couple of weeks, is it your expectation that you will be making a recommendation between Scheme A and Scheme B?

Mike Shoulders: That is a good question and I think that after we see the costs very possibly that will be the case. Again, we hope we have presented both pros and cons for each of these schemes and there are pros and cons for both schemes. It is not a clear-cut winner at this stage of the games so let's add this extra perimeter now in a week or two on the cost aspect and see what that does to the mix here, see what that does to the discussions and then in order to meet our schedule and continue to stay on track we will need to make some hard decisions. We will have some recommendations for your thought and will certainly welcome your

input all along this process.

Commissioner Mourdock: On that comment about the schedule, the one thing that I think that would be very helpful for us to put on the wall right behind us, if not somewhere more prominent, is just where you see the schedule going on this. Basically, a diagram, if you will, of how it all flows.

Mike Shoulders: I think that when we get to a point, probably in the stage that we call design development which will have drawings of the outside of the building and we will have everything nailed down for your approval, then we will also develop a chart that we'll be able to be put up there and tweaked and worked as we go through this. Yeah, we will prepare that schedule or bar chart for you.

President Tuley: Mike, from a functional standpoint, you did say that A was everything and the convention was basically confined on this end and in B we've got kind of a combined...?

Mike Shoulders: That is correct.

President Tuley: But you did say that concept B, according to the guy in Indianapolis that you talked with, it is still very functional, workable and doable?

Mike Shoulders: Let me talk about that for just a minute, because I think that is an important point, Mr. Tuley. In Scheme A, this is the convention center and conventioners will be either coming along the street and then getting into this arcade or prefunction space or coming in this rotunda and they will, for the most part, be dealing in this half of the building. The theater goer will come in to this rotunda and will be dealing down in here. On this scheme we do have some fairly nice ways of sort of zoning the building though. Even on the B Scheme. This building will be very, and you see it on the model right not, this will be very strongly identified as the exhibit hall architecturally, signage wise, etc. This will be very strong element to suggest entrance and drama for the theater. There will be a separate and strong architectural definition both from Martin Luther King and from an entry point of view for the ballroom and meeting rooms. Now, the important issue there is that we know that not every function that goes on in the meeting rooms and ballroom has to be tied to an exhibit hall. In fact, many of the local functions, where people rent this facility, don't need 40,000 square feet of exhibit hall. The Gun Show might and conventions coming in might, but there are a lot of cases when meeting rooms and a 15,000 square feet ballroom is pretty much all that is needed for an event. In that way, at that point, we are not suffering any kind of problems for the lack of proximity and we have a very strong ballroom and meeting room element developed right on this end of the building. So, the identity and, again, you see it here on the model, the way that we can identify the ballroom and meeting room, the way that we can identify this strong element for the theater and the way that we can identify this exhibition hall is that we can handle that on Scheme B and it has some nice advantages to it as well. Both of them allow us to zone the various activities.

President Tuley: I'm glad that you went back and gave us a little more detail and information about that because my personal inclination is that I like B for the fact that it ties in closer to the hotel. I think those are two projects that need each other, obviously, to both be successful. My initial inclination is that I'm not inclined to want to close off Ninth Street at this point,

but I am still open minded and cost is going to, obviously, be a factor in what we do. I like the idea that even though we don't have it totally separated like you do in Scheme A, it is very functional and makes sense in what you say. If there is going to be a lot of, like you said, meetings and stuff that you don't need that exhibit hall.

Mike Shoulders: Right, the final word on this, too, architecturally is that when we do Scheme B now we built for you a whole new building really because we have wrapped this building with a nice paper wrapping and bow that goes all the way around it and nothing is left visually anymore of the old building. Now, you could say that is either good or bad. In this scheme, this whole half of the existing building is still there, nothing new, same meat and potatoes as we have seen for 25 years. Now, as a practical matter, we would clean that up and dress that up. We would do some site work and put a monument and have an arcade and a walkway and maybe a fountain, but nevertheless, we still have the old theater building here and the new convention center there architecturally. For us architects, frankly, we don't like that as well as we do in B and we will see what that gets us in terms of cost, probably nothing.

Commissioner Mourdock: Which don't you like? I wasn't quite...the cleaning up of the old building?

Mike Shoulders: The theater consultant likes A and the architects like B, if you want me to be perfectly blunt. Again, that is not with recognition to cost yet. Our minds may change when we get the cost figures.

Commissioner Mourdock: Since the architects and theater people are split and since Pat gave you item B, I'll give you item A. What I like about Scheme A is that I certainly see how it allows you to continue to function over a period of time during construction. I also note the comment of the theatrical expert or convention expert that you talked to in Indianapolis who said that if you were building a new site today, then you would have the meeting rooms next to the others.

Mike Shoulders: No question about it.

Commissioner Mourdock: If you are going to do it right today that way, then I guess the point that sticks with me is why would you do it the other way?

Mike Shoulders: That is a very strong argument and our consultants have said this. If they were to go out onto a site and build this they would definitely build this component this way. They would probably flip this building and have the theater over here and so forth. One final comment on that light is that you are right, we could probably utilize this Gold Room in Scheme A darn near for a couple years into this construction project and still rent that thing out and still have a relationship to the hotel here until the last minute then paint, patch and repair it. Some of the ideas for the Gold Room in Scheme A would be, again, a small lecture type tiered classroom which is needed downtown, 250 seats. I don't think there is anything that large in the Victory. When you asked about the relationship to the Victory, we don't see in that project the kind of, again, meeting room tiered lecture type of space that has the numbers of 250 to 300 seats in it. We would have possibly a Green Room and an experimental rehearsal room or a studio rehearsal space for the main theater so that gives us some bonus spaces that we can develop in that Gold Room and it probably would

not be the same old Gold Room as you have now.

Commissioner Mourdock: Bottom line to everything that you've shown tonight from my prospective is that I am impressed. I feel very good about what you are doing, Mike, and obviously you've put a lot of thought into it and I appreciate you giving the pros and cons on both sides.

Mike Shoulders: Thank you, Commissioner.

Commissioner Mourdock: If you don't make the choice between A and B we are going to have to and it is going to get interesting!

Mike Shoulders: Well, we will continue to feed...we believe that our role is to feed you the facts and give you the input so that you can make informed decisions and we will continue to do that. We appreciate all the Commissioners' support on this effort.

President Tuley: Good job, Mike.

Mike Shoulders: Thank you.

Commissioner Borries: So you will, I think, as a result of your discussion this evening, talk with the city? I would prefer that you do this because even if you look at long term there could be a time when Ninth Street...that request could come for vacation and so, I think, it is better to go ahead and start that dialogue now rather than later.

Mike Shoulders: Commissioner, along those lines, are you advocating that we might talk to...I just want to make sure that I'm clear. Are you advocating that we might talk to EVSC, City Administration and even the City/County Building Authority?

Commissioner Borries: Yes.

President Tuley: I think it would be wise to at least start that dialogue now and then we will know if we are going to be up against a wall.

Mike Shoulders: Yeah, if it is not feasible then now we are doing B and we move on is all that we are really saying here.

Commissioner Mourdock: On the City/County Building Authority it would seem to me that you need to begin some discussions with them if we should go to Scheme A, then almost certainly you have to use part of their parking lot for construction stages.

Mike Shoulders: Yes, that is true.

Commissioner Mourdock: You need to work that out.

Mike Shoulders: Another thing you remember, and I kind of keep going back over old territory, but I want you to remember some of these issues. We are losing 170 spaces in the gated lot and if we do Scheme A I think we are going to lose another 50 or so that we almost can't afford to lose unless we get into a parking garage. That is a little bit on the pros and con side that is a little bit of a con on the A side. Again, it would probably be only 50 more spaces, but we would need to look at that. We will try to begin to discuss with the various players that are effected by Ninth Street and get their input on that and give you some feedback the next time we meet.

Commissioner Borries: Thank you.

Mike Shoulders: Thank you very much.

Commissioner Borries: Nice job.

President Tuley: We are going to sit here while you guys go ahead and take care of business and then we will go on with our agenda. Plus, you don't have to sit through our meeting.

**Any group or individual wishing to address the Commission**

President Tuley: We are waiting for Commissioner Borries to come back and then we will start with our agenda. For you folks that are coming in I know that you are interested in what is going on with the Drainage Board and to give you an idea of where we are on the Commissioners' meeting, we just had a lengthy presentation with regard to the Auditorium so we are at about 4D so we will be here for a little while before we get into the Drainage Board so that you are aware of that. Hopefully, by 7:30 p.m. or so we will be ready to go on to the Drainage Board. We are going to change the agenda here just a tad. We are going to skip over D, E, and F and come back to it. Under item 4G, any group or individual wishing to address the Commission who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward. Karen, I think that is you guys.

Karen Skipper: Thank you, Mr. President and Commissioners. My name is Karen Skipper and I am here with my husband, Robert. We are here to address the issue of the Green River Road widening project. Back in 1992 we signed a right-of-way grant to the county to widen North Green River Road. We also signed a temporary right-of-way grant for use of our driveway for the construction of the road. They started the road widening project about two weeks ago. We are all for the project and glad to see it happen, but the problem that we have encountered is that they have changed the plans on us as to how it was proposed to us. When we signed the documents we were told that there was going to be an underground pipe under Green River Road and it would be connected in with the pipe from Lynch Road and we would have nothing but a manhole there. Now they have decided to change that. We are now going to be faced with an open ditch and to have that ditch riprapped. We were not informed of this change in plans and we would ask that you, as the Commissioners, talk to the project engineer out there and see if we cannot, in fact, get the pipe that we were told would be there. I have talked to the project engineer, Stewart May, and he has informed me that we could slope that ditch so that maybe some of the riprap would not have to be there which we are willing to work with you in that regard, however, they are faced with the problem of erosion possibly. In talking with him this afternoon he said that there is still going to have to be riprap in some areas and that they cannot totally slope that and sod it. That is kind of where we stand at this point.

Robert Skipper: We have the original drawings here if you would like to see them.

Karen Skipper: Yes, I do. Would you like to see a copy of the original document that we were given?

President Tuley: Sure.

Karen Skipper: I have marked it with an X as to where the pipe was going to connect into the Lynch Road pipe.

Robert Skipper: Here is what we were supposed to have right here. This is the drawing that they gave us. It is supposed to be the same on both sides. They have done this on this side, but they eliminated it on this side. Now this pipe ends here and the Lynch Road pipe ends there and it is going to be a big ditch.

Commissioner Mourdock: What is the scale on this? John, do you know?

John Stoll: Probably 1/20.

Commissioner Mourdock: It's 1/20? So the ditch that is on your property is roughly 120 feet long, is that close?

Robert Skipper: Probably, yeah, because it is going to make a big L. The thing of it is that I always take care of this at Green River Road and I keep it nice and I know that I'll have to take care of it when everybody else is gone. I wish they could put it like they originally told us that it was going to be, covered with no ditch, but if we are going to have a ditch I hope they at least make it where I can get out there and take care of it.

Commissioner Mourdock: Let me ask, and John Stoll you can correct this, too. This is where the ditch was to end and go underneath the road?

Karen Skipper: Yes.

Commissioner Mourdock: Now the current ditch is this line in addition to this?

Karen Skipper: Yes.

Commissioner Mourdock: Do you own this property and this property?

Karen Skipper: No.

Commissioner Mourdock: Just on this side?

Karen Skipper: Yes.

Commissioner Mourdock: Okay.

President Tuley: Are you familiar with the changes, John, or why there are changes?

John Stoll: From what United Consulting told me was that the change was made around the time that the Lynch Road design was going on. They had originally proposed this pipe, but when Lynch Road came Lynch Road was going to put in a 48 inch pipe to catch the drainage that was coming from the southeast and they were just going to route that through an open ditch. From what United had told me they had just extended the ditch that was proposed as a part of the Lynch project to tie into this 48 inch pipe that goes underneath Green River. They also said that there was a conflict of a waterline out there and that was another reason why they went with an open ditch instead of the pipe.

Commissioner Mourdock: What do you mean by that? It would seem to me that if you've got a waterline whether it is a ditch at that grading or if its a pipe at that grading that it wouldn't make any difference.

John Stoll: They didn't give me any great details as far as what

the conflict with the waterline was as far as where it came in and where the problem was. One to the problems was that the designer at United, who was originally working on this project, had left as well so the person that I talked to was trying to recreate, basically, what the previous person had done and I wasn't with the county at that time either so I don't know any specifics as well.

President Tuley: Can we do this then, can we get with that person from United and try to figure this out because in essences what we have done is change the plan of what we presented to these people and I am not comfortable with that and is it to late to change it back?

Commissioner Mourdock: I heard Ms. Skipper say that you are willing to work with us. It isn't that it absolutely, positively has to be the pipeline and you are willing to work with us, but if I understood what you said, and I just want to make sure that I've got it right, what you want to see is a ditch that has...

Robert Skipper: If somebody would come out and look at it there are several different ways of doing that ditch so it wouldn't be such a big ditch. One, is that the pipe that is beside Green River Road now could be extended on out another 35 or 40 foot and get it closer to the Lynch Road pipe that way we would have a small area.

Commissioner Mourdock: Let me ask our engineer here, but before I do that, what you are saying is that you want to have a ditch that you can maintain?

Robert Skipper: Yeah.

President Tuley: If, in fact, you have to have a ditch.

Karen Skipper: If we have to have a ditch. We prefer not to have the ditch, but if we have to have one than make it one that we can take care of.

Commissioner Mourdock: John, do you know at this point and can you say one way or the other whether or not a ditch can be laid back at the gradient this needs to be to satisfy their needs and to still meet what we need engineering wise for that flow?

John Stoll: What Stewart told me late this afternoon was that he felt we could get 3:1 slopes in most areas which those probably would not require any riprap. His one area of concern was where the Lynch Road pipe outlets into the ditch. He was concerned about the grade at that point, but he was looking at other options to see what they might be able to put in out there.

Commissioner Mourdock: Even if, at that point, you had to do something with riprap, I guess, and I don't want to put words in your mouth, but it sounds like it would be pretty minimal?

John Stoll: I don't have any specifics as of yet. We will minimize it as much as possible.

Commissioner Borries: I would think a 3:1 you wouldn't have much riprap.

John Stoll: No.

Commissioner Borries: At two or one and a half you are talking problems.

Commissioner Mourdock: I agree with what Commissioner Tuley said. Obviously, we went into this with one intention and realizing this was before our watch here and I guess before John's too, but if we can mitigate this in such a way that it takes care of what we need engineering wise and it works with the Skipper's interest to allow them to maintain it, then it sounds like a win/win.

Commissioner Borries: We'll be happy to work with you on that. Again, I can't give you any other reasons other than what John Stoll has said this evening in terms of any changes. Hopefully, we can work with you here to resolve this.

Karen Skipper: We appreciate that and we appreciate your time. Thanks so much.

President Tuley: Okay, under 4G, is there anyone else whose name or topic for discussion is not listed on the Commissioners' agenda? Okay.

**Harris Howerton - Contract for Substance Abuse Instructor**

President Tuley: Okay, item 4D, basically, what we've got here is Harris called me this afternoon and this is an:

"Agreement between the parties of Vanderburgh Circuit Court, Judge Richard L. Young and Kathy Hunt to present counseling classes for the Substance Abuse Intervention Education Program for the courts.

The classes will be for all participants that VCCC (residential and non-residential), work release inmates and referrals from other components. These classes shall be held three nights per week at a pay rate for the instructor in the amount of \$80.00 per class."

He had someone who was doing this before who apparently quit. Now he is just wanting to refill the position, according to Harris.

Commissioner Mourdock: Is it at the same rate, so that the budget is already cleared for this amount?

President Tuley: I didn't ask him that specifically, but he said this was a replacement and that is how he presented it.

Commissioner Mourdock: Do we know the dollar amount total or is this on a grant?

President Tuley: He has got \$80.00 per week...three nights per week, \$80.00 per class. I want to assume that is like \$240.00 a week. If you want detailed information like that then I can delay this another week and just ask him.

Commissioner Mourdock: I guess the question that I have is just one of what our procedure is and needs to be. Last week I heard that there was going to be a contract come in and it was going to be a last minute deal and we didn't see it and then I got this, which is what you just read from. Is that the entire contract? I guess the way it reads it is.

President Tuley: I saw this and got the phone call today at 4:00 p.m. this afternoon, or right at 4:00 p.m. It doesn't bother me to just call him in the morning and say, look, you need to spell everything out for us. Where funding is coming from and...

Suzanne Crouch: It is from grant money.

President Tuley: It is grant money?

Commissioner Mourdock: Oh, so you've already got the answer.

Suzanne Crouch: It is not appropriated, it is grant money.

President Tuley: If it is grant money, then the money is...

Commissioner Borries: The only question would be then is if it is at the same rate? If there is funding available through this grant then it would seem that we could approve this. If there has been a change in the amount that is what we need to find out.

Alan Kissinger: I think, however, even if there has been a change in the amount, if the funds are in the grant, it is my understanding that is what the grant is for; this contract and other contracts of the same type. If they use up their grant money then the county is no longer obligated, but they are not going to appropriate money for it.

Commissioner Mourdock: With that being the case, and the Auditor's verification that it is grant money, I will go ahead and move for approval.

Commissioner Borries: Second.

President Tuley: So ordered.

**Suzanne Crouch - Mercy Ambulance contract discussion**

President Tuley: Item 4E and 4F looks like are the County Auditor's requests, so Suzanne you have the floor, I guess.

Suzanne Crouch: I just need some direction on the Mercy Ambulance contract. We have received a claim in the office for \$158,000 and that contract expired at the end of the year and has not been signed or at least we don't have a copy of it. We just need some direction whether you are extending it on a month-to-month basis or what?

President Tuley: Basically, I think we are in the process of trying to negotiate this contract. The form that was presented to me went through to September of 1997, I think, is what was in there. We are trying to figure out what we are going to about Scott Township and what have you.

Commissioner Mourdock: You said the form a moment ago. Do you mean the proposed--

President Tuley: The proposed contract took it to September of 1997.

Commissioner Mourdock: It would seem that we need to do two things. Number one, is to resolve the Auditor's problem. Actually, it is not your problem as much as it is Mercy's problem if they want to get paid. Do we want to move forward with that on a month-to-month basis? If so I guess we need to do something.

President Tuley: Well, we're getting service and we've been getting service so I think it would be prudent to do that and keep us out of court. There is funding, right, for \$197,000 for this year?

Suzanne Crouch: Yes.

President Tuley: Which is what it was last year, wasn't it?

Suzanne Crouch: Right.

Commissioner Mourdock: Is there any reason, Alan, that we cannot act to move on a month-to-month basis or quarterly basis with this contract still in the negotiating stages?

Alan Kissinger: I'm not certain because, quite frankly, I don't remember the terms of the original contract. Basically, I think that my recommendation would probably be...I'm sorry, Ms. Crouch, when did you say that the '95 contract expired?

Suzanne Crouch: I was told that it was the end of '95.

Alan Kissinger: The end of '95?

Suzanne Crouch: Yes.

Alan Kissinger: In consideration of how far we are into the year and how far they have already gone on the performance of the contract in anticipation of the original contract being completed, I think that presently I would recommend that the Commissioners look favorably on a vote to continue the contract under the '95 terms for all of '96, otherwise the Auditor is going to back here next month with the same request and justifiably so. It is also a matter of fact as far as logistics are concerned, regardless of what we are able to accomplish as far as terms of a new contract are concerned, we probably will not get that done before the end of this year. That makes it not a stopgap, but we go ahead with the contract for the rest of the year and we do have concerns which all the Commissioners are aware of and it is certainly not a secret as to what townships are going to be participating. I think it has been recommended that the various parties, the contractor, the provider, other potential competing interests in the township be called in and notified of a public hearing to make a determination as to what we do with a '97 contract or a contract after 1996.

Commissioner Mourdock: Having heard two things there, one bit of recommendation, I'll move that we approve the terms of the '95 contract through the remainder of 1996.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: As the second part of your comments I, too, would also like to see us get a better handle on how the negotiations can proceed. Obviously, no provider, be it Mercy or someone else who is bidding, is going to bid something unless they know who is included and who isn't. In the next couple of weeks we've got several things on the agenda and I don't know that it would be appropriate, but sometime in the next 60 days, at the very least, I think it would be wise to ask the people from Scott Township to come in and other townships if they are interested in providing their own service or if they do want to stick with the county and if they want us, in fact, to bid that contract. There is no question that the different townships can do what they want to do in this regard, but if the other townships want to negotiate something separately we need to know who we are negotiating for.

Alan Kissinger: That has been the problem in all of my contacts

that I have made with the various parties. Until there is a public forum, the Commissioners are not going to be able to make an educated decision on this matter.

President Tuley: Why don't we set that in motion and let's try to do that on the first or second Monday of the month if possible.

Commissioner Mourdock: Okay, the first Monday of August is August 5th and I was going to mention this under old business, but the Welfare to Work group has asked to come to us that night and I have a hunch that they are going to have a reasonably lengthy presentation. The CCD budget items were going to be discussed on that--

President Tuley: I thought that was going to be discussed next week?

Commissioner Mourdock: That is next week, isn't it?

President Tuley: No, the 29th.

Commissioner Mourdock: Well.

President Tuley: Are you going to be here?

Commissioner Borries: I will be here July 29th, but I will not be here as it looks on August 5th. If there is a change I will be able to let you know next week.

President Tuley: How about the 12th?

Commissioner Mourdock: The 12th works for me.

President Tuley: Does it work for you?

Commissioner Borries: The 12th looks like it works.

President Tuley: There is no extra meeting after that meeting. Why don't we then contact Mercy and all the township people that need to be advised and then we will have a public hearing.

Suzanne Crouch: Do we need to advertise or is it just going to be a public hearing at your regularly scheduled meeting?

Alan Kissinger: Yes, it will be a public hearing at our regularly scheduled meeting and, no, it does not need to be advertised.

Suzanne Crouch: Okay, thank you.

President Tuley: It doesn't need a separate advertisement.

Alan Kissinger: I guess someone needs to invite the parties.

President Tuley: Sunny, will you do that for us?

Sunny Titzer: Sure.

Commissioner Borries: Mr. President, I believe you have, as this rather complex issue has surfaced, been in contact with the other townships and at this point it appears that they still want the county to provide this service?

President Tuley: From the letters that I have received so far, I don't think there has been anybody except for Scott Township that

has indicated that they wish to provide their own ambulance service.

Commissioner Borries: I might say, too, for the record that one of the reasons that this Board has pointed toward September of 1997 is that it is my understanding that date is when the City of Evansville will also be involved in contract negotiations for a provider for this service. As one who has had ongoing concerns about duplication and confusion of service for some time, I believe that if we could coordinate our contractual talks with the City of Evansville there not only could be a savings, but certainly we could look at maybe a lessening of the confusion of jurisdiction, authority or whatever if we had one service on a county wide delivery. I believe, again, for the record, I just wanted to indicate that is why we have looked at September according to the information that we currently have is when the city would be looking into contractual negotiations there."

Commissioner Mourdock: That confusion that you are referring to, just for my information, is that with Central Dispatch 911?

Commissioner Borries: I think that Central Dispatch is one and I believe that the other is jurisdictional from the standpoint of when is a city run a county run, how close they are in providing those services, the units that are used and the tax monies that are currently being provided by the city and the county. Certainly, even contractual lengths have been different. The county has operated on a year-to-year basis and the city has extended theirs, I believe, for about five years. I think they're extension will be up in '97. I certainly think it would be in the county's best interest to make that contact and perhaps see if there is a way that we can coordinate those contractual negotiations. I would certainly concur with what Commissioner Mourdock said. I believe that as a part of that we will have to look at the 911 Central Dispatch issue as well.

**Discussion concerning advertising of Chapter 153, Zoning Code**

President Tuley: Item 4F, discussion on the ordinance amending Chapter 153 of the Zoning Code. There is a letter from Charlene addressed to Alan. Alan, did you see this?

Alan Kissinger: I did.

President Tuley: The question is about the ability to advertise in the fashion that it was asked, I guess.

Alan Kissinger: Do you need an answer?

President Tuley: Well, what they are saying is that Beverly Behme has asked for us to do is to advertise this and put it on the agenda for a first reading to be held on August 5th and then Area Plan is going to have their meeting on August 7th. The Auditor's understanding of the way we do these ordinances and the advertising is basically what happens if we advertise for the first reading on August 5th and the second reading on August 12th, but it doesn't get past the Area Plan Commission?

Alan Kissinger: Okay. Number one, I am not sure where the confusion has come regarding first and second readings. What is necessary is not a first and second reading. What is necessary under the statute is a first and second publication of notice. That does not necessarily require two readings. If the Commissioners wish to have two readings that is fine, but it is

merely surplus and it accomplishes very little. The advertising is what is important. The advertising of this particular ordinance is going to be required under Title 5 to appear twice. It will be once before at least ten days before the meeting at which the ordinance is going to be heard and voted on and the second time not less than three days before that meeting. We could have two advertisements before the August 5th meeting and we would meet the requirements of Publication of Notice under Title 5 of the code. Did I confuse you more or did I answer your question?

Suzanne Crouch: Just as a point of curiosity, what if we put the advertising in place and then Area Plan kind of nixes it at the Area Plan Meeting or recommends that it not be passed or something? I know that is highly unlikely, but I was just curious?

Alan Kissinger: I understand and quite frankly I don't know what the order of procedure is here. Isn't Area Plan required to have a hearing before they recommend it to the Commissioners for passage and have they already done that?

Suzanne Crouch: They are going to advertise that. I think that is in August. It is my understanding that is the August 5th meeting.

Alan Kissinger: Their August would be August 7th meeting.

Suzanne Crouch: August 7th, I'm sorry.

Alan Kissinger: So if the Commissioners advertise this for consideration and vote, or discussion and vote, it would be totally inappropriate, I think, to advertise it for August 5th, would it not? The short answer to the question is that we are not required to have a hearing at all or a first reading on August 5th. We are merely required to advertise it twice. Once at least ten days before and once at least three days before the meeting at which it is voted on.

Suzanne Crouch: Thank you.

Alan Kissinger: Obviously, we should not do that on August 5th, maybe we could do that immediately thereafter at the first meeting after August 5th, the 12th?

Suzanne Crouch: Okay, thank you.

Alan Kissinger: Sure.

John Stoll - County Engineer

President Tuley: Department head reports beginning with John Stoll.

John Stoll: The supplemental agreement that you have in front of you is for the Lynch Road construction engineering for the bridges and grading contract. The original contract price was based upon a construction length of 225 work days, but the state put 295 work days in the contract when they put the thing out for bid. As a result, the consultants had to be on the job site for 295 work days since the contractor used all 295 that they were allotted. That is what resulted in the overrun that necessitates this supplemental for \$39,397.14. This is the end of the project. It is all finalized and all work is complete. The final construction record has been submitted by the consultant to the state so everything is done and this just finishes out that contract.

President Tuley: Is there money left in the account to pay for

this?

John Stoll: Yes.

Commissioner Mourdock: Are you recommending it for approval?

John Stoll: Yes.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The only other thing that I have is probably more of a question for Alan. I just didn't know what prevailing wage law we are supposed to be following if it is the new law, if there has been a new Board established for that or what procedures we are supposed to follow at this point?

Alan Kissinger: John, to my knowledge we are still in limbo. Whatever we did last time I would suggest that you do this time, although I can't tell you if you are going to be right or wrong. Once again, I would publicly request that somebody do something to get us out of this box.

John Stoll: We've got several contracts coming up here soon, one of them being Burkhardt Road.

Alan Kissinger: I understand and we are in a dilemma to which there is no local solution.

John Stoll: Okay, we can continue to follow the same procedure that we have been following so that won't be a problem. That's all I have unless you've got any questions.

President Tuley: Questions?

Commissioner Borries: John, only one. A call out on Walnut Lane where we are doing some work. Is it Walnut?

President Tuley: Yeah.

Commissioner Borries: What was that?

President Tuley: Walnut Lane and Radio Road we are doing some ditching.

Commissioner Borries: Yeah, have we finished all of what we are going to do there?

John Stoll: Bill is the formatting that and he could probably get you some answers on that more than I could.

Commissioner Borries: Okay.

John Stoll: Thanks.

President Tuley: Thanks, John.

Bill Morphew - County Garage

President Tuley: Bill. Let the record show that Bill has submitted the Highway Department Report for the Highway Department and the

Bridge Crew for the period covering July 12 through Thursday, July 18, 1996 showing work done in various parts of the county including Walnut Road.

Bill Morpew: We are not finished with that, by the way.

Commissioner Borries: You're not?

Bill Morpew: No.

Commissioner Borries: Okay.

Bill Morpew: We're close.

Commissioner Borries: Okay. I think that was the question so I guess there was some work--

President Tuley: That they hadn't got to yet.

Bill Morpew: We have about three to four more days out there with that first section and then we will be done with and we will be doing another section in about another month.

President Tuley: How did, with what you've done so far and with that rain the other night, it help them or could you tell?

Bill Morpew: It worked great.

President Tuley: Is that right.

Bill Morpew: Everybody out there is happy. One lady said that it was the first time in eight years that she didn't have standing water in her yard or water in her house. Evidently, it is doing what it is supposed to do.

President Tuley: That's good. Questions of Bill? Questions of us?

Bill Morpew: Nope, thank you.

Commissioner Borries: Thank you, sir.

Alan Kissinger - County Attorney

President Tuley: Item 5C, Alan Kissinger.

Alan Kissinger: The first matter that I have is that there are two former employees of the Vanderburgh County Community Corrections and their names are Erik Chandler and Victoriano Bergonia and each of them are members of the Teamster Bargaining Unit, or were members of the Teamster Bargaining Unit, and they left their employment prior to the date that the Uniform Allowance was supposed to be paid. They have a right to this allowance under the contract, but the individual who handles personnel and pays claims at Community Corrections has refused to make the claim until it is authorized by the Commissioners. I recommend that the Commissioners authorize the payment of the clothing allowance to the two employees named so that we can avoid a union grievance which we will lose. They had earned the clothing allowance they just left before the clothing allowance was to be paid is what it comes down to.

Commissioner Borries: I'll move that portion of the clothing allowance due the two persons mentioned by the County Attorney be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Alan Kissinger: On August 9th, the Sheriff's sale for the parcel of real estate in Union Township, on which the county has a lien in excess of \$48,000, will be held. This sale is as a result of the court ordered foreclosure of the county's lien. Keith Rounder has been the Assistant County Attorney who has been handling this case. Someone is, obviously, going to be required, not necessarily required, but is certainly going to be in the interest of the county to have someone attend this Sheriff's sale. Someone at the Sheriff's sale, and I am going to recommend that it be Keith Rounder, is going to have to make an advised decision and it is going to really be a value judgement as to what point the county should exercise its right to bid in its lien at the Sheriff's sale. Keith Rounder and I have discussed this and I feel he is certainly more than capable of making that decision, but I also feel like he should have the specific authority of the Board of Commissioners before attending that sale and acting on the Commissioners' behalf. I guess that what I am asking is that the Commissioners vote to approve Keith Rounder, Assistant County Attorney, as the county's representative at the Sheriff's sale.

Commissioner Borries: I would certainly move that it be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: The last and most pleasant thing that I have to report is that I will be on vacation! I will not be at the meeting of the 29th of July nor will I be at the meeting of August 5th. Keith Rounder, once again, has graciously agreed to substitute for me on those dates and I would request that anything that the Commissioners have please give Keith some advance notice. I can personally, I think, assure you that Keith will be prepared for your Executive Sessions and your regular meetings during that period of time. That's all I have to report.

Sunny Titzer

President Tuley: Okay, Sunny, do you have anything to report in Cindy's absence?

Sunny Titzer: No.

President Tuley: No.

Lynn Ellis - Purchasing

President Tuley: Okay, Lynn Ellis.

Lynn Ellis: I have a recommendation for a bid award. Bid Number APA-025-96 for commercial fueling and the recommendation is to award it to Busler Enterprises. The county's expected expenditures will be about \$80,000 per year. In your agenda I included a comparison with options that were available and the cost savings that would be realized as a result of this award. The Sheriff's Department was supposed to be here, but they...

President Tuley: Chief Woodall met me in the hallway. He said he agreed with your recommendation and really didn't want to stick

around for the meeting.

Lynn Ellis: I don't blame him!

Commissioner Mourdock: We don't either! I'll move approval of the award of Bid Number APA-025-96 as recommended by Ms. Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: Thank you.

Consent items
---------------

President Tuley: Okay, consent items. There were two additional items besides what is listed on there that were submitted. One came in...well, I think they both came in today. One involving the reimbursement for a phone call for a County Auditor's employee which has the approval of her supervisor, the County Auditor, and one was Veazey Parrott & Shoulders for work they have done so far as we witnessed tonight. The Auditor's one is only fourteen dollars and something. I wish that was all the Veazey Parrott & Shoulders one was, but it's a total of \$70,283.79 for the current billing with outstanding from prior billings of \$167,441.79 for a total of \$237,725.58.

Commissioner Mourdock: I guess the only question that I would have kind of has two parts regarding Veazey Parrott & Shoulders. I know that under old business that contract is going to come up and I might suggest that it might be more pertinent to include that since we don't have a contract formally at this point to include that as part of that discussion. Secondly, I would think from this point forward, and I guess this is a suggestion only, but since the Auditorium project is such a major project perhaps we could add a line item to that rather than just have the billings as part of the consent items.

President Tuley: That's probably a good idea. So, what I am hearing as far as consent items tonight is you would like to only have added to the consent items the request for reimbursement on the phone bill?

Commissioner Mourdock: Right.

Commissioner Borries: That's fine.

Commissioner Mourdock: With the removal of Veazey Parrott & Shoulders I will move approval of the consent items.

Commissioner Borries: I will second.

President Tuley: So ordered.

Scheduled meetings
--------------------

President Tuley: Scheduled meetings. The remainder of this week there are no scheduled meetings. The 29th, next Monday, there is a Pigeon Creek Technical Committee Meeting at noon; at 4:00 p.m. an Executive Session; and at 4:00 p.m. there will be a regular Pigeon Creek Meeting; and 5:30 p.m. will be the Commissioners Meeting. Then, next Wednesday the 31st, at 3:30 p.m. there will be a Personnel and Finance Committee Meeting. That takes care of the

scheduled meetings.

Old business

President Tuley: Old business.

Commissioner Mourdock: I have two items. One of them will be very brief, but I thought that maybe it would come up tonight under other items and didn't. I know with the move of the Cooperative Extension Service to the facility in Darmstadt, Room 202 is available or was available, I think present tense is still true. I was just going to suggest that the Superintendent of County Buildings might review that situation and make a recommendation to us because quite honestly, I don't know this building not being in here eight hours a day. I've gotten several letters that have come in, and, in fact, I have included with this copy, from different groups requesting to use that space and I don't have a clue, to be honest with you, as far as which one is best suited and which one is least suited, which is most justifiable, which is least justifiable. If she doesn't make a recommendation to this group as a whole I will just tell you up front that I'm certainly looking to her for a recommendation.

President Tuley: She is on vacation this week so it will probably have to be two weeks from tonight before she can make that recommendation.

Sunny Titzer: She could probably do that Monday, if you want it on Monday because we had planned to try to fill it the first of August. I think she can do it Monday--

President Tuley: Okay.

Sunny Titzer: --because we have reviewed all the letters. Is that okay with you?

President Tuley: That's fine. Her first day back I just didn't want to push it on her, but if you think she will be ready that is fine.

Commissioner Borries: Those comments were made by Sunny Titzer and, Sunny, are there a total of four, is that correct?

Sunny Titzer: We had several verbal, but we didn't receive them in writing. We asked specifically by Friday to have them in writing so I don't think we'll be considering those if that is okay with you?

Commissioner Borries: I think the ones in writing are the ones that we should consider.

President Tuley: Yeah, I agree. They needed to put it in writing.

Commissioner Mourdock: The second item of business that I have is the contract that we have been provided for Veazey Parrott & Shoulders and I understand the need to get something in writing with them. I presume it is the wish of both of you tonight to move forward to do that? Is that safe to say?

President Tuley: Pretty much so.

Commissioner Mourdock: Before we vote on this, as both of you know, I have mentioned in several meetings the possibility of having a contract manager look over this project. What a contract manager

would do would basically be to work with the architect and work for us as an owner on a fixed fee basis to make sure that we get the best for our construction dollar. I know there have been some times when the three of us have agreed and disagreed and I will tell you that there has not been a time that I have more strongly felt a need to disagree than on this contract that was presented to us. The first night this came to us it was identified as an AIA Document B141. That is American Institute of Architects. I have nothing against architects, but this document is totally slanted toward the architect's point of view and not towards ours, the owners. This will take a minute or two, but I just want to go on the record with the points in this document that I disagree with. The first page, paragraph 1.1.2, it talks about time limits. It says:

"The architect shall submit for the owner's approval a schedule for the performance of the architect's services..."

"Time limits established by this schedule..."

In this document that it is referring to with time limits, there are no time limits. I have a real problem with that. It talks about basic services and then it talks under the construction documents phase with some addenda that are attached to the back...I don't mean to jump around here, but the addendum that was provided in the back has such language as:

"The architect shall assist the owner in the preparation of the necessary bidding documents..."

That is the original language and it is revised to say:

"The architect shall be directly responsible for the information."

We are declaring him to be the construction manager which means that he will not only do the architecture, but he is responsible for all the day-to-day activities that will go on at that building site. It refers in the addendum to AIA Document A201, General Conditions of the Contract, and the document that I have doesn't have A201. I don't even know what it is and I'm not going to vote to approve something I don't know. Going back into the main body of the agreement, Section 2.6.3:

"Duties, responsibilities and limitations of authority of the architect shall not be restricted, modified or extended without written agreement of the owner and architect with consent of the contractor, which consent shall not be unreasonably withheld."

Again, that is pointing this document more to favor the architect than it is the owner and that's us. In 2.6.5:

"The architect shall visit the site (now remember he is working as the construction manager) at intervals appropriate to the stage of construction..."

"However, the architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work."

One point is that it's ambiguous with a sentence that is coming a little bit later, but we are going to have, as we heard Mike say

tonight, a project that is already pushing thirty million dollars and the construction manager that we are assigning is "Not responsible for the quality of the quantity of work" and I think that is totally unacceptable. Paragraph 2.6.6:

"The architect shall not have control over the charge of and shall not be responsible for construction means, methods, techniques, sequences..."

Another sentence later:

"The architect shall not be responsible for the contractors schedules or failures."

The first thing I read was talking about schedules and now he is saying that he is not responsible for it. The next one:

"The architect shall not have control over or charge of acts or omissions of the contractor, subcontractor or their agents."

Somebody has got to be responsible for our thirty million dollars and it ought to be a construction manager. In 2.6.5 to the ambiguity and 2.6.10 under the quality of work issue. The architect here in this paragraph is going to certify when we are supposed to pay the other contractors and it says:

"The architect's certification for payment shall constitute a representation to the owner based on the architect's observations..."

and by the way, he is not going to be on-site all the time, remember that...that the payments are ready to be made and then about six lines later it says:

"...information and belief, quality of the work is in accordance with the contract documents."

Previously it said that he wasn't responsible for the quality and now he is going to say that we owe payment based on his representation of what the quality is, but lest you get too comfortable, clear down in the same paragraph it says:

"However, the issuance of a Certificate for Payment shall not be a representation that the architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received by subcontractors and material suppliers."

We're saying on the one hand he is responsible and on the other hand he isn't. In 2.6.11, the next paragraph says:

"The architect is not going to responsible for things that are brought on-site, specifically, the architect will have authority to require additional inspections or testing of work."

Who is he going to specify? Who is going to do the inspection? In 2.6.12, next paragraph about the seventh line down:

"The architect's actions shall be taken with such reasonable promptness as to cause no delay in the work."

We talked last week about liquidated damages and now he is not responsible here, as a CM would be, for getting the work done. The biggest item, although not the last, is paragraph 2.6.13:

"The architect (remember now, he is working as the construction manager) shall prepare change orders and construction change directives which support documentation and data if deemed necessary by the architect."

Okay, that is 2.6.13 versus going to paragraph 3.3...I should add that paragraph 3 is talking about representations beyond the basic services, i.e. what we are going to pay extra for. In 3.3.3:

"Preparing drawings, specifications and other documentation and supporting data, evaluating contractor's proposals and providing other services in connection with change orders and change directives."

In 3.3.3 it says that he is going to get paid to do it and in 2.6.13 it says he is responsible to decide if there is going to be changes. As a wise old attorney once said, "You don't put the rabbit in the lettuce patch", yet that is what we are doing. In 2.6.16:

"Interpretations and decisions of the architect shall be consistent with the intent of and reasonably inferable from the contract documents and shall be in writing or in other form."

Then, and I love this sentence:

"When making such interpretations and initial decisions, the architect shall endeavor to secure faithful performance by owner and contractor, shall not show partiality to either."

We've got a thirty million dollar project here, guys. I want impartial to the owner. That is not even subject to debate and yet this contract says that he isn't. I told you I wouldn't get too strenuous here, but I lied, I guess. In 3.3.9:

"Preparing documents for alternate, separate or sequential bids or providing services in connection with bidding, negotiation or construction prior to completion of construction documents phase."

There is a cost there that we don't know what that means. That, again, is under additional services that he is going to provide that we are going to pay for. That is what this document says, we're going to pay for it. Paragraph 3.4.13:

"Providing interior design and other similar services required for or in connection with the selection, procurement or installation of furniture, furnishings and related equipment."

We are paying extra for that. In 3.4.16, we are paying extra...think about this. We are paying extra to have a set of reproducible record drawings showing significant changes in the work and made during construction based on marked-up prints, drawings and other data furnished. Now, we've got the architect serving as the construction manager who is going to decide when there is a change order, he gets paid to draw up the change order

and then when the work is done he gets paid again to give us a final drawing of what the work was. Item 4.4:

"The owner shall designate a representative authorized to act on the owners behalf with respect to the project. The owner or such authorized representative shall render decisions in a timely manner pertaining to documents submitted by the architect."

If we are going to vote to approve this tonight then we also need to vote who the representative is. It doesn't say a group, it says a representative. To be fair to them, there has to be one representative and we need to determine who that is. For the sake of time I am skipping a couple here, you're welcome to my comments. Article 8, Termination:

"This agreement may be terminated by either party upon not less than seven days written notice should the other party fail substantially to perform in accordance."

I'll yield to Mr. Kissinger here if I need to, but I don't know what substantially means and nowhere in this document is it defined. That is a legal term of art like the word sexuality has a lot of meanings to a lot of different people. Paragraph 8.5:

"If the owners fails to make payment...the architect may upon seven days written notice to the owner suspend performance under services of this agreement."

Yet, nowhere in this terminology do we have such a right to terminate for performance. Paragraph 9.4, Miscellaneous:

"The owner and architect waive all rights against each other and against the contractors, consultants, agents and employees of the other for damages."

He is going to work as the construction manager and that means that anybody who is working for him who errs, who doesn't deliver...this reads to me that we are giving up rights, although I must say, this refers to AIA Document A201 which I've still never seen and which it refers to, but is not part of this document. Item 9.8:

"Unless otherwise provided in this agreement, the architect and architect's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials in any form on the project site including, but not limited to asbestos, asbestos products, PCB's or other toxic substances."

As someone who knows a little bit about construction, I will guarantee you that there will be hazardous materials on that site including low-level nuclear materials. Somebody ought to have responsibility. Item 9.9, we're basically giving them full rights to use in whatever way they want to for advertising. So now we are an advertising agency. In 10.2.1.2:

"Expense of reproductions, postage and handling of drawings and other documents."

Something else that we are going to pay for that goes beyond the scope of the other terminology of the agreement. On Article 11, which is the Basis of Compensation, what some would call the fine print down at the bottom under Compensation for Additional

Services:

"Compensation shall be computed as follows: (in nice big bold letters here) ACTUAL COST INCLUDING MANDATORY AND MUTUALLY AGREED FRINGE BENEFITS PLUS TEN PERCENT."

Most construction agreements that I've seen, certainly all that I have ever negotiated, have what those costs will be. It is so much an hour, it is so much for a piece of equipment or whatever. Nowhere in this document are we including what those costs are. He is going to bring them in after they are accrued, I guess. We have no provisions here for any kind of performance bonding which is typical in these types of operations. I'll stop there, but, again, there are other points here that...one item that they did include under the Addendum in part 5, let me read the whole thing:

"Section 2.6.8 states that the owner and contractor shall communicate through the architect. Even if the county hires a "Clerk-of-the-Work", that individual should likewise communicate through the architect. The reason this provision is so important is that the project can not afford to allow different sets of instructions going to the contractors."

On that point, I totally agree. Then:

"All communications must be funneled through one central clearinghouse to avoid complications. The main central clearinghouse has traditionally been the owner's hired agent, the architect."

That is an arguable statement, at best; however, even if taken literally, while it has been done in the past, more and more large projects are done through construction managers and there is a very simple reason for it. The construction business has gotten more and more complex. We are getting ready to spend thirty million dollars and as you heard me say to Mike tonight, I do not have one bit of problem with Veazey Parrott & Shoulders as an architect. Every time they bring us something I am more impressed with it. I have faith in them as architects, but I will guarantee you out in Seattle at Boeing there are all kinds of people who work as aeronautical engineers who couldn't fly a Piper Cub from the Evansville airport to the Whirlpool building. We have people, probably, who can build ships who couldn't navigate across the Ohio River. The fact that they are good architects does not mean that they are in a good position to negotiate or administer this contract to the construction manager. That's it. I've got one more to come, but you can change it.

TAPE CHANGE

Commissioner Mourdock: Lastly, it's a shame I had to break there, but a week ago, Rick, you used the phrase, the Adlai Stevenson phrase about waiting until hell freezes over and that is a good quote, but I want to quote you another one from another president, and it refers, I think, specifically to this type of location and it is Ronald Reagan's, "Trust, but Verify". I trust them as an architect. I want a mechanism in place where we can verify that we know that we are getting cost savings where there is no incentive for them to better themselves. I say that not only from the sense of how we have to guard the dollars, but I don't want to be in a situation a year from now or two years from now putting Mike on the spot when some angry citizen's group is there saying, well, you approved it and then you got paid for it. I don't think it is fair

to them, quite frankly, and, again, this is not about Veazey and Shoulders as architects. I think we need a mechanism in place that calls for an independent CM who is not going to be impartial towards the owner's point of view who will be very partial to us. I don't think that we are going to give Veazey Parrott & Shoulders the opportunity to do that under the terms of this very ambiguous, very vague and very heavily weighted to the architect contract. Having said that, I've made my peace and...let me add one other part. I give them credit and I salute both of you; from the time this agreement first came in it was much, much more open-ended than it is now. Truly, then it was a cost-plus contract. You have worked and negotiations took place that kept it from being solely a cost-plus contract so we have limited their fee as an architect, however, there is still the wording in this document that gives them add-ons. They have an incentive to save, to save us money because we would share that savings. That was not in the original agreement and I appreciate the fact that you guys were willing to work to put that in there because I think that is in the betterment, but there are too many loose ends in this document to make it favorable to the county. I hope I am wrong, but if I had to bet I'll guarantee you that we are going to see this contract again in a less favorable light than it is tonight.

Commissioner Borries: I wouldn't want you to hold back how you thought on this contract here. In having taken all that very seriously, we have negotiated, I think, and believe that, as you, the architect that we have, who has risks, who is not what I believe in an adversarial position all the time because this community is, I think, to a great extent different than what you are going to find in a very small community where you may not have any architects or any general contractors who could really perform a significant service or do a sizable project like what we find in this community. Having talked with various groups about the aspect of construction management, I believe that we definitely do need our own representative and certainly I think that we could look within our own staff and have a significant savings as to what construction management firms might do. They have fancy brochures, they may get five percent without any liability involved. It could be a project that in thirty million they might get seven or eight hundred thousand dollars and how do they save money? They save by what some have described as being a passive third party. They throw the bone out and then everybody has to scramble to figure out where thirty different separate packages are going to end up. Where do the questions go? Not to the construction manager, they come back to the architect who has to certify and be responsible for the drawings or to a contractor who has to make it work. Basically, they end up taking a lot of money with some fancy brochures looking good and breaking it down into thirty different packages that people can't understand which could create some tremendous amounts of change orders and ultimately delay the project. I did talk to one individual who said that if you had an absolute drop-dead schedule, and also to take in Commissioner Mourdock's comments, who is, I know, very sincere in what he said, but neither is wrong. If you have a construction manager or if you have a Clerk-of-the-Work, so to speak, a person who is going to act as our advocate in this process, and neither is wrong. If you are fast-tracking the three critical components of quality, time and certainly money or budget...if you are in a time constraint such as what was seen and is being seen in the current Olympics in Atlanta where you had a drop-dead schedule and you had a tremendous amount of pressure to get this done where in some cases architects were apparently drawing while holes were being dug in various parts of Atlanta to create stadiums, buildings and other facilities. If you have that kind of critical time constraint with multiple buildings,

some said then that you might have a need for a construction manager. Beyond the fact of looking at this critical component, I think that we've seen in this county under experience that I can recall, a bond being issued for the construction of two overpasses in the community, both of which were bid by local contractors, both of which came in under bid and thankfully we are seeing the savings of those particular things and that amount of money being used to design an intersection now that is going to connect to major roads. I don't think it is necessarily a situation where we are going to expect the worst and say that it can't happen because in fact it can easily happen that we are going to see not only thoughtful design and thoughtful drawing, but I think an approach where the money will be accountable and where we will be able to watch very closely on what is being done. The money that we are going to spend, if it is eight hundred thousand dollars to a million dollars on a construction management firm can be put into the building in terms of equipment. What do we cut out? Some said, well, there is one more layer of questions and no answer. Then you come back again to your architect who has had to certify the drawings or the contractor that has to make sure that the drawings are followed. You could end up with a lot of litigation which is going to cost us more insofar as expenses there. Again, I think we have to look at the aspect of team building. I strongly believe that the contractors that need to and hopefully will bid on this, will be contractors who live in this community whose folks live in this community and that the dollars will be spent here and that, in fact, we have a large enough community to ensure that quality workmanship and quality control and I think a spirit of integrity and ethics here is going to be used that will get this job done and get it right. The city of Indianapolis, for example, did not use on their recent stadium that they opened for baseball a construction manager. In fact, they had their own site office and, of course, personnel on staff. I believe that we have personnel on staff that are very talented individuals who could be paid for out of bond expenses that will come out far less than some eight hundred thousand dollars being paid to a group that, again, we have no assurance at this point is going to have anything but more questions than answers. I share Commissioner Mourdock's concern that as always we want to look at very, very close monitoring of all expenses involved in this, but I am not in favor of creating an extra layer of bureaucracy with no liability in this situation. That is a major concern that I have in it. I also know Mike Shoulders very well. I believe that the thoughtful approach that we see today, his lifelong residence in this community is going to ensure that there is not going to be any violations of contract or of what is being done on this particular project. It is an important project for the community and I believe that we should have an owner's representative and I would be prepared to say at some time very soon that we could, again, appoint a person or hire a person at a far less amount of money than what we would have to spend on a construction manager not also knowing from outside the community exactly what the criteria or qualifications of these people would be. They may be engineers, they may not be engineers, but the bottom line is that we would have our own person looking at recommendations, acting as our representative and certainly monitoring the project very closely.

Commissioner Mourdock: You want to be the net for a minute or do you want to be the ball?

President Tuley: Well, quite honestly, there are a couple of things that you pointed out that are legitimate questions. More than a couple then, okay, let's say that. What I've got a problem with what you just did tonight is that we've had this on the agenda week

after week after week and the only thing that I thought we were haggling over was this last part on the 1.6 million dollars as a flat fee and the other part was the \$500,000 which you came up with the idea that rather than just paying that directly to him, the 2.1 to let him do it, if we would set aside \$500,000 for the extra consultants and as an incentive to him if it came in less than that, then we would share in the savings. I didn't ever hear you say that you had all those questions that you have and you've met Mike, and I don't know that this is the first time these questions have come to the table that you were questioning all this until tonight.

Commissioner Mourdock: I disagree with that, Pat, because you and I have had discussions regarding the construction manager. Two weeks ago you said--

President Tuley: No question about the construction manager.

Commissioner Mourdock: --and that is what those issues are in. You have read this before, I presume, I'll give you credit there. I've read this before and the question that I kept asking was specific to these item by item, but it was about a construction manager because all those points I've raised were whether or not we were going to have a construction manager. The most recent conversation that we had about this, my comment was made that I would sure like to throw this document away because this thing leans to the architect and that is what I meant. Again, the phrases that you heard me use weren't so much about the architectural services, which I think they are well suited to do and I am pleased with, but it is under the items where they are being called upon to be the construction manager. Coming to a couple of Rick's comments, if I may, you kind of stunned me when you threw the thing in there about the Olympics because the instruction books and magazines are filled with all these excellent articles about how CM's saved them down there to get some stuff done. You raised the point about the Indianapolis baseball stadium and the construction firm that did that is one of the prominent construction management firms as well as a construction firm in the entire country so, yeah, I salute them, too. They've done a good job. You talked about teamwork and the fact that there would be 30 contractors out there, what we are going to have is someone as a general contractor who is going to mark up each of those thirty prices and that is where you get the cost savings on a CM. You said that they have no risk, but I'm sorry, they do have risk. The same risk that much of this contract throws away. Those spots in here that I quoted where I said they are not responsible for and have no liability for it, that is the risk that the CM has. Good people are sitting here and I know where this decision is going, they know it, we all know it and I don't want to beat a dead horse here. I just feel very strongly that this is the wrong way to go. Veazey and Shoulders, fine job as an architect no problem there, but I just am not comfortable with this, but I will for the sake of brevity--

President Tuley: Before you do something rash, let me ask you this. Here I sit in the middle again. If there are things in here that, Rick, the person that you are talking about will oversee, then the wording should be changed to reflect that person would be our manager.

Commissioner Mourdock: Are you talking about the Clerk-of-the-Works?

President Tuley: Clerk-of-the-Works, or whatever. If the wording should be changed in this contract to reflect those changes that

should be made so the Clerk-of-the-Works could report to us. Should we not go back and change this to reflect that so that if we are going to have someone on site to make those reports back to us this should be reflected in that document?

Commissioner Borries: We can certainly, I think, look and consider, but, again, what I want to say is that I believe that there could be a significant savings by having an owner's representative here and not a firm.

President Tuley: I'm agreeing with you, I'm not disagreeing on that. What I am saying is if we are going to have an owner's representative, then the responsibility that the owner's representative is going to have needs to be taken out of this document because basically if we sign this and we have an owner's representative it doesn't spell out what his job is.

Commissioner Mourdock: The one item, and I just want to--

President Tuley: What it is going to say according to this document is that Mike is going to do it, but in reality our owner's representative is going to.

Commissioner Mourdock: But this document says, and this is its exact wording:

"Even if the county hires a Clerk-of-the-Work, that individual should likewise communicate through the architect for reasons this provision is so important..."

President Tuley: That is why I am saying don't sign this document in its present form.

Commissioner Borries: I think there would have to be some discussion on that. I've had some say that they are not going to save you dollars, they are going to save you dollars by cutting out what you need is a great concern that I would have. What happens to an architect, again, I'm not going to sit here and defend an architect, but they must certify those drawings and those drawings must be done as they are set and that is where those questions are going to come. You are not going to get any kind of a construction engineer or a value engineer to come back and say, yeah, go ahead and do this if the architect hasn't said that. I am sure that is one of the reasons that you have in there that an architect must certify and sign off with yeah, this is what I am talking about there. I mean, that to me seems like a logical--

Commissioner Mourdock: But do you not agree that having the architect in the position to say, yes, we are going to have a change order and then under the language of this agreement he gets paid separately for every change order he has. He has the authority to do this and then he gets paid separately for it. Does that not speak of a conflict of interest?

President Tuley: That is what I'm saying the change needs to be. If we are going to put the owner's rep on there or a Clerk-of-the-Works, or whatever we want to call him, then that part of the paragraph should say in my mind that the request for change orders should come through that individual. That is the kind of wording change that I'm talking about.

Commissioner Mourdock: We are moving towards a middle ground here that I didn't expect, but let me make the point that a one percent change order is \$300,000, one percent. You know, this is not a

negative statement towards John because John is a Civil Engineer, I think, but we need a structural engineer. Could we, in fact, have him hire a structural engineer with some experience and have him work directly for the county for the duration of this project? At one percent being \$300,000, believe me, a person who is representing us with partiality towards us is going to save us a lot more than \$300,000, more than one percent. Maybe we can find sufficient funding through this whole deal to hire that person and have him report directly to us through the duration of this project.

Commissioner Borries: I think that is something that we can certainly consider because, again, if you get back to the point that you are saying that you are not saving any money, basically, what you are doing is cutting out what you need in terms of change orders and unless you get a person who is, in fact, not only just acting as a middleman or our agent, but somebody who is clearly at risk in this whole situation where they, in fact, are not getting any kind of fee for change orders then we are going to have, I think, some serious problems. I would be happy to have Mr. Shoulders consider your concerns on this as you have pointed out tonight and as I say, though, I have some serious concerns here about the potential here and the risk for cutting out quality and not saving any dollars at all in relation to what I see there.

Commissioner Mourdock: The last thing in the world that I want to do is to cut out (inaudible), but what I do want to have is someone's neck that I can put my hands around and say, you are responsible. This document ties our hands, I believe, behind our backs. The savings that a CM would get you and, again, we are kind of moving from that discussion, but they don't necessarily come in change orders because, as someone who works more hours a week in the construction business than I do here, change orders happen. It is the result of changing conditions and unexpected conditions and those things happen. There will be change orders whether you have a CM or whether you do this as perceived here.

Commissioner Borries: Sure there will.

Commissioner Mourdock: The question is, who is going to be responsible and who is going to benefit? A CM does not benefit one penny from a change order because they bid it on a fixed fee, period, end of story. This document is set up to cause the person functioning as a CM, the architect, every time there is a change order he makes money by it. That puts us in a bad position and, quite frankly, it is going to put a lot of scrutiny on him that I don't think he really wants. He made the comment to me one time and I've relayed this to you before, he doesn't mind working through a CM, but, yeah, commenting to your remarks, it causes an extra level of bureaucracy. Well, that is another way of saying that it forces additional documentation. For thirty million dollars, I want documentation. I'm not worried about saving a few pieces of paper. I want documentation because I want the quality that you are talking about.

Commissioner Borries: I fully agree, but I am not, again, saying that I want it more in terms of a few pieces of paper. I can't see in any respect getting to a fee where, again, what you are cutting out is essentially some aspects of the whole design and the quality and integrity of the building. Again, I also strongly believe that this community, and particularly this particular facility, ought to be one that folks are going to look at for a long time and really be proud of and I believe it can be done because of the nature of not only the architect involved, but the individuals who are going

to be involved in this. This is going to be an excellent project and one in which I believe is going to be a real tribute to this community.

Commissioner Mourdock: Trust, but verify.

Commissioner Borries: I fully agree and I would definitely not expect anything but strong verification from your architect as well as the contractors that are involved in this because I would hope that those folks, if they are general contractors, big contractors, are going to be folks that are around this community and have lived in this community and, again, are not going to be leaving after the job is done where we can't find them and have all kinds of confusion about what was at stake here.

President Tuley: Here is where I'm at. I want to have our representative over there. I don't think it has to be a construction manager. I don't disagree that it could be a structural engineer or maybe someone on staff, but someone representing us needs to be there on a daily basis and I agree 100 percent on that. The only thing that I want to do on this document is that those responsibilities that are going to be shifted from the architect to that individual just needs to be changed in this document. That is the only thing that I am saying.

Commissioner Borries: Okay. I certainly think we need to look in--

Commissioner Mourdock: I would certainly consider that as a different draft of that document.

President Tuley: What I would like to have, if you don't care, is to give me a copy--

Commissioner Mourdock: A set of my notes?

President Tuley: --with all those questions you had in there so that I can meet with Mike and try to hammer this out.

Commissioner Mourdock: Here we go right to the editorial page. If there is any way that we can do that without having it be seen as some super secret meeting, I mean, if people think we cut deals and always have agreements worked out before we get here, then they needed to hear this discussion. However I can work with you or with Mike to make that happen, fine. I appreciate your time and I appreciate the indulgence of all of you to sit through what was a lengthier discussion than even I imagined. I have no more new business and you will be delighted to hear that.

New Business
--------------

President Tuley: There is one letter of appreciation from the Council of Veterans Organization of Vanderburgh County. I should note for the record that this letter was written June 26, prior to any comments about selling the Coliseum. I am trying to find it.

Commissioner Borries: It may be under old business already. They may take back what they said.

President Tuley: It is dated June 26th so I think probably this was not...it got lost somewhere in between until that issue was settled before we got our thanks here.

"We, the Veterans Council, would like to thank you for your assistance in the restoration of the Coliseum entry

doors. We want to thank you for your willingness to work with and for the Veterans of Vanderburgh County.

We have had nothing but praise from the Downtown Rotary and other patrons about the maintenance and the cleanliness of the buildings and the grounds. We thank you for your assistance in the upkeep of one of the only remaining war memorials in the state of Indiana.

We realize the Coliseum is a county building, but with working together in many projects we have been able to maintain the Coliseum and show the Veterans and the citizens of Vanderburgh County that we are proud of the effort set forth by the County Commissioners and Veterans Council to show appreciation to our Indiana Veterans.

In Commradship,

William Mitchell  
Veterans Council Inc., Board of Directors"

So this was not received until after the discussion that we had so it did not bias our opinion one way or the other. In some cases more than others, I mean. Any other new business? Is it safe to assume that we can ask for adjournment?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

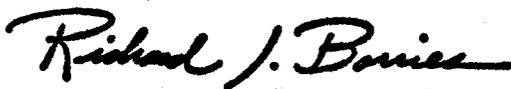
President Tuley: So ordered. We've got quite a bit of stuff that needs to be signed and then we'll go right into Drainage Board.

The meeting was adjourned at 8:04 p.m.

THOSE IN ATTENDANCE:  
Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Sunny Titzer  
Teri Lukeman  
Mike Shoulders  
Mike Buente  
Eric Anderson  
Karen Skipper  
Robert Skipper  
John Stoll  
Bill Morphew  
Lynn Ellis  
Members of the media  
Others unidentified

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

**Minutes of the  
Vanderburgh County Board of Commissioners  
July 29, 1996**

**Table of Contents**

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Gary Heck - Welfare to Work .....	1
Cheryl Musgrave - Request for rehearing to State Tax Board ..	3
Cheryl Musgrave - Enhanced Access & Copying Fee Ordinance ...	4
Gary Heck - Welfare to Work continued .....	6
CCD Fund - Discussion .....	20
Any group or individual wishing to address the Commission ...	23
Shirley James - Chairperson of the Greenway Committee	
Jeff Hatfield - concerns on riverboat money expenditures	
John Stoll - County Engineer .....	32
Amended Notice of Intent letter - Lynch Road, Phase Two	
Cover sheet Burkhardt Road plan for signatures	
Flashing lights to be installed at Covert & Fuquay	
Milton Hayden - County Garage .....	34
Progress report for Highway Department and Bridge Crew	
for period covering July 19 through July 25, 1996	
Keith Rounder - Assistant County Attorney .....	34
(No report)	
Cindy Mayo - Superintendent of County Buildings .....	35
Dates concerning installation of new sound system	
Consent items .....	35
Employment changes	
Travel requests:	
Auditor's Office (1)	
Assessor's Office (1)	
Center Assessor's Office (3)	
Treasurer's monthly financial report	
Scheduled meetings .....	35
Old business .....	36
Veazey Parrott & Shoulders contract	

New business .....	46
Reminder of public hearing regarding Mercy Ambulance Letter from American Diabetes Association concerning waiving the fee for the use of Burdette Park Reappointment of Beverly Corn, Community Corrections Advisory Board	
Adjournment .....	47
Attendance & Signature pages.....	48

**Vanderburgh County  
Board of Commissioners Meeting  
July 29, 1996**

The Vanderburgh County Board of Commissioners met in session this 29th day of July, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:46 p.m.

**Introductions and Pledge of Allegiance**

President Tuley: Okay, I'm sorry we're late. We need to call the meeting of the Vanderburgh County Commissioners for Monday, July 29, 1996 to order. As a point of introductions, to my far right is Cindy Mayo, the Superintendent of County Buildings and our office manager; to Cindy's immediate left is Keith Rounder, one of the Assistant County Attorneys; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; Suzanne Crouch is to his immediate left, she is the County Auditor; and Charlene Timmons, is the Recording Secretary who will be recording the minutes of this meeting; and I'm Commissioner Pat Tuley. If you will all stand with us and face the flag as we say the Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: The first item on the agenda under action items is the approval of the minutes from last week's meeting of July 22, 1996. I will entertain a motion for the approval of the minutes.

Commissioner Borries: Mr. President, I move that the minutes from July 22, 1996 be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Let the record show that an Executive Session was held prior to this meeting which was in compliance with the advertising as outlined in the law and no official action was taken.

**Gary Heck - Welfare to Work**

President Tuley: Item 4C, Gary Heck, Welfare to Work. You're up.

Gary Heck: Good evening, Commissioners. We have some handouts that will be here in just a minute for everyone here, but I would like to make a few opening comments before we get started with this to remind folks what this is all about. Last year at about this time the then President of this Commission, Richard Borries, set up a local planning council in response to a state initiative called the Welfare to Work Planning Council for Vanderburgh County. This particular Council was charged with doing some research, finding out and doing an in-depth study of the welfare situation in Vanderburgh County and making recommendations back to this Commission in response to how we will then address welfare from that point forward. This has been going on with some national interest and state interest in that this is a welfare reform package and the eligibility requirements that were in place will no

longer be in place at the national level. There will be a two year limit on benefits received under welfare, AFDC in this particular county, from that point on. Our task at that time was to complete a report by November and pass it on to a regional group which was doing the same thing only on a regional basis. They were to pass it on to a state group who was to have their job completed by March. All of that has taken place. We made a caveat in our report that the recommendations that we gave at that time in November were a little bit tentative given the fact that the federal budget hadn't been announced yet and the state hadn't reacted to whether there was going to be block grants as opposed to entitlement in the welfare package as it comes down to the county level. Having said all that, there still hasn't been a budget passed at the federal level and we are still waiting on that, but there has been an opportunity for us to revisit what we were doing all along with the fact that there are some potential revenues that will be available for Vanderburgh County to address welfare reform. We have put together some recommendations based on the possibility that is going to occur. In a second you are going to have some handouts and what we are going to talk about is about 13 different points in Welfare to Work reform. I should, as I get started, identify that some of the members of the original planning group that was started last July are with us today in the audience. Tim Suenram is here and he helped set up and facilitate a subcommittee on child care issues which is one of the things that we highly recommended last time. Derek Dillon is here and he facilitated a transportation study and you will be seeing some of that as we go along. We also have Roger Frick here from the United Way, who was one of the Welfare to Work members who is with us. Terry Huber is with us from Ivy Tech and he is providing those handouts that will be here shortly. Melissa Rynkiewich is here from Lieberman and Associations. Bobby Ogburn is here from the Evansville Black Coalition. Some of the other members of our Commission we've got Joellyn back here and LaVerne Jones. So, let me go ahead and get started. I apologize for the fact that those handouts aren't here, but we do have some overheads which will make this program go a little bit easier. The reason that I'm apologizing for it is that there was a power outage at Ivy Tech today that I am sure you are all familiar with because a transformer got hit this afternoon. They were preparing these and they had to go to a local fast copy vendor to make these copies that are going to be coming to us in just a short time. What can I say except that we had to improvise. To give you an overview of what we hope to accomplish today is to give you some of the goals of what we are talking about when we are talking about welfare reform and the local Welfare to Work Planning Council. I have some options here, if you want me to continue now without the handouts we can do that. If you would like to table it until we come it would probably make it a more cohesive presentation for you if in your authority you can give us that it would certainly help us.

President Tuley: Do you have a problem with them stopping and we'll go on to the next item and come back to him?

Commissioner Borries: Sure.

Gary Heck: It will make it a little bit easier for you to follow once you get these handouts. It will make it easier for everybody here.

President Tuley: Okay.

Gary Heck: Thank you for your flexibility.

**Cheryl Musgrave - Request for rehearing to State Board of Tax Commissioners**

President Tuley: Cheryl, while he is giving away the microphone I guess you can come on up and make your presentation then.

Cheryl Musgrave: I'm Cheryl Musgrave, the County Assessor. The first item on the agenda is the request for a rehearing to the State Board of Tax Commissioners. I bring you this request because the Pigeon Township Assessor feels very strongly that this is not a kit building. I have included a sample letter for you to send on your stationary to the State Board of Tax Commissioner. If you will recall, we have done this twice before and I am happy to tell you that we have prevailed both times.

Commissioner Mourdock: What type of building did you say it was not?

Cheryl Musgrave: A kit building.

Commissioner Mourdock: K-I-T?

Cheryl Musgrave: K-I-T. A kit metal building is like a pole barn that you would go buy and they would bring it and assemble it on your lot. He is stating that this building is not, that it has many, many custom features.

President Tuley: If I am reading your letter properly, what the state has granted has been a 50 percent reduction based on the fact that the petitioner had claimed it was a kit building?

Cheryl Musgrave: That is correct.

President Tuley: You and the Pigeon Township Assessor are saying that you disagree with that finding and you want us to appeal it to the state?

Cheryl Musgrave: We are requesting that the state rehear the matter.

Commissioner Mourdock: From us you simply need a letter stating that the Commissioners request the rehearing?

Cheryl Musgrave: That is right. That's what the statute calls for.

Commissioner Mourdock: I'll move that this Board act to draft a letter supporting the Assessor's position.

President Tuley: It's drafted and ready to go.

Commissioner Mourdock: Or sign the letter, I didn't have that copy here.

President Tuley: I'm sorry.

Commissioner Mourdock: I move that we sign the letter as requested by the County Assessor.

Commissioner Borries: Second.

President Tuley: So ordered.

**Cheryl Musgrave - Enhanced Access and Copying Fee Ordinance**

Cheryl Musgrave: The next item on the agenda is the Enhanced Access Ordinance and the Copying Fee Ordinance. I was not able to be present at the last meeting when it was on the agenda and I see that the regular attorney, Mr. Alan Kissinger, is absent this evening. I understand that the Commissioners had some further questions regarding enhanced access and I would like to clear any of those up for you, if I may.

Commissioner Mourdock: It is my recollection that what the question was at the last meeting was regarding the meeting prior to that and the substance of it was would the drafting of an ordinance that would allow enhanced access necessarily implement enhanced access through the county offices? My comment at that point, and correct me Cheryl if my understanding is wrong here, but regardless of whether we ever move forward or not, state law requires us to have such an ordinance on the books.

Cheryl Musgrave: State law requires the ordinance to be on the books to enable any willing officeholder to conduct enhanced access. We are not required to adopt an ordinance just to have it, but if any officeholder did want to provide this and charge a fee for doing so the statutes are required. Now, this past week Ameritech came down and met with several officeholders including a member of my staff because, again, I was out of town at a legislative hearing. There seems to be tremendous interest in doing this. Ameritech will still be getting back to us about how much the charges will be so I still have nothing further to give you in information of that sort.

Commissioner Mourdock: It is possible, theoretically, that we could pass an ordinance and no officeholder would ever come forward in which case we've passed an ordinance and there is nothing to pursue.

Cheryl Musgrave: But the copying ordinance really is, I think, something that we should be taking action on and taking action right away. All the county offices and city offices all charge various rates for copying things at our counter and that really should be standardized. The public should know what they are going to pay wherever they go in this building and I think that most people support that, but it is just a matter of getting that work done.

President Tuley: Thank you.

Cheryl Musgrave: I have one more item. I received a summons today in a lawsuit. Citizens National Bank is suing this gentlemen on a mortgage foreclosure and they have named me as a defendant and after I called the attorney, I guess they named every county officeholder a defendant because they were confused about whose responsibility within the county it was to respond to this. I have told attorney that I will be refusing to accept service on behalf of the county and I suggested that she may need to contact the Treasurer about this. At several...it has been about a year, or several months ago, I did ask to be assigned new counsel and I would simply like to repeat that request. Back to the Enhanced Access Ordinance, can you give me a schedule of any sort of action?

President Tuley: Alan was gone last week and this week and he'll be back in next week.

Keith Rounder: No, he won't be.

President Tuley: No, he won't. I think the confusion was in the direction that was given to Alan at the initial meeting because I think the agreement was, or the understanding was, that we would probably go ahead and put the wheels in motion to get the ordinance enacted, realizing of course, based on officeholders desires and funding, that it may or may not take place.

Cheryl Musgrave: Right.

President Tuley: I think that was the point. As you pointed out...I had forgotten that was what the questions were. They came from our attorney and he didn't realize that was the direction, apparently, that we had given him to start the process. Since then we have asked him at the last meeting that he was here to start that so, unfortunately, I can't give you an answer until he gets back because I don't know where he is at on it.

Cheryl Musgrave: Should I just come to the meeting two weeks from tonight?

Keith Rounder: I haven't spoken to him about it so I can't answer the question.

President Tuley: I would recommend that's what you would do.

Cheryl Musgrave: Alright.

President Tuley: Since he won't be here next week and as Keith just pointed out he has not given him any direction on it.

Cheryl Musgrave: Should I ask Cindy to put it on the agenda or how is that generally handled?

Commissioner Borries: Well, when you talk, Cheryl, about city and you're talking county from reading through this correspondence it is my understanding that the city, at this point, has not drafted an ordinance regarding copying fees so I think we have some work to do there. I don't know if it is possible for us to do that in relation to what you said earlier. If we can do it from a county standpoint and can move forward in that area, but we cannot do that from a city standpoint.

Cheryl Musgrave: I think the city did draft one, but I could be mistaken. What is really necessary is for all three attorneys to discuss this with each other and to produce a draft ordinance for both of these issues to be presented to all three bodies. Then all three bodies would have the opportunity to vote them down or change them or do whatever.

President Tuley: Who is the third attorney?

Cheryl Musgrave: County Council.

President Tuley: County Council is one of them, okay.

Cheryl Musgrave: They do need to talk with one another and that is not something that I can make happen without your assistance.

President Tuley: We can direct the Commissioners' Attorney, that is the only one we can direct!

Commissioner Mourdock: I have tried to push that rope myself at

times and it doesn't seem to move very well.

Cheryl Musgrave: No, it doesn't. Well, I'll come back in two weeks and I'll contact Cindy to make sure that it is at least on the agenda because there is nothing more unpleasant than sitting through an entire meeting for nothing.

**Gary Heck - Welfare to Work (continued)**

President Tuley: Gary, you're ready?

Gary Heck: If you want to correct the time on the front of this it is actually 6:01 p.m. when this presentation is getting started. Thanks. The first slide that you are going to see here in a second is going to be your program goals which you have in front of you in your materials in which we will revisit and highlight as we go along. Part of the challenge that was given to us by Commissioner Mourdock when we started reconvening here recently was that if we were to revisit knowing that there could be some local resources potentially available what it is that we would want to do based on our previous findings. The challenge that he laid before us was going to be to talk about the program's goals which was whatever we did we had to be sure that we promoted individual initiative. We are going to achieve results that are going to be clearly demonstrable and measurable. Promote innovation and non-duplication of any current efforts that are going and it had to be relatively simple. Those were the kinds of things that we were challenged with and looking at. As we got involved in doing this we understood that there was still going to have to be a couple of things to take place. You always expect technology may not always serve you well, so you have these backups and that is what you've got in front of you. Part of what this challenge was going to be was that there had to be some kind of clearinghouse or gatekeeper that was going to allow this to work. What we are proposing is that there be a gatekeeper set up that would allow the four projects or programs that we are going to talk about to keep track of that and to be the group, or the agency, or the individual that would be responsible for reporting back to the Commissioners and the County Council and anyone else that is responsible in the transportation, child care, employment, training and safety net areas that we are talking about. This gatekeeper is going to have some important roles. They are going to serve as the primary fiscal agent for the transportation projects that we are talking about, child care projects, employment and training and the safety net and they would have the ultimate responsibility of working as a liaison. We are going to propose in the safety net that it actually be handled by a single Township Trustee in Vanderburgh County. They're intimately familiar with all of the problems, they already serve the clients that are involved and all this would do is to open up another avenue of revenues that would be used in some specific methods and when we get to that we will talk about it. The actual gatekeeper would be the individual who needs to be responsible for administering all these other programs. They would assure that the customer's eligibility certifications are in place so that the people who are being served are the proper folks that we want it to serve. They would also make sure that the needs and assets assessment form has been completed so that we are not providing services to someone that they don't really need and that we are only providing those services that they do need. They would be responsible for making sure that vouchers go out. This wouldn't be a direct cash program to any individual, it would only go to service providers who would be paid for services they were providing to those individuals. They would be responsible to make

sure that the payment was initiated and ultimately approved. They would also be certifying the service providers to make sure that the people who are providing the services were qualified to do that particular function, that they are operating consistent with state and local laws, that they have a good track record, that they have liability insurance and all those other issues that we don't always think about when we are trying to help folks, but to make sure that we weren't wasting any resources. They would ultimately be responsible for the program's accountability. Now, the next sheet that you'll have in front of you is the flow chart. This is how we sort of envision this thing working. At any time, we have some other folks that can step in to answer some of these questions that you all may have if I'm unclear in how I am presenting this to you. It starts out at the top. In this particular county the County Council and the Commissioners are those groups that serve in charge of this whole process. The Commissioners, it is my understanding, serve in the executive role and the Council serves in the legislative role and they act in unison to get things started and going on. They will have the ultimate approval on any programs and they will also be the group that oversees and makes sure that any evaluation process is ultimately reported back to so you will have the ultimate decisions there. What we are proposing is that you consider establishing an Initiative-Based Assistance Oversight Group. Not assistant as you see here and necessarily one individual unless that happens to be a single gatekeeper, but this Initiative-Based Assistance Oversight Group would be something similar to the local Welfare to Work Planning Council in that it is a local group that would give advice, counsel, recommendations and would ultimately be responsible to this group. What we would propose is that they put out requests for proposals to hire this initial gatekeeper or clearinghouse person, agency or whatever that happens to be. They would select that gatekeeper and once that is in place, the gatekeeper, with the advice of the Initiative-Based Assistance Oversight Group, which isn't a real neat acronym and we weren't trying to come up with an acronym, but that best describes what we are trying to do. They would then put out a request for proposals to different program providers in the areas of child care, transportation, the placement and training, the employment and those types of service providers and they would work hand in hand with the Trustee who would be the oversight person, if you will, or the gatekeeper's assistant for the safety net and that would be in place there. Those different services that we are talking about providing, the child care, transportation, employment and training are the ones that came up time and time again in welfare reform and every other debate that you hear going on around the country. That is where services are desperately needed and where there is not enough resources to attach that there. When we see this universe of eligible clients we know that the Office of Family and Children is the local office, it used to be called the Welfare Department, and folks go there right now for services, but there is also a lot of other people who are potentially eligible for services that may not be currently on welfare and may never have been or desire to be on welfare, but still could be eligible for some services. They could come to us from a variety of other sources such as local service providers, churches, they could come to the Civic Center and go to the Information Desk, they are going to come from somewhere. What we are hoping to set up is whatever door they happen to knock on is the right door for entering into the system in the first place and, ultimately, getting to this gatekeeper who is going to make sure that they get assessed and they get those proper services. Unless there is something else we need to stress on the flowchart, I'm going to say that is pretty much a quick overview of how this whole process will work. Now who is going to be eligible? Your next one will tell you this right

now. There are a couple of things that we probably need to stress on this. You will need to look at the next two pages hand in hand. This is tougher than any current welfare program or AFDC program that is out there right now so we are not envisioning this being something in addition to welfare that meets the same kind of criteria. This is much tougher standards and what we are saying here is that to be eligible an individual has to be at 70% of the lower living standard income level. On the page directly behind that you will see what that amounts to in Vanderburgh County. A family of one could make annually \$6,260.00 a year and be at 70% of this lower living standard income level. They also either have to be working or working and engaged in an educational activity, a training activity and/or job search activity that is going to last at least 25 hours a week. Most of the hours that you see under the AFDC program is a 20 hour program so this is a much higher standard that they would have to work at. They could be individuals that are seeking or receiving public assistance if they were going to meet this other criteria. We want to be inclusive to those working poor families in Vanderburgh County who may or may not have been on welfare, but are still out there struggling day in and day out and are still at the 70% of this lower living standard of income level. That is the purpose for that. That is the clientele that we are trying to serve. Alright, the first breakout slide that you will see here in your handout talks about the employment and training component. Terry, do you want me to continue or do you want to address some of these points?

Terry Huber: You go ahead, you're on a roll.

Gary Heck: Yeah, I'm on a roll and we're moving. Employment and training. The first thing is outcome. What is it that we are hoping to accomplish? We want employment that is going to lead to self-sufficiency for 100 clients and that will have a maximum lifetime benefit of \$2,500.00. What we are saying here is going to be real obvious once we get through these other objectives. It has to lead to either an immediate job placement, it has to have short-term training that leads to a job placement so what we are really looking at is job placement, plain and simple. What happens and what we find that happens so many times is that if they had just a little bit of assistance and these are some other folks that are out here that are underemployed that needs a little bit of help to get that extra skill that somebody is looking for that is where this would come in. What we are hoping to set up here is assistance for this 100 client base. What are going to be the benefits? Well, the benefits that you will see here is that it is going to promote client choice where they don't have to walk into a program that says, well, we are training welders today and you are now in a welder's program. They might have a different desire and a need and if a service provider is available in this community we are going to have some training assistance available that will lead to a job that is here local. It doesn't do us any good to train people who are going to be moving to California or to Oregon or any other place when we need them to stay here, be employed locally, to pay taxes locally and to be a part of this community locally and to be productive. It has to be user friendly. These are all the things that we know can happen from this program. It has to use currently established quality providers. We have a lot of folks who are out here that can provide services for us and they are willing to provide those particular services and they are willing to match those services that they have and to rethink the services that they have if the need is out there and they have a client that wants to get training in a particular area and someone wants to hire someone in a particular area then we can do a better job of matching those needs. It encourages the development of new

and unique training programs, services and method of delivery by the service providers. It addresses the major concerns by the current and prospective employers that the people who are going through this program are actually getting the kind of training that they need to be employable in their companies and that is an important part of this. It also gives us the opportunity to provide matching dollars to secure grants from these other resources so if we know that there is an initial seed grant here, it gives us an opportunity to bring in additional resources to this community which is important. Once again, the program incentive is based on placement and retention. Just the fact that you train somebody doesn't guarantee that you are going to get paid because you actually have to have them trained and placed and in position for a certain length of time before you'll get payment on that \$2,500,00 lifetime benefit that we have talked about. It provides these financial incentives for employers to hire these program clients because they know that they are going to have somebody that can come in and help them raise their bottom line immediately and not have to take a chance and gamble on six months from now these people will be in the position to do it because they will be part of this training in the first place. They'll be providing that incentive to design that training package so that it is a custom fit when they come out. Any other points on employment and training that we need to highlight?

(Inaudible comments not made from microphone)

Commissioner Mourdock: Terry, you will need to come to the microphone and identify yourself for our sound system.

Terry Huber: Terry Huber with Ivy Tech State College. A quick example of the kind of training program that we are talking about that is need based. We are looking right now at a program that Toyota has co-sponsored in Los Angeles. It's in the area of Automotive Technician/Customer Service in the dealerships. We have had conversations and we are looking into that kind of program. At the college we deal with the dealerships on a monthly basis here in Evansville so we have heard their needs and we've found a program that might help meet those needs and we are going to tie, very directly, that training and customize it to fit those jobs on the other end. We are not talking about reprogram, we are talking about short intensive training to get these people trained in skills where we know there is a job on the other end. That is an example. This has to be intense, it has to be customized and there has to be a job on the other end of it. That is one example.

Gary Heck: Thanks, Terry. The next program that we would like to talk about is child care unless you have some questions about the employment and training. Okay. Child care; the outcomes that we are hoping to provide is assistance for up to 100 child care slots. Those 100 child care slots would be the full-time equivalent so that could be 400 kids who just happen to be involved in the program a certain number of months throughout the year. The funding that we are talking about would be in that range there. What is the objective? To provide quality, affordable child care services. Any needs assessment that you have seen done in this community in the past 10 years has child care as one of the premier barriers to full-time employment of anyone because as a parent you have to be responsible for your children and you have to make sure that they're taken care of before you can really think about doing much of anything else. That is an important tenet here. Part of the local capacity that needs to be increased in this area is in infant care and in second or third shift, p.m., type of child care services. If anybody that is even doing their child care planning

carefully and before they decide to have a child they go out and see where they are going to be able to get child care services for their child they know they are on a waiting list. If they had a child today they are on a two to three year waiting list in most cases for infant care. It is just to the point where we need to try to put some resources in that. Now, what we are saying in this particular category is that what we hope to encourage is a priority system where infant and second shift child care is addressed through these RFP's. The providers will have to come back with a plan that says that this is how we intend to provide these services. It can be existing providers who either expand, hire additional staff and stay open longer hours. It might be just the incentive that is needed for an entrepreneur that wants to branch out and be able to offer these services. This would ensure that there would be some funding in place to provide for those slots once they are there to make sure that it happens. What is the benefits of child care? Well, we want to promote and support an increase in the local child care service capacities. It addresses a significant need identified in a recent United Way assessment which the Step Ahead Council was very actively involved in and we can echo that. I know that there is a significant need in this area that we need to address. It provides funding when other sources of child care funds are decreasing. We are seeing that there has been some talk that some of the Block Grants that eventually will get to Indiana will have some increased dollar amounts for the child care Block Grant that we will get. We are just not sure how much Vanderburgh County will end up with. When a smaller amount comes from the federal level to the state, the state then looks at how they administer those programs and how they share that formula-wise with Vanderburgh County and we are not sure if it will actually mean increased dollars at the local level. It may mean increased dollars when it leaves a certain place, but when it actually gets here we are unclear that it is going to happen. It encourages the expansion of current facilities or the creation of new facilities. We have already touched upon that. It provides a client choice in choosing a provider. When you look at all these things it's not that there may not be a provider out there, but getting to that provider, the transportation issues have come up again as a problem. The provider, the parent and the employer all have to be working collaboratively or in the same kind of general area or in a system where transportation will let all those possibilities work. That is what this system is all about is to try to promote those types of assistance. The 100 child care slots or the full-time equivalent of 100 child care slots will go a long way towards addressing those needs here. Transportation...excuse me, are there any other comments about child care? Okay. Transportation. Transportation is sort of that third leg in this whole prong of the problem. When you look at child care, employment and then the ability to get to either/or and back home is always a concern. What we are hoping to do here is to come up with a transportation system that is going to provide up to \$50.00 per month in assistance for up to 100 clients. That is our outcome. The objective is that we say to develop and implement a coupon or token system that has already been field tested in Vanderburgh County. On the next page you will see a couple of good things that can happen to us. The first one is that we already know that there are federal matching funds available. If this initiative gets off the ground and works we can get at least a 1:1 match of whatever resources goes towards these things to bring in additional federal dollars the minute this program is in place. We know that and we have already had conversations with folks who know that is the case. There is already a successful program that has operated here through SWIRCA which allows for client choice in choosing a service provider. It is done through a coupon system

where coupons are issued to whoever the client or customer happens to be and they can redeem them through any of the approved vendors which could be a taxi service, it could be a public bus system, which is the preferred provider because they have the cheaper cost per fair. If you can get where you want to go and the time you want to go is convenient with that, then that is definitely the best trip. What we've found is that most of the times the bus service runs basically from six until six, 6:00 a.m. to 6:00 p.m., and it may get you where you want to go, but you may not be able to get home if the job you're in or the training program that you're in or the job search that you are in keeps you after those hours. What this system would allow you to do is to have an alternative method of getting back from that place through a coupon or voucher system and we only pay for them when they are used and they are approved and we have some other handouts to show you how that system would be in place to monitor that. Like I said, it has been handled by SWIRCA here locally. All the service providers are comfortable with it because they know they are going to get paid if they follow those rules and if they redeem the coupons as they're suppose to redeem them. It increases the customer's choice which is something that we like because it gives them more options than they have currently and it allows them to accept employment or job training that they currently couldn't get through other methods of public transportation. It allows for the development of other resources. There could be an example where, I guess, you could see where some church buses could become approved transportation providers if they meet all those eligibility requirements that we were to set up, if they can redeem the program, if they have the right hours of transportation, if they have the liability insurance in place and all of those other things that we've talked about earlier that would need to be in place. This isn't a Johnny-come-lately, I'm now a bus driver because I say I am. It is something where you actually have to set up and meet all the same kind of requirements that anyone else in business out here would meet. Those are the kinds of things that we are looking at in transportation. In the back part of your handout there is a transportation trip ticket, which is about three or four pages back from where you are, which is how we would account and reimburse on those trips. The trip would be provided by the Johnny-come-lately bus service. The date of the service would be noted. You will go from one location to another location and you would be told if it was for employment, you would put from your home to wherever you are going. Or, if you are going from work back home that would be there. There would be an approved list of when you could use these and when you couldn't. Everyone would know it and if a service provider accepted the responsibility of taking someone someplace that they weren't supposed to, then they are not going to get paid for that particular service and that is just the way business is today. Anything else about transportation? That pretty much covers in a nutshell the kinds of things we are talking about.

TAPE CHANGE

Gary Heck: That pretty much covers what we are hoping to do in transportation. This is just to let you know that we have envisioned a system that we know works locally. It's accountable and everybody benefits from it. It gives options to people who traditionally have had few options and it will allow some of those folks that are right on the borderline to be able to be productive citizens to get over that edge and do it. We don't envision that \$50.00 a month is going to meet everybody's every transportation need and it is not intended to do that. It is intended to give some assistance in meeting that transportation need. Once again, this goes to the service provider for providing a legitimate

service and it is not to an individual in the form of cash to put gas in a car, fix a flat or any of those types of things. Alright, the final program that we would like to talk about is the safety net. The client eligibility for this is slightly different than the one that we talked about earlier where you have the 70% of the lower living standard of living income. You are either working or that you were working getting some educational courses, some training courses or job search courses for up to 25 hours a week or that you were seeking public assistance or currently on public assistance. These safety nets are for those folks who have already transitioned off of the 24 month lifetime welfare assistance program. AFDC is a time limited program that is in place now. It started in October of 1995. When October of 1997 rolls around as long as there was no break in service from that anyone who was on that program from that time frame will no longer be eligible for public assistance in Indiana, period. If they go off for three months for whatever the reasons are and they find themselves back into the system they still have a 21 month lifetime benefit that is available to them. Once they have used their 24 months in Indiana they are out in the cold. What this safety net is and what we have come to realize and what everyone who thinks about it realizes is that once you are on AFDC you are not allowed to accumulate any kind of assets. So you can't be going down and receiving an Aid to Family and Dependent Children's check and be millionaire and be socking money away someplace in a rainy day fund that is not checked on. There are provisions in our program that if you are able to you can acquire up to \$1,500.00 for specific purposes. There are very few people that we know who can meet all their daily living expenses and everything else that is out there and still have some asset accumulation. So what we find is that there are a lot of folks who occasionally will have what we call a circumstantial disruption. In anybody else's life it is something that you can overcome from a helpful brother, family, uncle who has 50 bucks to loan you or has a little extra money when you get a flat tire or your transmission goes out or you've got money that is in the savings account that you have been able to set aside. Folks that are in this position really have no other type of nest egg or assets. They, also, another point we should make, have fulfilled their personal responsibility agreement which means that they have lived up to everything that they are required to do from the AFDC Department. That means they've got their kids immunizations, their kids go to school regularly, they are not tardy and they meet all of those other responsibilities that are there. So these are folks who have been doing what they are supposed to be doing along. They come across a situation where their transmission has gone out or whatever the situation happens to be and they just need that little extra assistance. What we hope and what we set up is that those would be the people who would be eligible for this particular program. Once again, we treat the safety net a little bit different than we do the other programs in that we would recommend a single Township Trustee to actually administer this program for the whole county. They are used to dealing with individuals who have these kinds of needs and we see this as a last resort type of assistance where all other avenues for assistance have already been exhausted and there are going to be some folks who would come into this particular one. The outcome that we see here is that we are going to serve at least 100 families and that it would last up to six months of this basic assistance. The objectives would be that it would provide basic living expenses after all other assistance is exhausted as a safety net. We are going to see some of the exceptions or caveats of this, but we want to give as broad as possible discretion to the Township Trustee who would administer this program to be able to make assistance that would meet this circumstantial disruption category. It would utilize that current

Township Trustee system who would administer the program. There wouldn't be any additional administrative overhead charge from this. The benefits would mean that it would provide assistance for those individuals to remain self-sufficient and we probably should put that in quotes at this particular point because it is going to be in absence of any other available funds that are currently out there. Once again, it would utilize the current administrative structure of the Township Trustee who is well versed in addressing these particular needs as we go along. That is basically the benefits of this program. That is what we would hope. We would envision or recommend that this would probably serve about 100 individuals. If you'll skip back I want to final up...or, is there anything else about safety nets? Thank you. You will see a panel that says Welfare to Work and it has funding allocations. We didn't know how to actually give you dollar figures and we thought our best bet was to explain it to you in terms of percentages of what we envisioned could happen. Under this particular scenario let's say there is riverboat money that might be a potential funding source. There would be a gatekeeper that we recommend and we would recommend that the industry standard across administrative costs for this in Indiana is a 15% administration charge. Up to, I should say, 15 % because what we would envision from a request for proposal is one of the criteria would be how much would you charge to do this particular service with priority given to someone who could do it for the least amount of money. So, a maximum cap of 15%. We checked with a variety of other sources and we know that across the United States private industry councils have an administrative fee of anywhere from 10% to 20%, depending upon which part of the country you happen to be in. So, 15% is an industry standard in this area. Then whatever that percentage happens to be and if we are fortunate enough that we can find somebody to do it for 10% that net amount would be whatever is left after that 15% were to be deducted. That would be the net amount. We would recommend that 45% of that amount go to child care. We would recommend that 30% of whatever that net amount is would go to employment and training. We would recommend that 12.5% of that net amount go to transportation and you might want to make a note that we know that there is matching federal monies available in the transportation category that we have already identified at this point. As we identify others we will be sure to let you know those. The last category, the safety net category, we would recommend a 12.5% of that net go to that particular program. I am going to look through some notes, but I believe overall that is the thing that we want to leave you with is the fact that for the past year we have studied these issues, we've looked to Washington to see what kind of leadership role was going to come from there and what kind of monies and actual dollar amounts we would get. We are still waiting for some of those. We have a general agreement that we think is going to happen. I've got a plan for proposed Federal Block Grants that the state of Indiana has been doing since April of '95 and I am yet to see the exact dollar amounts of what it is going to mean to Vanderburgh County by reading through this particular document. We know they're ready and once they know that the money is going to be coming they are going to have a mechanism in place to real quickly address how the state is going to react to that Block Grant, but they don't know what that dollar amount is and what it is going to mean to Vanderburgh County yet as well. I would also point out that our recommendations are tougher than the current AFDC program in the sense that AFDC has really gone out towards people who are at 33% of that lower income standard level. Ours are at 70% which is more inclusive to poor people, working poor, whether they are on AFDC or not, but it is also a tougher standard in that they have to work at least five hours more a week. They have to be involved in training or educational employment five

hours more and the expectation is that you are going to be working or getting training in coming more in line with 40 hour a week positions as other people in the community. I don't mean that in a negative sense other than just the fact that is the way productive communities have to operate. That is the way it is set up. It is not meant to be a punitive thing, it is meant to be a helpful thing. The gatekeeper will be the one who is responsible for that and for filling out all the reports that a variety of different folks are going to need from that. If there are any questions, concerns or comments...I would like to, once again, thank everyone who has been involved with this process. To date, we anticipate or we hope that this will go forward from here and that this Initiative Based Assistance Outcome Group could get established and then take this on to the next step where Vanderburgh County could be one of the first in this country to really address at a local level with a system that we think will work and that will at least be putting the initiative and the process in the right base here locally. When we have something real successful to share we can just go out there and get more money and do a little better job. Are there any questions, comments or concerns that we can address?

President Tuley: Gary, I guess that I will start by thanking your group for all the time and effort put into it.

Gary Heck: Okay.

President Tuley: This, obviously, was not taken lightly when you folks assumed the role to pursue this for us on our behalf. Do you envision your committee or parts of your committee being involved in, I'm going to call them if this was a flow chart for employers, a staff position like this?

Gary Heck: Staff being that gatekeeper role?

President Tuley: Well--

Gary Heck: Or more of that Initiative Based Group?

President Tuley: More in the Initiative Based Assistance Group to help develop the RFP and what have you.

Gary Heck: I know that there are all lot of individuals involved with this Welfare to Work Planning Council that would be happy to assume parts of that assignment and if there is one to come out of here and we can also give you some recommendations on how that would be set up and established. Yes, sir.

Commissioner Mourdock: But you are not looking for any full-time person to be working in what you have on the chart as the Initiative Based Assistance?

Gary Heck: No, just the gatekeeper position, whomever or whatever that happens to be.

Commissioner Mourdock: Even the gatekeeper is not an employee of the county?

Gary Heck: No.

Commissioner Mourdock: The gatekeeper is just a self-employed person, agency or whatever that is going to bid and do everything below their role on this chart?

Gary Heck: That is how we envision it unless you all see it differently. We didn't intend to set up any new staffing position in the county. That wasn't our intention.

President Tuley: No, and that wasn't...the basis, I guess, is to take all recommendations, develop the RFP and get the process going?

Commissioner Mourdock: With that I think that raises a very valid point with the RFP. I think it is very logical to assume, not that I should ever assume in county government I supposed, but it is logical to think that County Purchasing, Lynn Ellis, would be involved in at least an advisory capacity or maybe even a little bit more than that with that group or a subcommittee of that group to formalize an RFP to make sure it is going to meet up to county and state standards.

President Tuley: You are probably right.

Commissioner Borries: Let me add my thank you, as well. As you know, when I asked you a year or so ago to take on this task with a gargantuan amount of \$5,000.00 that every county received to implement this process, WOW, did we ever get our monies worth with your leadership. You have really done an outstanding job here. It is thoughtful. I think it is innovative in many areas and certainly something that we are going to seriously consider. I sure want to commend you for your leadership. I always felt, as is in so many things social agencies included, if you begin to bump into one another and have all kinds of turf problems no one benefits. I think because of your objective kind of leadership here our entire county will benefit. I certainly want to thank you for what you have done.

Gary Heck: Thank you. Once again, I have pointed out that it was a whole planning group that actually did the work--

Commissioner Borries: I know that, but I think as Chairperson, too, you know, you just have done a masterful job, I think, of pulling people together and really, really coming up with an outstanding job here.

Gary Heck: Thank you, I appreciate that. We know that you all are on a time schedule as far as how your budget process and stuff works. If you need us to be available to talk to you about this at a later date we would certainly be happy to do that. We sort of await your decision and pleasure at this point.

Commissioner Mourdock: Let me just add a couple of comments and kind of move toward that direction, if I may. Just doing some quick scribbling here and knowing that at most of the meetings there were about 20 people in attendance and generally all through the 13 or 14 months there have been about 20 meetings. I was just doing some real quick figuring and there was somewhere between twelve and fifteen hundred man-hours just spent in the meetings and I can assure you that the meetings were a small part of what took place here. I have a hunch, about \$1.00 an hour might be a fair rate here for what was done. What I guess that I most appreciate about all of this that is being presented is that sometimes this issue gets to be seen as conservative or liberal or whatever and I think that what this group has presented the liberals ought to love because it deals with folks that liberals are always saying they are most concerned about. Conservatives ought to love it because it is initiative based, it depends on the private sector not the public sector and it requires no new bureaucracy. I think that is

wonderful and the federal or state government should do as well. I think it raises some legitimate questions and I don't know that any of us in this room at this point have the answer to and we are going to have to continue this process along to get some questions answered. I jotted down three of them as you went through. First of all, can a single county Township Trustee handle all of this for the entire county? That is a question of state law that I don't know the answer to. Secondly, certainly this needs to be passed before the State Board of Accounts for their review as far as how it would be monitored. Third, and I am very encouraged by this one, I think the answer to this is yes, but I can't say this with certainty. Can what we have here serve as a nucleus to get more leverage funding like Gary is saying is available for transportation? There are a number of federal programs that look, and to use your word of a moment ago, Rick, for innovative programs and I think that is what this is. I think that we may, in fact, get more dollars than what just simply the riverboat would provide for us. Even more importantly coming to something that Terry Huber said, he mentioned the magic word which is Toyota. That company, in every American community in which it has located, has served as a model for a lot of other industries and I believe that if Toyota was willing to do what you described in California then they will look upon this program in Vanderburgh County as very favorable and I think you will see other businesses doing the same thing which means we can draw business into this process. Let's not kid ourselves, we can have all the job training programs that we want to, but it is private sector businesses that ultimately create those jobs. I think this is going to be a wonderful model in that regard. The last question, again, we don't have the answer to is the 15% cap that you are looking at for a gatekeeper, is that reasonable? Obviously, I had heard that number before this meeting. I hope the bid process results in something less than 15%.

Gary Heck: We would hope it would. I mean, 15% of a dollar is 15 cents. It would be tough to do something on that, but 15% on \$100,000.00 is a little bit better so my expectations would be that in a competitive market and with everyone knowing that one of the considerations is that the lower percentage that you have on the administrative charges the higher your proposal will be evaluated would give you that kind of leverage to have people sharpen their pencils and, all things else being equal, be the low bidder on that particular thing.

Commissioner Mourdock: One other part that I really like here, but I didn't jot it down is that it is quite likely that some of these components, say transportation, may allocate money and no money will be spent this year for that or something less than the total that you would allocate for it may be requested and therefore it is not going to be spent. A year from now the Council can look at these appropriations and say, well, if we've got money left over from transportation, but we were short on child care we can adjust the balance and use the funds most effectively. Having said that I guess what I am hearing from you, Gary, and, again, tell me and others who have sat with this group so patiently for a year, I hear you asking us tonight to do basically four things. Number one, is to begin to form an Initiative-Based Oversight Group and I would respectfully ask that if the Commission is going to do that then the Council also be part of that. I think that if we are going to appoint people to that group and since the Council is, obviously, responsible for the funding side that they too should be in a position to appoint, if they wish to, people to serve on that body. The second thing that I mentioned a moment ago which is to direct Lynn Ellis to meet with representatives to begin to put an RFP

together. The third thing would be to vote our support of this project so that we can send it to the Council for their input. I assume by that Gary and his group would give a presentation to the Council similar to what they just did here.

Gary Heck: I'd be happy to.

Commissioner Mourdock: The last thing is to vote tonight for our support of this program so that it can go to Council. Is that, without putting words in anyone's mouth, effectively what you are here for or did I leave anything out? I think those are the items.

Gary Heck: I'm seeing affirmative nods.

Tim Suenram: My name is Tim Suenram and I am the Executive Director of Echo. In addition to that I think it would be helpful if the County Commission and the County Council looked to the group that did the presentation, the local council, for recommendations to sit on that Oversight Group. We have some low income people whom we understand to be the people who really know what the needs are and if we could have some input in that as well, I think that would be helpful.

Commissioner Mourdock: How would you propose doing that, Tim? Just submitting a list of names to the Commission and the Council?

Tim Suenram: I think that would work real well. Thank you.

Gary Heck: Anything else from me? I don't think I get a vote in this, do I?

Commissioner Borries: I think you are certainly willing to continue your work in this should we choose to...?

Gary Heck: Should you choose, I would be willing to continue.

Commissioner Borries: Great.

President Tuley: We have a hand up in the back as well.

Melissa Rynkiewich: My name is Melissa Rynkiewich and I work for Phil Lieberman, but we are also the Vanderburgh County Step Ahead Voucher Agent and just to personalize this for you and to give you an example, today a family was placed on the program. She makes \$200.00 a week. She has three children. That is gross income, \$200.00 a week, and she is lucky enough to have a child care provider that would allow here to pay \$115.00 which is only for two of the children and she would mow their grass. It is a center, she would help mow the grass, she would paint for them, she would clean for them to work off for that other child. I just wanted to personalize it to let you know that the child care need...she wants to work. She has not been on AFDC. She wants to work and she wants to provide for her family and she is doing all she can to get them in a good registered or licensed center so that they acquire the skills that they need to prepare them for preschool and to prepare them for kindergarten. Another family today that was placed on the program, the mother is working two jobs. She works 8 to 5, Monday through Friday and on Saturdays she works as well. She has two children. She is lucky enough to make a little bit more money and she does have a co-pay. I just wanted to give you some faces with those children out there that need this type of care. They need to be in a licensed or registered child care and what the families are doing to provide that for them.

Gary Heck: Thanks, Melissa. As she said...well, she didn't give you this information, but there are over 700 children on the waiting list right now at the voucher agent and this is administered through the Step Ahead Program, and 510 of those over 700 kids that are there are at 100% of the lower living standard that we have. I'll be able to provide how many are at that 70% tomorrow when we run those figures again. The last figures that we have show is that there are 510 at 100% of poverty measurement. Just so you all have that, too.

President Tuley: Is there anyone else in the audience that wants to address the Commission on this issue?

Commissioner Mourdock: Seeing none, I guess I would add Mr. Suenram's item and ask Gary if you would provide...I don't know that we need a motion for this, but I would just request that you provide a list of the names of the people from the existing Welfare to Work group who would be willing to serve on the Initiative-Based Assistance Group.

Gary Heck: Sure, forward that back to Ms. Mayo?

Commissioner Mourdock: Yeah, that would be fine. Cindy, if you would also pass that along to the Council for their review. May I work through my list as motions here? Is that appropriate?

President Tuley: Yeah, but let me add something before you get too far into it though because there was a legal question. I assume that what you meant was strictly legal terms of the single Township Trustee. That needs to be addressed. Support for program can be there, but there may have to be some modifications if the law wouldn't allow us to do something.

Commissioner Mourdock: I guess it is appropriate that we ask the county attorney to pursue that. Obviously, if it comes back that one Trustee cannot handle the entire county is the fall back position to have the gatekeeper do that?

Gary Heck: We would revisit that, but we would either get direction back from the county attorney, but we would probably add that back to the gatekeeper at this point.

Commissioner Mourdock: I guess the other option would be to work through each--

Gary Heck: Work through all of the Trustees and then have them work back with the gatekeeper.

President Tuley: You shouldn't generalize, but I would assume that there is going to be an awful lot of the people we are talking to and trying to address will be within one township anyway.

Gary Heck: We have spoken with the largest Township Trustee in this area and they basically think they can handle it and that they have the most need anyway.

President Tuley: Right.

Gary Heck: From an informal standpoint, as far as talking.

Commissioner Mourdock: What is his or her bid?!

Gary Heck: They are not getting any money out of this at all, that is the thing. They won't get any dollars at all they will just

have some additional resources to help which is what they are really looking for.

President Tuley: I'm sorry, go ahead.

Commissioner Mourdock: I was just going to ask if we can direct the county attorney to pursue the question as to whether or not one trustee can handle all these items or handle these items in other townships. I would move that we direct Lynn Ellis to meet with several representatives of this group to begin formulating an RFP for the gatekeeper position.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: I would also move that we vote to send this to Council for their input and also vote to send this to Council for their support.

Commissioner Borries: Second.

President Tuley: So ordered.

Gary Heck: You also said that you would vote to support it from this local group amongst yourself as of, I guess, as a vote of confidence.

Commissioner Mourdock: I think that is what that last one is, but I would certainly move that we vote to strongly support this initiative before the Council and throughout the community.

Commissioner Borries: I will second.

President Tuley: Let's roll call then so that there is no misunderstanding. Commissioner Mourdock?

Commissioner Mourdock: Absolutely.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Gary Heck: I thank you. Thank you for your time and your vote of confidence. We certainly appreciate it and we will get that information forwarded to Ms. Mayo and we will look forward to hearing from Lynn about setting up that RFP.

Commissioner Borries: Thank you.

Commissioner Mourdock: Great job to all of you.

President Tuley: We are going to recess just for a minute and let them get their stuff out and we will reconvene in just a matter of minutes because it looks like we are getting into another lengthy discussion here in a minute.

The meeting was recessed at 6:55 p.m.

The meeting was reconvened at 7:00 p.m.

TAPE CHANGE

**CCD Funds - Discussion**

President Tuley: Okay, item 4F, the discussion on the CCD. I saw Faye...I know Betty...I think she is gone. I don't know if she meant to be here for that discussion or not, but I saw Faye Gibson here and I thought she was going to participate in that.

Cindy Mayo: Two weeks ago, Commissioner Mourdock requested that it be put on the agenda just for your discussion and Faye was at that meeting so I think she was just more or less here...I don't know if she wanted to participate as much as she wanted to listen to your discussion.

President Tuley: Okay, we'll just start off by saying that Commissioner Mourdock was provided with a list of the current CCD requests for the '97 budget which totals something like \$3,024,000.00 and there is a letter tonight addressed to the Commissioners from the Vanderburgh County Soil and Water Conservation District that is requesting a vehicle for Mr. Wathen. I would assume that would probably be something that would be considered as well as a CCD request and this one doesn't have a dollar value assigned to it. I would assume that if it was approved that it would be bought off of a state bid. I don't know how much it would be, but I would say in round numbers we are up to somewhere around \$3,050,000.00 in requests at this point and time.

Commissioner Mourdock: Have there been any others that you are aware of? The handout that I gave you is dated July 15.

President Tuley: Right.

Commissioner Mourdock: The thing that you referred to was July 22.

President Tuley: Yeah, I knew this one was coming because they called me and talked to me about it. Basically, where we are at in talking with Auditor Crouch is that we are probably going to be in the neighborhood through the end of the year and through next year's budget somewhere in the neighborhood of approximately \$2,200,000.00. Obviously when we get to actually making a recommendation to the Council I would think that we would want to hold back maybe a half a million dollars in reserve just because every year something happens. I don't think we ever want to allocate every single penny that we have so I'm thinking that we are looking somewhere in the neighborhood of an allocation somewhere \$1,700,000.00 or \$1,800,000.00, I don't know. I may be stretching it, but I think there needs to be a point that this Board agrees and recommends to the Council and the Council agrees to hold back, so to speak, and not allocate all of it.

Commissioner Mourdock: I agree with that approach. I think the best way to do it is to have some idea of where you are at and then determine what your contingency should be. I guess based on past practice, the only thing I would differ with you, Pat, is to suggest that instead of \$500,000.00 we go to \$700,000.00 which would basically make it a nice round \$1,500,000.00. Not that round numbers are any better or any more significant. Obviously, the other \$200,000.00 in contingency might it be there at the end of the year, might it not be, I don't know. As an overall percentage, basically, we are saying a third that way is being held back of the \$2,200,000.00.

President Tuley: Whatever the Board wants. I just picked \$500,000.00, basically, quite honestly, almost out of the air. It

is just a--

Commissioner Mourdock: Nice round number?

President Tuley: --nice round number. I do think that we need to look at these things though and realize when we enacted the tax why we enacted the tax to begin with and take these requests and make a recommendation.

Commissioner Mourdock: Do we have, either from past history of other years or do you have any documentation that supports these requests? I know under the Auditor's time accrual project Suzanne provided us quite a bit of detail with that and it is my gut feeling from what we have there that it would be hard to do that as anything other than in its entirety. I don't know if that is true of the others or not. I suppose I could jump back in the frying pan for a moment and look at the buildings issue at \$311,500.00.

President Tuley: That is two buildings there.

Commissioner Mourdock: Right. Obviously, there may be some room there where not every bit of the appropriation request needs to be done. Again, I don't know that all of these or any of the others can be reduced to some percentage, do you have any idea?

President Tuley: Basically, what I think we have for the most part when you look at some of the requests here, I think, there is room for partial funding. I think, honestly, several years ago when I met with the department heads I said give me a wish list, so to speak. If we had...I don't want to say an endless supply of money, but if you could have everything that you felt you needed put it in. I don't know that without basically sitting down...maybe I should do this between now and next week, sit down with the Sheriff, sit down with Burdette and look at some of these requests and see. They've got three different items on the Sheriff's Department and four under Burdette. If you had to label these one, two, three, four in order of which one, if you don't get all of it, which, obviously, they're not all going to get all of it anyway, but which one do you feel is really a necessity in what you have to have.

Commissioner Mourdock: That is probably a very good approach. If we tell them that our limit will be \$1,500,000.00 or \$1,600,000.00 or whatever we deem it to be and then, basically, have them prioritize and give more detail than they've got here. Just let them prioritize the list themselves, kind of work from the bottom up.

President Tuley: Rick, I know you've got some...

Commissioner Borries: I think when we considered this particular tax which has, of course, become quite popular and allows the Council some flexibility, it is just for that, for capital improvements. We never requested spending it in its entirety. There are ways in which, I think, we can fit in that million five to million seven, whichever, and still keep some for contingencies and emergencies. I strongly see the need for a multi-purpose facility at Burdette Park for a variety of reasons and I don't think that we can finance it all out of one year, but perhaps we could start to build for some contingencies there as well and perhaps look at a way in which we can step up the financing maybe with a fourth of that. If we eliminate some of those particular things...it is kind of interesting, I guess. When we first received this document we had to ask the Auditor, of course,

exactly her opinion and I think she has given us some fine information about what to expect in this. We don't want to spend all of it and I think there are ways in which we can look to maximize the dollars that we have and still fill a lot of needs here.

President Tuley: Why don't we do this then. If you would so desire, I will meet with the Sheriff and Burdette and look at these and come back...have in your mind some idea...we are getting close to Council time and Council is going to need our input pretty quickly. It would be real hard for me to sit here and tell you by next week to come back here with an idea when you don't know the priorities. If the computers are the priority in the Sheriff's Department and he could get by without the others you won't know that. - I think we will work with the assumption of somewhere between one and a half and one point seven being spent and see if the three of us can't come up with numbers that match and match up with the requests of those elected officials and that department head. Bearing in mind, that is a figure that we are going to be working with.

Commissioner Mourdock: I can live with that. I have to say that I am kind of caught in a dilemma of my own making here because as you have heard me say before I don't want to micro manage somebody else's department because I don't think that is our role. I will also go on record as saying that I am not about to advocate the authority that we have in making a recommendation. That makes it a little tough for us, but with that cap and just to give you a firmer number to work with if we split the difference and go one million six, will that work for you?

President Tuley: Does that work for you?

Commissioner Borries: Sure.

Commissioner Mourdock: That would still leave us with the estimates that Suzanne has provided \$600,000.00.

President Tuley: Okay, let's do that. Like I said, bear in mind that here is a request for a vehicle that is not listed on here because the person that put this together, obviously, wasn't aware of this request because it came to us.

Commissioner Mourdock: Did we ever send any kind of letter or anything giving folks a date to respond or to submit CCD requests? I don't recall seeing it or I don't even recall the subject.

President Tuley: I can't say that we did.

Suzanne Crouch: We did.

President Tuley: Oh, you did?

Suzanne Crouch: Not CCD specifically, but departments were to submit their budgets by July 1st.

President Tuley: Based on past practice--

Suzanne Crouch: The Auditor's Office is, I think, where all that came from.

President Tuley: Past practice has been to request it at the time of the budget and during the year, of course, we have more.

Cindy Mayo: I did instruct the Auditor's Office not to send CCD requests to all departments because I knew that the funding would then be--

Commissioner Mourdock: Forthcoming?

Cindy Mayo: Yes.

President Tuley: This number would probably be double.

Cindy Mayo: There were some departments that had used CCD, such as the Sheriff's Department, Burdette and I spoke with Faye Gibson and Mark Acker. Different departments have used CCD in the past.

Commissioner Mourdock: So you started all that!

Cindy Mayo: I didn't feel that we needed to send CCD requests to all departments.

President Tuley: Well, the time accrual projects is one of those that maybe not everybody agreed to, but that is something that we are all going to get a benefit out of.

Commissioner Mourdock: That's right. You can add and subtract to that as you like, but I see that as something that is pretty well an all or nothing deal. That is what it's going to take to put that all into effect.

Suzanne Crouch: Wouldn't you say that, Cindy?

Cindy Mayo: Yes.

Commissioner Mourdock: Therefore, you are right. We are going to see savings from that.

Suzanne Crouch: Yes.

Commissioner Mourdock: I don't know that we can do anything with that one.

President Tuley: Right.

**Any group or individual wishing to address the Commission**

President Tuley: Okay, 4G. I have been asked by at least two different people...any group wishing to address the Commission. Shirley James has asked to speak to us as well as Jeff Hatfield. I almost called you David. I think, Jeff, if you don't care we will let Shirley go first.

Jeff Hatfield: Sure.

Shirley James: I am sorry that I didn't get on the agenda, but I've been on vacation. I'm Shirley James and I'm here for the Greenway. I am the Chairman of the Greenway at the present time. I'm here to ask for money as everybody generally is, I guess. We have an immediate need. I am going to ask for three different aspects of the money. The one that we have an immediate need for is for a workshop. This workshop is for all of Evansville's zoning administrators, the officials here in the city, open space planners, private sector representatives to explore zoning mechanism and incentives for extension of the Greenway and its neighborhood linkages through both urbanized and developing areas.

The gentleman that can provide this workshop for us is, Eric Damian Kelly. He is the Dean of College of Architecture and Planning and Dean of Urban Planning and he is the President of the American Planning Association. He is nationally know expert in land use and zoning issues. His particular interest is in the political and constitutional balance between the public interest of parks and open space and private interest regarding property rights. Although much in demand as a presenter, Dean Kelly has agreed to come to Evansville as part of the Ball State Outreach Program to assist the community in clarifying and strategy in open space policy relative to Greenway development. This is a very, very sensitive issue and it has to be handled correctly so we felt we needed the expertise of someone who has done it many times over. He has worked with our planners in other areas on this very thing. People who would be suggested to attend this workshop would be the Mayor, the City/County Attorneys, the City/County Engineers, County Council representatives, County Commissioners, Area Plan Commission, Board of Zoning Appeals, Board of Park Commissioners, EUTS and the Pigeon Creek Greenway Technical Committee as well as the Chamber of Commerce. He has scheduled a date for August 14th for this and it would be a nine to noon meeting. The cost for this could be up to \$3,000.00, but is more apt to be less. The city has agreed to provide \$1,000.00 through the Parks Department and the Area Plan Commission said that since the most of the zoning will take place within the county, two thirds at least for that, that perhaps you will be willing to provide the other amount. We are making that request. Also, we are also coming into the planning stage for Phase Three of Greenway. I will tell you ladies and gentlemen that we have all of the money put together for the first two miles of the Greenway. We have everything, everthing in hand for that construction and we are simply waiting on the state to issue the contracts and let the bids. That is taken care of so we are entering in to Phase Three which, of course, comes all the way from the Animal Control Shelter to Angel Mounds. That goes through the industrial portion which, of course, requires a lot of land acquisition and so forth. We also have put forth a grant application for that in the amount of almost eight million dollars. Our local match is twenty percent of that and eighty percent is federal. What we would like to do since that grant has already been sent to the state we would like to also consider...well, what we have to line up is for the state, and they tell us that in order to get these monies we have to have our design underway. We have completed a partial design to Lamasco Park. That is almost 90% complete of Phase Three. However, we do not have the rest of it underway and they would like to see some intent. That cost is going to be somewhere in the ballpark of \$300,000.00 for the design of that. We are requesting from the Innkeeper's Tax and we have applied for a grant of \$300,000.00, but they tell us that only ten percent of that can go for actual design.

Commissioner Mourdock: Excuse me, that \$300,000.00 are you saying that is for the final ten percent? You're at 90% now and you need \$300,000.00 for the final 10%?

Shirley James: No, we have ninety percent of the design complete from the Animal Control Shelter to Lamasco Park.

Commissioner Mourdock: Okay.

Shirley James: I'm sorry, I didn't make that clear. Originally, we had intended to take Phase Two all the way to Lamasco Park, but we had to reduce that for financial reasons. We plan to ask for the Innkeeper's Tax, but \$30,000.00 would go for an aerial survey which they feel is very necessary to complete this plan properly. We

have checked with various agencies to see if such a survey was already available and we have not been able to find that one was. So, we need \$300,000.00 for that design. Also, we will need a match. Now, we intend to go for corporate money, of course, to get a lot of the local match for that eight million, but we will be needing some match from the county, probably, for that. We would like you to be thinking about that and meeting with the City or us to discuss what the County's match might be for that phase of the Greenway. I'm done, that is the end. I have here a copy of the of the tentative draft of the workshop.

President Tuley: On this August 14th deadline, that would require an appropriation. If this is to be August 14th and unless we had some money sitting in an account that we could spend on this it would still require an additional appropriation, correct? I don't see how, with today being July 29th, that we could even do that.

Suzanne Crouch: No, September would be the earliest. You could get an appropriation up for the September meeting.

President Tuley: I don't know how we would...

Shirley James: We had asked originally and I sent through a letter somewhere around July 8th and had asked originally if EUTS would take \$1,000.00 and Area Plan \$1,000.00. EUTS is federally funded and their funds are earmarked so they were not able to do that and Area Plan Commission says their budget would not allow it at this time.

Commissioner Mourdock: You said it would be \$3,000.00 or maybe less. You've got a \$1,000.00, could it be \$2,000.00 less than \$3,000.00?

Shirley James: Oh, I don't think so. It would be nice, but I don't think that will be the case. They gave us a ballpark figure of \$3,000.00, but they hope it will be less.

Cindy Mayo: We don't have any place where there is \$2,000.00 additional monies.

Shirley James: We are really having a time right now with everybody wanting to build along the Greenway. We are not a paid staff, you know, and we are constantly being...I was at four meetings today and I'll tell you that one was about a major development that is taking place on the Greenway near I-164. I think that I have been to five in the last month with people trying to get development near the Greenway going now. We have no criteria by which we can evaluate these, really. So, really, this zoning issue and property rights is a significant thing.

Commissioner Borries: How about Area Plan?

Shirley James: Pardon?

Commissioner Borries: Area Plan?

Shirley James: Yes, but you see what we don't know at the present time is where our parameters are--

President Tuley: I think he is suggesting Area Plan as a source of revenue. They are 85% funded by the County, is that right?

Shirley James: I asked them and they directed me here today. That is why I'm here.

Commissioner Mourdock: Do you understand our dilemma right now, Shirley?

Shirley James: I do indeed. I am familiar with government, but I'm asking you to look around and find us \$2,000.00.

President Tuley: Is it possible for another date?

Shirley James: He starts school. He teaches, you know, and his calendar is fixed for almost a year and we can't wait any longer for this. In fact, we have been delayed because of certain legal situations that have occurred, so we really should have been doing this almost a year ago, really is what we should have been doing. We are really late on this.

President Tuley: We'll look and we'll see if we can find it somehow. We'll make some calls and talk to Area Plan ourselves.

Shirley James: You know if we had known about the cost a shade earlier perhaps we could have looked for corporate money, but corporate entities have indicated to us that they want to see two miles of corridor built with all of the amenities and then they will show what they can do. We are in the preparation right now of having a book put together, Keller Crescent is helping us, showing all of the amenities and we will be going out and asking corporate entities to do certain aspects of that for the Greenway. There is a possibility that we could reimburse the monies if we went out and asked for it from some corporate entity, but we hesitate to do it without showing them a good plan.

President Tuley: Let us make some calls and see what we can do for you.

Shirley James: Thank you very much.

President Borries: Thank you.

Jeff Hatfield: Thank you, President Tuley and County Commissioners. I was going to say something a little bit earlier when we were hearing the Welfare to Work Committee speak, but I stopped short because there was very little discussion about how their proposals would be funded. I was assuming for the moment that the discussion would happen later, but I would like to possibly touch upon a few things that have happened in the past year. Earlier in the year I held a press conference...my name is Jeff Hatfield, by the way, and I live here in Vanderburgh County, I am a business owner and I am also a candidate for County Council. Earlier in the year, in February, I held a press conference out here in front of the Aztar construction site where I had made the suggestion and proposal of what to do with our estimated two million dollars a year in riverboat money. At the time I was hoping that my proposal would do a few things. Not only would it put on the table a sensible approach to managing this money that we are to receive each year, but it would also start the discussion, not only throughout this year, but even next year. I think it was within a couple of weeks after that you decided to hold a public hearing on this issue which took place on Monday, May 6th. Originally, I think, it was scheduled for a week later, but I think you held it on May 6th. Since then I don't recall anytime that we have had any discussions beyond that night about what this community and what this county should be doing with this money. What is the best thing that we can be doing with this money? No one really knows how much money it is. We can estimate that it's two million, two point four, one and a half, one million, but we don't really know because it is

based on a head count and that can change and fluxuate yearly. In my approach to this money I proposed that we save the lion's share of it, 80% of it, for four years. Not forever and four years was just a time frame that I picked out that would allow us time to see how long this boat would be here, what its annual gates would be and take an average and be able to estimate the proper usage of this money without getting ourselves in a bind like you have just seen here with Shirley walking up needing money. Everybody is constantly needing money for something and the sad fact is that the county is not in as good a fiscal position as they have been in recent years or past years. There have been years where we've had as much as eight million or six million dollars left over each fiscal year. That has been dwindling down and it is maybe one million now or one million and a half, but there are always needs in this community. I proposed that we save 80% of this money for four years to accumulate roughly six point four million dollars in an account, in CD's, through the Treasurer's Office. I also propose taking 20% of this money and utilizing it for infrastructure, economic development projects, drainage, street repair, culvert repair, bridge repair and all things that a community needs upgraded constantly to not only function properly, but to also tell itself and the outside world that we are open for business, that we care about our environment, we care about where we are raising our kids and what we are doing. We are also sending a message to businesses that we plan to grow in a responsible way and we intend to seriously be able to handle that growth. The 41 North Corridor is going to come under increasing amounts of pressure in the coming years. Where we will get funding to keep up with that is still, really, undecided. What I am asking the Commission is to consider carefully what you recommend be done with the riverboat money. In recent newspaper articles Commissioner Mourdock and I have been somewhat at odds over how to spend the riverboat money based upon the assumption that this Welfare to Work program would be funded by the riverboat money. There is a couple of reasons why I think that is wrong and bad policy. Basically, because there is no consistent way to tell how much this Welfare to Work program is going to cost on a yearly basis and then on the flip side of that is that you have no consistent way to tell how much money you are going to receive. You are expending or creating a program that may cost you eight hundred thousand or a million dollars a year, but you really can't be guaranteed that your gates are ever going to be a consistent number that would allow you to pay for that program and also do other things with this money. That is why I think that you may want to although push ahead with pursuing Welfare to Work in a theory type position. I would not necessarily recommend that you ask the Council to fund this program through riverboat money when there have been so many other needs out there unaddressed that could be looked at by this riverboat money. Mainly what I wanted to point out to you is that I encourage you to hold more hearings on what the community might be wanting to do with this riverboat money. My proposal is just one of many out there that you would want to consider and I would hope that you would not stop with just that one hearing on May 6th on riverboat monies. Thank you.

Commissioner Mourdock: Since you mentioned my name, Jeff, let me jump in first. First of all, I very much commend you for having a difference of opinion from me. I'm going to vote for you, I'll guarantee you that. I think you will be an absolute asset to government because you are willing to walk to the microphone and ask good questions. In the specifics of the Welfare to Work the one hearing that we did have it was taken here and, in fact, I think we voted on it and it has certainly been the working premise of the Welfare to Work group that a third of the county's riverboat

funds be allocated to Welfare to Work. That has been their supposition all along. The point that you make regarding how much money is available is that the beauty of where we are at in the process is that we've got, basically, a year's history of riverboat funding coming in. The proposals that they are putting before us, the Welfare to Work Group, that number would always be a year in arrears because you've got a years worth of funding ahead of you and they are asking for a third of whatever that number is. A third of it would then be spent the next year. That is their thinking on that policy. The other comment you made regarding infrastructure, certainly, I want to see us provide infrastructure and I think there is a place for that and I think your comment regarding the need for public hearings, or continuing public hearings, while it doesn't necessarily...I wish we had more time for more hearings as the budget process unfolds. I have to tell you that I was very disappointed the night we had the public hearing just in the lack of folks that came into this room to express what they wanted to see this county do with up to two point four million dollars. To put it mildly, I was stunned. We had a few theater groups, we had the Welfare to Work group. What else did we have?

President Tuley: One social...

Commissioner Mourdock: Yeah, I was thinking that was one specific program. There was no one there, specifically, to talk about infrastructure that I recall. There was no one there to talk about projects that they really felt passionately needed to get done. I am certainly open to that suggestion. I think it's a good one because the more public discussion that we have, and sometimes that even means public disagreement within our own party, the better off we are all for it so I appreciate your comments.

President Borries: Thank you for your comments, Jeff.

President Tuley: Not much else I can say to it. I think that this Board did make a commitment to the ~~Welfare~~ Welfare to Work program. However, I think as Commissioner Mourdock did point out, that commitment was something in the terms of one third and that leaves us another two thirds to dedicate to economic development and to infrastructure. I think those are the kinds of things that this Board will be recommending to the Council. I think it was prudent to at least sit on it for a year to see what there is and to talk of things in terms of percentages because we don't know what those figures are going to be and they were, obviously, following our thoughts on that as well. In their proposal everything is divided up by percentages. That is the nice thing about the political process. For those who have the courage, and I commend you for having the courage, to not just once, but I think this is about the third time that you have got up in some meeting or news conference and expressed your concerns about what is going to happen and that is what we need to see and hear. So, I guess we will move on then. John. We are under department head reports at this time.

Commissioner Mourdock: Jeff's comments regarding the public hearings or the ongoing public hearings, as I said, I am certainly open to do that and we tried it one time with what I felt were fairly well publicized intentions as far as trying to get people in here. Do either of you have other suggestions as to how we can do that in a timely fashion? I mean, what I visualize happening especially emphasized by your comment a minute ago, Pat, is that you expect that we will make some recommendations to the Council as far as how all that funding will be required. While I am well aware that most people want government just to take care of itself

we are still talking about a big amount of money and I don't think that just a few government officials should make recommendations if we can solicit some public input.

Commissioner Borries: We should do that. We are here every week. That process is part of, I think, an ongoing--

President Tuley: Let's just take it a step further then since we are all in agreement here. Let's just put that on the agenda and let the media cover it every week starting now and until the time that we actually have to go before Council. We will have a place on there for public input. I'm like you, I'm a little disappointed in the fact that we did a pretty good job of advertising the last one. The bulk of the people who came and spoke to us were...I don't know if ECHO was there, but there were several people, ministers and different ones and what have you, but there was very limited if any discussion in terms of infrastructure, planning for growth and what have you.

Commissioner Borries: Let me just say something in terms of what Commissioner Mourdock has done. I continue to be, I shouldn't say amazed because I don't know how much surprises me anymore in today's life, but I get a bit amused, I guess, when we all start talking about this pot of money and how we are going to spend it when the reality of it is that who voted for it and how this came about in a very narrow fashion, I think, must be addressed and must be considered. That is precisely what Commissioner Mourdock wrote about this morning. In his behalf, he was an opponent of this. I would think that he did not vote for. I don't know how he voted, but he has talked about it enough that I don't believe he voted for it.

Commissioner Mourdock: You're right.

Commissioner Borries: For those who did and certainly I think in behalf of what Casino Aztar has done with trying to pinpoint those areas of the city and the county that did vote for it, to be attentive to those particular needs, to look at ways in which we, in fact, can increase our tax base by increasing the human development that is so sorely needed in many areas, I think, is very commendable. I think that what he has had to say gets right to the heart of the matter in relation to addressing some of the needs by some of those people who voted for this particular aspect. I think we will be very careful about how we spend this money as we are in every situation, but I think we have to be attentive to the needs of those people who, in fact, brought us to the situation, the pleasant dilemma in some cases, of how we get this money.

Faye Gibson: My name is Faye Gibson and as a citizen of Vanderburgh County I am a firm proponent of public hearings, but what the Welfare to Work plan addressed tonight was transportation and child care. Then you wonder why people can't come to public hearings.

President Tuley: Valid point.

Commissioner Borries: Yes.

Commissioner Mourdock: I just checked my notes and the groups that we had come before us on May 6th were the Evansville Dance Theatre, the Jacobsville Neighborhood Association, ECHO, One or the Organization for New Evansville, and then Shirley James and Bettye Lou spoke about the Greenway and seeing some funds there that would be matched because of other funds that are out there. Those are the ones that I have very quickly on my list. There were several

from the Welfare to Work group also. That is a pretty narrow list.

Faye Gibson: Just one last comment. I say that tongue-in-check, but in actuality there is also something very intimidating about coming to public hearings. There are a lot of people not sophisticated enough to feel comfortable in doing so. If indeed a broad base needs to be reached or wants to be reach, then I think we need to look at holding public hearings some place more accessible, more comfortable at different time slots and those kind of things and maybe working with the neighborhood associations to find out when those appropriate times might be.

President Tuley: Check your notes, but I think that may be one of the things that we did talk about after having heard it again.

Commissioner Mourdock: It was. We talked about puttings some or having some hearings in...I don't know that we used the term neighborhood associations, but you're right. Rick made that comment, I skimmed that a minute ago. We said something, but we haven't been very good at getting it done.

President Tuley: It's fresh on our minds tonight.

Commissioner Mourdock: In fairness here I am half speaking out of the other side. The bad news of that situation is that if you go into a given neighborhood you are going to hear primarily about that neighborhood's concerns and we are trying to represent the whole community too.

Jeff Hatfield: That contradicts what you just said. I do want to caution you not to get in the habit of rewarding certain segments of the community for a vote that they may have taken.

Commissioner Borries: This is not a reward. When you look at human development, Jeff, I hardly think that is a reward.

Jeff Hatfield: I understand that.

Commissioner Borries: When you are looking at transportation or when you are looking a child care, that is hardly a reward.

Jeff Hatfield: The comments in this mornings paper by Richard Mourdock says basically that these folks that are on welfare--

Commissioner Borries: Well Richard Mourdock can--

Jeff Hatfield: --voted for the riverboat gambling and they should be rewarded for that.

Commissioner Borries: But this is not a reward. This is simply a recognition. Without knowing what your vote was, but a recognition of, in some cases, some of the needs that might impact some of the people who did, in fact, vote for this. That is not to say that we are going to spend all of this. In fact, we are not talking about all of this.

President Tuley: A third of it.

Jeff Hatfield: It's \$800,000.00

Commissioner Borries: We're talking more percentages because who knows how much money is coming in. We are also cautioning folks in that sense, too, so we are not going to be pinned down by dollars.

President Tuley: In the \$800,000.00--

Jeff Hatfield: So you really don't know how much you will have available to spend on it.

Commissioner Borries: But we...no, we don't.

President Tuley: The \$800,000.00 was a figure based on one third of the two point four projected. That is why it was headlined as \$800,000.00 in the newspapers.

Jeff Hatfield: The only thing that I would say to that, too, is that there are many needs in this community. Many needs--

Commissioner Borries: We are mindful to it every week, sir, every week.

Jeff Hatfield: I know you are, but also, too, you might want to look at what would help people more.

Commissioner Borries: Getting to a job is a big help.

Jeff Hatfield: Yeah, that's true--

Commissioner Borries: A real big help.

Jeff Hatfield: --but if there is no job there, Richard, it doesn't matter.

Commissioner Borries: Well, I'll tell you what...

TAPE CHANGE

Commissioner Mourdock: The latter point was an excellent point and I meant to mention this earlier and forgot it until right now, but about two weeks ago I was asked to dinner with Vision 2000 and a group of executives from a company who were looking to locate here. There were, I think, seven of them. We didn't know who they were. They would not identify themselves with their last names, you know, it was one of those kind of meetings. Three of the gentlemen independently asked me what type of job training programs that Evansville has in place because they saw...they are committed to come here as a result of Toyota, but they see the potential where two to three years down the road Evansville, Indiana is going to have a labor shortage. Steve Goldsmith made the comment just a couple weeks ago that the biggest problem Indianapolis has right now in luring new businesses is they have about one and a half to two percent unemployment. They don't have workforce available. We have people coming to us who have experienced a Toyota like effect before who are already expressing concern. It's the classic chicken and egg scenario, I suppose. When it comes down to it, the effect of Toyota is not yet understood in Evansville, Indiana. I have had people from Toyota as recently as two weeks ago tell me that. They don't believe this community necessarily sees what is ahead of it as far as the demands that they will put on our labor force. That is why I very strongly believe in doing what we can on an initiative based approach. In other words, if people don't want help and if they think they can subsist by doing nothing, then let them receive nothing, but job training...I have gone out of my way not to say Third Ward, Sixth Ward, whatever, Fourth Ward. It is as Pat said earlier, somewhat coincidental perhaps that most of the folks that would come under this group are in those neighborhoods and it is certainly true demographically that those are the neighborhoods that overwhelmingly voted for the referendum. I see

that as less in effect than just a coincidence because that is where they happen to be located. If we are going to help people move forward I think there has to be job training. A lot of those programs, unfortunately, at the federal level are being cut and yet in a sense I'm kind of glad to see that because it is going to put the burden back on us locally where it should have been all along. We have a unique opportunity, I think, to use funds from the riverboat to do something that is otherwise good. I don't make a habit of quoting Democrats, but Hubert Humphrey once said, "Democracy is seldom served by simply heeding those with the loudest voices". I don't see that the people who are necessarily served with job training are out there screaming the loudest or that they are coming in the door wanting our money, but I see them as an element of our society locally that, I think, we can do something with. You know the other part of this whole program and, as I said earlier, it could well be that a year from now if a program that we've discussed is enacted that the funds haven't been used, then we all know that we were wrong and that people don't want to help themselves. In which case, Jeff, let's put that money in bridges, streets or whatever, but if people are willing to help themselves and move forward and we have some funding to do something that is unique to our area, then I support that. All of that said in the most honorable form of disagreement that we can have. I do appreciate your comments and, I think, just having this discussion tonight is very healthy. I'm sure there are many people who feel as you do who are going to let me know about it, too. I'm getting used to that. I've traded my white suit from the tar and featherings for an asbestos suit.

Jeff Hatfield: Thanks for hearing me.

Commissioner Borries: Thank you.

President Tuley: Thanks.

Commissioner Borries: Bettye Lou, would you have any comments on it?

Bettye Lou Jerrel: No, I came to listen. You're the ones that set the policy and we'll have an opportunity after you make your recommendation. Thank you.

<b>John Stoll - County Engineer</b>
-------------------------------------

President Tuley: Hey, John, we called you about five minutes ago would you like to talk?

John Stoll: The first item that I've got is an Amended Notice of Intent letter to discharge stormwater for Lynch Road, Phase Two. That is the phase from Burkhardt Road to State Road 62. Back in May the original Notice of Intent letter was signed off on, but we did not include a certification statement that said that to the best of our knowledge all the plans and specs have been prepared in accordance with the proper procedures. In order for them to issue the permits this amendment needs to be added on our original Notice of Intent letter and I would recommend that it signed.

President Tuley: Basically, we are just renewing a letter that we signed already?

John Stoll: Just one amendment to the previous letter.

President Tuley: Right.

Commissioner Mourdock: I'll move approval of the letter as recommended by the County Engineer.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The second item that I've got is the cover sheet for the Burkhardt Road plans that needs the Commissioners' signatures.

Commissioner Borries: I'll move that the cover sheet be signed.

Commissioner Mourdock: Give me more detail here, what are we...

John Stoll: This is just the cover sheet for the plans for the widening of Burkhardt between--

Commissioner Mourdock: You've seen the entire set of plans?

John Stoll: I have just seen a draft set at this point.

Commissioner Mourdock: You're in approval as to what those plans contain?

John Stoll: Right. They need some modifications still, but for the most part as far as the sections for the roads, the cross sections, and far as the number of lanes and everything that is what we are looking for and once they make some minor modifications on a few things they will be ready to go and ready for bid.

Commissioner Mourdock: I will second the motion.

President Tuley: So ordered.

John Stoll: The final item that I've got is just to let you know that it looks like we are finally going to get some flashing lights installed this week at the Covert and Fuquay intersection. They will be the same pedestal mounted flashing lights that we put up at Millersburg and Green River and at Boonville-New Harmony and Green River. It looks like those should go up, probably, starting Wednesday.

Commissioner Borries: Good.

President Tuley: Covert and Fuquay?

John Stoll: Right.

Commissioner Borries: I watched a guy run it again today.

John Stoll: I saw an accident out there when Spry Road was about to collapse back during the heavy rains.

President Tuley: They run it from the Covert Avenue side right?

John Stoll: Right. That's all I have unless you have any questions.

President Tuley: The only question that I have is about Green River Road and last week we had that discussion with that husband and wife that were in here.

Commissioner Mourdock: Skipper?

President Tuley: Yeah, the Skippers. Did you get a chance to talk to anybody about that?

John Stoll: Stewart May was going to try and get ahold of Mr. Skipper today and he didn't call me back again after he met with him. I spoke with Mrs. Skipper again today and told her that we are trying to see where we can minimize or eliminate the riprap. I told them in the past that we could not...I shouldn't say could not eliminate all riprap, but if it comes down to a point where there is a potential for erosion then we wouldn't be able to eliminate the riprap, but if we can flatten the slopes enough to eliminate all the riprap we would. The change order to pipe it like the original plan that was presented to the Skippers would probably cost \$10,000 so I told them at this point that is not really feasible to have a change order for that amount of money. Hopefully, by next week or so I should have some more specifics as far as what we will do and where we can do the changes in the plans.

President Tuley: Okay, thanks, John.

**Milton Hayden - County Garage**

President Tuley: Okay, it looks like Milton Hayden standing in for Bill Morpew this week.

Commissioner Mourdock: Finally, Milton says!

President Tuley: Is this why you don't come down here very often? Is Bill on vacation or sick? Let the record reflect that Milton Hayden, Assistant Highway Superintendent for the County, has submitted a progress report for the Highway Department and the Bridge Crew for the period covering Friday, July 19 through Thursday, July 25, 1996 showing work done through various parts of the county. Are they still doing drainage up there on Walnut Road or are they close to being finished with that?

Milton Hayden: Yes, we are, Pat, but our gradall number 87 broke down on us. We had to order some parts for that.

President Tuley: Okay.

Milton Hayden: While they are repairing that the gradall operator, Harry Woods, is taking a vacation.

President Tuley: Oh, well, at least that is good that he is on vacation while it is broke.

Milton Hayden: Yeah, so we can start back on that next Monday.

President Tuley: Okay.

Milton Hayden: Are there anymore questions?

Commissioner Borries: Thank you.

President Tuley: Thanks, Milton.

**Keith Rounder - Assistant County Attorney**

President Tuley: Keith Rounder is sitting in for Alan.

Keith Rounder: I don't have anything to report.

President Tuley: Then sit in next week and the week after and the following week!

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy.

Commissioner Mourdock: Or come to one Drainage Board!

Cindy Mayo: I wanted to let you know that I spoke with Mr. Hinton, from Building Authority, today and he has this room set aside Tuesday and Wednesday to have the new sound system installed.

President Tuley: Hallejeh, but how did we...?

Commissioner Mourdock: Don't ask. Let's just accept it.

Cindy Mayo: Hopefully, we will have that for the next meeting and won't have that feedback problem that we are having tonight. I did look at the letters from the four people that were interested in the Co-op Extension Office, but I'm not prepared to speak on that tonight. I was on vacation all last week. I did speak briefly with Steve Utley about some of the security concerns. I just wanted to let you know that I am not prepared to speak on that tonight.

President Tuley: Okay.

Cindy Mayo: That is all that I have.

**Consent items**

President Tuley: Okay, we have consent items that include employment changes, travel requests for the Auditor's Offices, Assessor's Office and Center Assessor's Office and we have the Treasurer's monthly financial report.

Commissioner Borries: I'll move that the consent items be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**Scheduled meetings**

President Tuley: Scheduled meetings. A list is attached for the last week of July. Summer is two thirds over and I can't believe it. At 3:30 p.m. there is a Personnel and Finance Committee meeting for the Council. Then next week on Monday there is an Executive Session scheduled for 4:00 p.m. with a Commissioners Meeting at 5:30 p.m. The County Council regular August meeting is scheduled for August 7, next Wednesday, at 3:30 p.m.

Commissioner Mourdock: With that schedule when is the appropriate time for us to submit to the Council, given all the discussion we've had tonight, our formal recommendations as to the CCD and other things?

Suzanne Crouch: The budget hearings start on the 13th. I don't know, when is yours?

Commissioner Borries: We are, I think, set up for August 13th, I want to say. Or is it August 14th?

Cindy Mayo: I think the 14th is the date that we are scheduled.

Commissioner Borries: The second go around would be the 21st.

Commissioner Mourdock: Is that to say that we are scheduled to appear before the Council?

Cindy Mayo: Yes.

President Tuley: Right.

Commissioner Mourdock: Okay.

President Tuley: The 14th and the 21st. Isn't one of them in the morning and one in the afternoon.

Suzanne Crouch: Yes. The first one is in the morning from nine till twelve and then the second would be noon to three. I don't know how you all are scheduled, but Cindy could probably tell you a good time to show up.

President Tuley: I look forward to that every year.

Commissioner Mourdock: Are you suggesting showing up and getting to the microphone is two different things?

<b>Old business</b>
---------------------

President Tuley: Okay, old business. The Veazey Parrott & Shoulders contract on the Auditorium. Do you want to take the lead on that one?

Commissioner Mourdock: Okay. I met with the architect and expressed again some of my concerns. Several things came out of that. Number one, I think we have reached an agreement that something that was drafted some time ago, which for lack of a better title here I will call it a contract for architect services. He is largely amenable to it and I have provided each of you with a copy of that and also a copy to Keith for his review. That document was drafted by me back in April, I think. We certainly need to fine tune it and add to that the pricing items that we have discussed with the architect, or actually, that we have voted on here publicly before which is the fixed fee for basic services, the cap for consultants and also in the previous proposal that we had there was no true definition of what other cost as it was termed reimbursables. He has defined those and we've put a limit on them which is \$50,000.00 lower than he had previously and we have also given him an incentive to save money there. I think those are very positive things. I certainly hope that by next week, and Keith, maybe this is going to be largely dependent on you. If you can review those documents and be ready to report back to us that would be very helpful. As far as specific invoices that were sent in before, go ahead Pat, I'll let you take the lead on that one.

Keith Rounder: If I could ask, I've been provided tonight with a copy of the contract, but I don't have any documents other than that.

Commissioner Mourdock: I can give you my file, which is right here behind me, which is kind of the background.

Keith Rounder: Okay. I take it what you would want me to do then is to review the contract, but do you want me to prepare a draft with the additions?

Commissioner Mourdock: I think that would be appropriate.

Keith Rounder: Okay.

President Tuley: Basically, I think Mike is on vacation this week, but Mike Buente is here though. Richard had met with Mike Shoulders and then I met with Mike and, basically, they were outlining to me what terms or whatever there were differences of opinion on in terms of wording and what have you and I think was discussed between them and what seems to be appropriate is a contract in somewhat of this format. The only changes, I think, there were some things in the add-on billings that Richard negotiated with Mike and got Mike to agree to limit those. He took some of those things out and made them a maximum not to exceed \$75,000.00 where originally it was \$125,000.00. There were some things in there that were taken out. Basically, where we are at this point in time is that we have a verbal contract with Veazey Parrott & Shoulders to provide the services and they have upheld their end of the bargain and right now what we are trying to do is nail down the fine print on how we are going to come about that. I think they've got a gentlemen's agreement to that. If we can get them a check based on the understanding that there is a contract and the only thing that we are haggling over...we are into them right now for \$237,000.00 and I would like for us to somehow get some of that money to them as soon as possible, like tomorrow if at all possible.

Keith Rounder: I guess what I am getting at is that if you give me the additions that need to be made to the contract in some kind of written form then I could take a look at those. I can prepare a draft for you in the next day or two, if you would, like based upon this and adding those.

President Tuley: Right. I think that is fine. I guess my concern is that in my discussions with Mike is that he's got some people breathing down his neck that would like to get some money. We are so early in the contract and if there is something in here that maybe we should for some reason take out of the addendum, or whatever, we could deduct it from the next payment request which won't be, according to Mike, for several months yet.

Keith Rounder: Rick, may I ask you is this based on an AIA Standard Contract?

Commissioner Mourdock: By subheading perhaps, but my contention and I think you were here...were you here last week?

Keith Rounder: No, I wasn't.

Commissioner Mourdock: My contention last week and prior was that so much of the AIA Standard Contract was heavily leaning towards the architect which is to be expected. The subheadings are, basically, from their form and the text is more from me which is why I insist that you review it thoroughly.

Keith Rounder: Okay.

President Tuley: My understanding in talking with Mike, and I don't want to put words in your mouth, is that your meeting was very amicable, agreeable and there were certain things you had expressed

concern about and my conversations with Mike was that the wording in that AIA contract there will be specific jobs that will be signed to someone other than the architect. There are things that the architect cannot do under Indiana statute, apparently, such as serve as construction manager while being the architect, blah, blah, blah. All of that, basically, I think we tried to take that kind of stuff out, or Richard is trying to take those kind of comments out and put in something a little simpler to read that the average person can read. I don't think there is any misunderstanding. There never has been, I don't think, a misunderstanding amongst these Commissioners and Veazey Parrott & Shoulders after the initial conversation that they are going to be paid one point six for their services. There will be \$500,000.00 set aside for outside consultants and then there will be additional add-ons that will not exceed \$75,000.00. That was the change after the meeting that you had with him last week and Mike then told me that he was agreeable, too. He is on vacation this week and that is why he is not here.

Keith Rounder: Let me just one more time make sure I'm clear on what you exactly want me to do. Review the contract, that's clear. You want me to prepare by taking this and take the changes that I guess you will give me tonight or sometime and incorporate those and have a draft for you next Monday.

Commissioner Mourdock: Yes.

President Tuley: Right.

Commissioner Mourdock: Those changes would be, basically, three addendum. One for basic services, the million six. One for the \$500,000.00, outside consulting and the third for what they have defined as reimbursables.

Keith Rounder: Okay.

Commissioner Mourdock: Now, coming back to your question, Pat.

President Tuley: My question is this, given the fact that we have a motion and an agreement on the floor at an earlier meeting that these are the amounts that...maybe, since it has been amended we better amend the motion tonight. Once we have the motion and agreement, then, basically, what we have is...I'm not a legal expert, but I assume that we have a verbal contract? From that, can we issue some sort of payment toward those expenses?

Keith Rounder: Well, I don't recommend that.

Suzanne Crouch: I know that the State Board of Accounts doesn't.

Keith Rounder: I can do this as quickly as you want to, but--

President Tuley: We can't act before next Monday night even if you had it done tomorrow.

Keith Rounder: If you are going to enter into a written contract I wouldn't (inaudible) execute it.

Commissioner Mourdock: I've heard also at length Mike Shoulders' comments and I'm wondering, given the situation that we have, if first thing in the morning, as President, you drafted a letter to whatever vendors, and Mr. Buente can probably tell us who those vendors are, and just tell them where we are at with the thing and that we expect to act next Monday. Hey, they'll trust politicians

won't they?

Mike Buente: My name is Mike Buente with Veazey Parrott & Shoulders. Sitting here the only thing I see wrong with that timetable is that you are going to be preparing amendments to an agreement. I don't think it is going to happen and that it is going to be signed next Monday. Mike Shoulders is going to have his attorneys look at it; we are going to have our insurance carrier look at it to make sure that there is no risk that we are taking on that we are not supposed to be taking on. I can see this situation continuing for several weeks.

Commissioner Mourdock: That is certainly possible.

Mike Buente: It is my understanding that there was going to be some sort of vehicle, and I don't know what that vehicle is and I understand your recommendation, that we could get some payment to pass on to our special consultants. As you know, we have been putting considerable time into the project.

Commissioner Mourdock: Sure.

Commissioner Borries: Can we have a separate addendum for the consulting because--

Keith Rounder: Well, maybe what you could do is to have an interim letter of agreement, a memorandum of understanding, about what has been accomplished so far and that a certain fee has been incurred and that these are services that have already been rendered. They are not prospective services and there is an understanding among the parties that the contract will be executed for the remainder of the services to be rendered. Maybe that can be your vehicle to issue payment. I am shooting off the top of my head here, but he is absolutely right as I think about it. Just having it approved by an insurance carrier, which is a necessary step, would probably going to take some time.

Mike Buente: As soon as you step away from the proven AIA document you are opening yourself up and you are going to have to review it. That is just a matter of course.

Keith Rounder: Right, so if issuing a check is really a high priority within a short period of time then I think that something in the interim can be done.

Commissioner Mourdock: What of the issue that this is a professionals services agreement as opposed to...I mean, because it is professional services?

Suzanne Crouch: Consulting fees?

Commissioner Mourdock: Yeah, consulting fees.

Suzanne Crouch: As opposed to entering into the contract to actually do the work haven't you provided services?

Keith Rounder: That is what I am saying. If it is for services that have already been provided...

Suzanne Crouch: It is for the feasibility of the project.

Keith Rounder: I think what you really need is some documentation in the County's file to show that this has been done and we are going to go ahead and issue this payment based upon the services

already rendered and commitments already made. A hard copy of a final copy will be forthcoming for the remaining services, but I don't just think you should write a check.

Commissioner Mourdock: Could you draft up what you just described tomorrow?

Keith Rounder: Yeah.

Mike Buente: You should probably make amendments to the sums that you have already talked about because there has been a reduction as I understand it.

Commissioner Mourdock: Right.

Mike Buente: In the reimbursable part.

President Tuley: Here is the problem that I've got. Once you draft that then do I sign it?

Keith Rounder: Yeah.

President Tuley: Okay, I'm just trying to get everything lined out so that everybody knows when we walk out of here tonight what is going to happen. I'm going to sign it and present it to the Auditor's Office and ask for a check to be cut and they can, if this Board so asks, cut a check then?

Suzanne Crouch: I would presume that you would do that a next Monday's meeting?

President Tuley: That doesn't help his problem.

Commissioner Mourdock: Well, it helps the problem that Mike outlined because you are absolutely right. Your attorneys are going to need to review it and that would add some time even beyond next week. What this scenario would do is to get you the check, probably, next Tuesday morning.

Mike Buente: Obviously, that would be better than nothing, but if we could get it sooner then that it would be better. We were hoping to get it yet this week.

Commissioner Mourdock: I understand. I have no problem at all doing what Keith just suggested. I guess after that it is just a matter of procedure. How can we authorize approval of something that hasn't been written yet?

Mike Buente: The majority of the work that has been accomplished--

President Tuley: Mike, of this \$237,000.00 how much of this goes to other consultants, do you know?

Mike Buente: That is what I was just getting ready to say.

President Tuley: I'm sorry.

Mike Buente: The majority of that work goes to the special consultants. Two of them, HOK and Jerit/Boys, both for the programming part and market analysis for HOK's portion. As you know, they are assembling a final copy for your review and approval. Also, the theater consultant. We have time involved, obviously, but proportionally they have more time than we do. If you could do it somehow to pay for those special consultants in the

letter, I guess that would be appropriate.

President Tuley: The conversation at this point in time is that we are waiting until next Tuesday. That is my concern. If this situation were reversed and you were sitting over there saying, hey, we can't come to an agreement so the project is on hold until we come to an agreement, you know what I'm saying? We'd be here tonight trying to get...they haven't done anything yet because, basically, they went on our word that we've got a contract and they went ahead and proceeded with the project and now they can't get paid for it.

Commissioner Mourdock: All of us in this room know that they have a contract. It is just a matter of getting it drafted.

Mike Buente: The contract is not in dispute, just some of the contract language.

Commissioner Mourdock: It's your initial claims.

Mike Buente: For basic services.

Commissioner Mourdock: Consulting services.

Mike Buente: Since we haven't really entered into the phases that you probably have a concern about, am I correct?

Commissioner Mourdock: I don't know that is accurate because from what you said before this is primarily HOK and Jerit/Boys group which means they are outside consultants.

Mike Buente: We have time in it.

Commissioner Mourdock: Sure.

Mike Buente: We have weeks of time in it with two to three employees. We did hire them as our consultant for this front-end work because of their expertise in it and to speed the project along. I'm convinced that we could have done some of that work, but we wouldn't be where we are at today had we not made that commitment to get that expertise on this project. We would be maybe halfway through where we are at.

Commissioner Mourdock: The question at this point is purely mechanical.

President Tuley: That's all.

Commissioner Mourdock: What do we want to do and how do we want to do it?

President Tuley: I guess it comes down to more of "can we". If we just flat can't, then we can't.

Suzanne Crouch: Keith, if you drew up a letter of agreement for consulting services provided and the Commissioners signed it and the claim next Monday would that do in the interim?

Keith Rounder: Who would sign it for Veazey?

Mike Buente: It would have to be Mike and he won't be able to sign it.

Keith Rounder: I think we ought to get it signed by both parties.

Mike Buente: I don't think you want to confuse it with another agreement. You've got an agreement on the table and what we are trying to do is just apply monies that would be applicable to the agreement on the table.

Keith Rounder: I'm not talking about a separate agreement necessarily.

Mike Buente: Well, she mentioned an agreement.

Keith Rounder: I think that Suzanne makes a good point. This is the kind of thing that the State Board of Accounts doesn't like and if there is going to be a signed agreement then payment ought to be made pursuant to that agreement, but there won't be a signed agreement executed by the parties for several weeks. I'm just trying to think of a way here, really, off the top of my head to facilitate the payment without just saying, okay, here is a check. That just isn't proper and I don't think it's the correct way to handle it. I think that something needs to be executed that shows what has been done and what is going to be done in terms of executing the contract and services to be provided and that this is in the nature of an agreement between the parties for some sort of interim payment leading up to that contract. I mean, it is an understanding of the written contract that full services will be entered into and the parties have agreed upon the terms and it is just a matter of execution of the contracts. That's all I am proposing. The alternative is either one, just write a check and just give it to them which I don't think anybody is in favor of here, or two, don't do anything and wait until the contract is fully executed which puts you in a bad position.

President Tuley: We can't do the second one.

Keith Rounder: Sitting here I can't think of another alternative. Maybe tonight in bed I'll think of one, but I can't right now.

Mike Buente: Oftentimes I have seen Boards where they have made a motion and accepted it for spending monies based on some criteria. Could you not make a motion to pay initial payments on the sums that you have already voted on?

President Tuley: That we have agreed to?

Mike Buente: Yes.

Commissioner Mourdock: We have agreed, I mean, we have taken votes.

President Tuley: I guess that is my contention. We have agreed that they are our firm. We have agreed to pay them one point six million dollars for their basic services. We have agreed to allow them to spend up to \$500,000.00 in special consultants. The only thing that we are changing tonight is to decrease the add-ons to a maximum of \$75,000.00. Those are the terms of the contracts. Now, there is some specific wording that we are haggling over, but it is not going to change one point six, five hundred thousand or seventy-five thousand dollars. That is not going to change any of that.

Mike Buente: That's also not going to change the services that have already been rendered. It is going to change services that are going to be forthcoming.

President Tuley: Forthcoming, right. If this is a Board that speaks through its minutes...my only contention is that when I

talked to Mike the plea was that somehow guys we have got to get some money coming to us so we can pay our consultants because they are doing all this work.

Commissioner Mourdock: Is there any way the State Board of Accounts would look at the minutes as a contract?

Suzanne Crouch: We have actually brought that issue before them with Mercy Ambulance contract, but that was a little different because you have a signed contract and you have extended it and they said that it would probably hold up legally, but they would be inclined to write the county up on that kind of procedure if they didn't get something signed and in place. This is a little different because you don't have a signed contract in place. That is more of a legal question. If there has to be something signed before payment can be made then the soonest the payment could be made would be next Tuesday, but that doesn't help you this week.

Mike Buente: No, it does not.

Suzanne Crouch: I wonder if perhaps a copy of these minutes could be sent to those vendors so that they are aware that the payment is coming very shortly and it through no fault of your own?

Keith Rounder: Do they need assurances or do they just need the cash right now?

Mike Buente: Well, they need the cash. We have been working on this somewhere over three months on this project. HOK has expended almost their entire amount of their agreement with us. Jerit/Boys has not completed all of it, but they have completed in the neighborhood of 40%.

Commissioner Borries: I think we've come back to Keith's memorandum of understanding. It is written, it is a commitment and the details of these special consultants is not going to change.

Keith Rounder: It is for services already given to the county.

Mike Buente: The services that have been rendered are of public record because we have presented those in two public meetings. Two Commissioners meetings.

Commissioner Borries: They've done extensive work, there is no question about it.

Mike Buente: It has been rendered and it has been rendered in a public meeting.

Commissioner Borries: The services have been preformed.

Mike Buente: That should be public record.

Keith Rounder: Going back to your point, Pat. I think legally the county is now obligated to pay for those services, at least those already incurred based upon the negotiations that have gone on between the County and Veazey Parrott & Shoulders. I don't know whether it is a requirement legally that something be entered into, I'm just saying from the standpoint of housekeeping and the concerns of the State Board of Accounts I think it is a good idea. These are services that have been rendered to the county and, I think, based upon the negotiations so far that the county is obligated to pay for them.

President Tuley: I'm not an attorney, but believe you me that if this contract ended tomorrow you don't think we'd be paying these bills? You didn't say that, but that is what I'm saying. That is my whole point of contention.

Keith Rounder: In my roundabout way that is what I am saying to.

President Tuley: If we never sign a contract and all work would cease and desist right now on this project, I don't think any of us are foolish enough not to understand that we are going to pay this bill.

Keith Rounder: There is a legal principal called promissory estoppel. If you...have you heard that before?

Commissioner Borries: No, no. You just threw one at me here and I am going to have to go get my Latin out now.

Keith Rounder: What it means is that if you have caused another party to either spend services, or money, or whatever based upon certain assurances and they do that then you are obligated. I mean, that's your point. If everything fell apart today, I think, that there would be an enforceable obligation to make the county at least pay for what has been accrued so far. Maybe that is enough just relying upon what is in the minutes so far to go ahead and make the payment. If you are going to be entering into a written contract, I think, if it were a private client I would say that you need to get some kind of memorandum of understanding that this was going to be the initial payment on this contract that will be entered into. The county is obligated to pay these costs anyway.

Commissioner Borries: I agree. How do we get there?

Commissioner Mourdock: Back to the mechanics.

President Tuley: That is where we started.

Mike Buente: I guess I go back to Commissioner Tuley's recommendation for him being able to issue a letter and saying exactly what you just said that based on the Commissioners had a vote at one point in time for certain services and these would be an outlay of the sum that was laid out on that vote. Since services have been rendered in the two different public hearings you could list those dates and consider this initial payment for an agreement with a hard copy to be forthcoming. That's not legal jargon, but isn't that kind of a sequence, isn't that possible?

#### TAPE CHANGE

Mike Buente: I guess what I am trying to do is get something where it is not something that Mike Shoulders has to sign.

President Tuley: What I am thinking is that what you just said, Greek or Latin or whatever it was, put that in the form of a letter that we can hand the Auditor to protect the Auditor based on a recommendation from the Commissioners that we go ahead and at least pay what they have done to this point. Suzanne then is at least protected from the Board of Accounts. If they've got a problem with it they are going to come back on the county and say, Commissioners, you shouldn't have done this.

Keith Rounder: How about I provide you with a letter to give to them. I'll provide Suzanne with a letter which is a legal opinion saying that we are obligated to pay these anyway. Do you feel

comfortable with that?

Suzanne Crouch: Sure.

President Tuley: I don't think the Board...you can go ask the Board of Accounts a question and do you know what they say? We are going get you from an audit standpoint so go back and ask your attorney.

Commissioner Mourdock: Let me make this in a motion. I move that based the past performance of Veazey Parrott & Shoulders and under the doctrine of promissory estoppel that we direct the county attorney to as soon as practical draft a letter stating to the Commission President that we need to pay the funds in the amount of \$237,725.58 and that the county attorney also send a letter, as a legal opinion, to the Auditor verifying the payment of those funds pursuant to prior recorded minutes of the Vanderburgh County Commissioners.

Commissioner Borries: Second.

President Tuley: So ordered. Now, if he gets this done as soon as possible tomorrow or Wednesday can you cut a check immediately or do you have to...

Suzanne Crouch: I'll try. I, basically, have to advertise. I mean, I can pay out of order and then we may have to advertise after the fact.

Keith Rounder: One other thing. I'm going to Atlanta tomorrow evening. I have depositions tomorrow morning and I'm going to Atlanta tomorrow evening and I'll be gone all day Wednesday and Thursday morning. I hope to have everything ready tomorrow afternoon.

President Tuley: I don't need to sign anything do I? You're writing the letters and signing the opinion to me and you are also directing a letter to Suzanne.

Keith Rounder: Okay, I guess what I was thinking was one from me to Suzanne and one from you to them which would accompany the check. We are getting this check and this is why we are giving you the check at this time.

President Tuley: Okay.

Commissioner Mourdock: That is, in fact, what I intended with the motion is that you draft a letter for him to sign. So when are you going to be out of town?

President Tuley: I am going to be Harrison High School from 7:30 in the morning until probably 4:00 tomorrow afternoon with a training seminar.

Keith Rounder: I'll get it to you.

Commissioner Borries: Call me. I'll get it over to him.

Keith Rounder: If I can get your number maybe I can call you for details if I need them.

Commissioner Borries: Thanks, Mike.

Mike Buente: Thank you.

President Tuley: Aren't you glad you were here, Mike?

Cindy Mayo: How old is your little boy?

Mike Buente: Seven.

Cindy Mayo: He has been extremely, extremely good!

**New business**

Commissioner Mourdock: One other bit of new business. Are we on new or old?

President Tuley: I hope we are on new because I don't want to deal with anymore old business.

Commissioner Mourdock: Okay, just a reminder that we said, I think, last week that August 12th will be the Mercy Ambulance discussion.

President Tuley: That's right which is two weeks from tonight.

Commissioner Borries: Thanks, Mike.

Commissioner Mourdock: I didn't even realize that little guy was sitting there.

President Tuley: That's how quiet he was.

Cindy Mayo: He has been very good, I can't believe it.

Commissioner Mourdock: Yeah.

President Tuley: Okay, that hearing is scheduled for the 12th.

Cindy Mayo: Is that to be a public hearing? I'm sure that Sunny knows, she was at the meeting.

President Tuley: You weren't here and Sunny would know, but what we asked is that the people from Mercy Ambulance be invited and that all the Volunteer Fire Department Chiefs be invited because we just want to lay it on the table in who is asking for what services or who is not asking for any services and we want it done in a public meeting so that there is no misunderstanding that there is always something to reach in and grab.

Cindy Mayo: Well, I was playing catchup today so we really didn't have a chance to sit down and go over the agenda from last week.

President Tuley: That's fine, just so that you hear it from us.

Commissioner Borries: One other group and I don't know how helpful they will be, but they would be ALS Consortium. Jay Casey is the fellow there.

President Tuley: Right. Okay, the one item that we have here under new business that is listed is a letter that is addressed to me from the American Diabetes Association:

"The American Diabetes Association, Southern Indiana Affiliate, facilitates a children's diabetic support group in Evansville for insulin-dependent children ages 3-18 and their families. We would like to hold a picnic on Tuesday, August 6 at 5:30 p.m. for the group to share

Commissioners Meeting  
July 29, 1996

47

recipes and exchange values for the special diets the children must maintain in order to live a healthy life as a diabetic.

We are requesting the \$40.00 Burdette Park shelter fee be waived as we are a not-for-profit organization. We are not a government funded agency or a United Way agency. We depend on donations to fund research and the public and patient education programs we provide such as our Indiana camp for insulin-dependent children in Milford, Indiana.

Your consideration in this matter would be very much appreciated. If there is any additional information that I can provide, please let me know.

Sincerely,

Jennifer M. Johnson  
Regional Director"

Commissioner Borries: I move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Borries: I have just one other item that was in my packet here, Mr. President. It is the appointment, I guess it would be a reappointed, of Beverly Corn to the Community Corrections Advisory Board. That appointment expires on August 1, 1996. I move that she be reappointed.

Commissioner Mourdock: Second.

President Tuley: So ordered. Is there any other business? Motion for adjournment?

Commissioner Mourdock: So moved.

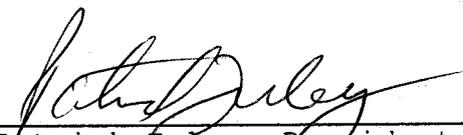
Commissioner Borries: So moved.

President Tuley: Second, I mean, so ordered!

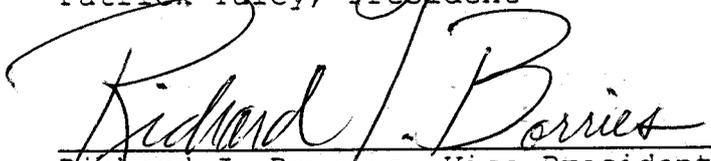
The meeting was adjourned at 8:35 p.m.

## THOSE IN ATTENDANCE:

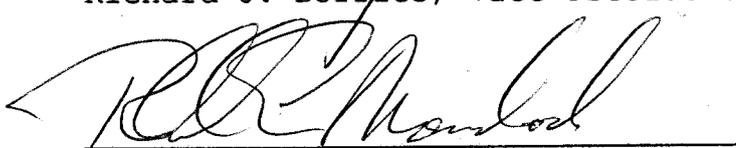
Patrick Tuley  
Richard E. Borries  
Richard J. Mourdock  
Keith Rounder  
Suzanne M. Crouch  
Cindy Mayo  
Charlene M. Timmons  
Gary Heck  
Cheryl Musgrave  
Terry Huber  
Melissa Rynkiewich  
Tim Suenram  
Jeff Hatfield  
Shirley James  
Bettye Lou Jerrel  
Faye Gibson  
John Stoll  
Milton Hayden  
Mike Buente  
Other unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

---

Patrick Tuley, President

---

Richard J. Borries, Vice President

---

Richard E. Mourdock, Member

Minutes of the  
Vanderburgh County Board of Commissioners  
August 5, 1996

Table of Contents

Introductions & Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Carolyn Reed - Habitat .....	1
Treasurer - permission to advertise .....	9
Proposals to provide cash management services	
Any group or individual wishing to address the Commission ....	9
Leroy Walther - 8417 Old State Road	
Eric Schwenker - Oak Hill Road Sewer Association	
Andy Easley	
Edward G. Moser - Coterie Club of Evansville	
Old business .....	16
Budget requests from CCD Fund	
John Stoll - County Engineer .....	22
Wage Scale Committee discussion	
Notice to Bidders:	
VC96-08-01, Burkhardt Road reconstruction to Virginia Street	
VC96-08-02, concrete work on various roads	
Extension of Contract/Koester Contracting on St. Joseph Avenue paving and median removal	
Bill Morphew - County Garage .....	25
Progress report for the Highway Department and Bridge Crew for period covering July 26 through August 1, 1996	
Keith Rounder - Assistant County Attorney .....	27
Update on Veazey Parrott & Shoulders contract	
Cindy Mayo - Superintendent of County Buildings .....	27
Discussion regarding Room 202	
Assignment of Room 204 to Data Services	
Consent items .....	29
Employment changes	
Travel requests:	
Health Department (1)	
Auditor's Office - Time accrual report	

Scheduled meetings .....	30
New business .....	30
Request to Cindy Mayo from Richard Mourdock regarding the Burdette Park Advisory Board	
Adjournment .....	31
Attendance and signature page .....	31

**Vanderburgh County  
Board of Commissioners Meeting  
August 5, 1996**

The Vanderburgh County Board of Commissioners met in session this 5th day of August, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:55 p.m.

**Introductions & Pledge of Allegiance**

President Tuley: We will call the meeting to order for the Vanderburgh County Commissioners for August 5, 1996. As you will probably notice, for those of you who have been here a few times, we have a new sound system. We haven't been able to solve the problem on how to get started on time, but we did get the sound system fixed. As a point of introductions, to my far right is Cindy Mayo, our office manager and the Superintendent of County Buildings; to Cindy's immediate left is Keith Rounder, one of the Assistant County Attorneys; to my immediate right Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, the County Auditor; and to Suzanne's left is Charlene Timmons, who is Recording Secretary whose job probably just got made much easier by this sound system. If you would, please, stand with us and say along as we say the Pledge of Allegiance. Nine times out of ten I fail to tell you who I am, I'm Commissioner Pat Tuley.

**Approval of minutes**

President Tuley: Under the action items we have the approval of the minutes from the last meeting which was held on July 29th.

Commissioner Mourdock: I'll move approval of the July 29, 1996 minutes.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Item 4B, Certification of the Executive Session. Just want to let the record reflect that an Executive Session was held prior to this meeting. It was held pursuant to the law of Indiana which is what we use as our advertisement. It was advertised for those things such as personnel matters, pending litigation, etc. as addressed by the law and no other action was taken and no final decisions were arrived at.

**Carolyn Reed - Habitat**

President Tuley: Item 4C. Representing Habitat is Carolyn Reed.

Carolyn Reed: Hello, I am Carolyn Reed, representing Habitat. I came because there are a number of properties that have been committed to Habitat by the Commissioners from the surplus property list from fall of 1995. They had not yet been deeded to Habitat, we are still waiting for that, but they have shown up on the tax sale list that is going to be on August 14, this coming Monday. We are concerned that they not go up for tax sale since they have been committed to us and we have been waiting for title to them. I have

prepared a list of those properties that also includes the other properties from that 1995 list that we are still waiting deed to that happened to not get on the tax sale list again. I will present that to you. We really need these properties for 1997 build and we would appreciate anything that you can do to see us take title on those. We used 64 lots last year building 32 houses which really ate up our land inventory and we are really kind of scrambling right now to find places to put the houses.

President Tuley: Carolyn, if I might, and I am going to try to speak from memory and Cindy or maybe Keith can jump in at anytime. We had some notification problems. The law in the tax sale changes evolves every year. In talking with Cindy, and I think in my past conversations with Keith, maybe some of these properties...I am asking this as much as I'm making a statement out of it, there may have been some problems with proper notification. Therefore, I think it was decided legally that the best thing for us to do was to go back and go through that process again. Once the county obtained clear and good title it was much easier for us to pass it to you as opposed to trying to pass it to you only to have someone come back later and say, hey, I never received proper notice from the county. You never owned that property properly and therefore we want it back and hopefully by then you don't have a house sitting on there with a family living in it.

Carolyn Reed: Sure.

President Tuley: I'm asking that as much as I'm making that a statement.

Keith Rounder: There was an Appellate Court opinion from the Indiana Court of Appeals in 1993 which caused us a problem with some Habitat properties. That opinion said that anytime the County took title properties because they weren't purchased at tax sale the County had to go through the same steps as a tax sale purchaser. Meaning that it had to do all the notification and file the petition and whatnot. It has also been interpreted to mean that the County has to notify not only the property owner, or delinquent taxpayer if you will, but also anyone with a substantial interest in the property. If you don't do that then you don't have a valid transfer of property in all likelihood. Our problem in that case was that some of the local title attorneys wouldn't pass good titles on those particular Habitat properties. We had to go through the whole process again and get title work done so that we could identify who all the substantial property owners were, whether it was somebody with a judgement lien or a bank with a small mortgage or something like that, and notify them. My understanding is that the problem with the majority of these properties is that no title work has been done therefore no one knows for sure who are the substantial interest holders and until that is done the county will be unable to pass good title to the properties and then that would create a problem that we had before which is that Habitat would be expending funds and building on real estate that might not have good title to. So, as a precautionary measure mainly because of that 1993 Appellate Court opinion we have to go through the whole process of getting abstracts run and notifying all the property owners, filing the petition and then proceeding in that manner.

President Tuley: Keith, that '93 ruling was based on a change in the law, correct? At one time, basically, the county sat on the property for a year and they automatically assumed title to it.

Keith Rounder: Well, quite frankly, it wasn't really based on a

change in the law. The statute has not really changed. The statute says that, as I recall I'm going from memory here, but that when property is not sold at tax sale the county gets a lien and the county, as everybody interpreted until that decision, automatically gets the property at the end of one year. This particular Appellate Court has a different interpretation of the law. That is what is throwing everything into a funk.

President Tuley: So it actually wasn't a change? It was a change in the interpretation?

Keith Rounder: A change in interpretation. It was a court opinion that caused the problem, not a change in the statute.

President Tuley: I worked for a company for two years that helped do tax sales, but I think what happened was and the key on that was rights. The county has the same rights and responsibilities as does any other lienholder.

Keith Rounder: That is right. If you have the same rights, then the court said that you've got the same responsibilities and that means you have to go through the same hoops as a tax sale purchaser would.

Commissioner Mourdock: So is that same hoop to carry through with the properties in the tax sale? Is that what you are saying, Keith? The properties that Carolyn is asking us about are presently scheduled to be on that August 14th tax sale. Is the posting of those properties for that tax sale a part of that process? Sounds separate from it to me.

Keith Rounder: Frankly, I'm not as I sit here, I'm not certain why they are on tax sale. If they have been up for tax sale twice and they have not sold, then the county takes a lien to those properties and if that is in fact the situation, but I don't know if that is the situation on these properties. If it is we would have to look into it, but I'm not sure why it would be on tax sale.

President Tuley: Somewhere along the line I think it was recommended to just clear everything because these properties were offered up twice, but because of the title searches, notifications and what have you weren't done and rather than risk a problem down the road the best thing was to go back and start that process over, offer them up, do the proper notifications and then, and only then, could we be comfortable that we were giving clear title to the property.

Keith Rounder: I think that is correct.

Carolyn Reed: Does that mean them going back on the tax sale list? Doesn't that just mean doing the publications and the title search?

President Tuley: I think there are time limitations on doing those title searches and going before the judge and asking for title.

Keith Rounder: There are.

President Tuley: I think that is why.

Carolyn Reed: We requested these properties in November of 1995. We were told that this would happen.

Cindy Mayo: They were not in our name at the time when the request was made. They have not ever been put in our name.

President Tuley: So it wasn't ours to give, is what you are saying?

Cindy Mayo: Right. At the time they requested it, following normal procedure, it would have come to the Commissioners either that November or December, but because of the problems that we had it was not ever...Council has recommended that their...I know Bettye Lou is working with some people in Legislative Services and with different people and is working with Suzanne through the Auditor's Association to have the law changed where we are not considered a tax sale purchaser so we don't have to have the title search done because Council is not wanting to fund anymore money for abstracts to be run on these properties. When there became a problem we did not accept anymore surplus properties in our name. Once we accept them...we didn't accept any for '95 because then we have to start with the weed cutting and with cleaning off the lots and it becomes our liability.

Commissioner Mourdock: The two lists that I have, one in the letter that Carolyn just gave us and the other listing that was in our packet, is this from you Cindy? This listing?

Cindy Mayo: That came from Sunny. I do have something that I worked up and I was just checking. I know 520 Jefferson, that is listed down at the bottom, Donna Krowl gave me some information on some of this from the Auditor's Office. The 520 Jefferson is in the process of a Warranty Deed being issued in Habitat's name. The 608 Madison was something that Habitat worked out an agreement with New Beginning Church of God and Christ and that was deeded to the New Beginning Church of God and Christ. The 611 Jefferson is already in Habitat's name. There was a deed that went through and 403 Jefferson, I'm talking about the bottom four on the letter from Habitat, has an abstract run on that, but because of tax sale coming up the Auditor's Office has not been able to work on sending out the letters to substantial interest holders so that is one that after the tax sale she will be able to work on that and send those letters out. I would be happy to give you a copy of what I have worked up and give Ms. Reed a copy of this also. It might answer some of the questions on some of the properties that they do have.

Carolyn Reed: It was my understanding that New Beginnings was going to have the Madison Street properties and that you were going to deed those directly to them and that the Jefferson Street properties--

Cindy Mayo: They have 608 Madison.

Carolyn Reed: Oh, I thought you said Jefferson.

Cindy Mayo: Oh, I'm sorry, maybe I did.

President Tuley: The three on Jefferson that she talked about and one Madison, if I heard properly.

Carolyn Reed: That would be correct if she said 608 Madison that New Beginnings is taking.

President Tuley: So there are nine properties according to your letter, Carolyn, that were committed?

Carolyn Reed: Yes, and that showed back up on the tax sale list.

Commissioner Mourdock: Just to further the confusion, there are several on this listing that are not on the Habitat list.

Commissioners Meeting  
August 5, 1996

5

Carolyn Reed: Yes, 100 Adams, I believe, would be one that I found out that we do not want. It is a very large structure and we really can't afford to take it down.

Commissioner Mourdock: And 120 Adams, also?

Carolyn Reed: No, we do want that. In fact, I think we already own 120 Adams. We have deed to that property, I do believe.

Commissioner Mourdock: Right, that is not on your list, but it is on the other one.

Carolyn Reed: Right, that is why it is not.

Commissioner Mourdock: How about 416 Jefferson? I'm sorry, 416 Adams?

Carolyn Reed: I believe that should be on there.

Commissioner Mourdock: On which?

Carolyn Reed: In my letter, is it not?

Commissioner Mourdock: That is not on your letter.

Carolyn Reed: That maybe one that did get processed then.

President Tuley: It has already been deeded? So, 416 has been deeded to Habitat?

Carolyn Reed: Right, there were several properties and a couple that we already have deed to or that we were getting deed to.

Cindy Mayo: There were seven properties that Habitat did say that they needed for this year's program so we did go ahead and have abstracts run on those and did not offer them up to other organizations. We went ahead and did the process and was able to...now, the full seven has not...they don't have deed to those full seven because of service to some of the people that had to be given service on it. The one, 813, 907 S. Governor, 813 is going back before the judge because it had to be advertised in the paper because there was not good service on everything that was sent out. There are a couple that we are waiting on. If you will notice the bottom two on my list, 520 Morton and 818 Judson, those are both...the one the judge has ruled on, 818 Judson. We are just waiting for the deed to go through and then on 520 Morton, Donna did not give me a date on that, but that will be going back before the judge for a ruling.

Commissioner Mourdock: Neither of those two are on Ms. Reed's list.

Carolyn Reed: No, because I felt that it had been worked out.

Commissioner Mourdock: Okay.

President Tuley: There is no intent by this Board, or anybody in the County, to deny Habitat these properties. I think the problem is the communication factor that when we say we are committed to it, I guess, that is, basically, once we have clear title and can make a commitment to give it. The intent is to give it, particularly in lieu of what we have seen happen over the last several years along Walnut and areas south of there that absolutely look so much better than we have seen in many years. The fact that we've got people living there in homes that look like nice homes.

I don't think, by any means, that this Board will try to deny or keep you guys from getting those properties.

Commissioner Borries: Carolyn, there is one change here. I think on Monday, August the 14th should be Monday, August the 12th.

Carolyn Reed: I'm sorry.

Commissioner Borries: I would want to certainly echo what Commissioner Tuley has said. I guess I would just say that we are continually amazed and I think it is a tribute to your organization and the wonderful work that you have done in terms of changing so much of the center city and making affordable housing for people who certainly need it. Where do we go from here? What happens on August 12th tax sale? Nothing really, that's a formality if these are advertised?

President Tuley: The only way, to my understanding, that it would be a problem and I'm not the attorney, but is if someone else...I'm going to have to come back and address that one because that one is a problem in itself, but they have to be offered up for sale. It is just like anybody can come in and purchase them. If no one comes in and makes a bid on those properties then I think it is still the requirement...it's been a while since I have been involved in it, but still it has to be offered up a second year, two consecutive years and then at that time if there is no one who wants to buy that property, then the county starts that process unless the law changes again. Whereby we would go through that and we would hold that tax sale lien certificate against that property for one year. Basically, we will begin a three year process now. That is with the assumption that no one buys it in a public auction.

Carolyn Reed: We already went through that process. They have been on two tax sales and we waited the year and they were to be on the surplus year and that was last year. Now we are starting a three year process again because we didn't get title to them?

Keith Rounder: I believe that the problem is that the first time around in the first tax sale the individuals with substantial interest were not notified properly and that means that the lien which the county has is not really valid because the initial two tax sales were not really conducted properly without notifying those substantial interest holders. It is a problem for Habitat if Habitat gets the properties now without us going through that position and then five years from now a substantial interest holder comes along and says, hey, the right procedure wasn't followed and I have a right to this property. This is going to take a longer period of time, but it is going to give Habitat a clean, perfect if you will, title.

Commissioner Mourdock: The inverse of that, Keith, tell me if this interpretation is correct, is that Habitat could take the risk and say, well, we'll go ahead and continue construction or start construction, build and it may work out okay?

Keith Rounder: That is an alternative.

Commissioner Mourdock: Yeah, but that isn't a very good situation either, obviously.

Carolyn Reed: There are a lot of properties there. That represents a number of homes for next year at the rate that we have been building. All of you have to understand how difficult it is to

acquire properties in the center city. We believe that the center city can be revitalized. We've built 115 homes to prove that. It is really hard to accept that these properties have gone through three years of process and now you are telling us that they have to go through three more years of process. I don't know--

Commissioner Mourdock: If you think it is hard for you to hear that, it is a lot harder for us to say it because, quite honestly, that is not the alternative that we like either. It is the change in the interpretation that puts not only Habitat at risk, but the County at risk, if we don't do that. If we were to go ahead and not have the sale and do this and you guys do the wonderful work that you do, you build a home and three years later somebody comes down the road and says, oops, that's my property, the first thing that they are going to do is sue the people who have title to that home. Those people are going to turn around and probably sue you, but most assuredly sue us and we all lose. That is really the bottom line. It looks like no matter what we do we all lose.

Carolyn Reed: So that is the last word? It is going to stay on the list for two years and another year of waiting?

Commissioner Mourdock: Keith, just--

Carolyn Reed: Who is going to take down the houses that are deteriorating on some of these lots and who foots that bill?

Cindy Mayo: The Building Commission through Code Enforcement has torn down several of our properties. That is why we have stopped accepting these properties because we have had probably seven or eight homes demolished now that the county has had to pay an enormous amount for. Bill Morpew can't get his paving done because we have 150 lots that we are not able to sell or do anything with.

Carolyn Reed: But you see, we committed to taking them and taking those houses down for you all. That is why, I guess, it is hard to understand why we can't move this process along. But, if that is the last word, that's what we have to do.

Commissioner Mourdock: We don't mean to be rude, believe me.

Carolyn Reed: I know that and I'm not trying to be rude either. I know we all have our problems working through these things. You have to understand that it is very disappointing, at this point, to know that there are many lots that we are not going to have to build on next year.

Commissioner Mourdock: Since Keith is substituting tonight, as you probably know, for the county attorney, we can certainly bring it up to his attention when he gets back here...oh, Keith is the tax sale.

President Tuley: He is the one doing the tax sale work.

Commissioner Mourdock: I withdraw what I started to say.

Carolyn Reed: Okay.

Commissioner Mourdock: Quite honestly, it is embarrassing to be on this side of the table for this discussion. I don't like this at all.

President Tuley: I am going to say this having been in that

business and having been the Treasurer and Suzanne can address this. If there is not a bill introduced every year to change the tax sale laws, or I would say a minimum of every of two years, I'm not sitting here, but with every new change there is a new problem. They go in and change the law to correct one problem and then we get a different problem.

Carolyn Reed: Is that retroactive to these properties?

President Tuley: It is by virtue of the fact that we did not go by the interpretation of the law which was not a change in the law as I have been correctly corrected on tonight, but by virtue of the fact that law was in effect at that time and we didn't comply with the law.

Keith Rounder: That '93 opinion caught everybody by surprise. Quite frankly, we didn't even know we had a problem until one of the title attorneys in town said, I can't write title insurance on these. That started the whole ball rolling and then it went from one county to another and then the whole state found out they had a big problem. Really, that Appellate opinion is what caused this problem.

Commissioner Mourdock: Does that offer any glint of a solution, and I don't expect this would happen, but if Habitat had a title insurance company that would write title insurance for those properties?

Keith Rounder: Absolutely. If they will write title insurance over it, then I think that is a problem that Habitat would have to work out with a title insurance company, but that could certainly be done. They could write an exception to the policy.

Commissioner Mourdock: So, there may be an option?

Carolyn Reed: So, if we take these properties and can get title insurance on any of them, then those you would be willing to take deed to and convey to us, is that what you are saying?

Keith Rounder: Well--

Carolyn Reed: Does it still have to go through the three years?

Keith Rounder: It is going to have to go through the three years for you to get a clean title that you can have confidence and build on. If you can find a title insurance company which will write title insurance with an exception in the policy, then I'm not sure that we couldn't expedite things or we could talk about it. That would be the only way that you will be able to have any confidence.

Carolyn Reed: We will pursue that, but they will still be on this list so somebody else could still buy them.

President Tuley: Yeah, and this is a darned if you do and darned if you don't. If no one calls attention to them nobody would probably want them, but now we've got attention drawn to them.

Carolyn Reed: Some of them are adjacent to properties that we have purchased with the idea that we were getting these. We need two pieces of property which is what complicates the acquisition of enough land in the intercity. They are all 25 foot or so lots and we use 50 foot lots so we have to combine two. It is not likely that somebody would come in and buy a 25 foot lot if they can't do anything with it.

President Tuley: The only concern that I have is because interest rates have been down and there have been a whole lot of people come in from all over to the various county sales around this state and buy up properties. That would be the only real fear.

Carolyn Reed: Frankly, we have created a market in these neighborhoods now. They are much nicer neighborhoods to live in and we see people fixing up some of their homes that are existing there now and some landlords that are fixing their places and plan to keep them now because they think they will be able to get the money out of them in rent. We've created our own problem, I guess, in a way.

Commissioner Mourdock: A victim of your own success.

Carolyn Reed: Well, thank you and we will work through this as best we can.

President Tuley: Thanks.

**Permission to advertise to provide cash management services - Treasurer**

President Tuley: Okay, item 4D is the Treasurer's Office permission to advertise to provide cash management services. In your packet is a legal notice to proposers from qualified financial institutions to provide cash management services to Vanderburgh County. The Treasurer is asking permission to advertise these in the Courier and Press on August 23 and 30.

Commissioner Borries: I move that the legal notice be approved and advertised.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**Any group or individual wishing to address the Commission**

President Tuley: Item 4E is any group or individual wishing to address the Commission who does not find their topic for discussion. I see hands going up all over the place. I'm not sure who was here first, you gentlemen in the front row might as well come forward, I guess.

Leroy Walther: Leroy Walther of 8417 Old State Road. I am representing the Old State Road sewer extension. There are five residents and our project engineer on this. We, the property owners, would like to know the county's resolution status on the procedure for extending the sewer line on Old State Road so that we can proceed with our project engineer and so we know what our requirements are so that we can proceed with the Barrett Law funding for County Municipalities Chapter 36.

President Tuley: Okay, where we are, Keith and I happened to have a conversation Friday...?

Keith Rounder: I think it was Friday concerning that. Alan Kissinger, of course, is on vacation, but he has provided me, just late last week, with a letter setting out what needs to be done on this. I have agreed to look into it and to come up with a packet, if you will, of information of what needs to be done in order to obtain these sewer extensions. I think that I should be able to start on that the first of next week. This week I am, quite

frankly, covered up with some depositions and I just can't get to it, but I can start next week.

President Tuley: Keith, in our conversation, and I want to make sure that I didn't speak on behalf of this Board, but what I related to Keith from prior conversations is that I am not, and I don't think this Board is either, expecting the county to provide all that legal work, but basically to put together a packet that says this is the steps from day one. You need to get the petition going and you need X percent and what have you. It didn't sound like something, once you have the time to get into it, that will take a lengthy period of time to come up with that basic packet so that anyone who walks in and says they are interested in doing the Barrett Law can be handed a packet. Everybody gets the same packet and it just basically spells out that step one, you do this, step two, you do this. It is not meant to be legal guidance. It is not going to be a packet that is going to be this thick that tells everybody every single step along the way what you have to do, but general guidelines that tell you in order to get the process started at a minimum you need to do these things.

Keith Rounder: That is my understanding. My understanding is that it is not going to be a set of forms or anything like that. Correct me if I'm wrong. I will do whatever the Commissioners want me to do, but I understand that it is just supposed to be a set of instructions essentially with references to statutes.

President Tuley: That is what I told you and I am asking the other two Commissioners if that is what their thoughts or memory of the discussion?

Commissioner Mourdock: Yeah, that is exactly my recollection. I was checking my notes here to come up with a date, but that is precisely the way I recall it because we have had several discussions about this in the past. The last one, I think the best adjective to use is it was a rather heated discussion because it seemed we had a group of people and not necessarily the same people each week or every month, but a common thread of people coming up and saying what do we do now? That was our direction to Mr. Kissinger that he provide some guidance simply as a packet of information. Again, without doing the individual title work and all that is required, but so that when people come in and that ask what is the status and how can we get sewers, that we, as a county body, can give them that guidance.

Leroy Walther: On that when I was here probably a month ago, I was under the impression that the county attorney would start on it as soon as his court appearance was over and I believe that has been over for a week or so.

President Tuley: His court appearance has and then there is a little thing called vacation that he took for two weeks. He is not back in town until, I guess, today maybe. I'm not even sure, but maybe tomorrow.

Leroy Walther: I understood that Keith was the one that was going to do the project. We cannot go anywhere because we don't know what your procedure is and if we get an attorney they wouldn't know so it would be a waste of time to get an attorney.

Keith Rounder: Let me correct you there. I'm an attorney, too, and if you got an attorney he could go and look at the statute just like I will. My understanding is that this is a service that the county is going to be providing to these residents. They are free

to go ahead and retain an attorney right now and do the same thing.

President Tuley: Yeah. I think, basically, what we are looking for is...I mean, we've got people coming in and if they can, without having to hire an attorney, see in general terms what they need to do. They may look at that and say, whoops, this is more than I thought it was going to be. That is what we were trying to avoid. However, as Keith correctly pointed out, anybody is free to go hire an attorney or whatever they need to do and, like he said, they are going to do just like he is going to do. He doesn't know this off the top of his head, he is going to have to research it.

Leroy Walther: Here is a list of the residents, their tax code numbers and the addresses.

Commissioner Mourdock: I did just find my notes while Pat is looking at that. That meeting was on June 6th and Alan Kissinger, under the new Barrett Law, said that the old provision requiring bids within five percent of the engineering estimate has been eliminated and he proposed that one, the assistant county attorney work on this on an hourly basis and two, the property owners hire private legal counsel. The Commissioners directed Alan Kissinger to report back next week on how we can implement a Barrett Law program in utilizing the county attorneys. I'll skip to next week here. Mr. Walther was here on July 1st and he mentioned that 27 residents of whom six are no, nineteen are yes and two are undecided.

Leroy Walther: Right now we have sixty percent that are interested in the sewer.

Commissioner Mourdock: Sixty percent?

Leroy Walther: Yeah. As I stated before, we have been bypassed on the east and west side of the road.

President Tuley: We will keep working on our end. If memory serves me right, I think that the figures that I've heard are something like 75 to 80 percent so, I guess, you will need to keep plugging, too. It is going to be hard for you to plug along if you can't give those people answers on what is going to be involved.

Leroy Walther: Right, that's right.

President Tuley: Keith, is it reasonable to expect or anticipate that maybe two weeks from tonight you can possibly have a draft form, I mean?

Keith Rounder: I don't think that will be a problem. This is a new area that I am getting into, too. That is why I wanted to be sure and emphasize that I have got a full week this week and I will not have any time, but the first of next week I can start on it. I don't see, given what you are asking me to do, why it can't be ready the next week.

President Tuley: That will be the 19th and if you are not here, which I assume more than likely unless something happens to Alan, you won't be here, but you will have Alan advised and be prepared to if not present it to us then at least present us an update as to how far you have gotten and when we can reasonably expect it would be here.

Leroy Walther: What is the date on that?

President Tuley: August 19th.

Leroy Walther: August 19th?

President Tuley: That is two weeks from tonight.

Leroy Walther: I have a question on Public Law 98-19-93 Section 7. Doesn't that state that if you have 15 residents or 51 percent that it can use the Barrett Law?

President Tuley: You probably know more than I do, to be honest with you about it. If that is what it says, I don't imagine...

Leroy Walther: Can you answer that Keith?

Keith Rounder: Why don't you give me the Public Law number again.

Leroy Walther: It's 98-19-93, Section 7.

Keith Rounder: It's 98-19-93, I'll have to look at it. I don't know off the top of my head.

President Tuley: What I was saying, too, is from memory. If I am saying 75 and the law says 51 then we'll go with 51 if that is what the law says.

Leroy Walther: Okay.

Commissioner Borries: Be sure and call the office. We are targeting August 19th, but if there would be any change and in order for you to avoid a trip down why don't you call the office.

Leroy Walther: Okay, thank you for your time.

Commissioner Borries: Okay.

Eric Schwenker: I am Eric Schwenker with the unofficial and informal Oak Hill Road Sewer Association. My question, of course, is the same as the gentlemen who preceded me. We are very much interested in obtaining the information. Once again, I hear the statements being made that any of these associations can formalize, get an attorney and then he can guide you through the maze. What we are trying to do and asking you good folks to do is to come up with the information for us that will enable us to avoid the formal step of an association and the several thousands of dollars that has been estimated that the attorney's fees would be. I don't know whether such an information packet can be put together that would permit a group of folks to accomplish such a mission as a sewer installation or not. Hopefully, it can be.

Commissioner Mourdock: Mr. Schwenker, I think I hear two things here and, again, Keith can respond to this. Number one, is it necessary to have a formal association? I think the answer to that is probably no, but the other point is will it be incumbent upon the private property owners at some point to verify good title and all that type of work which will take an attorney? That will take some abstracting and that is what we are saying undoubtedly will still be on the part of the property owners to do. You are going to have to prove that you own that property if it is going to be part of that association.

Eric Schwenker: Oh, yes.

Commissioner Borries: There has to be...well, it's like a field

membership, an area described, an area contained where those sewers will be extended because I think we have talked before and it really comes down to some hard numbers with the Utility Department. Since the county doesn't have it and yet in this day and age we are seeing more and more and, again, I've said this all along that it is probably the most important. Public Works is certainly unglamorous, but it's certainly important that the county can assist in is the extension of sewers. Your area has to be defined.

Eric Schwenker: Oh, yeah. In our case we can do that beautifully.

Commissioner Borries: Yeah. As to whether or not you can do it without an attorney, I am not going to say. We are going to try to provide as much assistance as we can, but I'll tell you it is not an easy process. You've sat hear very patiently and heard Ms. Reed's problems. We take this business of property and how you get where you need to be very seriously so it is pretty tough to come up with all the documentation. Whether you use an attorney or not, hopefully, we can assist and speed up that process.

Eric Schwenker: Alright, we thank you very much. I will also be contacting Ms. Mayo as to the status of the publication of the information for the 19th.

President Tuley: Okay.

Eric Schwenker: Thank you, gentlemen.

President Tuley: Thank you, Mr. Schwenker.

Eric Schwenker: Thank you very much.

Commissioner Borries: Thank you, Mr. Schwenker.

President Tuley: Andy.

Andy Easley: Is there anything in the Kimball Drive/Old State Road file that would be of any guidance to these people?

Commissioner Mourdock: Is that the oft mentioned Caranza Road?

Commissioner Borries: Yeah.

President Tuley: Yeah.

Commissioner Borries: Maybe and maybe not because the law changed.

Andy Easley: The law changed?

Commissioner Borries: That is why we are going through this process first because we had some points made at the point through the Surveyor's Office that the law had changed and you couldn't use the Barrett Law anymore. Alan had to research to find out that the law had changed; there is a new cite and a new statute. To say it is all going to be applicable, I don't know.

Andy Easley: I think that at that time I followed that a little bit because it was the first time that the county had ever been requested to do a Barrett Law and it was--

Commissioner Borries: Complicated?

Andy Easley: --complicated and I advised Mr. Walther that it was complicated, but it was available and if all other financing failed

they should consider if it could be used or not. They still have to make the decision, but I would think that some of the initial work of getting petitions and sending notices would still be applicable.

President Tuley: You might very well be right.

Commissioner Borries: There are some cites that Alan has found and apparently the law either...well, like a lot of them. They changed it or did something, but that one either expired or something changed. Anyway, Alan found the new cite. How much of the Caranza or the Kimball Drive area is applicable? Maybe a lot of it could be.

Andy Easley: Thirty years ago in the City of Evansville, when I was Chief Assistant City Engineer, every 90 days somebody would come in with a Barrett Law petition and the Board of Works processed them and worked to get them in order, bid them, have the public hearings and they were rather routine. I would think that if you get the procedure down pat there is a lot of areas that need this assistance.

Commissioner Borries: No question.

Andy Easley: It would be very much appreciated if it could be implemented in a rather routine manner.

Commissioner Borries: Yep.

President Tuley: Okay, anybody else under item 4E, which is any group or individual who does not find...

Edward G. Moser: I signed. I signed in. Edward G. Moser, President of the Coterie Club of Evansville. I'm here about the Auditorium and the Gold Room. Has anybody made any decision or have you gentlemen made a decision on the wood floor for the ballroom?

President Tuley: We are laughing only because we have, if you have been following the papers, still been trying to get the contract signed.

Edward G. Moser: This is the third trip and I'll keep knocking on your door one way or the other. I don't mind the wait and I remember that two weeks ago at this same group's meeting there was a discussion about who was going to be in charge, but that is alright because that has to be worked out by you all. I did have a phone conversation with Mr. Shoulders and he reported that the subject of the wood floor is under consideration so that is encouraging. That is all I wanted to say. I wish you guys good luck!

Commissioner Mourdock: Thank you, this group needs that.

Commissioner Borries: Keep reminding us because we do need the luck.

Edward G. Moser: I assumed the office and this is my second term as President of the Coterie Club and this is something that I can do for the club. I don't mind the time. I know that you've got other things to do.

President Tuley: We'll leave you on a positive note. You may not be written in yet with a wooden floor, but you sure as heck are not

written out.

Edward G. Moser: Well, that is good. I'm having a Board meeting this coming Wednesday so I will report that.

President Tuley: If we get the, I don't want to call this a little detail, but if we get the big details in terms of the Architect and the basic plan, then we can start nailing down the...

Edward G. Moser: I hope that all comes to a fast...

Commissioner Borries: What was your feeling again...tell me again about a portable floor?

President Tuley: He didn't like it.

Edward G. Moser: There are places that I can recite. The facility over in Effingham, Illinois, the Keller Convention Center, they have a portable wood floor and you can get a heel or toe caught in the joints. That is why I think that it isn't advisable for you gentlemen to consider a portable floor. I would have to be convinced that it would be a good one. We use the Gold Room, as you know, several times a year and there are other facilities, not facilities, but other dance halls, but if you are going to do it I would say that the permanent floor would be the best thing from a maintenance point of view and from the dancing pleasure and just for what ever other use you would care to make out of it. Thank you very much for your time. I appreciate this and I will be knocking on your door again.

President Tuley: Thank you.

Commissioner Borries: Good, good.

Commissioner Mourdock: That's fine. Your comments to Mike Shoulders are a step in the right direction because Mike has some consultants who are helping him to direct what the facility should be and perhaps if he will give you their name, if he did not do that already, that would be worth pursuing, too, to talk to that consultant.

Edward G. Moser: We are in touch with a lot of different people. Dancing USA Publications would be very pleased to furnish us with any help in the construction of this (inaudible comments made away from the microphone). You will make a lot of people happy and not only our club.

President Tuley: It would make it worthwhile.

Commissioner Mourdock: Thank you. Keep wishing us luck. We have as much excess luck as we have excess money!

President Tuley: If bad luck were money we would have a ton, wouldn't we? Does that take care of 4E? Are there any other groups? Okay.

Phil Hoy: Are you going to discuss the Soil and Water Conservation request under CCD items?

Commissioner Borries: Yeah.

Old business
--------------

President Tuley: Yes, okay. Department head reports. Do you guys want to go ahead and do that? Deviate since we've got at least two people here. John, why don't you...if you don't mind. Why don't we deviate, if that is okay with the Commissioners, let's just go on down to old business.

Commissioner Borries: We have some important people here so we can move this thing around.

President Tuley: We'll go ahead and do this part and then you won't have to sit through the rest of these boring engineering and garage reports and what have you. Did you want to address the Soil and Water Conservation request, Councilman Hoy? Or, as your friends call you, Phil.

Phil Hoy: My name is Phil Hoy, and I am an associate member of the Soil and Water Conservation District. I understand that this is on the CCD schedule.

President Tuley: There has been a request submitted.

Phil Hoy: Okay, good. What I have to say is real short and simple. We feel that we need the vehicle. Right now the person is using his own vehicle or whatever he can get a hold of and he is driving between 14,000 and 15,000 miles a year. A lot of times he is in areas where you need this kind of vehicle because it is a new development and the roads aren't built yet and all of that. I think with some of the new procedures coming in, which I know that you are all aware of, he is going to be out even more. That's my appeal. I think it is a good expenditure and I would encourage you to send it on to our desks.

President Tuley: You are going to get my support and if for no other reason then the last time that I needed to get with Mike he invited me out and he also invited Gail Rieken, from the city, and he wanted to take us out and show us on an ordinance that we are working on. Once we got there we had to take my vehicle. She has a little Camero that couldn't go some of the places that we wanted to go and he didn't have a vehicle. The two vehicles that he normally uses were both broke down and they are hand-me-downs to begin with.

Phil Hoy: It really does, as you just said, tie into an even larger and very important issue of how development goes and drainage and all that stuff.

President Tuley: Sure, we will be using a lot more of them in the future than what we have in the past.

Phil Hoy: Okay, thank you.

Commissioner Mourdock: Before you go, Councilman Hoy, is it the 13th that we are scheduled, that you hear our requests, is that right?

Cindy Mayo: The 14th.

Commissioner Mourdock: Okay. I just wanted to make sure I had the date right.

President Tuley: It will be the second day that we will be there.

They get warmed up on the group ahead of us.

Commissioner Borries: Basically, we can talk a little about this. My ideas would be on this CCD is that last week we discussed a bit of this. We heard from County Auditor, Suzanne Crouch, about what to expect insofar as the revenue coming in for '97, perhaps a million there. We have about one point one million, maybe one point two, that is currently available. We have taken, as you know, a conservative approach on this and we have not spent all of it and we have tried to designate it for those requests and those projects that certainly are meaningful. The major area in which we looked at from Burdette Park's standpoint was one line item in there of two million that was listed or looked at from a building standpoint, a multipurpose facility. I believe that we need that, but in order to look at a goal of approximately one million and a half to leave some five to six hundred thousand in there for contingencies and emergencies. I believe that we can fully fund the time accrual project through the Auditor's Office. I think that this community is certainly mindful of the outstanding work that the Sheriff's Department did in the tragedies from last week. I would want to fully fund the computer request, the vehicle request and the equipment request that the Sheriff's Department wanted to the amount of four hundred and seventy thousand. I would want to fund, until hell freezes over and I might fight that and continue it on the ice--

Phil Hoy: I have some ice skates for you.

Commissioner Borries: --the Superintendent of Buildings requests... with ice skates...for the buildings and the requests from the Old Courthouse and the Soldiers and Sailors Coliseum. Insofar as Burdette Park though, you know, we talk about this multipurpose facility and I don't believe that Burdette Park is whole. To truly enhance the quality of the resident's recreational needs around our county, but if we don't make a start on it...Casino Aztar contributed \$100,000 to the study or design of this facility and I would propose that we would cut that two million down to five hundred thousand and at least start, in a symbolic way, to say that we can begin to look at other funds in the future, perhaps a year or two away, that ought to be considered. So we would put that five hundred thousand and designate it for that. If you subtract one million and a half from that two million dollar request, add the twenty-five thousand dollars request for the vehicle from the Soil and Water Conservation and also the Union Township Assessor's computer and software request for thirty-five hundred dollars, then we could get in the neighborhood of one million five. I think it is \$1,549,000. That is well below the amount that would be available and anticipated. It will allow the Council, as well as this Board, to plan for emergencies, but it does propose that symbolic start on that multipurpose facility. School budgets for summer school have been cut. Probably as recent as three or four years ago there were about six thousand children that used to enjoy summer school enrichment programs and those funds have all been cut. We are down to I-Step bare necessities. With the Science Camp there is literally a waiting list out at Burdette Park for summer camp. This is not day care, these kids get very sound instruction. USI is just busting at the seams and there have been some inquiries that perhaps if there was multipurpose facility out there in the winter they could use it for winter volleyball, winter basketball, or there could be a whole set of recreation needs there. Of course, that always trendy tradition of the roller skating that always went on there. I believe that we ought to start at least setting aside and planning for building that facility. If this Board can accept those ideas, then I think that

is one way in which we meet the goal of staying around one point five, one point six million, and leave enough for contingencies and emergencies.

President Tuley: Bill, on that Soil and Water Conservation...I didn't know where to start, okay? I kind of threw at the other Commissioners something like \$25,000. In the last couple of years, you received a new Bronco or Blazer-type vehicle. Is that reasonable to anticipate that could buy one of those on the state list?

Bill Morpew: Yes, the county purchased this Bronco for \$23,700. They could get a smaller Bronco, Jeep or something like that in the neighborhood of \$20,000. I don't know right now if you can get one at this time of year.

President Tuley: Kemper Lease had contacted me and said, yeah, if it was just Mike, and everybody here probably knows Mike because he has been here enough times, we could get by with one of those smaller vehicles, but at the same time he apparently does take out quite a few people with him on some of these.

Phil Hoy: They do, yeah.

President Tuley: It may get a little tight if we try to limit it to a smaller size.

Phil Hoy: Looking at the mileage, I think we mentioned that, but I think we are look at something that we are going to be able to use a long, long time, you know, rather than be back every two or three years for another vehicle.

President Tuley: They provide a good service to the county. They quietly go about their business. A lot of people don't realize what they do for us.

Phil Hoy: They really don't and they do good work. I appreciate the time and consideration. I look forward to the proposals, it's kind of exciting, to me anyway, and I hope it is to the rest of Council. You all know that I support the Old Courthouse request.

Commissioner Borries: Off the top of your head, does that look reasonable?

Phil Hoy: I spoke a couple weeks ago. My opinion is real simple on that and that is if we are going to make that Old Courthouse work, then the central air would be helpful because you can keep tenants longer and it becomes more attractive. It goes back to what we did on the third floor which is filled with a variety and a good mix, I think, of tenants.

Commissioner Borries: Do the other items seem to hit you okay?

Phil Hoy: Yes, they sure do.

Commissioner Mourdock: Do you...

Commissioner Borries: Maybe that was the wrong term. Not hit you, but you know, see your approval in terms of...

Phil Hoy: Yeah, I did not take it in terms of hitting, Rick.

President Tuley: I think it is important that the \$500,000 set aside for Burdette would be added or at least set aside in a cash

card where it would not actually be spent. It would be sitting there to show that there is some desire to do that.

Phil Hoy: I support that.

President Tuley: Basically, you take that and you are actually advocating spending in the year of '97 just a little over one million dollars.

Commissioner Mourdock: On the general subject of what I was writing down, Rick, as you were speaking of it, I guess, the two things that come to me is one, the \$311,500 for the buildings that are part of the Old Courthouse request and part of the Coliseum request and Burdette Park's \$500,000 that you are allocating. I guess I see those two similar in a sense in that both of those, I think, need to be a part of a real well defined long term plan. I am not against either of those. I'll vote for both of them, but particularly regarding the \$500,000 now for Burdette, if you were to ask me tonight to vote for this building at Burdette my vote would be no. If you're putting this in the context of putting us in the position where we are building that cash account so that if at some future date based on a good plan as far as what that building will provide, then that would come before this Commission and, of course, obviously, through the Council and we've got the funding to do that on a cash basis, then I don't have a problem with that. I think it could be good planning. I am not ready to commit those funds specifically to a building when I am not fully sure as to how that building would be utilized. I guess the point of that discussion, going back to the Old Courthouse of a couple of weeks ago, the thing that I really want to see the Old Courthouse become is going to take a real solid plan and, again, to use Faye's quote of a few weeks ago, we have a building that doesn't know yet what it wants to be when it grows up. We are moving one way towards having some not-for-profit groups in there which are fine in their own right and we are moving another way where we are saying that we are going to have this nice office building down there and those two things do not seem to be compatible. If you review the comments that were made by the people here that night you heard that from two different sides. So, the air conditioning for the third floor, again, am I getting emotional about that, no, I am not. I think in all accounts of spending we need to have a good plan and that is just two illustrations of it.

President Tuley: I'll speak from my point of view. I don't think, and Commissioner Borries, as we all know, can speak can quite well for himself, but I don't think the intent tonight is to say that, yes, we are going to build this building, but I think it is to set the groundwork in place. Basically, the county has, and I've had several meetings in the last couple of weeks with some of the Council members, got to decide where we are going with that park. We are either going to fund it and support it and understand that it is never going to be moneymaker, but at least this lays the seed and down the road if the decision by all the people involved is that we are not going to do that, then we didn't hurt anything at all and I think we are wise to put the money up front.

Commissioner Mourdock: Just working through the numbers as we went through them, and I won't repeat them all again, but effectively with the items that you mentioned, Rick, funding each of those at the level requested originally the balance would remain from the project two point two million setting aside \$600,000 for a rainy day fund; setting aside \$144,000 for time accrual; \$470,000 for the Sheriff; \$311,500 for the buildings; \$500,000 to start the account for Burdette Park; \$3,500 for the Union Township Assessor's request

and \$25,000 for the ASCS request and that leaves \$146,000. Did I skip one?

President Tuley: I don't know if you skipped one or if Commissioner Borries skipped one. I think in Burdette's, no one has mentioned the \$95,000 over and above that building that was in there for paving the parking lots and what have you.

Commissioner Borries: The big ticket item is the building. I'm all for planning. I would think that, Richard, we could provide some studies. I would fully agree that planning is necessary and that has been done and have called for a building to at least replace what we had. That old rink at least provided some winter facilities and some change of season facilities. It really enhanced the usage of the park and probably provided a lot good wholesome recreation for children. That is where we are headed with this. Haralson and Associates have looked at the water park angle, but I think park planning is something that we can certainly provide some documentation and perhaps some updating, but to get started on it and move forward on this and start the planning, I think, is important.

Phil Hoy: To add to that, Commissioner Borries, we rent places for fund-raising events and we are now renting a year in advance because they are in demand. I think this will be, too. I also appreciate the fact that you have set some rainy day money aside. I think that is very wise because a few years ago when we needed a roof on the county garage we had to go scrounging around to get the money. We do need to maintain our buildings, so I like that idea.

President Tuley: I think that any recommendations for this Board with regard to available monies is going to show that the intent is not to spend everything just because we happen to get it.

Phil Hoy: Thank you.

Commissioner Mourdock: The last question regarding what we are doing with Burdette Park. Is the \$100,000 that was received from Aztar already in an account and are we basically just using that same line item and would be adding that \$500,000 to it?

President Tuley: How you account for it, from my point of view, if you want to put it in that account that is fine. What I would hate to see though is that we set it aside and suddenly we need \$25,000 and so we say, oh, well, let's go rob this account.

Commissioner Mourdock: Right, I do not want that either. To use your words of a few minutes ago, if that is what it is there for when it comes time, then that is what it is there for.

President Tuley: If the decision is made that it is not going to be, then it goes wherever the decisions are made, I guess.

Commissioner Mourdock: I think that Faye had something that she wanted to add.

Faye Gibson: I'm Faye Gibson, Director of the Old Courthouse. First of all, I would like to thank the Commissioners publicly for your consideration and support of our request and to emphasize that we would love to have input from the County Commissioners, from county government and from the community at large as to what the building should be when it grows up, okay? We have struggled over the years, but it is still here because of our struggle. It is in better condition right now than it was when the county left the

building, quite frankly, almost thirty years ago. We feel real proud in what we've done, but that doesn't mean that we have all the answers. We have become an office building out of necessity because that is what is working downtown right now. Retail isn't working downtown. We've become a little financial district downtown so we have become an office building because it is a way to help with our self-sufficiency. We hope to raise around \$90,000 this year from tenants in the building, but that is not to say that there is even a consensus on our own Board of Directors that it's the best use for the building. Some people would love to see it as a museum, or a cultural art center, or whatever, but all those things and I think the point I would like to make is that I am glad that the building is part of the community plan again. If we can benefit the community we would love to do that. We are very open to suggestions. We do have two county offices in the building now on the third floor and, as Phil alluded to earlier, it is a great mix on the third floor. We've got two county offices that take up about half of the square footage on the third floor, but we've also the Arts Council, a not-for-profit and Aids Resource, not-for-profit. I will say that the county gets exactly the same reasonable rate of rent on the third floor as the not-for-profits do. We are fair to all tenants. Yes, if the building became totally renovated overnight and we had to charge \$15.00 per square foot to recoup the investment we put into the building, then every tenant that we have right now would leave. There is no tenant in our building that could afford that, period, be it a profit or not-for-profit group. So, yes, the groups that we do have in the building are there because of our reasonable rental rates. The real change that has happened over the last three or four years is that it used to be as we dealt with fledgling groups that came into the building one of two things happened in a year. Either after a year they had gone out of business, they were that fledgling, or they grew up and left us to go to real office space. That is not happening any longer. Right now we've got tenants who are expanding and staying in the building because of the improvements that have been made and the pride that is being taken again in the building not because it is an office building, not because it's the Hyatt as I like to tell people, don't expect this because this is the Hyatt, but the people that can appreciate the architectural style, the renovations that we have made and we've made in the last...well, since the copula in 1990 we have put in almost half a million dollars through our own devices over and beyond what it takes to maintain the building annually. There have been quite a bit of renovations and people are seeing the pride in that again and as their businesses succeed they stay in there because they love to have clients come and see their office in the Old Courthouse. Enough said about that. If, indeed, we could meet with the Commissioners or with County Council and discuss the best way the building can benefit our community we would love to that. One final thought, as you know, I have been here for several weeks in a row now listening to several pleas for funding from either Aztar money or the CCD Funds. I guess, just as someone seeking money from the county, and also as a private citizen, what I would like to see are maybe some, and we're talking about more guidelines here, but guidelines that would define priorities, if you will. If it is historic buildings, fine, that is a priority. Or, if it is a welfare to work program, fine. Maybe that would help us who come and ask for money to know whether or not we fit within the parameters in the first place. To know if we can be a priority this year and if it has to be a priority in two or three years, fine, we can do that, too. Maybe it would help everybody in this process if this Commission or County Council, it would probably start here, but to define the parameters of how you want all that new money spent. I realize that CCD is not real new, but it is

relatively new still, and the Aztar funding maybe to help set priorities of what our community/county is willing to fund.

President Tuley: Okay.

Faye Gibson: Thank you.

Commissioner Mourdock: I'm delighted to hear that you think the building is part of the community plan again. Maybe there was some merit to all that debate of a couple of weeks ago.

President Tuley: Any other comments?

Commissioner Borries: I would move Mr. President, I guess, the items that we've discussed if you wish me to list them, the Auditor's request for \$144,000.00; Sheriff's request \$470,000.00; Superintendent of Buildings' request of \$311,500; Burdette Park in the line item of improvements \$40,000.00, buildings \$500,000.00, park and playground \$35,000.00, motor vehicles \$20,000.00; Union Township Assessor's computer and software of \$3,500.00 be approved and recommended to Council. Oh, I'm sorry. Soil and Water Conservation in the amount of \$25,000.00. If my totals are right it would be somewhere near \$1,549,000.00.

Commissioner Mourdock: Again, just to clarify the building item of Burdette Park is \$500,000.00 dedicated to a fund until a building is fully approved and is fully funded out of cash?

Commissioner Borries: Correct.

Commissioner Mourdock: Okay, with that stipulation, I will second.

President Tuley: I will so order. I will repeat my message that I gave a couple of weeks ago. This is only the beginning of the process. It still has to go to Council for final approval so any of you that are on this list get your troops together, so to speak.

Faye Gibson: When does it go to Council?

President Tuley: Our presentation to the--

Commissioner Mourdock: The 14th.

President Tuley: --is the 14th. I am going to say that it will be considered at that...it may not be the final, but that will be the preliminary budget hearing and there will be one the following week as well. I would say that the recommendation will go to them in the form of a written recommendation at the presentation. They will be well aware of it before we ever get there.

**John Stoll - County Engineer**

President Tuley: Okay, let's go back to department head reports. John.

John Stoll: On the basis of what I received today from the State Department of Labor it appears that the county has two appointments to the new Wage Scale Committee rather than one. It appears it is on the basis of the county being the owner of the project as well as the County Commissioners having an appointment on the basis of their legislative branch of the county government. I intended to have two Notice to Bidders signed off on this evening. One for the Burkhardt Road project and one for the concrete repair project, but

we were going to have the wage scale set next Monday. I am assuming that the committee won't be able to function with four members, they'll have to have five so I guess I'm asking for two things. One, the county needs to appoint another member to that committee and two, on the outside chance that the committee could function as a four member board if we could go ahead and sign off on the Notice to Bidders that way if it is possible to proceed we wouldn't lose another week on these two projects.

President Tuley: Keith, my question would be if we can't act on this until next week, which I think would be the scenario tonight because I just became aware of this right before this meeting started, that we have to wait until next week...well, we don't have to wait, but I assume that we will wait until next week? The second question is that since the law calls for a five member board, can they do something as a four member board between now and next week?

Keith Rounder: Not that I'm aware of.

President Tuley: Okay. That is kind of what I figured your answer would be. I thought I would ask for the record anyway.

John Stoll: I didn't get to ask the people at the Department of Labor today whether or not they could function as a four member board. I don't expect it either, but if there was a chance so that we wouldn't lose another week on those two contracts that is why I was suggesting that we might be able to sign off on the Notice to Bidders.

President Tuley: Does it spell out how the wages are to be paid based on that committees recommendations?

John Stoll: Right.

President Tuley: So without the committee...I mean, even if we appoint them next Monday night, they won't convene in time to...

John Stoll: No, I'll have to ask for a rescheduled wage scale meeting. Right now it is scheduled for the 12th and I hope we can get it on their schedule for the 19th. Even if they would go ahead and act on the wage scales we would probably have to issue the wage scales as an addendum on those two contracts because they would be advertised the first time next Friday.

Commissioner Mourdock: That in itself is not a problem. That happens fairly frequently where a wage scale bid package will come out to the contractors and an addendum will come several weeks later with revised pricing for labor. Literally, it will say \$19.22 an hour for equipment operators, \$17.20 for general labor and that type of thing.

President Tuley: I guess what I am trying to get at then, does this prohibit us from signing this Notice to Bidders and approving the Notice to Bidders? I don't want to delay this thing another week.

Commissioner Mourdock: No. I don't think so.

John Stoll: If it turns out that the Wage Scale Committee cannot meet with four members, then I will get in touch with Charlene and we will just make sure that this isn't advertised this week and just hold it off until a new member is appointed.

Commissioner Mourdock: How much time do you expect to have between

the issuance of the bids and the actual bid date? Probably three weeks?

John Stoll: Right.

Commissioner Mourdock: So somewhere in that three weeks we have to leave enough time from the dates the bids go out to make sure that group gets appointed so that they can meet, convene and advise us and then we issue an addendum?

John Stoll: Right, and we still give the contractor time to adjust his bids accordingly.

Commissioner Mourdock: Okay.

President Tuley: I thought we were headed to a weeks delay and I don't want to do that.

Commissioner Mourdock: I'll move approval of the issuance of the Notice to Bidders for VC96-08-02, which is the concrete repair for various roads in Vanderburgh County.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: There are two of them, John?

John Stoll: Yes.

Commissioner Mourdock: I'll also move the issuance of Notice to Bidders for VC96-08-01, Burkhardt Road reconstruction from the Lloyd Expressway to Virginia Street.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The other item that I have this evening is a time extension request from Koester Contracting for St. Joseph Avenue paving and median removal. The contracts required some additional work due to some rutting that occurred where the median was removed. It appeared that there was some poor subgrade out there underneath where the curb was and that combined with the fact it rained and there was some utility work going on that routed some heavy traffic on newly laid asphalt we had quite of bit of rutting that had to be removed which in turn resulted in extra work. I would recommend that the time extension be granted. It would be for two weeks and that would take the contract completion date to last Friday and that is when the contract was completed.

Commissioner Borries: I'll move that the extension be approved.

President Tuley: I will second and so order.

Commissioner Mourdock: I will abstain. On that general subject, John, have you come to any recommendation on the question that came up regarding time extensions on...

John Stoll: Frontage Road? Not as of yet.

Commissioner Mourdock: Okay.

John Stoll: I hope that I can bring that up within the next couple

of weeks. There is a change order associated with that and we are going to resolve the exact number of days and the increase that the change order allows.

Commissioner Mourdock: Be consistent.

President Tuley: As long as we are talking about St. Joe, I know I had called you and asked you about getting some kind of estimate on Westwood Hills, I think is the name on it. You said Tom would be the one doing that and he was tied up out there on St. Joe so this will continue him being out there for a while yet?

John Stoll: No, it is finished now.

President Tuley: Just a reminder then because I've got some people calling.

John Stoll: Okay.

President Tuley: Anything else for John? John, do you have anything else for us?

John Stoll: No.

Commissioner Borries: Thank you, John.

President Tuley: I will ask you later about something. Glenwood, does that name ring a bell to you?

John Stoll: Out in Oakview?

President Tuley: Yeah, Oakview. Just remind me afterwards. I just want to ask you something.

John Stoll: Okay.

TAPE CHANGE

**Bill Morphey - County Garage**

President Tuley: Bill.

Commissioner Mourdock: Have you heard about the assistance you are going to be getting on weed eating?

President Tuley: You know we have a little, I don't want to call it a bet because he is not a gambling man with regard to United Way. We do need to clear that and I'm sure those Teamsters at the Highway would love to see Commissioner Mourdock on the business end, as he refers to it, of a weed eater for four hours when they lose this little competition.

Commissioner Mourdock: Ah, we shall see!

President Tuley: Basically, we don't want a grievance filed. This is all in fun to raise money. Could you kind of work with them?

Bill Morphey: Yes, sir, sure can. We have quite a few lots in the city that could use some attention!

Commissioner Mourdock: I've got not just one, but two, who are going to help you!

President Tuley: I guess, to clarify that, you really don't care if it was on the highway or in a backyard? As long as it is a county owned weed infested property, right?

Commissioner Mourdock: Just as long as the county gets a good full eight hours work out of it. You've got to tell the guys at the garage that. See, if I lose they only get four hours work, but if they lose you get eight hours work.

President Tuley: That would be the first time he would admit being a minority member is to his advantage!

Bill Morpew: They are going to ask the question so I guess I should ask it now. Can they be on hand to take pictures?

President Tuley: Someone asked me that and I said by all means. We are not going to do this on Saturday where we have to pay them overtime, we will do this during the week! Okay, Bill submitted his report and we've had fun now. Do you have any other comments or do any of the Commissioners have questions?

Commissioner Mourdock: Yes. I know that we have gotten several complaints and I think that perhaps Sunny has passed them on to you. We may have talked about this once before, I don't recall, but on Warrick County Line Road right off of Boonville-New Harmony?

Bill Morpew: Yes, we did.

Commissioner Mourdock: Okay, how are we doing there?

Bill Morpew: We are going to pave that. Actually, we are going to go in and patch it first. There are probably a half a dozen real bad areas and it is from, basically, the heavy truck traffic in that short vicinity there. We have to remove some soft soil and go back and stabilize the road. We are going to pave that section that is approximately 1500 feet.

Commissioner Mourdock: The date will be?

Bill Morpew: In the next ten days.

Commissioner Mourdock: Great.

Bill Morpew: We are currently on Inglefield Road now.

Commissioner Mourdock: Yes, I saw you twice when I went home for lunch today. That reminds me, too, one of the contractors and one of the people that I work with in our asphalt division wanted to know if the county would rent that nice new spreader that they had out there today. They were quite impressed with it.

Bill Morpew: It is a nice piece of equipment, yes.

Commissioner Mourdock: If you have a slow time, believe me, they would love to rent it!

President Tuley: Help with the name, Cindy. The lady on South Governor that was writing us about the trees?

Cindy Mayo: Ms. Bufkin,

President Tuley: She wrote us a real nice thank you letter. She wrote us several letters asking it to be taken care of and then once it was taken care of she sat down and wrote us another card

and thanked us for it. I don't know if you did that or had your crews do it or if that was contracted out, but thanks for getting that done.

Bill Morphey: We had a contractor cut the trees and we removed them.

President Tuley: Okay. I guess that's it.

Bill Morphey: That's all I have.

President Tuley: Unless you've got something?

Bill Morphey: No, sir. Thanks.

**Keith Rounder - Assistant County Attorney**

President Tuley: This says Alan Kissinger, but we will defer to Keith.

Keith Rounder: I only have one matter and that is a continuation from last week. That has to do with the reviewing and revising the contract to be entered into with Veazey Parrott & Shoulders. I have a draft here, but it needs some additional revisions with some information that I didn't have until tonight. I will revise it and submit it. I'll give it to Alan and let him do it next week.

President Tuley: They did manage to get paid Friday. I think now that Mike has that part taken care of we'll work to get this contract worded right and get everybody's signatures on it and get it locked in place.

Commissioner Mourdock: While it is not directly a part of that contract, in fact, I had it listed under old business, but I will mention it now. That still leaves the burden on us to define how we are going to monitor the project engineering wise. Whether we do that with someone we hire for that specific project which I think is where we were headed, again, to use the word "heated discussions" of several weeks ago. I see that as an acceptable middle ground between what I would much prefer which would be a contract manager and between not having anyone out there at all. We need to move towards that.

President Tuley: Compromise is a good word.

Commissioner Mourdock: This time it was a fitting word. You did well.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy.

Cindy Mayo: I was prepared to give you a recommendation tonight on the Co-op Extension room and then I spoke with Judge Young today and he has changed his plans for the room. My initial recommendation was going to be that Room 204 which is the large meeting room be given to Data Services and Room 202 be given to Circuit Court. There has not been any change in the courts and they have not asked for...well, they have asked for, but they have not received any additional space for quite some time. We had worked out the security concerns and I thought that the Law Library was going to move over, but Judge Young called today and said that

due to the cost of renovating what would be vacated by the Law Library he is not going to be able to do that. I guess the next step is that I am going to talk to the Prosecutor's Office. They did get some additional space at one time, but they do need more space. There are seven individual offices in the main room there. I don't believe that the County Assessor's Office would be the best office to move into that with there being...I don't know how many people she has in her office, probably nine, but I don't think that seven people on that staff need to have individual offices. I think it would be better served with the Prosecutor's Office where they do need privacy to speak to some of their clients and some of the people that come in. I have not been able to work things out since I spoke with Judge Young this afternoon and he changed his plan. If you wish to act on the meeting room and Room 204 as far as Data Services, I don't know if you wish to do that or if you want to do everything all at one time?

President Tuley: Question just for clarification. Did not the County Assessor just relinquish some space on the third floor here a while back?

Cindy Mayo: Yes.

President Tuley: Okay. What is the feeling of the Board?

Cindy Mayo: I will say that if Data Services gets this space on the second floor, I think that we should ask that they vacate the space on the third floor--

Commissioner Borries: I agree.

Cindy Mayo: --and that it be used for something else, I did mean to add that.

Clifford Thomas: I'm from Data Services, if I might speak?

President Tuley: Oh, you might.

Clifford Thomas: My name is Clifford Thomas, I am the Manager of Technical Services, and I work for Joe Profaizer. It is our understanding that if Room 204 or any other space adjacent to what is currently Computer Services was available that we would be willing to give up and certainly remove ourselves from Room 318 and relocate to that area. It would be to our benefit. The people working there are under my direction and we are finding that it is taking a little more of our time to track from one end of the building to the other for the things that we do even with the enhanced communications that we have. That is just a statement that we would like to make on that.

President Tuley: Let me make sure I understand what you said. If you are given Room 204 you would also make a request for any additional space that would free up adjacent to 204 and you would give up 318.

Clifford Thomas: No, we would not make a request for any additional space.

President Tuley: Just 204?

Clifford Thomas: Just 204. That square footage would certainly be equivalent to Room 318 and it would also serve us better in having our people together in one area.

President Tuley: Okay.

Clifford Thomas: Thank you.

Cindy Mayo: Mr. Borries and I were just discussing that the Prosecutor's Office does have a Check Deception Office on the second floor and one of the doors that they have there does adjoin and connect to the Co-op Extension Office. It has been kept locked and they have not had access to each other, but it is something and I don't know if they would want to move their Check Deception, but they would adjoin and would have, also, a place for them to get in from the office that they currently have. I'm sorry, Commissioner Mourdock, what did you need?

Commissioner Mourdock: I was just going to ask if we did not act on the 204 tonight do you think it likely that given the last minute change from the Circuit Court people that something else would come up or someone else would come up that would want the two together? Do you see them clearly as two separate items?

Cindy Mayo: Well, Data Services and the Prosecutor's Office both wanted both 204 and 202. This was just kind of a compromise that I had reached and had spoken with both of them. They certainly would be happy with...they would like to have both, but if they can get one that would alleviate some of their problems. It would make two offices happy rather than just one and maybe not have so many people mad at me. They have been very good to talk with our office and work with us on this.

Commissioner Mourdock: I'll move that we assign Room 204 to Data Services.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: I would request that we take under advisement the situation with 202 until we hear back...

Cindy Mayo: I did tell Judge Young that I did not know if we would go ahead and act on Room 202 tonight. They really do have some space problems over there and if he could, within the next couple of days, work something out where it would still be cost effective for them. The one problem that we had with the Probation Department moving over here was our concerns with security and certainly with their concerns with security and their people not having it in this building.

Commissioner Mourdock: Is there anyway that they would be interested in Room 318, once the Data Services people leave?

Cindy Mayo: I don't believe so.

Commissioner Mourdock: By the way, my motion of a moment ago was based on the understanding that Data Services was giving up 318 to get 204.

Cindy Mayo: That is all I have.

Consent items
---------------

President Tuley: Consent items which include employment changes, travel requests and the Auditor's Office time accrual report.

Commissioner Borries: I'll move that they be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings; a list is attached. Okay, tomorrow evening, the 6th, at 5:30 p.m. is the Joint City/County Budget Hearings. On the 7th, at 3:30 p.m., the County Council has their regular scheduled meeting for the month of August. Next Monday night there will not be an Executive Session because we do have a Solid Waste Board meeting. The Commissioners meeting is at 5:30 p.m. As you have all heard mention, starting on the 13th we get into the budget hearings for the county and we are scheduled, as you have heard, for the 14th.

#### Old business

President Tuley: Under old business we already covered CCD Funds. Is there any other old business by any of the Commissioners?

#### New business

President Tuley: Do you have anything under new business?

Commissioner Mourdock: Just one item and I guess this isn't so much new business, but just a business matter. Cindy, would you check with the folks at Burdette Park regarding their Advisory Board? Some months ago I made an appointment to that Board and he was advised of one meeting and as it happened he was out of town and since then he has never heard anything from them regarding any Advisory Board meetings.

President Tuley: Any other business?

Commissioner Borries: Mr. President, without a lot of fanfare I would like to say this and it will be very low-key. I believe that it might be important for this Board to authorize you or your designee to contact Steve Utley and perhaps start a review of security and look at security options for this particular building. It is unfortunate that it has been a sign of the times, I think, that we are continually reminded sometimes of the vulnerability of our employees and perhaps other citizens who use the facilities. I have no recommendations at this point and I do not at this point want to say much other than to authorize you to contact Mr. Utley regarding this matter.

Commissioner Mourdock: Is that in the form of a motion?

Commissioner Borries: Yes.

Commissioner Mourdock: I will second.

President Tuley: So ordered. Any other business before the Commissioners? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

Commissioners Meeting  
August 5, 1996

31

President Tuley: So ordered.

The meeting was adjourned at 7:32 p.m.

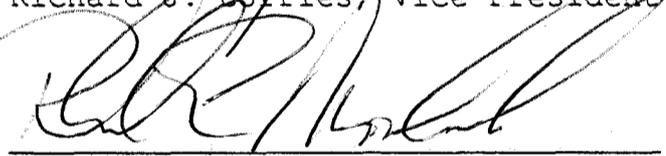
THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Keith Rounder  
Suzanne M. Crouch  
Cindy Mayo  
Charlene Timmons  
John Stoll  
Bill Morphew  
Carolyn Reed  
Edward G. Moser  
Leroy Walther  
Eric Schwenker  
Andy Easley  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
August 12, 1996**

**Table of Contents**

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
(No meeting held)	
Barbara Cunningham - Final reading Zoning Code amendment ....	2
(Chapter 153)	
Public hearing - ALS Services/Mercy Ambulance .....	3
John Buckman - Fire Chief, German Township	
David Shipley - Captain, Knight Township Fire Department	
Bob Doerr - Fire Chief, Perry Township	
Jess Roberts - Fire Chief, Scott Township	
John Meyer - Chairman, ALS Consortium	
Jerry Key - Mercy Ambulance	
Doug Wilcox - Fire Chief, City of Evansville	
County vehicle use form .....	10
Any group or individual wishing to address the Commission ...	12
John Stoll - County Engineer .....	12
Street plan approval - Browning Road Estates West, Section 3	
Council Call - Transfer from Green River Road to Road and Street Contractual Svcs	
Street acceptance - Willow Creek, Section B and C	
Letter - State emergency management regarding potential federal funding in regard to flood hazard mitigation	
Wage Scale Committee - Jerry Ramsey	
appointments: Jerry Paul	
Discussion - Regarding position of structural engineer for Auditorium project	
Bill Morpew - County Garage .....	19
Progress report - County Highway Department and Bridge Crew for August 2 through August 8, 1996	
Permission - Auditor's Office advertise for employment of a truck/heavy equipment mechanic	
Alan Kissinger - County Attorney .....	20
Burkhardt Road - Closing on Bond Anticipation Notes in late September	
Auditorium - Form of lease between Building Authority and County Commissioners to be presented next week	
Ozone ordinance - Questions from Richard Mourdock concerning status of ordinance	

Cindy Mayo - Superintendent of County Buildings .....	24
Room 202	- Recommend that it be given to the Prosecutor's Office for their support division
Auto auction	- Set for October. Memo to be sent to all offices
Consent items .....	25
Employment changes	
Travel requests	- Health Department (3)
Auditor's Office	- Approval of accounts payable vouchers
Auditor's Office	- Monthly financial report
Scheduled meetings .....	25
Old business .....	25
Budget discussion	- Welfare to Work funding and possible need for home rule ordinance
New business .....	29
Letter	- Old Courthouse Preservation Society thanking Commissioners for CCD funding recommendations
Leave of Absence	- Jeanne Jennings/Surveyor's Office
Letter	- To Richard Mourdock from State Board of Accounts concerning Distressed Road Loan Fund
Adjournment .....	30
Attendance and signature page .....	31

**Vanderburgh County  
Board of Commissioners Meeting  
August 12, 1996**

The Vanderburgh County Board of Commissioners met in session this 12th day of August, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:50 p.m.

**Introductions & Pledge of Allegiance**

President Tuley: Okay let's call to order the meeting of August 12, 1996. I'm sorry we are late getting started, but it wasn't our fault this time. There was a Solid Waste Meeting before this one this evening. As a point of introductions, to my far right is Cindy Mayo, our office manager and the Superintendent of County Buildings; to her immediate left is Alan Kissinger, County Attorney. Alan has been on vacation, welcome back. To my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's left is Suzanne Crouch, County Auditor; and to her left is Charlene Timmons, who is the Recording Secretary for this meeting. If you would, please stand and say the Pledge of Allegiance.

**Approval of minutes**

President Tuley: Okay, under the action items the first item for discussion is approval of the minutes from the Commissioners meeting for August 5th.

Commissioner Mourdock: I'll move approval of the August 5th minutes.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Item 4B is the certification of the Executive Session. We will just let the record show that we did not hold an Executive Session prior to this meeting. The second Monday is always set aside for Solid Waste Board Meetings.

Commissioner Mourdock: Since we didn't have that to officially certify and since the last meeting was rather clouded and contentious I thought I would lighten this up for just a second. The United Way campaign is on for all of you who have not yet contributed, but need to in your places of business. The county has determined that we will be a pacesetter. We have a little wager between the Commissioners here and if the Republicans raise more funds than the Democrats--

Commissioner Borries: Oh, boy, I hate to look at these!

Commissioner Mourdock: --the Democrats get to go out and do some weed whacking for a couple of hours. Do you think either one of those guys have ever been behind the business end of a weed whacker?

Commissioner Mourdock: These will be going up around the Civic Center tomorrow.

President Tuley: Wait a minute, there is another poster under there!

Commissioner Borries: Yeah, where is yours?

Commissioner Mourdock: Yeah, there is another one here. The number is not indicating any past reference with the penal system.

Alan Kissinger: That's your side of it!

President Tuley: That's your story and you're sticking to it!

Commissioner Mourdock: I'm sticking to it.

Suzanne Crouch: I have a question from my office. How do you determine the Democrats from the Republicans?

Commissioner Mourdock: The officeholder. Yours is a Republican office.

President Tuley: Yeah, by officeholder.

Commissioner Mourdock: So, you tell your folks how good they look behind these two tools!

President Tuley: That was a good question.

Commissioner Mourdock: Yeah, it's the officeholder.

President Tuley: Changes in the law make all kinds of changes don't they? Thank you, I think!

Commissioner Mourdock: You're swinging that like it's a three iron.

President Tuley: Like you said, I have not been too much on the business end of one of those and if you watch me play golf I have not been too much on the business end of one of those either.

<b>Barbara Cunningham - Final reading (Zoning Code) Chapter 153</b>
---

President Tuley: Okay, item 4C, Barbara, I think you just wanted to address this real quickly, didn't you?

Barbara Cunningham: You bet. What we did is in your packet you have certification that certifies that the Comprehensive Plan of Evansville was approved at Area Plan on August 7th. You also have an ordinance amending the Planned Unit Development Section of Chapter 153. What this really does is there is a new state law that we have to make sure that our PUD Ordinance...that we either have a PUD Ordinance, Planned Unit Development Ordinance, or that it matches what state law dictates. Ours does. What we are recommending is that we simply adopt the text amendment which states that the provision of our existing zoning ordinance specifies the limitations on planned unit development and the standards, requirements and procedures governing the establishment and of such. This is just purely bookkeeping. We will be back with you later in the year, I hope, when we do a new subdivision ordinance and address the planned unit development ordinance. In essence, we are ahead of the game. We had what was needed and we asked this to be in compliance with state law. I would ask for motion for approval.

Commissioner Borries: So moved.

Commissioners Meeting  
August 12, 1996

3

Commissioner Mourdock: Second.

President Tuley: So ordered.

Barbara Cunningham: I have one other thing. Just a real brief, I read your minutes of the 22nd of July and it is the reason that I am here tonight instead of on regular zoning night. I do send a letter of certification. The letter goes to Alan, it goes to Suzanne and it goes to the three Commissioners. What it says is that it tells you the action of the Plan Commission. I think there is a little confusion as if you should advertise before hand. We don't want you to advertise before hand and I think that is what Alan was trying to say because we don't know what is coming out of it. As soon as you get the letter of certification you can advertise. Beverly is quoted as saying that we needed to come on the 12th and Beverly would never say that because she would be afraid that I would send her instead of me. That's it. We will send you the letter of certification.

Commissioner Borries: Barbara, on this was this a final reading?

Barbara Cunningham: Yes, that is a final reading on that.

Commissioner Borries: We had made a motion, but since it is a change in an ordinance I believe that we need to do a roll call vote on that.

President Tuley: Yes. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: And I vote yes.

Barbara Cunningham: One other quick thing, on the comprehensive plan. I've talked to Rick and I've talked to Mr. Mourdock, I didn't get a chance to talk to Mr. Tuley. We're planning on possibly taking the comprehensive plan to the City Council next week at 7:00 p.m. We could be on your regular business agenda and Cindy and I have talked about this if you want us to bring the comprehensive plan next week. It is just a resolution, Alan, so I didn't think that it was necessary to advertise, however, we have announced that if there is anybody who has shown an interest we certainly will tell them about the meeting.

President Tuley: I won't be here next week. I don't know if that makes any difference in you wanting to bring it before this Board or not, shouldn't.

Barbara Cunningham: It is up to you.

Commissioner Mourdock: That's fine with me.

Commissioner Borries: It's fine.

Barbara Cunningham: Okay, thank you very much.

**Public hearing - ALS Services/Mercy Ambulance**

President Tuley: Okay, item 4D, the public hearing on ALS

Services/Mercy Ambulance. Basically, we have been operating and working on negotiating a contract with Mercy for providing ambulance service for the county. The reason that we have asked most of you to be here is that we understand that Scott Township, under the provisions of the law, has elected to provide their own ambulance service for Scott Township. The discussion tonight is to get for public record, and what have you, the intent of anybody else, basically, so Mercy knows what they are going to be having to do in the future and we in the county are going to have to know what we are going to do in the future in the terms of a contract. Right now, what we would like to do is get a contract negotiated and signed that will carry us through September of 1977--

Commissioner Borries: It's '97.

Commissioner Mourdock: How about '97?

President Tuley: What did I say?

Commissioner Borries: You said '77.

President Tuley: Sorry about that, 1997.

Commissioner Borries: Been there, done that one!

President Tuley: I did speak with Leslie Blenner today, from the City, and they said they would be more than happy to sit down with us and work up to see if it is possible for the city and the county to have one contract as opposed to separate contracts. Consequently, we need your input with you being the Fire Chiefs of the volunteers outside the city limits. We need your input for the record whether or not you plan to be a part of that contract and have ambulance service provided by whomever that provider is for the city and county or if you would like to be like Scott and provide your own service. That is basically why we are here to get your input before we get too far down the road in this thing.

Commissioner Mourdock: Don't all of you rush to the microphone.

John Buckman: Prepared notes! John Buckman, Fire Chief, German Township Fire Department. Since I received notice at about 11:00 this morning that we were meeting and I didn't know really what the purpose was. I guess to answer your specific question, the Board of Directors of German Township Fire Department has no intention of providing ambulance service other than what the county does provide. We are extremely, and I'll repeat the word, extremely, concerned that if you renegotiate a contract with Mercy...I'm sorry. If you renegotiate a contract for county ambulance service and we do not have a guaranteed unit available in the county then we don't have ambulance service. There are times currently where the response times are well in excess of 12 minutes. Not all the times, but there are times. There are times when we will have to get an ambulance in German Township from Lloyd and Virginia or maybe even one sitting at St. Mary's Hospital. That shouldn't even be acceptable to you. If you are going to do a joint city/county contract we might have some concerns about that, but I don't know what they would be right at this very minute.

President Tuley: Quite honestly, apparently they looked into this, John, four years ago and for whatever reason the people that they were dealing with at that time it was actually going to cost more so they scraped the idea. The intent is to at least look at it one more time and see.

John Buckman: If you are going to look into it, whether it is me or

whether it is somebody from the County Fire Department, the County Fire Chief should sit on that Board. I would ask that we at least have one representative.

President Tuley: I think that is a good point. You should have. We will duly note that and at the time that this begins I think that at least one representative representing the fire service and the ambulance service outside the city should be a part of that. Would it just be easier if I call off the township and ask someone to speak for that? The way that I've got them listed here is that I have Knight Township up next.

David Shipley: My name is David Shipley, I'm a Captain at the Knight Township Fire Department representing Knight Township tonight. The same thing that John said, basically, that we got this notification early this morning and I checked with the Board briefly before we came in because we brought up this topic to the Board probably a year ago and at that time did not have any interest in providing ambulance service because basically our funding from Trustee is that is handed down and had no interest as well. Since we are governed or somewhat controlled by the direction that he wants us to go we also made the decision not to pursue anything at that time. I would say that Knight Township is in more of a unique strategic area in one sense in the fact that we don't have the distance that German, Perry, Scott and all the other Townships have from the city limits proper. Therefore, our opinions may be different only because we are geographically located in different places where currently Mercy staffs our ambulances.

President Tuley: Okay. Do you feel that a single representative from the Fire Chiefs outside the city limits would be acceptable.

David Shipley: Right. I think there could be one representative for the County Fire Departments.

President Tuley: Okay, thanks. Perry Township.

Bob Doerr: My name is Bob Doerr, I'm Perry Township's Chief. At present, Perry Township is not planning or has any intention of starting any type of ambulance service themselves. I do agree with what German and Knight has said. We do need a representative in the contract. We do need dedicated units to the county if it is a county wide contract. Our service has improved some recently. I have talked with the people at Mercy and we have improved our service out there somewhat. We still are having some extremely long runs, not very many, but I think if we had a representative in the negotiations and if we could get some dedicated units in the county I think would be what we want. We are not going to start a service ourselves, or there are no plans for it.

President Tuley: Okay. I'm looking through these notes. Center Township is serviced by Scott Township in terms of fire protection. Is there anyone here from Center?

John Buckman: That is not really true either.

President Tuley: That's not true either?

John Buckman: McCutchanville covers all of Center Township now.

President Tuley: See, my notes are even wrong.

John Buckman: Previously, German and Scott serviced part of that

before they build the station at St. Joe and Mohr Road.

Commissioner Mourdock: You need to come to the mike, John, our sound system won't pick you up.

John Buckman: Up until January of 1995, German and Scott provided service to portions of Center Township on the west side of Center Township. Since then McCutchanville has built a fire station at St. Joe and Mohr Road and they take care of all fire protection and EMS service in Center Township.

President Tuley: Scott I know is represented here, Jess.

Jess Roberts: My name is Jess Roberts, I'm the Fire Chief at Scott Township. For the record, Glen Schlensker is the Fire Chief at McCutchanville that covers Center Township, if you need to have conversations with him. I think that everyone knows our position. We do provide our own ambulance service plus we back that up with two non-transport paramedic vehicles. We are presently looking at the northern part of the county to build a new fire station due to the growth out there and the events that are taking place in Gibson County because it is going to have a direct impact on what goes on in Scott Township. We are providing our own service and we intend to continue to do that.

President Tuley: Okay, thank you.

Commissioner Borries: Jess, a couple of items. Are you on the Scott Township tax rate?

Jess Roberts: Yes, sir.

Commissioner Borries: You say that you do provide your own backup vehicles, is that right?

Jess Roberts: Yes, right now we are providing two non-transport vehicles and in September we are taking delivery of our second ambulance.

Commissioner Borries: At this time then you are not requesting any backup or any assistance from another provider at all, is that correct?

Jess Roberts: If we have a second patient or multiple patients, yes.

Commissioner Borries: You are?

Jess Roberts: Yes.

Commissioner Borries: Who would you...?

Jess Roberts: It's Mercy, Warrick County, Posey County and Gibson County.

President Tuley: Okay.

Commissioner Borries: Thank you.

President Tuley: Other townships that I have not called off that are represented or anyone from ALS Consortium?

John Meyer: I'm John Meyer, Chairman of the ALS Consortium and we represent the three hospitals and the medical society and do the

Commissioners Meeting  
August 12, 1996

7

audit review. Our role in this is certainly not part of the negotiation, but I would make an offer to you that after you negotiate the contract if you would like for us to take a look at it in terms of quality patient care issues we would be happy to do that. We do that for the city and it might be something that would be useful to you if you don't do a joint contract.

President Tuley: Very much so. We appreciate that, John. Okay, we have representatives here from Mercy as well. I don't know if you guys wanted to speak. Basically, all we are trying to do is to get a feel so that we know and the intent, I think, if it can be worked out is to do a five year or I'll call it a long term contract, I don't know how long it will be. The city normally has operated recently on a five year contract. The county has been doing it on a year to year basis and it seems like every time we turn around we are either trying to negotiate a contract or wanting to know why we haven't got one negotiated yet. I'll speak for myself, but I think it is the feeling of this Board, is that we want to explore the possibility of a long term contract jointly with the city. It will be done by bid and what have you, but I guess our main concern tonight was just for the record because we need to start this process right away and to make sure we know who all we are going to have on board because it does come into cost figures when we are putting bids and stuff together. I'm sorry for the late notice. I think what they were trying to do is that some people got letters in terms of the city and some of the people out in the county, I think, they were trying to reach by phone for whatever reasons I think the determination was made to try to contact you by phone and I understand that some of you...I've still got down here that Glen had not even gotten the message. Does anybody know, did he? Has anybody talked to him? So he didn't get the message. Is Union here?

Bob Doerr: Perry represents Union.

President Tuley: Okay, Perry represents Union. So, do you take care and Perry speaks for Union as well then?

Commissioner Borries: What about Armstrong?

President Tuley: Yeah, what about Armstrong?

Jess Roberts: Scott and German each of us cover half of Armstrong Township. Scott does not do ambulance transports out of Armstrong Township although we do make first response over there.

President Tuley: But no transports?

Jess Roberts: No transports.

President Tuley: Okay.

Commissioner Borries: Jerry, any comments at this time?

Jerry Key: I guess that it is no surprise, we've been through this discussion. I just wanted to say thanks. I think that these gentlemen have concerns that they be involved in designing that system. I think we supported that and you supported that and I think that your effort is to be commended. We would like to see a system be put together looking at it from a systems prospective. It doesn't make sense to buy the ambulance component and not make sure that we've got dispatch and first response and all those pieces together. I would encourage you to move forward with this. I think that it makes sense to look at where you can share things

with the city. Again, obviously, you've got some work to do to explore that issue. We are willing to work with you in whatever way we can.

Commissioner Mourdock: Jerry, a question for you and I guess just to clarify something. Forgive my free natured capitalism here or free market capitalism, but, I guess, generically we are speaking here of a bidding document more than a specific contract with Mercy because anybody could bid on it. You presently supply backup for Warrick and Posey County operations, is that accurate? How does that function if there is an accident in Warrick County, for instance, as far as the reimbursable side of that how does that function?

Jerry Key: Generally, we bill patients.

Commissioner Mourdock: So, if you happen to get there and the Warrick County folks haven't. So, as a backup into Scott Township would that function the same way?

Jerry Key: Yeah, I would assume.

Commissioner Mourdock: Okay.

Jerry Key: Currently we do that as part of our contract since that is what we are required to do currently.

Commissioner Mourdock: Right.

President Tuley: Jess, I should ask you are currently doing this now then right? I forgot when you guys elected, quite honestly, to do this. We have a contract that we are still trying to negotiate to carry us up to this '97 contract.

Jess Roberts: We've been doing our own transport since October 22, 1995.

President Tuley: Of '95?

Jess Roberts: Yes.

President Tuley: Okay, thanks.

Commissioner Borries: Do you continue to rely on or call Mercy in the case of a multiple vehicle accident where you need to have transport? Would you call Mercy as your second responder?

Jess Roberts: Yes, we do. I think that I even had sent a letter to Mr. Key to the effect that even if we pick up one of their subscribers to their subscription program that we would honor that program so that person would have no out-of-pocket expense.

President Tuley: Jess, do you guys kind of have a separate contract for the backup or whatever or do you need anything like that? How do you guys operate?

Jess Roberts: Years ago there was a mutual aid agreement signed by 11 counties that was put through, if you will remember back when we had the EMS group, it was the Consortium, but it was another group of individuals, and there was a mutual aid contract that was signed amongst all of those participants and providers in 11 counties. Whether it still exists in somebody's file drawers, I don't know. We do have a mutual aid agreement with Warrick, Posey and Gibson County.

Commissioners Meeting  
August 12, 1996

9

Commissioner Borries: How many paramedic units do you have?

Jess Roberts: Right now we have one transport and two non-transport.

President Tuley: But you are picking up a second transport you said as of October?

Jess Roberts: Yes, next month. One of the non-transport vehicles will no longer be there.

President Tuley: Okay and you've got planned expansion up somewhere in the northern part of the county?

Jess Roberts: Yes, the Baseline Road area.

President Tuley: Okay. Any other questions from the Commissioners?

Commissioner Mourdock: Just to go back to Jerry Key for a second then. The service that you would be providing today in Warrick or Posey County, is there a contract in place that you provide that as a backup or some sort of working agreement?

Jerry Key: Just a mutual aid. If they are stuck and need help we will help and they do the same for us.

Commissioner Mourdock: You don't respond until they call you?

Jerry Key: Correct.

President Tuley: They will provide that same coverage for you if we had something?

Jerry Key: Yeah.

President Tuley: Well, unless you have something else...I'm sorry for the late notice and I hope this was not a frivolous meeting to come down here to because I know that nobody needs one more meeting to come to, but we really needed some insight and some guidance so that we can get this thing off the ground and get it going. You gave us the answer that we are looking for in terms of how we need to proceed from here.

Unidentified: What about the City of Evansville Fire Department?

President Tuley: Doug, do you have any reason to respond or comment? We thought as the Fire Chief we would at least give you an opportunity if you wanted to have any input.

Doug Wilcox: I guess the only thing that I would have to say is that the City of Evansville has worked very well with Mercy Ambulance and they have seen to it that the contract is followed. As with any contract you can have anything in it that you want if you can afford to pay for it. As we all understand, health care costs are extremely high and if there is anything that we can do, and I'm talking about with the Evansville Fire Department, to assist in putting a contract together with you or providing what information that we have I would be more than happy to do that.

President Tuley: Okay, we appreciate that. Anybody else? I guess not. I thank you for your time for coming down and giving us your input.

County vehicle use form
-------------------------

President Tuley: Okay, item 4E the Auditor has an agenda item with regards to a county vehicle use form. You have attached the copies of the minutes to refresh our memories.

Commissioner Mourdock: Surely that is not necessary!

President Tuley: Speak for yourself. This is from the discussions of July 15th.

Commissioner Mourdock: This is regarding the information that the Auditor is recommending be acquired for IRS purposes. Is that correct?

Suzanne Crouch: Yes, it is an adaption of a form that the city uses. If you all decide that is something that would be of benefit. I believe Mr. Kissinger was not available at that meeting and we just decided to bring this back up.

President Tuley: Yeah, Dennis Brinkmeyer was here.

Suzanne Crouch: If you need to take time or whatever.

Alan Kissinger: I have the form that you sent me previously. Am I correct that this is the form that the city uses?

Suzanne Crouch: That is correct.

Alan Kissinger: Am I also correct that if this vehicle falls under Section D that the value of the use of that vehicle is then added to or consider to be a part of the employees compensation from the county?

Suzanne Crouch: Correct.

Alan Kissinger: The city with this form, but it would be for the county. A, B and C, am I also correct in assuming, would be exempt from withholding or from taxation?

Suzanne Crouch: Correct. So, D would just identify those individuals that use it to and from work.

Alan Kissinger: Okay.

Commissioner Borries: Suzanne, the back or the last page of this where it talks about January through December and the days off work is that the back of the form?

Suzanne Crouch: That is correct and if you are already reporting time accrued then that wouldn't be necessary to fill out. If you are already involved in the time accrual project and if you are an employee in an office that is participating in the time accrual project then that would be unnecessary to fill out.

Commissioner Borries: Okay.

Commissioner Mourdock: The bottom line to this is, and correct me if I'm wrong here, Suzanne, but it is your recommendation that by incorporating this form for those folks who have county vehicles that we are better doing the record keeping that we need for IRS purposes?

Commissioners Meeting  
August 12, 1996

11

Suzanne Crouch: That is correct.

Commissioner Mourdock: That is the primary reason for doing this.

Suzanne Crouch: That is absolutely correct.

Alan Kissinger: Suzanne, do you have any impression what value is placed on the use of a vehicle to and from work?

Suzanne Crouch: That has been discussed and, quite honestly, it has slipped my mind, but I will get that for you. For some reason I am thinking \$3.00.

Alan Kissinger: Per day?

Suzanne Crouch: Per day, yes. For some reason that is sticking in my mind.

Alan Kissinger: If it is that low of a number then don't bother. My concern was that this was not going to be treated like a company provided vehicle as if you were working for a construction company, for example, and had a vehicle provided by your employer. Okay. Otherwise, we would need to advise these employees that they've got a whopping tax bill coming down the line. Okay.

Suzanne Crouch: I think that is a good point. If this is the direction that you all decide to go in then that communication needs to be transmitted or given to those employees so that they will be anticipating that. That's a good point.

President Tuley: I don't know what the value of a vehicle is. I worked for a company for a while and had a provided vehicle and I think that they...we got paid weekly and I'm thinking that they tacked on, which would be \$3.00 a day or \$15.00 as additional gross pay that they took taxes out of every week for the use of that take home vehicle. Basically, what I did was to log miles to and from on a daily basis and then they used that to determine if for a particular week I used it more then maybe I should have used it for so they could tax some additional dollars on it.

Alan Kissinger: Okay.

President Tuley: I guess we will take this...are we going to take this under advisement or are we ready to act on it? I'm kind of sitting here looking for some direction.

Commissioner Mourdock: Suzanne, you just said that you would get back to us with a rate, is that right?

Suzanne Crouch: I can, sure. I'm thinking, for some reason, about \$3.00. Cindy is shaking her head, yes, so that sounds familiar to her also.

Cindy Mayo: Yes it does sound very familiar and I am sure that is correct.

Commissioner Mourdock: With that understanding, I would move that we accept the use of the form provided to us by the County Auditor's Office to better track vehicle use for IRS purposes.

Commissioner Borries: Second.

President Tuley: So ordered.

Suzanne Crouch: Thank you.

**Any group or individual wishing to address the Commission**

President Tuley: Item 4F, any group or individual, that's you Bob, who wishes to address the Commission.

Bob Brennan: Beg your pardon?

President Tuley: Did you want to address the Commissioners or are you just here to observe.

Bob Brennan: Hello, see you later. I'll be here next week.

President Tuley: Okay. I don't think that are department heads expected that discussion to go as quickly as it did in terms of ambulance service. There's John. John Stoll.

Commissioner Borries: You know, maybe we had kind of an abrupt ending to all that discussion and now that they are gone I certainly don't want to make any decisions. I strongly believe that better communication has to result out of all of this. I believe, also, that savings can be reached and still address the concerns of some of the county officials concerning having a vehicle dedicated. You know, when you are talking about dedication, though, you are talking about literally down time and that is what we pay for in a very expensive contract. This whole ALS is critical in many areas of the county, but we pay for the down time and that is also very expensive for any group to bid. At least we heard that we could move forward, I would think, in finishing the contract with Mercy because they support it with the exception of Scott. I would take it that they must be the first responder even if they have a multiple accident, so they would be used to some extent in Scott as well.

**John Stoll - County Engineer**

President Tuley: John.

John Stoll: First up I've got a request for street plan approval for Browning Road Estates West, Section 3. We have reviewed the plans and would recommend that the street plans be approved. It will be an asphalt street with curb and gutter. It is continuations of the existing sections of Browning Road Estates West.

Commissioner Mourdock: Does it meet all the county specs?

John Stoll: Yes.

Commissioner Borries: I'll move that Browning Road Estates West, Section 3 street plan be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: Next, I would like to request to go before Council to transfer \$98,068.00 from Green River Road, Section B to Road and Street Contractual Services. This \$98,000.00 is the balance of what was left from the appropriation to fund the widening and culvert installation that is going on now up at Lynch Road. Since

Commissioners Meeting  
August 12, 1996

13

that is now going to be paid out of the bond surplus I would like to transfer this over to contractual to cover additional paving contracts.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I have a street acceptance request for Section B and C of Willow Creek. This is 960 feet of Willow Creek Drive and 580 feet of Marfield Court and 580 feet of Megan Court. All the repairs have finally been completed and all the joints and cracks have been sealed and they can finally be accepted.

Commissioner Borries: Move...you're recommending then that these portions of these streets are currently up to county standards?

John Stoll: Yes.

Commissioner Borries: And qualify for county maintenance.

John Stoll: Yes.

Commissioner Mourdock: And release of bond?

John Stoll: Pardon?

Commissioner Mourdock: And release of bond?

John Stoll: Yes. We still don't know why the streets cracked at the extent that they did. Whenever the broken slabs of concrete were removed the compaction was checked and there was not a compaction problem with the subgrade underneath the streets so I still don't know what the problems was and why the cracks have occurred. Anyway, the cracks that were out there have been cleaned and sealed and the joints have been sealed as well. With all that work being completed, plus the developer being responsible for the streets for the next, I would say they could finally be accepted. He has completed all work that we have requested to bring it up to county standards.

Commissioner Mourdock: Who checked the compaction? Did we do that or did someone else?

John Stoll: Yes, we did it. I was expecting that we would find improper compaction underneath there and that wasn't the case. Like I said, I don't know what the reason was why the cracks occurred, but it wasn't the subgrade. We did have some perforated pipe added in underneath that to, hopefully, drain away any subsurface water if that was maybe making it soft that caused some of the problems, but it definitely wasn't a compaction problem overall that caused the cracking.

Commissioner Mourdock: On the recommendation of the County Engineer, I'll move acceptance of the designated streets in Willow Creek Subdivision.

Commissioner Borries: I will second.

President Tuley: So ordered.

John Stoll: That letter that was sent from the State Emergency

Management said that we were potentially eligible for federal funds in regard to flood hazard mitigation. The one project that came to mind, as far as my office was concerned, was the possibility of requesting these funds to put a bridge in on Strawberry Hill. Since the pipe that is on Strawberry Hill was sized for a ten year rainfall event and upstream from there we have a bridge which was sized for a 100 year event, so with your authorization, that was one project that I was going to request that the state consider it to be funded with the federal funds.

Commissioner Mourdock: It is your belief that is the number one priority of all the different places that your department heard about this past spring and that is number one?

John Stoll: I wouldn't say that it's number one, but it is one of the ones that there is a single problem that we can identify. It is on the county right-of-way, too. It is not like some of the problems, say, up around Ward Road and Anthony Drive where the drainage problems all feed into ditches that are off of county right-of-way. This is one that does occur on county right-of-way where we could go in and fix one of the problems versus some of these other ones where it is on private property.

Commissioner Mourdock: How would that work, John? Is that matching funds?

John Stoll: It's 75/25 according to their letter.

Commissioner Mourdock: Who is 75? They are?

John Stoll: The federal funds, yes.

Commissioner Mourdock: Do you have any kind of guesstimate as to what that bridge would cost?

John Stoll: Not at this point. It would probably be a short span maybe in the 20 to 25 foot range. It wouldn't be a big bridge, but given the fact that it wasn't something that we had planned on putting in I thought that might be appropriate at this point to ask for the federal funds at this location.

Commissioner Mourdock: A real dumb question here for a second, but given where that is located if that road were totally closed for bridge construction, which it would have to be, is there another way out for those folks? Maybe it is not a dumb question!

Commissioner Borries: Bill says what?

President Tuley: Bill is shaking his head yes.

John Stoll: I thought you could come out east of there.

Bill Morpew: On Eissler Road.

Commissioner Borries: Eissler?

Commissioner Mourdock: Oh, that goes back and then to the north?

Bill Morpew: Goes to Gun Powder and then goes back down to Eissler.

Commissioner Mourdock: Okay, thank you.

Commissioner Borries: Well, let's get some of that federal money

here. Hopefully, they've got a little more there than they do, apparently, some of these road projects where we've got our money involved. I'll move that we authorize the County Engineer to fill this out regarding a structure on county right-of-way on Strawberry Hill.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: If there are any other locations where you would like for these funds to be considered, let me know. That was just the first one that came to mind whenever I saw this letter and if there are other ones that you think would be appropriate to apply for we can.

Commissioner Mourdock: We heard several times from different folks during this wet spring about the problems down on Hamilton Golf Course where the culverts are located that they felt were blocking off a lot of the water. Do you know what I am referring to?

John Stoll: Where they said that the creek had been dammed up to provide water.

Commissioner Mourdock: Basically, I think that someone made the comment that there was an old railroad car with the ends cut out of it that they had used as a culvert.

John Stoll: There are two spots on the creek as it runs through there that I can think of where...

Commissioner Mourdock: Could those funds be applied to that, do you know?

John Stoll: Since the county owns that property, it might be that the county could just order it removed. I don't know.

Commissioner Mourdock: Okay.

John Stoll: When I saw a copy of that lease agreement out there I don't remember seeing anything specific as far as maintenance goes out there on that property. I don't know if it is something that Hamilton is responsible for or whether or not it would fall back on the county, but if it is just a matter of removing a couple of obstructions it might not be significant cost.

Commissioner Mourdock: I was assuming, and I could be dead wrong on this, that there was some county easement that crossed at that point, but maybe that is not the case. You're right on the other side the county would own it anyway.

John Stoll: I'll check that lease agreement again and maybe get with Alan and see what we could or couldn't do out there.

Commissioner Mourdock: Okay.

John Stoll: The only other item that I've got is in regard to the wage scales for the Burkhardt project. The Wage Scale Committee went ahead and met today so we do have the wage scale established for the concrete repair contract and the Burkhardt Road contract, but we still need the appointments for the Wage Scale Committee for future contracts so once that person is determined if you can let me know I will forward it to the state so they can be notified of the future meetings. At least the scales were set for those two

projects right now.

Commissioner Borries: I would prefer that we appoint the same committee that we have had. I have those names and I know that we appointed Jerry Ramsey had been on it and at least it would seem to me that we would have some consistency in that particular situation.

Commissioner Mourdock: I don't have a problem with that.

President Tuley: Put that in the form of a motion then.

Commissioner Borries: I would move that we appoint the current Common Wage Committee or, I think that is what they are now called?

John Stoll: Right.

Commissioner Borries: For future county projects. I guess, specifically we would be talking about the County Auditorium at this time.

John Stoll: Well, any project to be bid from my office. I know that Jerry Ramsey has already been appointed, but I guess it is the second appointment that the Commissioners have to make as owners of the project that we didn't have to submit to the state.

Commissioner Borries: I think that person at the schools was Jerry Paul.

John Stoll: Okay.

Alan Kissinger: John, has the governor ever made his appointment?

Commissioner Borries: Yeah.

John Stoll: Yes.

Alan Kissinger: He has?

Commissioner Borries: His is a fellow by the name of Niehus, Jack Niehus.

John Stoll: It's N-I-e-h-u-s.

President Tuley: Rick, you are saying then to move Jerry Paul from the schools appointment to be our appointment?

Commissioner Borries: Yes.

Commissioner Mourdock: Is that a formal motion?

Commissioner Borries: Yes.

Commissioner Mourdock: I'll second formally.

President Tuley: So ordered.

John Stoll: Okay, I will forward those names to the state.

President Tuley: While John is there, for the record, John and I did meet with Stewart May and Mr. Skipper on the Green River Road project the other day. They have come up with an alternative that probably won't make Mr., I keep wanting to call him Skippy, I'm sorry, Skipper quite as happy as the original plans, but from a

cost standpoint it might be a meeting part way to solve the problem. It is not what he wants, but I think he could be agreeable to it. The original plans were going to call for a...I don't want to call it a manhole, what a culvert?

John Stoll: Right, additional piping and a manhole and probably an area inlet somewhere in between to catch the surface water in that little triangular piece of right-of-way.

President Tuley: At a cost somewhere between \$9,000.00 and \$12,000.00 dollars.

John Stoll: Yes, in excess of \$10,000.00 easily.

President Tuley: We're trying to work out a solution that will be better than what is proposed currently at a cost of maybe \$4,000.00?

John Stoll: Yeah.

President Tuley: So, they're working up some figures and we will go back with a formal proposal to him, just so that you know where we are at. That is not just been forgotten about. We did go out and meet with him last week.

John Stoll: Stewart May is supposed to be working on two different options. One, is to see how far the pipe can be extended before it gets cost prohibitive and the other is the one we were talking about with just the one bend section of pipe and one straight section of pipe and then open ditch the rest of the way.

President Tuley: Okay. Do you have anything else?

John Stoll: No.

Commissioner Mourdock: One question, John, I guess it falls under your bailiwick it comes back to almost old business in the bigger sense the Veazey Parrott and Shoulders contract. While we have moved forward on that, and I suspect we may discuss it more in a minute or so, we still have the obligation, as we talked about that night, to come up with an engineer who can oversee the project for us. I understand fully your concerns, Rick, on the construction manager point of view and I respectfully disagree and I know that you respectfully disagree with my position there, but, Pat, had introduced that night as a possibility of hiring for the county specific to that project a structural engineer. Somebody with enough years of experience to see the project through and I would suggest tonight that perhaps we could direct John to put together an advertisement to see what kind of response we can get of people who might fill that position.

Commissioner Borries: Let me, because I wanted his resume, at least suggest a person and see if, first of all, John could temporarily not use him. I shouldn't say that, I don't think that is proper, but see if John could spare him when this thing gets going. I am familiar with this young man because I think he is exceptional. I would put him up with any group of engineers that we could get. I think we are fortunate to have him as we are with John. He was number one in his class at Rose Hulman through Civil Engineering. His grade point average was 3.85 out of 4.0 at Rose Hulman. He has a Masters Degree in structural engineering. His grade point average there was just 3.71 at of 4.0. He has had varied experience with the county and he is our current Assistant Engineer, Tim Spurling. I would propose that we move Tim

temporarily over and he could be paid for, I think, out of those bond proceedings. I think that Tim, again, has the structural experience and, in my opinion, the ability to do this. I would suggest that we would also want to get onboard the Building Commissioner and his department. In this case, perhaps you could find a temporary replacement for him if we used him and moved him over full-time and used him as our owner's representative, our structural engineer. He does have a Masters Degree, as I say, I feel very strongly that he can definitely do it.

Commissioner Mourdock: Well, I have not seen his resume and I am certainly willing to take that under advisement. The key question that I have comes back to, basically, years of experience with this type of project academic background on any specific individual notwithstanding. I guess I would still, even with this, again, I'm certainly not willing to vote on this tonight and I'm not capable of voting on this tonight having heard as much as you've just said, but I would still like to see us test the market, if you will, and have John do some advertising and see what we get. If we can get someone to come in, just hypothetically, if we determine what this position is worth in dollars and can find someone who would do it for the same dollars as this individual, but that person brings 20 years of experience to the table, then I know who I am going to support. I think that we can't just look at this in a vacuum and say here is a person, put a name down and let's go with that person. I think we have to see what is out there in the market and I know that you appreciate this fully. This is a thirty million dollar project. You've been on this Board sometime and I don't know that you've done any thirty million dollar projects. This will certainly be the largest one in my tenure on this Board. We all take that very seriously and I just don't want to see us have anything other than absolute rock solid control as to how this project is run and have somebody with experience to help us through it.

Commissioner Borries: Well, we have done some ,and will by the time the Lynch Road project goes through, some pretty extensive, or expensive I should say, projects that we have done. Again, I have complete confidence in this person. I think that we can do this for, I'm going to throw out the figure of \$40,000.00. I think that is far less than what we would have to of paid in a situation where we are talking about employing a whole firm at this time. I think by putting him over there full-time as our representative he is familiar with not only this community, but also...I don't know if he is familiar with all the players involved because we don't know who they are going to be yet, but, again, I certainly have confidence that he could do it. I think there are other county representatives that we could use as needed as well, I think, in terms of any backup that he would need. I'm happy to test the market, but I am very concerned that we would get ourselves into a situation here where, again, we are paying a lot of money when we have a talented person here on staff that could do this.

Commissioner Mourdock: Well, you used the phrase a moment ago, "some firm" referring to a construction company. I am showing moderation and a sense of compromise here. I am willing to walk away from that because when you use the words "some firm" that implies to me that you are still suggesting that I am saying a construction manager in the classic sense and I am willing to back away from that. You mentioned \$40,000.00 for a \$30,000,000.00 project and an engineer with the type of experience who would typically be working on this type of project double that number is not out of the market.

Commissioner Borries: I fully agree.

Commissioner Mourdock: I am a firm, firm believer in that you always get what you pay for. I am not adverse to paying that type of money if we get 15 or 20 years of experience to do it. Until we test the market we are not going to know what is out there.

Commissioner Borries: I am fully prepared to test the market, but I just know, again, from this experience that this particular person could do it. I think that we are going to be looking at some considerable savings by being able to do that if this is the way we want to proceed. If John wants to look at things, I am willing to do that, but I just want to stress that I have complete confidence in this young man and I know that he can do it.

Commissioner Mourdock: Well, again, to find the middle ground here you are saying that you are willing to test the market. I'm willing to say let's test the market so I would move that we direct the County Engineer to post an advertisement in several professional journals to find a structural engineer to monitor this project on behalf of the county.

Commissioner Borries: Second.

President Tuley: So ordered. Tim does bring at least the schooling and I don't think there is any question about whose interest he would have in mind, but let's test the market and see what is out there.

Commissioner Mourdock: There is no substitute for experience, ever.

Commissioner Borries: Nor intelligence in many cases.

Commissioner Mourdock: When you can get two in one that is a good deal.

President Tuley: Okay.

**Bill Morpew - County Garage**

President Tuley: Bill, I think...

Bill Morpew: I didn't know how far that was going to go!

Commissioner Borries: Well, if we can get them both at a lower price, we've got it made, I'll tell you that. We'd be talking dollars then!

President Tuley: Okay, Bill has just presented the Vanderburgh County Highway Department Progress Report for the Highway and the Bridge Crew for the period covering Friday, August 2 through Thursday, August 8, 1996. You're still on Walnut Road and in that area aren't we?

Bill Morpew: Off and on we will probably be there for another month or so.

Commissioner Borries: I noticed on Wednesday, August 7 that the summer crew was working on city lots, I can verify that.

Bill Morpew: We have pictures to prove it!

Commissioner Borries: We have pictures to prove it, that's right.

Commissioner Mourdock: Did you see the pictures?

Bill Morpew: Just the ones that I took. Can we post these at the garage?

Commissioner Mourdock: I'll get you a couple of copies, at least of the one.

President Tuley: At least of the one? If you are going to post one I know which one it will be.

Commissioner Mourdock: The amazing thing was that took place and there was not a claim for Workman's Compensation.

President Tuley: Nobody would believe that we were doing any work anyway. Comments or questions of Bill? You got your gradall fixed and it is back working since you got out there on Walnut?

Bill Morpew: Yes.

Commissioner Borries: Let's see, where are you on paving now? Are you finished with Inglefield Road?

Bill Morpew: Yes, we finished Inglefield Road, we put the surface on the west parking lot at the garage and we are currently over on Wedeking off of Burkhardt. We will be putting the surface on Colonial Garden Road and I expect that we will be moving over to Boonville-New Harmony. I need to ask the Commissioners for permission...we have a job opening at the garage and it is the mechanics position and we need to ask the Auditor to advertise for that position.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Bill Morpew: That is all that I have.

Commissioner Borries: Thank you.

President Tuley: Thanks, Bill.

<b>Alan Kissinger - County Attorney</b>
---

President Tuley: Okay, how much work did you do while you were on vacation, Alan? Do you have a long report for us tonight?

Alan Kissinger: Which question do you want me to answer first? I'm going to have to lie on one of them! I have a report and it won't be long. First, in reference to Burkhardt Road, John can correct me on this, but I think the bid letting on that is sometime towards the end of August, am I correct?

John Stoll: August 26th.

Alan Kissinger: August 26th. In anticipation and hopefully in conjunction with that I have talked extensively the last few days with Lucy Emison as she has updated me on the meeting that was held in reference to the input from another developer. We anticipate that once we have all of the necessary numbers as far as...there is going to be an increase in the anticipated amount of the bonds and

consequently the bond anticipation notes. Ms. Emison has indicated to me that she anticipates a closing on the bond anticipation notes in late September. I asked her pointedly if that was optimistic and she said know she thought that was a very realistic date and that we will meet that date. The Burkhardt Road thing, there is a God, is about to come to an end at least as far as the preliminary of putting the money together on this thing. The next matter is the bonds for the Auditorium, and the improvement of the Auditorium. I received today from Buddy Downs, with Ice Miller, a proposed form of lease between the Evansville Vanderburgh County Building Authority and the Board of Commissioners of Vanderburgh County. I will ask Cindy to ask Sunny to include this on the agenda for next week. We will have a public hearing, I beg your pardon, it will not be a public hearing. We will have this on the agenda for discussion. I am nearly prepared to recommend preliminary approval of this tonight, but I don't want to do that because I have not seen the legal description on the real estate which should be a part of this document. It is about a 24 or 25 page document so I would like to go over that again and then next week I will, and it should be a part of the agenda, make a recommendation to the Commissioners regarding a vote for the preliminary approval of the form of the lease and then I will also ask that we advertise for a public hearing regarding final approval of the lease itself and the acquisition of the Auditorium building and land and that will take place on September 16th. Next week, I think I will recommend preliminary approval and I will then ask the Commissioners to vote on preliminary approval. Assuming that approval is forthcoming, then I will also ask for permission for the Auditor to advertise for the public hearing for the final approval of the lease.

Commissioner Mourdock: Alan, who are the parties to this lease?

Alan Kissinger: Evansville Vanderburgh Building Authority, the entity that actually owns this building.

Commissioner Mourdock: Right.

Alan Kissinger: And the Board of Commissioners of Vanderburgh County.

Commissioner Mourdock: But it is for the Auditorium?

Alan Kissinger: It is. The method that will be used here and I cannot go into detail as to all of the reasons, but a part of the reason is that this will be a lease that the county is entering into. It allows us...we are limited as to the amount of bond debt that we are allowed to accumulate at any one time. This lease device allows us to accumulate this debt in this form without going over our bonding limit or our debt limit. So, actually, the Auditorium building will be owned very much as this building by the Evansville Vanderburgh Building Authority and we will enter into a lease with the Building Authority. It is that form of lease that I will report to you on next week.

Commissioner Mourdock: I take it that is presently true then that the Building Authority has the coliseum presently?

Suzanne Crouch: Auditorium.

Commissioner Mourdock: The Auditorium, I mean.

Alan Kissinger: No, they do not. That was a separate building from this Civic Center.

Commissioner Mourdock: That is what I always understood is that it was separate.

Alan Kissinger: It is. It was not a part of the Civic Center Complex. The complex, basically, was the School Corporation, this building and the Courts Building.

Commissioner Mourdock: So is title to the new Auditorium going to be held in the Building Corporation?

Alan Kissinger: The Evansville Vanderburgh Building Authority, yes.

Commissioner Mourdock: The Building Authority.

President Tuley: Until the bonds are paid off.

Alan Kissinger: Yes.

Commissioner Mourdock: Until the bonds are paid off?

President Tuley: It is called creative financing.

Commissioner Mourdock: So title will truly pass then?

Alan Kissinger: The title will certainly pass, but ultimately will pass back to the Board of Commissioners.

Commissioner Mourdock: After the bonds are paid off?

Alan Kissinger: Yes.

Commissioner Mourdock: That is creative.

Alan Kissinger: If you begin to think that you are seeing daylight and think that you understand this, tell me!

Commissioner Mourdock: Who came up with this plan?

Alan Kissinger: This is an often used plan that was recommended to us by Ice Miller Donadio & Ryan, our Bond Counsel. It was used, for example, with what used to be the Hoosierdome and it has been used for many buildings around the state and it is a widely accepted method of financing for municipalities. Then, ultimately, Mr. Downs and I have been pushing these people somewhat, not because they have been dragging their feet, but because they don't like to give predictions. Mr. Downs indicated to me that the final closing on the Auditorium bonds, this issue will not require bond anticipation notes, and the final closing will be December 4th of this year. I told him that I thought that it was important that this occur when we know that all the present officeholders are going to be in place, especially the County Council, because the various obligations entered into will have been entered into by that group that will still be definitely intact on the fourth of December of this year. He has indicated to me that the closing will occur December 4th of this year. That is all that I have to report. Oh, I do have one other thing to report. This is kind of gratuitous, but I won't take credit for it. I merely attended the Sheriff's sale of the Biggerstaff property and I am happy to say that this is a prologue, that mess seems to be ended. The real estate appraised at \$9,600.00. The Sheriff is required to or the Sheriff may not accept a bid of less than two thirds of that amount at the Sheriff's sale. There was one bid. The Sheriff's representative announced that at least \$6,200.00 had to be bid and that \$6,200.00 was bid. It was \$6,200.00 or \$6,400.00 or whatever

it was, anyway, that exact amount was bid and there were no competing bids, but I am happy to say that this real estate was purchased at Sheriff's sale by a gentleman by the name of Louis Winiger and he is the adjoining property owner immediately north of the Biggerstaff real estate. It is also my understanding that some other problems were avoided because of the fact that apparently all of the live animals, at least, were removed from the property the night before the sale. I believe and I hope that we can close the chapter on this eyesore and public nuisance that the county has dealt with for so long. I want to give credit to Keith Rounder because he was a bulldog on this thing. He didn't back off. Every time someone said, push, he just dropped everything else and pushed and he did it. Personally, I am very pleased with his performance on this. Now, that is all that I have to report.

Commissioner Mourdock: Under the phrase, bulldog and pushing and all that, let me bring an old subject back up under your realm here. Where are we with ozone ordinances? I had three calls last Friday and several during the week from the media, from several individuals who worked very hard on the ACORN Committee who feel that they did all this, they did everything right and two things are happening. Number one, the progress that they made is being ignored by county government. Number two, they feel, and I tend to agree with them, if we don't have something in place very similar to what was presented and voted on by this Commission and the City Council that the state will not likely approve our request to move off the non-attainment list. Where are we?

Alan Kissinger: I agree with the statement that you made and to allay the fears of those people that you talked with what is being considered presently are sample ordinances received from the state of Indiana. The forms have been recommended and those forms are being compared to what was voted on by the Evansville City Council. I am working in conjunction with David Bunner, who is the Evansville City Attorney, who has been assigned by the city to their end of the project. I am doing that for two reasons, he doesn't mind me plagiarizing some of his work, number one and number two, I think that it is important that both the city and the county adopt complimentary ordinances. David is on vacation this week, I was on vacation before, so a part of the delay is attributable to both counsel.

Commissioner Mourdock: As you will recall from the presentation that was given to us, a big part of the reduction, the actual pounds of VOC's reduced, came about as a result of the implementation of what was called the Pollution Prevention Task Force. The word through the grapevine is that the four recommendations, that being one of the four, are proceeding as only three. The Pollution Prevention Task Force, because there hasn't been an ordinance similar to that and no one knows quite how to put it into words, but that is being dropped and the only ordinances that are being considered are the three items of lower Reid vapor gasoline, the nozzles and Stage One Recovery for fuel. Do you know, is that the case?

Alan Kissinger: It is not the case with me. If it is the case with Mr. Bunner he has certainly done a good job of keeping it a secret from me because I can assure you that no final decision has been made as to the elements that would be dealt with. We have to make that proposal before anything else is done. I can understand their fears, but I don't think they are realistic.

Commissioner Mourdock: The grapevine can grow in some strange directions. Certainly because that is the largest source of

reduction, if that is not there I don't think the state will begin to consider this plan because that is where the biggest thrust of our reduction is, and they probably shouldn't.

Alan Kissinger: No, and I agree with you. That is why when the guy from state is named--

Commissioner Mourdock: Tim Method?

Alan Kissinger: Tim Method, yes. When he offered input on this I just asked him pointedly, are you going to dictate this ordinance to us? He said, no, but by the same token, what I am going to give you is going to be like minimum requirements and then if you folks want to enhance that based on your specific needs, fine. We fairly well understand that we have to have certain things in there or we are wasting our time.

Commissioner Mourdock: That is well said. Can you give us a date when we can expect to see that thing coming back to us because that is the other point that I keep getting broadsided with is, well, it seems that we are past the ozone season now and people just want this thing to drop. I have said repeatedly that is certainly not my intention to see it drop, but I understand their frustration in not hearing more about it at this point, too.

Alan Kissinger: I understand their frustration, too, and I don't want to add to their frustration, but also what I don't want to do is to set an attainment date that I can't meet because that is even more frustrating for people. David Bunner is due back from vacation next week. I will talk with him next week and see if he and I can put a projection together that will be realistic and try to tell you that, hopefully, at next week's meeting.

Commissioner Mourdock: I would like a report because I can assure you that the people will keep calling me.

Alan Kissinger: Okay. Good for them, maybe not good for you, but good for them.

<b>Cindy Mayo - Superintendent of County Buildings</b>
--

President Tuley: Okay, Cindy.

Cindy Mayo: I did hear from Judge Young and Circuit Court is not interested in the room that was vacated by Co-op Extension. I would recommend that the Prosecutor's Office receive that room other than there is a small section that used to be a kitchen area. We have removed the cabinets and the sinks and everything that was in there and that is now out at Burdette Park. Tim Vancleave from Data Services is the PC Specialist and he would like to have an office and as you know the big meeting room that was given to them last week does not have a separate office in it. There are doors that could be blocked off and it does adjoin the meeting room or whatever you want to call it. They did request that it be given to them. The doors are already in place and we wouldn't have to put any partitions or anything up so other than the little kitchen space that was in 202, I would recommend that all of that go to the Prosecutor's Office. They would like to move their support division into that space.

Commissioner Borries: I move that Ms. Mayo's recommendations be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: I heard about the auto auction today from Ray. They have set a sale date for October and I did not write the date down for surplus vehicles. I will be sending a memo out to all of our offices and ask that if they do have any vehicles that they would like put on auction to please get that information to me so that we can conduct a joint sale with, I think, city and I don't know if school is with the auto auction now, but the city has enough vehicles that they are ready to conduct a sale. We need to get our vehicles out there so that it can be done at the same time. The only other thing that I have is Commissioner Mourdock you did ask last week about the Burdette Advisory Board. They have not had a meeting recently. Your appointment has not been notified because there has been no meeting recently. That is all that I have.

#### Consent items

President Tuley: Consent items including employment changes, travel requests, the Auditor's Office request for approval of accounts payable vouchers and the Auditor's Office monthly financial report.

Commissioner Borries: I'll move that the consent items be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. The fun begins tomorrow at 9:00 a.m. the County Council Budget Hearings from 9:00 to 12:00, I believe. At 2:30 there is a Pigeon Creek Finance Meeting. There is a Council Meeting again between 9:00 and 12:00 on Wednesday. There is a Council Budget Hearing again on Thursday between 9:00 and 12:00. Next Monday night there will an Executive Session beginning at 4:00 p.m. and the Commissioners Meeting at 5:30 p.m. and the Rezoning begin at 7:00 p.m. There is an Insurance Committee Meeting at 9:00 a.m. on the 20th and then the Council goes into their final week of hearings on the budgets and those go from 12:00 until 3:00 on the 20th, 21st and 22nd. There is a 9:00 a.m. Steering Committee Meeting on the 22nd.

#### Old business

President Tuley: Old business?

Commissioner Mourdock: Just connecting to your schedule there with the Commissioners budget coming before the County Council, Cindy you told me Wednesday at 10:00 a.m.?

Cindy Mayo: It will probably be around 10:00 a.m. They don't have it scheduled it is just from 9:00 to 12:00, but we are about midway through so I would think by 10:00 they might be getting close to us.

Commissioner Mourdock: Okay, it is my intention, certainly, to be there probably around 10:00 then and of particular interest with our budget as a whole, as you both know, is the provisions...that

is not the right word, the program that we have looked at for the Welfare to Work Group. I understand that there are some questions from the County Councils' position about the fact that at this point we do not have a home rule ordinance in place. Certainly, they cannot actually appropriate money until there is such an ordinance in place. Given where we are with that, I know it is certainly the recommendation of this Board that we move forward and I am going to address that and would certainly welcome any comments that either of you would care to make along those lines.

Commissioner Borries: I am a bit amazed here. I don't know if there is some posturing then on somebody's part on the County Council or what in relation to what you talk about. We have a home rule ordinance that we can enact pretty well what we want to enact. I believe it was the position of this Board to use at least one third and again we are dealing in percentages because as the Auditor has to do or anyone you have to, basically, project. We are taking a guesstimate here, we don't know yet what those final figures are going to be on that riverboat money. That one third gives us a percentage of whatever that figure will be. I support your leadership in that area and that request and I certainly will be there to speak in that behalf. So far as trying to throw another hand grenade at this point in the way, for the life of me, I don't know what we would need there. The revenues are coming in and they are being put into an account. If this Board takes official action I don't know why we need a home rule ordinance.

Alan Kissinger: I am assuming that they have been advised by their legal counsel. If they have, then I am assuming also that he can enlighten me on what type of home rule ordinance is required.

President Tuley: There was a letter on my desk when I came in from the President of the Council covering it. She didn't say who advised her, but that we needed to do this. I thought I gave it to Sunny.

Cindy Mayo: It might be in the packet of information that I gave him tonight.

President Tuley: She has some citings in there and I'm not sure.

Alan Kissinger: If there is a home rule ordinance required it will be before you next week.

Commissioner Mourdock: I don't know that there was a hand grenade thrown at us. I'm not even sure there was a dart thrown at us. Perhaps I used the wrong phrase in the phrase home rule ordinance. Maybe just ordinance would be sufficient, I don't know. At any rate, certainly as Commissioner Borries just said, we voted, we've acted and we don't want what we are doing here to be misinterpreted. We realize there has to be a firm plan in place and I feel like the committee that worked on this whole effort has given us an excellent plan and that simply needs to be reduced to writing and then we go from there.

Commissioner Borries: While we are discussing that, since again it is always intriguing to me that and that is why, again, I commended your work. Your position has been very consistent throughout this whole process in relation to your feelings about the riverboat, but once those funds were going to be in place and who would benefit from them, again, I strongly support. I would further add, and I don't want to deal in numbers here because we get glitzed with the old numbers game here, but I would certainly want to say that the other portions of those monies that perhaps another third could be

used for economic development, since we are always scrambling for various packages and having requests in economic development and another third could be used in infrastructure. What we had heard previously and some of the concerns that have been voiced by one Council candidate. That would go into, again, funds that could be used to develop our sewers, streets...not our sewers, but in perhaps in that thing. I would at least submit that for percentages, for very general percentages not dealing in numbers at this time.

TAPE CHANGE

Suzanne Crouch: The riverboat monies, it is my understanding, are General Fund monies and by legislation it is to be receipted into the General Fund. I believe that there probably needs to be some further research. I have placed a call to the Tax Commissioners to see if that money can perhaps be handle like COIT where money is directed to be set aside before it is receipted into that particular fund to see if that can be placed somewhere else. It would appear to me that if that is not the case, if they say, no, it has to be receipted into the General Fund, then there needs to be some type of budgeting in place within the General Fund to address those needs that you all decide need to be addressed. I placed the call to the Tax Commissioners last week and I haven't heard back. We placed another one today so I will keep you posted on that. That question has come up and, quite honestly, I don't know the answer to it. All I know is that legislation states that it is General Fund money, but we are trying to find out if some can be diverted in the way that the COIT is also handled.

Commissioner Borries: Yeah, I hope we can do that. I know that you will be keeping an account of the monies that we get. We know how much we get and that is all of my point. If it goes into General Fund rather than, again at this point, swallowed up in some other nebulous things. We have talked about a third being used for the Welfare to Work program and I support that. At this point, just suggest not dollars that we set aside a third for economic development and a third for infrastructure.

Commissioner Mourdock: The infrastructure, I understand what that is. I guess I have a question as to what you would see as one third economic development being? I say that from one who realizes that sometimes it takes an incentive package to bring a business here, but by and large most businesses survive quite well, thank you very much, without those kind of packages. What do you see that to be, Rick?

Commissioner Borries: That is what I am saying. I am not sure that it would be used at any given time, but when Azteca, for example, came and there had been other inquiries and there will be more we get into, I think you are right, but it becomes a vicious game at times. We receive generally information through either DMD or Vision 2000 people that this company, XYZ, is looking at this particular situation and so that is where I would look for at least having some monies aside so that we are not lurching time to time or request to request on this.

President Tuley: It is almost going to end up being two thirds for infrastructure as you indicated because of those needs that they get are normally road extensions, sewer extensions or whatever.

Commissioner Mourdock: You call that economic development or whatever.

President Tuley: Whatever you call that, right.

Commissioner Borries: Yeah, yeah.

President Tuley: The one point that I think needs to be made here though is that I really don't want to see the term one third for economic development being turned into, oh, this is funding for Vision 2000.

Commissioner Borries: I'm not saying that.

President Tuley: I know that you're not. I just wanted to make sure...

Commissioner Borries: I'm saying, as Commissioner Mourdock pointed out, as incentives, certain incentives that may, and I would emphasize the word "may", be required or be used to attract a business or to work with a business coming into the county.

Commissioner Mourdock: I guess I am more comfortable to say two thirds for infrastructure, as you just said, simply for the reason that a lot of infrastructure needs, as we heard last week from the people with the sewer problems, they are not businesses, but their need for a sewer is just as important as a business need for a sewer. Granted, one can create jobs and all those other things, but I would like to see us deal with a lot of those problems that county residents, if you will, or subdivisions with somewhat the same open mind that we would look at business development issues. As I say, most businesses when it comes down to it, despite what the perception is, their location decision is more and more made less dependant upon those types of incentives. It is on what infrastructure is there. It is a tricky use of the word.

Commissioner Borries: It is tricky, I would just wouldn't want to allocate all for infrastructure at this point and then lurching forward and say this company...I think you are right. It would be infrastructure. It could be a rail spur, it could be frontage road or who knows. I think it will go in that area, but I would just like to see some planning, some kind of allocation for economic development that may come about here. Just a feeling on that.

President Tuley: Just so that there is no misunderstanding on the deal about Vision 2000. I'm not saying don't fund Vision 2000, but what I am saying is don't fund it out of money that three years from now, five years from now or whatever, that may not be here. That is my only comment about the Vision 2000 thing. There went your lead, is that what you are saying, Alan?

Commissioner Mourdock: Why are you looking at the media table?

President Tuley: I thought, boy, I can see this one turning out wrong completely.

Alan Kissinger: When you can't see their faces you need to worry!

President Tuley: Yeah. Okay, is that old business? Did that come up under old business?

Commissioner Mourdock: Yes, it did and I have no other old business.

New business

President Tuley: Okay, under new business I've got a letter of appreciation here from the Old Courthouse Preservation Society which basically appreciates and thanks us for our recommendation to the Council that they fund the \$187,000.00 for the air conditioning. I won't read the whole letter. It is here so if any of the media wants a copy of it. The other thing that I've got here is a family and medical leave for Jeanne Jennings and I don't have anything in my packet that addresses that issue.

Commissioner Mourdock: Oh, I have that.

President Tuley: You have that? I didn't find this.

Cindy Mayo: I think what happened is Sunny had put the original in her file and she was going to trade with you and maybe she just didn't get the original to you.

President Tuley: Okay. It is pretty straight forward then. Do you want me to read this?

Commissioner Borries: No. I feel at this time that I would move approval.

Commissioner Mourdock: I'll second.

President Tuley: Okay. Does anybody else have any other new business then?

Commissioner Mourdock: Yeah, one quick item just for clarification. I received from the State Board of Accounts a letter to me:

"Attention: Richard Mourdock,

The State Board of Accounts is performing a compilation and audit of the State of Indiana Comprehensive Annual Financial Report as of and for the year ended June 30, 1996. As a part of this compilation, we are confirming your indebtedness to the State of Indiana."

That line got me right away!

"Please provide us with the balance of your loan from the Distressed Road Loan Fund as of June 30, 1996."

Did each of you get one of these letters? I have a hunch that this was supposed to go to the President of the Commission, but it came to me.

President Tuley: Hey, you got it buddy, you deal with it!

Commissioner Mourdock: I will pass this on to the County Auditor.

Commissioner Borries: We don't have any money out of that Distressed Loan Fund, that I am aware of, do we, John? John would have to research that.

John Stoll: Did they say what the amount is?

Commissioner Mourdock: No, they are asking us for the amount which tells me what the easy answer is.

President Tuley: We owe them nothing then!

Commissioner Borries: There have been counties that have applied for that, particularly when they got to a point where they had no money. Literally, no money to use and it is like an interest free ...wait a minute. Do we have anything...?

John Stoll: It is a two year interest free loan.

Commissioner Borries: We talked about that at one time.

John Stoll: We did that on Lynch Road, but that has been paid back unless for some reason they didn't get the check.

Commissioner Borries: I would refer it to the County Engineer.

John Stoll: Our loan was for \$800,000.00 two years ago or three years ago, I can't remember which.

Commissioner Borries: But we paid that back?

John Stoll: It was paid back to the best of my knowledge.

President Tuley: Your signature must have been the only one on there that they could read!

Commissioner Mourdock: That is hard to imagine.

President Tuley: That is why it went to you.

Commissioner Mourdock: They spelled Mourdock right so they must have it typed somewhere.

President Tuley: Any other new business then? Are we ready to adjourn then?

Commissioner Mourdock: I'll move for adjournment.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 7:32 p.m.

Commissioners Meeting  
August 12, 1996

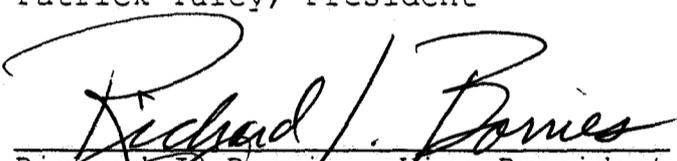
31

THOSE IN ATTENDANCE:  
Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
John Stoll  
Bill Morphew  
Barbara Cunningham  
Bob Brennan  
John Buckman  
David Shipley  
Bob Doerr  
Jess Roberts  
John Meyer  
Jerry Key  
Doug Wilcox  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

---

Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS MEETING  
AUGUST 19, 1996

TABLE OF CONTENTS

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Michael Shoulders, Veazey Parrott & Shoulders .....	1
Presentation of Program Document	
Cheryl Musgrave, County Assessor .....	4
Enhanced Access	
RADHH - Purchase of service agreement .....	7
Surveyor's Office .....	8
Permission to advertise for special Drainage Board meeting to be held September 3, 1996	
Any group or individual wishing to address the Commission ....	9
John Stoll, County Engineer .....	9
Letter from State Board of Accounts concerning Distressed Road Loan Fund	
Two Notice to Bidders: VC96-09-01, Salt Barn Construction VC96-09-02, Concrete repair Larch Lane & Pine Place	
Change order, County Line Bridge Number 320	
Extension of bid opening on Burkhardt Road project	
Street acceptances, Crossroads Subdivision: Division Street, Crosslake Drive, Virginia Street and Cross Pointe Boulevard	
Green River Estates, problem with county accepted pipe	
Bill Morphey, County Garage .....	15
Progress report for the County Highway Department and Bridge Crew for period covering August 9 through August 15, 1996	
Alan Kissinger, County Attorney .....	17
Prepared minutes for preliminary approval of the Form of Lease between Vanderburgh County Building Authority and the Vanderburgh County Commissioners	
County Health Department Grant administered by St. Mary's Hospital	
Hamilton Golf Course obstruction	
ACORN update	

Home Rule ordinance regarding Welfare to Work

Lease between County Extension and Steven Kahre

Contract for Veazey Parrott & Shoulders prepared by Keith Rounder

Cindy Mayo, Superintendent of County Buildings ..... 23

    Request from County Assessor to advertise two job openings in Sunday Courier to be paid out of Commissioners account

    Mental Health Center appointments needed

Consent items ..... 24

    Employment changes

    Request for Council Call:  
         GIS Study - Roger Lehman, Building Commissioner  
         Transfer - Health Department

Scheduled meetings ..... 25

    Executive Session cancelled for August 29, 1996

Old business ..... 26

New business ..... 26

Adjournment ..... 27

Attendance and signature page ..... 28

**Vanderburgh County  
Board of Commissioners Meeting  
August 19, 1996**

The Vanderburgh County Board of Commissioners met in session this 19th day of August, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:50 p.m.

**Introductions and Pledge of Allegiance**

Commissioner Borries: Good evening, everyone. I would like to call the meeting of the Vanderburgh County Commission to order this evening. I am Rick Borries, the current Vice President of the Board. Our Commission President, Pat Tuley, is unable to be here this evening. Let me introduce our staff who is here with us this evening. To my far right is Ms. Cindy Mayo, who serves as the Superintendent of County Buildings and a yeoman's job as office manager for the Board of Commissioners. The County Attorney is Alan Kissinger. To my immediate left is Commissioner Richard Mourdock; our County Auditor, is Ms. Suzanne Crouch; and our official Recording Secretary is Ms. Charlene Timmons. We welcome you and ask that you join us in the Pledge of Allegiance this evening. We do have an agenda available for you on the table nearest the door and would proceed through it at this time.

**Approval of minutes**

Commissioner Borries: The first action would be to approve the minutes of our last meeting which was held on August 12, 1995.

Commissioner Mourdock: I will move approval of the August 12, 1996 minutes.

Commissioner Borries: Well, time flies when you're my age! With that correction, '96, I will second and so order. You get a little rusty here sometimes on this job, you know?

**Certification of Executive Session**

Commissioner Borries: Let me certify that an Executive Session was held this evening by the Board of Commissioners. Pursuant to Indiana statutes, no official or final decisions were made. The actions included certain personnel items and some pending litigation for Vanderburgh County.

**Michael Shoulders - Veazey Parrott & Shoulders**

Commissioner Borries: We are pleased to have Mr. Michael Shoulders here with us this evening and also Mr. Mike Buente, I think, regarding a Program Document this evening.

Mike Shoulders: Thank you, Commissioner Borries. I am Mike Shoulders, President of Veazey Parrott & Shoulders. I would like to give to the three Commissioners, I'll leave one for Mr. Tuley, copies of the final Program Document.

Commissioner Borries: Thank you, sir.

Mike Shoulders: This document summarizes the work to date in a bound form. The purpose of an architectural program, which is what this document represents, is to outline and fix the required square footage, types of equipment, standards, relationships, systems, mechanical and electrical systems, at least conceptually for the

various areas. The Program Document in Section One includes those items plus it includes the Executive Summary and some summary of market analysis and it outlines the major spaces. In Division Two of the report, you will find some planning concepts that we have discussed. In that section you will find some color reductions of plans that have been presented to you about month ago. You will also find in Section Two, for example, on page 71 we have begun to explore what this project might look like on the exterior. This is some image items here or some image studies, three dimensional studies of this building and it kind of takes another step beyond what you saw on the models that we presented before. The models were still pretty mass oriented and didn't have much detail, so we are starting to explore the character of the exterior facade and fenestration of the building. We have included in this document the work by Coopers and Lybrand that was presented to you earlier, several months ago, in draft form. That is now in a final delivered form and is dated August 12th. Of course, that document, as you know, is a document which did the market study, market research, concerning comparable and similar facilities. Facilities that this community would compete against for convention business. It helped to establish what we would need to do in this community in terms of the equipment, in terms of the sizes of the various spaces and in terms of the kinds of service that we deliver in a new convention center and how we can be competitive with our competition. That is Appendix A, is the Coopers and Lybrand work and Appendix B is our theatrical consultant, Jerit/Boys, and they have included in Appendix B, a program and narrative for the detailing of the auditorium proper. Finally, the last appendix is just a summary that you can refer to quickly of all of the square footage that we have outlined. What I would ask tonight is that the Commissioners take these Program Documents under advisement, look at these documents, study them as time permits because this is the basis for which we will continue on from here and it is basically a document that we can all have in our files and refer back to when there is a question, well, why did we do this next to this and how come this is so small or large? So it is a document that will sort of be our bible as to the basis on which we have proceeded in this design. I would ask for your deliberation and your study of the document and certainly any comments or questions that you would have, feel free to call me on the questions. I am available to sit down and discuss any elements in this Program Document that we need to go over. We will be delivering to the Commissioners Office some additional 20 copies of this so that you can distribute it as you would like to do. Whether you want it to go to Council or whomever, we will have you 20 more copies that will allow you to have those persons in the community needing to review this or least have a copy of it, then you can distribute it as you see fit. Coming up, we would like to suggest that by the end of this week we will have the preliminary cost estimates in your hands for Scheme A and Scheme B that are presented in this document in Section Two. We will deliver those cost figures and be prepared to discuss them with you at a later time. We are progressing with meetings and discussions on the Ninth Street closing that was brought up the last time that we made a presentation. We have talked with the City/County Building Authority and we are in the process of talking with Evansville Vanderburgh Schools, so that will be an ongoing process that we will be able to report to you in upcoming meetings. Are there any questions or suggestions at this point on the document? I know you don't have time to go over it thoroughly today, but any questions about the use of the document or otherwise?

Commissioner Mourdock: I have no specific questions, I guess, other

Vanderburgh County  
Commissioners Meeting  
August 19, 1996

3

than one which is do you think that 20 copies will be sufficient for what we need? I think your comment, Mike, about presenting them to Council is a very good suggestion. I would also just start counting here. That is what, nine right there? I certainly think that the Mayor's Office ought to get one since we are trying to communicate over there. Mr. Hafer ought to get one, again, because we are trying to coordinate with the Victory. That would eleven.

Mike Shoulders: What about the Convention Board?

Commissioner Mourdock: Another good point, how many folks do we have there, five?

Commissioner Borries: Probably 25 or 30 if we could get by with that.

Commissioner Mourdock: I suspect what will happen, certainly, we want to have...I'm going to just pick a number out of the air somewhat, but at least a half a dozen copies available next door so that if people come up they can get a look at them. I would guess, Cindy, maybe we need to have a process by which we can check them out or something. I can picture some community activist, that is not a slur...

Mike Shoulders: Sure. We will try to get you 25 or 30 copies delivered to your office there as soon as we can. It is at the printers and so I'll confirm that we can get them and I'll let you know if there is any problem with that. I know that I can get at least, at this point, 23 and I think that maybe I can get 28. I'll let you know on that part of it.

Commissioner Mourdock: Obviously, we can take care of distributing all of them as far as those folks go.

Mike Shoulders: What I am going to do is simply have some for my consultants, you know, and that and then you will have the balance of them.

Commissioner Mourdock: A real generic question, I see on page B2 the name Jerit/Boys Theater, what is that?

Mike Shoulders: Jerit/Boys is our theatrical consultant and it is a theater narrative, basically. It identifies that they are only looking at the theater part of the building, not the convention center.

Commissioner Mourdock: Okay. I hadn't seen Boys in print and for some reason I thought that was Boyce. Okay.

Commissioner Mourdock: In fact, I think they pronounce it Boys, so it looks like the Jerit Boys, but it is not really.

Commissioner Borries: I like your visual inserts here.

Mike Shoulders: Right, it kind of gives you the conceptual reason behind some of the things.

Commissioner Mourdock: It is getting exciting now.

Commissioner Borries: Yeah. This really looks very well done. You have given us a lot here to think about and certainly this is great. I'm stilling thinking, too, about what to call it.

Mike Shoulders: Yeah, on those signs that you see we've got to have the real name, not just a generic name.

Commissioner Borries: Sure.

Commissioner Mourdock: It is not going to be named Miss Saigon? I saw that name.

Mike Shoulders: No, but we are hoping to bring Miss Saigon in--

Commissioner Borries: I hope we can get it in here, I bet we can.

Mike Shoulders: --to Vanderburgh. If you do have anything at all, please, feel free to call me and I will be glad to try and clarify.

Commissioner Mourdock: Okay.

Commissioner Borries: Great.

Mike Shoulders: Okay, thank you.

Commissioner Borries: Thanks a lot, Mike. Well, that is exciting to have the opportunity here to listen to that and see what we are going to be able to look at from a variety of options.

**Cheryl Musgrave, County Assessor - Enhanced Assess**

Commissioner Borries: County Assessor, Cheryl Musgrave is here regarding enhanced access.

Cheryl Musgrave: I'll start by giving you this information that Council asked me for when I was there last week. Council brought up that they had read an article discussing this stay in Cook County, Illinois. I had requested prior to that meeting a copy of the order because I too was quite concerned, but I read it and I think that, gee, go figure, they are having a political fight in Cook County over who gets to control the money that this will bring in. I don't see this as being anything that we really need to consider until the point when our judges and clerks start fighting over the same issue. We are still in a holding pattern on enhanced access. Ameritech came down and did their site visits with the various officeholders who had already exhibited interest in it and they were very well received and I am happy to report that even the judges received them very well. There is a great deal of interest and we are still waiting for your attorney to respond and the other attorney, City Council's attorney, has already given a draft which I had previously shared with you.

Alan Kissinger: Cheryl, I don't have any objection to responding and will respond, but my understanding was that this entire proposal was going to be submitted to Data Board.

Cheryl Musgrave: It was.

Alan Kissinger: That Data Board was going to make a report to the Commissioners.

Cheryl Musgrave: They already have. I gave to you before a copy of their...I forget what it is called now, a Resolution supporting the concept.

Alan Kissinger: Ah, you did give me that?

Vanderburgh County  
Commissioners Meeting  
August 19, 1996

5

Cheryl Musgrave: Yes, I did.

Alan Kissinger: I apologize. I don't remember having seen it, but I don't doubt that you gave it to me.

Cheryl Musgrave: It was done two months ago, maybe.

Alan Kissinger: Do you have another copy of that?

Cheryl Musgrave: I can get one for you. I don't think I have one with me.

Alan Kissinger: I'll come by your office.

Cheryl Musgrave: Okay.

Alan Kissinger: Thank you.

Commissioner Mourdock: I think that we discussed this either last week or two weeks ago or three weeks ago. Some of these things start to run together a bit, but, again, it was my recollection that what this Board did in one of the discussions about six or eight weeks ago was ask that the county attorney draw up some language for a possible ordinance because whether or not we move forward at some later date or not, we needed that document done.

Cheryl Musgrave: Right.

Commissioner Mourdock: That is still where we are in your term, a holding pattern. I guess in a literal sense that is accurate, but I certainly want to see us cleared from the holding pattern to begin to make the approach, as they say in aviation. I would like to get that going.

Commissioner Mourdock: I think that is a win/win situation for Vanderburgh County. I really don't see a downside to it. We are going to recover the cost that we put into it and it will shift the burden for some of this information generating from folks who never request it to the folks who request it all the time.

Alan Kissinger: Cheryl, who did you work with in the City Attorney's Office?

Cheryl Musgrave: That was Kevin Winterheimer.

Alan Kissinger: Good ole, Kevin.

Commissioner Borries: I would hope that as we proceed on this that we can look at that ordinance and make sure that we essentially are providing the same kind of services on that. Then it would seem that we had...I don't know if we have ever done a formal RFP on this or not, have we?

Cheryl Musgrave: We did a request for information, but we haven't done...we received two responses. One, from Ameritech and one, from SIGECO, or some branch of SIGECO.

Commissioner Borries: Some group, I remember you reported that and then they decided not to participate.

Cheryl Musgrave: That is correct, so we were still left with our request for information, which wasn't a request for production. I think that is a more formal bid-like process, but there is still

only one vendor for the product that we want out there.

Commissioner Mourdock: Is it not also accurate to say, Cheryl, that as this process moves forward there could be, in fact, other bidders coming forward?

Cheryl Musgrave: Yeah, but who knows what that time line is like?

Commissioner Mourdock: No, no. I am not suggesting that we wait, I want to see us move forward. I guess my concern is that a potential bidder right now sees this a little bit of chicken and egg. Why should they get involved make a real evaluation process that is expensive for bidders without really knowing what the county is committed to do?

Cheryl Musgrave: Right, and the Data Board has considered that. Our suggestion is that we make it very short-term contract because indeed some better provider, cheaper, more beneficial, may come up within the next couple of years. Make it short-term.

Commissioner Mourdock: You can be certain that anything with the words "electronic data" will change a lot in the next two years.

Cheryl Musgrave: Oh, next week!

Commissioner Borries: When you say, recover costs, is it your understanding or are there any initial outlays that the county has?

Cheryl Musgrave: Yes, the initial outlays, and I am speaking from the Assessor's point of view, for us would be, and they said quite explicitly that there is something in the law and I would have to go over it again to tell you exactly what it was, but that we need to own the software programming that brings the data from our computer system up to the screen that the public would see. Apparently, we don't want somebody else to own that software program if indeed...and I believe the reasoning was that if in three years we get another provider we are back to square one having to rewrite all that software stuff again.

Commissioner Borries: Who would develop that software?

Cheryl Musgrave: Vanderburgh County would develop that software. We asked whether SCT had any programmers on staff who could do it and they couldn't answer that question without knowing the parameters of what we would have to do. It was the site visits which were to generate the, "Well, what are we going to have to do?" answers, but those are still in progress. I don't have the answer to that for you now. I have put in for a request in my budget for some funds to cover this in case we have to hire an outside programmer, but I didn't know how much to ask for because I don't know what I am asking for yet. Whether or not Council will approve that is still unknown. It really should be quite modest, though. I am talking less than \$10,000.00 and perhaps much less.

Alan Kissinger: Suzanne, are you talking about the possibility...

Cheryl Musgrave: That is Suzanne.

Alan Kissinger: Excuse me, I'm sorry, Cheryl. I apologize Suzanne, I apologize Cheryl. Are you talking about...you said what would come up the screen for the public. If I am a member of the public, can I subscribe to your service in my office through my computer system?

Cheryl Musgrave: Yes.

Alan Kissinger: Alright. The subscription service is theoretically what pays the county back?

Cheryl Musgrave: Correct, every time you would access the screen you would pay an amount. Let's suppose it is \$1.00 and the agreed upon contract written amount let's say is 50/50, then 50 cents would go to Ameritech and 50 cents would go to the county. These ordinances are required by statute. The 50 cents that would go to the county would go to the Enhanced Access Fund, again, that is by statute. I'm sure there were reasons in Marion County why they drew up those statutes just that way, but you are going to have to contact those attorneys to figure that out. All I know is that they require them. Is that it? You'll come to see me, when do you think, Mr. Kissinger?

Alan Kissinger: Probably Wednesday.

Cheryl Musgrave: Okay, I'll look for you then.

**Purchase of service agreement - RADHH**

Commissioner Borries: Thank you. Item E, is a purchase of service agreement, man, you should never do this to me, for...

Cindy Mayo: Resource Agency for the Deaf and Hard of Hearing.

Commissioner Borries: Oh, alright. Resource Agency for the Deaf and Hard of Hearing. This doesn't give much information. This just says there is an attached purchase agreement, I have it. It reads that the Resource agency for the Deaf and Hard of Hearing agrees to provide qualified Sign Language Interpreters and Transliterators to Vanderburgh County Commissioners Office as per the following conditions: there will be interpreting at the rate of \$40.00 per hour with a minimum charge of one hour for \$40.00. The transportation is 25 cents a mile and actual round trip mileage will be the minimum charge. Cindy Mayo, do you have any comments or recommendations on this?

Cindy Mayo: I believe that the only change on that has been made in this from the last one that was signed is that they did add in the cancellation policy and dismissing the interpreters. They were having...I guess they had some people who were not calling until late to cancel and sometimes they were already on their way to whatever meeting so, I believe, in looking this over that really is the only change.

Commissioner Borries: Okay.

Commissioner Mourdock: Do you know what last year's total budget item was for this? How much we expended just roughly?

Cindy Mayo: It was under \$200.00 and it was mostly for meetings that Sunny is the ADA Coordinator for the County with the different department heads.

Commissioner Mourdock: I'll move approval of the purchase service agreement for the Resource Agency for the Deaf and Hard of Hearing pursuant to the contract submitted to us.

Commissioner Borries: I will second and so order. Let me just say,

Cindy, if you could notify or have Sunny notify of that change insofar as that cancellation policy so that if anyone but our office, and surely she would be aware of it, schedules a person--

Cindy Mayo: We schedule all of the people that come.

Commissioner Borries: You schedule all of them?

Cindy Mayo: Yes, we do.

Commissioner Borries: Okay, okay, good. However, even though we would schedule it and for whatever reason the scheduling group cancels it probably still would be worth communicating that change for them. It just says Administrator, so, Richard, I'll just sign and you sign and we'll get it done that way.

**Surveyor's Office - permission to advertise**

Commissioner Borries: Permission to advertise, this is a request from the County Surveyor's office and it says:

"Requesting permission to have the Auditor's Office advertise for a Special Drainage Board meeting to be held on September 3, 1996 concerning the proposed reconstruction of Crawford-Brandeis Ditch."

Doesn't this have to do with...?

Alan Kissinger: It is Burkhardt Road.

Commissioner Borries: Burkhardt Road.

Alan Kissinger: It is. The Crawford-Brandeis Ditch is the ditch that presently runs north and south, east of Burkhardt Road, and in consideration of the fact that we anticipate that ditch is going to be tiled from the beginning of the project to the end of the project, or from one end of the project to the other, according to the statute, that fits the definition of reconstruction. If there is to be a reconstruction of a public drain that there must be a Surveyor's report and there must be a special meeting of the Drainage Board in order to notify the various property owners of any increased assessment as a result of the reconstruction. I can already inform the Commissioners at the present time that there will be no increased assessment because all of this is going to be done on county easement. However, it is the opinion of everyone involved, including our Bond Counsel and including United Consulting Engineers, that hearing is still required. So, basically, what we are doing is going through the motions to satisfy this statute for the public hearing.

Commissioner Mourdock: I'll move that we have the Auditor advertise this Special Drainage Board meeting for...what was the date, Rick?

Commissioner Borries: September 3rd.

Commissioner Mourdock: September 3, 1996.

Commissioner Borries: I will second and so order.

**Any group or individual wishing to address the Commission**

Commissioner Borries: Are there any persons here at this point who do not find his or her item on the agenda who wish to speak at this time?

**John Stoll - County Engineer**

Commissioner Borries: We are into department head reports. John Stoll, County Engineer.

John Stoll: The first item that I've got pertains to what was discussed last week on the letter that Commissioner Mourdock received from the State Board of Accounts. The letter stated that we still owed them some money on the Distressed Road Loan Fund.

Commissioner Mourdock: I think it stated that I still owed the money, which is why it got my attention!

John Stoll: The payment has been made. We did pay that Fund back and it was the \$800,000.00 that was borrowed for the Lynch Road project. The check was issued on August 4, 1995 and in discussing this with John Jacob, of the State Board of Accounts, he said that they had some sort of error between the State Auditor and the State Board of Accounts and they had credited this money to the wrong account and that is why they showed us still owing the money. He had also requested that we go ahead and send the letter back to the state stating that we owe no more money. Charlene brought that letter and I didn't know if one of the Commissioners needed to sign it or if you want me to sign it or how you wanted to handle it.

Commissioner Borries: I think that you have done your job of bringing this before a public meeting because we had questioned it. I think we can sign it, that is fine.

Commissioner Mourdock: I would suggest that since it came to us. I'll move that we sign the letter stating that we owe no funds in regards to the Distressed Road Fund and send it back to the State Board of Accounts.

Commissioner Borries: I will second and so order.

John Stoll: The next two items that I've got--

Commissioner Borries: Boy, this is a nice one to do. I am just going to put a big fat zero in there. I'm sorry, John.

John Stoll: That's okay.

Commissioner Borries: I don't get to do that very often.

John Stoll: Next up, I've got two Notice to Bidders. The first is for VC96-09-01, the Vanderburgh County Highway Department salt storage building construction and the second one is VC96-09-02, concrete repair of Larch Lane and Pine Place.

Commissioner Mourdock: I'm sorry, which lane?

John Stoll: Larch Lane and Pine Place. The salt barn construction will be to have a contractor put together the timber salt barn kit that was bought last year that the County Highway Department crews

have not had a chance to put together and the concrete repair of Larch Lane and Pine Place is to repair a separated pipe that is at that intersection and then reconstruct the intersection and pour new concrete to replace the deteriorated concrete at that intersection.

Commissioner Mourdock: Just a question, I guess, for Bill because when you said that about the salt storage building, that was my recollection that the County Highway was going to put that up. How did we budget for that? Was it originally not considered as a budget item since it was going to be just normal labor and payroll off the County Highway budget? Do we have the funding approved?

Bill Morphew: The building was purchased with CCD Funds, the building kit was purchased with CCD Funds. We were going to put it together with county forces there at the garage. Because of various circumstances and a large part because of the winter and the unusually wet spring, we haven't had the opportunity to get this thing together.

Commissioner Mourdock: I understand the why, but I guess now it is a matter of how, as far as just the funding for it. Do we have a line item or are you saying that the line item would also for the labor portion of it would still be CCD as well?

John Stoll: The labor, what I am going to propose, is that it be paid out of CCD for the reason that back last winter when we had all the emergency snow removal contracts those bills were paid out of the Road and Street Contractual rather than CCD like it was originally proposed. I have talked to Cindy about this and I don't know what the problem was on why it couldn't be paid by CCD at that time, but that money...was it appropriated too late or something? I don't remember.

Cindy Mayo: We didn't have any money appropriated for the emergency snow removal. Suzanne spoke with John's office at that time and with Council and it was determined that if John would pay for that out of his Road and Street money, then I would appropriate in CCD Funding, because it was an emergency, that I would appropriate and when John needed the \$25,000.00 that he paid for the emergency snow removal then I had the money in CCD and it has been appropriated.

John Stoll: Originally, we were going to propose that we use the Road and Street Contractual money to put this salt barn up, but since all that occurred with the CCD money we would just use the CCD Funds that have already been appropriated in lieu of going back and getting more Road and Street Funds.

Commissioner Mourdock: Do you have a budget estimate as to what it is going to cost to put the building up?

John Stoll: Yes, based on some price quotes that I preliminarily got and it should be less than that.

Commissioner Mourdock: I'm not asking you state the number, I understand how that works.

John Stoll: Right.

Commissioner Borries: The same on this concrete repair?

John Stoll: Right, that will come out of the Road and Street Contractual Fund as well.

Vanderburgh County  
Commissioners Meeting  
August 19, 1996

11

Commissioner Mourdock: I'll move approval for the posting of Notice to Bidders for the salt storage building and also for the concrete repair for Larch Lane at Pine Place as recommended by the County Engineer.

Commissioner Borries: I will second and so order.

John Stoll: Next, I've got a change order for the replacement of County Line Road Bridge Number 320. The change order results in a decrease of \$4,118.15 and I would recommend that the change order be approved. This does finalize that contract.

Commissioner Borries: Good.

John Stoll: The contractor was CLR, Incorporated.

Commissioner Mourdock: Thank you. I'll move approval of the change order as recommended by the County Engineer.

Commissioner Borries: Second and so ordered.

John Stoll: The next two items that I've got were both pertaining to the frontage road at Baseline Road. One was a recommendation for time extension and the other was a change order, but given the fact that they are both Koester Contracting jobs, I think that we will have one abstention and one yes or no and nothing will happen with those so I'll postpone those until next week. The next item that I've got is a request to extend the bid date for the Burkhardt Road project from next Monday until Tuesday, September 3rd. We want to get in touch with the state regarding the possibility of open cutting the Lloyd Expressway to install the box culvert underneath the Lloyd and to do that and get that response from the state and get word back to all the contractors who may bid on the project, we will need some extra time. I would recommend that it be postponed one week.

Commissioner Mourdock: So moved.

Commissioner Borries: Second. John, while we are on that I know that you will be constantly involved in that particular project, but I do believe that it will be important for you to put together, I would think with you a coordinator, but a task force, if you will, of technical folks. That would involve INDOT, the City of Evansville since it is on the county line, yourself, EUTS, the contractors who will be involved in it to really look at what is needed as we proceed through this. We always know there is going to be a disruption, but, at least as I think that you pointed out to me, it is good that some of this construction will not actually be occurring on the roadway itself.

John Stoll: Right.

Commissioner Borries: Since you've got the ditch and you are over on the other side, so in effect, part of the traffic that is now going there will be able to continue to do that until that portion is done and then we would move to the other side, but we will be able to keep traffic flowing. Again, because of the other conflicting agencies in it, I would just ask that, assuming that Commissioner Mourdock would agree, we have kind of a task force or coordinating group that will meet on a regular basis as we move through this project.

Commissioner Mourdock: I certainly have no problem with that at

all. I think there has to be a lot of communication here. It is going to be a very high visibility project and there will be a lot of criticism offered just because that is the nature of the beast, so the more communication that we have, I think, the better we can get the job done.

Suzanne Crouch: We have a question. Charlene has a question concerning advertising.

Charlene Timmons: The one that you just extended the opening of the bids on, I have advertised for opening on the 26th. Do we have to readvertise?

Alan Kissinger: Yes.

John Stoll: We do have to advertise?

Charlene Timmons: Do we have to readvertise it twice?

Alan Kissinger: For the opening?

Charlene Timmons: Well, for the receiving and the opening.

Alan Kissinger: Yes, because there must be public notice of the meeting when the bids are opened so that the public can attend.

Commissioner Mourdock: Hypothetically, and it may not pertain to this situation at all, but was there a prebid meeting that bid?

John Stoll: Yes.

Commissioner Mourdock: Was it a mandatory prebid meeting?

John Stoll: I guess it wasn't mandatory, but everybody showed up. We provided notification through the bid documents of the meeting being held last Thursday.

Commissioner Mourdock: Okay, just a curiosity question. If it had been a mandatory prebid, then you wouldn't be having other bidders come back to the table, so to speak. In that case, would it have to readvertised?

Alan Kissinger: The date of the opening of the bids is required to be advertised.

Commissioner Mourdock: Okay.

John Stoll: Can we just advertise that one time?

Alan Kissinger: Yes, you can advertise the date of opening one time, yes.

Commissioner Borries: My question is what will be the bid opening date so that we don't move this thing back too far?

John Stoll: September 3rd.

Commissioner Mourdock: I'll move that we readvertise for the bid opening date for the Burkhardt project to be September 3, 1996.

Alan Kissinger: Can you get it in that amount of time?

Charlene Timmons: I have to advertise it once?

Vanderburgh County  
Commissioners Meeting  
August 19, 1996

13

Alan Kissinger: Yes.

Charlene Timmons: Ten days before?

Alan Kissinger: Yes.

Charlene Timmons: I can make that.

Alan Kissinger: Alright.

Charlene Timmons: Ten days before?

Alan Kissinger: Right.

Commissioner Borries: I will second and so order.

John Stoll: Should that be in the same form as the usual notice to bidders just with a revised opening date? Is that the correct way to do that?

Alan Kissinger: I think that you can abbreviate it considerably and say that the bids for that project, identify the project, will be opened on that date instead of the date previously advertised.

Charlene Timmons: Was it originally advertised to award on the 3rd?

Commissioner Borries: No.

John Stoll: It was advertised to open on the 26th.

Charlene Timmons: And award?

John Stoll: It probably would have been awarded on the 3rd.

Charlene Timmons: On the 3rd, so...

John Stoll: There was no mention of the award in the Notice to Bidders.

Charlene Timmons: There is not?

Commissioner Borries: I can't think of any situation we would award the same night that we would open. It is too complicated. There would be no way, we would always defer those to the Engineer for his review and may or may not, depending on the complexity of the project, even award them the next week.

Alan Kissinger: The awarding is not the critical part. The opening of the bids and the reading into the record is the critical part.

John Stoll: I will try to draft something tomorrow morning and fax it over to you so you can get that advertised, Charlene.

Charlene Timmons: I'll need it by noon.

John Stoll: Okay.

Commissioner Borries: The motion was to open them on the 3rd and Commissioner Mourdock moved and I seconded on that.

Charlene Timmons: Thank you.

John Stoll: Next, I would like to recommend that we accept Division

Street, Crosslake Drive, Virginia Street and Cross Pointe Boulevard in Crossroads Subdivision. It is 2,303 linear feet of Division Street, 1303 linear feet of Crosslake Drive, 1044 feet of Virginia Street and 269 feet of Cross Pointe Boulevard. All of these streets were constructed according to the plans that we approved by the Commissioner. We have received the As Built Plans and I would recommend that the streets be accepted.

Commissioner Mourdock: Pursuant to the recommendation of the County Engineer I will move approval of the acceptance of the streets that were just read by him.

Commissioner Borries: I will second and so order.

John Stoll: One final item, just to make you aware of a problem that we've got on one of the pipes that the county has accepted in an easement outside of right-of-way where the developer paid the lineal foot acceptance fee out in Green River Estates. We do have a pipe that has failed and we think it has separated and we will need to do some work in one of those easements. I have discussed this with Alan and he said that it was no problem as far as having the contract issued or having the county through the Bridge Crew do that work. I just wanted to clarify that since it is on an easement. It is outside of right-of-way so that nobody would come back and say that the county was doing work on private property. It is one of the pipes that the maintenance fee was paid and it is county accepted. The fee was paid...I'm not sure of the date, but this is the first one that has failed that I know of and I just wanted to make sure I was following the correct procedures in getting this work done.

Commissioner Borries: I know we have changed the cost of that. Is it your estimate that there is probably enough in that account?

John Stoll: There will be plenty in the account. Probably, the pipe has just separated and it can be repaired. Rather than hire a contractor or put a contract out to hire a contractor to just do some exploratory digging, I would rather see if some county crews could go out there and dig it up and see if it is a separated pipe. If that is all it is it is something that they can repair and then any materials they had could in turn be reimbursed through the fund that was set up to pay for those repairs.

Commissioner Borries: That's fine.

John Stoll: I'll let you know what we find out once work gets started.

Commissioner Mourdock: John, before you leave the podium, I apologize, I was out of town Thursday and Friday and found this morning the fax that you sent me and, to be honest, I have read the cover letter and I have read no more than the cover letter so I will give you a call tomorrow. I will look over it regarding the...

John Stoll: The ad.

Commissioner Mourdock: The ad for the position that we talked about last week which was the engineer on the Auditorium. Have you seen that, Rick?

Commissioner Borries: No, no.

Commissioner Mourdock: Has Pat seen that?

John Stoll: No, I faxed it to you first since you originally proposed it.

Commissioner Mourdock: Since I brought it up, okay.

John Stoll: I wanted to see if I was covering what you felt the ad should cover.

Commissioner Mourdock: Okay.

Commissioner Borries: Thanks, John.

John Stoll: Thanks.

**Bill Morphew - County Garage**

Commissioner Borries: Bill Morphew, County Garage.

Commissioner Mourdock: Is there any truth to the rumor that you've retired the weed wacking crew for several weeks to let some build-up occur?

Commissioner Borries: I saw some posters down there.

Bill Morphew: One of the summer guys is going back to school and he is out so, I guess,...

Commissioner Borries: There is always room for a little more deweeders, huh?

Bill Morphew: Yes, sir.

Commissioner Mourdock: As an interesting sideline, I have a friend down in Tennessee who I communicate with every now and then on the Internet. I was on the Internet last night and the message came up, "Have you done the weed wacking yet?". This person gets access to the Courier On-line and had read the story so you never know what is out there. It's scary!

Commissioner Borries: That it is.

Bill Morphew: I think we will have a United Way presentation this week at the garage. We had some information come in today on that to look over.

Commissioner Mourdock: You are a Republican, aren't you? Don't answer that. You're not elected so you are void of the wager.

Bill Morphew: That's right.

Commissioner Borries: For the record the Superintendent has submitted a report from the dates of Friday, August 9, 1996 through Thursday, August 15, 1996 for the Highway Department and the Vanderburgh County Bridge Crew and it shows work being done in all parts of the county and is being submitted for the record.

Commissioner Mourdock: County Line Road?

Bill Morphew: Done.

Commissioner Mourdock: Done?

Bill Morphey: Done.

Commissioner Mourdock: Very good, you did that today, I guess?

Bill Morphey: For the last several days.

Commissioner Mourdock: Very good, I appreciate it.

Bill Morphey: There were several large holes out there that we had to go in and repair first and we had to dig them out, put some rock in and compact that and get some base in there.

Commissioner Mourdock: It was my impression, obviously mistaken, but I thought you were just going to be doing the holes, but you did more than just fix those few holes you did that whole length of it.

Bill Morphey: Yes, we did.

Commissioner Mourdock: Very good.

Bill Morphey: We didn't want it to fall apart.

Commissioner Mourdock: Good plan.

Commissioner Borries: I saw Colonial Gardens which looked good and it runs into Old Boonville Highway.

Bill Morphey: There by the Eagles.

Commissioner Borries: Yeah, so you're done with that. Where are you paving now?

Bill Morphey: We have just finished County Line East.

Commissioner Borries: County Line, okay.

Bill Morphey: Off of Boonville-New Harmony today. We are going to move the equipment tomorrow morning over to Redgate and then do Pinegate and then we will start on Boonville-New Harmony there by Browning and go down to Old Petersburg.

Commissioner Mourdock: Is some of the Redgate/Pinegate area is that coming back to flood damage from the spring because we had some calls in there regarding those culverts? Is it shoulder work related or is this just regular surface work?

Bill Morphey: No, it is just resurfacing. I have just about finished up and wrapped up the FEMA and the SEMA work. That was quite intense. I should be done with that this week.

Commissioner Borries: Well, in typical fashion we are I don't know how many inches still above normal now, but it sure has been a while since we've had a good rainfall, but we are still way above. That shows how these statistics can sometimes be very misleading. We are probably still, what, 12 inches or maybe a foot above normal for the year, I think?

Bill Morphey: Yeah, we were well over at the end of April.

Commissioner Borries: Don't tell that to the tomato plants. They

seem to kind of be languishing this time of year. Any questions of Bill? Thank you.

Bill Morphey: That's all I have, thank you.

**Alan Kissinger - County Attorney**

Commissioner Borries: Alan Kissinger, County Attorney.

Alan Kissinger: First things first out of the way here. There has been prepared minutes of the meeting of the Board of Commissioners of Vanderburgh County for the purpose of giving preliminary approval of the Form of Lease that will be entered into between the Vanderburgh County Building Authority and the Vanderburgh County Commissioners for the construction, reconstruction, improvement, etc., of the Vanderburgh Auditorium. I will go through the minutes briefly and tell you that, once again, this is merely a preliminary approval and this minute will provide for a hearing, an open public hearing, on the actual lease before the Commissioners are asked to enter into the lease. The minutes, basically, memorialize the fact that:

- This meeting was held on August 19, 1996.
- Present were Richard Borries and Richard Mourdock.
- Absent was Patrick Tuley.
- A majority of the Board of Commissioners being present.
- Richard Borries presided.
- Suzanne Crouch kept the minutes the meeting, in that Suzanne Crouch is, in fact, by statute the Secretary.
- That the purpose the meeting is to consider a proposed lease between Vanderburgh County and the Evansville Vanderburgh County Building Authority.
- The lease is for the acquisition, construction, renovation, equipping and leasing of the county auditorium resulting in a convention center and related parking facilities in the County.

The form of the proposed lease will be made a part of these minutes and I have that form here somewhere and I will give it to the Auditor before the meeting is over. The lease provides for annual rentals according to a schedule that will be attached to the lease before the county enters into the lease payable from the Vanderburgh County Food and Beverage Tax and if that tax is not sufficient from the county's distributive share the Vanderburgh County Option Income Tax. It also grants an option to the county to purchase this project on certain conditions after the lapse of a specified period of time and that the lease will run for a period not to exceed 25 years from the date of completion of the project. So, that gives us the option to repurchase, basically. Before the county can enter into this lease, it is necessary to hold a public hearing. I recommend to the Commissioners that a motion for preliminary approval be made and that there be a favorable vote for the preliminary approval of this lease. There will be an order issued specifically which will say:

"Whereas plans, specifications and estimates for the costs of the completion of the acquisition, construction, renovation and equipping of the County Auditorium resulting in a new convention center and related parking facilities have been prepared.

Whereas such plans and specifications have been or will be marked to indicate clearly the work covered by the proposed lease.

Whereas these plans, specifications and estimates have been or will be submitted to the Board of Commissioners for its approval.

Whereas estimates for the project have been received and the cost of the project and incidental costs associated therewith and with the issuance of the bonds to finance the project is not expected to exceed thirty-five million dollars."

Once again, this thirty-five million is the cap. It is the maximum. It is not saying that we will spend thirty-five million, it is just that we cannot spend more than thirty-five million.

"Whereas a proposed lease for the project has been submitted to the Board of Commissioners."

This is the proposed leased. And:

"Whereas it now appears to the Board of Commissioners that services provided by the project will serve the public purpose of the County and are in the best interest of its residents. The execution of the proposed lease is necessary and wise and that the proposed lease with the Evansville Vanderburgh Building Authority, as Lessor, provides for a fair and reasonable basis for determining lease rentals.

Now therefore, be it ordered by the Board of Commissioners that there is a need for the project in the County. That the terms and conditions of the proposed Form of Lease are approved and agreed to as the basis for a hearing, as required by law, and that such hearings should be held by the Commissioners on September 16, 1996 at 5:30 p.m. on the necessity for the execution of such lease whether the basis for determining the lease rentals provided therein is fair and reasonable and whether the services provided by the project will serve the public purpose of the county and are in the best interest of its resident prior to final determination of such questions, so that the County may determine whether to execute such lease as now written or as modified."

I recommend that the Commissioners give favorable consideration to preliminary approval of this Form of Lease.

Commissioner Mourdock: Alan, we discussed this a little bit last week and I guess I still have just a mental hang-up here that I don't understand. The title to the Auditorium, that piece of real estate today, this day, is still held by Vanderburgh County, is that correct?

Alan Kissinger: It is.

Vanderburgh County  
Commissioners Meeting  
August 19, 1996

19

Commissioner Mourdock: So, that title will be conveyed to the Building Authority?

Alan Kissinger: Yes, ultimately it will be, yes.

Commissioner Mourdock: Okay, the key word there is ultimately. Just procedurally, it seems like we are putting the cart before the horse. I don't have a problem with what you are saying.

Alan Kissinger: I understand what you're saying and I think that I can anticipate your question and if I could answer it I would be charging the same rates as Bond Counsel. I don't understand this procedure completely either, but I know that we enter into the lease and then the transfer is made. Why that procedure? I don't know, I can't answer your question.

Commissioner Mourdock: So I am looking at it in a reasonable, normal fashion and this is just ass-backward by the Bond?

Alan Kissinger: It is a reasonable question. It is a reasonable question, but I am advised that this is the procedure normally followed in these cases because of all of the preliminary matters that have to be completed before the actual transfer is made.

Commissioner Mourdock: I guess I just feel somewhat vulnerable on this one given that we have had some other real estate transfer problems. Nothing of the magnitude that this one could potentially bring to us. Not that I would expect them, but it just seems like a backwards procedure.

Alan Kissinger: I think that perhaps you can get your questions answered on September 16th when Bond Counsel will be here.

Commissioner Mourdock: Okay.

Alan Kissinger: To answer your questions about the lease and any questions that the public may have.

Commissioner Mourdock: Okay, I'll make a note to ask that question. Also, in the lease agreement is there any stipulation for the day-to-day operations and maintenance of that property during the term of the lease?

Alan Kissinger: That is going to have to be a separate agreement. There is presently such an agreement that exists in reference to the operation and maintenance of this administration building. I have talked briefly with Mr. Wes Bowers, who is the attorney for the Evansville Vanderburgh County Building Authority, and the same kind of agreement will be entered into between the county and the Building Authority for the maintenance, operation, etc., of the Auditorium. To tell you the details of that now, I can't even approach that. That is ultimately going to be done and that will be done, obviously, long before the project is completed.

Commissioner Mourdock: Will it be done before the 16th?

Alan Kissinger: No.

Commissioner Mourdock: So it is not an inherent part of that agreement?

Alan Kissinger: It is not, no. That agreement is going to have to be specific, and this agreement will facilitate the issuance of the

bonds. That agreement will facilitate the operation of the Auditorium after this project has been completed.

Commissioner Mourdock: Okay.

Alan Kissinger: We are going to have to get the Teamsters in on this as well, because it is ultimately going to be their people who staff this operation.

Commissioner Mourdock: Yeah, I understand that and, again, I guess my experience in real estate has been that type of thing is generally put into the lease agreement even if it is simply to the extend of it's not my responsibility, it's yours. Some simple language there. I understand your answer.

Alan Kissinger: That understanding is inherent in some of the language in the lease, but the actual mechanics of how that works is not there.

Commissioner Mourdock: Okay, last question then. As a document which predicates the issuance and, obviously, the payment of the bond, is there an amount specified in there as to monthly or annual payback?

Alan Kissinger: Annual payback is to be paid, I believe, quarterly at the rate of four million dollars per year.

Commissioner Mourdock: Again, that is just the funds from the Food and Beverage?

Alan Kissinger: That is correct. That also...potentially that amount could change in the future depending on the rate of payback because we have dedicated all of the Food and Beverage Tax to the repayment of this, so it all has to go back into that and what we anticipate is an early payback. If that, in fact, occurs then the rate of payment will have to be renegotiated and the term of payment will have to be renegotiated.

Commissioner Mourdock: Renegotiated or will the document basically say that we do have the right of prepayment? Let me rephrase it, you're not looking at penalty in regards to the renegotiation provisions?

Alan Kissinger: Certainly not, no.

Commissioner Mourdock: Okay.

Commissioner Borries: The reason that the Building Authority participates in the process is that this project, by using the Authority as the issuing agency, the improvements can be done without, at this point, effecting the bond rating or at least, at this point, allowing the project to go forward and not have the county exceed its bonded indebted rating or indebtedness?

Alan Kissinger: Exactly. It does not count against the county's debt limit.

Commissioner Borries: Okay. Are you okay with the preliminary approval?

Commissioner Mourdock: Oh, I'm sorry, you're looking for a motion. I'll move preliminary approval of the lease agreement between the Building Authority and Vanderburgh County pursuant to the

recommendation of the County Attorney.

Commissioner Borries: I will second and so order.

Alan Kissinger: The next matter that I have, I think I had advised the Commissioners previously, although I don't know if I did so on the record. Keith Rounder was supposed to appear and brief the Commissioners on the county provision of, I guess, front money for sewers to subdivisions outside the city limits of Evansville. He also is the county attorney who represents the Health Department and the Commissioners asked me last week to check on the County Health Department Grant. There was a grant to the County Health Department administered through St. Mary's Hospital and they, basically, I think they want to just split duties on that. I have advised Mr. Rounder, but he will not have an opportunity to report on that tonight. I have talked with Steve Barber, who is the attorney for the parties who are leasing Hamilton Golf Course. There has been, at public meetings of the Commissioners and the Drainage Board, complaints that there was some obstruction placed there by the people leasing that real estate from the County that was causing the water to back up behind there and causing flooding. I have asked Mr. Barber to talk with his clients and inquire about this obstruction and to advise me of the nature of any obstruction that they are aware of and if it is placed by them I will ask the Commissioners first, but I told him that I assumed that we would ask for its removal. David Bunner, who is the City Attorney who is working on with Pollution Prevention Task Force - ACORN, is back from vacation and I'm back from vacation and I am hoping very soon to be able to report some progress on that to the Commissioners. I have talked with Joe Harrison, Jr., the Attorney for County Council, in reference to the necessity of a Home Rule Ordinance on the Welfare to Work transition. After discussing it with him for a period of time, I now agree with him that it is although perhaps not necessary it is certainly appropriate in this particular case to forestall any problems in the future as far as administration of this program is concerned and I will prepare such an ordinance. I think that the Commissioners have in their packets tonight the architect services contract with Veazey Parrot and Shoulders that was prepared by Keith Rounder. I think you also have the comments or response from the architects. That is for your review and I--

Commissioner Mourdock: Excuse me, Alan. I don't have that.

Alan Kissinger: I beg your pardon?

Commissioner Mourdock: I have this, but I don't have that. I have the original...

Commissioner Borries: Yeah, it is a marked up deal, though. See if that is.

Commissioner Mourdock: You mean if mine is marked up?

Commissioner Borries: No, that one is. Just things that they've put in here.

Alan Kissinger: I have a...

Commissioner Borries: I don't see that much difference.

Commissioner Mourdock: I don't either.

Alan Kissinger: I have the original that was sent back to us by

Veazey Parrot and Shoulders and I will just ask Ms. Mayo to make sure that the Commissioners get copies of this.

Commissioner Mourdock: Yeah, that is fine. I would hope, and I think this is where you were going, but I would hope that next week we would be able to vote on that. We've been going a long time on this and I know they want something on paper and I think they certainly deserve it. They are putting a good effort forward.

Alan Kissinger: There are just a couple of areas here that I think that...one area specifically as far as delivery of the plans, completion of the plans or something such as that I think that the Commissioners have a right to demand that it be nailed down to a specific date or at least a target date. The lease by the County Extension Service and the Kahres. There has been a request because of observations made by the Auditor's Office and observations made by our insurance agent that the lease be amended. There is a question as to whether or not that should be advertised. I am going to request permission of the Commissioners to go ahead and advertise the lease itself with the amendments incorporated and if the Commissioners approve that I am not certain how much time the Auditor's Office will need, but I will get them a Form of Notice and if we can set it for about three weeks from tonight that should be sufficient time should it not?

Charlene Timmons: How many times do I need to advertise it?

Alan Kissinger: I believe that it needs to be advertised but once ten days before.

Charlene Timmons: Just once?

Alan Kissinger: Un huh.

Charlene Timmons: You want it so for when?

Alan Kissinger: Three weeks from tonight. Well actually, three weeks from tonight would be...never mind.

Charlene Timmons: So for the 9th?

Alan Kissinger: The 9th? That is not Labor Day is it?

Charlene Timmons: No, the 2nd is Labor Day.

Alan Kissinger: The 9th then, yes. I'll advise the Kahres.

Commissioner Mourdock: The 9th is a Tuesday, so the 8th, I guess?

Alan Kissinger: The 8th?

Commissioner Mourdock: I'm sorry, I'm looking at 1997.

Alan Kissinger: The 9th?

Charlene Timmons: When will you have that to me then?

Alan Kissinger: Probably Wednesday. Will that give you enough time?

Charlene Timmons: Yes.

Alan Kissinger: Okay.

Commissioner Mourdock: What is the nature of the change there, Alan? I thought we acted on that once.

Alan Kissinger: Number one, there is a provision in the lease for the county to be responsible for the payment of property taxes and it is inappropriate for a government entity to be responsible for that. If they want to include that as a part of the monthly payment that is fine, but to require us to pay it or to reimburse them for paying it is not appropriate. Basically, we are levying the tax and then we are paying it back to ourselves.

Commissioner Mourdock: If we levy a higher tax, then we would make more right?

Alan Kissinger: Yes, we could! The other amendment was for the insurance. There is a provision in the lease now providing that the county pay 73% of the insurance on the building itself. The fire and extended coverage insurance. That is because we will be leasing, basically, 73% of the space and our insurance agent felt that although that was not illegal it was certainly inappropriate and a precedent that he didn't want to establish. Those two paragraphs in the lease have been amended or I have prepared a proposed amendment. Mr. Kahre has approved that so what I am going to do is incorporate all of that into one lease with the amendments appearing to be the original lease; make the effective date of the lease to be June 3rd which is the time that it was originally executed. If anybody understands that they should get a credit for a course in real estate law. That is all that I have to report.

**Cindy Mayo - Superintendent of County Buildings**

Commissioner Borries: Ms. Cindy Mayo, Superintendent of County Buildings.

Cindy Mayo: I have a request that was turned in by the County Assessor today so it did not get on your agenda. She is requesting permission to advertise for two openings that she has in her office and we are the only ones who have advertising in our budget so it would have to come out of the Commissioners budget.

Commissioner Mourdock: I don't...

Cindy Mayo: I was shaking my head no because Charlene asked if that was something that she would be requested to do and it is not. The Assessor would make up their own ad.

Commissioner Mourdock: Okay. I guess I'm kind of struck by the fact that we are putting a couple of part-time people in for the vacations. That seems kind of odd to me, but I have said before that it is not my intention to micromanage the offices of those who were elected to the office. Go ahead, Cindy.

Cindy Mayo: The one position is currently open. The second position is one that I don't know when it will become open.

Commissioner Mourdock: I suddenly realize that I misread something here. I'll move the advertisement as requested by the County Assessor.

Commissioner Borries: I will second and add however that it is a bit unusual that we would do this in a community of this size. I would think that there would be other ways. I am not aware that

other public agencies, as such, we haven't usually done this on a regular basis if for nothing else but to save money. Is she going to post this anywhere as well? Couldn't it be posted through Ms. Deig's position?

Cindy Mayo: It will be posted on our...

Commissioner Borries: Okay, our public spot out here. I may also ask that maybe she send those to you so in order for us to...I am not clear on personnel vacancies exactly what best qualified...now she is getting...we would be getting into...

Cindy Mayo: I believe she is going to specify certain programs.

Commissioner Borries: That are through the county's Job Study?

Cindy Mayo: Well, certain skills that she is going to require on the computer.

Commissioner Borries: Okay.

Cindy Mayo: The only other item that I have is that Ms. Titzer did ask me to let you know that there is a Mental Health appointment that needs to be made. Apparently, there is a meeting on Friday, the 23rd, and I don't know that you are prepared to make an appointment tonight. There was a letter in the Route To folder and she just came across it again today and so she did just want me to remind you and maybe you will have somebody in mind for next week's meeting.

Commissioner Borries: I had asked Ms. Titzer to call the Mental Health Center to ask for more information on it. There are two kinds of appointments to the Mental Health Center. One is a what they call a Corporation a...yeah, here it is. Let me just read it real quickly so that we can understand. Yeah, this is to the corporation and there are four slots from Vanderburgh County and there has been one vacant slot for several years so we actually need to find a person, basically, who would serve as a corporation appointment which means that they are requested to attend at least one annual meeting in September and to keep well informed then of the monthly meetings of the Board of Directors. It does not really involve, per the statute, much beyond attendance at maybe one annual meeting. Okay, I understand a little bit more now, too. The persons, I guess, that are on there and the three vacancies that were not filled we probably need to contact these people and see if they would be willing to serve again or we will have to come up with four new members. You should review it and we will see what can be done there.

Cindy Mayo: Okay, that is all that I have.

Commissioner Borries: Thank you.

<b>Consent items</b>
----------------------

Commissioner Borries: We have consent items that are listed as employment changes, there are travel requests, there are request approvals for County Council. Roger Lehman is here, I think probably that is why you are looking so eager this evening, Roger?

Roger Lehman: Actually, I came up for the Adult Bookstore Ordinance and I ran into Cheryl Musgrave downstairs and she said my name was

on the agenda for tonight and I didn't know it so I thought I better come up.

Commissioner Borries: You are on for the GIS Study funding.

Roger Lehman: That is just a formality to put us on for Council Call?

Commissioner Borries: Yeah, if we approve it here in a second. There is a transfer of funds from the other.

Roger Lehman: I saw my name and I thought that I better come defend myself!

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: I will second and so ordered. You're approved.

Roger Lehman: You will advise me of the date?

Commissioner Borries: Yes.

Roger Lehman: I'll be on vacation.

#### Scheduled meetings

Commissioner Borries: There is a list of scheduled meetings and they are there for public review. Commissioner Mourdock, refresh me on this one.

Commissioner Mourdock: Next week would be the 26th and it shows the Board of Commissioners having an Executive Session at 4:00 p.m. and, in fact, that is an error because that is when we scheduled to have the special meeting for the Solid Waste Management District regarding the BFI permit issues and they Tox-Away Day Contract.

Commissioner Borries: So the Executive Session scheduled for 4:00 p.m. on August 26 will not be held.

Charlene Timmons: Do I need to advertise a cancellation on that?

Commissioner Borries: Yes.

Charlene Timmons: Alan, does it have to be a certain amount of days beforehand?

Alan Kissinger: For August 26th?

Charlene Timmons: Yeah.

Alan Kissinger: Just get it in there as quickly as you can. There is nothing that we can do.

Charlene Timmons: Okay, I think the earliest that it can appear is Friday.

Alan Kissinger: Then Friday is it.

Charlene Timmons: Okay.

Commissioner Mourdock: The Solid Waste Management District does not

need to be advertised does it?

Suzanne Crouch: We don't do that.

Commissioner Mourdock: Yeah, I know you don't.

Alan Kissinger: That I can't tell you.

Commissioner Borries: Well, I think they would have to do that themselves, but it would seem to me that they did have to advertise that since that was a special meeting.

Commissioner Mourdock: Yeah, you're right. Joe Ballard mentioned that at the podium that he would take care of that.

Commissioner Borries: Yeah, that is a special meeting which will be held at 4:00 p.m. The rest of our agenda is set which will include Drainage Board next week and I hope it doesn't rain between now and then.

#### Old business

Commissioner Borries: Any old business?

Commissioner Mourdock: Yes, I have one item of old business that I wrote down. Oh, Alan has already covered it regarding the ozone and I just wanted to make sure that we are still moving on that. One note that I did make to myself though, Alan. You had mentioned at one point about forwarding some materials on to me that you had collected from not Kevin, but David Bunner and if you get a chance...wasn't it? Or from Tim Method or someone.

Alan Kissinger: Tim Method, yes and as a matter of fact he also sent a follow-up letter inquiring as whether we needed his help, so he is sincere. I am supposed to meet with David this week since he is back so I will try to get something to you.

Commissioner Mourdock: I appreciate it. That was the only item that I had for old business.

Commissioner Borries: Okay.

Alan Kissinger: I did understand correct then that at next week's meeting the Executive Session will not be held?

Commissioner Borries: That is correct.

Alan Kissinger: Okay, thank you.

#### New business

Commissioner Borries: I think under new business the only thing that I would say is that the Council Budget Hearings will continue. I think the Commissioners' budget will be again reviewed this week from somewhere between noon and 3:30 p.m. on the Wednesday, the 21st. Any more items? Okay. Well, we have been able to complete our agenda and, frankly, avoid some confusion because at the bottom of our agenda it says that rezonings will be heard at 7:00 p.m. or immediately following the meeting and we are faced with the pleasant task this evening of recessing this meeting and considering one first reading tonight which we can do at this time.

Vanderburgh County  
Commissioners Meeting  
August 19, 1996

27

Commissioner Mourdock: We need to formally adjourn this though.

Commissioner Borries: Yes.

Commissioner Mourdock: I'll move adjournment of the Commission meeting.

Commissioner Borries: I will second.

The meeting adjourned at 7:10 p.m.

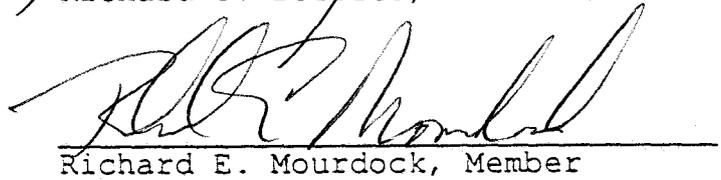
THOSE IN ATTENDANCE:

Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Cindy Mayo  
Charlene M. Timmons  
John Stoll  
Bill Morphew  
Mike Shoulders  
Cheryl Musgrave  
Roger Lehman  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



Richard J. Borries, Vice President



Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners  
Rezoning Meeting**

The Vanderburgh County Board of Commissioners met in session this 19th day of August, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 7:11 p.m. with Commissioner Richard Borries presiding.

Commissioner Borries: I would like to call to order the rezoning portion of the Vanderburgh County Commission. The date is Monday, August, 19 and we have two items of business before this evening.

**Approval of minutes**

Commissioner Borries: First, is to approve the minutes of the last rezoning meeting which was held on July 15, 1996.

Commissioner Mourdock: I'll move approval of the minutes of July 15, 1996.

Commissioner Borries: I will second and so order.

**First reading VC8-96  
Petitioner: Kempf Group  
Address: 3000 Kansas Road  
Request: AG to 36.6 acres of M1  
AG to 13.4 acres of R1**

Commissioner Borries: This request, again, is here on first reading which means that it is entered for the official record. It will be sent to the Area Plan Commission for second reading and could be heard by this Board as early...I say it would, but not necessarily, but could be heard by this Board as early as September 16. At this time, again, we consider only first reading.

Commissioner Mourdock: I will move approval on first reading of VC8-96.

Commissioner Borries: I will second. Let the record show that there are no final readings and therefore no other business in this rezoning portion. So, Commissioner Mourdock, I will ask for a move to adjourn.

Commissioner Mourdock: So moved.

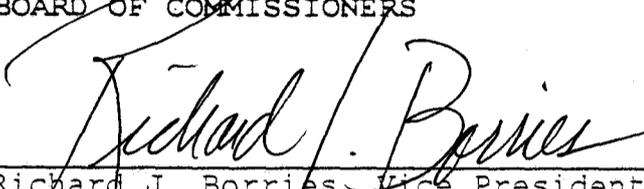
Commissioner Borries: I will second and so order.

The meeting was adjourned at 7:14 p.m.

THOSE IN ATTENDANCE:

Richard J. Borries  
Richard M. Mourdock  
Suzanne M. Crouch  
Alan Kissinger  
Charlene Timmons  
Members of media  
Others unidentified

VANDEBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
August 26, 1996**

**Table of contents**

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Keith Rounder - Barrett Law funding .....	1
Open bids - VC96-08-02, Concrete repair of various roads .....	5
(Deferred until 9/9/96)	
Request for shelter house fee waiver .....	5
(Evansville Bicycle Club)	
Request for shelter house fee waiver .....	6
(Youth Leadership)	
Any group or individual wishing to address the Commission ....	7
John Stoll - County Engineer .....	10
Street plans           - Windemere Farms	
Koester/Azteca       - Change order	
- Time Extension	
Update                - Green River Road/Mr. & Mrs. Skipper	
Green River Road   - Change order	
Advertising         - Structural Engineer/Construction Mgr.	
Maasberg Road       - Permission to pursue timber bridge	
replacement	
Bill Morpew - County Garage .....	16
Progress report for Highway Department & Bridge Crew	
for period covering August 16 through August 22, 1996	
Instructions concerning Bromm Road dairy farm	
Edward G. Moser - Coterie Club of Evansville, Inc. ....	21
(Concerning wood floor in Auditorium)	
Alan Kissinger - County Attorney .....	22
Discussion           - Ozone ordinance	
Discussion           - Enhanced Access ordinance	
Cindy Mayo - Superintendent of County Buildings .....	27
Quit Claim Deed     - 105 Harriett Street to CHOICE	

Consent items .....	28
Employment changes	
Travel requests:	
Health Department (10)	
Treasurer's report for July	
Scheduled meetings .....	28
Old business .....	28
Discussion concerning Mental Health appointment	
Mikki Heck           - Hillsdale Housing Association	
New business .....	34
Ordinance           - Vanderburgh County Erosion and Sediment Control	
Jim Keck            - Convention & Visitors Bureau appointment	
Adjournment .....	35
Attendance & signature page .....	36

**Vanderburgh County  
Board of Commissioners Meeting  
August 26, 1996**

The Vanderburgh County Board of Commissioners met in session this 26th day of August, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:55 p.m. with President Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: Okay, we'll call to order the Vanderburgh County Commissioners meeting for August 26, 1996. As a point of introductions for those of you who don't know who we are, to my far is Cindy Mayo, office manager and the Superintendent of County Buildings; to her immediate left is County Attorney, Alan Kissinger; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; Bill Fluty, I almost lost your name there, Bill. He is the Chief Deputy for the County Auditor's Office and is sitting in tonight for the Auditor's Office; and Charlene Timmons is the Recording Secretary from the Auditor's Office. If you would, please stand and face the flag and say along as we say the Pledge of Allegiance.

**Approval of minutes**

President Tuley: Okay, the first item under action is the approval of the minutes from last week's meeting at which I was not in attendance. So, if one of you will make a motion and second and so order.

Commissioner Mourdock: I'll move approval of the minutes from the August 19, 1996 Vanderburgh County Commissioners meeting.

Commissioner Borries: Second.

President Tuley: You should so order as well. Rick, you need to so order as well, I wasn't here.

Commissioner Borries: Ah! So ordered!

**Certification of Executive Session**

President Tuley: Item B, Certification of the Executive Session. Just let me suffice by saying there wasn't one, but I sure wish there had been!

Commissioner Mourdock: Those words will never again appear in the record that you wish we had one.

**Keith Rounder - Barrett Law funding**

President Tuley: Right. Alan, you had wanted to change the agenda for a second, I think. You have Keith Rounder here, the Assistant County Attorney, to report on something and he needs to leave.

Alan Kissinger: Keith has a report on Barrett Law funding for the extension of sewer lines in the county. I think there are some interested parties here. I anticipate his report will be relatively brief and even the questions and answers will be relatively brief. I would ask that the Commissioners consider varying from the agenda and allowing Keith to make his presentation

now.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

Alan Kissinger: Your up, Keith.

Keith Rounder: Well, as Alan hinted, I don't have a very long presentation. I have prepared a summary of Barrett Law funding procedures. The Barrett Law was appealed a few years ago and replaced with another statute which was virtually identical. When I was asked to do this there were some concerns about exactly what I would be preparing. I think there was some feelings that maybe what I would be doing was to be preparing a series of forms or something like that, or procedures for the homeowners to use in order to obtain Barrett Law funding in order to get their sewer extension accomplished. My review of the statute, which was new to me until I was asked to undertake this project, is that the very first step in the process is an adoption of a preliminary resolution which can be adopted at the encouragement of the homeowners or it could be adopted by the Board solely on its own accord. That resolution has to be accompanied at the time it is considered by initial specifications in plans for the sewer system to be installed. The statute is silent as to who should prepare those specifications and plans. I believe that what the statute contemplates is that the residents who desire to have the system extended to their neighborhood could retain a firm to prepare those initial specifications and plans and then submit them along with a proposed resolution to the Board for the Board's consideration. Once the Board decides to adopt the resolution and begin the project it sort of takes on a life of its own and most of the work is done by the county, primarily the County Engineering Department, and, of course, the contractor who is ultimately hired to perform the work. In summary, there isn't a lot that the homeowners, who are desiring this, need to do. That is kind of up to the Commissioners as to what they want from them, but once the resolution is adopted and the project gets going, then it is pretty much a county project that the county primarily takes care of.

Commissioner Mourdock: What was the last part of that, Keith, that who primarily takes part?

Keith Rounder: Once the resolution is adopted by the Board of Commissioners the County Engineering Department, in cooperation with whoever the contractor who is chosen to do the work, will take care of the project. The primary responsibility of the homeowners is to remonstrate if they so choose.

Commissioner Borries: Keith, I appreciate your research here and I will want to read through this, but it looks good. Do you remember ...wait a minute, here it is...no. It seems like we get into some nebulous kinds of things when we talk about numbers of persons who have to participate. Do you remember seeing anything at all or recall anything about the number of people who would have to sign up?

Keith Rounder: Like initial requests?

Commissioner Borries: Yeah.

Keith Rounder: There is no requirement for any particular number of people.

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

3

Commissioner Borries: There isn't?

Keith Rounder: No.

Commissioner Borries: Okay.

Commissioner Mourdock: There is no percentage of participation within a given...I think, wasn't that what we heard at one point?

President Tuley: Yeah.

Commissioner Mourdock: Someone was saying something like 75% of the people within a given jurisdiction.

President Tuley: I saw something in here a minute ago that kind of made me think that the number might be something around 60% because I saw that if there is a remonstrance period of time in which it made reference to a minimum of 40% of those effected...

Keith Rounder: There are two ways to try to stop this if you are a homeowner. One, is to remonstrate and you have to have at least 51% of the people to do that. If 51% of the people who are affected remonstrate, then this Board can go ahead and either veto the project, modify it, or pass it with a two-thirds majority.

President Tuley: Page Four he is reading from.

Keith Rounder: Right. If the remonstrations doesn't work to get the project stopped, then 40% of the homeowners affected can object through a written objection filed in court.

Commissioner Borries: Okay.

Keith Rounder: Then it goes over to whichever judge is assigned to the case and no other proceedings can take place until that court case is ruled on.

Commissioner Borries: Okay.

Commissioner Mourdock: Not having had a chance to read through this, I take it that jurisdictional area is defined at the very outset so that they can't just keep increasing or decreasing boundaries to make sure that the percentage works out?

Keith Rounder: That has got to be in the preliminary resolution.

President Tuley: In the resolution which is on the back page.

Commissioner Mourdock: So, what we have here, essentially, is a cookbook of how the Barrett Law can function for people who need services.

President Tuley: Which is what we were after.

Commissioner Mourdock: Which is exactly what we were after and I commend you and thank you and hope that this makes the process simpler for a lot of folks.

President Tuley: I would like to have enough copies kept around so if someone comes in we can just hand them the package and say, if you are interested in the Barrett Law, then here it is.

Keith Rounder: I think the decision for the Commissioners at the

outset is what they will require from the homeowners in terms of...before the preliminary resolution can be adopted the general specifications and plans have to be filed or have to be on file with your office. You can't, under the statute, adopt a resolution until you have those in place. The question is who does that, who gets that ball started.

Commissioner Mourdock: Can that be somewhat better defined? Could this Board define, basically, what minimum requirements are and then anyone who comes in...

Keith Rounder: I think it is entirely up to this Board to set whatever standards it wants. The statute says that the Board may, if it wants, adopt a resolution, but it doesn't say under what circumstances that it is required. Theoretically, you could say that we will not consider this until we have 75% guaranteed participation. That is not required, but you could do that.

Commissioner Mourdock: From the side of trying to be...here is the word again...consistent, if we set that bar at a certain level in the long run it would probably save this Board considerable difficulty because once we set it, then people either meet the specs or they don't. If we don't do that, I think what I heard you say, is that any group can come before us and almost arbitrarily we can say, yeah, we'll go with this one and then next time not go with it.

Keith Rounder: That is correct.

Commissioner Mourdock: That could be a problem.

Commissioner Borries: Again, once you determine the field of membership, or whatever, basically 51% of those people could at least get them to this group, to our group, and then the objections to the final thing would have to be 40% to vote it down.

Keith Rounder: At least 40%. I think what would happen is that if someone filed a court case to try to stop this and if they didn't represent 40% of the homeowners then the case would be dismissed based upon their failure to comply with the statute.

Commissioner Mourdock: As far as the funding mechanism, once those hurdles are cleared, how does it proceed?

Keith Rounder: Basically, it is bonds, you have to issue bonds. The contractor can get paid through certificates and then once the project is paid for, or once the project is complete that is, an assessment roll is prepared. That assessment roll has the names, addresses and tax codes of each property owner and the amount which the county engineer decides that they should be assessed for the improvement. At that stage, anyone who objects to the assessment roll can object to the amount that they have been assessed. That also can wind up being heard in court if they are not satisfied with the result.

President Tuley: Nice job, Keith.

Commissioner Mourdock: Yes.

Keith Rounder: Thank you.

Commissioner Borries: Thank you.

**Open bids for VC96-08-02, Concrete repairs of various roads**

President Tuley: Okay, item 4C is a request to open bids for VC96-08-02.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

Alan Kissinger: Just a moment, please.

President Tuley: Oh, John Stoll is up here.

John Stoll: I would like to recommend that the bid opening be postponed for two weeks due to the fact that as of 4:30 this afternoon I was still getting questions regarding what some of the specifications should be on some of the concrete items and those items would significantly affect the cost of the contract. To be sure that all contractors were bidding the same, I would recommend that it be postponed for two weeks.

Alan Kissinger: I have asked John, and if the Commissioners see fit to do this, to prepare an addendum for the contractors direction or education, if you will, and also advised him that if these bids are returned, they should be returned unopened with an explanation.

President Tuley: Okay.

Commissioner Mourdock: I'll withdraw my second.

President Tuley: Need a new motion.

Commissioner Borries: I'll withdraw my motion.

President Tuley: Now we have a new motion here.

Alan Kissinger: Yes, the new motion would be to postpone the opening of the bids for two weeks.

Commissioner Mourdock: Second, I'm sorry, so moved.

Commissioner Borries: Second.

President Tuley: So ordered. That last meeting was...

Commissioner Borries: So that we don't have any confusion, are we talking Monday, September 9th?

John Stoll: Right, and I will fax Charlene the legal notice tomorrow morning so that it can get advertised.

Commissioner Mourdock: What project is that, by the way?

John Stoll: That is the concrete repair of various roads. There were several questions regarding several different items that may or may not be included in the cost of the concrete so that is what we need clarified.

**Evansville Bicycle Club - request for shelter house fee waiver**

President Tuley: Okay, item 4D is a request for shelter house fee

waiver from the Evansville Bicycle Club. There is a letter here:

"To whom it may concern:

The Evansville Bicycle Club would like to use a shelter house at Burdette Park on Sunday, October 6, 1996 for the Great Pumpkin Ride. The shelter would be used for a rest stop on the 62 mile route of the bike tour. This bike tour is attended by nearly 1,000 bike riders. The rest stop would be set up from 9:30 a.m. to 12:30 p.m. Thank you for your time and consideration.

Phalos and Kathy Young,  
Rest Stop Director of the Evansville Bicycle Club"

It doesn't make any mention to having contacted Burdette to make sure that there is one available.

Commissioner Mourdock: If I rode 62 miles I would need a rest stop!

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered. Do you want to make sure that we forward this out to Burdette to make sure it is available.

Cindy Mayo: They are aware of both of the requests.

President Tuley: Okay, so they don't have problem with either one then? Okay.

**Youth Leadership - request for shelter house fee waiver**

President Tuley: The next one would be Youth Leadership.

"Youth Leadership, a program of Leadership Evansville, is looking for a place to hold their facilitator training. I stopped by Burdette to return an item from Day Camp and happened to ask them if they had any space...

I think that was a little plug that they are using our facility...

available on the date that we need; Sunday, September 8, from 1:30 to 5:30. The showed me the only cabin available on that date, Number 12. It will work.

Our part of Leadership Evansville is only going into its third successful year. We do not have a lot of money, therefore, I am requesting a donation of cabin Number 12 for our program. Mr. Tuley, this has a big "please" attached to this request. We would really appreciate the County Commissioners help. I would need to know right away because I have to notify the eight facilitators of the date and the place so that they will be able to attend.

Please call me or Sara Davies as soon as possible or you may reach me by cell phone. Thanks so much for considering this request.

I'm sorry, but this person's name is C-h-e-e-b-a (T-h-i-e-m)

Sobotka.

Commissioner Mourdock: Cheeba.

President Tuley: Is it Cheeba? Just like it looks?

Commissioner Mourdock: Yeah, Cheeba Sobotka.

President Tuley: Okay. Do we have a motion then to grant their request?

Commissioner Mourdock: We have traditionally supported that group, so moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Any group or individual wishing to address the Commission**

President Tuley: Okay, item 4F is any group or individual wishing to address the Commission. I see some individuals here. Looks like maybe two different groups of individuals, two different projects, I think.

Leroy Walther: Leroy Walther, 8417 Old State Road. In relation to the sewer extension, what is the next step that we have to have from our engineer and a list of the names of the people that are interested in it? I can tell you right now that we have 57% positive participation. Again, it will probably increase after we get some elevation sites on the depth of the sewer and the grade line.

Commissioner Borries: I think that you will be the first person to use this manual that you heard tonight. I think we would need to read through this and all study it, but certainly if we are going to proceed in this fashion it looks as if this is the way we would have to get the sewer.

Leroy Walther: Again, I heard this 75%...

President Tuley: No, that was a question. That was just a question.

Commissioner Mourdock: Yeah, that was the old law.

Leroy Walther: Okay, I was going to say that this is a law and it says 51% so you cannot put on an amendment to a state law.

President Tuley: No, no.

Commissioner Borries: The 51% can request, as I understand, and 40% can oppose.

Leroy Walther: Right.

Commissioner Borries: So in other words, really the number that you are talking about in terms of setting your field of membership, getting the costs, taking care of all the others if I understand it. That is why I kept asking for more information here, but it is 60% for is what you need of your...am I right on that, of your identified field of membership out there? It is 60% for.

Commissioner Mourdock: I would say, Mr. Walther, that the key thing as far as what is your next step is the engineer that you are working with have him design or at least...I guess that was the right word, design a plan that is very specific as far as which properties and which property owners are in this area that would be participating. The other thing that I hear is required of this Board is to just move forward and put together one resolution defining what we want as local standards for you to meet. I don't think it is the wish of anyone on this Board to have any rule in place that is more strict than what the state law would be. For instance, just because they want 51% doesn't mean that we would say, okay, it's got to be 85%. I don't see that at all.

Leroy Walther: I haven't been able to find it in there. I have one other question pertaining to a parcel of land. There is one parcel of land that is 400 feet from where the adjacent sewer line will be to his property. Is he considered a...he doesn't want the sewer line and what is the status of him? Since he doesn't have to go if he is over 150 feet from the line, he doesn't have to tap in so what is his status?

Commissioner Mourdock: Without having read through that entire document, I guess it depends where your engineer draws the line.

President Tuley: And says this is the area effected.

Commissioner Mourdock: If he is not within your area, then he is not within your area.

Leroy Walther: The sewer will probably touch about 75 maybe 100 feet of his property, but he is back 400 feet from that line.

Alan Kissinger: As a consequence, he would not be required to tap in.

Leroy Walther: That is right, so would he be...could he object to it?

Alan Kissinger: Yes, he could.

Leroy Walther: He could object to it?

Alan Kissinger: Yes, because his would be one of the properties to be served by the proposed extension.

Leroy Walther: Okay, that is what I wanted to know. Okay, I think that is all the questions and I'll talk to Andy.

President Tuley: Can we do something? Could we read this for a week and then make this available to the public anytime after next Wednesday, or after next Tuesday, I guess. Since we were just presented with this tonight, I would like for us to have a chance to read through it and look at it and then make it available to the public after next Tuesday night's meeting.

Commissioner Mourdock: I guess I would go along with that and add that maybe we can plan next week on having some discussions as far as what we feel need to be essential and what we define for our local resolution.

Commissioner Borries: Okay.

Leroy Walther: If you're planning on a meeting the day after Labor

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

9

Day, I will have Andy Easley here and you can ask him questions also. Is that okay with the Commissioners?

Commissioner Mourdock: He is certainly free to be here as you are. I don't know at that point that we will have...I'm sure we won't have at that point everything that we need done to act to get our part of this equation put together. You can keep working with Mr. Easley to try to find out, again, where those lines need to be on the map, but we've got a little bit of time ahead of here to draft a resolution.

Leroy Walther: Okay. Then plan on coming back on the 9th?

President Tuley: No, actually it would be the third.

Leroy Walther: It would be the third?

Commissioner Mourdock: That is the one after Labor Day, right?

President Tuley: Right, that is when we would have our discussion amongst the Board Members of any modifications or changes or anything that we would want to do with this which is probably not going to happen in terms of changes, but then we could start our part, what we need to do.

Commissioner Mourdock: Alan, Keith used the word resolution, but I presume that actually what we are talking about here is an ordinance, is it not?

Alan Kissinger: First there is a resolution and then ultimately there would be an ordinance to follow, is the way that I understand it. Quite frankly, Keith knows more about that than I. One thing that the Commissioners need to keep in mind when reviewing the material that Mr. Rounder has prepared, is that eventually the chickens come home to roost. We also have to consider how we are going to fund this because my understanding is that as far as the city is concerned, since they are the Water and Sewer Utility or it is within their jurisdiction, if we make a request to the city to extend this line the city may agree to do so and may adopt our plans, but in previous situations such as this the city has said, to put it bluntly, we want our money up-front. You recover your money however you can. So, the up-front money is something that we have to consider as well.

President Tuley: Okay, that also brings another question then because Keith said something about a bond, and I should have asked Keith while he was here, but does this, and this might be a question that the Auditor's Office can address as well, but if there is a bond obligation does that count against our bond indebtedness?

Alan Kissinger: It would.

President Tuley: Okay.

Leroy Walther: I think in the Barrett Law there is a specification that it can come from the General Fund or from a bond issue.

Alan Kissinger: That is correct. That is why we are talking about a bond issue. There are no extra funds in the General Fund.

Leroy Walther: Right, okay. So, when shall I come back and you'll have a resolution on the procedure or what we need.

Alan Kissinger: I would say, sir, and I don't want to speak for the Commissioners, but probably there will be discussion on September 3rd and I would think that sometime after that perhaps the Commissioners would be prepared to request that a resolution be prepared. Obviously, you are welcome to come on that night, but the way I understand it is that the Commissioners are going to discuss this presentation after having reviewed it and I am not saying that you would be wasting a trip, but we may not actually do anything at that meeting other than discuss.

Leroy Walther: Okay, that will be open to the public then?

Alan Kissinger: Yes, sir.

President Tuley: Oh, sure.

Leroy Walther: Okay, and that will be September 3rd?

Alan Kissinger: Yes, sir.

Leroy Walther: Okay, thank you very much.

President Tuley: We have some ladies in the front row, I think, who would like to speak.

Mikki Heck: We are under old business.

President Tuley: Old business, you're under old business?

Commissioner Mourdock: We could save them some time.

President Tuley: We could really save you some time and move you up.

Mikki Heck: That is fine.

Cindy Mayo: They are staying for the Drainage Board also.

President Tuley: Oh, you are?

Mikki Heck: Yeah.

President Tuley: Then it won't do us much good to save you time then. Okay, any other group or individual then who does not find their name or topic for discussion listed on the agenda?

<b>John Stoll - County Engineer</b>
-------------------------------------

President Tuley: Okay, then we are ready for department head reports. John Stoll, County Engineer.

John Stoll: The street plans that you have in front of you are for Windemere Farms. This is a subdivision up off of Kansas Road. The street plans have been reviewed and they are asphalt streets with curb and gutter and I would recommend that they be approved. There is one item that I think needs to be addressed though and that relates to potential future expansion of the subdivision. That east/west street there just goes downgrade and it stops. Right now it just terminates without a cul-de-sac. The developer's plans are for future expansion where he would tie into that again in the future, but in the event that the street is never extended since the street is going downgrade at that point if the developer would

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

11

ever sell the property I think he needs to provide a drainage easement and cut a ditch in there that could handle the water that would be coming down that street. The developer is Dan Buck and he is here this evening if you want to ask him any questions. His engineer, Keith Poff, is here as well.

President Tuley: The only question that I have is do you have a problem with what John is recommending?

Dan Buck: No, on the east side of Windemere...

President Tuley: Dan, would you mind coming forward so that we can pick up your comments, please.

Dan Buck: My name is Dan Buck. We originally had a cul-de-sac here, I think, that EUTS wanted. We had planned on developing this, I own this already and they wanted to put the two subdivisions together so that is what our plans are. If I do sell this I don't have any problem coming along through here and creating a ditch. There is a ditch right here right now, so I can sell the easement on this to get it back over there and dig a ditch there.

President Tuley: That would only be necessary if you didn't develop this, correct?

Dan Buck: Right.

President Tuley: If he goes in and grants the easement and then would continue development, then he would have to come back and we would have to give him back his easement?

John Stoll: He isn't going to grant the easement right now.

Dan Buck: Only if I sell it or if this...I don't think I need the easement. Of course, if I sold it to another developer he would want a drainage easement on here anyway--

President Tuley: Okay.

Dan Buck: --to separate the two subdivisions. Either way, there will be some kind of drainage easement there when that other property is sold or developed.

President Tuley: Okay.

Commissioner Mourdock: Is there any particular reason, Dan, why you are not developing that part of it now?

Dan Buck: That sewer system is almost at its max without a lift station so I worked a deal out with the Sewer Department that I would only tap in 30 a year to give them time to put a new lift station in there. There is no reason for me to open...you know, I am already opening up almost 50 lots and there is no reason to open up over 100 and then sit on 60 lots for two or three years when I can't do anything with it. That is the reason why.

Commissioner Mourdock: Okay, thank you.

President Tuley: Comments or concerns? Motion on the request?

Commissioner Mourdock: How do we do this, conditionally, I guess?

President Tuley: I would recommend approval subject to granting the easement.

John Stoll: Granting the easement if the developer doesn't continue the subdivision or would sell the property off.

Commissioner Mourdock: With that condition, I will so move.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item that I've got pertains to the frontage road at Baseline Road. The contract to construct the frontage road next to the Azteca plant. First of all, I have got a request for a time extension on that contract. We have granted two time extensions to this point. One was for 30 days and one was for 15 days. Given the change order that you have there in front of you also, when you figure in the amount of days that the contractor is due on the percentage increase on the basis of the number of days increased on the percent dollar increase of the contract he is entitled to 48 days and we have already granted 45. The contract was completed in 49 days beyond the original contract time. The change order also has on it lime stabilization. One of the things that we were looking at back when that change order was first brought about was several different alternatives for how to address the poor soil conditions out there. In the evaluation of those different options as far as addressing that as far as subgrade goes my office held the contractor up for probably three to five days so on that basis I would recommend that a four day extension be granted and also that the change order for \$26,051.21 be approved.

Commissioner Mourdock: Just for the record, I recognize the letterhead there as being the company that I work for so I will certainly not be voting on this.

President Tuley: John, your recommendation because we held them up would actually make them be in compliance with the time period?

John Stoll: Right. We looked at putting in geo-grids. We looked at lime stabilization. We looked at undercutting all that and replacing that with suitable soil and when the contractor was out getting his prices on all of those items no work was proceeding so we held them up beyond the 1 day that they were late in completion so on that basis I would recommend that the time extension be granted.

President Tuley: There is a two part recommendation. You want us to approve the extension of the four days and also to approve a change order?

John Stoll: Yes.

President Tuley: That is your recommendation?

John Stoll: Yes.

Commissioner Borries: I will move that the extension be approved.

President Tuley: Second and so ordered.

Commissioner Borries: The second part--

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

13

John Stoll: The change order.

Commissioner Borries: --the change order be approved.

President Tuley: Second and so ordered.

John Stoll: That is the final costs that we will have as far as any of the construction goes with the Azteca project so that work is complete. Next, I've got some amendments to the stop sign ordinance. That needs your authorization to have that advertised so that we can get that ordinance revised. This is just to include all the new subdivision streets that have been constructed as of late.

Commissioner Borries: I move the streets as submitted by the County Engineer be advertised for ordinance revision.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: Next, I have been in contact with Stewart May on the Green River Road project regarding the ditch that is out in front of the...it is not really out in front, but near the Skipper's property at the corner of Green River and Lynch. As you may remember, when the Skippers were here a few weeks ago they had requested that we pipe that ditch all along its entire path on the basis that is the way the plans originally showed the drainage to be taken care of out there. The pipe costs \$74.00 a foot, plus we would need some manholes and probably a lot of additional fill and that change to pipe the whole ditch would have been well over \$10,000.00. As somewhat of a compromise, what we were proposing is to put an elbow on the pipe that is out there right now and extend another couple of eight foot sections of pipe and try to flatten the slopes and sod the ditch rather than rip rap it. I think that was the main thing that the Skippers were opposed to was the rip rap. What we would be doing would be extend the pipe by about another 20 feet plus put a sod ditch in there, flatten the slopes, and, hopefully, everything will hold without having to pipe the whole ditch. Those revisions to that contract would result in a net increase of about \$1,500.00 to the contract. In the future, if the ditch won't hold because it is too steep or whatever, we may have to come back in and put some rip rap in through the County Highway Department, but as it stands now it looks like we could probably flatten it out enough that sod should hold. I shouldn't say "should", sod may hold and we would be flattening out the slopes to where the Skippers could mow it a little more easily.

Commissioner Borries: Any idea what that slope would be? Didn't she also express some concerns about maintenance on that?

John Stoll: The slopes, as they were called for in the plans, I believe, switched from a 3:1 to 2:1 around the inlet side of the pipe. This should allow for flattening and allow it to be flattened out to around 3:1 or so throughout.

Commissioner Mourdock: Just to refresh my memory, John, I think this is right, but originally when the Skippers gave the easement it was all going to be piped, right? There was not going to be any or a minimal amount of open ditch and that is why we are trying to work with them?

John Stoll: Right.

President Tuley: Let's clarify, too, they didn't truly give the easement, correct?

John Stoll: Well, back when it all started there was a different property owner involved. The transaction for the purchase of the right-of-way was with the Skippers, but the original property owner's name on the plans was not the Skippers.

President Tuley: Did you present this to them?

John Stoll: I haven't discussed it with them as of yet. I just wondered if this was something that you would want me to proceed with. It is not going to give them exactly what they want, but it is kind of splitting the difference. We'll get some flatter slopes and eliminate the rip rap and we don't have to foot a \$10,000.00 plus bill for pipe and manholes. If that is acceptable to you, then we will present that to them.

Commissioner Borries: The savings certainly seem attractive. Obviously, we are always concerned about the dollars involved. I would move that we authorize the Engineer to discuss this with the Skippers and perhaps give us a report back. Three to one slopes seems to me they would be able to be maintained and probably wouldn't have to do rip rap if you are that wide, but I would prefer that you talk with them about this and see.

President Tuley: If there is anyway I would recommend that if you guys haven't been out there and aren't familiar with this then go out there and look at this because this is not something that is directly in front of their house it is down here. The day that I was out with John we kind of just talked, but at that time he didn't have numbers. They would like for us to do what the original plans called for. I would too, but given \$10,000.00 versus maybe \$1,500.00, I don't know.

Commissioner Mourdock: Well, that cuts to the heart of it. The original plans said one thing and they negotiated, I guess, given that point of view. I presume there were negotiations as far as the easement. It wasn't probably just immediately settled on what the terms for that were going to be.

John Stoll: That I am not sure of. That was before I worked for the county.

Commissioner Mourdock: I would second Commissioner Borries' motion.

President Tuley: So ordered.

John Stoll: The next item that I've got is also in regard to Green River Road. I've got a change order for that project that adds some additional items that weren't in the contract for the waterline installation. It adds in some conduit that was not called for in the plans. That was called for to be installed with the Lynch Road project, but we can put it in an open trench now versus boring it underneath the road later so we will save some money on that. There are currently some striping on North Green River where it tapers back down from four lanes down to two that has to be removed and that was omitted from the original contract. These items result in a net increase of \$13,694.34. This change order does not reflect the net decreases on the waterline as far as the deletion of quite a bit of that waterline that we didn't put as much waterline in and overall that is another \$14,994.00 decrease. So, all things considered, this is not running up the contract by

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

15

another \$13,694.00. It will really still be \$2,000.00 under the original contract amount.

Commissioner Mourdock: Who is this contractor?

John Stoll: Blankenberger.

Commissioner Mourdock: It is your recommendation that we make the \$13,000.00 adjustment?

John Stoll: Yes.

Commissioner Mourdock: Pursuant to the recommendation of the County Engineer, I move that we adjust per his direction and recommendations.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I've got the ad that was requested regarding the construction engineer that would oversee the Auditorium project. Commissioner Borries and Commissioner Mourdock have seen a copy of this and the only change that has been made, probably since you've seen it Rick, a date was added of October 1st for submittal of resumes and a clarification was made to say that the person who would be selected would require building construction supervision skills rather than just construction supervision skills. Those are the only changes that have been made.

Commissioner Mourdock: I'll move that the advertisement of the advertisement for a structural engineer/construction manager for the Vanderburgh Auditorium project.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: You are going to be advertising this where, John? What media?

John Stoll: What did we say? The Indianapolis papers, the Louisville papers and then the Evansville papers.

Commissioner Mourdock: Okay, that is fine with me.

John Stoll: The only remaining item that I've got is in regard to the Maasberg Road Bridge. That bridge is slated for replacement in 1997 and given the fact that we've got Stringtown Road Bridge plans being finalized right now, plus the next project that Tim and Valerie will be working on will be the Heckel Road design, we won't have that project designed in-house. We won't meet 1997, probably taking a guess, so I was going to propose that we possibly pursue a timber bridge out there since the engineering would be provided and if it was done now we could possibly be installing that during the winter when other construction may or may not be able to be done.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: That is all that I have unless you've got any questions.

Commissioner Borries: John, I have one and it is not a question as much as a request. I heard from Reverend Steve Perry, who works at the Rescue Mission, and there is an old cross that used to indicate Camp Reveal on Highway 41 near Old State Road. It is very old now and I guess it has kind of gone into disrepair, a lot of it. It used to indicate where Camp Reveal is. Reverend Perry said that they would like to redo this in some way. It is old, but it has just fallen into disrepair. Where I am headed is that he said it is on county property or owned by the county. I said, you've got me! I don't know. It is just one of those things that I never thought about, so, could we check to find out if it is on county right-of-way some way? Let's locate where this sign is. Actually, they wish to buy the property so that there is no confusion. They want to repair this, but they are willing to...I guess we would have to have it appraised. It is a small triangular piece of property. I told him that I would certainly assist in his request and I guess our first step is to determine if it is county property, county right-of-way.

Commissioner Mourdock: I think it is right on the little wedge between US 41 and Old State Road.

Commissioner Borries: Yeah, yeah, that is where it is.

Alan Kissinger: Where the Grumpy Pal once was?

Commissioner Mourdock: Yeah, right next to the Grumpy Pal.

Alan Kissinger: I didn't know if John was old enough to remember the Grumpy Pal or not.

President Tuley: The Grumpy Pal is still in business.

Commissioner Borries: I don't know if it is county property or not. I didn't have a clue.

John Stoll: Yeah, we can check on that.

Commissioner Borries: I appreciate that.

<b>Bill Morphew - County Garage</b>
-------------------------------------

President Tuley: Bill Morphew, County Garage. Let the record show that Bill has submitted a report for the Highway Department and the Bridge Crew showing work conducted throughout the county for the period starting Friday, August 16 through Thursday, August 22, 1996. Do you still have summer help or did they go back to school yet?

Bill Morphew: One of them is back in school and we still have one, but I think this is his last week. I'll have to look at the date on my calendar.

Commissioner Mourdock: Bill, can I test your memory for a minute?

Bill Morphew: Sure.

Commissioner Mourdock: Probably, six months ago I received a call from a concerned citizen along Bromm Road.

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

17

Bill Morphey: Un huh.

Commissioner Mourdock: It is adjacent to the hog lot that is out there.

Bill Morphey: Okay.

Commissioner Mourdock: Do you know where I am referring to?

Bill Morphey: Yes, I do.

Commissioner Mourdock: Okay. The question that was raised at that time, or the issue that was raised, was the suggestion that because of the homeowner's actions, or property owner's actions, there was considerable erosion undermining the base of Bromm Road. Is that accurate, do you know?

Bill Morphey: Yes, it is.

Commissioner Mourdock: It is?

Bill Morphey: Yes.

Commissioner Mourdock: Did we or have we taken any action to notify the property owner that he has to mitigate that situation? Are either of you familiar with this situation at all?

President Tuley: I know of it, but not so much from that point of view as I do the other point of view.

Commissioner Mourdock: Bear with me for a minute. You have a county road here, Bromm Road, there is a slope this way. We have, I presume, what is a normal width of right-of-way?

Bill Morphey: Yes, 33 feet.

Commissioner Mourdock: Over on this side there has been, to put it mildly, overgrazing on a hog lot. There is no blade of vegetation out here and that caused the erosion to increase and so the slope has gone to the point where it is undermining our county road.

Bill Morphey: Yes.

Commissioner Mourdock: Did you run across this situation before as far as what our potential actions might be? I looked at it before in the spring and to be quite honest it didn't strike me as being as big a concern as it did the other night when I was bicycling through there and it is a real problem.

Bill Morphey: Yes, it is.

Commissioner Borries: Only on what we encountered on Spry Road where--

Commissioner Mourdock: Oh, sure.

Commissioner Borries: --the erosion of the pit there contributed to us...what did we do on the pit? We notified the property owner?

Bill Morphey: Yes, we did.

Commissioner Borries: But in effect, the county had to put in immediate...what did the owner do in that case?

Bill Morphey: Actually the owner didn't really do much of anything except give us permission to repair the spot where the mud slide took place.

Commissioner Mourdock: Alan, what options do we have in this situation?

Alan Kissinger: We can contact the property owner and notify him of our expenses and request payment. If that payment is rejected we can consider filing a suit to collect our expenses which obviously will entail proving that it was the intentional act or negligence of the property owner in causing damage to the county's right-of-way. Our third option, I suppose along with that, would be to file for a restraining order or a declaratory judgement indicating that the actions that he has presently been engaging in are causing damage to the county and will continue to do so and ask that he be further enjoined from engaging in that type of activity on the real estate in the future.

Commissioner Mourdock: Okay. Well, I guess, you're exactly right, Rick, Spry Road is a good example. Maybe the only difference between the two is that one was a result of a 100 year precip event so it happened like this and this one, I presume in looking at it, has probably been a long-term effect from a long-term problem.

Bill Morphey: Yes, it started out as a hog farm. Now they are calling it a dairy farm. I don't know where the hogs are at, but they now have cows out there.

Commissioner Mourdock: Either way there is still considerable erosion from it.

Bill Morphey: The hogs were rooting up underneath the pavement.

Commissioner Mourdock: The hogs were rooting under the right-of-way?

Bill Morphey: Underneath the pavement.

Commissioner Borries: Wow!

Bill Morphey: I had talked with Dave Franklin, in the Engineer's Office, part of John's staff, and he was working on something to get them to move their fence. There was a fence line there.

Commissioner Mourdock: And still is.

Bill Morphey: It was barbwire, plus there is an electric fence there about a foot off the pavement.

Commissioner Borries: That has to be our right-of-way.

Bill Morphey: It is, it's our right-of-way.

Commissioner Mourdock: The liability of having no shoulder there is something that we do not want.

Commissioner Borries: I would think that we need to notify him of, first of all, the infringement on county right-of-way. As Commissioner Mourdock has pointed out, the erosion that is effecting the county road...I don't know if it is worth a court battle or not, but if they would at least do something to mitigate the property, then we can handle our right-of-way. If those fences

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

19

are...they're within a foot of the road?

Bill Morpew: The electric fence is.

Commissioner Borries: Man.

Commissioner Mourdock: I didn't see that fence, I saw that other one.

Commissioner Borries: That has got to be our right-of-way if you say there is what, 33 feet?

Bill Morpew: Yes, sir.

Commissioner Borries: The pavement is probably how wide?

Bill Morpew: The pavement is, I think, 16 feet wide.

Commissioner Borries: He needs to be requested to...you know, we need to determine where our right-of-way is and he needs to be moved off of it.

Bill Morpew: I had contacted the homeowner. There is a lady that lives in the house and there are several sons that live in the houses around that one on Bromm Road. They are the ones that actually take care of the dairy farm, plus their own crops, their own farms. The lady indicated to me that the son would, in fact, move the fences and allow us the proper right-of-way to come in there and prepare the shoulder. That has not been done yet. As a matter of fact, the gentlemen has not returned my call yet. I did talk to his mother, but neither one of the fellows have returned my call.

Commissioner Mourdock: I guess it is fine with me whichever course of action we take. If you want to try one more time to politely call the guy and see if we can get some results and if not I would suggest that we refer this to Alan to have him draft a letter on his stationary and title and move on this.

President Tuley: Sounds fine to me. Is that a motion?

Commissioner Mourdock: Yes, so moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Borries: I see this also as a liability question. If it is an electric fence a foot from the road...the actual paved part of the road?

Bill Morpew: Yes, it is this far away from the road.

Commissioner Borries: Well, we need to determine where the right-of-way is.

President Tuley: He is going to amend his motion.

Commissioner Mourdock: Yeah, if you do not get a response from this gentlemen before 8:00 a.m. on Friday of this week, then I would ask that the County Attorney draft a letter.

Commissioner Borries: I will second.

President Tuley: So ordered.

Bill Morphey: Okay.

Commissioner Borries: Bill, one quick item. The intersection of Hedden and Kansas Road. I have had a request, if you could have your mowing crew to get out around the signage area of Hedden Road and Kansas Road.

Bill Morphey: Yes, sir.

President Tuley: There are a couple of letters coming through the "Route To" with some problems and I know someone had written a note on there to forward or they had forwarded it to you already.

Commissioner Borries: Yeah, me, I think.

President Tuley: I think one was faxed. The other day, I think, I saw a letter that said it was faxed to Bill on the 21st or 22nd, maybe.

Commissioner Borries: Usually our office will do that if they have a complaint.

Bill Morphey: Okay.

President Tuley: Check your records and if you don't have anything from the last couple of days, a fax from Cindy or Sunny, then give them a call.

Bill Morphey: It was on the 22nd. It was from the Commissioner's Office on Roesner Road.

President Tuley: Okay. Then there was another one, though, that somebody wrote a letter about around Hamilton Golf Course. That may still be in the routing, you may not have seen that one yet.

Bill Morphey: I haven't seen that one yet.

President Tuley: Cindy, do you know what one I am talking about? Would you make sure he gets a copy of that one as well?

Bill Morphey: I was out there playing golf the other day, could it be that?

President Tuley: Which one is that, John, that you've got? Is that the Hamilton one? You've got that already? Okay, get with Bill on it if you would then.

Bill Morphey: I do have a question for you. I was contacted by a couple people of the Engineer's Office. They have asked me to look into purchasing vehicles, replace a couple of vehicles out of the Engineer's Office. One of them has in excess of 300,000 miles on it and needs quite a bit of work on it.

Commissioner Borries: Broken in a little bit, huh?

Bill Morphey: There is wheel laying down there like this now! It could stand \$1,000.00 worth of front in work.

President Tuley: On a \$300.00 vehicle!

Bill Morphey: That particular vehicle probably wouldn't go for over

\$300.00 on the auction. There are two of them that are real similar and in the same condition. The same type and same year of automobile.

President Tuley: Is this going to come out of what funding?

Bill Morphew: Cum Bridge. I have \$25,000.00 in place in the motor vehicle line item in Cum Bridge. There is a possibility that I could get two of the little Chevrolets like we did last year off of state bid. They were in the neighborhood of, I think, \$11,000.00 or \$12,000.00 off of state bid.

Commissioner Mourdock: Are those cars or trucks?

Bill Morphew: Cars.

Commissioner Borries: I'll move that the request be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Bill Morphew: That's all I have.

President Tuley: Okay.

Bill Morphew: Thank you.

President Tuley: Alan Kissinger, County Attorney.

**Edward G. Moser - Concerning Vanderburgh Auditorium**

President Tuley: Wait a minute. Sir, was you wanting to address the Commissioners?

Edward Moser: I think I missed my chance.

President Tuley: Well, before you leave come back up here and we'll give you another chance.

Edward Moser: Just a second of your time. I am back knocking on your door about the wood floor for the new Auditorium for the ballroom for the Coterie Club of Evansville, Inc. Just wondering what progress was being made in that respect. Incidentally, my name is Edward Moser.

President Tuley: I know that they are aware of your request and I know that they are working it into their plans and I am not sure where we are at other than that. I do know, because I was at a meeting last week, that place and that question, believe it or not, did come up while we were sitting there and the idea of the wood floor. They said they were trying to figure out a way to address it and I think a lot would depend on which model we go after and funding. It's there and it is on the architect's mind.

Edward Moser: I thank you so much.

President Tuley: Okay.

Edward Moser: That is an encouraging point. Thank you very much.

**Alan Kissinger - County Attorney**

Alan Kissinger: Am I up again? I'm sorry.

President Tuley: I'm sorry, yes, you are.

Alan Kissinger: Okay. I have given you copies of what is in its present form a proposed city ordinance. This is as a result of the combined effort between myself, originally David Bunner and now Kevin Winternheimer. Kevin Winternheimer prepared this ordinance based on what he and I generally agree on as far as what the ozone reduction measures involve and what is required. I will briefly tell you that before we actually enact an ordinance or before we actually adopt an ordinance and the county's ordinance is going to be very much like this, but the county has some problems that the city does not. Before we adopt an ordinance, we have to submit it for consideration, not necessarily approval, but kind of an okay from the Indiana Department of Environmental Management. That has been done with this ordinance with the understanding that Vanderburgh County's ordinance is going to track this one very closely. As you will note, this covers four areas that were recommended by ACORN. ACORN is the acronym for the Action Committee for Ozone Reduction Now, which was a citizen's committee which studied the possible measures to reduce volatile organic compound emissions in the city and county. The four areas that they made their recommendations, again, number one, was the use of the low Reid vapor pressure gasoline during the ozone season; controls at gas stations and tanker trucks that reduce emissions during the unloading of gasoline; high pressure/low volume spray guns at primarily automobile refinishing operations; and the fourth area was the establishment of an aggressive and proactive Pollution Prevention Task Force that will assist companies in identifying areas where emission reductions can be achieved. Numbers one, two and three are relatively simple in that there is already statutory guidance and there is other guidance in the Indiana Administrative Code. The fourth area, the establishment of the Pollution Prevention Task Force, is rather cloudy. The thing also that the Commissioners need to understand is that the reason that we are submitting this to IDEM and the reason that they are going to refer back comments to us is that IDEM ultimately is going to incorporate what we do into their state rules specifically for Vanderburgh County. Not only Vanderburgh County, there are other nonattainable counties as well. The state has petitioned the federal authority to take Vanderburgh County off the nonattainment list and this is one of the steps that the state feels will help facilitate that. The problems that we have that the city does not have, number one, is in this proposed ordinance. You will note on the third page of the ordinance it says:

"The Evansville Environmental Protection Agency, Police Department and such other person designated by the Mayor may enforce the provisions of this subchapter."

We could designate the Vanderburgh County Sheriff's Department and I assume that they would be as effective an enforcement agency as would the Evansville Police Department in that my feeling is that they would be totally ineffective. They don't know anything about these regulations. They aren't going to know when these regulations are being violated, etc. So, it is generally conceded that the enforcement arm for the city is going to be the Evansville Environmental Protection Agency. Vanderburgh County does not have an Environmental Protection Agency, as such, that services areas

outside of the city, as I understand it. I know that there have been suggestions in the past that the jurisdiction of the Evansville EPA be extended to include the county and for various reasons that has not been done. I am not certain that it should have been done, but we do have a problem that needs to be addressed in reference to the area of enforcement of any rules that we may adopt in ordinance form. I don't know what to suggest unless the one thing that came to mind that was not discussed with the city legal department, because it is exclusively our problem, is that perhaps actually naming a new employee and designating that person as an ozone enforcement officer or something such as that. Someone with a background in this type of thing that can understand the requirements of the ordinance and also someone who can be further educated to engage in this type of enforcement. I don't know if it is going to be a situation that one person could actually do it or if it is going to require a whole department. I really don't know. There are possibilities of significant expense attached to this. The second area where we potentially have a problem and this will be the problem of both the city and the county and that is once again on page three it says:

"The city is hereby encouraged to enter into an interlocal governmental agreement with Vanderburgh County for the establishment and operation of a local ozone reduction task force. The general purpose of such local ozone reduction task force is to reduce VOC emissions on a county wide basis and such interlocal will be effective..."

...blah, blah, blah. It's something that we have very little direction in this area. We can establish a task force and the first question is what does the task force do? If they were to ask me, I would say, I don't know. Presently, the state has not offered a significant amount of enlightenment in that area except that we do know that there will be seminars, classes, etc., available for educating members of the task force. We are not talking here about necessarily a task force of people who will kind of do this in their spare time. We are probably talking, again, about a task force that may have to be directed by someone who is already employed by the county and the city. Someone that the county and the city perhaps will employ especially for the purpose of either chairing the task force or acting as a technical director for the task force. How the task force will be compensated, once again, we have very little instruction or direction there. It is not because the state has just said we are not going to offer you any instruction there or any help there, it is because this is kind of new stuff for them as well. What they are doing is looking around at other counties and saying what did they do? Did we approve what they did and does it appear that what they are doing or what the propose is going to work? We may be talking about a significant amount of money here. This is going to have to be the type of thing where these people are actually going to have to develop an agenda of activities that they will engage in. Well, according to the letter:

"To assist companies in identifying areas where emission reductions can be achieved by reducing high emitting materials."

We already know that gas stations, auto repair facilities, etc., that we have high emissions problems there of volatile organic compounds, but those are the easy ones. There may be other activities that are going on in Vanderburgh County and other

counties, or there may be some that are going on only in Vanderburgh County that we have not yet even identified and, once again, that would be a part of the job of the task force. The makeup of this task force, how they would be compensated, how they would be educated to do their job, who would act as their field staff, if you will and none of that has been worked out. So, we have found the road, but we don't know where the end of it is yet. As I said, this draft has gone to IDEM and we have solicited their recommendations and comments so I am assuming that soon they will be forthcoming. I can brief you on the law here, but if you start asking what all this stuff means, I don't know. I am basically confounded by this. I know Mr. Mourdock probably is not, but I think I can intelligently discuss the legal situation that we have. I cannot intelligently discuss the technical parts of this ordinance, or the statute, or the Administrative Code that discusses it.

Commissioner Mourdock: You're absolutely right, Alan, the hard part is going to be the Pollution Prevention Task Force. I think even the ACORN committee of about ten people recommended that it be one of the things that they city and county move towards. Those ten people were somewhat like attorneys in that for ten people there was probably twenty opinions, as far as how it should work and how it would work. I think they have kind of, and this might be a little cruel, but they washed their hands of it and said, okay, elected people come up with a way to make it work.

Alan Kissinger: Yeah, that's it. We've made our recommendations now you do something with it.

Commissioner Mourdock: That's right.

Alan Kissinger: Maybe that is fair.

Commissioner Mourdock: Yeah, I think some call that the new federalism. Let it happen at the local level and let the local people sort it out and in that sense I think it is an opportunity for us, but it is not going to be an easy one to get resolved. I appreciate the fact that we have a draft to work from and I suspect and perhaps you can tell me, but have the ACORN members gotten a copy of this draft?

Alan Kissinger: I have no impression. I have no word from the ACORN members.

Commissioner Mourdock: Okay, because I know some of them have specific ideas regarding the Pollution Prevention Task Force and they range from the idea of a local ¼ cent a gallon tax on gasoline to fund the thing, to try and use money from the Solid Waste District to fund it. Some of them felt, as you expressed a moment ago, that maybe this ought be a full-time staff of people. Others were saying, no, if you have one person out there to enforce it the rest of these things can pretty well come forward on a volunteer basis. I tend to be somewhat in that camp myself. I don't think you need a full-time staff of people to do this. I think that what you need is a set of rules that people understand and they understand those rules are going to be enforced which brings us back to how do we do that?

Alan Kissinger: I don't know. I don't know how we are going to do that. Obviously it gets relatively easy for me because the Commissioners say draft an ordinance and I can do that. Then they say, well, how do we do this? I say, it's not my job, man!

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

25

Ultimately, another thing that will have to be done will be a home rule ordinance to allow us to adopt this ordinance which seems a little silly, but I guess that is what we will be doing. Although, we do have a state statute, we don't have a state statute specifically directing us how to implement this thing.

Commissioner Mourdock: Under the interlocal agreements, the way those work and this one is a new one for me, but would it be possible for the city and county to jointly fund a person in an existing agency solely for the purpose of implementing this? In other words--

Alan Kissinger: Anything is possible, yes.

Commissioner Mourdock: Okay.

Alan Kissinger: In reference to interlocal agreements there are some restrictions on what can be done, but, basically, sure. We can say someone from the Department of Health, for example, although that may not be an appropriate department. Or, some department within the city that would be an appropriate department. It would be very much like Weights and Measures. We have interlocal there and the county pays so much and the city pays so much, but here again, it just a matter of who is qualified or who is most appropriately the most appropriate person to select to become qualified and all those questions.

Commissioner Mourdock: Could it in fact be a new department? Simply a jointly funded one person group of ozone enforcement?

Alan Kissinger: Sure.

Commissioner Mourdock: So the field is wide open?

Alan Kissinger: Yeah, but once again, interlocal agreement requires complete agreement by both parties.

Commissioner Mourdock: Sure.

Alan Kissinger: They will have their input as well.

Commissioner Mourdock: Alright.

Alan Kissinger: They will want us to pay more than we want to pay.

Commissioner Borries: There is always that negotiating process. They range all over the board. Some of them are 50/50. Some of them go strictly on a percentage of usage. I think Data Processing goes that way.

Commissioner Mourdock: I think it ought to be done on a per capita emissions basis.

Commissioner Borries: Yeah, whatever that formula is that has to be negotiated and it can be set in any form to that interlocal governmental agreement. Creation of a new department, an existing agency.

Alan Kissinger: Of course, that could backfire on us. If you recall the study they had about gases emitted by cows burping here a few years back and all the cows are in the county.

Commissioner Mourdock: I don't think they were burping, but your

point is well taken.

President Tuley: Is that it for you, Alan, or do you have more?

Alan Kissinger: That is it for me except that I do want to tell you, because I know it will come up again, I am in the process of reviewing the city's enhanced access ordinance. Their enhanced access ordinance establishes a Board and two members of that Board are to be appointed by the County Commissioners. Vanderburgh County is going to have to come up with a parallel ordinance. I will tell you pointedly that I do feel that there are significant issues that should be discussed and that before we do anything in reference to even drafting an ordinance, we ought to solicit public comment on this because, and I hope that my personal opinion isn't entering into this, but my feeling is that if we are going to enhanced access then we ought to just make absolutely everything that is not for some reason protected available to the public generally and other organizations such as real estate companies and law firms. If we are going to do it let's make absolutely everything available on a subscription basis and put everything out there for consumption. It is not as if there is anything to hide. I just think that there needs to be more input on this. I know specifically that two real estate appraisers here in Vanderburgh County had made proposals and requests to the County Assessor's Office for certain enhanced access that they would pay for on a private basis. I'm not certain that this enhanced access proposal would satisfy their needs or their wants, at least. To my knowledge what they were asking for or what they were wanting was not necessarily protected information they were just asking for individual access to it and they were willing to pay for that individual access. I just feel like before we do an enhanced access ordinance we ought to have everyone's input on what enhanced access means to them. If we are going to make certain materials or information available to the public that generally the public isn't going to use then fine. If it is going to cost us too much money, but there are some things that I know members of the public, although they may be private companies, are going to want that may very well not be included in the city's ordinance. Those are just my comments and somewhat of a progress report. Whatever the Commissioners choose to do I am not suggesting a motion or anything such as that. If you need to discuss it more or if you want to give it some consideration in the future, I will get a copy of this ordinance for all of you, the city's proposed ordinance, and then perhaps...

Commissioner Borries: That would be helpful.

Alan Kissinger: Yeah.

Commissioner Mourdock: It would be helpful and I have no problem at all with what you just said, Alan, as far as having a special public hearing to invite and solicit comments regarding it, that is fine.

Alan Kissinger: Okay. I will get these copies for you. Oh, I also wanted to tell you that I will not be here for the Commissioner's meeting on September 9th. I have a grand jury and the judge didn't particularly care that I had a Commissioners meeting. He said it was going to be this day. I will have someone here to cover for me. I don't believe that we have an Executive Session on that date anyway.

Commissioner Borries: Is there, in that ordinance, I guess one

major aspect that I always have with this is not so much what information...I would agree. Provide the public with as much access as possible, but is there a list of those things that are not possible? Such as certain, what? Criminal records? I don't know. Well, criminal records are...I mean...

Alan Kissinger: There are certain things that are by statute protected--

Commissioner Borries: Are those listed in there?

Alan Kissinger: --from public inspection. No, basically, they are not specifically listed, but it is only matters that are considered to be public records.

Commissioner Mourdock: Are Board of Health documents considered public records?

Alan Kissinger: No, they are not. Certain Board of Health documents are, but those are basically concerning activities of the Board of Health within the community, but not specific patience records, etc.

Commissioner Borries: Not to digress or go into a lengthy thing, so, what you said though is helpful. In other words, something that is classified as a public record is different than some other records kept--

President Tuley: In a public office?

Commissioner Borries: --in a public office.

Alan Kissinger: Yes, yes, as a matter of fact.

Commissioner Borries: That sounds crazy.

Alan Kissinger: Well, the Prosecutor's Office. There are certain items in the Prosector's Office that are public record and there are certain items that go through the Prosecutor's Office in daily business that are specifically protected from inspection by statute unless it is pursuant to court order. Obviously, that would not be subject to public access.

Commissioner Borries: I guess my point would be that it would be helpful to know what those things are as we construct some kind of an enhanced access ordinance.

Alan Kissinger: Right, okay. That's all I have to report.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy.

Cindy Mayo: I have a deed prepared from the Board of Commissioners to CHOICE. This was one of the properties that went through notification to substantial interest holders. We had good service on all but one which was occupant and we did tell the judge that there is no occupant it is county owned property, but he still wanted to have it advertised in the paper. That has been cleared and there has been an order on this so we can now proceed and give this to CHOICE.

Commissioner Mourdock: We have previously received from CHOICE their 5013C documents, right?

Cindy Mayo: Yes, yes.

Commissioner Borries: I'll move that this Quit Claim Deed be signed and that the property known as...

Cindy Mayo: As 105 Harriett.

Commissioner Borries: As 105 Harriett be transferred to a not-for-profit group, CHOICE.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Cindy Mayo: The only other item that I have is an appointment at Burdette Park. The original has not come in yet, but they do want the employee to start the 30th so I would ask that this be submitted and when the original comes in tomorrow that Sunny or myself can sign your name on that. They wanted to have this approved before the employee started.

Commissioner Borries: Okay, you just want to add it to the consent agenda, I guess? It's a receptionist.

Cindy Mayo: That is all that I have.

#### Consent items

President Tuley: Then we are ready to move on to consent items which includes employment changes, travel requests, the Treasurer's report for the month of July and this late addition to the Vanderburgh County employment changes as described by Cindy.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. There are not as many as there were. There is a Personnel and Finance Committee meeting at 3:30 p.m. on Wednesday the 28th. Monday, the 2nd, is a holiday so there will be a Commissioners Executive Session at 4:00 p.m. and the regular Commissioners meeting at 5:30 p.m. on Tuesday, September 3. The Council meets at their regularly scheduled monthly meeting on September 4, next Wednesday.

#### Old business

President Tuley: Old business. Mental Health Appointment.

Commissioner Borries: I am still not clear on this. I represent this Board and I guess I have for sometime. I have always believed in the mission of the Mental Health Center. As a Board Member, which means I attend monthly meetings and have served on the Board

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

29

of Directors. Then there are corporation members and I guess what we are asking for here is some volunteers who would serve at what are called Vanderburgh County At-Large vacant slots. These corporation members, basically, would be asked to attend one annual meeting. At least the annual meeting in September of each year. They are always invited to attend all the Board meetings, but they do not have to do that. I am still not clear, however, how many people are either still on or off. They have three vacancies that were not filled and I don't understand why and then there is one vacant slot. So, I guess, in order to move this thing forward we need to find four persons who would fill these corporation slots representing Vanderburgh County. I am not ready to act on those tonight.

President Tuley: Okay. Other old business.

TAPE CHANGE

Mikki Heck: Good evening, Commissioners. My name is Mikki Heck and I am here representing the Hillsdale Housing Association. I am one of the Presidents of this besides the other two who are Ms. Cindy Clements and also Ms. Neta Smith. Mr. Jeffers, from the Vanderburgh County Engineer's Office, has told me to discuss the following two issues in the Commissioners meeting. The two issues to be addressed are the Vanderburgh County Highway project, which is going on currently in the Hillsdale Subdivision and also bridges in the Hillsdale residential area. Both of these issues can be addressed here tonight in this meeting or they can be addressed in the Drainage Board meeting. I would like to hear from the Commissioners to hear what they would like to hear.

Commissioner Borries: You're up at the podium and you all have been real patient here. I guess, shoot! Go with it!

Mikki Heck: Thank you very much, Mr. Borries. Mr. Morphey, from the Vanderburgh County Garage, stated in the last Commissioners meeting on June 24, 1996 that the project of the Hillsdale subdivision would be completed in four to six weeks. As of today's date we are one-ninth of this project being completed with nine other problem areas. Also, in conclusion of this, Ms. Smith contacted the Vanderburgh County Garage on July 24th with concerns about the washed out areas around the concrete tiles that the homeowners have put in and also about the road erosion next to the paved road areas. She was informed that they would be out to fix this and repair this. The week of August 12th, Ms. Clements contacted the garage again asking for an appointment to be set up with someone to complete this project. She was told at that time by several different members that this project was completed. Ms. Clements then tried to pursue to set up an appointment with one of these gentlemen to show them the problems that we're having. Also, gentlemen, we have photographs of the erosion that we are talking about. There are several throughout this area, but there is just a few that we have taken pictures of because we realize that Commissioners meetings do get long. That's it. Prior to tonight, you were also talking about the easement. Some places we don't even have eight inches of an easement there where the ditch is at. We realize that our road is small and there is not that much, but all the property owners have joined together to say that the county can come in and take as much easement as needed. Some of these problem areas that you are seeing there are where two school buses that join or meet in this intersection. How are they going to meet when there is no shoulder for them to pull over on? Also, I would like to let the committee know that we have contacted the State

Highway Department. Mr. Charlie Young, the unit foremen, came out on July 31 to meet with the three of us in concerns of our neighborhood. At this time, they are working with us and starting their project promptly. In closing, is this committee going to overlook, again, as they have in the past? Safety is our deepest concern for our residents in this community. Any questions from the Commissioners?

President Tuley: What part of this is the state doing?

Mikki Heck: The state is doing the ballfield next to Highway 41 to take off some of the excess water that goes into the natural waterway behind the property. They are waiting for their engineer/technician to come out and show the pitch and everything so that this is properly done in a correct manner. They have also taken a large amount of trees and shrubs out so the viewing sight to look on 41 looking south is a lot nicer. They have started the project. They had their engineer out with us and also the gradall worker to discuss this with us and also to make sure that the dirt and stuff is taken care of.

President Tuley: You were talking to Mr. Morpew before the meeting. What was, if you don't mind...?

Mikki Heck: Mr. Morpew finally contacted us and said that he would be out sometime tomorrow, but we do not have a definite time of this. Mr. Morpew, I would like to say, he was very helpful. On July 2nd we had a neighborhood meeting and Mr. Morpew did attend. He did emphasize to the residents what type of construction would be going on, what was needed from the homeowners and he answered a lot of questions from these residents. We are very thankful that he took the time out to do this. The only thing that we are asking in return is that they please set up appointments with us as well. We are trying to be a helpful community in working with all of these people that we have to, or excuse me, that we can get this project completed. We would like the same respect that we are giving the others.

Commissioner Borries: We'll certainly ask Bill to make that appointment with you. Your comments on the right-of-way are going to be very difficult because it involves more than just a verbal approval to go on, essentially, what is your property or private property.

Mikki Heck: Yes, sir, I realize that.

Commissioner Borries: So what is going to have to happen is that there would have to be some legal work done throughout there giving, I think, stating and putting in writing exactly how much property would be required to do that shoulder and then have property owners, in effect, deeding that to the county.

Mikki Heck: Okay, I'll look--

Commissioner Borries: I mean, that is going to be a pretty complicated process.

Mikki Heck: Alright. Also, Mr. Morpew made the comment in our neighborhood meeting about also widening our road. If he went to do that they would get more of an easement on the homeowners' property. I'm not sure about that and I have no idea, that was just the basic information that he gave us at that time.

Commissioner Borries: When you are looking at right-of-way, you, as the property owner, have the ultimate power as to whether or not you are willing to give it. When you give it, in this case, it becomes part of the public right-of-way and it would remain that forever. I mean, it is going to take some work, that is what I am saying. Because what happens is that you won't be there forever, nor will all the other people out there so we can all come to a verbal agreement and then tomorrow people start moving away and somebody else moves in and says, hey, I didn't give that property. They're paving a road and putting that road on my property and I don't want it on there.

Mikki Heck: Okay, also, Mr. Borries, if I can bring your attention to something else. It doesn't really address this, but it does. On the south side of Walnut Road, past Radio, that road is at least four to six feet wider than our road on the north end of Walnut. Okay, you can see the huge difference of the way it narrows into our section. That is the reason why Mr. Morpew brought it up to widen that section of this end of the road.

Commissioner Borries: I am not arguing with you, I am just trying to express a point here.

Mikki Heck: Okay.

Commissioner Borries: Maybe we have the right-of-way, I don't know. It is just something, I guess, we have to examine.

President Tuley: I don't know what has happened because I have asked Bill several times about this project and I thought it was moving along until one time he did tell me that the gradall was down, but I had no idea until tonight's meeting that you were still having a problem.

Mikki Heck: No, sir. This is the only one end of Walnut Road that has been completed to Radio. None of the other neighborhoods have been done or parts of the neighborhood...excuse me, I should correct myself. Last Wednesday or Thursday, thank you, they did go down and do in front of the church because the church is having pavement done there and they did put their concrete culverts in at that time. They have been down there for about a month waiting for the process. We understand that there are other work orders coming in, vacations and such, and that they are short handed. We are not complaining about that, it is just like please let us know what is going on. Residents are calling us continuously. Why aren't you getting anything done for us? They're trying to get culverts and so on and so forth. This project has been at a standstill now.

President Tuley: We will get one person, a contact person, that you will have as the person that you need to talk to. Don't talk to anybody else. You see the spelling of my name and I am in the phone book. If you don't get those phone calls back, I mean, I have gone out there and met you and I want to see this project done. I was under the impression it was well on its way to being done. Apparently, I either misunderstood or have not been told entirely the truth. We will get Bill out to see you tomorrow.

Mikki Heck: Okay.

President Tuley: We'll call you and set you an appointment.

Mikki Heck: Alright. The next issue, gentlemen, as I addressed to you earlier, is bridges. In the June 24 meeting, Drainage Board

meeting that is, I said that we were in desperate need of two bridges. One of the bridges is at the 800 block of Campbell and the other one is at 523 Radio Road. At this time we are presenting pictures to you of the conditions of these bridges. At the top bridge, as you can see, that is on Campbell. Do they make bridges like this anymore, sir? With the concrete the way it is presented? You can also see that this is an old oil tanker. In December, 1977 in the Commissioners meeting and in the Drainage Board meeting this was brought up as an issue from Ms. Kastner asking for this bridge to be replaced. This is 1996. Also, as you can see, 523 Radio Avenue there is a water main going east/west in this bridge. Has this been turned over to the proper authorities to get this raised? Has any further development been done in upgrading this project?

President Tuley: This is the creek or whatever that the state is going to clear out for you to make the water flow? It's not?

Mikki Heck: No, no. That is exactly where it says at 523 Radio right there. You seen that one. You walked down in that area and you seen the water main.

President Tuley: I thought that was the one down there by the ballfield.

Mikki Heck: That is correct. That is by the ballfield. Yes, sir.

President Tuley: Okay, I've got the right one in mind, I just don't have the creek correct. I remember this one because I went down there.

Mikki Heck: This is the creek that we are trying to get a legal drain that we will present in the Drainage Board at that time. Gentlemen, we do have a proposal. This is also in our neighborhood and this is in between these two bridges and this is our proposal to you of what we would like to have done in this community. This is the Walnut Road Bridge. The water main is up above, it is next to the rail, it is an open bridge so that there are no distractions to the water flow that comes down through all of the higher elevations to our community. In closing, again, here gentlemen, this is a safety issue that has been overlooked. Is it going to be overlooked again and for a longer period of time as it has already? As I stated, 20 years ago, in 1977, this issue was brought up.

President Tuley: I can't say what happened in 1977 because I have only been involved in this since May of this year.

Commissioner Borries: I can't say that far back either. We would like to refer the matter over to our County Engineer. Again, we would have to look and see a variety of options to see first of all if some Cumulative Bridge Funds could be used. Do you have any idea of what the cost of that Walnut Road Bridge would be?

Mikki Heck: No, sir, I do not.

Commissioner Borries: Probably over a quarter of a million dollars so it is going to be an expensive project. So, that is what we are going to have to look for.

Mikki Heck: Okay.

Commissioner Borries: That is for one bridge.

Mikki Heck: Mr. Borries, as we stated, you do not know of this

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

33

condition until we bring it to your attention so that it can be addressed.

Commissioner Borries: Sure, sure.

Mikki Heck: And so it can be taken care of in the proper manner. That is what we are trying to do. We are trying to do this in the best professional manner that we can.

Commissioner Borries: I think you are doing so.

Mikki Heck: Thank you. Anymore comments or questions. By the way, gentlemen, is there anyway until we can get this bridge work done that the water main can be lifted? Can we get in touch with the proper department to have this taken care of so that would stop some of the restrictions going underneath the Radio Avenue Bridge so that the water flow over the water wouldn't be so forceful or dangerous?

Commissioner Borries: Is that a water main?

Mikki Heck: Yes, sir, it is a water main going underneath there.

Commissioner Mourdock: Contact the city Utility Department.

Commissioner Borries: Yeah, the Evansville Utility Department.

Commissioner Mourdock: That is beyond our baliwick, that is the city Utility Department.

Mikki Heck: Okay, should we contact them or will you contact them, Mr. Mourdock?

President Tuley: Are you going to leave these with us?

Mikki Heck: Yes, sir. Those are your copies. We have duplicates.

President Tuley: Give these to John and let John contact them.

Commissioner Mourdock: Yeah, we can pass that on to our engineer and let him contact them. I am curious. Have they come out and inspected the water main lately in the bridge here that you have on Radio?

Mikki Heck: I know that there have been several engineers out. What they were doing, why they were doing, I can't answer that question for you. I know that the county, when they first came and started the Walnut Road project, did take the gradall and the backhoe and try to get some of the debris away from the openings and closings of these bridges, but that is it.

Commissioner Mourdock: All that generally results in is a nice little pond on one side of the bridge.

Mikki Heck: Well, as you can see underneath there on the one look at all the debris still there.

Commissioner Mourdock: That's what I mean. There is a little dam inside and you've got a pond on the other side.

Mikki Heck: Also, something else that we have noticed is over time since these were put in look how much larger the creek bed is compared to the bridge now.

Commissioner Borries: But these are not legal drains.

Mikki Heck: No, sir. We will be trying to do that. You will see us pretty regularly. We are not ones to give up. Anymore comments, gentlemen? Thank you so much for your time.

Commissioner Borries: Thank you.

Cindy Clements: Hello, I'm Cindy Clements and Patrick Tuley came out to my house on Thursday, June 20th and walked around the block with us. I have two pictures that I want to show you. You told me that the people across the street from me would have a ditch and this is the ditch. This is my ditch. My concern is that when this fills up...they told me that when this filled up with water it would cross the road and catch in my ditch. That sounds well, but it is going to cause erosion on mine and it will be next to the roadway.

Commissioner Mourdock: Are you saying that the water would be flowing to this point and then it would go over the top of the road?

Cindy Clements: Yeah, from down the hill, through my neighbor's yard into this ditch.

President Tuley: This house is over here, correct?

Cindy Clements: Yeah.

President Tuley: Why would they do that?

Cindy Clements: Well, I believe, because they would have to have a jackhammer and they didn't have access to it or whatever.

President Tuley: Thank you. Can I keep these two as well?

Cindy Clements: I have one more comment.

President Tuley: Okay.

Cindy Clements: The reason that we would like to get new bridges is because our creek, over the years, has gotten so much larger than it was 20 years ago and the bridges are still the same size, but our creek is so much larger and we are getting that much more volume of water going through this small culvert and it floods us. That is the reason that we would like to have new bridges, also. Thank you.

President Tuley: Any other old business?

<b>New business</b>
---------------------

President Tuley: New business.

Commissioner Mourdock: I received in the mail this week, and I presume that both of you did also, the Vanderburgh County Erosion and Sediment Control Ordinance?

President Tuley: Yes.

Commissioner Mourdock: As you'll recall, Mike Wathen was working on this for us and I just wanted to make sure that you were aware of

Vanderburgh County  
Commissioners Meeting  
August 26, 1996

35

it so that we can continue to move that along.

President Tuley: Yeah, I'm glad you brought that up. We need you to review that. I've been working with Mike on this. They put that committee together and this is their proposal. They would like to hear back from us as soon as possible. So, by next Monday if you've got any changes or anything that you want to add to it we will do it in a meeting and send it back to them.

Commissioner Mourdock: Okay, good enough. I have no other old business, or was that new business? I have no more of either.

Commissioner Borries: I have one item. We had acknowledge a short time ago a letter from Mr. Gary Bruton, who had served as our appointment, or the county's appointment, to the Convention & Visitors Bureau appointment. His duties have changed. He is still going to be involved, after talking with him, as a person who will be supervising parts of the renovation, but the Executive Inn has appointed a new manager. He is a local person. A Harrison High School grad and his name is Mr. Jim Keck. I met with him and he indicated a willingness to serve and, again, I believe that certainly as a representative as the community's largest hotel he will be, as required by this statute we can appoint one citizen member and one hotel person, and he would certainly be a worthy member of the Board. I will, at this time, ask for approval for Mr. Jim Keck to be a Commissioner to the Evansville Vanderburgh Convention & Visitors Bureau.

Commissioner Mourdock: I will second.

President Tuley: So ordered. Any other new business? I think that is the agenda. Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

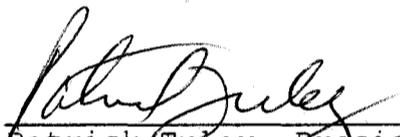
President Tuley: So ordered. There are a few things to sign and then I would recommend that we take a short break before we start the Drainage Board meeting.

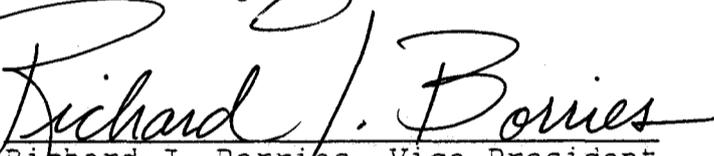
The meeting was adjourned at 7:44 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Bill Fluty  
Charlene Timmons  
Keith Rounder  
John Stoll  
Bill Morpew  
Leroy Walther  
Mikki Heck  
Dan Buck  
Edward Moser  
Cindy Clements  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

Vanderburgh County  
Board of Commissioners Meeting  
September 3, 1996

Table of Contents

Introductions and Pledge of Allegiance .....	1
Opening of bids VC96-08-01 .....	1
(Burkhardt Road Reconstruction)	
Approval of minutes .....	1
Certification of Executive Session .....	1
Bill Taylor - Riverboat Funds .....	1
Any group or individual wishing to address the Commission ....	5
John Stoll - County Engineer .....	5
Update           - Skipper property on Green River Road	
Funding         - Maasberg Road Bridge from Bond Surplus Funding	
Bill Morpew - County Garage .....	7
Report           - Progress report for County Highway Dept. and Bridge Crew for period covering August 23 through August 29, 1996	
Discussion      - Walnut Road & Radio Road	
Alan Kissinger - County Attorney .....	9
Bid recap        - VC96-08-01 Burkhardt Road Reconstruction	
Discussion      - Kahre Lease and Vanderburgh County Purdue Extension Service	
Cindy Mayo - Superintendent of County Buildings .....	10
Change           - Knight Township Assessor's travel request	
Lynn Ellis - Purchasing .....	10
Award Bid        - APA022-96	
Consent items .....	12
Employment changes	
Travel request:	
Knight Assessor (1)	
Perry Assessor (1)	
DADS (1)	
County Clerk (1)	
Recorder (1)	
Auditor monthly Time Accrual report	
Permission to replace Remote Access Server for outlying Township Assessors	

Scheduled meetings .....	12
Old business .....	12
Discussion - Barrett Law	
Discussion - Soil and Water Conservation District rough draft of erosion ordinance	
Discussion - Suzanne Crouch regarding seminar held by the Association of Indiana Counties and information received concerning advertising	
New business .....	21
Discussion - Welfare to Work committee requested by Rick Jones. Richard Mourdock appointed Commissioners' representative	
Adjournment .....	23
Attendance and signature sheet .....	24

**Vanderburgh County  
Board of Commissioners Meeting  
September 3, 1996**

The Vanderburgh County Board of Commissioners met in session this 3rd day of September, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:44 p.m. with President Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: We'll call this meeting to order for the Vanderburgh County Commissioners for September 3, 1996. As we do each week, we will do introductions. The empty chair down there when she gets here will be Cindy Mayo, who is our Superintendent of County Buildings and our office manager; to my far right at the present time is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; Suzanne Crouch, County Auditor is to his immediate left; and Charlene Timmons, the Recording Secretary for the Auditor's Office, is to her immediate left. I am Commissioner Pat Tuley. If you will please stand with us, face the flag and say along as we say our Pledge of Allegiance, please.

**Opening of bids - VC96-08-01 Burkhardt Road Reconstruction**

President Tuley: Do you want to deviate and ask for the County Attorney to open the bids for VC96-08-01, Burkhardt Road Reconstruction, so he can be opening those and checking those as we go on about our other business?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Approval of minutes**

President Tuley: The first item of business is the approval of the minutes from the August 26 meeting. Is there a motion to approve the minutes?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Certification of the Executive Session. Let the record show that there was an Executive Session held prior to this meeting. No action was taken and the only items discussed were those things permitted under law. I think that Suzanne Crouch has something that she will talk to us about a little later on.

**Bill Taylor - Riverboat Funds**

President Tuley: Item 4C, Bill Taylor, Riverboat Funds.

Bill Taylor: We are going to be real short. I got involved with P.T.A. this year and became a P.T.A. President and as we were having our meetings in reference to our new Title 1 Wide School there was a number of things that came up that we were interested in getting for the kids that would be coming to our schools and the other four Title 1 schools. One thing that I want to make perfectly clear before we get started. We are not asking to match any Title 1 funds. We are not asking to do anything with Title 1 period. The only reason Title 1 is mentioned is because we, being our schools, are designated as Title 1 Wide Schools. That is because Title 1 is for the economic disadvantaged children. That is the only reason Title 1 is mentioned. This would have nothing to do with that at all. We were interested from the standpoint of getting some direct financial aid in reference to new equipment in the schools and direct help for our kids. The funds that we are asking for would not help subsidize the School Board, the school's income or their expenditures. It would have no affect on that at all. The principal and administrative people at the School Corporation would continue to do whatever they do, but we are wanting something that would give direct support, give us monies to be able to go out like we are needing T.V.'s for programs that come on for these kids so they can view them on the T.V. We are needing different types of supplies. I heard one of the teachers this week when we had our meeting, last week rather, talking about that she had spent X amount dollars for folders and things like that. Things that are really our obligations as parents, but some of us aren't able to give those monies to help fund those types of things. All we are asking for is permission to go to the County Council and ask for \$25,000.00 out of the casino monies for our P.T.A. to be able to purchase the things that we need to help our economically disadvantaged children. Are there any questions?

Commissioner Mourdock: In what was handed to me, Mr. Taylor, from Cindy Mayo a moment ago, I would ask you to clear up one thing. It says:

"We are asking your permission to request Vanderburgh County Council's approval of \$25,000.00 each for our Title 1 School Wide program."

Each multiplied by how many times?

Bill Taylor: One, two, three, four.

Commissioner Mourdock: Okay, so you are talking \$100,000.00?

Bill Taylor: Right.

Commissioner Mourdock: Oh, I see it at the top now. Okay, I missed it before.

Bill Taylor: No problem. Just a note and one thing about it, I happened to be listening, and I don't know if any of you were this morning to the radio. They had a poll on there dealing with and asking people to call to say whether they would like to see some funds, some monies that they had...I was taking my little girl to school...to see whether some monies, should they give them to one particular program or to the school for our children. At my last count it was running like three to one to give it to the kids, to give it to the schools. Let it go directly to the kids. I think the public opinion is well in favor of this because you said when we were asked to vote on a resolution for the casino, it was said that these monies, some of these monies, would go back to the

Vanderburgh County  
Commissioners Meeting  
September 3, 1996

3

communities. There is no more direct way for this to go back than through a source like this directly to our kids. No administrative costs, no insurance to pay, no travel expenses, no nothing, just direct support in the form of supplies and equipment for our kids.

President Tuley: Who would have control of the money, Bill?

Bill Taylor: The P.T.A.

President Tuley: The P.T.A.?

Bill Taylor: Each P.T.A. Board and the principal because we always include the principal in making our decisions. Not always do we agree with the principal or do what the principal wants to be done, but it is a majority thing. It would be directly in their control. The only thing is that we would hope that there would be no problems with the monies coming into the School Corporation so that the check could be wrote there. That eliminates a little problem for us, but it calls for the School Corporation to have an additional account, but all the safeguards would be there.

President Tuley: Well, let's talk about the safeguards. Since, to this point, P.T.A. has raised money and since they are not public monies you are not subject to any kind of scrutiny by any public Board of Accounts or anybody else.

Bill Taylor: Only the state. We are state audited.

President Tuley: You are audited by the state?

Bill Taylor: Yes, we have to turn in a budget and all our expenditures for the past year. That has to be sent to the state once a year. The local president gets a copy of it.

President Tuley: What agency of the state? Does it go to the Board of Accounts?

Bill Taylor: The National P.T.A. and then they are audited more of the federal government than they are by the state because they have the exemption, the federal exemption. It is more, I guess, the Feds watching it a little more to make sure that the P.T.A.'s aren't making a profit. I don't think the Board of Accounts review it. I don't believe they do, but I know the federal does because they check to make sure that we don't exceed our profit as far as the exemption.

President Tuley: The money would be used...I'm trying to read it. I thought I heard you say something about computer equipment.

Bill Taylor: I didn't say specifically computer equipment.

President Tuley: Okay, you didn't say it.

Bill Taylor: I said T.V.'s for monitors and video equipment and things like that. I am not saying or putting out the...eliminating the fact of computers.

President Tuley: I thought that was what you said, but if you didn't say that, it's fine. I was just asking.

Bill Taylor: No, but that could happen. It would be something that would be directly involved with the child. Something that the child would use. Like, Ms. Neal here, she is from Cedar Hall. If

their appropriation were made, they are thinking seriously about one major improvement in their school for their kids. Basically, we had thought about doing several different things. It would be up to the P.T.A. Board and the principal.

Commissioner Borries: Well, let me commend you for your leadership in this particularly, I think, with your work for the P.T.A. because parents are sorely needed, I think, in all of our schools to connect with the community. I certainly want to commend you for your work there. I think it's an idea here that we seriously have to consider. If we could, in order to move forward on this because I do believe that it obviously would help children. Each school and schools really weren't part of the distribution of these riverboat funds, but again there are certainly children and particularly equipment needs that can help children learn that would have some real value here. Would it be possible for each school to put together maybe what they were going to do with that money? It doesn't have to all be the same because you are saying that one project is going to maybe do one, so that we would have some documentation from our end as we move on this and certainly it might add some strength to this request as it would then go to the County Council. Would you be able to do that or at least ask each of the P.T.A.'s to kind of coordinate to kind of put together what they see they are going to do? I know that, obviously, there are needs here and that your P.T.A.'s are certainly not as financially able to meet some of the needs that you have as some of the other schools. Probably these schools definitely need a lot of help. So, I think it might make our task a lot clearer and easier if you could coordinate to kind of have each group kind of come up with that list.

Bill Taylor: It's no problem.

Commissioner Borries: As you know, again, avoid those things such as personnel costs, administrative cost and really focus on the things that matter to those kids.

Bill Taylor: Right, again, we don't foresee any administrative costs.

Commissioner Borries: Right, I understand.

Bill Taylor: We see actual monies going directly to services that would help the kids, directly to them. That is no problem, getting a wish list is one of the things that most of us have.

Commissioner Borries: Sure.

Bill Taylor: I can very easily coordinate with the other three schools and get those lists together and get them back to you. Can we be on your agenda for next week again?

Commissioner Borries: Sure.

President Tuley: I don't know why not. If you can pull that together...

Bill Taylor: Alright, I will have it to Cindy before the end of the week. Thank you very much. Ms. Neal, did you have anything? Okay, thank you.

Commissioner Borries: Thanks for coming.

**Any group or individual wishing to address the Commission**

President Tuley: Item 4E would be any group or individual wishing to address the Commission who does not find their name or their topic for discussion listed on the agenda. Okay.

**John Stoll - County Engineer**

President Tuley: Department head reports, John Stoll, the County Engineer.

John Stoll: Last week we discussed the Skipper property there at the corner of Green River and Lynch. I spoke with Karen Skipper today regarding the ditch and piping alternative that we were looking at which would be just putting a couple more sections of pipe in there and leave an open ditch for most of the distance between the Green River and Lynch pipes. Mrs. Skipper said that wasn't her first choice, but given that it would eliminate virtually all the rip rap, she said they could probably deal with it. I told her we would be flattening the slopes out substantially and basically it should be able to be maintained and mowed fairly easily. She reiterated the fact it wasn't her first choice, but that she and her husband could deal with it. Based on what she had to say I would like to recommend that we go ahead with the option of putting the elbow on the 48 inch pipe under Green River Road and then maybe one or two additional sections of straight pipe off of that and then leave it an open ditch from that point up to the Lynch Road pipe.

Commissioner Mourdock: Rather than just do that as a motion at this point, should we wait until you have the actual costs or a better estimate as to what those additional costs would be since the program is already on board? It is just a procedural question, I guess.

John Stoll: That was Stuart May in the back, he is the project inspector and the cost that he estimated would be a \$1,500.00 increase.

President Tuley: We were looking at somewhere around \$10,000.00 to \$12,000.00 on the original?

John Stoll: It would probably be double that by the time that it was all said and done because based on what Stuart had found, we would have to put in larger manholes and the manholes run about \$7,000.00 each. We would probably have needed two of those plus 100 feet of pipe at \$74.00 a foot plus quite a few cubic yards of dirt so it was going to run \$20,000.00 to \$25,000.00 instead of \$10,000.00 to \$12,000.00 as we had originally estimated. So this is substantially cheaper.

Commissioner Mourdock: Do you have something signed from the Skippers at this point, John, or is that the direction that you are heading?

John Stoll: I don't have anything signed. Since it was already, I know it was originally their property, but since it is on right-of-way, I didn't know if I needed to get anything signed at this point.

Commissioner Mourdock: Alright. I'll move that we direct the

County Engineer to proceed with the new plan as discussed with the Skippers.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The other item that I've got is regarding Maasberg Road Bridge. Last week I proposed that we proceed with putting a bridge in out there on Maasberg Road, but I failed to mention that I would propose that we would use the bond surplus money since that has to be spent by next April 17th. I was just wondering if that was possible? The other alternative is that I can go in for transfers and appropriations. Either way, I didn't know what your preference would be.

President Tuley: Is the concern that if you didn't use some of that money by doing this project that we may not get it spent by April 17th?

John Stoll: That was the intent was to try to make sure it is gone. We've got the Green River Road project currently being paid for from that fund which will take about half of it. As it stands now, we didn't have any other single big dollar projects that would take up any of that money. Stringtown Road Bridge, we will have that out for bid here pretty soon and that was another one that I was probably going to propose that we use the bond surplus on, but that was it as far as anything here in the next couple of months that we would have, so that is why I was proposing doing Maasberg with this.

Commissioner Mourdock: If you don't use it by April 17th does it go back into the General Fund?

John Stoll: No, that is when...I'm not sure what penalties are involved with that as far as not spending the bond surplus by April 17th.

Alan Kissinger: We are required to spend it or dedicate it. If we don't dedicate it, it will be used toward the repayment. Now that I have the microphone on, if we don't spend the money as we have committed to do so, then basically we forfeit the money for future use for these types of projects and that money will be used to repay the bond indebtedness, the principal.

Commissioner Mourdock: I'll move the use of the Bond Surplus Fund for the Maasberg Road Bridge.

Commissioner Borries: I will second.

President Tuley: So ordered.

John Stoll: That is all I have unless you've got questions.

Commissioner Mourdock: Did your advertisement get run or getting ready to be run?

John Stoll: Was the ad for the engineer for the Auditorium run as of yet? I forgot to get back with you on that, Charlene.

Commissioner Mourdock: That is why I bring these things up.

Alan Kissinger: I think from looking at Charlene's face the answer

is no!

Charlene Timmons: You're talking about the structural engineer?

Commissioner Mourdock: Exactly.

Charlene Timmons: I didn't realize I was supposed to be the one doing that.

Commissioner Mourdock: Okay.

John Stoll: Okay.

Charlene Timmons: Do you want me to place it in the Louisville papers and all those?

Commissioner Mourdock: We discussed last week, I think, a--

John Stoll: Indianapolis, Louisville and Evansville.

Commissioner Mourdock: Right.

Charlene Timmons: Okay, I'll take care of that.

John Stoll: I'm sorry I didn't remind you. I forgot about it.

Charlene Timmons: That's fine.

John Stoll: I'll give you a call tomorrow.

President Tuley: Thanks, John.

**Bill Morpew - County Garage**

President Tuley: Alan Kissinger.

Alan Kissinger: How about Bill?

President Tuley: Oh, Bill. I just jumped right over you, Bill!

Bill Morpew: Big jump!

President Tuley: Let the record reflect that Bill submitted a progress report for the Vanderburgh County Highway Department and the Vanderburgh County Bridge Crew for the period covering Friday, August 23, through Thursday, August 29, 1996. I would say it looks like there has been work done all over the county. Bill, the three ladies from Walnut Lane, Radio Road and what have you stuck around through two meetings last week. One of the concerns that they have was that we need a contact person. Someone kind of like to be a project overseer for what is going on out there so that when they call in they need to talk with that individual so...apparently, one of their complaints was that depending on who they talked to, they may get a different answer. We need to put someone, and I'll call it a project coordinator for lack of a better word, but that would be the person who is responsible. I know that you have the ultimate responsibility, but someone to oversee what is going on and whenever there is questions that they can be directed to that person.

Bill Morpew: That has been coordinated actually out of the Engineer's Office and our office combined. We had spent a couple

of months out there, I guess, ditching and replacing driveway culverts, road culverts and we were back out there again last week. We will be back there again about the end of this week replacing culverts going across Walnut at Radio.

President Tuley: They showed some pictures on one of them out there. Did you run into some, I don't know if it was asphalt or concrete or what it was, but we were trying to run a ditch along the road where the three ladies at...?

Bill Morpew: Walnut.

President Tuley: Was it Walnut?

Commissioner Mourdock: It was in front of the home of Cindy Clements.

President Tuley: Yeah.

Commissioner Mourdock: If that name means anything to you.

President Tuley: Or across the street from Cindy.

Commissioner Mourdock: In my notes it said it showed a picture of a ditch in front of her home which was planning to fill up and flow across the road into another ditch.

President Tuley: Is that the one where she said, Mr. Tuley, you said there would not be a ditch in front of my house. That is not her house or a ditch in front of this house, it is the lot across the street from her.

Commissioner Mourdock: My notes aren't that complete.

President Tuley: Okay.

Bill Morpew: The lot across the street from Ms. Clements house is where the water breaks and it falls in both directions, but there is a ditch there. It is a small ditch and there is some concrete. There is concrete, asphalt, brick pieces and a little bit of everything in there that they filled the ditch in with.

President Tuley: She said the explanation that she was given is that the water will come down, get to that point and then go across the road.

Bill Morpew: That is what it has always done. Now that it has a ditch, it should go into the ditch, but it does break at that point and go in both directions.

President Tuley: As in north and south?

Bill Morpew: Yes.

President Tuley: I guess my concern is that we have someone, though that they call out there. I don't care if it is someone from your office or the Engineer's Office or one in each office that knows exactly where we are on there, but no one else be giving them information that may or may not be correct.

Bill Morpew: Sure.

Commissioner Mourdock: The only thing I have is a good report. I

Vanderburgh County  
Commissioners Meeting  
September 3, 1996

9

had a compliment passed on for the section of County Line Road just off of Boonville-New Harmony which you repaved recently so that was appreciated.

Bill Morpew: Oh, okay. Yeah.

Commissioner Borries: That's it. Thanks.

President Tuley: Don't have anything else.

Bill Morpew: Thank you.

**Alan Kissinger - County Attorney**

President Tuley: Hey, Alan, I think you are up now!

Alan Kissinger: I have a bid recap of the bids for the reconstruction of Burkhardt Road. It is project number VC96-08-01.

<input type="checkbox"/>	Blankenberger Brothers, Inc.	\$4,142,050.67
<input type="checkbox"/>	Koester Contracting Corporation	\$4,999,284.74
<input type="checkbox"/>	J. H. Rudolph Company, Inc.	\$4,188,622.39

John, do you want to take these under advisement if the Commissioners see fit to do so?

Commissioner Borries: I would refer these bids to the County Engineer, the bids that were for the project known as the Burkhardt Road Reconstruction or VC96-08-01.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The next matter that I have, as the Commissioners will recall, I had informed you last week that I will not be present for next week's meeting. However, one thing that will be coming up that I want to tell you about tonight is the lease by the Vanderburgh County Purdue Extension Service with Steve Kahre. We had questions from the County Council, questions from the Auditor's Office, questions from our insurance agent which resulted in amendments to the lease itself. Basically, the only things that have changed are

1. The amount of the monthly lease payment.
2. The requirement that the Lessor or the owner of the property pay the taxes and the insurance on the real estate.

One of the questions that came up from our insurance agent is why should the county purchase the insurance and that was a legitimate question. The question that came up by the Auditor's Office was that it was inappropriate for the county to pay the taxes. What we did there is we took the appropriate figures and built those figures into the monthly lease payment so the monthly lease payment has increased, but the actual amount of the contract and the agreement have not increased. It is merely being paid on a monthly basis instead of us paying taxes and paying insurance. Another question that may come up is the term of the lease or the number of years. I have researched that. This is a lease of real estate and

as a consequence, this lease is for an initial term of five years and then renegotiation of terms after that five years, but the lease will then go on for a total of ten years. That is legal under the statute in consideration of the fact that it is a lease of real estate on which a structure is contained. I don't know if any other questions will come up, but this satisfies the advertising requirements, questions brought up by the Auditor and questions brought up by our insurance agent. Other than that, I have nothing to report.

Commissioner Mourdock: One quick question, Alan, on that. You said that we will not be paying the insurance. Obviously, we won't be paying the taxes, but the monthly payment has gone up.

Alan Kissinger: Effectively we will pay for them, but there is a bit of a difference. What we would have been doing is the county would have been taking out a separate insurance policy for that portion of the structure that we are using which is 73%. That would have caused us to pay a premium on a policy and the owner was still going to have to insure the rest of the structure and the rest of the real estate which would have required him to pay another premium. Overall, it would have made everybody's insurance more expensive. This way he buys one policy and what he pays for that one policy is significantly reduced and that savings is passed on to the county. As far as the payment of the taxes is concerned, once again, it represents a 73% share of real estate taxes that are being paid by the owner. The owner is required in the amended contract to pay those taxes and to pay that insurance or it would be considered to be a default and we could terminate it because of that. We have added in the amount of 73% of the annual property tax to the contract. As I say, the monthly lease payment has increased. The county's actual expense under the amended lease will be somewhat less than it would have been under the original lease because of the savings that we will realize under the single insurance policy.

Commissioner Mourdock: Okay. Don't ask me to repeat it back, but I think I've got that.

Alan Kissinger: I'll turn on my microphone next time!

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy Mayo.

Cindy Mayo: I only have one item. The Knight Township Assessor's Office called this afternoon and on their travel request they had asked for permission for September 8 and 9 and it should be September 15 and 16, so they did ask that the change be made. That is all I have.

President Tuley: Okay.

**Lynn Ellis - Purchasing**

President Tuley: Lynn Ellis.

Cindy Mayo: She has made her recommendation on her report so she maybe is just going to go with her report.

President Tuley: Okay.

Vanderburgh County  
Commissioners Meeting  
September 3, 1996

11

Cindy Mayo: I'm sorry, one other thing that Charlene just brought down to me. On the Comprehensive Plan that Area Plan had asked to be on...well, they had originally said either the 9th or the 16th agenda. They did bring the Comprehensive Resolution down to Charlene, but they did not bring it down in time for it to be advertised for the meeting of the 9th. I don't know, would it be enough time for it to be on the 16th if we approve the advertising on that now?

Charlene Timmons: How many times does it have to be advertised?

Alan Kissinger: What is it?

Cindy Mayo: It is a Resolution.

Alan Kissinger: One time, ten days.

Charlene Timmons: I don't know if I can make it by the 16th or not because tomorrow is Wednesday and you normally have to give them three days.

Cindy Mayo: I don't think it would be a big problem for it to be the week after that even. It doesn't have to be on a rezoning night, but I think that probably is a rezoning night.

Charlene Timmons: I think the 16th was a rezoning night.

Cindy Mayo: I'll call Blaine Oliver, who is the person that I have been speaking with in Area Plan, and tell them that we maybe should plan on it being September...

Charlene Timmons: Either that or I will call first thing tomorrow morning and see if I can get it for Friday.

Cindy Mayo: Okay.

Charlene Timmons: I will call you and let you know.

Cindy Mayo: Okay.

President Tuley: As I read this bid summary my understanding then, since Lynn chose not to, unless she discussed this with you, Cindy?

Cindy Mayo: No.

President Tuley: My assumption is that the shaded area is her recommendation and the areas where she has got it shaded on both bidders that the part that she has circled is the part she is recommending. Does that seem to be in agreement with what you other Commissioners think she is saying here?

Commissioner Mourdock: It's your read, Pat, you are saying those that are circled are the ones that she is recommending?

President Tuley: Well, go down to the third one, the 1/2 inch greenbar. She has got both bidders shaded, but it looks like there was more than one part to that bid so she is recommending on the 1/2 greenbar and 14 lines 7/8 x 11 and three parts goes to RIS Paper, yet the carbonless no margin perforated sixty then would go back to Resource Services of Evansville. She has gone to the trouble of circling that.

Commissioner Mourdock: That makes sense as the interpretation.

I'll move approval of bid number APA022-96 pursuant to the recommendation of Ms. Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Consent items

President Tuley: Okay, under consent items we have employment changes, travel requests, the Auditor's monthly Time Accrual Report, permission to replace Remote Access Server for outlying townships.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. Tomorrow, Wednesday the 4th, at 3:30 p.m. is the County Council meeting for the month of September. Next Monday, the 9th, we have a Solid Waste Board meeting at 4:30 p.m. with a 5:30 p.m. Commissioners meeting. Next Tuesday, the 10th, there is a Pigeon Creek Finance Committee meeting at 2:30 p.m.

#### Old business

President Tuley: Old business. The first item is the Barrett Law. I think what we said last week, and this was presented to us by Assistant County Attorney, Keith Rounder, and we indicated that we may want to get into a discussion on it this week. I don't know if we are all ready to do that or not. I am getting a lot of requests and I see at least one gentleman here that is very much interested in what we are going to do with the Barrett Law.

Leroy Walther: Very.

President Tuley: Yes. The only concern that I have is with regard to if there is a bond initiated for the initial up-front, cost that has to be recouped over ten years or whatever time period and I think I asked this question last week. That bond indebtedness would count against our total ability to bond, correct? Suzanne, do you know where we are in terms of our--

Suzanne Crouch: I can double check. I believe the Azteca Bond is the only outstanding bond. That is what, eight million something? I'll double check.

Alan Kissinger: That is not Azteca.

Suzanne Crouch: What am I thinking of? Oh, USI.

Alan Kissinger: The overpass bonds.

Suzanne Crouch: Yeah, you're right, yes. Azteca is a lease rental, that is correct.

Vanderburgh County  
Commissioners Meeting  
September 3, 1996

13

Commissioner Mourdock: What are the amounts of the two?

President Tuley: About eight million.

Suzanne Crouch: Yeah, it is eight million something.

Commissioner Mourdock: Between several of them?

Suzanne Crouch: Well, Azteca is a lease rental so that does not count.

Alan Kissinger: Okay, then it's the overpass bonds and it is \$8,700,000.00 or \$8,600,000.00 and some odd. The thing that we need to anticipate is...well, no we don't need to anticipate the Auditorium or Burkhardt Road really because one is a lease and the other one is TIF.

President Tuley: So they would not have any bearings on it.

Commissioner Mourdock: With those two exceptions noted, what would our limit be then?

Suzanne Crouch: I'll have to double check. For some reason I am thinking 22 or 25, somewhere in there, but I will double check and have that for you next week.

President Tuley: So we have a lot of capacity then, okay.

Commissioner Borries: I don't find it in the minutes from last week.

President Tuley: What is that?

Commissioner Borries: That question you asked.

President Tuley: Maybe it wasn't last week, maybe it was a couple of weeks ago.

Alan Kissinger: The question was asked and I did answer the question in the affirmative, yes.

Commissioner Mourdock: Alan, have you had a chance to review all this since Keith presented it last week?

Alan Kissinger: Uh, yes, but I haven't done it! I've had the chance, but I have not reviewed it. As far as reading the document is concerned, I have discussed it with Keith Rounder and I think that I can answer questions on it if necessary. I can give you just as a synopsis basically there is not a significant amount for the property owners to do once they have come to the Commissioners and made their request. One question, obviously, to be answered here is there are going to be costs in reference to a design, a plan with specifications? I don't know, quite frankly, and I don't believe Mr. Rounder knows either, but both of us were of the impression that it was not an appropriate cost for the county to pay.

Commissioner Mourdock: The design work?

Alan Kissinger: Yes. Most appropriately that should be...the design work should be funded by the property owners.

Commissioner Mourdock: Okay, and I believe having skimmed this, but

not read it entirely, I think that is basically what it said here, too. Mr. Walther, did you get a copy of this last week?

Leroy Walther: Yes, I did.

Commissioner Mourdock: You did, okay. It would seem to me that as dynamic as these situations get and as complex as each of them seems to be that the only way we are ever going to find out how this works is to start down the path and try to make it work. If we could put this on the agenda from now until...what was his phrase? Till hell freezes over and we skate on the ice, but really, until we get the mechanism going I don't know that we are going to get it resolved and find out exactly how we can proceed. Do you have any legal reservations at this point, Alan, if we simply say to Mr. Walther and the others who wish to proceed along these lines, here it is, go for it? Let's start to make this happen.

Alan Kissinger: I don't have any legal reservations. I still have questions that remain unanswered and that is whether or not there are any other sources of funding, grants, etc., from the state that either the property owners or the county may be eligible for. None of those questions have yet been answered.

Commissioner Mourdock: Even if that is the case, and that's a good point, we wouldn't be able to apply for such grants until we knew what the program was going to cost and we are not going to know what it costs until the design work is done.

Alan Kissinger: We would have to have a detailed design, I believe, to submit with any type of application, sure. Your point is well taken. There has to be a point at which we say, now we start or now we don't start.

Commissioner Mourdock: You can look at a putt too long, but at some point you have got to stroke the ball.

President Tuley: Sure.

Commissioner Borries: The questions, I think, have been resolved then. It would be my understanding that the residents can request a hearing, but insofar as paying now for the cost estimates and the design, that will be paid by the residents, is that your understanding?

Commissioner Mourdock: That's mine. Did you read it that way, Mr. Walther? You probably studied this more than any of us.

Leroy Walther: Yes, yes, I have. As a matter of fact--

Commissioner Borries: Are you going to have an attorney help you?

Leroy Walther: We hadn't planned on it, but if it is necessary we will, yes. Right now we have an estimate from a contractor. It was just kind of a walk through deal of \$87,000.00 and in this was a price to cover the design engineer. Of course, I don't know what kind of specifications the County Engineer will require. I don't know how deep they have to go or if there are any restrictions since we are in a hilly area, it is not a flat surface. But 95% of it will be downgrade if the sewer grade line is below the basement level then there shouldn't be any problem. Right now we don't know where we are on that because we didn't have the specifications of what we have to do.

Vanderburgh County  
Commissioners Meeting  
September 3, 1996

15

Commissioner Mourdock: I didn't mean to smirk when you said 95%, but it is that other 5% that will get you every time.

Leroy Walther: Right.

Commissioner Mourdock: That is the expensive part.

Commissioner Borries: Well, I share Commissioner Mourdock's feelings here. I think we just need to move forward. If we have a clear picture that the county has the capability in terms of bonding we need to move forward. The reason why I was asking if you were going to have an attorney or not, it just seems as if to me that it is a very involved kind of procedure here. I want to commend Attorney Rounder's work for pretty well putting it all together. In fact, it may all be here, but we're going to assist you in every way we possibly can, but as you can tell that is one of the reasons why we have a county tax rate instead of a city rate. In effect, city residents pay for a lot more fees and as a result your rate is going to go up because you will be, in effect, on the city utility system.

Leroy Walther: Right.

Commissioner Borries: We don't have any capacity to do more than we have in relation to trying to set the table insofar as the legal work that proceeds from this point on.

Leroy Walther: That is what I understand.

Commissioner Borries: As long as you all know that.

Leroy Walther: Yeah. You were talking about the rates and what have you in the area where we are the bigger percentage of them are on sewer already. We are a section that is less than a half mile long. It has been bypassed. We have a sewer line on the east side and the west side through the back areas. When those were run no resident in that area was talked to if they was even interested in going into a sewer line and we feel like we are left out. The residential area there is an old established area. Septic systems have been in for years. Probably a majority of them don't meet the health code.

President Tuley: As I read this though, the first step is the adoption of the preliminary resolution, but even the first step prior to that--

Alan Kissinger: That is after the plans are done.

President Tuley: --is after the plans and everything are done. I guess we need someone to draw up the...

Commissioner Mourdock: Yeah, I think, again, as I have read this because it does say the boundary description of the area has to be part of our resolution.

President Tuley: Right.

Commissioner Mourdock: I think the ball is in your court at this point and others like you who approach this Board wanting to do something in this area. I think using this as a guide you need to do two things. One, you absolutely, positively need to get an engineer on board to draw up those plans and the second may not be required, but I would strongly urge you to make life simple for

yourself to consult with an attorney as a group to deal with this package.

Leroy Walther: Okay.

Commissioner Mourdock: I would hand that package to that attorney and say, here it is, we got sewers, we've got an engineer so how do we put those three things together to have something the County Commission can act on so that we can start to get the bonding in place to do those things.

Leroy Walther: Well, in the past this is what we have been waiting for.

Commissioner Mourdock: I understand.

Leroy Walther: A resolution.

Commissioner Mourdock: I, too, think that Keith Rounder did a great job on here. This may not be as simple as a cookbook, but it is as close as the law will ever be coming to being a cookbook.

Leroy Walther: On page 2, estimate of costs. The Board of Commissioners must adopt an estimate of the cost of the proposed improvement. Now, do you have to appoint the project engineer or will the County Engineer do that or who will do that?

President Tuley: I would guess that would be the County Engineer because it talks about the plans have to be submitted prior to the resolution and as part of that resolution you have to include the cost so I am going to assume that the engineer would take those plans and arrive at an estimated cost. I don't where ours is at, he is probably ducking out of here now!

Commissioner Mourdock: He is back there.

Leroy Walther: Okay, so--

President Tuley: It says the county must adopt an estimate of the cost. The only way we are going to get an estimate is through our engineer.

Commissioner Mourdock: That's right. I will take it a step further, through our engineer after he has reviewed the detailed plans that your engineer has put together.

President Tuley: Right.

Leroy Walther: Okay.

Commissioner Borries: One final question. Is there any point in which the Utility Department is involved in this? I guess not?

Commissioner Mourdock: I think that is a separate agreement at least it seems to me from this. That is a separate agreement that would be put together between the county as far as what we do bonding wise with the City Utility Board.

President Tuley: I think you are right. I think we go to them with the plans and say here is the money and this is how we are going to finance it. They want their money up front. You show them the money and they will build the sewer.

Commissioner Mourdock: Right.

Leroy Walther: Alright, so I will proceed with the meeting. We have a committee so I will meet with them and we'll get the ball rolling. Now, do you need a petition showing how many people are interested in that? It doesn't say anything in here about that. We have over 51% that are interested in it, but do you need a document stating that we have X number that we need?

Alan Kissinger: I think, as a matter of fact, that goes back to the city, the actual provider of the service. They have a requirement as to the percentage, so, yes.

Commissioner Mourdock: Again, that is something that when your engineer lays this out all the homes that are on that line it is going to be easy enough to say 58% say yes and 42% say no or whatever. The real key is getting that engineering report done so that we can look at a map and define what the area is because as specific as the resolution is, the last page of this packet, boundary description to be filled in there. That is important for us. We have to be able to draw a circle on a map and then we can count who is inside and how many of them choose to go or not go.

Leroy Walther: I do have on our layout that I got from the County Assessor, a plot layout which would have 25 residents and three vacant lots and that is a total of 28 in this area from Pinecreek to Mount Pleasant Road.

Commissioner Mourdock: I think, logically, when you forward that document on to your engineer he will include that in his report that he can pass on to us.

Leroy Walther: Okay, we'll proceed then.

Alan Kissinger: Sir, I might also...did you have some preliminary legal advice prior to starting this? It may have been another group.

Leroy Walther: Yes, we did.

Alan Kissinger: You might consider...I don't think you are going to have a lot of involvement by an attorney that you might select for this job, and I am not drumming up business for my fellow attorneys, but you might avoid some pitfalls by having an attorney who will communicate with your engineer and make sure because the county has certain responsibilities as far as the financing is concerned. You are going to have to have someone communicate with the city. Very possibly, you might tell your other neighbors out there to consider investing what should be a relatively small amount of money to save you some big pitfalls later.

Leroy Walther: Alright, we'll proceed and I will be in contact with you to let you know where we are. Now the system that has to be laid out, is that handled locally or does that have to be sent to the state for approval?

Alan Kissinger: I'm sorry, I didn't understand your question.

Leroy Walther: The design and everything. Does that have to be presented to the state or is that just locally?

Alan Kissinger: That is where you are going to need the advice of your engineer and perhaps your attorney. I know that the city,

obviously, is going to have to approve it. Whether or not they have to get state approval, I don't know.

Leroy Walther: I have been told that we have to get state approval.

Alan Kissinger: Our County Engineer is shaking his head yes.

Commissioner Borries: From what agency in the state, John?

Commissioner Mourdock: Board of Health?

John Stoll: IDEM.

Commissioner Borries: IDEM.

Alan Kissinger: If you are going to deal with IDEM I would strongly recommend legal counsel.

Commissioner Mourdock: And a pistol, a whip and a chair!

Leroy Walther: Okay, thank you very much.

President Tuley: Other old business includes Soil and Water Conservation Ordinance. I did see Mike come in.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. What I have just handed you is what we are proposing to be considered for an erosion ordinance for Vanderburgh County. We had three meetings with the task force over the last month and a half and this is what we have come up with.

President Tuley: Mike, for the record, would you talk about who all was represented on that task force so that everybody understands that we had as many bodies involved as we thought.

Mike Wathen: I brought the list with me. We had representation from the Homebuilders Association, Soil and Water Conservation District, the Building Commissioner, Area Plan Commission, County Engineer, County Highway, a developer, IDNR, Surveyor's Office and that would be it.

President Tuley: It is safe to say then that pretty much anybody who might be affected by this?

Mike Wathen: We tried to put people together to make sure we had all the entities represented. It went really well.

President Tuley: Mike, part of the purpose in this is that we've got an awful lot of problems because Rule 5 came in to the five acres or more and we've got an awful lot of dirt being disturbed that is less than five acres and we had an ordinance that was about a paragraph long, so to speak, or at least part of the ordinance was about a paragraph long.

Mike Wathen: The portion of the Vanderburgh County Ordinance was vague.

President Tuley: Basically, what we are trying to do is give some rules to the developer, the builders and to your office as well as overseeing the projects so that everybody can look at it and say, okay, this is a minimum of what we must do and this is what happens to us if we don't do that. Is that right?

Vanderburgh County  
Commissioners Meeting  
September 3, 1996

19

Mike Wathen: Yes, I think we've got it spelled out in there to where builders, developers, homeowners pretty much can take a copy of that and see where they fall and where they would be at. If this was adopted at the present time, just this week alone I've had...well, yesterday was a holiday, but since this morning I have had three separate incidents come up where if this was in effect right now I probably would have already at least had them 80% handled if not all the way handled. But since it's not in effect we are not that far along yet.

President Tuley: Mike, this Board has to...Alan, have you got this report or is this the first time that you've seen it?

Alan Kissinger: This is the first time I've seen this. As I go through it with the understanding that a lot of work went into it, but it does need some polishing.

Mike Wathen: We expected that.

Alan Kissinger: Don't be insulted by that.

Mike Wathen: I'm not. We didn't have any lawyers on our task force.

Alan Kissinger: Lucky you.

Mike Wathen: That is one thing that we omitted.

Alan Kissinger: I just wanted to beat Mr. Mourdock!

Mike Wathen: That was partially by design!

President Tuley: Let's do this, let's refer this to Alan for his review. You heard him say that he won't be here next week so I anticipate at earliest two week's from last night maybe?

Alan Kissinger: The 16th?

President Tuley: Yeah, the 16th.

Mike Wathen: What we did is we started with a model ordinance and then we tried to build and fine tune it for the county from that. That is what we used as a starting point. We are aware that it needs to be attorneyized or whatever you want to call it.

President Tuley: Polished.

Mike Wathen: Yeah, that was the word!

Alan Kissinger: A little less readable!

Commissioner Borries: Thanks, Mike. Basically, the enforcement still will rest with, as I understand, the Building Commissioner, is that right? After several procedural steps from you or your office then they can receive a citation and it goes up in price with failure to comply?

Mike Wathen: It goes up in price and the end result would be a stop work order. I would like to point out in the first part of that though we are certainly in a help mode. We're not advocating going around and looking for somebody to fine. We would prefer to look at it from a standpoint of that we are there to help and only when that doesn't become feasible then would we go to the enforcement

part.

Commissioner Borries: Well, I think you have built in due process. You have procedural steps here.

President Tuley: You guys put a lot of work into it and I appreciate that.

Mike Wathen: There was three days put into it by the task force. One of which was through lunch and about eight hours long.

President Tuley: This will make all of our lives a little bit easier maybe.

Mike Wathen: What would be the next step that you would want to see our office pursue or, at this point, do on this so I can schedule?

President Tuley: Alan, I am going to guess that you want to review it and since it is a proposed ordinance with fines and everything that we would have to go through the normal procedure which would be advertising public hearings.

Alan Kissinger: I think I may have questions as I go through this in the polishing procedure and then I may be prepared to make a recommendation to the Commissioners as early as the 16th.

Mike Wathen: Of September?

Alan Kissinger: Yes. I don't know if the Commissioners will want to consider it further, but yes it will have to be advertised twice because there are penalties involved. Basically, I suppose that you need to be available on the 16th to answer any questions that the Commissioners may have after they have reviewed it or any other questions that I may have. Other than that, I guess the Commissioners could vote on the 16th or the week after that as to whether or not it should be advertised.

Mike Wathen: That's all I have.

Commissioner Borries: Thanks, Mike, for your work.

President Tuley: Any other old business?

Suzanne Crouch: Pat, I just wanted to tell the Commissioners and Alan that the seminar that I went to, the Association of Indiana Counties, which was a couple of weeks ago had a portion that was really geared towards Commissioners, but I brought back the material because I thought it might be helpful. There is one area that I thought was particularly interesting at the bottom of page 6 where it is talking about Executive Sessions and how to do notice. Alan, you might be able to shed some light on that. This was present by Karen Arland, of Ice Miller Donadio, and how it is laid out here it appears that there does not need to be advertising providing that a copy of notice is mailed to the media 48 hours prior to the Executive Session and it is posted at the Courthouse.

Alan Kissinger: It depends on the circumstances. At least one of the print media disagrees. I appreciate getting this and I would like to review it and perhaps make some recommendations to the Commissioners. When you gave me this I told you it was very topical and I wasn't be facetious at all. We had received a letter a reference to a cancellation of one of our other meetings so I will review this and report back to the Commissioners, hopefully on

the 16th. Thank you for this information. It is much cheaper to get it through a seminar than to hire them directly.

Commissioner Mourdock: One other bit of old business and last week, Alan, you presented us with the first draft of the Ozone Ordinance. Basically, as I know that we all recall that thing had four parts to it and three of the parts were fairly specific. The one part that I reviewed that continues to cause the most concern is simply the recommendation there that there be some sort of effort between city and county to work together to deal with the idea of the Pollution Prevention Task Force and how it would be funded and presumably what enforcement power that group would have. I would just like to see this body, realizing there is not an easy answer of any type, I would like to see us move forward and start working with the city to make sure that happens.

Alan Kissinger: I think that is totally appropriate because we are stopped at this point as far as the ordinance adoption process is concerned until those questions are answered.

President Tuley: Okay, any other old business?

**New business**

President Tuley: New business. Motion for adjournment? Oh, yes. It is a new business item. The Welfare to Work. I received a call week before last or last week from Rick Jones of the Council wanting us to...I don't want to call them a task force because I think that is a word that is overused, but put together a committee that would include at least a member of the Commissioners and a member of the Council to kind of lay out a specific plan. We will call it long range, somewhere upwards to five years, on what we want to do or more clearly define what our intent is with this Welfare to Work program. I had asked Richard if he would like to be the Commissioners, or would he be the Commissioners' appointee since he has been involved. It is only logical that since you have been involved from the beginning to the end. I guess the Council would choose their own person and then I assume that it only makes sense to have some members of the original Welfare to Work to chair this up. I have not asked them yet about it. This is really the first step in identifying a Commissioner who would work to meet that end.

Commissioner Mourdock: Do you see this then as being, and I don't want to put words in your mouth here, but as we set this process in motion we basically said there was going to be a core group that would be reviewing and drafting a RFP and also ultimately selecting the gatekeeper that would administer this program. Are you suggesting that the Commission have a member on that group and the Council have a member on that group to help make that decision? Or, do you see this as something different?

President Tuley: I don't really see it necessarily being part of that group to make that decision, but I think it is basically to just spell out so that we show that we are not trying to duplicate services. I think there has been a misunderstanding of what this body is recommending that we try to implement here. I don't think any of us are creating another bureaucracy as such. I don't think any of us are advocating a dole out of funds to people who aren't trying to benefit themselves or help themselves. If I remember the presentation we were talking about vouchers going to selected vendors for providing child care or for providing transportation.

I'm not sure, but I don't think any of us intended this was going to be a permanent life long thing. I think that is why it we thought it was important for it to come from riverboat money because those are funds that most of us anticipate will not be there forever. There is nothing wrong if you serve on that committee.

Commissioner Mourdock: I guess that my preference would be because there are county funds involved that there be a representative of this Board and the Council on that Board too. I understand the Councils' queasiness and it is to their credit that they want to be very responsible with that money. I think that is the best place to put a member of the Council to be responsible for something.

President Tuley: You're right. That is just like the questions that were asked tonight for the people trying to get the money for the schools. Bring us a plan and show us how it is going to be spent. It makes it a little bit easier for us to vote on it. You've been there from beginning till end. You've been there from the start.

Commissioner Mourdock: Well, with that, yeah, I am glad to do it either way, but I guess to me that's how it makes the most sense.

President Tuley: It makes more sense, you're right, it does.

Commissioner Mourdock: Do you have a number in mind as far as how many you think should be on that group?

President Tuley: I don't want it too large. I am thinking an odd number. If we have five or seven members and the Council member and a Commissioner. What do you think?

Commissioner Mourdock: Seven plus a Council and Commissioner for nine, is that what you meant?

President Tuley: Yeah, I am just throwing out odd numbers and not too large. The larger it gets, I think, the more cumbersome it becomes and hard to reach a consensus.

Commissioner Borries: I have no objections because of, again as Commissioner Mourdock has pointed out, the use of county monies in this the less they make something too difficult that already is. The whole unique part about this was to help people, individuals with out creating another agency. I thought that we had spelled that out and that we have taken action in meeting after meeting to support the work that Commissioner Mourdock and certainly this group has done. As long as we stay focused on the aspect of the uniqueness part of it that we are helping people, individuals who want to work and want to better themselves to improve their state not in a permanent situation. I don't know if they get it or not. I don't think it makes any difference when or if the riverboat leaves or not. That wasn't the purpose. We really had looked at even a percentage to say that the money might not ever be used by anybody and therefore may be reallocated. I just hope we don't make it anymore difficult than it ought to be. I have confidence that Commissioner Mourdock can get that message across so that we can continue to focus on what we had envisioned in the first place which was simply to help some people who in whatever cases did not have the wherewithal, the resources and didn't fit in some other kind of gap. So there isn't any other kind of agenda that we don't have battling agencies out there trying to fight for all this because we are not going to be reimbursing agencies, we are

Vanderburgh County  
Commissioners Meeting  
September 3, 1996

23

reimbursing people. Am I off on that or not?

Commissioner Mourdock: Well, we are reimbursing those who provide services to those people.

Commissioner Borries: But the people themselves...there has got to be a person or children or someone involved in this so that they qualify for the reimbursement from that standpoint.

Commissioner Mourdock: I think the three of us are in agreement so with that understanding, yeah, I will be glad to get with those folks and use that as our task force to start the RFP process.

President Tuley: I would kind of like you to take the lead in terms of pulling together the rest of the people.

Commissioner Mourdock: Okay.

President Tuley: Obviously, we can't appoint the Councils' appointment, but the rest of that committee that you have worked with.

Commissioner Mourdock: I will try to have some recommendations next week.

Commissioner Borries: There has been a hidden agenda, not a hidden agenda, but there has been sometimes, I think, a behind the scenes thing that some people are saying, well, there is already too much money being spent, blah, blah, blah. The whole aspect of your work and what was identified was that there are gaps in services that are not being provided for people who want to improve themselves. Let's don't make this thing too complicated from that standpoint.

Commissioner Mourdock: Yeah, that's right and much of the basis of the whole welfare to work thing is the two years and out. As of October 1, 1997 those folks are going to be out there with no other service being provided anywhere. Again, this is saying that if they are out working or if they are in job training then they would be getting something.

President Tuley: Okay. I'm sorry, I don't know how I went by that one.

Commissioner Borries: Well, I'll move that Commissioner Mourdock serve as this Board's representative and act as a chairperson for the committee to specify certain goals or objectives for the Welfare to Work initiative.

President Tuley: I will second and so order. Now, I'm sorry, any other new business?

Commissioner Mourdock: I'll move for adjournment.

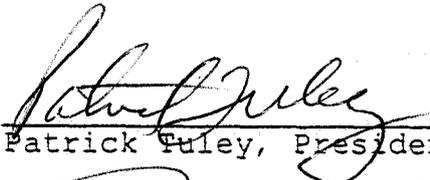
Commissioner Borries: Second.

President Tuley: So ordered.

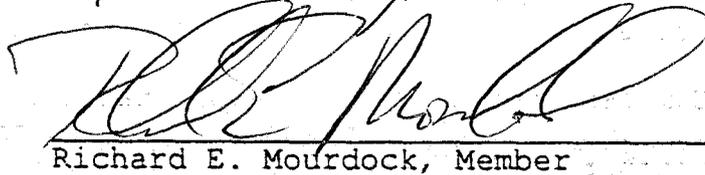
The meeting was adjourned at 7:00 p.m.

THOSE IN ATTENDANCE:  
Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne Crouch  
Charlene Timmons  
John Stoll  
Bill Morpew  
Mike Wathen  
Leroy Walther  
Bill Taylor  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

Vanderburgh County  
Board of Commissioners Meeting  
September 9, 1996

Table of contents

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Bill Taylor - Riverboat funds .....	1
Circuit Court - CCD Funds .....	8
Jayne Berry-Bland - Open proposals for banking services .....	10
John Stoll - Open bids .....	10
VC96-08-02      Concrete repair of various roads	
VC96-09-02      Concrete repair of Larch Ln & Pine Place	
VC96-09-01      Salt storage building construction	
United Way, Healthy Neighbors .....	11
Any group or individual wishing to address the Commission .....	12
Lynn Ellis      Purchasing	
Edward Moser    Coterie Club of Evansville	
John Stoll - County Engineer .....	16
Agreement between county and state regarding modifications to the traffic signal at Burkhardt and Lloyd	
Travel request	
Time extension from Southwest Engineer regarding the Schissler Road Bridge replacement project	
Bill Morpew - County Garage .....	19
Progress report for the Vanderburgh County Highway Department and Bridge Crew for period covering August 30 through September 5, 1996	
Dennis Brinkmeyer - County Attorney .....	21
Report on bid openings:	
Treasurer's cash management proposals	
VC96-08-02 Concrete repair to various roads	
VC96-09-01 Salt storage building construction	
VC96-09-02 Concrete repair of Larch Ln. & Pine Pl.	
Public hearing regarding lease .....	22
(Between Vanderburgh County and Steven Kahre)	
Cindy Mayo - Superintendent of County Buildings .....	24
Quitclaim deed      Ebon R. Green, 502 Chandler Ave.	

Consent items .....	24
Employment changes	
Travel requests:	
Weights & Measures (2)	
Auditor - Monthly financial report	
Auditor - Approval of accounts payable vouchers	
Data Services - approval for remodeling	
Scheduled meetings .....	24
Permission from Commissioners concerning notification of media regarding Executive Session	
Old business .....	25
Veazey Parrott & Shoulders	
Suzanne M. Crouch - memos concerning Veazey Parrott & Shoulders' outside consultants, Auditorium bond financing and bonding capacity	
Mental Health appointment (deferred 1 week)	
New business .....	28
Welfare to Work committee	
Information regarding Shirley James/Pigeon Creek funding	
Adjournment .....	29
Attendance and signature page .....	30

Vanderburgh County  
Board of Commissioners Meeting  
September 9, 1996

The Vanderburgh County Board of Commissioners met in session this 9th day of September, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:55 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: We will call the Vanderburgh County Commissioners Meeting for September 9, 1996 to order. As a point of introductions, to my far right is Cindy Mayo, the Superintendent of County Buildings and our office manager; to her immediate left is Dennis Brinkmeyer, who is one of the Assistant County Attorneys; to my immediate right is Rick Borries, one of the Commissioners; to my immediate left is Richard Mourdock, one of the other Commissioners; Suzanne Crouch, the County Auditor, is to his immediate left; and to her immediate left is Charlene Timmons, who is the Recording Secretary from the Auditor's Office, who will be recording the minutes of this meeting. If you will, please stand with us, face the flag and say along as we say the Pledge of Allegiance.

**Approval of minutes**

President Tuley: Under the action items we have approval of the minutes from last week's meeting. That meeting being held on Tuesday, September 3, 1996.

Commissioner Mourdock: I'll move approval of the minutes of the prior meeting.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Item 4B, Certification of the Executive Session. Let the record reflect that there was not an Executive Session held prior to this meeting as there was a Solid Waste meeting.

**Bill Taylor - Riverboat Funds**

President Tuley: Item 4C was a request from Bill Taylor regarding riverboat funds. It was a request made on behalf of P.T.A. units from Howard Roosa, Delaware, Cedar Hall and Lincoln. I think that Commissioner Borries asked last week that Mr. Taylor get the schools or P.T.A. presidents or someone to submit a wish list, if you would, as to how that money was to be spent if it were so granted. Is there more than one in here?

Cindy Mayo: We received one from Howard Roosa and one from Delaware, I believe. We only received two. Howard Roosa's is attached to the back of the first letter that Mr. Taylor sent in and then there is a separate one for Delaware.

President Tuley: Okay. I see the Delaware. Is there one from Cedar Hall or is there one from...

Commissioner Borries: Howard Roosa?

President Tuley: Howard Roosa, I found it. I found Delaware's.

Bill Taylor: I was under the impression that Lincoln was supposed to submit one.

Cindy Mayo: I did ask Sunny about that after I spoke with you and these are the only two that were received.

Bill Taylor: Cedar Hall's principal talked with Ms. Neal, the lady that was here, the president of that P.T.A., and she said she had read in the paper that they weren't going to do anything on it this year and that she would wait until next year to submit hers.

President Tuley: I think that is probably what happened at Lincoln because I was in Lincoln one day last week and she asked me about it and I said that it would have a hard time getting through this year because we had already submitted our request to the County Council as a recommendation.

Bill Taylor: Mr. President, what you failed to explain to her is that neither the County Council or yourself has passed an ordinance that would make those thoughts binding. I mean, a lot of times I think a Commission or Board will make recommendations from the best amount of information they have from people that are interested. I think the point has been brought up that we should have been here earlier. Well, a lot of us that got involved with school didn't really get involved until August. We were sent letters to come to seminars, meetings and everything and we did make those seminars and meetings. As a result of them, this is one of the things that I got out of it that could be used to help the children from K through 5. I would like to take a brief moment, I am not going to be long winded, I've just got a couple of things that I just happened to run over and it bothered me when I ran over these. I am sure that you all had an opportunity to read that. If you look at that you will see where this 34 year old man has just learned how to read. He just got to the fifth grade level. That is telling us that K through 5 was a disaster for this young man. I wonder how many other kids that is going to happen to, has happened to, will continue to happen to? You've got an opportunity with monies that you promised these kids families to give it to them to help them get an education so they don't appear in the paper like this because 99.4% of them won't. They will just be uneducated the rest of their lives. I am not trying to put you on the spot because you are already on the spot. Anytime you've got monies you are on the spot because there is somebody wanting it. I realize that. I really think that even with the plans that you have made, if you was to get ordinances lined up, printed up, distributed and you have your public meetings and have your regular meetings there is no way that you can spend any of that money until January. No way, but this is something that you can do right now because it is not going to a private individual, it is going to kids. You can make this appropriation out of those or recommend the making of it. I just would hope that you...you know, there are a lot of times when Johnny comes late. Well, Johnny came late. He came late for this 34 year old man, but it is up to us to see that it doesn't come late for these 500 and some odd students at Howard Roosa. Whatever be your pleasure, I would hope your pleasure would be to send it on to the County Council and let them work on it and maybe we can get this stuff together for these kids. Right now we are right in the impressionable part of their schooling, the K through fifth grade and we can do it with your help. I hope you would just

send it on to the Council and see if the Council would approve it.

Commissioner Borries: Well, let me just say, Bill, that you certainly are an eloquent spokesman here on behalf of these children and maybe you've done too good of a job because I will tell you, I will not name other principals, but I have now had the eagle eye from some other principals who also are in schools that, I guess, are politely saying that although they are not designated a School Wide Title 1 school they have many children with needs that you have pointed out and they are saying don't forget us. Now we really have a situation here that makes it very difficult. It is not difficult for me to honor the request for children, but it does if I am going to now do it at the expense of some other schools that maybe, I guess, for whatever reason have not had such an active person such as you or an eloquent person give some remarks. I am not sure what the ordinance does about this money. We have set it aside, not in an ordinance at this point, but given a proposal some of which could fall into the request that you have made. As to what the Council will do, I have no idea. Frankly, I have some concerns now as to what to do with some of these other schools that have contacted me and say what are we going to do?

President Tuley: Yeah, I won't name names either, but it started on me about 8:00 Tuesday morning. Some of the same calls.

Lynn Ellis: Mr. Borries, is this the RFP concerning the Welfare to Work?

Commissioner Borries: No.

President Tuley: No, it is a request for casino money.

Commissioner Mourdock: I will just add, and probably because I am the minority member, I didn't get the calls that the two of you must have received--

President Tuley: And you don't work for the school.

Commissioner Mourdock: Good point, I don't work for the schools and I don't work for the School Corporation, but Bill's comment of a moment ago, you've got the money so you're on the spot reminds me of the old Babyface Nelson line, "Why did he rob money from the banks, because that is where the money was". You know, that is where everybody goes to get the funds. My problem with this, Bill, is simply that I try to stick with a real matter of consistency here as far as how we do things and I appreciate your comments that you didn't really get rolling on this until August with the School Corporation, but nonetheless, we have put together a program for fiscal year '97 and I feel obligated to stick with that. It is factual, certainly, that we have not yet put together a total ordinance as far as the funding, particularly on the Welfare to Work item that Ms. Ellis just mentioned, but that is a very complex process and it is in the process even though it is not complete. Your point of speaking out again is well taken. I certainly am not without empathy and compassion here, but I just don't see that if we were to change our methodology at this point I think it opens the floodgates for a lot of different things well beyond the school corporation coming in for requests.

Bill Taylor: Mr. Mourdock, I think if you, which I am going to get a copy of tomorrow, but if you remember your statements, your Commission statement was that the money would be used for Welfare to Work, economic development and others. I think that was in the

statement. If it's right, maybe it isn't, but if it's right then as is normal the people are the others. We are always the others and what we are asking you is to give us our others. I mean, I'm not trying to take issue at you or point at you, or Pat, or Rick. I didn't even think about that. All I thought about was these classes that I sat in a whole week on, all day long and what they said was happening. How these kids were needing different things, different teaching supplies and things and that is all that I thought about. I'm sorry, like I said, that I didn't come down to the hearings. If I would of had another crusade I probably would have been, but I didn't and a lot of times we are the last ones to think of our needs and normally we are the last ones to get our needs fulfilled. I mean, that is just the way goes, but if you had a plan in force or you were getting ready to spend those dollars, hey, I would have never even come up here. The money is up in the air. It is sitting there in the bank and you've got kids sitting out there that need help now and you can do it. When you talk about the other people, I guarantee you that there is a number of teachers, principals, that knew I was coming down here. It was because of word of mouth and how I had asked the people that I had asked about it and everything. They knew what it is because...I could give you an example, but I am not. I'm not even going there. All I am saying is that this is something that you can do now. If you feel like you have made a commitment and that commitment is where you are at regardless of whether it's an ordinance or an actual commitment, just a thought, then hang with it. If you feel like the monies are there and let's help the kids out then send it to the County Council. You don't have to approve it. You don't have to approve to send it to Council, you can just send it to the Council, right?

Commissioner Borries: Well, let me just say, too, that one of the...actually, the three parts that we committed and proposed that the money would be spent was in the area that we entitled Welfare to Work, which again is sensitive and gets at the heart of many of the people that you have talked with, economic development and the third, which, again, is very closely related to this, was infrastructure improvements in terms of roads. That is really what we were looking at. We don't know, yet, how much money that we are going to have until after the first of the year to get this year's experience. One of the things that I think I would say to kind of move this thing on it appears that the Council is going to want to participate perhaps in further hearings on this money. We have formed yet another committee or will be in the process of forming yet another committee to specifically get into the aspect of the Welfare to Work part of it and under that certainly I believe that there should be some consideration for children, as you have pointed out here. We are talking about job training, transportation, single parent needs of day care and that type of thing. Perhaps this is an area in which this might fall. Frankly, it also might give us a little time so that you could maybe prepare and that, again, I know that there...and I am just telling you that it is simmering. Just as you say, maybe some of them know and some of them didn't know, but there are just some other schools with needs that you know would like to be a part of this process.

President Tuley: That is the same thing I said last week, or was quoted as saying. I mean, these kids are going to be, I would guess, as Commissioner Borries just pointed out, on the receiving end of that Welfare to Work one-third, economic development one-third, and maybe not directly as much as a pair of shoes or something like that, but hopefully it will put their parents in a position that their parents will be able to afford the shoes and

the other things that you've got listed here for the schools.

Commissioner Borries: Some of the schools who are designated as Title 1 to get into this, refers to an act of the federal government that allows schools who have identified certain children with reading difficulties and much of this could be reflected with their test scores and other data that is included such as lunch programs and socioeconomic data. To make a long story short on this, their services in no way are impacted on this. This is P.T.A.

Bill Taylor: No, they're not. Yeah, it is just P.T.A.

Commissioner Borries: I want to make that clear.

Bill Taylor: Very clear.

Commissioner Borries: There are a couple of other schools...I know of at least one whose principal has talked with me and they are very close in the way that they figure the Title 1 formula. There are probably children in that school that certainly would qualify in some respects. Frankly, the way they figure Title 1, and it is very a complicated formula, but it includes total area which includes public and private schools. So there is a little bit of a difference in the formula there. I guess what I am saying is, I think, sometimes hardware needs that would help these children learn more is what we would want to focus in on and I think there could be some movement and I think you need to stay informed. Commissioner Mourdock will be on that committee that they are, as I understand it, going to form and perhaps have further hearings here on this before this money will be spent. You need to be aware of that.

Bill Taylor: You know I will be on it.

Commissioner Borries: Okay.

Bill Taylor: So, or I guess your recommendation then is what?

Commissioner Borries: Well, the recommendation that I would see is first of all, can it fit within the scope that is still to be defined of this Welfare to Work area. Perhaps allow this Board maybe to communicate with some of these other schools to see in fairness to them because, frankly, I guess they just haven't had someone, again, as active as you at this point in coming forward here.

Bill Taylor: Well, let me ask you this. Is it possible that someone from the local P.T.A., one person from that unit be placed on that committee?

Commissioner Borries: It might be.

Commissioner Mourdock: Under new business tonight I was going to bring you up to date where we are at because membership has been appointed to that committee or at least the list of names, they have not responded yet. I guess the bigger question that I have comes back to...and it is not unrelated to that perhaps, but simply how that program as it is presently defined is going to work through this coming year? As the newspaper keeps reporting we have \$800,000.00 dedicated to that cause. Well, we've have a third of whatever funds are out there. We don't know if that is six hundred or a million, it is yet to be determined. The biggest question in

my mind, as a great proponent of that whole effort, is will that money be used up during the coming year? Quite frankly, I am not sure that it will be because if we don't do a good job providing services, then at the end of 1997 there may be funds there that otherwise wouldn't be appropriated. I think it would be fully worthy of consideration at that point to look at something like this more in line with what Commissioner Borries just said about using them for children in an educational sense. I think that is the door that is open for us for fiscal year '98. Again, I go back to what I said earlier, you used the word "accurately". I think we have committed to what we are going to do this year and I don't mean to exclude people with that word commitment, but I also mean to keep the commitments that we have made to others by using the word commitment. My feeling is that we need to stay where we have. I certainly, as I said at the last meeting, have an open mind and we could look at this again next year.

Bill Taylor: Again, Mr. Mourdock, I still have this thing about K through 9 and those years. Each year that we let a kid go on that is more we have lost because of the lack of a lot of additional classroom types of education. I have no problem with waiting until next year if that is what you decide to do. Well, I do have a problem, there isn't any use standing up here lying, I've got a problem! I would prefer, if possible, and this is just Joe Blow Bill Citizen talking, but I would just prefer that you appoint or give the teachers, I mean the P.T.A., a person to sit on that Board, sit on that committee, I mean. Even if that person can't persuade the shifting of some of that, but at least we will know that we tried. That we ran on that and on the formation and that it is possible.

President Tuley: Bill, is there a...I know each school has a P.T.A. and a P.T.A. president. Is there...

Commissioner Borries: There is a president of the Area Council.

President Tuley: Of the Area Council, I guess, is what I was trying to get at.

Bill Taylor: Yes, there is. I am sure that if you give that person the authority to send a representative over I am sure that they would and that we could get all of this and get somebody that would work with all the schools, all the P.T.A.'s because we meet, all P.T.A. presidents meet.

Commissioner Borries: I'm not sure, though. Now we are getting into a bigger scope. Now you're in another level here where we started. I saw it as obvious and as I said last week there are P.T.A.'s and all of them we support, but some are better able to raise funds than others.

Bill Taylor: Sure.

Commissioner Borries: I think we have to be very sensitive about the criteria and the needs here and what we are doing there because if we put it into the other gear, now we are talking about more money.

Bill Taylor: More money, you're talking about more money.

Commissioner Borries: That's right and we don't know if we are going to have it and really can't anticipate. So, I tell you I have just got to think through that. I think the area person would

Vanderburgh County  
Commissioners Meeting  
September 9, 1996

7

be wonderful, but that he or she would certainly feel compelled and that now I have got to look at all of them. When you are talking in terms of 20 elementary schools you're talking about a lot of money.

Bill Taylor: That is the reason why I basically dealt with the Title 1 schools because those schools are economically disadvantaged kids, period. They have problems even raising enough money to pay for the popcorn for the kids. They have a lot of things that are thrown on them that they have no control over.

Commissioner Borries: I agree with you.

Bill Taylor: They have to do something about it and you can't just half do it, you've got to do it. There is no doubt about it and that is the reason why I came in asking for that. I think that no doubt if the four schools were given the monies that they were asking of, or any part of it, the other schools would be back in and they would be sending in requests and everything, but I don't think they could substantiate their request. These are kids that are being tested and they were tested before they even started in K, they are tested right as they get into K and there are kids that are bused into those particular schools. They live all over the counties. It's a difference, there is a lot of difference in that. I guess we are down to just why don't we do the original plan. Send it to the Council and let Council vote it down. If it goes down, it goes. Isn't that the best way to handle it?

Commissioner Mourdock: I'll give my answer.

President Tuley: I think that is called the easy way out.

Commissioner Mourdock: Yeah, that is the easy way out. That is a good phrase, but, again, I think it is not being consistent for us. We've had our action steps, again, to use the Welfare to Work group. That group of people has met consistently for almost 17 or 18 months and I feel hesitant to suddenly change the direction after that many people put that much time into it. To suggest that we send something, and I know that this isn't putting it into the right context, but we can deal with this real easily, let's get rid of the problem and send it to the Council and let them decide. I don't think that is good government. I don't think that is good policy and it is certainly not something that I want to be a part of. As I said, Bill, I am not opposed to giving this another consideration next year when the budget comes through. I don't like the idea, as you said very well a minute ago, how many years is a kid in Kindergarten? You get one shot at it.

Bill Taylor: That's right.

Commissioner Mourdock: But, reality is reality, too. We have taken the steps and I think that we are pretty well, or should be, locked into those steps.

Bill Taylor: I could say a couple of things, but I am not. All I am asking is that you send it to the Council for approval or disapproval. If you say no, then it is no from you saying it, not that it is no, period. It is just no because you said it and we can just go from there. If there is no recommendation, I will take that and leave. That is good enough, too. I am going to walk out of here with a smile on my face regardless.

Commissioner Borries: I don't think you should take it as a no. I

guess you might want to take it as a maybe later until I--

Bill Taylor: I've heard of that.

Commissioner Borries: --get some information. As I said, I know that the Council may or may not be receptive to us just handing it over to them, but we did make some commitments and, frankly, again, I am not going to name schools, but there are other schools that are in other stages of development and the way that the Title 1 Funds were set this year there were some cutbacks.

Bill Taylor: Very much so.

Commissioner Borries: They had to restructure that program and some schools were not provided services that traditionally they used to have as a component of all this. Frankly, they have some pretty critical needs, too. I can think of a couple of them who are not listed. If we could get through that criteria and if you can give us some time, I think your arguments are compelling. I am not going to say no, but I would just have to say later, at this point, respectfully.

President Tuley: I would have to agree.

Bill Taylor: Thank you.

Commissioner Borries: Thank you.

#### Circuit Court - CCD Funds

President Tuley: Item D, Circuit Court request for CCD Funds. Each of you guys have a copy of the request before you. It is a request for computers and backup equipment for the courts. It is a request for \$10,000.00 to replace the existing stand alone PC's used to complete pre-sentence investigations for Circuit and Superior Court. The current computers have numerous problems with hard drives being replaced twice. The Vanderburgh County Computer Services recommended replacement of the entire system. Basically, the request was denied by the Council for the 1997 budget and it says that it was suggested that they contact the County Commissioners about purchasing these items through the CCD Funds.

Commissioner Borries: Bong! Get out that tennis racket!

Commissioner Mourdock: Oh, Bill!

Commissioner Borries: Yeah.

President Tuley: Here we go again. We have allocated all but about a half million dollars out of CCD for the 1997 budget in a request to the Council. I think they have honored that request, so we only have about a half million dollars in that. It may sound like a lot of money, but one catastrophe and we would be serious trouble, so I don't know. My personal opinion, I would kind of like to sit on this request for a while until after the first of the year and see what is going to happen.

Commissioner Mourdock: I think that is prudent.

President Tuley: There is no reason why after the first of the year and things start to go smoothly and we get through the snow season.

Vanderburgh County  
Commissioners Meeting  
September 9, 1996

9

Commissioner Borries: When he mentions Vanderburgh County Computer Services, is this, I guess, Data Processing is what we are referring to here?

President Tuley: Yeah, I am sure that is what he is talking about.

Commissioner Borries: I would like to have some information from Data Processing.

President Tuley: Well, let's table it then. I wanted to table it until we hear from them.

Commissioner Borries: Well, a recommendation. Is this part of a larger plan? What are we talking about in terms of replacement of that as well? If we could get that information, I think that would be helpful.

President Tuley: Well, let me get a hold of Joe and find out what his...if they could be modified or what.

Commissioner Borries: What kind of...when he is talking about the system is he talking about the entire system for Circuit and Superior Court?

President Tuley: There is something going on over there that they're talking about. Cindy, you are looking at me like you've got some input here.

Cindy Mayo: Well, I just know that what they are talking about doing over there is what is connected to the mainframe and these are stand alone PC's.

President Tuley: Oh, they are stand alone?

Cindy Mayo: Yes.

President Tuley: Okay.

Commissioner Borries: So, back to my question. Has Data Processing or SCT or someone recommended the entire stand alone system?

Cindy Mayo: Anytime that there has had to be any work done on the PC's it is looked at first by Data Services and apparently they are saying that they have just about lived their life, the PC's that are over there, and they are recommending such as what is in our office. An upgrade was going to cost as much as a new system.

President Tuley: As a new one? We've got an Auditor's report in here that shows what money we have.

Commissioner Borries: Could we get that recommendation from Data Processing? Would you be able to get that for us next week?

President Tuley: Do you want to table that until next week then?

Commissioner Borries: Yeah.

Commissioner Mourdock: Yeah, I still think that is appropriate because our experts aren't here to talk about it. We really don't know, as you said, Pat, what the status of that account is going to remain.

President Tuley: Alright, okay.

Commissioner Mourdock: Once again we are in a position where anything we do could open the floodgates.

President Tuley: Okay, let's table this for next week.

**Jayne Berry-Bland - Open proposals for banking services**

President Tuley: Okay, item 4E. I should have done this a long time ago. I didn't know our discussion with Bill was going to get so long. The County Treasurer's Office has a request in to open proposals for banking services to Vanderburgh County. This is what is referred to their cash management system. I believe they would like for us to open the bids, verify the bids and then take it under advisement for a week, is that correct?

Z. Tuley: Say that again, please?

President Tuley: The Treasurer's Office would recommend that we open the bids, verify the validity of them and you would like to take them under advisement for a week?

Z. Tuley: Yes.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Cindy Mayo: If I could speak just for a moment on the banking services. We did get a Federal Express in today from NDB. There was nothing on the outside to indicate that it was a proposal or that it was a bid. When it was opened, instead of being in a manilla envelope as they in most cases are, there was just a proposal in there that was not sealed.

President Tuley: So you are verifying that it came to you sealed and you opened it?

Cindy Mayo: It did come in and it has not left the office, but it did come in the office sealed and we did open it.

President Tuley: Is there a problem, Dennis, since we opened it?

Dennis Brinkmeyer: No, I don't think so. It's been verified that no one has removed any of the contents and it was just opened and it was discovered what it was in the process. I don't see that in any way would invalidate it or that there would have to be another one submitted.

President Tuley: Okay. So we had a motion, a second and so ordered on opening on the rest of the bids and then they will take them under advisement.

**John Stoll - Opening of bids:**

VC96-08-02, Concrete repair for various roads

VC96-09-02, Concrete repair of Larch Lane & Pine Place

VC96-09-01, Salt Storage Building Construction

President Tuley: We have also got three different bids for John. VC96-08-02, VC96-09-02 and VC96-09-01. The first one being

concrete repair for various roads; the second one being concrete repair of Larch Lane and Pine Place; the third being the salt storage building construction. I would assume that we would like for the County Attorney to open those as well, verify the validity of the bids and then take those under advisement as well?

John Stoll: Yes.

President Tuley: Okay.

Commissioner Mourdock: I'll move the opening of VC96-08-02 for concrete repair on various roads.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: I'll move the opening of VC96-09-02, for the concrete repair of Larch Lane and Pine Place.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: I'll move the opening of VC96-09-01, for the salt storage building construction.

Commissioner Borries: Second.

President Tuley: So ordered. I am going to skip over 4I because he is going to be opening up some bids for a little while. We need to get the people involved with those on their way. We'll come back to it.

**United Way - Healthy Neighborhoods**

President Tuley: Item 4J, United Way, Healthy Neighborhoods. Richard, I think this was something that you wanted to discuss.

Commissioner Mourdock: Yeah, this will be very brief. I've had two meetings with Diane Floyd, who you may both know. Diane works at Hilliard Lyons, I think, and is also involved with United Way and also in her spare time serves on the Area Plan Commission for some reason that I don't fully understand. At any rate, she is working with a Health Care Task Force and the Health Care Task Force with United Way is asking the county to support them for a request for funding from the Robert Wood Johnson Foundation. That foundation is, I believe, the Johnson of Johnson and Johnson. They have put a lot of money over the years, several hundreds of millions of dollars, into medical and health care issues. What the local United Way group is trying to do is to set up a healthy neighborhoods program over a five year period in some of the lower economic neighborhoods of the city and county that could help do some health service screening. They want to set this up as a model program so they can refer people to specialists. It is a very low budget program, I think. They are looking at \$80,000.00 and, basically, they have come to us asking for support in a letter that they would then forward to Robert Wood Johnson as part of their grant request. They do not need from us at this point a specific approval, but what they are asking is that in fiscal year '98, not '97, but '98, we, the County Commission, support a \$5,000.00 grant to them. It would be \$5,000.00 a year for each of the next five

years after '98. As I explained to Diane, I think we have a problem with that. Not in the funding per se, but I think we would be hard pressed to act as a Board given the elections coming up and it will obviously be the Commission sitting in '97 to make recommendations as to fiscal year '98. My comment to her was that this Board could at best act as a carry over resolution, if you would, supporting that funding request for \$5,000.00 to the incoming Board after January 1, 1997. If we would do such a thing she would then include that resolution with the grant request. It would go on to the Robert Wood Johnson Foundation although understanding fully that it is not binding at all given the nature of this Board.

Commissioner Borries: Okay, I support the request and I would support President Tuley writing a letter, basically, giving our support for '97 and saying that we will have to come back and fill in the blanks, so to speak. Whatever Board will have to do that and that it will be something that will be seriously considered next year, but that we endorse the project and the concept.

Commissioner Mourdock: Yeah, and there is a draft letter of that proposal which I think you have. I would second that.

President Tuley: I will so order. The draft reads fine as far as I am concerned. I think it spells out very clearly what you just said about '97 and the Board may change and what have you.

Commissioner Mourdock: It says it in fewer words.

President Tuley: Right. Is this our normal letterhead?

Commissioner Mourdock: No, it is not the normal letterhead. That is just the letterhead of the word processing package that it was prepared on. I am sure that Sunny can redo it on our letterhead.

President Tuley: Yeah, the one with the seal on it, if that's okay?

Commissioner Mourdock: Okay.

<b>Any group or individual wishing to address the Commission</b>
--

President Tuley: Item 4K, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda, now is the time to come forward.

Lynn Ellis: Apparently there was a mistake regarding the agenda item. It got put on last week's agenda and the agenda item was dated for September 9, 1996. You had a copy of this for the paper last week?

President Tuley: Yeah, I got a call from somebody and I said, no, we acted on that last night and they said, no, you are supposed to act on that next Monday. I said that we acted on it last night.

Lynn Ellis: Right.

Commissioner Borries: Lynn, you might want to identify yourself, please.

Lynn Ellis: Oh, Lynn Ellis, Purchasing for the county. Was it approved? Do I not need to be here?

Vanderburgh County  
Commissioners Meeting  
September 9, 1996

13

President Tuley: Basically, we made some assumptions, okay? There were only two bidders.

Lynn Ellis: Right.

President Tuley: So you used the shaded line as being the recommended line and in some cases within that line there were two different aspects to the paper being bid and the circled one we assumed was the one you were recommending. That is what we followed and that is what we went with.

Commissioner Mourdock: We actually had a brief discussion as to that.

President Tuley: To that very thing. That was the assumption that we made when we made our vote on it. If that is correct, I don't know that we need to go back and revisit it, honestly, do you? Other than, I know you got a call because the guy called me.

Commissioner Borries: I've had a call from at least one local vendor expressing some concerns. Have you had any calls from any local vendors?

Lynn Ellis: No.

President Tuley: Same one, I think, that called you must have called me because it was one of the bidders. I don't know, his question was more of a legal question from the way I took it.

President Borries: Well, you gave it...you did not give the entire bid to any one firm, is that correct?

Lynn Ellis: That is correct.

President Borries: What happens in terms of service or availability from a firm that is not a local firm?

Lynn Ellis: They guaranteed delivery of the paper from the date of order in one to four days. So, once we place the order they guaranteed delivered within the four day period. If they don't they would be in violation of the contract and the bid was written that there is a cancellation clause in there and that the contract can be cancelled immediately for failure to perform. I put that in all the bids. If there is a problem with performance or delivery that we have the right to cancel the contract.

Commissioner Borries: I'll forward a letter on to you if he wishes me to do so.

Lynn Ellis: Okay.

President Tuley: Is there any reason to revisit that bid?

Lynn Ellis: If it was approved then it doesn't need to be revisited. I didn't know that it was approved.

President Tuley: No, it was approved. Honestly, it was put into the package and your name was listed on the agenda so we went ahead and acted on it.

Lynn Ellis: Okay, well, I understand there was some confusion, but I did have the September 9 date on the agenda item so I didn't intend for it to come up last week.

Commissioner Borries: That was part of it as well, I think, sometimes a lack of explanation as to the things that you pointed out here. I understand the bidding process real clearly. I guess that some people, when it is a very narrow situation, want to look at other criteria such as things that you've pointed out there.

President Tuley: Alright, thanks.

Lynn Ellis: Okay, thank you.

Edward Moser: My goodness, what a challenging job you gentlemen have.

President Tuley: And to think there are people out there that want them!

Commissioner Mourdock: No pun intended, but it's not a dance in the park!

Edward Moser: Edward Moser, president of the Coterie Club of Evansville. I have two really basic questions. What is the progress on the renovation process? Where do we stand? I ask that question because we have to plan two or three years in advance for dates and bands and etc. If there hasn't been any change we hear that 1997 will be the year when the construction starts, etc. Is there any change or are you still trying to hold to that process?

President Tuley: We still would like to break ground if at all possible in February. That was the original date, I think, when we would like to break ground.

Edward Moser: Well, the only time I talked to Mr. Shoulders he indicated that. Of course, we've got a dance coming up in March and we have a dance coming up in May.

Commissioner Borries: No problem there.

Edward Moser: Well, that is what I was told. So that is helpful, but we've got some dates already set in May and of course we've got to get the bands coordinated with the dates.

Commissioner Borries: Well, Mr. Moser, just from my understanding of what this will be, I would think very shortly, hopefully, very, very soon here the architect will be recommending a preferred design and financing, of course, and everything has to get in place, but as we have pointed out we are still talking about February. Because of various groups that are using the Auditorium, I think the decision was that part of the new construction could be where it could start and allow organizations such as the Philharmonic and others to complete their seasons.

Edward Moser: Work around it?

Commissioner Borries: Yeah, so it would be in May or June. Beyond that you start talking the Fall of '97 and I think it begins to look iffy depending upon how their construction schedule works out.

Edward Moser: That sounds very good.

President Tuley: The architect--

Edward Moser: Now with, sir...?

Vanderburgh County  
Commissioners Meeting  
September 9, 1996

15

President Tuley: --was given a task of meeting with various different groups because one of the proposals included closing off Ninth Street, so I think that once he has had those meetings with all of those people he can come back in here probably in the very near future with a recommendation.

Edward Moser: This is my fifth time down here including the meeting that you had over at the Auditorium. The first meeting when we made our initial pitch for the wooden dance floor. How does that look right at the present time? I know you said the architect was going to come back with his official or final recommendations. Is it "if" or "possible" or what?

President Tuley: I think it is possible.

Commissioner Borries: It's possible.

President Tuley: I think one design would be, if I remember correctly, one design would make it easier to include a wooden dance floor over the other one just because the way it's configured. He knows that you have been here because every time that you are down here we let him know that you've been here and that is something that is very serious in your mind and in your group's mind and it needs to be given all the consideration that it can.

Edward Moser: Well, this is the opportunity. You are not going to build an auditorium and a convention center every week, every other month, or whatever the case might be.

President Tuley: I hope not.

Edward Moser: I am not being facetious.

President Tuley: I'm not either.

Edward Moser: If we have a space for a wooden floor at least bare minimum, at least the size of the one that is over here at the Green. That would be fine, you know. If we have a larger floor that means that it can be beneficial, too, and you are advertising a convention center. Other groups might be interested in a wooden dance floor, too.

President Tuley: That's right.

Edward Moser: So, I thank you very much for your time.

President Tuley: I think Commissioner Mourdock wants to say something.

Commissioner Mourdock: Yeah, I was just going to say that your diligence and perseverance is duly noted and even the lobbying effort has intensified as I have had several other folks from the group stop me at church and other places.

Edward Moser: Really?

Commissioner Mourdock: Yeah.

Edward Moser: Well, that is good. That's good.

Commissioner Mourdock: Your plan is working!

Edward Moser: I don't feel like...I might look like the Lone Ranger, but I don't think I am.

Commissioner Borries: You are not the Lone Ranger. I got stopped in the hallway out here today.

Edward Moser: The reason is that I am conducting a Board meeting Wednesday night out at the Eagles for the Coterie and I just want to have an up-to-date report to give to them. I could bring more people down, but you've got plenty of problems without additional people from the Coterie. So, thank you very much and I really appreciate your leveling with me, that is most helpful.

Commissioner Borries: We really appreciate you and we are giving it serious consideration, Mr. Moser, thank you.

President Tuley: Thank you.

Commissioner Borries: What a gentleman! Maybe we could get him on the Solid Waste Board! What a gentleman.

President Tuley: Get him on the Board? I would like to have him in the audience.

Commissioner Borries: That gentleman has some class. We would have to give him a helmet and shoulder pads, you know!

President Tuley: If you are doling some out, I would like to have some of those, too!

Commissioner Mourdock: He might be able to dance around the issues!

President Tuley: He is a great guy to kind of lighten up a tense meeting.

Commissioner Mourdock: Yes.

President Tuley: Okay, anybody else under 4K, any group or individual wishing to address the Commission? As long as you are as nice as Mr. Moser you are welcome.

<b>John Stoll - County Engineer</b>
-------------------------------------

President Tuley: Okay, he is still opening bids. John, do you have a report that you would like to give? The County Engineer, John Stoll.

John Stoll: First of all I've got an agreement between the county and state regarding modifications to the traffic signal at the intersection of Burkhardt and Lloyd. This would cover the work that we would be doing on that signal in conjunction with the Burkhardt Road project. I have reviewed the agreement, Alan Kissinger has reviewed the agreement and I would recommend that it be signed.

Commissioner Borries: I'll move that the agreement be signed.

Commissioner Mourdock: I'll second, but by way of discussion tell me again what is the agreement doing?

John Stoll: That basically gives us the right to go out on their right-of-way to make modifications to the signal that needs to be

Vanderburgh County  
Commissioners Meeting  
September 9, 1996

17

made to move the signal heads, put up the signal poles and things like that.

Commissioner Mourdock: Okay, so it is basically just an access agreement?

John Stoll: For the lack of a better term, yes. It just gives us the right to get out there on their right-of-way and make all the changes that we need to make and to make sure everything lines up and is constructed to match our Burkhardt project.

President Tuley: You seconded it?

Commissioner Mourdock: Yes, I did second.

President Tuley: I will so order then. There are two copies here to be signed.

John Stoll: The second item that I've got is a travel request for me to attend a meeting in Huntingburg. It is an INDOT meeting for discussion of the use of county roads as a part of unofficial detours for INDOT projects. It would involve taking a county car to Huntingburg on Wednesday, the 11th.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered. Cindy, I don't have to ask if you saw this, do I?

Cindy Mayo: What.

President Tuley: That request he just gave me. Remember I showed you a letter and I said that I would like for John to see it. Here is his request to travel.

John Stoll: Next I've got a request from Southwest Engineering for a time extension on the Schissler Road Bridge replacement project. The project will be completed this Friday which results in the need for a nine day extension. I would recommend that the extension be granted on the basis that there were six days involved in some modifications to the skew of the bridge that delayed the contractor from being able to order his steel for the bridge pier caps. There were \$4,300.00 of increased work which results in two additional days and then there were at least two days of weather related delays which is a ten day extension which is above the nine that is required as far as the completion date of this Friday.

Commissioner Mourdock: Who is the contractor?

John Stoll: Southwest Engineering.

Commissioner Mourdock: You recommend approval?

John Stoll: Yes.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item that I've got is the cover sheet for the Stringtown Road Bridge rehab plans. This project will consist of deck packing, deck overlay, repairs to the piers, some scour protection on the piers, some replacement of rip rap, replacement of guardrails and some approach work. I would recommend that the cover sheet be signed.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: That is all that I have.

President Tuley: Questions of John?

Commissioner Mourdock: Yes, question John. Perhaps you have done this before because it just kind of rings in my mind, but you will recall in the Spring of '95 and the Spring of '96 we had a question come up about a county easement off of Frey Road where a couple of ladies planted a garden?

John Stoll: Yes.

Commissioner Mourdock: Okay, you remember it now. Have we ever done anything by way of a title search to see exactly what the documentation of that easement and see what form it is in? The owner of the property out of which that easement is allegedly conveyed claims to me that there never was such an easement, that there was never compensation given for the easement and I find all of that very hard to understand at this point, but I would certainly, and on her behalf, she asked that we have someone from the engineering group check it out and see if we do have a document in the Recorder's Office granting that easement.

John Stoll: If I remember right that easement was dedicated by a subdivision plat. I can check that, but I thought that was how it was provided.

Commissioner Mourdock: Would you please and report back next week so we can draft a letter off to her and let her know what the status of that is.

Commissioner Borries: Just a comment. I appreciate your work on the Covert Ave/Fuquay Road intersection. That light is now working flashing red, red, red.

John Stoll: Finally.

Commissioner Borries: It, I hope, will be an effective device out there. There are several new churches that have located in that area as well as, of course, speed has always been a problem, but that light out there shines and will hopefully be a warning to some pretty fast motorists on Covert Avenue to stop.

President Tuley: Thanks.

John Stoll: Thanks.

**Bill Morphew - County Garage**

President Tuley: Bill Morphew, County Garage. Let the record reflect that Bill submitted a report for the Vanderburgh County Highway Department for the Highway Crews and the Bridge Crews. A progress report for the period covering Friday, August 30 through Thursday, September 5, 1996 showing work and it does appear to be in all parts of the county. It looks like we've been everywhere.

Commissioner Mourdock: How is Radio Road coming?

Bill Morphew: We did some saw cuts out there last Wednesday, I think, or Thursday. Yeah, Thursday, across Walnut Road at the intersection of Walnut and Radio. We are going to replace both culverts there and also widen that intersection. Tomorrow we are scheduled to go out and put rip rap on the ends of the culverts. It is moving along.

President Tuley: John, had you had a chance to talk...at one time didn't you tell me that the Utility Department was going to move that pipe that they were concerned about that went right through the heart of that bridge?

John Stoll: I checked on that and was going to ask again this morning, but I forgot about it.

President Tuley: Okay.

Commissioner Mourdock: One other question, Bill. A few minutes ago we approved the bid for the Salt Storage Building.

President Tuley: We approved the opening of it.

Commissioner Mourdock: Pardon me?

President Tuley: We approved the opening of it.

Commissioner Mourdock: Yeah, what did I say?

Suzanne Crouch: We approved the bid.

Commissioner Mourdock: Oh, okay, we approved the opening of the bid. A year or so ago when that first came up you were thinking of having your folks do some of that work, am I right?

Bill Morphew: Yes.

Commissioner Mourdock: Was there any money budgeted internally for that and is otherwise available for something else now? How was that handled?

Bill Morphew: No, no. We were going to use our forces and erect the building, but we have been so busy that we haven't had the time.

Commissioner Mourdock: Okay.

Bill Morphew: No, we did not put additional monies up for that. The asphalt that we were going to use was in our bituminous account, the rock and everything.

Commissioner Mourdock: That is just what you are going to use as

base for the floor?

Bill Morphew: Actually, we have built that up quite bit and then there will be three inch asphalt inside the building.

President Tuley: Hey, Bill, I see you are out on Ward Road now, too.

Bill Morphew: Yes, we've been working out there for about a week now.

President Tuley: Okay.

Bill Morphew: We've got quite a bit of ditching done. We probably have several more days to finish that.

Commissioner Mourdock: Have the neighbors been cooperative out there?

Bill Morphew: We've had a couple of minor problems.

Commissioner Mourdock: Anything that we are going to hear about later in a report from Mr. Kissinger or anything?

Bill Morphew: The Sheriff's Department has already handled it.

Commissioner Mourdock: Okay.

President Tuley: I haven't got any calls except from one individual and he doesn't live on Ward Road.

Bill Morphew: The Ward Road residents...there were a couple them that were concerned and they didn't want to put pipe in their ditches and there are still a couple of folks down there on Anthony that are concerned about the water that is coming off of Ward Road and Knob Hill.

Commissioner Mourdock: Okay, the work you are doing out there, though, and I didn't notice it here I heard Pat mention it, but the work on Ward is that road work or is it in fact ditch work?

Bill Morphew: Ditching.

Commissioner Mourdock: Okay.

President Tuley: Look on Wednesday, September 4th, the Bridge Crew.

Commissioner Mourdock: Ah, yeah.

Bill Morphew: There are some culverts out there that are plugged up. About ten years ago the Sewer Department had done some work in one lady's yard and they had crushed her pipe and taken a section of it out. When we opened it up we found the crushed end and there was probably ten feet missing. That has been corrected.

Commissioner Mourdock: You didn't find a cat in that pipe by any chance?

Bill Morphew: No, sir.

Commissioner Mourdock: The cat is still missing!

President Tuley: That cat is in the Mississippi by now.

Bill Morpew: Everything is going good out there.

President Tuley: Okay, any other questions for Bill? Thanks.

Bill Morpew: Thank you.

Commissioner Borries: Thanks, Bill.

**Dennis Brinkmeyer - Assistant County Attorney**

President Tuley: Dennis, I guess you are up, you ready?

Dennis Brinkmeyer: Yeah. These are proposed bids for various categories. The first is a cash management system and I assume that the proposed bid is based on a percentage rate by each of the banks that submitted a bid.

Bidder	Proposed compensation	Average Bank of Federal Funds 1995	Average Bank of Federal Funds 1996
NBD	.45%	5.25%	---
National City Bank	No bid	No bid	No bid
Citizens National Bank	.25%	5.40%	---
Old National Bank	.25%	5.85%	5.40%

Concerning the concrete repairs of various roads:

Bidder	Amount bid
Concrete Pavers	\$173,740.75
Law Construction	\$196,703.35
Deig Brothers	\$208,454.05
J. H. Rudolph	\$189,856.00

The Vanderburgh County Highway Department Salt Storage Building:

Bidder	Amount bid
CLR, Inc.	\$39,410.00
Phoenix Construction Company	\$87,485.00

The concrete repairs of Larch Lane and Pine Place:

Bidder	Amount bid
Concrete Pavers, Inc.	\$24,941.50
Law Construction, Inc.	\$32,882.10
Deig Brothers	\$27,929.40

J. H. Rudolph	\$23,552.00
Phoenix Construction Company	\$35,758.50

Those are the various bids that were submitted upon your proposed opening.

Commissioner Borries: I'll move that the bids for banking services be taken under advisement and referred to the County Treasurer.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Borries. I move that the respective bids as read into the record by the County Attorney, VC96-08-02, VC96-09-02, VC96-09-01 be taken under advisement and referred to the County Engineer.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Public hearing regarding lease between Steven Kahre & Vanderburgh County**

President Tuley: Dennis, on the agenda back up at 4I, it says Alan Kissinger, public hearing on the lease between Vanderburgh County and Steve Kahre. I know Alan has been leading the discussion on that and the negotiating on that. Is that something that you would prefer to let Alan deal with next week or is it something that he has brought you up to speed on?

Dennis Brinkmeyer: No, he just mentioned that it was probably on the agenda tonight, but that he would provide information probably next week as far as where he stands on that.

President Tuley: Is it all right to table that until next week when Alan gets back?

Commissioner Mourdock: It is fine with me.

Charlene Timmons: It was advertised for tonight.

President Tuley: Oh, it was?

Cindy Mayo: I did speak with Alan today and he said that he thought that he had gone over this and answered any questions that might come up on this in the prior meeting and this had been discussed.

Commissioner Mourdock: Was it advertised, Charlene, as a modification to the lease or as a new lease because it is my understanding from Alan's past comments, basically, we were simply modifying the previous document. What I have in the packet does not say amended lease, it just says lease.

Charlene Timmons: He gave me the wording for it and it says:

"To consider a proposed lease between Vanderburgh County (Lessee) and Steven Kahre of a structure located at 13301 Darmstadt Road."

President Tuley: I think the original questions that came out of it were in regard to the payment of insurance and taxes and Alan did

address that last week in the meeting.

Charlene Timmons: I'm sorry, later on down here it does say:

"A copy of the proposed lease, exhibits and amendments is open to public inspection in Room 305."

President Tuley: Any member in the audience here to discuss the lease?

Commissioner Borries: Cindy, to get this thing to move on here, did Alan give any recommendation?

Cindy Mayo: He said that the changes that he had spoken to you previously on the insurance and on the taxes had been made or the amendments had been made. Mr. Kahre has signed it, read it, his attorney has read it and agreed to it. Mr. Kissinger felt that this brought everything up to what the county needed and that he was comfortable with it as was Mr. Kahre.

President Tuley: Yeah, if you will look back on Page 9 of last week's minutes and I am reading verbatim here:

"Basically, the only things that have changed are one, the amount of the monthly lease payment and two, the requirement that the Lessor or the owner of the property pay the taxes and insurance on the real estate."

Commissioner Borries: That has been done back on Page 11.

President Tuley: Of the actual document?

Commissioner Borries: It says:

"Payment of the real property taxes and fire and extended property coverage shall be the responsibility of the Landlord."

President Tuley: Yeah, and you will see where Alan made reference on Page 10 of his comments last week about the 73% on the insurance and what have you. That same figure I saw at the bottom of Page 1 of the actual lease arrangement.

Commissioner Borries: If those are the only items, I guess, that prevents us from approving this at this point, I would move approval.

Commissioner Mourdock: Based on the past recommendation of the County Attorney, I will second.

President Tuley: So ordered. Yeah, there was question here and he said he addressed the question brought up by the Auditor, which he said were legitimate questions and by our insurance agent and then there was a question about the actual monthly payment. As I say, the monthly leased payment has increased, but the county's actual expense under the amended lease would be somewhat less than it would have been under the original agreement.

Charlene Timmons: I believe that it has to be advertised again before 30 days and I need permission to advertise it.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Charlene Timmons: Thank you.

President Tuley: Dennis, do you have anything else to report?

Dennis Brinkmeyer: No, I do not.

### Cindy Mayo - Superintendent of County Buildings

President Tuley: That brings us down to Cindy Mayo.

Cindy Mayo: I just have one item. Keith Rounder brought a quitclaim deed in from the Board of Commissioners to Ebon R. Green. This is a property that apparently had been in the tax sale process and there was some question as to the...Mr. Green did come in and redeem the property and there was some question as to the county maybe still having a lien or some interest on the property so he felt that a quitclaim deed would be the best way for the county to show that they have no interest or no lien against this property.

President Tuley: Keith called me about that property. It is a case where it was offered up for sale in two sales and did not sell. It was one of the properties, I believe, that apparently we're going back and revisiting because of notice requirements and what have you. Consequently, the owner of record has come in and paid up all back taxes and penalties and everything. Because, I guess, there had been a petition to go to court and the court had granted, but we have gone back and revisited and Keith felt that it was best to just go ahead and issue a quitclaim deed and as Cindy explained it just basically shows that we have no interest in that property anymore. Keith recommended approval and signing of the deed.

Commissioner Borries: Based on that recommendation, I will move that the deed be signed.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: That is all that I have.

### Consent items

President Tuley: Okay, consent items which includes employment changes, travel requests, the Auditor's Monthly Financial Report, the Auditor's request for approval of accounts payable vouchers and Data Services approval for remodeling.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

### Scheduled meetings

President Tuley: Scheduled meetings. Oops! Does anybody have a

list of scheduled meetings?

Cindy Mayo: Did you not get a final agenda? I'm sorry.

President Tuley: Apparently not. It says final, but I don't see that. Okay, tomorrow at 2:30 p.m. there will be a Pigeon Creek Finance meeting. Next Monday...question, Executive Sessions are we advertised or not?

Suzanne Crouch: Wasn't Alan going to advise you on what I gave you?

President Tuley: Yeah, but Alan is not here tonight and we haven't heard from him since he took all your information and I haven't had any contact with him.

Suzanne Crouch: I recall in that, and I raised the issue, but it appeared that you could do a 48 hour notice mailed to the media--

President Tuley: Yes, you did, didn't you?

Suzanne Crouch: --and post a notice and he was going to review that and then get back.

President Tuley: That's right. You did point that out.

Cindy Mayo: Would that be a notice that we would just send out from our office?

President Tuley: Yeah. I would ask the Commissioners to move that Cindy be given authority to notify the media at least 48 hours before, which I understand now does not include weekends or holidays. Probably not a bad idea to notify them as early as tomorrow and then we don't have to worry about it because we have to give them at least 48 hours notice.

Suzanne Crouch: Is Alan going to be available tomorrow? You might just run that by him.

Dennis Brinkmeyer: Yes, he will be available.

Commissioner Mourdock: As stated by Commission President Tuley, I'll move the advertisement of an Executive Session for 4:00 p.m. next Monday the 16th.

Suzanne Crouch: Notification.

President Tuley: Yeah, notification not advertisement.

Commissioner Mourdock: Okay, notification.

Commissioner Borries: Second.

President Tuley: Okay, Cindy, check with Alan, too, to get the exact wording of what has to be in that notification, please.

**Old business**

President Tuley: Okay, old business. We've got listed here 8A, Veazey Parrott and Shoulders. I didn't request that so one of you other two must have requested that or somebody requested that.

Suzanne Crouch: I didn't request it, but I do have some

information. I've done three separate memos, not all on the same thing. I didn't request this to be on the agenda, but maybe this ties into what is on the agenda. There was a second bill received in our office and I believe that you have it in your package tonight. Actually, I think it was in our folder for \$183,000.00 and we were hoping that the Commissioners would give us some guidance. On the first two invoices which totaled \$236,000.00 I think is what we paid on that and if you look through the minutes that we have supplied, that payment was made because of outside consultants needing their monies. Yet, if you look at the invoices there is no indication of outside consultants. Since you were wanting us to track those outside consultant fees we are needing some assistance. We are hoping with Veazey Parrott & Shoulders that you will be able to instruct them to provide the outside consultant invoices to us so that we can track that \$500,000.00 for you. That is the only issue that we are raising.

President Tuley: Okay.

Cindy Mayo: I believe that on the blue claim that President Tuley has, we didn't run a copy of all of the attachments, but I believe that it does have that on there, but we knew that there needed to be some clarification and some guidance as to the payment because it was approved only for the other claims that we had received and with there being no contract signed we felt, and with no Executive Session tonight, it needed to be on the agenda for clarification for payment. I believe that there is a breakdown on there, Suzanne.

Suzanne Crouch: So that \$236,000.00, that first payment, some of it is for outside consultants?

Cindy Mayo: Yes.

Suzanne Crouch: And that is on tonight's? Okay, thanks, Cindy.

Commissioner Mourdock: Like Suzanne, I don't believe that I requested specifically that Veazey Parrott & Shoulders be on the agenda tonight, but I am glad that it is simply because, as Suzanne just said, we don't have a contract yet and I know, Dennis, you are not in a position to speak to that since you haven't been involved in it. Some time ago, Keith received a document that we had as a draft and for all intensive purposes I know that thing is ready to be executed. I bring it only from the point of view that we need to do that. I don't know that Alan has officially acted as far as a recommendation to us on it, but I would think if he is going to be here next week that we need to make sure that he acts with a recommendation on the draft that Keith prepared with a yes or no. We just need to get a contract, pure and simple.

President Tuley: Here is some, within this packet of blue claims, special consultants here is \$173,550.00 toward it.

Commissioner Mourdock: Is that what you are referring to?

Suzanne Crouch: Yeah, I think that addresses our issue.

Commissioner Borries: I assume, and I have not heard from Mr. Shoulders, but it was, I think, Commissioner Mourdock had some ongoing concerns, so I think that your's are...

Commissioner Mourdock: Yeah, a long time ago.

Vanderburgh County  
Commissioners Meeting  
September 9, 1996

27

Commissioner Borries: What about his? I guess his group had reviewed it. I mean his attorney.

Cindy Mayo: I don't know the date, but probably three weeks ago, maybe, there was a copy given to you that had the changes that Veazey Parrott & Shoulders felt needed to be implemented. There were a few changes in red. I think there were two or three changes and as I recall none of you had a problem with the changes that they wanted implemented and what Attorney Rounder had submitted.

Commissioner Borries: So we should ask Alan if those changes were the only thing that was holding it up that we could get it executed next week.

Commissioner Mourdock: Yeah, and I don't remember seeing changes in red.

Cindy Mayo: I think it was only on the President's, but I believe that you did get a copy that showed some handwritten changes on there and that was from Veazey Parrott & Shoulders.

Commissioner Mourdock: The last thing that I saw I had no problem with. Again, I guess, Cindy, you can convey to Alan and I think it is the consensus of this Board that we put this thing to bed next week if at all possible. It seems like we ought to be there.

Cindy Mayo: Next week might be a good week because Veazey Parrott & Shoulders, I believe, is going to be here. I believe it is the public hearing on the lease arrangement.

Commissioner Mourdock: A status report?

Cindy Mayo: So, they could perhaps sign as could the Commissioners.

Suzanne Crouch: Pat, I have two more items.

President Tuley: Oh, two more points, I am sorry.

Suzanne Crouch: I didn't want to give this to you all at once, I would lose you, I am afraid, because I get lost myself on it. This is on the Auditorium bond financing. There is some information from Ice Miller and there is a copy of a memo that was given to County Council last week. The concern that I have that I wanted to share with you all, because I know that they will be here next week regarding this issue, is that this bond is to be paid from Food and Beverage money and be backed by COIT monies. They are also making mention of the maximum annual payment of \$4,000,000.00 and currently we are receipting in on our Food and Beverage on the low side \$2,000,000.00 a year and on the high side \$2,700,000.00 a year. We just need to be careful that the maximum \$4,000,000.00 is not going to be what the actual payment is or we will be having to go to our COIT and as you know our COIT is half of our miscellaneous revenue in our General Fund and it would put a real strain on it. I just wanted to apprise you of that. I think that question needs to be asked next week. I have requested from Umbaugh a schedule of payments regarding the bond issue. I haven't received that yet and as soon as I receive it I will pass it on to Cindy so that you all can take a look at it, but I think it is pretty critical that we aren't making \$4,000,000.00 payments a year.

Commissioner Mourdock: You will be here next week?

Suzanne Crouch: Yes. In fact, I believe that Gary Malone said he would come by early and he is going to stop by the office at 4:00 p.m. and maybe Cindy can sit in on that and we can kind of go over that. Certainly, one of the Commissioners could sit in. You can't all three sit in.

Commissioner Mourdock: Correct.

President Tuley: When is this going to be?

Suzanne Crouch: Monday at 4:00 p.m. Because we are looking at the Burkhardt TIF also being backed by COIT and we are working on trying to gather what that payment schedule is going to be because we need to be very careful about our COIT revenues. The final memo is that you all had requested our bonding capacity and I've got that information for you. I think it is pretty self explanatory.

President Tuley: Thank you.

Suzanne Crouch: That is all that I have thank you.

President Tuley: Under old business we still have Mental Health Appointment. I think there maybe some confusion from a letter that we had received. I think the Commissioners...of the four vacant seats I believe that we only have one appointment to make. Cindy, is that your understanding?

Cindy Mayo: Yes, the ladies name is Donna, that Sunny has been speaking with, and there are four vacancies, but the Commissioners need to fill one only.

President Tuley: The representative that we had prior to the expiration date was that not Mark Owen?

Commissioner Borries: Again, this is a corporation appointment. Do you want to defer this one week now that we have clarification to get everything finalized?

President Tuley: Yeah, I think so because I think it was confusing as to how many we had. I think it has just kind of sat out there in limbo, but now that it's clarified let's act on this and be prepared for next week.

TAPE CHANGE

New business
--------------

President Tuley: New business. Does anybody have any new business?

Commissioner Mourdock: I have two very brief items. One, I mentioned earlier which was the Welfare to Work group. Pursuant to our discussions last week, Mr. Heck and I got together and have found seven other folks who have been actively involved in Welfare to Work. Actually, I should say six because we are leaving room on the nine member committee for a representative from the County Council, so we will be sending out letters in the next day or two to those people and we have our first meeting scheduled on the 18th of September. The second point is that I know that each of you received, as I received--

Commissioner Borries: Can I just interject one item on that?

Vanderburgh County  
Commissioners Meeting  
September 9, 1996

29

Commissioner Mourdock: Sure.

Commissioner Borries: Certainly, you have been a worthy member as our representative on that, however, and I think in a bipartisan atmosphere, although we don't make that appointment, I would strongly suggest to the Council that perhaps a member of the minority party on the Council might be represented on that committee.

Commissioner Mourdock: What I was going to do is send a letter to the Council President just telling her of our request that they have a member serve and I guess if it is alright with you I will just stick language in the letter that you would like to see it pointed in that direction.

Commissioner Borries: Well, I think in order to have all parties represented...

Commissioner Mourdock: Yeah, I think it is a legitimate point of view. Secondly, I know that both of you received over the last week some requests from the Pigeon Creek group for funding and they have a meeting tomorrow that is pretty well going to take all afternoon tomorrow. I don't believe that I am going to be able to get away to it. I think perhaps you will, either individually or briefly perhaps, I don't know. The point is, I ran into Shirley James at a meeting the other day and told her that, at least from my vantage point, I need some clarification as to where they are going, how they are doing it and just get a better feel for what they are doing. She has requested that she come in to our meeting, I believe, next week. Just making you aware of that and we may get a little more background.

President Tuley: Nice choice of words.

Commissioner Mourdock: I thought they were appropriate. That is all the new business that I have.

President Tuley: Yeah, with regards to that meeting tomorrow, I have a 2:00 p.m. appointment scheduled, but as I mentioned earlier, my dad is having surgery. I don't know how much I am going to miss, it's at 1:30 p.m. his surgery is, so I don't know how much. She is concerned that one or all of us or whatever make a presence.

Commissioner Mourdock: I expressed to her my concern that the meeting was scheduled at the time that it is scheduled because it is difficult, obviously, as full-time employees elsewhere to get away during the middle of the day.

President Tuley: Right. Okay, any other new business? Motion to adjourn?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

The meeting was adjourned at 7:26 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Dennis Brinkmeyer  
Suzanne M. Crouch  
Cindy Mayo  
Charlene M. Timmons  
John Stoll  
Bill Morphew  
Edward Moser  
Z. Tuley  
Lynn Ellis  
Bill Taylor  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
September 16, 1996**

**Table of Contents**

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Ice Miller Donadio & Ryan - Public Hearing .....	1
(Regarding Auditorium Lease)	
Tom Gretler - Browning Road Estates, Lot 14 .....	17
Jon Hill - Polling place changes .....	22
Barbara Cunningham - Comprehensive Plan .....	22
Shirley James - Update on Pigeon Creek Greenway .....	26
Mike Wathen - Soil and Water Conservation .....	36
(See Alan Kissinger's report)	
John Stoll - County Engineer .....	36
Amendment to Chapter 72, Schedule II	
Frey Road right-of-way	
Council Call	
Award contract VC96-08-02, Concrete repair to various roads	
Award contract VC96-09-02, Concrete repair of Larch Lane and Pine Place	
Fox Hollow Subdivision, Phase 2, Street plans	
North Greens, Phase 4, Street plans	
Schissler Road Bridge project change order	
Notice to Bidders, Contract number VC96-09-03, Stringtown Road Bridge rehabilitation	
Letter from YMCA for permission to conduct road race	
Discussion regarding barrier wall at Kmart property	
Bill Morpew - County Garage .....	42
Progress report for County Highway Department and Bridge crew for the period covering September 6 through September 12, 1996	
Discussion regarding Ward Road/Anthony Drive area	

Alan Kissinger - County Attorney .....	46
Sediment control ordinance	
Cindy Mayo - Superintendent of County Buildings .....	48
Pink slip to add to consent items	
Recommendation from Burdette Park to fill open position	
Quitclaim deed - 818 Judson St.	
Consent items .....	49
Employment changes	
Travel requests:	
Computer Services (1)	
Area Plan (1)	
County Assessor (1)	
Knight Township Assessor (1)	
Health Department (4)	
Rate schedule for Coliseum Rental	
Scheduled meetings.....	49
Old business.....	50
Architectural agreement with Veazey Parrott & Shoulders (Deferred)	
Mental Health Appointment (Deferred)	
New business .....	50
Alzheimer's Memory Walk	
Adjournment .....	51
Attendance and signature page .....	52

**Vanderburgh County  
Board of Commissioners Meeting  
September 16, 1996**

The Vanderburgh County Board of Commissioners met in session this 16th day of September, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:36 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: I would like to call the meeting of the Vanderburgh County Commissioners to order for September 16, 1996. As a point of introductions, to my far right is Cindy Mayo, who is our office manager and the Superintendent of County Buildings; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to Richard's immediate left is Suzanne Crouch, the County Auditor; and to Suzanne's left is Charlene Timmons, who is the Recording Secretary for this meeting; and I am Commissioner Pat Tuley. If you would, please stand with us and say along as we face the flag and say our Pledge of Allegiance.

**Approval of minutes**

President Tuley: Okay, under the action items, 4A is the approval of the minutes. Can we have a motion to approve the minutes from last week's meeting; that meeting being conducted on September 9, 1996.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Item 4B, the certification of the Executive Session. There was an Executive Session conducted prior to this meeting and notice was given. The purpose of the Executive Session was the initiation of litigation of pending or threatened litigation and/or county personnel matters. It should be noted for the record that no official action was taken.

**Ice Miller Donadio & Ryan - Public hearing re: Auditorium Lease**

President Tuley: Item 4C is Ice Miller presentation. It is a public hearing in reference to the Auditorium lease. We have Gary Malone and Lucy Emison.

Lucy Emison: Thank you. I am Lucy Emison from Ice Miller Donadio & Ryan. We serve as Bond Counsel to the county and we are from Indianapolis. I am going to explain a little bit about the lease for the convention center and then Gary Malone, from H. J. Umbaugh & Associates, will explain the numbers and how they work. The lease is a lease between the county and the Evansville-Vanderburgh County Building Authority as Lessor and it will be for the convention center and will be used as a financing vehicle to finance the renovation of the convention center and auditorium.

The lease provides for the renovation of the project and provides for financing estimated not to exceed \$35,000,000 for a term not to exceed 25 years and for a maximum annual lease rental of \$4,000,000. These are the outside parameters of the financing. The lease term and the lease amount will be reduced after the bonds are sold depending on what the actual results of the bond sale are and what the actual construction bids are when they are received prior to the sale of the bonds. As I said, these are the maximum parameters and we expect that they will be reduced once we know what the final interest rates and final costs are. The lease rentals are to be paid from the Food and Beverage Tax revenues. Those are the revenues that were used to pay for the new airport terminal and the statute has been amended to allow those revenues to be used for this purpose. There will also be a backup of the County Option Income Tax revenues to the extent that Food and Beverage is not sufficient to cover the lease rentals. The bond issue is being structured on the philosophy that the Food and Beverage Tax revenues will be sufficient, but the pledge of COIT revenues will enable the county to achieve a lower interest rate and to raise more money than they would using Food and Beverage Tax revenues alone. Gary will explain more about how that works in a minute. The rest of the lease deals with just mechanical provisions about how the relationship between the County and the Building Authority will work. I understand that the County and the Building Authority will be negotiating how operation and maintenance will be dealt with in a separate agreement. I would be happy to answer any questions about the lease and otherwise I will turn it over to Gary to explain how the numbers work. Thank you.

Commissioner Mourdock: One quick question, Ms. Emison.

Lucy Emison: Yes?

Commissioner Mourdock: You said that it would make available \$35,000,000. Of the \$35,000,000, at this point how much of that would actually be available for the bricks and mortar?

Lucy Emison: Gary could probably answer that better than I can, but around \$32,500,000.

Commissioner Mourdock: It's \$32,500,000?

Lucy Emison: Based on today's interest rate estimates that could change slightly.

Commissioner Mourdock: Sure.

Gary Malone: My name is Gary Malone. I am a C.P.A. and a partner with H. J. Umbaugh & Associates. We are financial advisors for the County on this project. As Lucy mentioned, the maximum bond issue shown in the lease is \$35,000,000. The bond proceeds together with the Food and Beverage Tax that the county has already collected in interest earnings which you would anticipate throughout the construction period, we are estimating would be sufficient to pay all costs associated with the issuance of the bonds, the funding of a lease rental reserve equal to one year's lease payment on the bonds, providing funds for furniture and equipment and those types of things in an amount of about \$32,500,000 for what some refer to as bricks and mortar or, in other words, hard construction costs and contingencies. As Lucy mentioned, we anticipate that the bond issue be no more than 25 years. We are anticipating that the bonds would begin to be repaid beginning in February of 1999 with the final maturity in February, 2021, so it is actually about a 24 year

and 3 month bond repayment period. Interest rates, we anticipate, would be tax exempt. What we would suggest be done is that the principal payments be reduced in the earlier years and graduated over the term of the bond issue so the amount of Food and Beverage Tax that is spent in the earlier years is far less than the \$4,000,000 maximum lease rental that is provided in the lease. We are anticipating that the first lease payment would be payable out of the 1997 Food and Beverage Tax receipts in the amount of about \$2,272,000. That lease rental payment would grow gradually as the Food and Beverage Tax would grow so that the final payment in February, 2021 would be just under the \$4,000,000. We are presently estimating that the final lease payment would be \$3,964,000. So, we don't begin at the highest number, but it is a graduated payment that reaches the \$4,000,000 maximum lease rental payment. The Food and Beverage Tax has a history in Vanderburgh County dating back to 1985. Since the year 1996, which was the first full year of collections, those tax receipts have grown from about \$1,400,000 to 1995 when the tax receipts amounted to about \$2,241,000. Over that 10 year history that the county has, the Food and Beverage Tax has grown at an average rate of about 5.8% annually. If we project the Food and Beverage Tax to grow in to the future, we would then compare that to the projected lease rental payments, we would find that the increase in Food and Beverage Tax would need to be 2.75% annually in order to avoid the use of any COIT dollars which Lucy has previously referred to. That growth rate is about one half of what the historical experience of the county has been. Are there any questions?

Alan Kissinger: Gary, there have been several questions that have been asked by various people concerned about this matter. One of those questions is your lease rental payments, etc., all your numbers have been based on an annual growth rate of the collection of the Food and Beverage Tax of considerably less than the 5.82% historical growth, am I correct?

Gary Malone: That is correct.

Alan Kissinger: Can you tell us what figure that is based on?

Gary Malone: Historically, the Food and Beverage Tax has grown at an annual rate averaging 5.8% annually. These projections assume an average growth rate of 2.75% annually or about one half of what the historical experience has actually been.

Alan Kissinger: To put it in layman's terms, if we experience just the historical growth rate that we have experienced up to this point, we're going to have more than enough money to pay the annual lease rental, etc.?

Gary Malone: That is correct.

Alan Kissinger: Another question asked and another concern expressed was the maximum lease payment not to exceed \$4,000,000. The first actual lease rental payment that we will make, am I correct, is in 1998 payable from taxes collected in 1997?

Gary Malone: That is correct.

Alan Kissinger: We will not actually realize or even really approach that \$4,000,000 figure until the 24th year of the bonds and that figure will be \$3,964,000?

Gary Malone: Based upon current interest rate estimates, that is

correct and it would be the year 2020 revenue collections.

Alan Kissinger: If, in fact, we should collect more Food and Beverage Tax than is needed for the repayment or for the lease rental payment, etc., can that surplus be used to pay the principal on these bonds? What I am talking about is could we follow, basically, the same pattern that we had with the airport bonds that were financed by the Food and Beverage Tax and have an early payoff?

Gary Malone: After the first 10 years the bonds could be prepaid.

Alan Kissinger: Okay. I think you also indicated, but I would like to emphasize that we are using the County Option Income Tax as a backup as far as our bond statement is concerned, and that will allow us to get a lower interest rate?

Gary Malone: That is correct. The bond buyers, at that point, would look to the County Option Income Tax as a safety net, so to speak, so if the growth in the Food and Beverage Tax didn't mirror what has happened historically or even come close to what it had been historically, that there would be revenue available to pay bond holders.

Alan Kissinger: Based on your projections, at this point, there does not appear that there is going to be any need to...we are not even going to approach a need to actually use County Option Income Tax to make these payments, am I correct?

Gary Malone: Well, no one has a crystal ball that can foresee 24 years into the future, but based upon what we have seen in the past, that is a true statement.

Alan Kissinger: I have no other questions.

President Tuley: Any other questions for this witness?

Commissioner Mourdock: That is what I thought. I thought we should put on our robes for a minute. Gary, I always get nervous when I hear of averages in the financial realm, perhaps for no other reason than I have bought some stocks in the past that had great averages up until the point that I bought them.

Gary Malone: Buy high, sell low?

Commissioner Mourdock: In looking at your numbers on the annual revenues received from Food and Beverage, they go all over the board from a plus 14.85% to a minus 4.91% and as I have just graphed them out very quickly, it seems that even though the average growth is 5.82%, overall there is somewhat of a downward trend to those receipts, or at least the percentage of increase. Two questions. Number one, have you looked at...in making your 2.75% annual growth, have you given that sort of trend any consideration? Secondly, can you explain the anomalies that go from a minus almost 5% to a plus 15%?

Gary Malone: The answer to the first question is, no, we have not projected any reduction in the growth rate other than to point out the fact that the growth rate that is being used is only one half of what that historical average has been. It is, by its nature, conservative in light of the past. With respect to the other question, where in 1989 we show a reduction and in the year 1991 we show a reduction of the tax, we have discussed this with Suzanne's

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

5

office. What we discovered when dealing with the Food and Beverage Tax that there was some time differences where taxes were shown as received in one year when they were really part of another year. If you will notice, in 1990 and 1992, the two following years, there are significant increases in the tax receipts in those following years so we suspect that is what has happened here.

Commissioner Mourdock: It is more of a timing issue?

Gary Malone: That is correct.

Commissioner Mourdock: Even though the word hasn't been used in this discussion yet this evening, at least I don't think I have heard the word riverboat, a lot of what we look at for Food and Beverage Tax is based on business coming in for the riverboat. I don't know if you used it that way, but I think in our thinking we have often considered it that way. Have you looked at any other areas outside the Evansville area where there has been Food and Beverage Tax in areas where there has been riverboat revenues to see if there has been any sustainable growth or to see what the trends are doing with more competition out there?

Gary Malone: Yeah, in Indiana, Evansville has the fortune or misfortune of being the first city that has a riverboat so there really is no comparison. I would point out that the year that is used as our base year for this analysis is 1995. The riverboat didn't become effective or weren't open until 1996 so any growth associated with riverboat is not reflected in these calculations. We would hope that would be a good thing and that would make these numbers more conservative.

Commissioner Mourdock: Okay, in Illinois there are at least two examples that I know of where riverboat revenues are dropping because of the competition. Gut hunch tells me that the restaurants in those same areas probably are also seeing decreases. Is there any method at your fingertips that you could verify that and report back to us and let us know?

Gary Malone: We could see what we can find out, but again, I want to point out--

Commissioner Mourdock: Is that not logical thinking?

Gary Malone: Well, again, I want to point out that the base year that we have used in all of our calculations is before the riverboat was opened here in Evansville. We used 1995 as a basis.

Commissioner Mourdock: The other aspect, I guess, that is in the back of my mind is if we take the riverboat out of the equation for a second, which isn't to say necessarily that it moves or shuts down or anything like that, but if we just kind of neutralize that effect, the Comprehensive Plan that we are going to be hearing about tonight notes that the population of this county will be decreasing and I am wondering if, in fact, we have a decrease in population, how is that going to affect this Food and Beverage revenue?

Gary Malone: Well, as I said, no one has a crystal ball, but over the 24 year period, if the population tends to decline, one would think that there could be a decline in the percentage of growth in the Food and Beverage Tax. There should be some increase in the Food and Beverage Tax just as a result of inflation.

Commissioner Mourdock: Sure, yeah, and hopefully as a result of the convention center.

Gary Malone: Right.

Commissioner Mourdock: There ought to be a little bit of a Catch-22 to the positive.

President Tuley: That it? Do you have any questions?

Commissioner Borries: No, I don't. I agree with the projections. Really, what you are looking at here is what I would call post or pre-riverboat figures and even though there is all kinds of conjecture about how long the extra revenue is going to last, for a period of 10 years, we could see a real significant surge which should be more than adequate in order to amortize these payments.

President Tuley: Well, if you take out the two years where the negative figure is, and we all, I think, probably agree that may have to do with the timing, as Gary alluded to, but even using that 2.75%, that is a full percentage point below the lowest year that we've ever had in terms of an increase. So it seems to be a realistic approach from what I am seeing. I do know that there was at least one person, I think, that wanted to speak to the issue. Charlie, is that correct? I know that you wanted to speak to this issue?

Charles Altman: Let me introduce myself, my name is Charles Altman. I have lived in Evansville since 1966. Let me make something very clear, I took four hours of personal time to come up here to get some basic answers to questions that have kind of puzzled the concerned employees of the Evansville-Vanderburgh County Building Authority and also that have concerned me as a private citizen. I will be speaking both as a private citizen and as an employee of the Evansville-Vanderburgh County Building Authority. I emphasize, I do not pursue any view or don't interpret anything I say as being anything to do with the authority of the Evansville-Vanderburgh County Building Authority, just as an employee. Am I clear on that? Okay, like I said, I have been an employee for seven years of the Evansville-Vanderburgh Building Authority. Several of my fellow employees came to me with various questions concerning the possible lease agreement for the expansion and renovation of the Vanderburgh County Auditorium and construction of a convention center. I told these employees that the lease agreement had been discussed in a previous County Commission meeting. The only information that I had was what I read in the paper. I told these people to go to the Building Authority for answers. They would have more accurate information than any other source that I knew of. I made inquiries of these same employees that had come to me and asked them if they had their questions answered. They advised me that they were told that the lease agreement did not concern the employees or the employment by them of the Evansville-Vanderburgh County Building Authority in any way. At that point, I was somewhat puzzled since we've got a \$35,000,000 bond request and the employees of the Building Authority will pay Food and Beverage Tax the same as anyone sitting in this room and also the same as anybody that comes to the city and buys a hamburger. That tax is going to be with us for 25 years and we are talking about \$35,000,000. Let me bring you up to date. A couple of years ago when the School Corporation decided to pull out of the agreement with the Building Authority. Do you all remember that? Okay. Well, the same employees that currently clean this building, secure and maintain it, I don't know if it was by contract or what, but

Vanderburgh County  
Commissioners Meeting  
September 16, 1996

7

the School Corporation came in and replaced three, possibly four, cleaning employees which resulted in one person getting laid-off and also the maintenance of that building. Whether that was a good thing for the School Corporation or not, I am not going to venture a guess. I will let you draw your own conclusion, but I have often wondered when you look right out the window and you can see new air conditioning units on top of the school building, and you can see one here, could there have been any possible cooperation between two different jurisdictions? I have got a few questions that will apply to the concerned employees. They felt that if they didn't get their proper response and were told that if the convention center does get built and renovation of the auditorium, that they had been doing a good job cleaning, securing and maintaining the building, are they good enough to do anything at the convention center? Evidently, we weren't as far as the school building was concerned. So, I've got a few questions here that I would like anyone in the Commission that wants to answer. Would a private management be hired by the Commission to run the convention center such as the present contract with Spindler Management?

Alan Kissinger: We don't anticipate, Charlie, any change in the contract as far as management of the Auditorium is concerned at this time.

Charles Altman: Okay. Would the Commission be opposed to any Vanderburgh County Building Authority employee transferring employment if they so desire and qualify for any of the jobs that may result from building the convention center?

Alan Kissinger: If that occurs, that will be the Building Authority's call. We anticipate, as was indicated by Ms. Emison, entering into a separate agreement between Vanderburgh County and the Building Authority for the maintenance, cleaning and, I assume, security of the Auditorium. That will not put the Vanderburgh County Board of Commissioners in a position to dictate how employees will be utilized on that basis because you will still be Building Authority employees. If necessary, I assume that the Building Authority will take on new employees to fill that need, but I don't know that it is the case. We wouldn't object, generally, unless it was you that wanted to go over there.

Charles Altman: Has the Building Authority already, to your knowledge, voted on the acceptance of the lease?

Alan Kissinger: The Building Authority meetings have been public.

Charles Altman: Right.

Alan Kissinger: They had a meeting scheduled--

Charles Altman: Next Tuesday.

Alan Kissinger: They had a meeting scheduled that was not properly advertised and, yes, they are going to meet...is it next Tuesday?

Charles Altman: Next Tuesday, I think. Let me go through my notes here.

Alan Kissinger: I think that, Charlie, regardless of the date, is when you will get the answer to that question.

Charles Altman: Yeah, it will be next Tuesday.

Alan Kissinger: There is no prior agreement if that is what you are referring to?

Charles Altman: Yes, thank you. Well, let's get into the other things that might concern me as a private citizen. The construction will be the responsibility of which Board?

Alan Kissinger: What do you mean?

Charles Altman: Who will actually be responsible for constructing the building? The way that I understand it, the Building Authority is going to issue the bonds and after the renovations start, the lease of the Auditorium gets turned over to the Building Authority, am I correct?

Alan Kissinger: Yes, but initially it is the Board of Commissioners of Vanderburgh County who will hire the architects and we will take the bids--

Charles Altman: On actual construction?

Alan Kissinger: --on the construction project, etc.

Charles Altman: This may be a question for Mr. Malone or his partner, but will the bonding company that buys these bonds allow the Building Authority to build up a surplus of funds if the Food and Beverage Tax exceeds yearly bond payments?

Alan Kissinger: That question has been answered, Charlie. After 10 years if a surplus exists we are allowed to use it to pay back principal. However, that statute that allows us to collect this tax restricts us to its spending. It must be spent on the Auditorium remodeling renovation project. It cannot be spent for any other purpose.

Charles Altman: So in other words, the Building Authority cannot build up a surplus like they did when building this building.

Alan Kissinger: If they build up a surplus from taxes collected, even if they build up a surplus, that surplus must be used to pay off these bonds.

Charles Altman: Okay.

Commissioner Mourdock: Let me take that one step further, if I may. The money is built up as a surplus and it is for the bonds or capital improvements to the building, either/or, I think.

Alan Kissinger: Yes, because there is a surplus building now, as a matter of fact, because we aren't spending anything on the bond, paying back the bonds or paying a lease rental or anything so there is a tax being collected now that is not being spent--

Charles Altman: Oh, I am aware of that.

Alan Kissinger: --and that money is only for this purpose.

Charles Altman: Well, I am sure that you are all aware that there was quite a bit of surplus and the projected surplus by the year 2000 that the Building Authority had was supposed to be close to \$9,000,000. Now, the question comes up, could the county's share of the surplus funds that have been accumulated be used prior to 2006 for renovation of the Auditorium?

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

9

Alan Kissinger: I have no idea.

Commissioner Mourdock: It's an excellent question.

Charles Altman: Anybody from the Building Authority or Bonding project can answer that?

Lucy Emison: Any surplus built up--

Commissioner Mourdock: Excuse me, would you go to the microphone, please, Ms. Emison?

Alan Kissinger: Lucy, what he is talking about is a surplus that the Building Authority has accumulated for matters totally unrelated to this project.

Lucy Emison: Okay, the Building Authority could have money from several sources including money that would be associated with this building which would have nothing to do with the convention center project. If a surplus builds up under the trust indenture for these bonds because incidental costs through the financing aren't as great as expected, then that would have to be used to retire the bonds or to pay costs associated to that, like accounting fees or something. Any money coming from the Food and Beverage Tax and coming from the lease rentals paid to the Building Authority for the convention center would ultimately be used one way or another for the convention center or the convention center bonds.

President Tuley: They would not have any commingling of funds if they have an excess totally unrelated, correct?

Lucy Emison: Right. It would be held by a bank, as trustee, and it would be kept totally separate and there will be a long contract saying what you can do and what you can't do with the money.

Commissioner Mourdock: The entity that is the Building Authority, can you explain that in a few words to me? In other words, is that a fully private company? I presume the answer to that is, no.

Lucy Emison: No, it is a governmental entity.

Commissioner Mourdock: Okay.

Lucy Emison: It was created back in 1965 or 1966 by joint action of the county and the city of Evansville. Actually, it was created for the purpose of constructing this building.

Commissioner Mourdock: Right.

Commissioner Borries: The Civic Center Complex.

Lucy Emison: Right, the whole complex and undertaking a similar lease financing this building back in the '60's. It is a creature of statute and they are governed by state statute as to what they can do and can't do, but they are created for the purpose of constructing governmental buildings and leasing them to governmental entities and using the lease financing mechanism to do that.

Commissioner Mourdock: Okay, that being the case, let me come back to Mr. Altman's questions because I think it is an excellent question. Do we have a quasi-governmental authority sitting there with \$9,000,000 that has accumulated that is doing nothing more at

this point than accumulating without a designated purpose?

Lucy Emison: Are you talking about money they had to pay off the Civic Center bonds?

Commissioner Mourdock: Honestly, I don't know. I heard Mr. Altman's statement and I am assuming that it is factual.

Charles Altman: Let me make a comment to maybe clear this up. I am sure that you all are aware that the Building Authority was successful in their litigation that they did not have to pay these bonds off early, right?

Alan Kissinger: They don't have to pay them off early.

Charles Altman: Right.

Lucy Emison: Are you talking about the escrow? I am somewhat familiar with that matter. As you are no doubt aware, there was some litigation regarding whether the bonds had to be retired early or whether the Building Authority could set up an escrow account for the 1966 Building Authority bonds and pay them off at maturity. The Building Authority opted to take the money and pay the bonds off at maturity. They set up a separate trust account with that money in the account to, what we call defeasance of the bonds, and pay them off at maturity and they have stopped levying the tax to pay for those bonds because they have got enough money to retire them at maturity. The reason they did it that way as opposed to paying them off immediately is because those were old bonds before a lot of the federal tax laws governing bonds went into effect. You can invest the money in a higher rate in the bond yield. Interest rates were very low in the '60's and it is more efficient that way that you can earn more than you are paying in interest. It is like your home mortgage. If you've got a 4% mortgage you don't pay it off early because you can buy a CD at 5 or 6%. That is what they opted to do because it is more economically feasible. That money is completely separate from this financing and is in a separate trust account and can't be reached for this purpose. It is securing the other bond holders and it is on that basis that the tax supporting those bonds stopped being levied a couple two or three years ago now, I think.

Alan Kissinger: The answer to your question, Charlie, is no!

Lucy Emison: Alan is much more concise!

Commissioner Mourdock: That is not normally his nature, I might add!

Charles Altman: Well, her answer brings up one question. How many years, or maybe someone can tell me actually for the budget year 1997, will the county pay any rent for their various offices to the Evansville-Vanderburgh Building Authority? That should be in the budget shouldn't it?

Commissioner Borries: Well, it is. A short answer is, yes, we will. You can look at the 1997 budget figures to really get what that rent would be.

Charles Altman: Okay, but there have been times in the past when payments were suspended, am I not correct?

Commissioner Borries: I cannot tell you if you are correct or not.

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

11

The only thing that I can tell you on that is that there has always been a budgetary line item for rent, so-called rent, for this facility in every county budget that I have seen.

Charles Altman: Well, I've got some newspaper articles here that say in some years the rent was suspended. Wouldn't it be a good idea to look and find out what those years were? I mean, if we've got this surplus and she may say you can't use it.

Commissioner Borries: You really can't. I mean, I think the law says that.

Alan Kissinger: It is very dangerous.

Commissioner Borries: We are talking about two different things here.

Alan Kissinger: It is very dangerous, Mr. Altman, to use the newspaper as an authority.

Charles Altman: Well, I know that. I know that. I believe that I can find them in here. There are several articles if somebody would be interested in looking at them.

Alan Kissinger: Charlie, I think the point is that no one knows how that would have an affect on this bond issue.

Charles Altman: Okay. Okay, I've got several more questions here. What convinces the County Commissioners that a renovated Vanderburgh County Auditorium and Convention Center will turn a profit?

President Tuley: Nothing.

Charles Altman: It won't? Well, has private industry or private investment groups been approached or offered an incentive about building a convention center?

Alan Kissinger: They have not necessarily been approached, Charlie, but we have a Green Convention Center sitting over there that is rapidly going to waste because no private group has an interest in it. Those private groups have had the same opportunity to purchase it as the county and have passed on that opportunity. No private business group generally wants to get into the auditorium or convention business.

Charles Altman: So indirectly you are telling me that you are not expecting to turn a profit with this thing.

Alan Kissinger: No, that is direct. Mr. Tuley said directly that we do not expect to turn a profit, but we do expect to benefit the entire community.

President Tuley: The operation of the building itself will probably always be a deficit. Now, if you talk to the convention people here, and that is a very large amount of money they say, but it is hard to correlate...you know what I am saying? If they say it is a \$30,000,000 business a year to this community in other means of revenue and what have you, but the actual operation of that building itself will be at a deficit.

Charles Altman: Okay.

Commissioner Mourdock: As is virtually the operation of every convention center everywhere.

Charles Altman: Well, I am going to assume that we are operating at a deficit at the Auditorium at the present time.

President Tuley: Good assumption.

Charles Altman: Okay. Has any thought been given to bring the Auditorium up to standards, I know it needs repair, without imposing a \$35,000,000 bond issue on the Vanderburgh County taxpayers even though the mechanics and the tax has been enacted by the state legislature?

Alan Kissinger: Yes.

Commissioner Borries: Yes, we had several hearings on that, Charlie.

Charles Altman: Okay. The way I understand it, the Commission is sort of using the Building Authority as a bonding vehicle. A lot of people...I don't think there are too many people interested or don't care or think they are not going to be effective coming up here and expressing their views. I mean, I may have gone...I wanted some answers and I appreciate getting them and the various comments, but I wonder how the people of Vanderburgh County would feel if suppose we need a new jail in two years? Let's just suppose that. That is right down the road because, I think, we are pretty close to a federal court order saying how many people we can put in next door. A jail is a profit making organization. You get state reimbursement. For example, look at Warrick County. Also take into consideration the federal government will always pay for any prisoner that stays in the county jail. I would think that we have to look to the future there.

Alan Kissinger: Charlie, just a short answer to that question is, that as far as the Food and Beverage Tax is concerned, and that is the tax that is being used to pay off these bonds or to finance this renovation, that legislation had it in what is referred to as a sunset provision meaning that after the airport bonds were paid off, had there not been a specific purpose assigned for any future Food and Beverage Tax, that tax would have gone out of existence. Therefore, if two years down the road we need a jail, that Food and Beverage Tax would not have been available for that purpose anyway.

Charles Altman: Thank you. I think a lot of people are going to ask themselves the question of why not use some common sense, repair the auditorium, but let the voting public decide whether or not we should proceed with the convention center and let the democratic process work to its fullest potential and have a referendum on the thing? I don't think we have to go crashing down the road on this thing do we?

President Tuley: There will be some people tell you that we don't have our foot on the gas pedal yet. The time that it has taken us to this point, they think we still have our foot on the brake. There has been I don't know how many public discussions and rediscussions and thoughts about renovating the existing facility, about renovating the Green Center and what have you. This is the one that the majority on this Board, and I say that looking at my Democrat cohort who voted opposite of the way that I voted, that the way that we are headed is the right way in terms of the approach. Now we need to sit down and figure out financially if it

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

13

is feasible to do what we want to do. That is what we are really trying to do tonight.

Commissioner Mourdock: That's right and regarding the referendum question, I guess that it is easy to argue that some are subject to a referendum about six weeks from now because the issue is obviously made...or the decision is made by elected folks one way or the other, and it is just sheer luck of timing that not all or only one is subjected to that referendum, but at this point it is only two and I happen not to be one.

Charles Altman: Well, getting back to the question, here I have recourse or any Vanderburgh County voter has recourse. If they are not going to agree with that, they've got recourse against you, but when you have the Building Authority in there, we've got all appointed officials on that Board and the citizens of Vanderburgh County don't have any recourse if they disagree with the decisions made by these two Boards, am I not correct?

Commissioner Mourdock: One of the two.

Charles Altman: One of the two, correct me on that.

Alan Kissinger: No, the public generally doesn't have any input as far as decisions of the Building Authority are concerned, but what was said was that the public certainly has input as far as the decisions of the Board of Commissioners are concerned.

Charles Altman: That's right.

Alan Kissinger: That is why public hearings were held at, coincidentally, the Auditorium to make room for any member of the public or as many members of the public as chose to come.

Charles Altman: Well, in reference to that, I have to speak to that issue because on one side, as I previously stated, you've got the Commissioners with the ability to go through with this thing, but the appointed Board is a partner in levying a tax, an indirect tax, I'll call it the way the lease agreement is going to be, on the citizens of Vanderburgh County.

Alan Kissinger: Well, the tax is levied before the Building Commission ever became a part of it.

Charles Altman: Right.

Alan Kissinger: Before the decision, in fact, was made that there would be a lease rental agreement, the decision to extend the tax was made.

Commissioner Mourdock: The decision on the tax was made by the state legislature.

Charles Altman: I'm well aware of that.

Commissioner Mourdock: Okay, it was actually made prior to the determination by this Board whether we would...at that time the debate was would we try to acquire the Green Center or would we try to do something simply with the Auditorium. In many ways it was even prior to a discussion about a convention center, it was more about the Auditorium. The state legislature was acting more than the Building Authority was pushing us in any direction. Quite honestly, the Building Authority is a vehicle on this. I think the

point that you have raised, Mr. Altman, that is an excellent point, and I have asked the Auditor to report back to us with it, is what funds may be available there, what is sitting in the Building Authority, how can that funding be used and is it otherwise money that is under lock and key for no purpose? Even if the tax under which it was collected is no longer in effect, if that money is sitting there, I have a problem with that. If we just have a coffer that has no purpose other than to sit there and collect interest, I don't think that is good.

President Tuley: I think it is earmarked to...that bond has not been paid off yet. That money is earmarked for repayment, if I understood Lucy right, for repayment of those bonds at maturity.

Commissioner Mourdock: One of us did not hear it right. I thought I heard that those bonds had been paid off.

Lucy Emison: No, those bonds are still outstanding for two or three years, I think. I can't remember the exact dates, but there is an escrow account set up to pay them off at maturity and those funds are earning interest in the interim. There will probably be some funds available once those bonds are retired. I have no information about what that is and I don't know anything else about any other Building Authority money that they might have from any other source, but that escrow to retire the Building Authority bonds issued for this building are still outstanding and they will be for a few more years, though I don't remember how many.

Commissioner Mourdock: Well, the question of excess funds beyond that required to pay off the bonds, the question still applies to it.

Lucy Emison: Yeah, and I would have to go back and look at the actual documents for that bond issue. I just don't recall at this point whether they would either go back to the Building Authority for other purposes or back to the lessee under that lease which would be the county and the city and school corporation.

President Tuley: I think that comes back to what Charlie was talking about earlier. Maybe there were years when there weren't rent payments made.

Lucy Emison: Well, there are two components of lease rental payments under that lease. One, is the lease payment that goes to pay debt service on the bonds and those have ceased, they ceased several years ago and that may be...I don't know, I haven't seen those newspaper articles so I don't know what they are talking about. Those have ceased because they don't need the money any more.

President Tuley: Right.

Lucy Emison: Then there is the lease rental payments that you are still seeing in the budget that go for operation and maintenance under contract that the city and the county have with the Building Authority.

President Tuley: Which, as I understand it, they figure out what their costs are and they divide that into square footage and that is how we arrive at our rates.

Lucy Emison: Right, it is just divided now between the City and the County.

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

15

Commissioner Mourdock: Just for reference, too, the newspaper articles that you just mentioned that Mr. Altman mentioned, since you have mentioned them, I would like to get a copy of those so that we can include them in the record for the meeting.

Charles Altman: I will hand them over to you in a few minutes here.

President Tuley: I think it is important, too...I am going to defend our legislators for a second here because we keep referring to them having been the ones who enacted this tax, but it was only after lobbying by several members of these local Boards here.

Charles Altman: I realize that for sure.

President Tuley: Members of the Boards here, Commissioners and bipartisan support, yes.

Charles Altman: Well, in closing, the Commission would have no objection if current or future employees of the Evansville-Vanderburgh Building Authority, if they qualify for the job and jobs open up over there as a reference to building the convention center, you people would have no objection.

Alan Kissinger: We are not going to be in a position to object. It is going to be the Building Authority's baby and we can't say...if the Building Authority says, we want to put Charlie Altman over in the Auditorium, they are not going to come and ask the Board of Commissioners.

Charles Altman: Right, right. Okay, well, thank you.

President Tuley: Thank you, Charlie.

Suzanne Crouch: Mr. Malone, did you share with the Commissioners the schedule you prepared with the \$3,000,000 maximum lease payment which reflects 1.25% annual growth in Food and Beverage Tax revenues?

Gary Malone: No, I didn't, but I would be happy to distribute that.

Suzanne Crouch: I requested that he prepare that which is even a more conservative picture than what they have prepared for you, all which is conservative. Thank you.

President Tuley: Any additional comments from the floor? Alan, is this where we turn it over to you for any additional...in terms of the lease itself? There is no other input? Nothing else needs to be done, this just needs to be a hearing tonight? Okay.

Alan Kissinger: Am I correct, Lucy, you do want the Commissioners to vote on the lease tonight?

Lucy Emison: Yes.

President Tuley: What needs to take place is a vote on whether or not we want to enter into the lease arrangement.

Alan Kissinger: You have previously approved the form of the lease and now we are--

President Tuley: Formalizing it and signing it?

Alan Kissinger: Yes, we are voting on entering into the lease

agreement.

Commissioner Mourdock: Before we--

Alan Kissinger: I don't want to interrupt, Mr. Mourdock, but just briefly, if we should enter into this lease agreement and now that you have been advised and are being advised of what the Auditor has described as a more conservative approach, you may still enter into this lease agreement tonight or you may vote to approve this lease agreement tonight without changing the numbers because this lease agreement still provides for a maximum annual lease payment not to exceed \$4,000,000. Under the more conservative figures that the Auditor has requested, we would also stay well under the \$4,000,000 figure.

Commissioner Borries: Gary, we appreciate your being here. We have a pretty long agenda here and in order to move this particular aspect forward, in your professional opinion, sir, to Mr. Gary Malone, I know you have worked on several different projects that I am aware of and you are a professional in every sense of the word. You would, in your professional opinion, believe that we have the ability to enter into this schedule with the lease rental of the \$4,000,000 and that it will not in any way jeopardize this county or in your best guess, which is just that, but, again, it would certainly be an educated one based on many times doing this that we would be taking a conservative approach of less than half of the projected growth, so thereby this county can afford to enter into such lease of the \$4,000,000 cap which would not occur, but we would get close to that 24 years out, should there still be bonds outstanding at that point?

Gary Malone: As I mentioned, no one has a crystal ball so no one knows what is going to happen 24 years from now. So long as the lease payments are phased in so that we don't have lease payments of \$4,000,000 the first year, but they are phased in so that we reach the \$4,000,000 by the year 2020. The Food and Beverage Tax based upon what we have seen historically should be sufficient to meet those payments, yes.

President Tuley: You were going to make a comment?

Commissioner Mourdock: Go ahead.

President Tuley: No, I was giving the floor back to you.

Commissioner Mourdock: Okay, yeah, I just had one thing that I wanted to clarify with Alan. I heard you say, I think, a moment ago that we are not actually voting on the figures tonight, is that correct?

Alan Kissinger: It is correct. We are not voting on the figures, we are voting on whether or not to approve the lease.

Commissioner Mourdock: Okay, okay, because I do have handed to me tonight so I haven't had a chance to look at them in depth, but two numbers with one being the \$75,600,000 and another one \$63,700,000 in estimated annual lease rentals. Obviously there is a difference there and I don't understand what the difference is. With a \$12,000,000 variation that is the kind of number that catches my attention and I would like to know what the difference is. It must be an easy question there! Do you know the two pages that I am referring to there?

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

17

Gary Malone: Yes. The higher of the two numbers, the \$75,000,000 annual lease payments over the term of the bond, those are predicated on the maximum lease payment of \$4,000,000 per year. Under that scenario the lease payments would grow until they had reached approximately \$4,000,000. The second scenario where the annual lease payments would amount to about \$64,000,000 over the lease of the bond issue, that is based upon a maximum annual lease rental payment of \$3,000,000 per year which was requested by the Auditor's Office. Now, the \$3,000,000 per year is based upon and still assumes a growth rate in Food and Beverage, but that growth rate is at a rate of 1 1/4% per year--

Commissioner Mourdock: Lower still?

Gary Malone: --to achieve that, yes.

Commissioner Mourdock: Okay, thank you. The only other point that I would make then before we vote, in the initial discussion of both Mr. Malone and Ms. Emison they made the comment that while we are bonding \$35,000,000, the actual funding will be \$32,500,000 and I bring that up only because I have, as you have received, the construction and furniture facilities estimates from our architect, and both for Scheme A and for Scheme B, which we have not yet hammered out which we prefer. Scheme A is a \$35.6 million dollar project and Scheme B is a \$36.2 million, well, call it a \$36.3 million dollar project. Obviously, with \$32,500,000 available we have much work ahead of us yet to hammer out these numbers to make them fit.

President Tuley: That's very true. Okay, then do we have a motion with regard to the lease arrangement between the Vanderburgh County Commissioners and the Vanderburgh County Building Authority?

Commissioner Borries: I'll move that the lease be approved.

Commissioner Mourdock: I will second.

President Tuley: I will so order.

Commissioner Mourdock: Seemed rather anticlimactic after that!

President Tuley: After all that, yeah. An hour long discussion just about. Thanks to everybody who had input, Lucy and Gary and Charlie for your input. Charlie, do you just want us to make a copy of that and give it back to you?

Charles Altman: Yeah, yeah, that is fine.

President Tuley: We would like to thank you, Gary and Lucy, for your presentation and your work on this.

Commissioner Mourdock: Yes, thank you both and, Charlie, thanks to you, too, because I appreciate it when a private citizen gets so interested and involved that they do the homework that you have done on this. It was quite impressive.

**Tom Gretler - Browning Road, Lot 14**

President Tuley: Next I show item 4D as a Mr. Tom Gretler in reference to Browning Road, Lot 14.

Tom Gretler: Good evening.

President Tuley: Good evening.

Tom Gretler: This is my first trip down here so I am not sure how all the parliamentary procedures go, but what I am here for is basically to seek advice and assistance on a little bit of a drainage problem that I feel that I have on my lot. I believe you had, to kind of put things into perspective, I think you had a meeting sometime...this was in the...I know you already made your comments on newspaper articles so I am not going to quote any facts, but June 18th there was an article with respect to the Gannons who live on Redgate Road. I live on Oakgate Road which is one road direction-wise west of Redgate and between Old State Road. I think rather than take a lot of time trying to describe in words what seems to be the problem I thought I would bring some pictures and save everybody a lot of time. If you need copies of these I would be happy to make them, but I would just kind of like...I don't know who needs to look at them. These are two separate occasions. This was early on and this would have been prior to that article and then this was (inaudible) a week ago, I guess. My contention is that I have been a resident of this particular address which is 12338 Oakgate Road for nine years. I knew when I purchased the lot from Bill Wittekindt, Sr...this is in Browning Road Estates West, and I believe that I am on lot 14 and I can certainly get that verified. Obviously, the lay of the land has changed in the last nine years, most recently the last year is where I have really noticed the problem. It is a situation where I have had water in my crawlspace now from the creek that is overflowing five times in a matter of about two weeks. When you spend the time clearing up all of the residue that is left behind from it besides pumping the water out of the crawlspace it gets a little tiresome. My concern is that this will get worse because I know that Bill Wittekindt, Jr. has got three or four, it looks like cul-de-sacs, that he is putting in. Fuquay appears to have completed his construction, but there might be a couple of lots left. I started on this on my own earlier on. After the article, I contacted both Bill Jeffers' office and Mike Wathen's office. My wife spoke with them and I have had several conversations. The early pictures there I had just reseeded the lot, but you can see where there is more sand now than there is seed. As I said, I am really interested in getting some advise as to what should be done here. I am not looking for any monetary compensation or anything of that sort, but I certainly see this as a potential problem as a homeowner in this area where it is only going to get worse and I want to make sure that everyone...or at least go on record so that everyone is aware of the problem. I would like to be able to address this to the Drainage Board next week. I understand that it meets and maybe that is where the place should be and where it should take place. You tell me. I am more than willing to cooperate and I know you've got a full platter here tonight, so whatever you need to do, I will be more than happy to cooperate.

President Tuley: You are absolutely correct, Mr. Gretler, in that the Drainage Board would be the proper Board which is us, but procedurally, I guess we would have to deal with drainage matters as the Drainage Board. What were any of the, if you don't mind, we can listen to anything that you've got to present tonight. We just can't take action on it, but I am curious as to your dealings with Mr. Wathen and Mr. Jeffers, from the Surveyor's Office, did they give you any recommendations?

Tom Gretler: Well, I believe that Jeffers, at the time, probably had enough conversations with Mr. Fuquay where he didn't want to...he referred me to Mr. Fuquay and I spoke with him. I met him

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

19

out at my lot showing him what was going on. This was probably a month or so ago. He told me that he was going to talk to a couple of people and get back with me. I have not heard from him since that time. I called his office last week just to get an update and I still have not heard anything. As far as Mr. Wittekindt is concerned he has expressed to me that he is in compliance with whatever he needs to do to keep his...I understand that he put some form of a...I am not sure what you call it?

President Tuley: Drainage ordinance? He is in compliance with his drainage ordinance?

Tom Gretler: I don't know if it is drainage ordinance or if he is in compliance with the holding pond or whatever it is that he described to me that was that is supposed to prevent this from happening, but I see it adding more trouble, more problems, than helping.

President Tuley: Let me ask you a question. This is Mr. Wittekindt's development?

Tom Gretler: Wittekindt, yes.

President Tuley: Was Mr. Fuquay the homebuilder?

Tom Gretler: From what I know, I understand that Mr. Fuquay purchased a parcel of this subdivision to build his homes on.

President Tuley: Okay.

Tom Gretler: I think really they call that Hunters Ridge. That is two subdivisions over from mine, but certainly since that has gone in I have seen this. Again, if you want...the pictures of those creeks when I moved there nine years ago, that creek was a hell of a lot deeper than it is right now. I remember moving wheelbarrows of this stuff just trying to keep it out and trying to keep it clean. It is just more than I can handle right now. You can see the riprap that I put in there on several of those pictures. It is just being eroded and washed away. I mean, there was 22 ton of riprap that I put in there between six and eight years ago. The way that I understand it, the real estate was sold to me with the intention that the creek was part of a natural thing and that is one of the reasons that my wife and myself was attracted to it. Well, what has happened in my estimation, is that the natural thing now is out of control and in my estimation I think common sense has to prevail here and something needs to be done with respect to that. I mean, as a homeowner and owner of this particular lot, I can only do so much. Everything that is being deposited in that particular creek is coming from someplace else, i.e., either the subdivision next to me or the subdivision up from me because this creek really starts, I believe, on Redgate so it is not like it is coming down and I am picking stuff up from four counties away. It is not happening that way the way it was explained to me. I am sure that you heard enough from the Gannons that you can pretty well get an idea of what is going on.

President Tuley: There is a lot of debris, trees and stuff. Is this in the creek itself?

Tom Gretler: Yeah, you can see one picture there where there is a tree stump that actually blocked the culvert. I mean, hell, there were two ducks out there one morning swimming in it. There is a home being built right across the street from me where the ducks

had taken up residence because the water had backed up there. Once that finally pulled that thing out, it drained that portion down, but I ended up picking up all of it. I've got quite a...I used to call it a compost pit, but I don't know how I would best describe it now between dead...I mean, we are talking where there are actually logs of trees that have been cut that look like somebody did that. How they end up in the creek, I don't know. Someone is not taking care of their property and that is kind of what concerns me here. It is coming upstream and I can't do anything about it at this point. I don't have the time to make a personal vigilante against this. I would just like to get some advice.

Commissioner Mourdock: Just a question, Mr. Gretler. A couple of months ago the Gannons have been here at least on three occasions. At one point they were going to put some barrow in and help redirect water alongside a ditch and we had them coordinate with Bill Morphew to do that. Do you know, was that done and did it make any difference positive or negative?

Tom Gretler: Mr. Mourdock, I really don't know because Redgate is the next block over and, quite honestly, I guess I have not taken the initiative to go talk with them.

Commissioner Mourdock: That is fine. I was just curious to see if they had done that and if it had made a difference.

Tom Gretler: I talked to Mr. Fuquay for a while and I understand that he has been involved with this, but he certainly didn't share anything with me of any improvements or whatever it is that he was asked to do. I am sure that he has met whatever requirements he is asked, but unfortunately the silt and the sand and whatnot has continued to come down that way and whether it is his problem or Wittekindt's problem, I honestly don't know. I do know that with the cul-de-sacs, I mean, there have been three or four sections cut away in Wittekindt's subdivision so there is going to be some heavy duty construction going on in the next few years and a lot of additional homes are going to be built there. I am kind of a common sense type of person and I don't understand why they sell the lowest lots...well, I guess you can, but you sell the lowest lots first and then you deal with the problem afterwards. As far as I am concerned, this lot is not suitable to build on right now. My lot, simply because of this, but there is not a whole hell of a lot that I can do about it at this particular point and it is not so much the water. I am concerned about what the water can do to the foundation of the house.

President Tuley: I am going to have occasion to meet with Mr. Wathen later this week on another problem and I will see if I can't find a way and time for he and I both to come out and pay a visit with this and maybe be a little better prepared to address your concerns by next Monday night's meeting.

Tom Gretler: I'd appreciate that. What is your advice at this particular point then? I'll need to be here next week for the Drainage meeting? Do I need to talk...I have phone calls in to Mr. Wathen's office and I know that they were pretty busy.

President Tuley: Right.

Tom Gretler: From what I understand.

President Tuley: I guess, other than maybe some questions that come up that only you could answer would be the only reason you would

actually need to come back to next Monday night's meeting. I mean, basically, you have made us aware of it. I don't think it would hurt to go ahead and get yourself put on the agenda next week by contacting the Surveyor's Office to tell them that you want to be on the agenda for next week's meeting. Let me try to meet with Mike and see if we can't come out. Mike obviously has your phone number if you have called and left messages for him. Let me start with Mike because if your problem is that the creek is filled up because of sediment being transported from other properties, then we need to find out where it is coming from and how we are going to stop it. I have a feeling too, you're going to love this one, but that is probably all private property. That is not a legal drain, as such. I think if we can find a way to keep the stuff from coming down to you that is going to solve a lot of your problems.

Tom Gretler: Yeah, because I don't have any intention of cleaning that ditch out every year.

Commissioner Mourdock: Is Hunters Ridge completed now? Are there many empty lots there?

Tom Gretler: The last I looked, which was back during this time, I am going to say there are maybe two lots the best that I know of.

Commissioner Mourdock: So whatever sedimentation was going to come off there, if in fact that is the source, which looking, again, through my notes I think it probably is, but whatever sedimentation is there probably isn't going to be greatly added to at this point. It is not going to be getting worse, but at least where it is right now is bad enough.

Tom Gretler: At least in my estimation from Hunters Ridge, I would not see anything getting any worse, no. What is being developed at this particular point, yes. I mean, you can see from those pictures that there is straw now. I know several builders are in there now who are using straw bales. That is where it is coming from. I mean, there were property stakes, there was PVC tubes, a pipe that came. You can see from the pictures there is styrofoam that is floating by. I realize that we had an extraordinary amount of rain early this spring, but what is happening now is just like last night we had a good steady rain. I heard there was three inches reported over the entire night, but I got up in the morning and I could see where the water was. You can see it goes into the neighbor's yard also and it is constant...I gave up planting grass seed and growing anything. There is nothing but weeds there. Again, I am certainly a reasonable man, but as a homeowner I have a real concern at this particular point that I am going to have to move to higher ground and I don't think that is possible right now.

President Tuley: I think you have done, quite honestly, almost what you can do at this point. I really would suggest that you...in fact, I can have Cindy call him in the morning to prevent you from having to call Mr. Jeffers and have Mr. Gretler put on the Drainage Board agenda for next week and then you just have to come back up here.

Tom Gretler: That's fine.

President Tuley: Primarily it is just in case there are questions that come up so you could be there and maybe you could answer. I hate to make you come back to another meeting, but in the meantime, like I said, I am meeting with Mike. If Mike's schedule permits...we'll make it fit. We'll just get out there and have to

take a look at it.

Tom Gretler: Okay, I appreciate that. I think that Mr. Jeffers has been out because my wife...as I said, I am rather patience with this. He came out and talked, but, again, there was really nothing that has been resolved. I have talked with both Wittekindts as well as Fuquay and that is where I felt like it was time to come seek your advice and assistance here.

President Tuley: I think at this time it would be important to have outside sources, I will call them, Mr. Jeffers and Mr. Wathen, to give us their input.

Tom Gretler: Okay, alright. Thanks very much for your time.

President Tuley: Thank you.

Commissioner Borries: Thank you.

#### Jon Hill - Polling place changes

President Tuley: Jon Hill.

Jon Hill: Thank you, I am Jon Hill, with Voters Registration. As you can see from the letter that I wrote you and the attached letter from our precinct committeemen. We have a problem in one of the precinct polling places and then it turned out that we had a second problem, but we were anticipating the second problem. In Ward Three, Precinct 5 at the North Annex they have added central air-conditioning to that building and have built a six foot privacy fence around the air conditioning which means that the entrance to the polling place is no longer visible from anywhere until you get around that fence. It is now necessary to walk through either grassy field or a rock drive in order to get there and so we have asked that we move it to the Stringtown Library which is located in the same precinct. It is handicap accessible and there is plenty of parking and I think it will make it a lot simpler for the people to vote. Then, of course, in Ward Six, Precinct 16, which is Helfrich Golf Course Clubhouse, it is being torn down October 1st so we need to move that. The closest, easiest place to move it to is Helfrich Middle School located in the same precinct which, of course, is also handicap accessible and plenty of parking. The last paragraph you see that we will mail new registration cards to these persons in these precincts because we think it is important that they be advised along with a note that this is being moved, but we don't have a postage budget so we are going to have to ask you for the postage for it.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Jon Hill: Thank you very much.

President Tuley: Thanks, John.

#### Barbara Cunningham - Comprehensive Plan

President Tuley: Okay, item 4F, Barbara Cunningham in reference to

the Comprehensive Plan.

Barbara Cunningham: I am pleased to be here. Do you all have copies of the resolution? We sent you down packets and I think that we included that in it. Alan, I think we gave you one also. If you don't I have additional copies here. I am pleased to be presenting this plan to you for adoption. The preparation of the document involved an effort of not only the Plan Commission staff, but numerous government departments and private individuals have contributed to the plan. Other than the participation of the contributions listed in the front of the document, we are proud to say that the plan was produced entirely in-house. We feel that it is really Vanderburgh County's plan. I would like to introduce our two professional planners on this staff, Blaine Oliver and John Ansbro, they are right behind me--all the way. You might ask why do we have a Comprehensive Plan? The answer to that question is not only is it required by state statute, and even before it was required by state statute, Vanderburgh County has had a Comprehensive plan. We feel that it helps us prepare for the future. These are exciting times, as you well know, for the Evansville area. A new Toyota plant is coming to Gibson County. There is major construction activity taking place in our downtown which has been dormant for a few years and the riverboat casino is doing well in its first few months of operation. Plans for a large shopping center on the city's east side are progressing and the completion of new commercial establishments in this area has become a routine occurrence. It is not uncommon for us to hear from people interested in coming to Evansville on more often than a weekly basis that we get a lot of calls on coming to Evansville. You have done many road service improvements. They are ongoing and we are doing lots of things that way. Census estimates, I think this is interesting, indicate that since 1990 indicate that our population is growing again reversing a 20 year trend of slow population decline. It is certain that the spin-off effects of this growth will create additional land use changes in the future. Along with these opportunities for growth comes the responsibility to properly plan and design developments that are functional, appealing and have minimal adverse impacts on the community. We hope the Comprehensive Plan plays an important roll in addressing growth. It is meant to be a guide for decision makers, such as yourselves, to use in making land use decisions. We want our community to grow, but we want to do it right with responsible, not haphazard growth. Through proper planning we can be prepared for development so that the growth of the community occurs in the manner that meets our needs and desires for the future. In addition to these reasons, good local planning must be a priority considering that Indiana law requires local governments that have zoning to have a comprehensive plan. The purpose of this law is to provide a firm basis for zoning through the determination of appropriate land use in the plans. The plan should reflect what is good for the total community. A comprehensive plan provides decision makers with information and standards to evaluate these rezonings, subdivision and other land use proposals. Courts are increasingly holding local government to these standards as a plan provides the legal basis for zoning and other land development regulations. A carefully prepared comprehensive plan is the best defense against litigation filed over zoning matters. The Comprehensive Plan, as you know, is periodically updated so that it accurately reflects current conditions. This 1996 draft Comprehensive Plan is an update of the 1991 plan. The draft plan expands the scope and content in many areas, however, the primary substance of the plan, the guiding goals, objectives and policies remains basically the same. In a few areas we did make

clarifications and additions to those important statements where we felt they were needed. A wide range of policies are presented with the general policy direction of a plan strong on economic development while emphasizing protection of residential neighborhoods. Since we started the review process every two years there are no major surprises in the plan. We feel it is just a steady plotting toward a better community. We feel that the 1996 plan represents changes over the 1991 plan because number one, we have revised the format to make the plan more readable and user friendly. The maps in the plan have all been updated. The graphic presentation has been improved by using computer aided draft software. We have added additional information, additional maps, and we thank you for allowing us to upgrade our CAD system as you so recently did so that next time it is even better. An expanded discussion of the levee system, we have added that. We talk about the wetland, surface water, air quality, storm water drainage. The 1990 census data is included and we've added recent projections for population for the county. We have expanded the area of designation for future residential, commercial and industrial uses on the future land use map. We have changed our data base from traffic count, traffic zones to census tract for easier historical comparison. We've done clarifications and changed some goals and objectives and policies. The major emphasis has been placed on utilization of existing infrastructure. We encourage infield development, revitalize CPD and Urban Corp, facilitating economic development, protecting neighborhood integrity and insuring that the streets and utility improvements necessary to serve new developments are in place when needed. We would request that those be in place and we have talked about this in the Plan Commission prior to the use being established. The plan has also identified areas recommended for sewer extension and we have identified areas necessary for public parks. We have received comments from Plan Commission members and the public at the first public comprehensive hearing on June 12, 1996 and we were pleased at that time to have two County Commissioners present to hear the first public comments. Since then we have received many written comments on the plan from such groups as the Chamber of Commerce, the West Side Improvement Association, the residents near the Lloyd and Burkhardt intersection and other interested citizens. We have evaluated these comments for inclusion in the plan and where warranted we have recommended specific changes in the draft reflecting the public input. We have received additional comments and direction from the ASD Committee of the City Council that met on August 19, 1996. The plan has been adopted by the Area Plan Commission, again, on September 4 incorporating the amendment made by the ASD Committee and the Town of Darmstadt recently adopted the plan on September 10, 1996. In your packets for this meeting there is a document listing the recommended changes made to the draft plan. You have the appendix to the plan that presents the public comments received and the Area Plan Commission's staff response to those comments and the new and revised maps to be included in the final plan. I will briefly summarize the most significant changes that have happened since the first draft of the plan. One of the most important is the appendix presenting the public comments and the APC response. This is a new portion of the plan that we hope will improve the plan by informing the reader of the document of what comments were received, when, and, and how the comments were addressed in the plan, and in the instance where comments were not addressed, why these comments were not addressed. We think that regional planning is very important and so we have added regional information and several plan sections. I think that Mr. Mourdock brought that up at the first planning meeting that we did and we have addressed that issue. New maps are showing regional highway

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

25

networks, regional railroad service and water ports, the 50 mile trade area and the regional commuting patterns that have been included as part of this increased regional emphasis. The City Council's ASD Committee amendment changed the future land use map showing the southeast corner of Lloyd and Burkhardt as residential. The meeting discussion also added text to the commercial land use section. We have added text and new policies on drainage. These changes strengthen how the plan addresses this issue and the stormwater drainage subsection and in the action plan. This included information on the current efforts by the city and the county to improve areas with drainage plans. A list of the potential solutions to these problems and policies suggesting more specific action that needs to be taken to address these problems. As I said earlier, we certainly appreciate the Commissioners' interest in developing the Comprehensive Plan. We have tried, as I said, some of you were there at the first public hearing or you were there and you have been apprised of every step that we have taken throughout the planning process. We have tried to keep you abreast as to how the plan progressed through the public meeting process and so we ask that number one, if you have questions then perhaps we could answer them now and we would ask that you adopt the resolution.

President Tuley: Barbara, first off, let me thank you and your staff for the time, effort and having the ability to do this in-house as opposed to having to contract it out. This speaks well for you and your department.

Barbara Cunningham: Thank you. This really has a lot of information as you go through it. I really hope that it is helpful to you. If you don't have time to read it all, just call us and we'll pick out the pertinent points.

President Tuley: It is very important that there was a lot of public input at the initial meeting and your staff has taken the time to address each of those comments (inaudible) if the area was already covered somewhere else in a section where somebody had just missed it or if it was something that you need to change and you made the necessary changes.

Barbara Cunningham: I think it makes it more the public's plan because there is never a comment made on it, those who take the time to ask about it, their comments are not lost; they are included somewhere.

President Tuley: I'm sorry, I had to turn my mike on, go ahead. Yeah, it's good and you did have at that public hearing quite a few people did come and address the Area Plan Commission with regard to the plan. I do think that it is important for the future of our community to have a well placed plan or a well put plan in place, I guess is better, so that we do try to do commercial growth where it should be done and residential growth where it should be and make the two work together.

Barbara Cunningham: We have one more meeting to go after tonight and then we will have the final copy for you, the finished copy. Are there any questions? Thank you. Did you make a motion for the adoption of the resolution?

President Tuley: Is there a motion to approve?

Commissioner Mourdock: I will move acceptance of the revised Comprehensive Plan as submitted by the Area Plan Commission.

President Borries: Second.

President Tuley: Is this considered an ordinance?

Barbara Cunningham: It is a resolution.

President Tuley: I will so order then. I don't have to do a roll call.

Barbara Cunningham: Okay, thank you very much.

President Tuley: Thank you, Barbara.

**TAPE CHANGE**

**Shirley James - Update on Pigeon Creek Greenway**

President Tuley: I think if you want to go ahead and begin you've got the podium.

Shirley James: Thanks for allowing us to come today. I would like to tell the Commissioners, Cindy and all those present that Jim Haddan would very much have liked to of been here this evening, but due to illness in his family, he has had to go to Florida. We are pinch-hitting for him and I would like to take this opportunity to introduce Mr. John Kinsella, of Storrow Kinsella Partnership, who is the designer of our Greenway. He will be giving you a rundown on where we are with this. In the meantime, I would like to show you in the folder here is a zoning workshop that we had recently. You will be receiving comments and guidelines back to be inserted into the folder. There is also a map of the Greenway the way it was planned originally, and you will see from the new maps that we have distributed that there are changes. You'll also have in your folder a presentation made by Mr. Haddan to the Convention and Visitors Bureau which includes in it some success stories and economic impact statements on what greenways have done in other areas and we think this is quite important. Now, at this time I would like to have John discuss the Greenway with you.

John Kinsella: I would just like to get you up-to-date on where it is in terms of the road from planning to construction and future plans. Again, I will try to be very brief and take any questions that you have.

President Tuley: Would you mind...would you take that mike with you?

John Kinsella: Yes, great.

President Tuley: It will reach that far, I hope.

John Kinsella: This is the original Greenway master plan map which incidentally is now in the comp plan that you dealt with this evening. We have worked very closely with Area Plan on that. The other map, the one that you now have to hang on your wall, hopefully, is a phasing map. It reflects this section up here which is Phase 1 and 2, combined which has been fully funded and is now in INDOT's hands for issuing of construction bid documents. Realistically we expect that construct will start next spring or summer once the creek goes down. We had hoped that it would be this summer, but INDOT works slowly and methodically, but it is now on the way and we feel good about that. The next section in yellow

down to the Ohio River, pardon me, to Lamasco Park, a considerable part of that has been designed and we are doing the finishing touches on that. The funds have been allocated for some small parcels of acquisition from INDOT again. The section from Lamasco Park along the Ohio River and along the 164 corridor to Angel Mounds is just starting detailed design at this point. It is called preliminary engineering and that includes acquisition studies, parcel descriptions, a detailed route alignment and then that will move into construction drawings and we are beginning that process. The funds have been allocated from INDOT and this is another grant for the acquisition pieces pertaining to that route. A lot of that route is on public land now. One of the small victories, a large victory actually, that we recently received was from the Federal Highway Administration in which they had agreed to the concept of the 164 right-of-way being a shared facility which means the Greenway can use part of that right-of-way. That is a major, major accomplishment. It may have some relevance to this section, that remains to be seen, but definitely it will have significant impact and cost savings on this section in terms of acquisition. We have also received acquisition funds for the Hi-rail corridor. That is the rail corridor that parallels U.S. 41 that has been abandoned. It will make a wonderful neighborhood linkage from the neighborhoods to the Greenway as well as connection, ultimately, to the University of Evansville, the State Hospital grounds and linking back to an overall connected Greenway which is really the point of the whole system. At this point, we have in INDOT's hands the application for construction funds for this section and that is a large dollar amount. Total construction costs are approaching \$7,000,000. The Greenway Committee and the Parks Department has elected to go after one major fund request since this is the last year that we know that the program is in place, the ICTEA Enhancement Program. So we are crossing our fingers on that and to enhance that prospect of receiving that grant, that award, the Parks Department has started the detailed construction drawing and acquisition drawing phase which we are now engaged in. We are negotiating with Hi-Rail on this. We have met with them. They are a tough customer, but they are in bankruptcy and they do need to dispose of that property in the next year. The other nice thing that is happening is that we are having conversations along the route as opportunities come up for easements. Donations of trail easement across private property often in development and in conjunction with development. A couple of developers see the economic enhancement to their property as an amenity. So, we have distinct possibilities here, here, here and we are having some conversation up here in this area and we hope that trend will continue. It is a neat way to get trails? You don't buy it, you find a common need and shift the trail if you can to incorporate that kind of development pattern. Shirley, do you want to...?

Shirley James: Actually, I think we should tell you of a few of our successes. You will find in your packet there a list of trees. Literally, we have taken and already started, and this has all been done for free, a planting of something like 3,250 trees of varied species. That was done by the Fish and Wildlife Service at no cost to us. They'll be establishing...that was north of Diamond and they will be establishing a wetland here south of Diamond in an area that was formerly having to be maintained by the Levee Authority. Consequently, that will mean less cost for the Levee Authority because they won't have to maintain that area and it will reestablish many hardwoods that are a good economic factor for this community. Then over here...well, let me jump down here. As you know, the casino is building and it should be ready by the end of

this year. The area from Fulton to Dress Plaza and that is going to be very lovely and that will be completed shortly. Of course, the Pagoda is going to be the Greenway beginning, entrance, and that is due for opening on September 28. We will have a bicycle rental shop there, some folders and bathrooms along the esplanade which will be very helpful. Up here we're so happy about these. First of all Zeidler really wants us there. To them this is an asset coming through their business, but Fligeltaub is the one that we're really excited about because we have been able to do some things here that are really rather innovative, aren't they, John? Fligeltaub has needs and we have needs. Fligeltaub, for those of you present, is a salvage operation and it has some of the prettiest parts of the creek behind it and they own to the center of the creek. What they are doing for us, they are putting in containment basins to take care of their pollution and they would like to have a fence, an opaque fence, so that people won't get in and steal their product. In the meantime, they are thinking of either donating or giving us an easement of the land from the fence to the center of the creek. We may share costs on a parking lot which would take a lot of traffic in this combination residential/industrial area. A lot of traffic, heavy trucks and everything go through there. If we can share a parking lot with them, that is an asset. In the meantime, they are talking about planting trees all around it to contain the air pollution. By bargaining back and forth we are able to come to a rather successful conclusion here and that is kind of exciting. Up here the Pine Lakes Estates they are talking with us about rerouting their drainage so that they will not be a source of nonpoint pollution into the creek and they are also donating to us 150 feet of their land for Greenway. That is a real estate development which makes us very happy. Over here, John, you know more about what is taking place here, do you want to...?

John Kinsella: These are private developments. The upper one is a church, I forget the name of it...Cutter Street Church...I may not have the name correct, that is relocating to this site. They would really like the trail to come across their property.

Commissioner Mourdock: It's Cullen Avenue.

John Kinsella: Yeah, right, Cullen Avenue. They have a rather ambitious, rather nice master plan for development and we met with them last week with their architect and he is going to incorporate that concept into that pattern. There is another private development, long term development, here in which that developer has said that I would really like to provide an easement for the trail on that property. These aren't done deals at this point, but it reflects an attitude that is starting to catch. The trail adds value to property as an amenity.

Shirley James: So that is the picture to date. We have done quite a bit. We have achieved quite a bit of funds, I mean, this is completely funded, this was Phase 1 and Phase 2 and that was almost \$1,200,000, right? Then the \$440,000 for land acquisition and recently the Convention and Tourist Bureau and the County Council did approve a \$3,000,000 grant and that will be utilized for...30% of it can be utilized for design and the rest will be used to do some work here on Phase 3 and for other things. Now what we need, now we need some money from the Commissioners. We think what we want to do is do this portion before we do the industrial portion. Most of this portion is in the County. We think land acquisition and working out all of these agreements is going to be complex and it will take some period of time to achieve that and that we could

Vanderburgh County  
Commissioners Meeting  
September 16, 1996

29

get a much better impact by being able to tie in, of course, with what the casino has done past the Pagoda and out to Angel Mounds where Newburgh wants to tie in and go all the way to the dam. They're talking about doing that. I think, also, New Harmony is planning to tie in at some point, aren't they, or looking at it?

John Kinsella: The other piece of this is that we are also working on the Parks master plan and looking at ways to extend the concept of linear parks out into the county on things like the Morgan Avenue rail line in which there is a long stretch of road that has no crossroads. Perfect to bring it out to Warrick County and some of the reclamation areas out here that starts giving it a long range trail concept. Also, out 62 or 66, I always get the numbers mixed up, but a limited access road which will take us to the edge of the county. Very long term, but trying to get the whole concept of linear strips that starts accessing development in neighborhoods and the county, the county roads.

Shirley James: Now, since we want to get this in design because the state has told us that we must show them before they will consider our...we have made our grant application for something like six million and something dollars and our local match is up there around what, John, do you have that?

John Kinsella: About \$1,600,000.

Shirley James: It's \$1,600,000. It is an 80/20 match and the state has indicated to us that we must have design well under way and show that we are really going to achieve this before they consider the grant. In order to get that \$6,000,000 we need to get our design monies in hand. Since design is generally 10% of the total cost and the total cost being about \$7,751,000 that means that we are asking for \$750,000 in design monies. Now the city has appropriated \$400,000 and we are asking the county, perhaps at this point in time, to do a 50/50 match because there is going to be a considerable amount of this in the county. Of course, we don't know that we will get the full \$6,000,000. We are just hoping that perhaps before we have the governor leave office that he might want to give us a present. That would be very nice. Anyway, so construction costs are down the way, you know. We don't exactly know what that would be, but right now we want to get the design under way and show commitment in order to maybe achieve that amount of money. Is there anything else, John?

John Kinsella: Just describe what design entails. It is an aerial survey--

Commissioner Mourdock: You need the microphone.

John Kinsella: Thanks. An aerial survey and ground survey, parcel acquisition definition, legal costs, environmental, as I mentioned, and site specific engineering and design.

Shirley James: At this present time we are having Hi-Rail...we are having that property appraised and we are having the environmental...we are trying to come to that with them. I guess, a major problem that we have here and we are here tonight for two reasons. One, is the money and the other is to point out to you that we have to have a comprehensive zoning plan for the Greenway. In other words, we are finding it very difficult to deal with the developers now because we don't have our property allocations on each side of the creek and on each side of the bikeway. We haven't defined where we are going to be and that is going to take a real

cooperation with the county and with the city and with all of the planning bodies. Consequently, we wanted to get that off the ground and moving quickly because it really is quite necessary. Do you have anything to add to that, John?

John Kinsella: Just in that regard I think it was last week and I think there is a reference in that notebook that we brought in a national expert on land use law to advise us, the Greenway Committee, as well as Area Plan Commission and various staff members of the city and county on the legal limitations and constraints as well as the opportunities in zoning mechanisms and guidelines to guide the planners, to guide the BZA and to make a defensible approach as opposed to the approach that in some communities have been ruled taking of land. We are trying to lay solid groundwork that will elicit cooperation and much in the ways these negotiated easements will in terms of zoning.

Shirley James: A couple of other things that we have done. We have established a liaison with the School Corporation. The students are going to be doing the flora and fauna studies that are necessary for this area which will save us a lot of money, you know, and give them a chance at education. That is exciting because young people are really working actively on this. We are actually making money with some of the garbage that we have cleaned out here now. I guess, pretty much that wraps it up, doesn't it, John?

John Kinsella: Considering the time!

Shirley James: Considering the time. We could go on a long time, but I know you gentlemen are tired, but we do need to first of all have a lot of cooperation with the county government on the zoning and their input and we will be sending forth guidelines for you to critique before they are put into final form. We would also like very much if you could find it in your means to help us out with the design money.

President Tuley: Shirley, in a letter that you sent to us you had indicated something like \$350,000 that you needed for this year and then on the construction side, did I understand that was going to be next year?

Shirley James: That may be. Well, we are hoping...this keeps making noise, is that me or it? It's me? Sorry about that. Anyway, we are hoping to start design or construction in 1997 aren't we, John, if we get the money?

John Kinsella: I think construction in '97 will be this part that is already funded. I think we are probably talking realistically about construction for aspects of this, not all at one shot, probably over a couple of years starting the following year.

Commissioner Mourdock: Excuse me, what you pointed to a minute ago, John.

John Kinsella: Yes.

Shirley James: This portion?

Commissioner Mourdock: That reddish-orange line.

Shirley James: This part?

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

31

Commissioner Mourdock: That's it.

John Kinsella: That is about one and two-thirds of a mile and that is funded and the match is in place.

Shirley James: This portion is 95% designed.

John Kinsella: Less than that, but it is significant. The route is pretty much pinned down. This is still conceptual and this is the part that we need to very quickly start defining parcels and routes by survey work. We have a lot of the survey work complete in this area. Again, construction '97 here, I think, construction probably '98 for selected parts of this. Hopefully, for this much, but that is yet to be determined and then subsequent years there will be chunks of it.

Shirley James: This is a distance of 11.9 miles. That will really make it a very nice run.

Commissioner Mourdock: You mentioned, John, early in your comments about the fact that you have gotten a joint use...that may not be the exact term.

John Kinsella: Shared facility.

Commissioner Mourdock: Shared facility, that is the exact term, with the interstate--

John Kinsella: With the Federal Highway Administration.

Commissioner Mourdock: How does that cross the interstate or how does it cross 41?

John Kinsella: It crosses 41 by basically going under the bridges that cross the floodplain across the Ohio River.

Commissioner Mourdock: But, I mean...

John Kinsella: It goes under 41.

Commissioner Mourdock: Okay, okay.

John Kinsella: There are a series of high bridges with embankments, right now riprap.

Commissioner Mourdock: I am well familiar with those. Yeah, okay.

John Kinsella: Rather nice stuff down there, wetlands. It will basically go under those. There will be some on-grade crossings at Green River Road and--

Commissioner Mourdock: Weinbach and (inaudible). When you go underneath 41, what typically would be your type of construction there? What is it you are building? Are you laying asphalt pavement, are you putting stone in and gravel? Are you elevating it?

John Kinsella: It would be above the normal flood range somewhere around elevation 370 plus. It would be below the bridge deck, maybe 10 feet below the bridge deck. It would be a bench into those existing riprap slopes.

Commissioner Mourdock: Above which flood level, though? Are you

talking about a 100 year flood level, a five year flood level?

John Kinsella: The 370 elevation that we have established as a criteria through here is based on a couple of things. One, the highest that we can get under the bridges and two, a reasonable flood frequency. At 370, this area is flooded from zero to ten days a year at that elevation. Here we think we can be much higher and we can generally stay out of the 100 year flood. It will be benched below the interstate, but above the toe of that slope. I think this year you saw water coming up pretty much to that point.

Commissioner Mourdock: By way of background, the easements that you are getting at this point are going to whom? The Pigeon Creek Greenway Authority or the Parks Board or who has title?

John Kinsella: Those that are in the city, which is all that we are pinning down at the moment, would be to the city of Evansville. Either an easement or in some cases a donation of land. We prefer donation of land. A easement is acceptable if we can write the terms to avoid long-term liabilities, say in a potential superfund site, things like that.

Commissioner Mourdock: I take it that you are suggesting then that the easement to Angel Mounds would be to the County?

John Kinsella: That part that is on the interstate right-of-way would remain interstate property. We haven't worked out the details. It is a fairly novel concept of the shared facility idea. It is tied in with the intermodel highway concept. I am certain that it would remain federal highway property.

Commissioner Mourdock: That would basically only explain or apply to the distance from 41?

John Kinsella: Pretty much from here to here.

Commissioner Mourdock: Right.

John Kinsella: From here back it is pretty much on Levee Authority property.

Shirley James: We are hoping that they will allow us to do the same thing up here because we have now so much development.

Commissioner Mourdock: Have you talked to the property owners right where you just waved your finger?

Shirley James: Me? Right here?

Commissioner Mourdock: Yes.

Shirley James: Yes, we did.

John Kinsella: Well, we have talked with this property owner and we have talked to this property owner.

Commissioner Mourdock: When did you do that?

Shirley James: He talked with these gentlemen here recently.

Commissioner Mourdock: The ones on the east side?

Shirley James: Here and here, but we had a meeting with Mr.

Vanderburgh County  
Commissioners Meeting  
September 16, 1996

33

Woodward, Mr. Dunn and a gentleman from Koester and also a church group and well, we had a considerable number...and Mr. Ream, who is doing a commercial development right in here--

Commissioner Mourdock: He is north of the Lloyd.

Shirley James: --right next to the fence.

Commissioner Mourdock: He is north.

Shirley James: North? Oh, up in here. I am sorry, excuse me. At any rate, in discussing this with them, we had some mixed input. They were a little upset that they felt they hadn't known about this for a time and this was all new to them. Consequently, we are looking at maybe coming up the Warrick County line area, but if we were able to get in the right-of-way of I-164 it would really be solving a lot of our problems, but if we don't, I think we are going to try to work out a cooperative thing maybe with Warrick, too. Pam Block, who was with EUTS is now with Koester, but she also would like to still volunteer time to the Greenway and so she is living in Warrick County and we might make her a liaison for contacts with Warrick County on that. We also are working...we have siltation problems in some parts of the creek area and we are working with Gibson and Warrick in solving those. The farmers are looking to build filter strips and containment basins to keep their soil on their land because they lose about an acre of soil every year. That would, of course, delight us because then we wouldn't have the problem of digging it off of our area in some of these places. We are looking at doing some cooperative things between various counties.

John Kinsella: I would like to add that the interesting case about siltation in the creek...I am not sure where that was, but one of the things that we are proposing in the park's master plan that is an extension of this concept is that a lot of these creeks become through some mechanism, we are not sure what, conservation corridors. They can remain on private property, which many of them are, but finding ways to create guidelines to deal with issues like construction in that critical zone that seems to be falling between the cracks right now. The point is to create continuous green space by whatever mechanism, whether that is private property in which there are guidelines to help them or through formal greenway extension over public and/or easements.

Shirley James: Any other questions?

John Kinsella: In answer to your question, asphalt (inaudible comments not made from mike).

Shirley James: It will be built like a road. Actually, INDOT is applying highway standards to the greenway. It will be 10 feet wide. Here at the casino they are separating it. There will be a pedestrian area of ten feet, I believe, and then the bikeway will be separated and will be eight feet wide. That is going to be very pretty and very nice.

John Kinsella: (inaudible comments not made from the mike).

Shirley James: Right, they are building that, constructing it.

President Tuley: Who is going to maintain all this once it is put into place?

Shirley James: Well, that is something that we are looking at because we met with a lot of corporate entities and these corporate entities have stated two things. In fact, our meeting with Mr. Woodward and Mr. Ream and all of those, they wanted to know that if they allow the Greenway on their property, and open themselves up to the Greenway and they keep their properties, nice who is going to keep the Greenway nice? We are looking right now at an endowment, to build an endowment fund for maintenance. In talking with the corporate entities they also wanted enforcement on the Greenway so that there is no crime. I have been looking at a couple of greenways out on the west coast and in cities that had extraordinarily high crime rates, gang rates, drug abuse rates, oddly enough they have no crime on their greenways. Apparently the people who patronize the greenways aren't the kind that bring the crime with them. It is a family oriented and a tourist oriented affair. One thing that we failed to tell you is that even though we had \$1,200,000 for this part to be completed, we did not have the money for the amenities. Corporate entities have indicated that before they will come forward with a lot of money they would like to see a finished product for this two miles. This is the amenities and right now we have a group of people, an appointment from Keller Crescent, an appointment from USI, and Gary Alderson here and a Robert Enlow who is putting together this package and I will give it to you. These are the amenities that will go along that portion and that will cost approximately \$100,000 that we are trying to raise privately. We will be asking agencies to maybe even build, you know, overlooks and we will give them credit on a little monument, something like that. We are devising that plan now. We are keeping you awfully late, but I hate like heck to...

Commissioner Mourdock: One last question, Shirley. The area that you have the funding in place for to do the construction next year, basically, from the C, letter C, backwards.

Shirley James: Right.

Commissioner Mourdock: Again, let me apply a past question of a minute ago. How is that specific piece that you are going to start building next year going to be maintained?

Shirley James: The Parks Department has assumed the maintenance for this, but like I say, we would like to get started on this endowment. The suggestion has been made that we take 10% of all money that we earn privately and put it into an endowment and use that for maintenance somewhat. We also have another idea that you will find in your packet that we are going out into the neighborhoods and we are thinking of taking neighborhood associations...in fact, Ira Neal and Chuck Price, Dr. Price from USI, they're developing an education program for us to go right down into the neighborhoods and talk about the Greenway and what we want. We are hoping that maybe even we can hire some people to help us out or even have neighborhood watches established all along the Greenway to prevent vandalism and other things. Hopefully, that will work better. If people really take care of it or have an interest in it from the standpoint of it being something that benefits them, I think that we can maybe make that work.

John Kinsella: The other part of it is that the levee will continue to be maintained by the Levee Authority.

Shirley James: Right.

John Kinsella: The Parks Department will maintain technically

Vanderburgh County  
Commissioners Meeting  
September 16, 1996

35

unless we can develop this.

Commissioner Mourdock: I presume that is true for that along the interstate, too?

Shirley James: Right.

Commissioner Mourdock: (inaudible) will keep track of that.

Shirley James: Right.

John Kinsella: Where they have a current Levee Authority responsibility that will be maintained.

Commissioner Mourdock: Right, but moving--

John Kinsella: This section here will probably have the entire Parks Department and/or whatever that second body is that will do maintenance.

Commissioner Mourdock: So you are thinking that the Parks Department would be working on the federal right-of-way?

Shirley James: Right.

John Kinsella: Yes, by some agreement all of which still has to be hammered out. The federal right-of-way in this case is a very distinct traveled road with guardrail, slope and then levee and it is based on that geometry that they have given us, this shared facility. That will be a little harder to develop here, obviously.

Commissioner Mourdock: Your claim of wanting to use the ICTEA funding is directly correlated to the fact that it is interstate highway?

John Kinsella: Basically, it is all ICTEA funding, but that certainly helped in this case.

Shirley James: Yeah. The reason it is ICTEA money is because, of course, they hope that a lot of this will contain ozone by influencing people to use bikes and other things. It is supposed to be a traffic enhancement factor. That is why they made us build it according to road standards which raised the cost considerably.

John Kinsella: I think the state sees this as a model of that act and its application.

Shirley James: Right. I think that this is a very complex program. In cities that have them they have been very successful, very successful. I think, we get a lot of public input from the average citizen, but we also know that it is quite a tourist attraction. By the way, I don't know if we told you...we didn't tell you that we are part of the American Discoveries Trail. The American Discoveries Trail is an interstate trail system across the United States connecting greenways all across the United States and we tie in. It comes down Highway 62 and we will tie into that. Now, you have some beautiful restored coal mine areas, the Discovery Mine, I believe and the Bluegrass and all of that will add for recreation and beauty and uniqueness. It will all be a rather nice system of services. That's all we have. Any more questions? Thanks for allowing us to take your time. I hope we weren't boring you gentlemen, excuse me.

**Mike Wathen - Soil and Water Conservation**

President Tuley: I show item 4H as being Mike Wathen Soil and Water Conservation. Alan, has walked out of the room...oh, Alan, is going to speak on it? Okay.

**John Stoll - County Engineer**

President Tuley: John, while Alan is out of the room do you want to go ahead and speak to Chapter 72, Schedule II? Do you have anything else for us while you are up there under your regular department head report? Do you want to take care of it while you are there?

John Stoll: Yeah, okay. Chapter 72 of the ordinance is the stop sign ordinance for the newly constructed intersections.

Commissioner Mourdock: Is there a modification to that or something?

John Stoll: These are just the new intersections being included so we can install stop signs at all those intersections and have them backed up by the ordinance.

Commissioner Mourdock: I'll move approval of the modification to amend Chapter 72, Schedule II of the Code of Ordinance of Vanderburgh County as recommended by the County Engineer.

Alan Kissinger: John, I'm sorry, I was late getting in. Has this been advertised?

John Stoll: Has it been advertised?

Charlene Timmons: Yes.

Alan Kissinger: Okay.

President Tuley: He made a motion.

Commissioner Borries: I don't know, where am I now?

President Tuley: I am just trying to bring you up-to-date. He made a motion to approve the amended Chapter 72.

Commissioner Borries: I think we have been bombarded by information here and I am getting a little more information in one ear.

Commissioner Mourdock: All we need is a--

Commissioner Borries: I've got to second, that's right. I'll second.

President Tuley: Roll call vote, Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

37

John Stoll: Do you want me to go ahead with my report or do you want to go over Alan's?

Alan Kissinger: John, you go ahead. The only thing that I do want to address the Commissioners on is the Soil and Water ordinance, but I will do that under my report if that is satisfactory?

President Tuley: That's fair. Do we have the original ordinance to be signed somewhere in our packets?

Commissioner Borries: It will be in your packet if we've got it.

President Tuley: Ah, here it is. Okay, we will come back to it.

John Stoll: First of all, Commissioner Mourdock asked last week about the right-of-way off of Frey Road and that right-of-way was dedicated by subdivision plat in Bergdorf Subdivision. This was recorded December 7, 1949. An attempt to vacate that was made back in--

Commissioner Mourdock: Who was the grantor?

John Stoll: It looks like Paul Jacob Bergdorf.

Commissioner Mourdock: Okay.

President Tuley: Is this on the garden?

Commissioner Mourdock: The garden information.

John Stoll: There was an attempt to try and vacate that back in June of '93, but that was unanimously voted down by the County Commissioners at that time.

Commissioner Mourdock: Anything else?

John Stoll: Not on that unless you've got any questions.

Commissioner Mourdock: On that?

John Stoll: Oh, I've got plenty of other things, but not on that.

Commissioner Mourdock: Okay, I have no other questions on that.

John Stoll: Okay. Next, I've got a request to go before County Council to appropriate \$1,008 in North Green River Road and \$40,992 to Lynch Road. These two amounts combined total up to be \$42,000 which is what the court ordered settlement of the Davis right-of-way parcel will be.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next I would like to recommend that we award contract number VC96-08-02, concrete repair of various roads to Concrete Pavers in the amount of \$173,740.75.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: I would also like to recommend--

Commissioner Mourdock: Excuse me, John. That was bid last week?

John Stoll: Yes. This next one was also opened last week and I would like to recommend that we award contract VC96-09-02, concrete repair of Larch Lane and Pine Place to J.H. Rudolph in the amount of \$23,552.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I have got a set of street plans for Fox Hollow Subdivision, Phase 2. This is a continuation of the previously constructed portion of Fox Hollow Subdivision. This portion will be about a 700 or 800 foot extension of Churchill Road and Churchill Court. It will be concrete street with curb and gutter. The plans have been reviewed and I would recommend that they be approved.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next set of subdivision plans is the street plans for North Greens, Phase 4. This is a continuation of previously constructed phases of the North Greens which is north of Old Petersburg Place Subdivision. These streets will be curb and gutter with asphalt. The plans have been reviewed and I would recommend that they be approved.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I have got a change order for the Schissler Road Bridge project. This is contract number 96-05-02 which was constructed by Southwest Engineering. The total change as a result of this change order is an increase of \$683.45. The changes were the result because we changed the skew of the bridge which caused a cap redesign and there were some minor overruns and underruns of items and I would recommend that the change order be approved.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next, I have a Notice to Bidders for contract number VC96-09-03, the Stringtown Road Bridge rehabilitation. This will be guardrail replacement, deck overlay, deck patching, blasting and painting the steel beams, erosion control and scour corrections and I recommend that the Notice to Bidder be signed.

Vanderburgh County  
Commissioners Meeting  
September 16, 1996

39

Commissioner Mourdock: You're recommending that what be signed?

John Stoll: The Notice to Bidders.

Commissioner Mourdock: Oh, okay, the notice. Yeah, I'll move the approval of the Notice to Bidders for the Stringtown Road Bridge project.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item that I have got, I received this letter from the YMCA in order for them to be able to conduct a road race. They are going to have a road race and a bike race on the roads shown on the attached maps. I checked with Bill Morphew and the County Highway Department doesn't have any work planned for those roads and we have no contractual work planned for those roads so the use of those roads won't...they won't be blocked by any construction. If the Commissioners desire, the route could be approved. The YMCA says that they will contact the Sheriff's Department for traffic control.

Commissioner Mourdock: Alan, on this request granting the use of these roads for the bike race and what I guess is a 15K run, do we normally or should we require just the presentation of an insurance certificate on this?

Alan Kissinger: We should require the proof of insurance and we should require that it should be provided to our insurance agent. Is this going to be supervised by the Sheriff's Department, John?

John Stoll: They are just saying in their letter that they will secure the traffic control from the Sheriff's Department.

Alan Kissinger: Okay. Yes, there should be an insurance (inaudible) presented to our insurance and approved by our insurance agent.

Commissioner Mourdock: How shall we deal with this then? Make a motion subject to the receipt of that information?

Alan Kissinger: Yes.

Commissioner Mourdock: I will make a motion to that effect.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Borries: Your motion is to approve?

Commissioner Mourdock: Right. Conditionally upon the acceptance of the insurance certificate suitable to our insurer.

Commissioner Borries: Yes.

John Stoll: That is all I have.

Commissioner Mourdock: Don't step away from that microphone! John, I have a question out on Burkhardt Road and I think you may have been in contact with Mr. Fugate, just north of the Kmart.

John Stoll: Yes, the outlot out there?

Commissioner Mourdock: Yeah, a representative from Mr. Fugate, who is Alex...I'm sorry, I have forgotten the last name.

Alex Rasheed: Rasheed.

Commissioner Mourdock: Okay, he is with us and the question is about how far north the permanent barrier walls will extend in the median. It appears from what I have seen of the plans that part of our plan is requiring a fairly heavy base for a truck access into Kmart. At that location the restriction to the highway is that all traffic would have to enter from the north. That easement...I'm sorry, not the easement, that median, the concrete barrier wall continues past that site of the entrance further north yet it seems to be an exceedingly long distance. Can you address that off the top of your head as far as why do we have that barrier wall going that far north and is there any way to enhance both the access into the Kmart and to the business that Mr. Fugate has? Is there any way that we can get the barrier wall further south?

John Stoll: The median goes almost to Kmart's north property line. It stops a little bit short of that. It could be modified to provide a flush median at that point. The reason it is there is for safety and for traffic flow purposes. As congested as it is and will get worse out there as traffic cues up at that signal it will be at the Kmart/Walmart entrance and once that traffic lines up, if somebody wants to make a left turn out of this proposed driveway that the Sonic Restaurant wants to have out there, their visibility would be obstructed as they look to the south and all they will have is two to three lanes of cars lined up at a traffic signal that would block their view of the northbound vehicles. From that prospective it was there for safety reasons and it was also there because that is in the neighborhood of several different lane transitions where we go from two lanes to three lanes for southbound traffic and then the northbound traffic is beginning a shift back over to...it is two lanes over that whole area, but it is just shifting back over from where it is wider further south of that point.

Commissioner Mourdock: Okay, I thought the last part of that answer might be somewhat the answer why it is up there. Are there state requirements placed on us because of the lane transitions as far as how far that barrier wall needs to extend? Granted, I understand that it is a safety issue and I am not suggesting at all that we do anything to take an area and make it unsafe. I am just looking for the rationale for having that barrier wall there and if it goes beyond what is normal.

John Stoll: I am not aware of any requirements as far as a raised median or the length of a raised median in regard to the transition. If there is one, I would probably have to ask United Consulting.

Commissioner Mourdock: Okay. Have you met with Mr. Fugate?

John Stoll: I have talked with him several times over the phone.

Commissioner Mourdock: Okay, I would ask you to check in with him and with Alex and maybe you can set a time to get together a little bit and just look at their concern with that then.

John Stoll: Okay. Jim Morley had contacted me on that as well

saying that Kmart only had heavy duty pavement in certain areas of their parking lot and if we put a median in out there that restricts the truck access to Kmart, which the plans for Kmart that I had showed that there was heavy duty paving around the entire perimeter of the building. On that basis, if a truck was wanting to enter Kmart from the South they could go up Kimber Lane and take a right turn in and whenever I presented that idea to Mr. Morley he said that Kmart was allowed to be there only on the sole condition that no trucks would use Kimber Lane, but I have not found any documentation that supports that.

Commissioner Mourdock: Yeah, that was kind of the bewildering part to me, too, that we are putting in that heavy access which would seem to be a full heavy truck access and yet at a point where we only have access in from one direction, that seemed somewhat disjointed to me. If you would check and I don't know, Alex, do you have anything to add at this point to the discussion at this point?

Alex Rasheed: I just have one question if I may?

Commissioner Mourdock: Sure. State your name, if you would.

Alex Rasheed: My name is Alex Rasheed, and I am Todd Fugate's partner. We have the Sonic Drive-In franchise in this area. Did you say that the concrete barrier goes to the north end of the Kmart property?

John Stoll: Approximately.

Alex Rasheed: Okay, the map that Todd gave to me showed that it went to the north end of our parcel.

John Stoll: Oh, I was meaning that.

Alex Rasheed: Okay.

John Stoll: It would be the outlot. Kmart's property kind of wraps around that outlot, if I remember right, so I was treating their northern-most property line as extended all the way over, but that would take into consideration that outlot.

Alex Rasheed: Okay, because the heavy duty truck entrance is the north end of the Kmart property and if this concrete barrier goes to that or further north, then trucks cannot use that entrance at all coming from the highway.

John Stoll: The plans that I have seen for Kmart show the heavy duty pavement at both entrances, so unless they built it different from the plans that I have got, which they may have, I don't know, but the plans I've got show heavy duty paving at both entrances and around the entire perimeter of the building. A truck could enter any one of Kmart's four driveways on the basis of the plans that I've got and would still be traveling across heavy duty pavement.

Commissioner Mourdock: We're paying for part of that heavy duty pavement, too, are we not, or am I wrong on that?

John Stoll: No, we will be matching into what is out there.

Commissioner Mourdock: Well, are we matching theirs?

John Stoll: We would be extending...there would be a new curb line

placed out there with our project, but it would be extended and butt our pavement up to their driveway section.

Commissioner Mourdock: Right, and where they have put in heavy duty, we'll put in heavy duty?

John Stoll: Our pavement section for the street is probably more than their driveway anyway. I have never checked that, but I would assume that we would at least meet, if not exceed, what they have got.

Commissioner Mourdock: If you will, get with Alex and Todd Fugate. Maybe that will get cleared up. Thank you.

**Bill Morpew - County Garage**

President Tuley: Bill Morpew. Let the record show that Bill submitted a report for work done by the Vanderburgh County Highway Department and Bridge Crew for the period covering Friday, September 6 through Thursday, September 12, and again he has been throughout the county.

Commissioner Mourdock: Do you have more to come with this?

President Tuley: Do you have any comments?

Bill Morpew: No, I don't. I am ready to go home.

Commissioner Mourdock: You sat here so patiently! One quick one, the one we were talking about out here?

Bill Morpew: Yes, that is what I was waiting on.

Commissioner Mourdock: Okay, I know that you have been waiting with baited breath! I received a call from David Garrett over off the Ward Road section and his concern was that while certainly the County Highway has been out there, Mr. Jeffers has been out there at other times, and I know that John Stoll and the engineering folks have been out there, and as I expressed to you before, he is just concerned to make sure that we are coordinating efforts as best we can. I fully expect, although he didn't say this, I expect he may be at the next Drainage Board meeting. You told me earlier that, in fact, the three groups have been working together.

Bill Morpew: Yes, as a matter of fact, Mr. Garrett is going to come ask the Commissioners if they would supply pipe for a ditch line out there. He is going to ask that, yes, and buy someone a driveway culvert.

Commissioner Mourdock: Okay.

Commissioner Borries: We don't buy them, do we?

Bill Morpew: No, sir.

Commissioner Borries: Don't we install them?

Bill Morpew: We will install them if the landowner/homeowner buys them. We will clean the ditch line out and install the driveway culverts.

President Tuley: Other than who he is, is there a particular reason

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

43

why he will be making a request for us to buy it?

Bill Morphey: It is a very odd situation. We are doing some ditching on the west side of Ward right now. I am replacing driveway culverts, culverts in the ditches, so forth and so on. There have been a lot of past problems out there. That is going to take care of quite a bit of water that goes now down Anthony.

President Tuley: Yeah.

Bill Morphey: Down Ward and down Anthony. When we do the east side of Ward, what we are going to do is get the water down on Anthony a lot faster. When we clean the ditch line out, replace culverts. There is an existing easement, it is a drainage and utility easement, that runs east off of Ward Road just north of Anthony, two house north of Anthony, goes down behind the folks' homes on Anthony and comes through their yards. Evidently it is flooding the houses.

President Tuley: This would be Mr. Bell's house and the different ones.

Bill Morphey: Mr. Bell, Mr. Tabor, Mr. Savage, I think is his name?

President Tuley: Yeah.

Bill Morphey: The problem is farther down. The ditch in the subdivision in back needs to be cleaned out. I was there at 6:00 this morning.

President Tuley: Back east of there?

Bill Morphey: Yes. Oak Hill, that subdivision there. That is the only ditch that has standing water in it. The water can't get out which causes it to back up and it comes out the storm drain inlets and blows the lids off and gets their basements wet.

Commissioner Mourdock: So all the water they're getting is backing up on them?

Bill Morphey: There are pipes down there that I understand are too small. The ditch needs to be cleaned out. The Water & Sewer Department has a 36 inch elliptical pipe back there, but there is only a 15 inch pipe that feeds the ditch line.

Commissioner Mourdock: Are the ditches that need to be cleaned out on county right-of-way?

Bill Morphey: No, sir.

Commissioner Mourdock: All private?

Bill Morphey: That is private. I told them that we could get the water to them. We can get it down there, but it is going to get there a lot faster.

President Tuley: But won't it be a lot less?

Commissioner Borries: I'm not sure that is a good idea.

President Tuley: Yeah, that is what I am getting at. Won't it be less, though, because of the work that you are doing on the west side of Ward? There is a lot of water shifted over.

Bill Morphey: As far as quantity goes it is going to be less, but it is going to get there faster.

President Tuley: So they are going to get water in their basements faster, but it is just not going to be as deep!

Bill Morphey: If those folks would clean the ditch line out behind their homes--

Commissioner Mourdock: How many do you know, Bill, and you may well not know how many property owners own that private ditch that you just described? Is that one basic property owner?

Bill Morphey: No, there are several. There are several. I talked with Mr. Garrett about that and he said that they were working on that.

President Tuley: Let me just make sure I've got this clear in my mind. As you come down the east side of Ward you are talking about that ditch that diverts that water back east there and then as you go further down, there is just nothing there?

Bill Morphey: Well, the--

Commissioner Mourdock: What you described is what I have pictured. It feeds down and just flattens out.

President Tuley: Yeah, there is nothing to carry it away.

Bill Morphey: No. As it goes down the east side of Ward, when it gets to that drainage utility easement right there is where Mr. Garrett wants the county to purchase pipe. The first house, the house adjacent to that easement, does not have pipe in a ditch. They do not have an open ditch. They do not have a driveway culvert. That is where that group there is working on buying a pipe for that homeowner and asking us to put it in. There is another house adjacent to that one, between that house and Anthony, that is going to have to have a ditch line also. By doing that we are going to take some of the water that comes off of Knob Hill that is on the east side of Ward and that is going to go down to St. George. In so doing, in cleaning the ditch lines out, there is still water going down Anthony. There is really nothing that we can do about that. That water is just going to roll downhill. I have only seen two inlets at the bottom of Anthony. Mr. Tabor has one in his yard, but he also has a brick wall built up around it and water certainly can't jump 18 inches to get into it.

Commissioner Mourdock: That is the house right off Ward, where the brick wall is?

President Tuley: No, that is down on Anthony.

Bill Morphey: That is down on Anthony about the fourth house down from Ward.

Commissioner Mourdock: I know this isn't the Drainage Board, but we have spoken at several meetings about the need to, again, have a homeowners guide, again, to that statute that went into effect on July 1 and I have a hunch that next week we will talk about that again and try to make people aware what their options are there. We don't want to be involved with it per se, but I guess the state says that we are.

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

45

Bill Morphey: If they get that ditch line cleaned out they are going to solve a lot of their own problems.

Commissioner Mourdock: That is what I don't understand. The people who own the ditch, or where the ditch should be and is filled in, are they not getting flooded?

Bill Morphey: Yes, Mr. Garrett is one of them.

Commissioner Mourdock: He hasn't cleaned out his own ditch?

Bill Morphey: No, sir.

Commissioner Borries: The problem with Mr. Garrett, not with Mr. Garrett, but the problem with the whole issue is that I think they believe that it is the county's responsibility to clean that ditch. We can't do it.

Bill Morphey: No, sir.

Commissioner Borries: Unless there is some right-of-way that we are not aware of it and, again, the only way we do ditches is on these legal drains. I think you are exactly right. I hope we can get that message to Mr. Garrett. It is very important for him to work together with everybody else to get that thing clean. Once they do that with their efforts, that alone could solve a lot of difficulties that they are going to have.

Commissioner Mourdock: At any of the Drainage Board meetings, and maybe he has, I don't recall this, has Bill Jeffers presented a map that simply says his point of view this section from here to here needs to be cleaned and this section from here needs to be cleaned. I wonder if in preparation for that group coming back in next week, assuming they will, if we had something like that ready to give them if it would make them hear what you just said, Rick, that it is not our responsibility, but we are giving you technical advice to say this is what our guy says needs to be done, go do it.

Commissioner Borries: Yeah, why don't we see if we can get Mr. Jeffers...plus, Bill, maybe you can talk with Bill and at least fill him in on what we've done along Ward Road where we have the right-of-way. There aren't any ditches or right-of-ways along Anthony apparently.

Bill Morphey: Ah, the ditches have been filled in with pipe, 12 inch pipe.

President Tuley: Undersized pipe?

Bill Morphey: It is not big enough. The residents along Anthony tell me that whenever the water backs up the lids come off, like a geyser in their front yard, what various drop boxes there are. The reason that is happening is that the water is backing up and it just can't get out downstream. It can't go anywhere so it is taking the path of least resistance.

Commissioner Mourdock: Clear down at St. George Road at the far end, do you think it is adequate down there?

Bill Morphey: St George, ah...

Commissioner Mourdock: I'm sorry, not St. George, Oak Hill.

Commissioner Borries: Yeah, it probably is St. George and Oak Hill.

Bill Morphey: Yes, I think so.

Commissioner Mourdock: Okay.

Bill Morphey: That ditch is just silted quite a bit. It really needs to be cleaned out. That is the major problem. That ditch, where it meanders on around to the box culvert where it goes across Oak Hill. If they had that cleaned out, that water can get there and get out of there and not get into their homes.

Commissioner Mourdock: Again, that is all on their right-of-way?

Bill Morphey: Yes.

Commissioner Mourdock: On private, not ours.

Bill Morphey: I did talk with Mr. Jeffers and I explained to him what I had seen on Ward and Anthony and I had told him my own thought about that. He told me that was the exact same thing that he had told Mr. Garrett and some others several years ago.

President Tuley: Bill could probably dig out a file and have that information ready to present. Did you get a chance, let me switch gears on you, today when we talked to see any of those people out there on Radio or Walnut or any of that stuff when you went by there?

Bill Morphey: I didn't see anybody out there. My pipe was delivered at 8:00 this morning. I've got pipe out there where we are going to widen the intersection at Radio and Walnut. All of my pipe is there plus one other gentleman had his driveway culvert delivered today.

President Tuley: Okay.

Bill Morphey: I'll expect to be there at the end of this week.

President Tuley: Okay, thanks. Anybody else have any questions?

Bill Morphey: Thank you.

**Alan Kissinger - County Attorney**

President Tuley: Alan.

Alan Kissinger: I have talked with Mike Wathen about the proposed Vanderburgh County Erosion and Sediment Control Ordinance. As I mentioned at the last meeting that I attended, the proposed ordinance does need some polishing. Without going into every detail, we need to be more specific about the Indiana Handbook for Erosion Control in Developing Areas so that anyone who might violate this ordinance will have easy access to that. Also, in reference to enforcement, we already have a procedure in place for these citations that are written by the Vanderburgh County Building Commission. The procedure presently in place is that these citations go to the City Clerk's Office by prior agreement between the County and the City Attorney's Office. The City Clerk's Office will collect the fine on these citations and if an individual does not come in within a specified period of time to pay that fine, then it is referred to the Vanderburgh County Small Claims Court.

I recommend that the Commissioners use that procedure in this place. We can set minimum fines and maximum fines on these things and then we can do away with this provision later for judicial review because these matters will go to the Small Claims Court satisfying the constitutional requirement of judicial review. Also, Mr. Wathen indicated that a lot of developers had indicated an interest in this ordinance and wanted to have some input on it. What I suggested to him and what I will also suggest to the Commissioners is that instead of completely rewriting this ordinance and advertising it for a public hearing and possible passage on a specific date, I would recommend that we advertise that a public hearing will be held on the proposed ordinance on a specific date, perhaps October 13 or October 20, whatever the Commissioners feel is best, and request public input on this ordinance. After we have received that public input then it can be discussed by the Commission and an agreement can be reached or at least suggestions can be taken as to how the ordinance in its present form should be amended so that we can advertise it for passage and then advertise it for a final hearing at which time you would vote on whether or not to adopt the ordinance. Also, Mr. Wathen has indicated that he feels that it would be most appropriate, and I agree with him although I don't know if it will occur, if we could do this simultaneously or at least in conjunction with the same efforts by the city of Evansville because technically our enforcement authority is outside of the corporate limits of the city of Evansville. The president of the Evansville City Council, Mr. Steve Bagby, has been contacted in reference to that although I don't know what his reaction is at this point. I guess I could reciprocate here by doing an ordinance that their attorney could plagiarize from me! So, my recommendation on this is that I will prepare the advertisement and advertise this for a public hearing requesting public input on this proposed Erosion and Sediment Control Ordinance for some specific date like I said, October 13 or October 20. Whatever the Commissioners consider to be the most appropriate date. After that time I will take all of that input, prepare an ordinance to be either adopted or rejected by the Commissioners.

Commissioner Mourdock: You had said, Alan, that Mike Wathen was looking to get input from the builders and developers and it was my understanding that he had already gotten that input, is that not right?

Alan Kissinger: He has some input and he has some interest. I don't know if they have seen this document. Once they see this document they may say this, that or the other thing. Quite frankly, they support this ordinance. I don't know if they support it in its present form, but the reason that they support this ordinance is because it takes some of the burden off them if there is activity by a private landowner on their development. It puts the responsibility on the private landowner instead of the developer. If we have no input, then I will make my changes that I think will make this ordinance stand up to constitutional muster and we can advertise it then for consideration for passage.

Commissioner Mourdock: Okay, I'll move that we have an advertised public hearing scheduled for October 14 for the purpose of reviewing an erosion control ordinance.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: Is it the 14th?

President Tuley: Yeah, that is the second Monday?

Alan Kissinger: Is it? I must have looked at my calendar wrong.

President Tuley: Unless I looked at it wrong?

Alan Kissinger: No, if you have looked at yours you are probably right. I must have looked at another date. Okay, alright. I have ...it seems that there was something else, but I don't find any notes on it so that is all I have to report.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy.

Cindy Mayo: I have a pink slip that was turned in for the Assistant Manager at the Auditorium for his six month step increase that needs to be added onto the consent agenda. I also have a letter of recommendation from Burdette Park on a hiring that they would like that I will pass out. Do you want me to go on?

Commissioner Borries: Yeah.

Cindy Mayo: I have an amendment or a change on the agenda itself. The Area Plan travel request should not be under the Commissioners' budget; it is under their own budget so that needs to be noted. The last thing that I have is a quitclaim deed from the Board of Commissioners to Habitat. If this is not the last piece of property that has been in question, it is almost the last. I don't know if there are two or one, but the Auditor's Office did put it in their name. They sent a deed down Friday to be recorded and it is now in the county's name and it needs to be given to Habitat now. It is 818 Judson Street and this is one that they did come speak on that was just tied up in court.

Commissioner Mourdock: I'll move the approval of the quitclaim deed for 818 Judson?

Cindy Mayo: Yes.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: Cindy, the thing that you just gave us on Burdette, is that to go with the consent items, is that right?

Cindy Mayo: I would assume that apparently they didn't have a chance to notify you so they didn't want to send a pink slip through, but they did have a recommendation that they wanted made.

Commissioner Mourdock: It is already in their budget, I guess?

President Tuley: Yeah, it is an existing position.

Cindy Mayo: Yes, it is. It is an open position.

Commissioner Borries: Let's just add it to the consent items.

**Consent items**

President Tuley: Speaking of consent, we are ready for consent items and that involves employment changes, travel requests, and the rate schedule for the Coliseum rental.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: So ordered.

**Scheduled meetings**

President Tuley: Scheduled meetings. There is a meeting of the Insurance Committee at 9:00 a.m. in the morning. There is a Thursday morning 9:00 a.m. meeting of the Steering Committee. Next Monday there is a PC Overlay Committee, PC Technical and it shows an Executive Session at 4:00 p.m. and Pigeon Creek at 4:00 p.m. as well. There is a Commissioners meeting at 5:30 p.m. and Drainage Board at 6:30 p.m. We need to give Cindy some direction if we want to have an Executive Session next week so she can give notice. There is a standard form that Alan drafted up. I don't know if any of you saw that tonight. I don't know what I did with it.

Commissioner Borries: So that will be the 23rd?

President Tuley: Yes.

Commissioner Borries: I'll move that an Executive Session be advertised and published--

President Tuley: No, we are not to advertise, just give notice.

Commissioner Borries: Right, notice for Monday, September 23 at 4:00 p.m.

Commissioner Mourdock: I will second.

Cindy Mayo: What I did with that is that I attached on the notice a copy where that was faxed to the media and it does show that it went to all the media and the date and time that it went. We thought that we would just post that on the door every week to show that it has been...

President Tuley: At this point in time, apparently there is, Alan, am I correct do we just mark this and send it out? The topics for discussion?

Alan Kissinger: Yes. Those topics that are listed are those topics that are allowed for discussion in the Executive Session by statute.

President Tuley: Okay, let me rephrase the question then. Do we need to mark the ones that we know of for a fact?

Alan Kissinger: Yes.

President Tuley: I mean we always have litigation pending or threatened, we have personnel matters.

Alan Kissinger: You always have personnel and we know, as a matter of fact, that I will be addressing the Commissioners regarding--

President Tuley: Collective bargaining?

Alan Kissinger: --collective bargaining. We might be able to do the whole bunch of them sometime!

President Tuley: So the notice should at least be indicative of those things at a minimum. Okay.

#### Old business

President Tuley: Old business. I will take it upon myself unless, Alan, do you know anything about...we did find a copy of the architectural agreement here. I'm not sure since Keith Rounder was the one handling that, but I really need to contact Keith and see for a fact that he has met with the Veazey Parrott people and make sure that we can get this thing signed. I am going to ask for a delay on that for one week because I want to touch base with Keith so that we can bring that back in final format with everybody ready to sign it. Okay, the Mental Health appointment. Does anybody have any nominations for that tonight or do we need to withhold that for one more week? Okay, we'll table that for one more week. The last thing...I'm sorry. Do you guys have any old business, I guess I should ask that first?

Commissioner Mourdock: I don't have any.

#### New business

President Tuley: Okay, the last thing I've got then, or the last printed item that I have is the new business of the Alzheimer's Memory Walk.

"Dear Sponsor,

The time has come again for the members of the Alzheimer's Memory Walk Committee to begin planning another successful walk for 1996.

There have been four successful walks in the past four years from which over \$16,000 was raised for Alzheimer's disease research. The competitive 5K was very successful last year, so we will again sponsor the run along with the walk.

Once again, your help is needed..."

Basically, it is a request.

Cindy Mayo: We have given them sponsorship, I believe, for the last two years by letting them use the marquee at the Auditorium for one week.

President Tuley: Oh, that is what the note is here. We advertised on the Auditorium marquee. So that is what they are requesting from us?

Commissioner Borries: So moved.

**Vanderburgh County  
Commissioners Meeting  
September 16, 1996**

51

Commissioner Mourdock: Second.

President Tuley: So ordered. Any new business? Any other business new or old? Motion to adjourn?

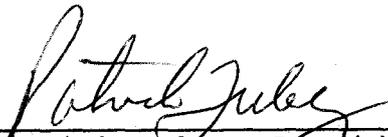
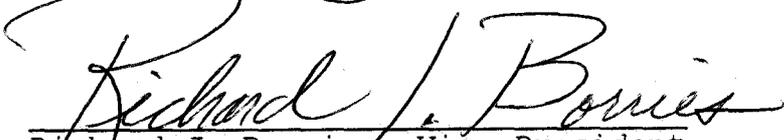
Commissioner Mourdock: So moved.

President Tuley: Second.

The meeting was adjourned at 8:35 p.m.

## THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
John Stoll  
Bill Morpew  
Lucy Emison  
Gary Malone  
Charles Altman  
Tom Gretler  
Barbara Cunningham  
Jon Hill  
Shirley James  
John Kinsella  
Alex Rasheed  
Other unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
\_\_\_\_\_  
Patrick Tuley, President  
\_\_\_\_\_  
Richard J. Borries, Vice President  
\_\_\_\_\_  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners  
Rezoning Meeting  
September 16, 1996**

The Vanderburgh County Board of Commissioners held a Rezoning Meeting on September 16, 1996 in the Commissioners Hearing Room of the Civic Center Complex at 8:36 p.m.

**Approval of the minutes**

President Tuley: The first item is the approval of the minutes from the last Rezoning Meeting held August 19, 1996. I was not present at that meeting.

Commissioner Mourdock: I will move approval of the minutes of the meeting held August 19, 1996.

Commissioner Borries: Second and so ordered.

President Tuley: Okay, in the matter of rezonings we have two first readings:

**VC-09-96      Petitioner: Alan Braun      Address: 16680 Hwy 41 North**

President Tuley: The request is from C4 to M2.

Commissioner Borries: I'll move that VC-09-96 be approved on first reading and forwarded to the Area Plan Commission.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**VC-10-96      Petitioner: C & S Inc.      Address: 11001 Hwy 41 North**

President Tuley: The request is from C1 and C4 to C4 and C1.

Commissioner Mourdock: Makes sense! I'll move approval of VC-10-96 petition on first reading.

Commissioner Borries: On first reading? I will second.

President Tuley: So ordered. Any other matters before the Commissioners with regards to rezoning? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

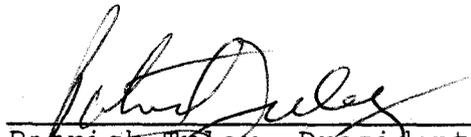
President Tuley: So ordered.

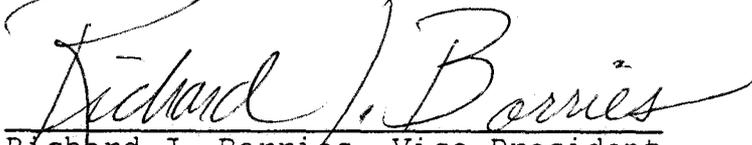
The meeting was adjourned at 8:39 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Charlene M. Timmons  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
September 23, 1996**

**Table of contents**

Introduction and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Judge Young - Community Corrections Board .....	1
Request to retain Michael Shiff for pending litigation regarding Community Corrections	
Judge Young - Circuit Court CCD Fund request .....	8
Discussion regarding Safe House Lease .....	9
Greg Geiss - Fireman's Federal Credit Union .....	15
(Deferred)	
Mikki Heck - Hillsdale Housing Association .....	15
Michael Shoulders - Veazey Parrott & Shoulders .....	18
Contract presentation	
Selection of Option B for Vanderburgh Auditorium renovation	
Jayne Berry-Bland - Cash Management System bids .....	26
Awarded to Citizens for two years	
Mike Robling - DMD .....	27
Daylight Sewer project - Resolution to authorize entering into the engagement letter with H. J. Umbaugh for preparation of a financial plan (Deferred)	
Shirley James - Pigeon Creek Greenway .....	30
Mike Wathen - Soil & Water Conservation District .....	38
Concerning public hearing October 14, 1996 on new ordinance which is proposed	
Any group or individual wishing to address the Commission .....	40
John Stoll - County Engineer .....	40
Claim - Lant/Davis right-of-way parcel	
Salt Barn bid rejections	
Discussion about proposed 88 foot bridge in subdivision near Hillsdale and Highway 41	
Report on area of Highway 41 and Camp Reveal	

Milton Hayden - County Garage .....	45
Progress report of County Highway Department and Bridge Crew for the period covering September 13 through September 19, 1996	
Alan Kissinger - County Attorney .....	45
No report	
Cindy Mayo - Superintendent of County Buildings .....	46
Notice for cancellation of meeting September 30, 1996	
Lynn Ellis - Purchasing .....	46
Permission to advertise APA036-97 for transportation services for Vanderburgh County Office of Family and Children	
Awarding of State's salt bid	
Consent items .....	46
Employment changes	
Travel Requests:	
Health Department (4)	
Commissioners Office (3)	
County Assessor (3)	
Center Township Assessor (3)	
Perry Township Assessor (3)	
Pigeon Township Assessor (4)	
Knight Township Assessor (1)	
Council Call - Burdette Park, Utilities Account	
Treasurer's Office - monthly report	
Scheduled meetings .....	47
Old business .....	48
Bond surplus update (Civic Center)	
New business .....	50
Refund from Corps of Engineer for Section 22, Planning Assistance to States project for Pigeon Creek	
Permission to reserve parking places behind Veterans Coliseum once a month requested by Mark Acker	

**Vanderburgh County  
Board of Commissioners Meeting  
September 23, 1996**

The Vanderburgh County Board of Commissioners met in session this 23rd day of September, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: Good evening. I would like to call the meeting to order for the Vanderburgh County Commissioners for September 23, 1996. As a point of introductions, Cindy, behind us here, is our Superintendent of County Buildings and our office manager and she will be sitting down here to my far right; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is County Auditor, Suzanne Crouch and to her immediate left is Charlene Timmons, the Recording Secretary, who will be recording the minutes of this meeting; and I am Commissioner Pat Tuley. If you will stand with us, please, as we say our Pledge of Allegiance, join in with us.

**Approval of minutes**

President Tuley: Thank you. Item 4A is the approval of the minutes from last Monday, September 16 meeting. Is there a motion to approve?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Item 4B, is the certification of Executive Session. There was an Executive Session prior to this meeting and it was conducted. There was no official action or formal action taken. Items discussed were as advertised which included personnel matters and litigation, threatened or actual or pending.

**Judge Young - Community Corrections Board**

President Tuley: Item 4C, Judge Young, Community Corrections Board. You are here, okay.

Judge Richard Young: Good evening Mr. President, Commissioners. I come to you this evening to request the county retain counsel to represent the Community Corrections Advisory Board and the litigation that is pending against the county itself, the Advisory Board, and I believe that the County Council has already been taken out of that suit some time ago. It is pending in Judge Songer's court up in Dubois County. I have had individual discussions with you on this and I would request that you take some formal action to retain counsel. The reasons previously stated to you in our individual conversations were these lawsuits are very complex. It involves many employment labor law type issues. I feel, and I think that Alan Kissinger agrees with me, that it might help to

have someone represent the County Advisory Board, or to be on the legal team anyway, who has some expertise in this area. As many of you know, the law is made up of many specialized areas. Alan Kissinger is one of the better attorneys in Vanderburgh County and he is specialized in various areas, but I think employment and labor law is an area where we probably should consider retaining someone who has expertise in that area. I would recommend Michael Shiff of the law firm of Ziemer Stayman Weitzel & Shoulders to be hired by the county.

President Tuley: Okay.

Judge Richard Young: I know that there has been some discussion about how this has all come about. I did have conversations with Mr. Tuley and Mr. Borries and Mr. Kissinger this summer regarding this specific issue and if there is any fault to be had regarding this not coming before you previously, that is my fault. I did not realize that it had to come through an open meeting. I should have realized that, but I didn't, so I am presenting that to you now.

President Tuley: Okay.

Alan Kissinger: From my point of view, I agree with Judge Young in reference to...

Judge Richard Young: That you are one of the better attorneys in town?

Alan Kissinger: I agree with him vehemently on that and also that this is a cumbersome case and I have made no secret of that. There has been a tremendous amount of publicity generated around this case, most of it in the form of rumor and inaccurate information, but even beyond that, there are very significant questions in the area of labor law that are going to have to be researched, and analyzed and probably plead, and I am certainly capable of doing that, but someone with a labor law background is going to be able to do it much more expeditiously than I and quite frankly, I welcome the assistance. My understanding is that Judge Young is asking that the appointment be made so that Mike Shiff can represent himself as President of the Community Corrections Advisory Board and the Community Corrections Advisory Board. Quite frankly, there will probably be points at which we are going to be, as Vanderburgh County and as the Community Corrections Advisory Board, we are going to be arguing from different positions. The Commissioners were in kind of a statutory, ultimately responsible position on this, but by ordinance, as you know, Circuit Court Community Corrections Advisory Board ran Community Corrections for a significant period of time. Their position on certain things at certain points in this case are probably going to be different than those of the county because of our positions prior to the time that the suit was filed. I think it is totally appropriate and as I said, I welcome the assistance.

President Tuley: Comments or questions by the Commissioners?

Commissioner Mourdock: One bit of clarification, Judge Young. In the first part of your remarks you said that you met with all of us individually and I just want--

Judge Richard Young: I did not meet with you.

Commissioner Mourdock: Thank you.

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

3

Judge Richard Young: I apologize for that.

Commissioner Mourdock: Yeah.

Alan Kissinger: Also, it probably should be clarified that there was never a meeting between Mr. Tuley, Mr. Borries and myself and Judge Young at the same time. Judge Young, I know, mentioned it to me in passing, but there was never a meeting called at which this was discussed.

President Tuley: As long as we are...I was quoted as having said that I had no knowledge of what was going on, and at the time that question was asked, I had no recollection of it. I called Judge Young after I got the question and he said, yeah, don't you remember in June I asked you about it? I said, yeah. After that I forgot about it because you never came forward again. So, yes, the Judge approached me, but me and only me at that time and I did forget about it.

Judge Richard Young: There has been no contract signed with Mr. Shiff or his firm and there has been no county funds spent--

President Tuley: Expended?

Judge Richard Young: --at this time. It is very early in the game.

President Tuley: This is not, just for the record, this is not the first time, although it doesn't happen very often and maybe it is only the second time, that we have been approached about going outside our legal staff for assistance. Jane is sitting here, the County Treasurer. She approached us several months ago and the Commissioners did authorize and hire Bob Musgrave, who specializes in bankruptcy work to handle bankruptcy proceedings for the county through the County Treasurer's Office, so this isn't something brand new to the approach. It is actually trying to get the best people to watch out for the county's best interest.

Commissioner Mourdock: Alan, you made the comment a moment ago, if I understood you correctly, that if Mr. Shiff is employed or contracted to do this work that he wouldn't actually represent this Board he would represent the Community Corrections Board, is that right?

Alan Kissinger: That is right.

Commissioner Mourdock: Okay, and to whom does that Board report?

Alan Kissinger: Judge Young and ultimately to the County Commissioners.

Commissioner Mourdock: Okay, so ultimately they are still representing us then? Granted the (inaudible).

Alan Kissinger: We are not totally separate entities, but we were certainly separate as far as the practices that were engaged in as far as employment were concerned because the Commissioners did not take a direct role in that. By ordinance we delegated that responsibility to Circuit Court.

Commissioner Mourdock: Okay. One other question then, since, Judge, you said a moment ago that there has been no money expended, not commitment for funds expended under this, is that what you

said?

Judge Richard Young: That is my understanding. I don't think there have been any bills paid or anything like that or any county funds paid at all.

Commissioner Mourdock: Okay, how might we expect the funding for this to be done then? I realize that this type of work will be done on an hourly basis and I realize that nobody can guess how many hours it is going to take.

Judge Richard Young: I am assuming that it would have to come out of a line item somewhere. Either your existing contractual line item or County Council will have to appropriate some funds.

President Tuley: I asked Cindy that question late Friday when all this came about and she said that we have, besides the salaries that we have for our attorneys that are on retainer, for lack of a better word, we do have a legal contractual line, is that correct?

Cindy Mayo: We have a line item called Legal Services.

President Tuley: Legal Services.

Cindy Mayo: That is what litigation cases are paid from.

President Tuley: Okay, and I just checked with her a minute ago and the number 497 we have \$10,000 appropriated which was approved by Council.

Cindy Mayo: That is budgeted for '97.

President Tuley: That's budgeted, right. We've had to go back in the past, you said we have been there three or four times this year when we get into a lengthy lawsuit on different things and use existing counsel that they do get paid extra. So I don't know what is in there at the moment for the rest of '96. I don't know if you know off the top of your head what is in there right now?

Cindy Mayo: I don't know.

President Tuley: Even if there is money in there, it is for an obligation that we have already incurred, is that pretty safe?

Cindy Mayo: That is correct. It is just the money that, I believe, it was the month before last that I was appropriated some money in Legal Services and it was for one case that had been settled that I knew there would be some bills coming in on one that was pending, the Safe House. We knew there would be some bills forthcoming on that, but we didn't have any amounts in front of us to go by it was just a guess.

Alan Kissinger: I should also add, in support of Judge Young's request, I have not requested, as our contract allows me to, I have not requested that I be paid on an hourly basis for my handling of this case and don't intend to do so.

President Tuley: Okay.

Commissioner Mourdock: I don't know that all that came around to the question that I was asking here. I guess what I was asking is do we know at this point, obviously, we don't know how many hours will be expended on this, but are there hourly rates in place, do

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

5

we know?

Judge Richard Young: I don't know if that is established by county ordinance or how that works.

Alan Kissinger: There is a county ordinance and unless it has changed without my knowing so, and I doubt that because I write the ordinances, I believe that the...and it is what we pay our county attorneys for litigation that is approved on an hourly rate, is \$70.00 per hour.

Commissioner Mourdock: So this work is at the same rate as the other county work?

Alan Kissinger: I am assuming so unless some exception is made.

Commissioner Mourdock: How would that happen?

Alan Kissinger: The Commissioners would have to approve a higher rate.

Commissioner Mourdock: Okay.

President Tuley: I guess the question is, number one, does it need to be negotiated or can you speak on behalf of the firm, which I assume you probably cannot?

Judge Richard Young: I don't think I can, but if it would be anything other than that rate, I am assuming that it would be brought back in front of you for discussion and action.

President Tuley: I guess the next question then, do we need to put in an appropriation for funding if it is this Board's desire to honor the request?

Alan Kissinger: Yes, but Ms. Jerrel being here can probably tell us that she is going to want some estimate of how much that is going to be and I don't know if there is any way that we can estimate what it is going to be. I mean, if we ask for an appropriation we have to use some target figure and I don't think any of the parties know, at this point, what it would entail, or if all of it is going to come out of the '97 budget, or if this thing will go into '98, and it would not surprise me a bit to see it go into '98.

Judge Richard Young: I think you will have periods of time of high activity, high legal activity, and periods of time of relatively low legal activity in the case depending on the court's scheduling conferences and pre-trial conferences and those kind of things. It is very hard to predict. It is like in my budget with my public defenders, I don't know what kind of cases are going to come down, whether it will be a death penalty case or something come down, so it is virtually impossible to guess what your legal costs are going to be on an annual basis. Council is always very good in working with us on that and they realize that these things have to be paid.

President Tuley: If the feeling of the Board then is to honor your request, could we not do it then at, I guess, to just get it moving if that is where we need to be at, at the \$70.00 rate per hour as established?

Judge Richard Young: I don't think you can do anything different at this point.

President Tuley: Right and, I mean, at \$70.00 an hour and eventually, I mean, if we run and...I don't know where, but if we are going to pay it out of our legal services, what is there now we are going to have to go back to get more money if there is legal fees that will need to be paid in the year of '96, and I assume there probably will be. We have \$10,000 in that account starting in '97, so if we can get through the end of this year and get in to '97 we do have \$10,000 in there to start out the year. I don't know, none of us can have a crystal ball that can tell you, but we can limit the amount per hour to the \$70.00 as per the ordinance. If they don't want to do it for that, then we need to go back and revisit it.

Commissioner Mourdock: Speaking just for myself, I know there has been a lot of conjecture about what this case means to the county, how important it is to us and I certainly concur that whatever specialization we can put into the case may well pay for itself in making this a shorter bit of litigation. I hope that is the case.

Alan Kissinger: On that point, let me just make one brief comment. Some of the figures that have been thrown around that it has been suggested it would take to settle this case are total fabrication. Total fabrication. There has not even been a settlement conference in this case. We don't even know who the members of the class are and, therefore, there is no way we can even begin to negotiate a settlement, so all of those figures that have been thrown around...I've seen six and a half million, ten million and that is all smoke. Absolutely nothing more because none of those figures have been discussed, none of them.

Judge Richard Young: It might be a better term to dream?

Alan Kissinger: Yes, a smoke dream.

Judge Richard Young: I, as we discussed in the Executive Session, think the merits of the lawsuit aren't all that high, so I'm not...I think we need some expertise in it, but I would like to dispel the rumors that have been in the newspapers regarding the settlement of the case. There hasn't even been a trial date set yet in the case. If it ever does go to trial, it probably won't be for several years.

President Tuley: I think, though, that it is prudent then in order to get this thing going in the direction that it legally has to go in, then someone needs to make a motion that we agree to go to outside counsel at a rate of \$70.00 an hour and the amount will, obviously, be determined by how many hours it takes to get it done. I think it also goes, to echo what you said, maybe there is merit to that lawsuit and maybe there isn't, but money spent now may be money well ahead down the road if we have the right people handling it. Nothing against Alan or anybody else that we have on our staff, it is just that this case means we need an expert.

Commissioner Borries: Judge, I appreciate your being here. Bettye Lou Jerrel is in the audience and I know that today there was some implication, she implied that, I guess, our conversation had violated what she considered the Open Door Law. Bettye Lou, do you have any comments that you would like to make at this time?

Bettye Lou Jerrel: I'm going to talk about something else (inaudible comments not made from microphone).

Commissioner Borries: Well, I would like to hear from you right now

**Vanderburgh County  
Commissioners Meeting  
September 23, 1996**

7

because you made some comments today for the record that said that this was not the first time that I had violated the Open Door Law, so I would like to get you on record as to say exactly what you were saying and what you had in regards to this.

Bettye Lou Jerrel: I'll be happy to give it to you tomorrow morning at the office.

Commissioner Borries: Well, I would like to have it now because you are supposedly a stickler for the "record", so I am asking in front of Judge Young now, not to put Judge Young on the spot, that apparently this is an election year and I have taken some hits today. Was it your understanding, Judge, that by me saying and acknowledging your recommendation to have this specialized defense that I would have, as one person, broken the Open Door Law?

Judge Richard Young: The Open Door Law, is my understanding, it goes to action, formal action, being had behind closed doors.

Commissioner Borries: Okay, and that is why, Mrs. Jerrel, if you would like to get up here, and you said that this is not the first time that this has happened, I would like to have you state your case here at that point.

Bettye Lou Jerrel: Rick, I (inaudible comments not made from microphone) that should be discussed in this meeting. I am here to ask the Judge a question about a totally unrelated matter while he is here--

Commissioner Borries: Well, you had a news conference today regarding this particular issue--

Commissioner Mourdock: Rick, Rick, if I may interrupt. I, over the last what, two years, have been pleased that the three of us have worked together on this Board in as non-political fashion as I think any member of the public could hope to expect. I am proud of the job that we have done. Without a doubt, this is a political season. However, I feel that the issue that is here before us right now is one that is worthy of the discussion we had prior to three minutes ago, it is worthy of a vote to either support the Judge's position and Mr. Kissinger's position, or not, and then we need to move on. Whether a political candidate had a press conference relating to this issue, I don't think should be a political item before this Board. I understand the situation that you are in. I understand the situation Mrs. Jerrel is in. All of us who have ever been candidates understand those positions, but I think we would be well served and the public would be best served if the political discussion was set aside from this point and we just deal with should we or should we not hire the recommended attorney to deal with this.

Commissioner Borries: I want to thank you for your comments concerning the past two years because I would also concur that this Board has acted just as you say, dealing with things on an issue by issue basis and I regret that such things that were brought up today did politicize this situation. Judge Young has said that we had a conversation. That conversation consisted of a recommendation. It in no case in my mind constituted anything official other than what could be done in this particular meeting. I fully concur, I think it is time to get on with this, but I also regret that sometimes the public, in reading the information, seems to get the impression here that something was done illegally. That is not the case and that was not my understanding. Frankly, it's

a little like the pot calling the kettle black in certain situations. I would be happy to discuss those with her later to not take up time in this meeting. At this time I would move to approve Judge Young's request.

Commissioner Mourdock: Are you stipulating with that request that we contain it to the \$70.00 an hour that was suggested?

Commissioner Borries: Exactly. The concurrent...

President Tuley: Ordinance rate?

Commissioner Borries: Ordinance. What the current ordinance would say in relation to this particular case.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Judge Richard Young: Again, I--

Commissioner Borries: Thank you, Judge.

Judge Richard Young: --apologize. If there is any problem, it is my fault, a lack of communication on my part back to you folks and I do appreciate your support in my recommendation.

Commissioner Borries: It is probably a misunderstanding, but it is very tough from time to time to experience things here and some implications that were just not true and that is why I wanted to set the record straight in this particular issue.

#### Circuit Court - CCD request 1996

President Tuley: You have the podium, the next item is your request for CCD money for 1996.

Judge Richard Young: Right, during our budget hearings with the County Council a few months back, one of our requests from Circuit Court was \$10,000.00 for computers for the Probation Department. The computers would replace our existing stand-alone PC's which are several years old and the hard drives have been replaced a couple of times. I explained all of this to Councilman Jerrel during the budget hearings and it was suggested at that time that maybe we could take a look at CCD Funds from the county that might be able to cover something like this and I think I mentioned this to you, one of you, in a conversation somewhere along the line and I was told to write a letter--

Commissioner Borries: And you didn't call a news conference at all or anything? I didn't talk to you, Judge, don't blame me.

Judge Richard Young: I talked to someone, it might have been Cindy Mayo, or I don't know, somebody, but I was told to put in writing my request for CCD Funds for your consideration of CCD Funds for these computers and that is what I have done. We are really in a pickle with our computer capabilities in the Probation Department so that is for your thoughts. I don't know how your CCD appropriation process works, but that is my request.

President Tuley: We had sent a recommendation to the Council at budget time for the expenditures for 1997 to the Council. It is my

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

9

understanding that they went along with the request and we set back \$500,000.00 or maybe \$600,000.00, that we did not allocate for emergencies and what have you if it did happen. The only questions that I really had, Judge, and I am reading through this letter from Tim VanCleave, from Computer Services. I know you guys are getting ready to go through, or at least I believe the whole court is getting ready to go through a revamping of computer systems, software and what have you. This would have no effect on that whatsoever? This wasn't--

Judge Richard Young: My understanding is the computer software applications for the Probation Department are completely different and cannot apply to the rest of the court system. I can't answer you as to why. I have asked that question myself and apparently it just--

Alan Kissinger: Judge, one of the reasons is the confidentiality required within the Probation Department.

President Tuley: Okay, so you won't be tied in then to the mainframe that anybody can have access to this information?

Judge Richard Young: That is right.

President Tuley: So it is all stand-alone as you said? Do you...apparently we are asking for all new...I mean, software, hardware, and that's...everything is software driven, probably?

Judge Richard Young: I don't know. I talked with Allan Henson. Allan Henson is the Chief Probation Officer, and I talked to him and he says it may not even be \$10,000.00. It may be significantly less than that, but that was our request with the Council in our budget hearings and that is what we request from you. If there is any excess we could turn that back over to you.

President Tuley: Okay, Councilman Jerrel, is this the segment that you had something that you wanted to talk to him about?

Bettye Lou Jerrel: While Rick was here I was going over the previous minutes about the lease at the Safe House and that was discussed in your May 20 meeting and I think the motion read that within 90 days this would all be worked out and you are now looking at 126 days. We've got a number of things that the county has been cited for that need to be cleared up, so while Alan and the Judge and you all are here perhaps you can let us know when that lease will be completed.

President Tuley: Okay.

Bettye Lou Jerrel: The issues primarily concern the lessor and the two subleases and the property itself which we insure for about 1.8 million dollars and we have about \$209,000.000 in coverage on contents. I'm not sure, we only have \$8,300.00 worth of fixed assets so I don't know if all of those have been identified, but if we are going to have that kind of coverage, the State Board of Accounts has indicated that we need to have some line of ownership that we can claim and at this point we don't.

Judge Richard Young: Didn't I discuss with you this summer about getting a committee together?

Bettye Lou Jerrel: Yes--

Judge Richard Young: Including yourself?

Bettye Lou Jerrel: That is what is--

Judge Richard Young: For going over this?

Bettye Lou Jerrel: Well, maybe you haven't seen these?

Judge Richard Young: No, I haven't seen those.

Bettye Lou Jerrel: Okay, this here--

Judge Richard Young: I thought you agreed with me that we could all sit down and try to get this worked out and I think we all agreed, too, that we didn't want to become political.

Bettye Lou Jerrel: This isn't, this has to do with county money. This doesn't have anything to do with politics. Isn't the lease pending?

Suzanne Crouch: It's expired.

Bettye Lou Jerrel: It's expired?

Suzanne Crouch: Again.

Judge Richard Young: It has been going on a month-to-month extension.

Suzanne Crouch: No, it hasn't.

Judge Richard Young: Well, somebody is getting paid.

Suzanne Crouch: It was extended for three months, 90 days, and that expired the end of August.

Commissioner Mourdock: So there has been no payments made?

Bettye Lou Jerrel: We need to just do it and I would be happy to serve on the committee. I mean, this Board needs to do this and it isn't really the Judge's responsibility and I would be happy to sit on any committee, but I am not the one to initiate the action.

Commissioner Mourdock: We were expecting a report back, at one point, and this is from my memory so I could be wrong here. The question, Alan, that I recall was that we, the county, had put capital improvements in there and we were looking to receive value for those improvements and those improvements were being appraised?

Alan Kissinger: We had basically asked for an accounting of sorts and I discussed that with Judge Young and, basically, what we had asked for...well, not basically, specifically what we had asked for was the type of capital improvements that have been made and the source of the funding for those capital improvements. Judge Young's response to that was, I can't possibly just reach in and pull out a list of those things. If you can be specific, then perhaps we can trace those things back, but I can't do it within 90 days. I am assuming that was approximately the point at which Judge Young requested that there be a committee appointed really to formulate questions and get answers. It is not as simple as doing it in 90 days and we can't do it in 90 days. If, in fact, that contract is expired, I think it would be appropriate for the Commissioners to, tonight, consider extending it again for a period

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

11

of time.

President Tuley: To keep this thing moving then, I am willing to serve on whatever committee we need to pull together so we can get this done so that we don't come back in here in another 90 days and not have something to report and say that we need an extension.

Judge Richard Young: My recommendation at this time would be to extend it on a month-to-month basis. Let's get past November 5th so we are not negotiating this thing in this political atmosphere. I think that would probably be the best thing for everybody involved.

Bettye Lou Jerrel: Who would do these assignments? I think that is important and it needs to identify the purchasers and the improvements. I think we need to decide who is going to do what and then the committee can begin meeting whether or not there is a report made until November the 6th. We have already exceeded by some 36 days the 90 days, so let's determine who--

Judge Richard Young: Well, Bettye, I have other things to work on besides just doing the Community Corrections Department.

Bettye Lou Jerrel: But you shouldn't have to do it.

Judge Richard Young: Well,--

Alan Kissinger: If I may, I was advised within the past two weeks that the State Board of Accounts has finished the regular audit and the special audit.

Judge Richard Young: Yes.

Alan Kissinger: So there should be some very fresh figures available.

Judge Richard Young: They scheduled an exit conference with me, I think, within the next week or so.

Alan Kissinger: I would think that sometime after that, you know, it might be an appropriate time to appoint a committee because we are going to have, I mean, just right out of the oven figures from the State Board of Accounts.

Judge Richard Young: I understand that everything passed with flying colors on that.

Alan Kissinger: That is my understanding as well. The preliminary report indicates that everything was fine.

Judge Richard Young: You know, it is a good program. It takes a lot of time to administer. Over the years it has fallen on the Circuit Court to administer this program. I spend a lot of time on it and doing my other duties. I'm sorry, Bettye, if I haven't gotten this information to you in 90 days.

Bettye Lou Jerrel: I don't think anyone even asked you to do it.

Judge Richard Young: Well, who is going to do it if I don't provide the information being the President of the Advisory Board?

Bettye Lou Jerrel: Well, if that is the case--

Judge Richard Young: This is a wonderful program...I don't know. The Council and the Commissioners, I guess, at some point in time are going to have to address the issue that we have a small jail over there that can't possibly fill the requirements of our county and the criminal activity that goes in our county, and the Safe House has been a safety valve for the county for years on this. If we don't like the program, then let's do away with it.

Bettye Lou Jerrel: The program is a good program, Judge, we just need to protect what we have by doing it right. That is all that I am asking. Let's just do it right.

Commissioner Borries: By doing it right, you're saying, Judge, according to you everything is in conformance with the State Board of Accounts insofar as financial, so there is no impropriety here where we are doing it right in your opinion?

Judge Richard Young: That place is audited by the State Board of Accounts--

Bettye Lou Jerrel: I'm not talking about that, I am talking about the lease. The lease.

Judge Richard Young: --private audits, the federal government.

Commissioner Borries: Well, we can do that, but doing it right, Bettye Lou--

Bettye Lou Jerrel: The lease is what we want.

Commissioner Borries: Okay, you are not talking about any other impropriety, is that correct?

Bettye Lou Jerrel: I came up here with one item, the lease.

Commissioner Borries: Okay.

President Tuley: The lease, let's work it out. Judge, I will get with you.

Judge Richard Young: We probably need to extend it on a month-to-month basis.

President Tuley: We almost have to now. We are approaching September.

Commissioner Mourdock: The Auditor just informed me that it terminated, based on the 90 day extension that we had, it terminated at the end of August. Is that everyone's understanding?

Judge Richard Young: I don't know. I am assuming that Suzanne would know.

Commissioner Mourdock: We are 23 days into September.

Judge Richard Young: Yeah.

Commissioner Mourdock: I think a month-to-month is fully appropriate, however, since we are already 23 days into that I would suggest that we then move that we act to extend the lease for a two month period which would include September 1 through October 31, 1996 based on its present terms and conditions.

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

13

Alan Kissinger: If I may comment on that? I understand that a month-to-month is figuratively speaking perhaps going to keep some people's feet to the fire, however, we are not going to get it done by October 31st because even after the inquiry has been made and all of the questions have been answered, we are going to have to formulate a new lease. If the Commissioners don't mind putting this on their agenda for sometime toward the end of October to do this same thing again, then I think Mr. Mourdock's motion is well taken. Otherwise, it might be more reasonable and expedient to extend it until January 1, 1997 to give us a target date to have all things in place by that time. Speaking strictly from a legal point of view, just the renegotiation, the rewriting, of the terms of the lease, it is going to take at least a month in itself and that can't even start until all the questions have been answered and all the information requested has been forthcoming.

Commissioner Mourdock: I heard you and what my next motion was going to be here was to suggest, Pat, based on your comments that you serve from this Board on the committee and I would stand by the original motion with the idea that perhaps four weeks from tonight or something that the committee report back as far as what the progress is so that we do keep this thing moving along. It is up to you guys.

President Tuley: Can we get it reasonable to have some expectation October 23rd or that Monday closest to that--

Judge Richard Young: It depends on what kind of information you want.

President Tuley: --you and I...

Commissioner Mourdock: Well, my concern pure and simple is the Peter Principle that says that any job takes the amount of time dedicated to it. If we say it is going to take six months we will be working until the eleventh hour of the last day of the sixth month. If we say it is a two month lease, then we start setting some guidelines for us and I think we are going to move along towards them, albeit I think Alan's point is well taken. It is not likely to get it totally done by the end of October, but at least we can keep the process moving, I think.

Judge Richard Young: I would have no problem in coming back in four weeks and giving you a report on what we have accomplished up to that point in time, if anything. I hope there is something that we have accomplished. This has to be addressed, there is no question about it. It is just finding the time to get it done with everyone's busy schedules. I think someone from the Council should also be on. Bettye Lou Jerrel has indicated that she is more than willing to help. She has a busy schedule, you've got a busy schedule. We all do, so it is more than sitting down. It is trying to coordinate all that and getting it put down on paper. So, I would be more than happy to come back in four weeks and let you know how we are doing, but I agree with you on the amount it takes to get it is the amount of time you give it.

Commissioner Mourdock: It's the way I operate!

Judge Richard Young: Yeah.

Commissioner Mourdock: I hate to admit it, but that is the way I operate.

Commissioner Borries: I will second the motion.

President Tuley: So ordered.

Judge Richard Young: Alright.

President Tuley: Do you want to give me a call when your schedule looks good that you and I can get together? You can contact Mrs. Jerrel or I will contact her and we will get rolling.

Judge Richard Young: Okay.

President Tuley: We've still got to address the issue of your computer equipment, though.

Commissioner Mourdock: Yes, we do.

Judge Richard Young: I don't know what else I can say about the computer equipment. If you do have some funds in CCD that is available, I would appreciate them being earmarked for the Probation Department.

Cindy Mayo: I will say that the one reason that we went ahead and pursued this request is when I spoke with Mr. Henson he had hoped that if we had funds available even in 1996 that we might go ahead and proceed with an appropriation request since they are having quite a bit of problems with their PC's.

President Tuley: There is money left from '96?

Cindy Mayo: There is, yes.

Judge Richard Young: That would be wonderful if you could do it yet this year.

President Borries: Has the Data Board, Bettye Lou, to your knowledge acted or seen this request?

Bettye Lou Jerrel: (Inaudible comments not made from microphone).

Commissioner Mourdock: Excuse me, Bettye Lou. You need to get near the microphone. The new sound system still doesn't pick that up.

Bettye Lou Jerrel: The Data Board meets Wednesday morning and the money that they devoted to the Court is probably a little over \$700,000 so we will be...I don't know what kind...do you identify the kind that you want?

Judge Richard Young: I don't know if Computer Services did here or not.

Bettye Lou Jerrel: Well, that isn't something that needs to be addressed here, but it hasn't come before the Board in that sense, but it can be raised Wednesday of this week.

Commissioner Borries: You're saying that the Data Processing Board has spent \$700,000 in the Courts?

Bettye Lou Jerrel: No, in your budget \$697,000 in your budget to address the Courts' problem that deals not only with the lack of support from their software vendor, but the approaching millennium and the need to improve their equipment. That is what I am talking about. Our whole budget this year is being devoted to the Courts

and the Jail.

President Tuley: Could we not approve this subject to the approval of the Data Board?

Bettye Lou Jerrel: Sure.

President Tuley: If the Data Board then rejects it, then it is out.

Bettye Lou Jerrel: That's no problem. They meet Wednesday and I would be happy to bring it up.

President Tuley: That way if you get their approval then you are ready to go.

Commissioner Borries: I think that is a good idea. I would move that the request be approved then subject to the recommendation from the Data Processing Board.

Judge Richard Young: That would be for '96 yet?

President Tuley: Yes.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Judge Richard Young: Okay, anything else you need from me? Okay, thank you.

Commissioner Borries: Thank you, Judge.

Judge Richard Young: Thank you.

**Greg Geiss - Fireman's Federal Credit Union**

President Tuley: Item 4E, Charlene, Mr. Geiss, did you get a chance...?

Charlene Timmons: I did speak with him and he was going to talk with the payroll department before he came.

Suzanne Crouch: He did and he has a meeting set up for Wednesday.

President Tuley: So he is not going to be here tonight then?

Suzanne Crouch: No.

**Mikki Heck - Hillsdale Housing Association**

President Tuley: Item 4F, Mikki Heck, Hillsdale Housing Association.

Mikki Heck: Good evening, Commissioners. My name is Mikki Heck, and I am one of the three presidents on the Hillsdale Housing Association. I am here to ask you a few questions from our last Commissioners meeting on August 26, 1996. Mr. Mourdock, you asked...or you said that you would contact the city utilities on the water main going underneath the bridge on the 800 block...excuse me, the 523 block of Radio Avenue. Has this been done?

Commissioner Mourdock: Just to rephrase your question, I think what we did during that meeting, I think I appointed that mission, if you will, to the engineering staff since they would normally do that and, honestly, I don't know if they have.

Mikki Heck: Okay, you said that you would contact the city utility department, sir. You did state that.

Commissioner Mourdock: Well, again, I will say that if said that way, that's more of a mission statement, perhaps, than an individual thing. I have not personally and I don't see John Stoll.

President Tuley: John has been working on it because I have asked him.

Commissioner Mourdock: Okay.

President Tuley: That's what I was looking for is John.

Mikki Heck: Okay, and then my next question was has John Stoll been contacted to take care of this before? The reason why we are acting so concernly is that we have had an abundance of fall rains with the spring weather; the way it happened nobody could predict the amount of rainfall that we had and we are just trying to get this addressed so that we can help the problem in this subdivision as much as possible. Alright? One other thing is that...or a couple of other things that we would like to bring to your attention is that we also presented some pictures of some photographs of some bridges that we would like to have replaced in our subdivision. We was curious to know...we have contacted Venita Becker and she is needing some figures on this project so that she can go to the late...the State Department here and help us with this funding situation. We have no prices to give her. Is there any way possible that an engineer can go out there or possibly a bridge company, give us some surveys and estimates on these costs so that we can pass these on to other further development so that we can get some help in this project?

President Tuley: John, you might as well come on up here. The first question was, and I know I contacted you and you were in the process of trying to get ahold of it and I don't know if you have had a chance to get an answer yet.

John Stoll: That waterline?

President Tuley: Waterline, yeah.

John Stoll: I talked to the Water Department earlier, well, it was last week, and they said they should have that waterline removed from the culvert by this winter, but they didn't give any specific dates.

President Tuley: Okay, I think when I first talked to you, you said at that time the answer was they didn't know if the water had been rerouted and the pipe just existed and needed to be removed or if there was actually still water flowing through it. Did they ever clarify that?

John Stoll: I talked to one person who wasn't clear on that and when I talked to Duane Gilles with the Water Department, he said that it was still an active line and they had to reroute it before it could be removed from the culvert.

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

17

President Tuley: The purpose for that question is, obviously, that is going to make the project a little bit longer than simply going out there and cutting that pipe out.

Mikki Heck: The reason why I am addressing the situation is due to the amount of rainfall that we have had this past Saturday of this weekend, we have already got debris accumulated down there at this intersection that is making it very difficult for the water to make its natural course.

President Tuley: Okay.

Mikki Heck: Okay, that is the reason why we are asking for this assistance.

President Tuley: The next question she asked was, and I know that you guys are with everything that we've got going on right now in terms of Burkhardt and everything else, but is there any way possible that you've got someone available to go out and look at estimating the replacement of any of those bridges?

John Stoll: There are probably some ballpark estimates in the bridge inspection book for the one bridge that is on Radio. The rest of it would be culvert replacements that would not be covered by that, but yeah, we could go out and take a look at that.

President Tuley: She is looking at funding sources through the State Legislature, but she needs some figures to provide Venita Becker.

John Stoll: Okay.

President Tuley: That is the reason for my question on how much it would be. Okay, Valerie or someone?

John Stoll: We can get someone out there.

President Tuley: Okay. Now, because I know what she is going to do, can you give us a rough timetable when you think this may be able to get done?

Mikki Heck: Very good!

President Tuley: You've been here enough--

Mikki Heck: You're catching on real well!

John Stoll: That is a tough question. Maybe by sometime next week.

President Tuley: Get, if you don't already have it, which I think you might, get her phone number. If it looks like next week you are not going to have it, call her and let her know because I don't want to see her back up here asking me again next week.

Commissioner Mourdock: Don't take that personally, though, Ms. Heck.

President Tuley: Yeah, that's no...

Mikki Heck: Gentlemen, at this time this is all that I have to bring for you at this time for the simple reason is that a lot of work has been started since our last time here.

**Michael Shoulders - Veazey Parrott & Shoulders**

President Tuley: Okay, next we've got Michael Shoulders, Veazey Parrott & Shoulders.

Mike Shoulders: Commissioners, my name is Mike Shoulders, President of Veazey Parrott & Shoulders, architects for the Vanderburgh Auditorium and Convention Center project. The first item on the agenda for our part tonight deals with our contract for services. I have been, I guess, working most closely with Mr. Mourdock on this with some of his concerns and with Council. I have made revisions and I didn't have time to return your call.

Commissioner Mourdock: I am sorry, we played phone tag today.

Mike Shoulders: But what I have to report to you is that I have made all the corrections verbatim that you had requested. There are two points, well, except for one and then I made one change of my own that I would like to report tonight. I am going to transmit to the Commissioners revised contracts for your review.

Commissioner Mourdock: These are revised with my comments included?

President Tuley: Start with him.

Commissioner Mourdock: Is there just one copy or are these...?

Mike Shoulders: No, there are six. There is an original and six copies. I have signed the six copies. I didn't sign the original thinking you would want--

Commissioner Mourdock: This is the old original?

Mike Shoulders: Yes, the old and then there is the new original.

President Tuley: The old edition and the latest edition.

Mike Shoulders: It is so you can compare if you need to refer back to what it was before and what it is now. The copies are all of the new and I do have typed in there, revised September 23.

Commissioner Mourdock: Ah, that is helpful.

Mike Shoulders: See, that helps. Basically, the two points are there is one provision in there that makes reference to the term Construction Manager. Since that carries with it certain legal baggage in the state of Indiana, I took the liberty of making that Owners Project Representative and I think it happens in three or four places, so rather than the term Construction Manager we have inserted Owners Project Representative and feel that there is no substantive change over what your intent was on that.

Commissioner Borries: Mike, this one still has it in there.

Commissioner Mourdock: Which page are you on, Rick? Yeah, this one has it, too, on the second page at the top. So much for that plan!

Mike Shoulders: Where it has been deleted is back there on page...it has been deleted under item C where we talked about...

Commissioner Mourdock: Oh, C-8.

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

19

Mike Shoulders: C-8, yeah. That was the one that we were going back and forth on the phone about. Anyway, it is C-8. Now, we should do that for the one closer to the front there which says CM and we should make that Owners Designated Representative or Owners Project Representative. The other item that we had discussed and we have a disagreement, and I think it is the only item of substance that is left where there may be a disagreement, is that the request to put in the contract a date for the completion of the final plans. We have never done that before on a public project and we are strongly against doing that on this public project. There are too many items, too many factors that we have no control over and cannot control that date, so we will pledge to do our utmost technically and whatever is the most feasible to get the project in as short of time frame as we can. I will say this, that it is typical to go ahead and have a signed contract and then mutually arrive at a schedule. I have said before at one of the Commissioners meeting that we intend, and probably it is in our next report in four to six weeks, to have a report that strictly deals with schedule that we will put up a chart that will outline not only our time and the design time, but also a projection for the construction period that we can have, the County Engineer can post and that we can mutually arrive at, but until such time and we have not put in the required time. To date it has been to arrive at a concept plan and a budget number and now it is time to turn to schedule. We would certainly prefer that the Commissioners not demand that we include a date for final plans because, again, there are many, many factors that go into that which are not under our control. We have never, in my sixteen years of work, have never had in a contract on a public project an agreed upon date for completion of the final plans. That is my only, I think, or our only remaining point, Mr. Mourdock, of difference.

Commissioner Mourdock: Okay. First, I, again, apologize that we had to play phone tag today and never did catch up with each other. All the other points in my letter of today, though, are-

Mike Shoulders: Are verbatim in there.

Commissioner Mourdock: Okay.

Mike Shoulders: You may want to check that because my typist may have missed something else, but it is supposed to be verbatim to your letter.

Commissioner Mourdock: Okay. Regarding that one item then on the date--

Mike Shoulders: The verbiage says as soon as technically feasible.

Commissioner Mourdock: Yeah, I have that right here in front of me and I hear your pretty adamant position on it and I have a pretty adamant position on it, too, the other way. However, I don't know that actually we are that far apart because I am not looking for you to be hung out to dry for things that you have no control over and maybe there is language that we can find there. For instance, if this Commission does all the things that it is required to do, we get this thing going but then suddenly Council wouldn't fund or something, obviously, that is beyond your control and I don't think anyone would be so vengeful or foolish as to try and hold that to you. What I am looking for, though, and maybe we could even do it somewhat with a timed schedule. You were talking about putting the schedules--

Mike Shoulders: So many lapsed times for--

Commissioner Mourdock: Yeah, so many days from this point once this happens, then you have so many days to get that done. Again, realizing as a prudent business person first, that you can't control your destiny fully if something disrupts that and you can't control, I don't see that as a problem and I don't think that any member of this Board would.

Mike Shoulders: But I still don't see the purpose to that. I mean, as part of our exercises in this project we will be, as I say, mutually studying a project schedule that we will try to mutually arrive at. So to put it as a stringent requirement in my contract, I don't see the purpose. By the same token, there is no penalty, as I understand it, that you are requesting so what happens if we don't meet it?

Commissioner Mourdock: Yeah, if you think this Board is going to claim breach of contract, breach of contract over that, that is, I think, as hard to define as the words technically feasible.

Mike Shoulders: Well, again, I think there is a certain mutual trust here that says we are both going toward the same end and we are both sort of mutually arriving at the kind of schedule that we think is a reasonable schedule. I mean, as an industry standard I have never seen it done before. Why don't I go on--

Commissioner Mourdock: Okay, sure.

Mike Shoulders: --and finish my report and then if we want to come back to that we can do that. The Commissioners requested that I go into the community with Option A and Option B plan and the Commissioners, about four to six weeks ago, asked me or gave me the authorization to seek input from other organizations and other public bodies in this community to be sure that the rest of the community understood what we were up to and had their chance to comment. I have done that and I have wanted to report to you those in attendance at a meeting that regarded this very topic on this concept plan for the Vanderburgh Auditorium and Convention Center. We had a meeting that included the Mayor's Office, Frank McDonald, His Honor, Frank McDonald II; representing the County Commissioners, Pat Tuley; County Council, Bettye Lou Jerrel; City Council, Steve Bagby; Evansville-Vanderburgh School Corporation, Gary Staley; County Engineer, John Stoll; City Engineer, Herb Butler; Department of Metropolitan Development, Mariann Kolb; EUTS, Evansville Urban Transportation Study, Rose Zigenfus; City-County Building Authority, Steve Utley; Given & Spindler, the present management team of the Vanderburgh Auditorium, Dan Spindler was there; and from the Convention & Visitors Bureau, Pete Helfrich. So all those persons were in attendance to view the progress report on the project and so I would like to put up both schemes and give you sort of what I'll call the kind of the agreement or the consensus direction. You have all seen these before, so they are not new. These drawings were shown at the meeting and it was for the most part the consensus that, and of course, our President, Pat Tuley, of the Commissioners and Bettye Lou Jerrel were both in attendance, so either of you, if I say something that is not in accord with what you heard at the meeting, please speak up. At that meeting it was pretty well a consensus that to do what Option A shows here, which is to extend this project out across Ninth Street, was for the most part impractical and was not a viable option at this time. There were from city personnel, transportation personnel, from EUTS, from the City Engineer's

**Vanderburgh County  
Commissioners Meeting  
September 23, 1996**

21

Office, City-County Building Authority and Evansville-Vanderburgh Schools some concerns about the possibility of persons cutting through the Civic Center parking lot should Ninth be closed off and some concern that Ninth is a major, at least for this part of the downtown, a major access point to the Lloyd Expressway and the point that there would be traffic that would be looping around this facility going out of its way and creating some access problems, for example, the Evansville-Vanderburgh School Corporation. It was from my reading of the climate there at the meeting, no votes were taken, however, it was a clear consensus that the scheme...not scheme, Option B here was the better option for several reasons. One of the other comments from City Councilman Steve Bagby was, please don't come to us for a street vacation of Ninth Street until you can tell us what you are going to do about the parking situation that I get phone calls about every day. One of the things that the Commissioners should probably begin to think about is what I will call the off-site parking issues. We have talked a bit about that in some of the prior meetings, but I think that it would behoove us all to give consideration to the parking demand that this convention center will generate. Those are the main two points that I bring back to you today from this group of community input. First of all, clearly this Option B, wherein we live within the site, within curb-to-curb, so to speak, within the existing Vanderburgh and gated parking lot there and that recommendation two, or feeling number two, is that we need to give strong consideration to what we will call off-site parking. Now we are taking care of the deliveries and the loading and unloading and all of that on our site, but in terms of parking load and parking by users of this project we need to take a hard look at adjacent surface parking or the possibility of parking structures. This is just a reminder of Option A versus Option B that you have seen before. Now, when we told the city about the fact that convention centers all across the county are expanding and that our...even our Option B presumes that in the future, should expansion be necessary, that we are putting them on notice, we are putting the entire community on notice, that this facility will be designed such that it can expand primarily the exhibit hall feature and that is what a lot of the expansion in these facilities is all about, but it can expand out across Ninth Street in the future. We sort of serve notice and that may be five, ten, fifteen years, but at least that was shown to be our intent is that while we may not do that now, the vacation of Ninth, they should understand that our future expansion plan would be to go across Ninth Street and whatever that implies for parking, whatever it implies for traffic flow should be considered by the city at this time.

President Tuley: Mike, from a design standpoint, too, and I think it came out in that meeting, down the road if there would be a need for expansion which you just talked about, does not Option B in terms of...I guess I am trying to get that if we go with Option A and then down the road we have to extend it, this thing is getting so long that by the time the people come in here it's a long way back up to the front part?

Mike Shoulders: Right. That is a good point, Commissioner Tuley, is that please don't feel that Option B is some fallback kind of position that we are falling back into because we couldn't do A. That is completely untrue. The design team feels that there are some inherent strengths in this Option B that make it better anyway, okay? So I come to you tonight asking direction between Option A and Option B, but I would like to state to you that even though the consensus or the sense of agreement by this group of community organizations and leaders and public bodies is clearly

for B, I would also like to say that from the design teams' point of view, B is clearly the better option. As you say, Commissioner Tuley, the proximity to the hotel, the circulation in the immediate vicinity with the Civic Center, all of those factors combine to make it the preferred in our professional opinion. I guess, aside from the main point on the agenda tonight being my contract, I would ask as point two to be some direction from the Commissioners concerning us charging ahead now with what I will call the Commissioners preferred scheme. I guess, all of my input to you would be that all signs would seem to point in the direction of Option B. Before you give me that direction I will talk for my final point, point three, which is an update for you on the budget of this project or the estimated cost of construction. As you know, we have retained a professional cost estimator, construction cost estimator, Martin Blundall, out of Fort Wayne who has been working with us all along to monitor the cost of this construction and this project and I have to report to you that we will need to make some cuts even in Option B, either option, they are very similar in cost. We will need to make cuts in order to get this project down to the level that was presented at the public hearing. We will have to cut some \$2,250,000...actually, it is \$2,280,000 or over two and a quarter million out of this Option B, as presented, in order to get to the designated bricks and mortar number which I believe at the hearing was presented at \$32,500,000. Now, how will we do that?

Commissioner Mourdock: Excuse me, Mike, for just a second.

Mike Shoulders: Yes.

Commissioner Mourdock: Your \$32,500,000 number is certainly the number that we looked at last week when we looked at the lease document. I have this which is your August '96 and it has Option B as \$36,280,000.00 which would be 3.7 million dollars to cut.

Mike Shoulders: It has the furniture. The FF & E, fixtures, furniture and equipment was broken out in your public hearing as a separate number.

Commissioner Mourdock: Okay, is the number that you quoted a moment ago \$2,280,000.00?

Mike Shoulders: Yeah, that is the...if you would take the bricks and mortar out of that report of yours and take out the furniture which is accounted for in another line item in the public hearing and then you subtract 32.5 from that, you will come up with around \$2.28 million.

Commissioner Mourdock: Just as a point of clarification then, again, if we are looking at \$32.5 million, are we not saying \$32.5 million? Do you understand there to be a difference and that we've got another \$1.5 million in a line item?

Mike Shoulders: I thought that was the way that it was presented by Mr. Gary Malone. I think he had in there...I don't know if you have a copy of what was presented at the hearing, but it was my understanding that built into his total package, if you will, of the \$35,000,000 bond that there were fees, architect's fees, and then there was a furniture and equipment allowance of \$1.5 million, etc., etc., etc.

Commissioner Mourdock: You may well be right. I did not understand it that way although when I did use the term bricks and mortar he

gave more of a definition of bricks and mortar than what I had, or actually, a lessor definition than what I had.

Commissioner Borries: I have an allowance for furnishing and equipment, FFE, \$1,500,000?

Mike Shoulders: Yeah, right. That was in, as I understood it, in the line items that he had presented and so really you get apples to apples, we would be at 2.28. Now--

Commissioner Mourdock: Where are you going to find \$2.3 million?

Mike Shoulders: Okay, that is what I wanted to talk about. What we are going to do in this Option B, and we have already started to look at this and I do need direction from you tonight. We are going to look at all the public use areas which are represented in this light yellow color which, for the most part, we will call pre-function space or lobby space. The theater atrium space that is between the auditorium and the exhibit hall which is defined as an atrium and in your report it is a pretty fancy looking space and we are going to have to tone that down. Our escalators, we had a couple of sets of escalators here, actually four escalators, and we are going to begin to cut things like that in our circulation and our public space and put it down to the leanest, meanest plan that you can get without touching what we will call the program space. The program space are those items as defined by Coopers & Lybrand which make up the primary service that we are giving in this convention center and that make it competitive and first-class in terms of how we stack up with our competitors. We believe that we can cut the \$2.28 million without affecting the 40,000 square feet in the exhibit hall, the nine meeting rooms, the 15,000 square foot ballroom and the 2,500 seats in the auditorium. We think we can do that. We can find the necessary cuts in materials without cheapening this building at all, without hurting the program, what we call the architectural program and this is our intent and this is what we are working toward. If we don't make it we will report to you as such, but we believe that we can. We are in the midst of making those cuts right now. Now, I will say this, if there needs to be any other further cuts beyond the \$2.28 million that we need to get at now, we will have to begin, I believe, to make cuts in the architectural program meaning fewer meeting rooms or less space in the ballroom, less space in the exhibit hall, fewer seats in the auditorium because cutting the \$2.28 million in doing it in public spaces and amenities and materials is not going to be the easiest task in the world, but we understand that the public hearing, the \$32.5 million was presented and that is what we intend to live with.

Commissioner Mourdock: With that in mind, so you cut the \$2.28 million and we are down to our \$32,500,000 bricks and mortar number as presented by Mr. Malone. As a rule of thumb, always a dangerous thing to use, but as a rule of thumb, within that \$32,500,000 what do you, as the architect, look at in consideration of contingency?

Mike Shoulders: If you will look at that booklet that I sent you, Mr. Mourdock, we will try to make some savings just arbitrarily from the get go in the contingency. If you will look at that we do have a considerable or a sizeable contingency that makes up the numbers for the approximate \$20,000,000 in convention center and \$14,000,000 in auditorium expansion. If you look at the bottom couple of lines to those numbers and how they are structured, you will see that we have got some \$1,500,000 in contingency. Now, that is by no means a healthy...I mean, it is healthy, it is

adequate, but as we begin to engineer this project and put the detail to it, we will come up with things that have been forgotten, things that will need to happen, things that were unforeseen before, unforeseen conditions in the renovations and this contingency is every bit of it important. I think, as we looked at the cuts, I think we've made some \$300,000 cuts just arbitrarily at the beginning out of the contingency so that would take your convention center, I think, from like 1.8 in contingency down to 1.5 maybe, I don't remember the numbers exactly, but I think that there was \$300,000 we felt very safe in taking out which would then get us down to about \$1.9 million in hard fast cuts from the pre-function spaces and from the building. So to answer your question, I think we're set up pretty well on contingency, but believe you me, and you know this from your experience, we do need a healthy contingency on a project of this size.

Commissioner Mourdock: Yeah, we do.

Mike Shoulders: That is the extent of my report tonight. I appreciate your support. I will appreciate some direction. We are at a point where we need to put our eggs in one basket and not have an Option A and B. We need to move ahead and narrow the focus to one of these and my recommendation for you based on community input and our professional feeling is that we get a vote for this Option B.

Commissioner Borries: I'll move that the plan referred to by Mr. Shoulders as Option B be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Commissioner Mourdock: A quick reminder here, the total floor space between the two options, what is the difference between A and B?

Mike Shoulders: It is almost identical.

Commissioner Mourdock: Yeah, okay.

Mike Shoulders: There is very little, if any, difference. No substantive difference.

Commissioner Mourdock: Okay.

Mike Shoulders: I would be more than happy to have Mr. Mourdock and the rest of the Commissioners go over this contract with a fine tooth comb and if you would elect to sign it next Monday, that is perfectly fine with me. We've only been six months now so I don't want to hurry it another week!

President Tuley: I think someone said in one of these meetings that it is not often you sign off to go in debt for \$35,000,000.

Mike Shoulders: That's right. This is a very unique project. I think I have made an oversight in not changing that terminology, Construction Manager, and I will do that in the morning and get those back to you. At that point, again, I think the only place that we are apart is on that date and I am pretty adamant and I guess you are, too.

Commissioner Mourdock: Yeah, I am. The other provision that I had in there regarding conflict of interest, did that get in there?

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

25

Mike Shoulders: It's in there, it's in there.

Commissioner Mourdock: So you have no problem there?

Mike Shoulders: No. Everything is in there as you sketched it out.

Commissioner Mourdock: Alan, did you have any other comments about this document?

Alan Kissinger: No, I don't think any comments...I mean, this was a negotiated matter and it is still in the process of negotiation and I appreciate the fact that Mr. Shoulders is willing to negotiate it publicly. I think all of my comments have been made.

Commissioner Borries: Mike, I want to thank you for all of the excellent work you have done thus far. I think it shows some thought. It certainly, and our friend Mr. Moser is here this evening. He has been a loyal and such a gentleman, a polite person, to be here to follow along on all of these events. There are many groups such as his fine Coterie Club and others that are very excited about this and, of course, the possibility again of conventions is something that we really need to move on. Thank you for your fine work and I hope we can get this contract, six months and all, done with you next week. You have certainly been excellent to work with.

Mike Shoulders: Thank you, Commissioners. I appreciate it.

Commissioner Mourdock: You have spoken with Mr. Moser, I hope?

Mike Shoulders: We have spoken a couple of times.

Commissioner Mourdock: Okay, great.

Edward Moser: (Inaudible comments not made from microphone).

President Tuley: Did you have any questions?

Commissioner Borries: Well, they are certainly well intentioned. We get a lot of angry folks up here and they convey things to us in a lot of different ways and we understand that. Again, you are just to be commended for your excellent approach.

President Tuley: Item 4H, hang on a second. Mr. Moser since you are here and we have been talking about the Auditorium and you have sat here patiently, did you want to say something else to Mike or to the Commissioners?

Edward Moser: I think this B project is adequate. I don't want to see it cut down anymore than it is. This is a convention center as well as an auditorium and, hopefully, we will get some people in this town and make this all possible in the future. We've got 25 years to do it. If we can't do it in 25 years, why, it won't be because we haven't tried. Of course, I zero in on one thing!

President Tuley: One more chance, that is what I was giving you a chance to do.

Edward Moser: It is not only for us, it is for the whole group that comes in here. There is going to be group after group in 25 years, hopefully.

Commissioner Borries: There is a lot of dancing going on!

Edward Moser: Sir?

Commissioner Borries: There is a lot of dancing that goes on.

Edward Moser: Well, yes, and these people will welcome a wooden dance floor. Sorry, I had to bring that up! There is one thing here, that very early in Mr. Shoulders' opinion and discussion with you gentlemen is to please let us know about this time element, you know, because this is critical to us. In our business of putting on dances we engage the facility and we engage the bands and we've got to mesh those two together and if there is any deviation we are on the hook for some money, you know, to refund if there is a contract that is voided.

President Tuley: We've got the...I didn't mean to cut you off, but we mean to...I mean, we got the plan tonight and hopefully on Wednesday we'll have the money.

Edward Moser: Yeah, yeah, no, that's alright, but there was some dialogue about the time being a critical thing here.

President Tuley: That hasn't changed.

Edward Moser: This is a concern. Thank you very much, I will depart, thank you very much.

President Tuley: Thank you, sir.

**Jayne Berry Bland - Cash Management System bids**

President Tuley: I'm sorry Jayne. I knew we were talking about the auditorium and I knew that was the only reason Mr. Moser was here.

Jayne Berry-Bland: Good evening. I'm Jayne Berry-Bland, the County Treasurer. I am here before you to ask for approval of a contract for our cash management. I did put out bids. I am hoping that you have all the information that I provided to the office regarding the bids. National City opted not to bid again this year. I got bids from NBD, Old National and Citizens. After looking through the bids very carefully, even though it looks like that NBD is the lowest, they opted once again not to bid on part of the service which is our tax collection services. Going by an analysis from Old National Bank from '95, that charge that they did not bid on was \$6,930.00 for '95, so looking at that and taking that into account, Citizens is the low bid. I would like to recommend that Citizens be awarded this two year contract. Are there any questions?

President Tuley: Not from me. Citizens had it...I mean, Old National has it currently, Citizens had it prior to that?

Jayne Berry-Bland: Yes. We have dealt with both of the local banks. They both do a very fine service for the county. As you can see there is not a lot of difference. The difference between Old National and Citizens was \$2,758.00. I just look at it that \$2,758.00 can go to pay salaries or whatever. I don't think we should spend any money that we don't have to. I have not come to the point yet that I have convinced any of the banks to provide these services free to the county and I don't think that I probably will in my lifetime, so, therefore...I feel that Citizens has a cap on theirs of \$14,142. I will tell you that we had a cap with Old National Bank of \$18,000 for '95 and also in '96. In '95 we went

**Vanderburgh County  
Commissioners Meeting  
September 23, 1996**

27

over that cap. If we would of been charged per item it would have been \$19,671.22, so I am thankful that I did have a cap on that of \$18,000. I did save the county a little bit of money there, \$1,600, but with the cap that Citizens put on there of \$14,000, I feel that we probably will go over that if they would charge us per item which is exactly what they will do per month until we reach their cap.

Alan Kissinger: Ms. Bland, you did not invite them to bid on individual services, am I correct? You asked for the package of services to be bid?

Jayne Berry-Bland: Yes, I did.

Alan Kissinger: Alright.

Jayne Berry-Bland: I might also mention that there is an additional book with the bids that NBD provided me. They wanted to provide the service of having our checking account for the county, but they also wanted to provide help in managing our investments and it is nothing that either of the local banks will provide free of service. I just can't justify NBD's bid.

President Tuley: Jayne, can you...percentage-wise the collection service, roughly how many of our taxpayers pay either through the mail that is processed by the bank that holds the contract or actually walk into the banks and process them that would be affected by NBD not wanting to do that?

Jayne Berry-Bland: Approximately 70,000 of our bills are processed at the bank either through walk-in through any of their branches or through the mail. We send out approximately 90,000 tax bills.

President Tuley: So a very large proportion?

Jayne Berry-Bland: The largest percentage is handled through bank processing.

President Tuley: Okay, so that is a significant part of the service that is needed?

Jayne Berry-Bland: I absolutely cannot live without it. It is all computerized and handed to me on a disk.

President Tuley: Okay. Other questions? Motion?

Commissioner Mourdock: Based on the recommendation of the County Treasurer, I'll move that the cash management account be assigned to Citizens.

Commissioner Borries: Second.

President Tuley: So ordered.

Jayne Berry-Bland: Thank you.

**Mike Robling - Daylight Sewer**

President Tuley: Mr. Robling.

Mike Robling: Mike Robling, Department of Metropolitan Development. If you will recall when we started the Daylight Sewer project the

county entered into an interlocal agreement with the Water & Sewer Utility. Part of the provisions of that contract concern the county's potential recapture of costs from future tap-ins to the system and the contract requires that a financial plan be in place and approved prior to the award of construction bids. I should have really brought this to you some time ago, but we are looking to stay on the schedule that I gave you several weeks ago and it will be ready to go out for bid in mid October so we need to get moving this financial plan. I solicited proposals from accounting firms. Two proposals were received. One from Gaither Kent, I forgot what the name is now, which would really have the work done by their sort of national affiliate which is BDO Seidman and the other proposal was from H.J. Umbaugh & Associates, out of Indianapolis, who is the county's bond consultant and also the rate consultant to the utility. Both of their proposals were considerably more than I felt that the assignment would require. I contacted the Umbaugh firm, knowing their familiarity with local structure and so forth, and they have agreed to do the work for not to exceed \$5000. You have before you tonight a resolution authorizing entering into the engagement letter with H.J. Umbaugh for the preparation of that financial plan.

Commissioner Mourdock: Mike, I got kind of confused when I was reading through this on Saturday. You said a moment ago that you solicited two proposals and in your cover letter you said something about \$10,000 to \$15,000 from one of them.

Mike Robling: Right, the proposals that they came back with one of them was \$9,500 and the other one was a range from \$10,000 to \$15,000 dollars.

Commissioner Mourdock: Okay, who gave you the range of 10 to 15, if I may ask?

Mike Robling: Umbaugh.

Commissioner Mourdock: Okay, and yet back in the pack here...

Mike Robling: Seidman was the one for \$9,500.

Commissioner Mourdock: I'm sorry?

Mike Robling: The one from Gaither was the \$9,500 one.

Commissioner Mourdock: Okay. Yeah, you have in the cover letter that Gaither's was to not exceed \$9,500.

Mike Robling: Right.

Commissioner Mourdock: You've got \$10,000 to \$15,000. Gaither says they are not going to exceed \$9,500. Where did the \$10,000 to \$15,000 come from?

Mike Robling: That was Umbaugh's original proposal.

Commissioner Mourdock: Aha, that was my original question.

Mike Robling: That was their original proposal.

Commissioner Mourdock: How did Umbaugh get two bites at the apple?

Mike Robling: Uh, primarily because time is an important factor because we are so late in the process and they are very familiar

**Vanderburgh County  
Commissioners Meeting  
September 23, 1996**

29

with the structure and so forth that we are dealing with, so they could proceed on a more timely basis because of their familiarity with the utilities rate structure and the county's finances and so forth.

Commissioner Mourdock: All that may be a good reason, but tell me if this is not correct. You put it out for bid, you've got one bid that--

President Tuley: I know where he is going.

Commissioner Mourdock: --says \$10,000 to \$15,000, you've got another bid that says \$9,500 and then you went to Umbaugh and said take another look at this in whatever terms and they came back and said, okay, now we'll do this for a fee not to exceed \$5,000. Is that effectively right?

Mike Robling: Right.

Alan Kissinger: We should clarify at this point that these are not bids.

Mike Robling: Right.

Alan Kissinger: These are proposals and they are not bids. This is a professional service which, in fact, is not required to be bid.

Commissioner Borries: Well, the only--

President Tuley: I think where he is headed with this though, is the \$10,000 to \$15,000 were they not equally familiar when they gave you that figure as they are now at \$5,000?

Mike Robling: I don't think they fully...no one...several people that I had asked...I asked six firms to submit proposals and a lot of them didn't really understand the extent of what was being done. After we had gotten into this process the kind of engineering numbers that we have we are not going to have a lot of detail as to X number of industrial complexes, and X number of commercial complexes and X number of subdivisions. It is, basically, going to be a much simpler process than it might have been if we had a lot more detailed planning and engineering work and that is not what we contracted for on the engineering side.

**TAPE CHANGE**

Mike Robling: I primarily went back to Umbaugh because of the time consideration.

Commissioner Mourdock: You might want to say that again.

Mike Robling: I primarily went back and asked Umbaugh because of the time consideration.

Commissioner Mourdock: Did you go back to Gaither?

Mike Robling: No, I didn't.

Commissioner Borries: Frankly, I would feel better if you did. If you had two firms, and I have a lot of respect for both, but it just seems to me if you...again, I want to shy away from the word "bid", but if you changed the scope of work or changed the request

for services with one firm it seems to me that you ought to be able to do it with the other. That is just my thought on that.

Commissioner Mourdock: I concur with that and, you know, I am not uncomfortable, as you just said, with either one of these firms. I just don't like the calls that we tend to get when there appears to be that someone has gotten an advantage that the other side didn't. Again,--

Commissioner Borries: We got one call that felt that, or I did, that it was lower, but then tonight I come in and then there has been a change. I'm just not comfortable with that at this time.

Mike Robling: I will contact Gaither and report to you by letter, I will not be in town next week, but we really need to proceed with this.

President Tuley: You know what? We told Mike to come back next week and we won't be here either. So it will be two weeks.

Mike Robling: I won't be here either, so it will be two weeks before...

President Tuley: I am going to ask for...well, everybody is going to the AIC Conference, Association of Indiana Counties.

Commissioner Mourdock: Even if it is two weeks, I think it is fully appropriate.

President Tuley: I'm not disputing that. I think you guys are on target with that. I think if we went back and asked the other one because of changes to rethink it that we should have done the same thing with the local company.

Mike Robling: Well, the scope of services has not really changed, it is just their familiarity with what is going on.

Commissioner Mourdock: That being the case--

Mike Robling: They wouldn't really need to make trips here and the other firm would be starting from scratch.

President Tuley: The other company may come back and say we can't change, this is the best we can do, but--

Commissioner Mourdock: Because we don't have that familiarity.

President Tuley: --I think we owe them that much.

Commissioner Mourdock: Yeah, I agree.

Mike Robling: Alright.

Commissioner Borries: Thanks, Mike.

Commissioner Mourdock: Thanks.

<b>Shirley James - Pigeon Creek Greenway</b>
--

President Tuley: Shirley, I'm sorry, Shirley James.

Shirley James: I'm Shirley James, and I am the chair of the Pigeon

**Vanderburgh County  
Commissioners Meeting  
September 23, 1996**

31

Creek Greenway, and this is Mr. John Kinsella, who is one of the designers of the Greenway, and we are back as a follow-up of our last appearance before you to request a resolution concerning some design money from the county and perhaps a commitment for a 50/50 match on construction monies for the Greenway when we do proceed with construction. At this time we are open to questions regarding funds and whatever you wish to ask and we would like to volunteer that if you need anymore information other than what you can gather tonight we would be glad to provide that also at another time. John, what would you like to proceed with this?

John Kinsella: I guess first, are there any questions about the process? It is a fairly complicated one with INDOT grants and matches and things.

President Tuley: I don't know that there--

Shirley James: I would--

President Tuley: There is not a nice way to say this, but there were an awful lot of questions last week that got answered and the answers were, well, we hope, we believe, and I am going to speak for myself, but I don't think I will be singing in the choir by myself here in a minute. That kind of money, given the financial situation and the things that the county is trying to address right now, need a little better answers than we would hope that we could this, or that we would like to see this happen, or whatever. I think, from my point of view, and like I said, I imagine that I will hear some other comments along that same line, they were a little scary, you know.

Shirley James: Well, Bettye Lou Jerrel had asked us if some funding could be handled on an incremental basis. You know, a little now, a little next year and so forth and John has some figures on that.

President Tuley: Okay.

John Kinsella: Just to backtrack, there is a leap of faith, no question. We are dealing with a federal reimbursement program that we won't know the answer to. Two years ago, the city did commit to ...the City of Evansville committed to what is called preliminary engineering or design if you like. It was on the basis of having committed to that and having a preliminary design in hand near completion that INDOT awarded the overall grant that is broken into an 80/20 match of approximately \$1.2 million for construction that we will see in the spring. We didn't know, or the city didn't know, when they embarked on that design program that the grant would be a sure thing. It was a gamble. Had that grant or reimbursement not come through they would have sought other funding proposals for construction probably hitting the county at that time, too, to be honest with you. They have funded to this point \$90,000 for preliminary engineering, \$237,600 for match for construction. They have further given an allocation of \$55,000 for what is called right-of-way engineering to satisfy the requirements from INDOT that it be a logical engineered process for acquisition. INDOT has awarded the grant for that also. I have my number right here, \$440,000. The phase that we are in now, the city is funding on a month-to-month basis with a cap. Services of ourselves, appraisers, surveyors on the right-of-way engineering process for those parcels that have to be acquired over the next year we are doing that and also proceeding with preliminary engineering which is route alignment, some preliminary construction details as a basis for the grant application that is out there right now for the

big approximately \$6,000,000 of federal money. I think that this, again, I am presenting this in support of the Parks Department. Jim Hadden couldn't be here tonight. So, basically, I believe that the Parks Department and the Greenway Committee is asking for a 50/50 share for preliminary engineering for money that is not in hand yet for construction.

Shirley James: May I say something? At this point I would like to add that INDOT has informed us that we have to have our preliminary engineering all local monies and have it well in hand, some of the preliminary engineering well in hand, before they will even consider the grant.

John Kinsella: Going a little further on that, again, it is not a grant, it is a reimbursement.

Shirley James: Right.

John Kinsella: The monies come up at that point of bid letting for construction match, but the money for design has to be committed over a phase program. It is not like it is all up front, it is over a two year program. The reason that EUTS, the Greenway Committee and the Parks Department have sought this rather large sum of reimbursement from the feds for this, what would normally be a two year process, is because it may be the last year of that program. Nobody knows for sure. That is why all of a sudden you see this big dollar amount. INDOT is faced with having a large pot of money that they have to spend, basically, this next two years. If they don't, it goes away. A lot of programs have fallen by the wayside in other communities, basically, because the communities weren't ready. INDOT wants to be sure that the community is ready both with funds to construct, a match, as well as a design that is buildable. We don't know that they are going to award this, but we feel we are in a good position for a good part of it.

President Tuley: Okay.

John Kinsella: Does that help?

President Tuley: Well, it is going to be a simple question or at least maybe some people will see it as a simply question. If our allocation of \$350,000 is to cover the design--

Shirley James: Reduce that a little bit because the Convention and Visitors Bureau...do you want to enlarge on that?

John Kinsella: The Convention and Visitors Bureau has, I think, appropriated is the right word, \$300,000. There is \$270,000 for construction and \$30,000 for preliminary engineering and/or design. So we have factored that in and reduced the estimate to \$338,400 per entity which in turn will probably realistically be spread out over a two year period. Once again, these are still estimates of what preliminary engineering will entail at this point. It is assumed at about 10% of the construction value.

President Tuley: Where I am trying to get to is if this allocation is made will these monies have to be expended prior to you learning whether or not you have the commitment from the state? I guess what I don't want to do is spend \$350,000 for design that without that grant is never going to happen given the county's situation. That is the question in a nutshell.

John Kinsella: It won't be expended before then. I would like to

**Vanderburgh County  
Commissioners Meeting  
September 23, 1996**

33

say, yeah, we can and complete it and lay that on INDOT's doorstep saying, here, we have this package, but, no, it is not physically possible. I think that will probably be a quarter through the process by the time INDOT makes that decision.

Commissioner Mourdock: That is because your design work and construction work would be done in phases?

John Kinsella: Two things, because they are starting late on design and that answer will have to be given...well, theoretically, it should be given in the next couple of months, but it could well drift into early next year. So, it is physically impossible to expend that much money in design before that is known, but it will be in process. The important part of that is around the right-of-way acquisition in which they have funded. We need part of the design to lock that down. That money will go away from the city if it is not expended within the next two years.

Shirley James: Two years.

John Kinsella: That is the acquisition money. We are front-ending that process as well as the other just to meet those two simultaneous requirements. It is all kind of complicated and it occurs to me as I looked over the numbers myself and I have it in front of me, so it has got to be slightly kind of vague out there. I would be really glad to put this into a chart, a flow chart, because I think just laying the number out to you has got to be a little baffling. I am baffled as I go over it, so I would be real glad to put together a visual on this. I am not sure that is Shirley's agenda in terms of a decision, but I am not comfortable with--

Shirley James: Well, my agenda is just so that we meet INDOT's requirements so that we can get this six million dollars.

John Kinsella: In the next couple of weeks the city is, again, on a monthly basis keeping us on track, getting some appraisers on line and meeting some of those commitments.

Shirley James: I had originally understood that the money had to be in hand and if I let a bid, or if I want somebody to design something for me, I want to know that I have got the money to do it.

John Kinsella: I think the appraisers and engineers (inaudible).

Shirley James: So, anyway, some of the uncertainty on my part is due to my inexperience, I have to admit. Anyway, all I want to do is to make sure that we have those funds more or less in mind for design, for preliminary design and a commitment from the...we really need to have a commitment from the Commissioners of how much support they are going to be able to give to the Greenway. This next phase, Phase 3, much of it will be in the county, also.

John Kinsella: Actually, about seven miles of greenway.

Shirley James: Seven miles. This entire phase goes from this point all the way to here. With the casino building a portion of it what we were thinking, since it was going to take us some time to acquire the property here through the industrial section, that we would probably work on this section first. It would make a better showing anyway and would be the easiest portion to do. An easier portion and then come back and finish these sections. Is that

right, John?

John Kinsella: In the ideal scenario it will probably be a two year phase construction if reimbursement is ordered.

President Tuley: I guess what I am scared about unless there are some other funds out there...earlier you heard me say that we have somewhere in the neighborhood of \$500,000 to \$600,000 in CCD money through the remaining part of this year and all of next year that has not been allocated. Even if you didn't spend it, if we sat that money aside we no longer have use of it and if we run into a problem and that is why when we started talking about this, Richard, you were the one who said we'll look at these requests, but we are going to set aside X amount of dollars. I am just afraid that it narrows us down so quickly that...unless there is another source of money out there that I don't know of.

Shirley James: It's \$169,200 would be for each year, for one year.

John Kinsella: If (inaudible).

Shirley James: Right, for the construction.

John Kinsella: That is assuming the city does that equally and in the same time frame. Those things can be (inaudible).

Commissioner Mourdock: Well, Mr. Kinsella, you mentioned a moment ago about putting something on a flow chart or whatever so we can get a better feel for it and I would certainly find that helpful. As Pat was saying a few moments ago, at the outset here we heard last week the different status reports and there were a lot of maybes, ifs, we don't know, phased in, possibly and the one that haunts me the most especially on the section you just pointed to Shirley James, I'm sorry, Shirley--

Shirley James: Here?

Commissioner Mourdock: Yeah, the one that continues along I-164.

Shirley James: Oh, this one?

Commissioner Mourdock: Is if we built that today, if we just said, yeah, let's fund it, let's build it today, how is it going to be maintained? The only real answer that I heard last week was that you are hoping to take 10% of the money that you bring in and put it in a trust and somehow dedicate that to a building fund to do that.

Shirley James: Well, the Parks Department is also--

John Kinsella: INDOT is concerned about the same thing.

Commissioner Mourdock: I'm sure they are.

John Kinsella: They sought a commitment from the City of Evansville Parks Department if they indeed would maintain it in conjunction with the Levee Authority. The commitment has been expressed, the money hasn't be allocated.

Shirley James: See, we will save a lot of money, actually, on this part because we will have very little land acquisition because we will be going along the levee a portion of the way and a lot of this will go through because we were so lucky and, in fact, this is

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

35

the first time this has ever been done in the state of Indiana. They are giving us right-of-way, I-164 right-of-way, for our greenway. That would mean that we would not have land acquisition costs here. There will be some, but there won't be as much, so from that standpoint then we do save a lot of money for the county that way. If we can get the same agreement going up this way we could save the county a lot of money in land acquisition costs, too.

Commissioner Mourdock: With all respect, Shirley, the line you just pointed to there I have real, real hard time visualizing how that is going to work.

Shirley James: You mean from here along here?

Commissioner Mourdock: Yes. You made the comment last week about contacting the land owners through there and trying to get easements. Just about where that D is, I owned that property until fairly recently.

Shirley James: The church is very happy--

Commissioner Mourdock: No, no, no, no. That is the property that Koester owned. I am talking on the other side of the road.

Shirley James: Right here?

Commissioner Mourdock: On the west side, right where your line is.

Shirley James: Okay.

John Kinsella: That barrow pit?

Commissioner Mourdock: No, no, no. On the west side. That is on the south side of Lincoln.

John Kinsella: South of Lincoln, right.

Commissioner Mourdock: I'm talking on the north side of Lincoln, but on the west side of I-164.

Commissioner Borries: He said where the D was. Look at the D.

Commissioner Mourdock: Yeah. I just don't see how all of that is going to fit together in there.

John Kinsella: This has been preliminary engineered. This we have a pretty good fix on. The process of defining exactly where that road goes relative (inaudible). The fact that F.H.W.A. said, yeah, you can use the right-of-way (inaudible). Here we are being creative. It may not follow that line. It may go west. It may press through some (inaudible).

Commissioner Mourdock: Okay, well...

John Kinsella: (inaudible comments not made from microphone).

Commissioner Mourdock: You know, I have seen several cities where they have done projects like this and they are great community assets. I don't have any doubts about that. I guess I would very much like to see the flow chart that you just spoke of. The discussion that ISTEA may not be there next year...that is another way of saying, yes, it might be. I mean, who knows? If we had all

kinds of money sitting around this would be an easy thing to get behind and do, but where we are right now with our budget, especially having just gone through the budget process for '97, I am hard pressed to want to rush forward and do anything until I get a whole lot better feel for the numbers that you have been speaking of.

President Tuley: I would agree. We're looking at for the first time riverboat revenue and different things that we can actually sit down and plan for growth in the future. The 41 corridor, there is a big project that was announced this morning or was in the paper this morning and for the first time we are going to be in a position to look at where growth is going to happen and set money aside and plan for those infrastructure improvements prior to the development taking place.

Commissioner Mourdock: But simultaneously with that, everything that is happening in Washington is telling us that they want us to spend more money to do things ourselves and are going to give us more responsibilities to do it, too.

President Tuley: Whereas this is a very worthy project, I am like you. I am concerned at this point without seeing a flow chart to see how that actual requirement of money is going to be.

John Kinsella: I would also urge you to consider open space as part of the infrastructure.

President Tuley: I'm sorry?

John Kinsella: I would urge you to consider open space as part of the infrastructure which I think this is several things, it is transportation, but it is also open space.

Commissioner Mourdock: That is a very valid point. I agree with that.

John Kinsella: I really would like to do that chart.

President Tuley: It may ease some concerns.

Commissioner Borries: It is not because there is a lack of support. You have Sarah Crow, from our office, who does a yeoman's job and I would hate to think of the hours that she has spent, the materials, copying and everything else that is done and support of the project is not in doubt, but there are some critical components that need to be addressed. I noticed that you had Representative Avery on and there are several Councilmembers here who also may have some thoughts on that funding. You may...you probably have met with Mrs. Jerrel, she may have some thoughts on that.

Shirley James: Yes, we did.

Commissioner Borries: Has Representative Avery ever given you any kind of indication that perhaps we could dream a bit and perhaps ask for some state funding like they have done on the White River Parkway in Indianapolis where there has been a number of initiatives that have been, it seems like, funded. I don't know if that comes through the city of Indianapolis, or the county of Marion or whatever, but it seems to me do we look upon the White River Parkway as perhaps a model that we could use to check and see how that funding is taking place and perhaps get our local legislative contingent to give us some direction because that to me

seems to be very viable since we always hear that the rest of us taxpayers have taken a chunk and spent that at White River could we expect the same here?

John Kinsella: Only if we ask with the same vigor that was asked for there.

Commissioner Borries: How was that funded?

John Kinsella: That was funded probably on the same program, I think, generally on an 80/20. The White River portion, I believe, may well be 100% because of state interest and is virtually a state park.

Commissioner Borries: Maybe we need a state park down here.

John Kinsella: This is a major state facility.

Commissioner Borries: Right.

John Kinsella: Out in New Harmony is as well. The feds don't care in their requirements that it be an 80/20. That is a state distinction and it has been in a few cases changed to 100% funding where it has been clearly of a state interest. We (inaudible) for that and there was a lot of change going on at INDOT at the time. The director moved on (inaudible). The case has to be made on a political level to the Governor's Office for (inaudible). I think there has been a good case made, in fact, we've got a good reimbursement to date. I think we have a pretty good chance on this larger one, but that can be ratcheted up to sometimes getting designed fees, that has happened. It has been a very fluid program and INDOT has really (inaudible). To answer your question, yeah, there has been variation in the funding and I think White River Greenway and the state park has been one of those exceptions.

Shirley James: I did ask Representative Avery to check on Build Indiana funds because I had understood that some libraries and some other things had been funded through the Build Indiana funds, but we have been unable to get a response back from them at this point. So we would like to...some sewer improvements have been funded through that and we did have a report that about \$14,000,000 worth of sewer improvements had been funded to Vanderburgh County through Build Indiana funds. We would really like to pursue that a little bit, too. We really need to get our legislatures--

Commissioner Borries: Did you have any sample resolution that you brought this evening at all?

Shirley James: No, I was just making...I must confess, gentlemen, this is the first time I have ever done this, so I am a little bit...I don't really know the procedure, so do you wish to have a formal resolution in writing?

Commissioner Borries: Yeah, I think it would be helpful.

Shirley James: Along with the flow chart?

Commissioner Borries: We tend to fall into this trap because then someone on the Council might ask, well, what is the fiscal impact? So, you really need to give us your ideas here on that kind of funding so that we can take that under consideration. I mean, this is going to be something that we hope we can support and get done.

Shirley James: Okay, I had made a presentation a couple of other times and had submitted a letter on July 5th in a request for the Aztar funding perhaps. I had no response and that is why we didn't present it as a budget item for county consideration during that time because we were looking at more or less a request from the Aztar perhaps. I had understood, after talking with Mrs. Jerrel, that the Aztar monies had been allocated and that is why we followed through this way.

John Kinsella: It has been fluid with recent awards on the acquisition. So it is going to slightly change in scenario as we go. It is getting more fixed and more identifiable and I think (inaudible).

Commissioner Borries: Okay, thank you.

Commissioner Mourdock: Yeah, thanks.

**Mike Wathen - Soil and Water Conservation**

President Tuley: Mike Wathen.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. I am here this evening just to publicly announce the hearing date for the Erosion Control Ordinance. It will be October 14th and it will be here in the Commissioners room. Copies can be picked up at the Commissioners Office and my understanding is that they have those available now. When I was outside during part of the meeting there were six or eight people outside that requested copies even this evening and I don't know if they are where I can get ahold of them now and I will hand them to them on the way out. Basically, what I wanted to do tonight was just announce the date of it and if we can get some coverage on it so people know where to pick up the ordinance to look at and what day to come down and comment.

Alan Kissinger: The Commissioners should understand that Mike has prepared an ordinance which is proposed. I have already made some recommendations for some minor amendments in that ordinance. What we are really hoping for here is to get all of the input necessary so that we can say what we put in the ordinance and what we advertise for consideration by the Commissioners will be final.

Commissioner Mourdock: The recommendations that you've made, Alan, are you saying that you have given him another draft back? Is that what you mean?

Alan Kissinger: I have not at this point, but I will make them a part of the record at the time that we have the public hearing.

Commissioner Mourdock: Okay, my concern is this, if Mike is getting ready to hand out some copies to people in the hallway, are there things in there already that we know aren't going to be in the final draft? I don't want to confuse people and get them excited about something that otherwise won't be there anyway.

Alan Kissinger: There are some things that are left out that will be in the final draft and primarily in the area of enforcement.

Commissioner Mourdock: Okay, so its errors are omissions--

Alan Kissinger: Yes.

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

39

President Tuley: Alan, the last time that we talked about this I thought that you indicated, too, that there may be some change from the penalty procedure, and payments, and what have you because there is an interlocal agreement with the City Clerk's Office?

Alan Kissinger: That is exactly what I am referring to. A part of the enforcement procedure is the payment of penalties, monetary penalties and we already have an interlocal agreement establishing a procedure for doing that and I am going to recommend to the Commissioners that we maintain that procedure for this ordinance.

President Tuley: Okay.

Charlene Timmons: Excuse me. Alan, were you going to give me something that we could publish in the paper for a public ad...a public hearing?

Alan Kissinger: This hearing that we are having is not required by law. When the Commissioners actually consider the ordinance for passage, then I will give you an advertisement. This hearing that we are having now really constitutes two things, a courtesy to those people who would like to be heard on what the content of the ordinance should be and also a method for us to gather additional information for additional things that might be put into the ordinance. So, basically, we are talking about a discussion here and not a required hearing.

Charlene Timmons: Okay, so I won't have to advertise?

Alan Kissinger: No.

Charlene Timmons: Thank you.

President Tuley: Mike, were you planning on sticking around for the Drainage Board meeting?

Mike Wathen: No.

President Tuley: Would you talk--

Mike Wathen: I can if it is necessary.

President Tuley: No, before you leave though would you talk to Mr. Gretler, who was here last week and is who here tonight for the Drainage Board? Remember--

Mike Wathen: I don't believe I know who Mr. Gretler is.

President Tuley: The gentleman right there. When I met with you last week you had gone by out there, Redgate and what have you.

Mike Wathen: Yes, yes.

President Tuley: Would you let him know what you--

Mike Wathen: Very simply--

President Tuley: I don't mean, just take him out there if you want to. I don't mean that you have to tell him right now. Just so he knows. I told him that I would try to get ahold of you and ask that you get out and see him. If you are not going to be here for the Drainage Board meeting, which is okay, would you let him know...?

Mike Wathen: Yeah, I'll speak to him now.

President Tuley: Okay.

**Any group or individual wishing to address the Commission**

President Tuley: It has taken us a long time to get here, but 4L, any group or individual wishing to address the Commission who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward.

**John Stoll - County Engineer**

President Tuley: Okay, we'll go into the department head reports starting with John Stoll, the County Engineer.

John Stoll: The claim that I've got there is for the Lant/Davis right-of-way parcel for Green River and Lynch Road. This was part of the court judgement that settled that condemnation suit and this is for the Lynch Road portion of that settlement. It's for \$40,992 and we got the paperwork finalized too late to get that on the consent agenda, so I would recommend that the claim be approved.

Alan Kissinger: I think I probably explained to the Commissioners previously a part of this condemnation was on the Lynch Road project. Another part was on the Green River Road project and that is why they are separated here. John and I have discussed it and I told him that I thought that it was most appropriate in consideration of the fact that this is designated as damages to the residue that the damages be equally divided amongst the total acreage in Lynch Road and the total acreage in Green River Road.

John Stoll: There will be another claim that will have to be processed. It will be for \$1,008 for the Green River portion of that, but there is currently no money in that account so it will have to wait until an appropriation goes through, but this covers the bulk of it.

Commissioner Borries: I'll move that the claim be allowed.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: Next, I would like to recommend that we reject the two bids that we received for the salt storage building and instead hire a contractor just to construct the building frame and put up the trusses. We received three price quotes on just putting the frame and trusses up and the low quote on that was from CLR, Incorporated. They quoted us \$19,700. Phoenix Construction, the other bidder for the total building construction, quoted it as \$31,160 and Southwest Engineering quoted us a price of \$24,366 for just the posts and trusses. If we go that route we can have the county crews go ahead and install the wall boards and do the roofing, but the most difficult part is putting up the posts and the trusses and this would take care of that. That is within the money that we had originally intended on spending.

President Tuley: So you are going to reject the bids and then break it down in that component and rebid it? Did I understand that or

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

41

did I fall asleep on you?

John Stoll: Since we are under the \$25,000 we could just get a purchase order, basically, to do this work now. Just have the posts and the trusses erected.

Commissioner Borries: There was one low estimate, you said?

John Stoll: It was \$19,700. It was from CLR, Incorporated.

Commissioner Mourdock: For just the beams and trusses?

John Stoll: Right. Their original quote...their original bid for the entire construction was \$39,410.

Commissioner Mourdock: Here we go again. Did we go back to each one of those bidders and ask them to give us a price for just that component?

John Stoll: Yes, we did.

President Tuley: They broke it down by component?

John Stoll: Yes.

President Tuley: In the original bid with the understanding that they would take part of it?

John Stoll: Right.

President Tuley: Okay.

John Stoll: The two original bidders were Phoenix Construction and CLR. Phoenix's original bid was \$87,485 and their quote for just the posts and trusses was \$31,160. CLR's original bid was \$39,410 and just for the posts and trusses they gave us a price of \$19,700.

Commissioner Mourdock: We started down this road once before when the highway crews were going to do this building in its entirety. Are we certain this time, and Milton is smiling back there, are we certain this time if we commit to these folks to do this, the trusses and beams phase of it, that we will, in fact, have our own people available to get this work done? Are they, and this is going to sound bad, but are they qualified to do this particular work?

John Stoll: On the basis of my discussions with Bill Morphew he says they are and can do it and will do it. I don't direct those crews, so I can't say for certain.

Commissioner Mourdock: I know you don't and I am not putting you on the spot I am just reading Milton's smile back there. Do you concur with that Milton, as far as that? You know, again, I shouldn't put you on the spot either because if Bill told John--

Milton Hayden: You're putting me on the spot now.

Commissioner Mourdock: Yeah, that's alright. I withdraw that question. That wasn't fair.

John Stoll: If you want to wait until Bill is back to bring that up with him you could do that as well. I still think we should reject the bids. We can turn around and hire one of these contractors

next week on the basis of these quotes.

President Tuley: This gentleman here raised his hand. I think he has--

Unidentified: Can I ask a question?

President Tuley: If it is relevant to this discussion, I guess.

Commissioner Mourdock: Sir, you need to come to the microphone and identify yourself.

Dick Bohm: The question that I would have is if you get the trusses and posts put up what other material costs do you have over and above the \$19,000? Where is that going to take you relative to the full bid? That is the question that I would ask. Do we have a real savings and how much is the savings relative to the department?

Commissioner Mourdock: That is a very good question, John?

John Stoll: I'm not sure that I followed what the question was.

Commissioner Mourdock: He is simply saying that the \$19,000 is going to get you your trusses and beams put in, but we are still going to have to spend money for materials that were otherwise included in the full bid packages that you received.

Commissioner Borries: They are already there.

President Tuley: No, they are there. The material is there.

John Stoll: Material is already covered. The material is out at the garage already, so there are no material costs associated with that. The only material cost that was not included in the package for the salt barn was some concrete for the posts when they are anchored in the ground, so other than that...and an asphalt floor, I take that back. As far as all the trusses and all the wood associated with it and all the hardware that is already there.

Commissioner Mourdock: And the shell itself?

John Stoll: Yes.

Commissioner Borries: So in effect, you are saying that if he sets the trusses and everything else and if that is done properly our crews can finish out the job and there is no extra costs from that standpoint?

John Stoll: Correct.

Commissioner Borries: The materials are already there.

John Stoll: Right.

Commissioner Borries: I'll move to reject to previous bids.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: These price quotes that we had didn't have a time limit on how good their quote was, so like I said, if you want to wait

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

43

until next week when Bill Morphew is back so he can elaborate on the abilities of his crews a little better than I can.

Commissioner Mourdock: That's alright, you have committed them!

President Tuley: Okay, we rejected, but then there was a request to award. Do you want to tackle that tonight?

Commissioner Borries: I'm okay with it. Otherwise we are talking two weeks.

President Tuley: I know.

Commissioner Borries: I'll move that the lowest estimate be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: Next, we've got a subdivision that is coming in here soon that will involve the construction of an 88 foot bridge. Typically, bridge inspection has been done by the staff in my office on county contracts, but we have never done it on any subdivision work which is a little bit above and beyond just spot checking installation and subgrade and paving and things like that like we do on the streets. I didn't know if we should proceed and have the county inspection done on these bridges that will be built by a private developer or whether or not we should request them to have their consultants do the inspections?

Commissioner Mourdock: The plan is ultimately that we will assume these?

John Stoll: Yes.

Commissioner Borries: If you are saying at some point these developers are going to come to ask for acceptance, then it better be done according to county or state specs. That would be just like, in my opinion, the same as we do on roads.

John Stoll: We would review the plans and make sure that the conform to all applicable specs.

Commissioner Borries: Does this have to do with a golf course?

John Stoll: No.

President Tuley: No.

John Stoll: This is up off of Hillsdale Road.

Commissioner Borries: It is off of where?

John Stoll: Hillsdale and 41. There is a bridge immediately east of 41 on Hillsdale Road. The developer is going to extend Walnut Road straight south off of there and construct a bridge across that creek. It is a branch of Pigeon Creek.

Commissioner Mourdock: Is that where that motel used to be?

Commissioner Borries: Where is that?

Commissioner Mourdock: It is east off 41 south of Hillsdale. There is...I forget who the developer is, but he is looking at putting in a quick mart type place.

Commissioner Borries: Oh, gotcha, okay.

President Tuley: John, rephrase the question because I think there is some confusion.

John Stoll: I guess the two options would be that we would have county inspectors monitor the construction on a daily basis or we would have their consultant, the developers consultant, provide the same inspection as they would say on...like we've got consultants doing Green River Road now and Ohio Street now and things like that. Given the fact that we haven't had bridges of that magnitude done in the past, I just wondered what direction the Commissioners would like us to take with that.

Commissioner Mourdock: I agree with what Rick says. We have got to make sure it fits standards, but I don't know that it means from the construction point of view that we need to have somebody there looking over their shoulders every day while that work is going on because what if we were to do that and then for whatever reason they never did want the county to assume it? We've sent folks out there to do all of this work for nothing.

President Tuley: Well, I can think of one worse than that. Have someone out there that doesn't have the expertise on a bridge of this size signing off on it and then we accept responsibility for it and then we have a problem. Guess who it will come back on? If they have their engineers out there certifying that it is built to standards, blah, blah, blah, if there is a problem who is responsible?

John Stoll: The developer or their engineer.

Commissioner Borries: These are going to be built on private property, so at this time there has been no movement--

John Stoll: It would be a dedicated right-of-way. It is part of a subdivision, so it would be within a dedicated right-of-way.

Commissioner Borries: Who would maintain them?

John Stoll: The ultimate goal for the developer is they would turn it over to the county just like streets.

Commissioner Borries: I don't know.

Commissioner Mourdock: The key word there is ultimate.

Commissioner Borries: Well, I share...I know our staff and everything else, but I...how do you suggest we evaluate the standards here to make sure that they are built according to county specs?

John Stoll: We would review the plans and make sure that the plans conform to any other county bridge and if we monitor the construction it would be no different than what we do on the other ones it could just cause a manpower problem in my office. If a consultant did it, it would be the same documentation they would provide as far as any other inspection project goes, as far as I am concerned. They would have to do daily reports and, basically,

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

45

certify that it was all built according to state and local specifications.

President Tuley: The plans which you would have approved prior though?

John Stoll: Right.

President Tuley: They would be built to those plans which you have already approved? To me if the developer will do that, that is what we should do.

Commissioner Mourdock: Well, under your phrase, to get him to do it I think it has to be understood that is the only way that bridge will ever be accepted.

President Tuley: Well, I'm sorry, yeah.

Commissioner Mourdock: If it is not done that way, then we are not going to accept it.

John Stoll: Yeah, right.

Commissioner Borries: That is the way that it has to be.

John Stoll: I'll send him a letter stating that they need to have their consultants have qualified personnel.

President Tuley: Yeah, Dave wants to make...I'm sorry.

Due to mechanical difficulties, this portion of minutes was reconstructed from notes:

David Ellison commented that the neighbors in the Hillsdale Housing Association had asked him how this would affect their neighborhood and if it was being built at higher elevations.

John Stoll commented that he only had draft plans and that no final plans had been received. Next, John reported that he was still researching the area of Highway 41 near Camp Reveal to see who owns that. He has been researching, but hasn't come up with an answer yet. He will continue to research and report back. John also reported that Petersburg Road was entirely the city's responsibility. The county has no responsibility for it at all even though the paper reported that it did.

**Milton Hayden - County Garage**

Next President Tuley called for Milton Hayden, filling in for Bill Morphew, of the County Garage.

Milton Hayden presented a progress report for the County Highway Department and Bridge Crew for a period covering Friday, September 13 through Thursday, September 19, 1996 for work all over the county.

**Alan Kissinger - County Attorney**

Alan Kissinger had nothing to report.

**Cindy Mayo - Superintendent of County Buildings**

Next President Tuley asked if Cindy Mayo had anything to report.

Cindy Mayo reported that Alan Kissinger had given her the wording for the cancellation of the September 30, 1996 Commissioners Meeting.

**Lynn Ellis - Purchasing**

The next item was Lynn Ellis (not present) asking permission to advertise Bid Number APA036-97 for Transportation Services for the Vanderburgh County Office of Family and Children. These are to be advertised September 26, and October 3, 1996 with the bid opening date of October 21, 1996.

Commissioner Mourdock so moved.

Commissioner Borries seconded.

President Tuley so ordered.

The next item for Lynn Ellis was the awarding of the State's salt bid. It was awarded to Akzo Nobel Salt, Inc. \$31.62/ton and North American \$31.97/ton. The following was read by President Tuley:

"We are recommending an award to both suppliers in case of a shortage as experienced in previous years. A purchase order will be issued to both suppliers in order to reserve salt for the county's use during the 1996-97 winter season."

This information was written on Lynn Ellis' agenda request.

Commissioner Mourdock made a motion approving the bid.

Commissioner Borries seconded.

President Tuley so ordered.

Beginning here the following minutes are verbatim again:

**Consent items**

President Tuley: Under consent items we have employment changes, travel requests which would include requests from the Commissioners, all three Commissioners, headed for Indianapolis for the Association of Indiana Counties Annual Conference. We have a Council Call request for Burdette Park with regard to the utility account and we have the Treasurer's Office monthly report.

Commissioner Borries: I'll move that it be approved.

Commissioner Mourdock: I have just one question on the consent items. The one on Burdette Park, I can't find it, but I put in here earlier.

President Tuley: This one.

Commissioner Mourdock: Yeah, that one struck me as odd. Was that in the budget that way or did they miss the budget by the utility, I mean that would be a pretty straight forward thing or is it something that--

President Tuley: You said that better than I could have said it, but they were underfunded at the previous budget. Now, we are addressing at the Council's request the way that they are billed and we are trying to work out something there. So hopefully in the future...

Commissioner Mourdock: Okay, yeah.

President Tuley: Particularly in lieu of the recent rate changes.

Commissioner Mourdock: Yes, because it seems like it ought to be a pretty easy item to budget for to be off by that much. Did you make a motion, Rick, I'm sorry?

President Tuley: Did you move?

Commissioner Borries: Yeah.

Commissioner Mourdock: Okay, I will second.

President Tuley: Okay, so ordered.

<b>Scheduled meetings</b>
---------------------------

Commissioner Borries: Mr. President, one item on here though. This September with this meeting scheduled then, I think we have talked about this, but at this time I think we need to give notice of cancellation of a meeting which would be on September 30, 1996.

President Tuley: Okay.

Commissioner Borries: And alter the meeting schedule--

President Tuley: Okay.

Commissioner Borries: --that there would be no Executive Session scheduled nor any meeting of the Vanderburgh County Commissioners scheduled for Monday, September 30th due to a lack of a quorum.

President Tuley: On September 25th, which is Wednesday, there is a 3:30 p.m. Personnel and Finance Committee meeting in which my understanding is they will be addressing the funding with regard to the Auditorium and Convention Center. Probably, if any of the Commissioners or all of us could be there it would be nice if at all possible. And there are no meetings, which Commissioner Borries just talked about, and hopefully...we will ask that the meeting be cancelled due to a lack of quorum for next week. Do we need to have a motion that the meeting be cancelled do to a lack of quorum?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Old business
--------------

President Tuley: Okay, old business. I don't have any listed on here.

Suzanne Crouch: I have some information that Commissioner Borries requested about the Building Authority and if they had a surplus. I believe that is what you requested last week.

President Tuley: Okay.

Suzanne Crouch: We spoke to Mr. Utley. He indicated that there was outstanding bonds of a little over \$12,000,000. Currently in the bank we have 10.3 million dollars. However, they're projecting that in the year of 2006 there will be enough money...that is when the bonds are due to be paid off and they will have enough money to pay the \$12 million in the bonds and they are projecting about a \$4 million surplus at that time. I haven't asked them what they could spend that surplus for. I would presume that would be something that would be considered closer to 2006 because I am sure that they wouldn't want to dedicate any monies anywhere until that final bond issue has been paid off.

Commissioner Borries: So the \$9,000,000 that was referred to by the one person that was quote "sitting there" is not really sitting there according to the figures that you've seen?

Suzanne Crouch: There is \$10 million in the bank, but, yes.

Commissioner Borries: In order to work for defeasance of some of the bonds as well?

Suzanne Crouch: Right, I think that might have been the confusion.

Commissioner Borries: Oh, okay.

Commissioner Mourdock: Just to follow up with that, even though that is not the case now they are expecting to have that surplus when the bond is fully paid off in the year 2006?

Suzanne Crouch: In 2006, correct. They are projecting it to be in the neighborhood of about \$4 million.

Commissioner Mourdock: The question from last week was if that in fact happens what can happen to those funds?

Suzanne Crouch: I think Lucy Emison answered that in terms of you can't...I think Mr. Altman had asked could that be used for the renovation of the Auditorium and Ms. Emison indicated that they are two separate issues. They can't be commingled. You can't use one for the other. I, quite honestly, don't know what the wording is on those issues, on the current issue with the building here, so I don't know if it is stated. Perhaps someone else would have information what that surplus could be dedicated to. I would be happy to try and get more information, but I don't know that.

Alan Kissinger: Which surplus now are you referring to?

Suzanne Crouch: For this building. The bonds on--

Alan Kissinger: This building?

Suzanne Crouch: Yes, on this complex.

Alan Kissinger: That should not be misunderstood. That surplus has been put into a fund to pay off these bonds. Theoretically, there will no longer be a surplus once that payoff is made.

Suzanne Crouch: Well, now Mr. Utley did say today, Alan, that the bonds would be paid of in the year 2006. The bonds are in the neighborhood of a little over 12 million right now that are outstanding and right now they are projecting about a \$4 million dollar surplus at that time.

Alan Kissinger: I think the short answer to the question, then is, no, it cannot.

Commissioner Mourdock: Okay, what can it be used for?

Alan Kissinger: It is...I don't know, we would have to look at the bond issue to see what purposes are allowed. It is entirely possible...you see, the difference here is that this bond issue was transacted prior to the non-arbitraging requirement in the 1988 or 1989 tax law. They are allowed to develop a surplus, they are allowed to invest this money at a greater interest rate than they are paying for the bonds. As a consequence, well, they are legally arbitraging. As a consequence, they are developing a surplus and I assume that the surplus or the possibility of a surplus was anticipated in the bond documents. I also assume that the bond documents will tell us what the surplus can be used for. I would suggest that probably it is going to go back into a general fund or something such as that. I do not think that...normally, they really restrict these things as to what surplus can be used for.

Commissioner Mourdock: It is not at all illogical to assume that monies that would be there in surplus might be used to remodel this building.

President Tuley: That is what I think.

Commissioner Mourdock: I would just like to know.

Alan Kissinger: The Building Authority is still going to have some control. The Building Authority may very well want to issue more bonds for whatever reason or as I say, there may be something in their bond document. It would just be a matter of having someone analyze the bond documents.

President Tuley: I think you are on the right track. I think that Mr. Utley had indicated to me in a conversation that I had with him on some other things that...I don't want to misquote him because I don't remember verbatim what he said, but I thought he had asked that or indicated that it maybe could be set aside and used for remodeling and renovations of this current project, of this building here.

Alan Kissinger: It is possible that it could. The important thing to note is they stopped accumulating that surplus when they realized it was totally predictable that they would have a sufficient surplus to pay off the bonds because if they had not they could have developed a fantastic surplus. I don't think they could have shown a public need and I don't think public sentiment would have gone along with it.

President Tuley: Okay. Any other old business?

New business
--------------

President Tuley: Under new business we have a copy of a check from the United States Treasury with a letter:

"Enclosed is a refund of contributed funds in the amount of \$523.53 for Section 22, Planning Assistance to States project for Pigeon Creek in Evansville and Vanderburgh County, Indiana. Also enclosed for your information is a copy of the final audit for the project.

We are pleased to have worked with you on this Floodway Determination study and hope that it has been completed to everyone's satisfaction. If you have any questions..."

...so on and so forth. It is from the Department of the Army, Corps of Engineers. It was addressed and everything to Barbara Cunningham with the check made out payable to the Treasurer of Vanderburgh County. The other item that is printed as new business is from Mark Acker, the Director of Veterans Affairs.

"I would like to ask permission to reserve 12-25 parking places in the parking lot behind the Veterans Coliseum once a month for the World War II Veterans monthly meeting. They generally meet for approximately three hours. It is very difficult for them to find parking during the middle of the day and the parking behind the Coliseum would be very convenient for them."

Commissioner Mourdock: When I recently met with the Old Courthouse Preservation group there was a discussion about the parking over there and some of their tenants. I presume this request is going to dislodge some of their people from parking in that and I am making that assumption. Have either of you heard from anyone making that comment?

Commissioner Borries: When he says around the Coliseum is he talking about the Coliseum parking lot behind that?

President Tuley: He is talking about the...it says the parking lot behind the Coliseum, so I assume that is what. It is hard for them to find if those places are taken when they get there it is hard for them to find them around the Coliseum.

Commissioner Borries: I don't know of a lot, Richard, on that because we don't charge parking for any...or any fee for that. A feeling that citizens could use that and help the downtown. I don't know how many the Old Courthouse Preservation Society has. Maybe for once a month I don't know if it would be unreasonable for that. I would move that the request be granted, but only for once a month.

Commissioner Mourdock: I will second.

President Tuley: So ordered. Okay, other new business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

Vanderburgh County  
Commissioners Meeting  
September 23, 1996

51

President Tuley: So ordered.

The meeting was adjourned at 8:16 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Judge Richard Young  
Bettye Lou Jerrel  
Mikki Heck  
Michael Shoulders  
Jayne Berry-Bland  
Michael Robling  
Shirley James  
John Kinsella  
Mike Wathen  
Edward Moser  
Dick Bohm  
John Stoll  
Milton Hayden  
Other unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

VANDEBUBURGH

COUNTY

COMMISSIONERS

MEETING

SEPTEMBER 30, 1996

CANCELLED

**Vanderburgh County  
Board of Commissioners Meeting  
October 7, 1996**

**Table of contents**

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Bid opening VC96-09-03 Stringtown Road, Bridge 72 .....	1
Permission to advertise Auditorium Lease .....	1
Joe Profaizer - Permission to solicit vendors .....	2
(To RFB for microcomputers)	
Joe Profaizer - Recommend approval of contract renewal .....	2
(For license and maintenance)	
Mike Shoulders - Veazey Parrott & Shoulders .....	3
(Contract signing - Auditorium project)	
Mike Robling - Engagement letter with H.J. Umbaugh .....	13
(Daylight Sewer Project) (Deferred)	
Leslie Blenner - Proposal for Ameritech LAN Interconnection ...	14
David Coker - Ozone ordinance .....	15
(Not present)	
Keith Rounder - Health Department/St. Mary's grant .....	15
Any group or individual wishing to address the Commission ....	17
Edward Moser - Coterie Club	
John Stoll - County Engineer .....	18
Burkhardt Road widening project	
Notice of Intent letter	
Blue claim for \$100 check	
Legal ad	
Glenwood Hills, Section B	
Sidewalk waiver	
Crossroads Subdivision, Section 4	
Street plan approval	
Bid recap - VC96-09-03, Stringtown Road, Bridge 72 .....	21
Deig Brothers Lumber and Construction Company, Inc.	
\$791,499.96	
Ragle Incorporated	
\$409,048.60	
Permission to hire a firm who employs a certified surveyor ....	21
(Auditorium project)	

Bill Morphey - County Garage .....	22
Progress report for Highway Department and Bridge Crew for the periods of September 20 through September 26, 1996 and September 27 through October 3, 1996	
Alan Kissinger - County Attorney .....	24
Documents to be signed for the Burkhardt Bond Issue	
Cindy Mayo - Superintendent of County Buildings .....	25
Information on surplus vehicle sale	
Consent items .....	25
Blue claim - Veazey Parrott & Shoulders	
Employment changes	
Travel requests:	
Health Department (6)	
German Township Assessor (2)	
Scheduled meetings .....	25
Old business .....	26
Ozone funding	
New business .....	26
Request to provide contract expirations to Commissioners	
Regional County Commissioners Meeting	
Students visiting county government	
Adjournment .....	28
Attendance and signature page .....	29

**Vanderburgh County  
Board of Commissioners Meeting  
October 7, 1996**

The Vanderburgh County Board of Commissioners met in session this 7th day of October in the Commissioners' Hearing Room of the Civic Center Complex at 5:45 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: I would like to call to order the meeting of the Vanderburgh County Commissioners for Monday, October 7, 1996. As a point of introductions, for those of you who may not know, to my far right is Cindy Mayo, the Superintendent of County Buildings and our office manager; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is Suzanne Crouch, the County Auditor; and to her left is Charlene Timmons, is the Recording Secretary, who will be taking the minutes of this meeting. If you would, please stand with us, face the flag and say along as we do our Pledge of Allegiance.

**Approval of minutes**

President Tuley: Under the action items, 4A is the approval of minutes from the meeting conducted September 23, 1996. There was not a meeting last week as we were all out of town. Do we have a motion for approval?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Just for the record, we will certify that there was an Executive Session held prior to this meeting and pursuant to Indiana statute notice was given. It should be noted that the only topics discussed were permitted by law such as personnel, pending litigation and contractual matters. No final decisions or actions were taken.

**Bid opening - VC96-09-03, Bridge 72 Stringtown Road**

President Tuley: Item 4C, John Stoll requests the opening of bids for VC96-09-03, Bridge Number 72 over Stringtown Road. I'd like permission at this time then for someone to move for the County Attorney to open all bids.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Auditor's Office - Permission to advertise Auditorium Lease**

President Tuley: Item 4D, the Auditor's Office permission to advertise the auditorium lease.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: Comments, Suzanne?

Suzanne Crouch: No.

President Tuley: No, okay. So ordered.

**Joe Profaizer - Permission to solicit vendors to RFB for microcomputers**

President Tuley: Item 4E, Joe Profaizer, permission to solicit vendors to RFB for microcomputers.

Joe Profaizer: Yes, our current contract with Advanced Microelectronics on our microcomputers expires December 31, 1996 and we are requesting permission from the Commissioners to solicit vendors for bids beginning January 1, 1996.

Commissioner Borries: That's 1997.

Joe Profaizer: Yeah, seven, correct.

Commissioner Borries: It happens to me all the time. I will move approval.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Joe Profaizer - Recommend approval for license & maintenance renewal**

President Tuley: Item 4F, is also Joe to recommend approval for license and maintenance renewal.

Joe Profaizer: Yeah, I have just handed you two maintenance contracts from the firm Software Partners/32, who is our software vendor, that provides the backup software to do our network backups and provides a few utilities that Computer Services uses. I recommend approval of these maintenance contracts.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered. Joe, we just sign the second page?

Joe Profaizer: Yes.

President Tuley: Or do I sign down at the bottom of the first page as well?

Joe Profaizer: There should be an attachment there where the Board of Public Works signed also.

President Tuley: Okay.

Joe Profaizer: Thank you.

President Tuley: Thanks, Joe.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Tuley: Next up will be Mike Shoulders from Veazey Parrott & Shoulders.

Mike Shoulders: Good evening, Commissioners. I'm Mike Shoulders, President of Veazey Parrott & Shoulders. You should have by now in front of you a copy of the latest contract draft. In it there is, basically, no change from two weeks ago other than on Page 10, item I, capital I, and in this write-up I put together some verbiage that deals with the schedule for the Vanderburgh Auditorium and Convention Center. I don't think that you've seen that verbiage. I faxed it over to Sunny, but I don't think she got it until late today.

Commissioner Mourdock: Let me just make a comment or two here. The section that...well, let me clarify a couple of things here, Mike, since I didn't get a chance to look at this before and neither did the other Commissioners and we certainly do want to get this thing finalized. The document that we have in front of us is now an 11 page document and the last draft that we had was a 9 page document?

Mike Shoulders: Correct.

Commissioner Mourdock: Without having looked through everything compared word-to-word, I just wanted to be on the record here, everything in that form is the same except for Item I? Is that--

Mike Shoulders: Except for Item I, let me make sure that is true on one other point. The reason that it is an 11 page document instead of 9 is that each Roman numeral subheading is started at the next page. In other words, there was a continuous flow of text previously and what we have done to help the clarity of reading, we hope, is to put, for example, Roman Numeral I, is General Terms of Agreement; II is Scope of Services and so forth. We tried to put these in an order where you can find them. So, basically, there is no difference there. There is one other item, Commissioner, that we added and after a discussion with Commissioner Mourdock, and it has been a while back, but on Page 8 we added to the consultation list there that is indented you will see that we had previously Building Programming, Market Research Analysis, Theatrical Consultation, Project Cost Analysis, Commercial Kitchen Planning, Building Code Consultation, Technology Consultation, Acoustical Consultation. We have added Arts Management and Convention Management Consultants. Now we have not increased the not to exceed amount, so the amount is the same, but there has been some discussion that we might need an Arts Management, that is for the Auditorium side and potentially a Convention Management Consultant and that is in terms of an Operations Consultant. Those words were added and then the only other change since you've seen, or since the last presentation which was two weeks ago, there was a date change before the...the last page before the signatures. The date changed from two weeks ago date to today's date, on the very last page, which is the 7th day of October for the execution of the contract. So the only item of substance is Item I, under Miscellaneous Provisions, that is on Page 10 starting at the bottom.

Commissioner Mourdock: The specific item that was causing me the problem last time, and I know Alan...Alan, did you get a copy of this? I guess you did.

Mike Shoulders: There is one in here for him.

Commissioner Mourdock: Yeah.

Mike Shoulders: There are six copies in the package there.

Commissioner Mourdock: Okay, the item that was the problem before was under Section B, Phase II, Final Plans, Item 5. The language said before:

"The Architect shall submit to the owner completed final plans as soon as technically feasible."

Now I see in the new draft that same language is still there.

Mike Shoulders: It's still there, but supplemented with a schedule, right.

Commissioner Mourdock: Okay, and you intend under Miscellaneous, your Section I to somehow...

Mike Shoulders: Assumed within this progress schedule that we would devise, the assumption is that we will present final plans as soon as technically feasible, so that will be rolled in to the schedule. We would propose to come back to this group of Commissioners in two weeks, on the 21st, with a PER Chart, which is a progress schedule showing both design functions as well as construction functions for your review. At such time that you comment and we refine and revise the schedule and at such time that we mutually agree that, yes, this is a workable schedule, then we will append this to the contract as a guideline for the targeted dates for meetings, the targeted dates for completion of plans, the targeted date for bond issue, the targeted date for breaking ground, the targeted date for closing the auditorium, the targeted date for completion and punch list review and occupancy. We would project not just delivery of the final plans in this schedule, but an entire PER Chart from the 21st, in two weeks, until the end of '99 if need be.

Commissioner Mourdock: Okay, so your Item I is talking about a lot more than just the final plans?

Mike Shoulders: The final plans would be in it, but, yes, it would be even more encompassing than just my design time. It is the entire scope of the project.

Commissioner Mourdock: Yeah, and the way I read "I", and I have just skimmed through it here in the past five minutes, but it appears to me that what "I" is saying is quite simply you don't want to be held responsible for delays that are caused to you by third parties?

Mike Shoulders: That is correct, yes.

Commissioner Mourdock: Okay, and I agree. You shouldn't be held responsible for those delays. Having agreed on that, though, I guess I still have the same point with Item 5, the Architect shall submit to the owner complete final plans with a date realizing that all those other things that you just said are dependant upon third parties. The language that I faxed over to you the other day, I think, kind of addressed your same concern there, did it not, because that is what I didn't want to do? I didn't want to pin you down with problems that were going to be caused by somebody else because, quite frankly, that is not fair.

Vanderburgh County  
Commissioners Meeting  
October 7, 1996

5

Mike Shoulders: Well, yeah, that is the way we look at it. In my history, in 15-16 years, we have never put a plan...I mean a date for final plans in the contract. Typically, the contract for services that we are going to execute is at the very, very beginning of the process when we know very little about the concept plans, the schedule or anything at all. The architect is retained in order to help formulate that schedule. I suppose we do have the luxury here of several months of study, but I am still very, very uncomfortable with pinning dates down. The other thing, Commissioner, is that in your fax I am very uncomfortable with the date that you...I don't know if that was just an example?

Commissioner Mourdock: More or less, yeah. I don't know what that date should be, but I am certainly willing...I don't even remember what date I put in there.

Mike Shoulders: January 20 of '97.

Commissioner Mourdock: Yeah, you tell me the right date and I can agree to that. I just want a date that is fixed and I know that is what our counsel's advice was to us before and I think his words were phrases like "as soon as technically feasible" do one thing and they account for a lot of legal billings later on.

Mike Shoulders: Well,--

Commissioner Mourdock: You know, we would like to have a date.

Mike Shoulders: Maybe the terms "technically feasible" maybe that is not the right term. I guess I am arguing and perhaps we don't want to take up your time today to debate, Commissioner, and to negotiate here, but what I am saying is that it is not common practice in architectural practice and construction practice to put a date in and I have never seen it done before and there are very good reasons for that. There are precedence for that, so I think it is legally as dangerous to put it in as it is to not put it in.

Commissioner Mourdock: Alan, do you have any comments?

Alan Kissinger: No, I don't have any real comments except that I can see both sides here. I think it is in the interest of the County to have a schedule at some point where we can say we are on schedule or we are not on schedule. I can understand Mr. Shoulders' position as well. We have not reached the point where he feels comfortable or feels like he can be tied down to a schedule because some of our performance is going to depend on his performance. I would love to be able to settle the argument, but...I shouldn't say the argument, the situation here, but I don't know how to suggest to do that.

Mike Shoulders: If there is verbiage that can replace "technically feasible" I am very willing to look at it, but short of the date that is where I am really uncomfortable.

Commissioner Mourdock: Do you have the fax I sent you in front of you? Not that this is extraordinary language because I wrote it because it isn't, but what I suggested was:

"The Architect shall submit to the owner completed final plans no later than January 20, 1997. Owner and Architect agree that a reasonable extension of time will be provided beyond January 20, 1996 if delays occur through no fault of the Architect."

Give me a date, Mike, that you are comfortable with that we can put in here.

Mike Shoulders: I'm not sure I'm comfortable with any date yet until we deliver the preliminary plans to you and you tell us that we are on target or we are not.

Commissioner Mourdock: Okay, how about once you deliver the preliminary plans, 90 days, 120 days, again, you just tell me what date is reasonable, again, with the language here:

"...if delays occur through no fault of the Architect."

We are not going to hold you responsible.

Mike Shoulders: You are saying that you would be comfortable with an elapsed time? A period after the preliminary plans rather than pinning a date down?

Commissioner Mourdock: Yeah.

Mike Shoulders: Well, I am uncomfortable with that as well, but if you want to talk about what that date is we can talk about that today. It is certainly not January 20th.

Commissioner Mourdock: Okay, then we will go back to that. I don't mean to be a thorn in your side.

Mike Shoulders: Well, I don't mean to be one in yours either, but, again--

Commissioner Mourdock: I'll tell you what, we'll accept your language if you'll accept our language that says, payment shall be made at some point when technically feasible!

Mike Shoulders: Well, you are so far behind in paying me now!

President Tuley: Score one for Mike!

Commissioner Borries: That is not unusual right there!

Mike Shoulders: But, no--

Commissioner Borries: Mike, I just want to say I know that Richard is real concerned about this as we all are, but you live in this community. You have an excellent reputation in this community. Can't we move on to sign this this evening and say that you are going to provide us with a schedule?

Mike Shoulders: That is what I have basically said.

Commissioner Borries: As an addendum?

Mike Shoulders: That is what I have said.

Commissioner Borries: It is going to be entered into this official record. We know how to get you on the telephone, we know where you live. I mean, you are not going to go away from this community.

Mike Shoulders: That sounds very reasonable.

Commissioner Borries: I don't see this as an issue here where we can't get you and...that sounds terrible. It's not like--

Vanderburgh County  
Commissioners Meeting  
October 7, 1996

7

President Tuley: Know where you live and it is not like we can't get you!

Commissioner Borries: --we can't contact you--

Commissioner Mourdock: Especially since we are the ones behind in the payment!

Commissioner Borries: We can't contact you and pin anything down or get beyond this particular point. Once, like you say, you get your preliminaries down and set the schedule and we've got this idea.

Mike Shoulders: Well, Commissioner Borries, I kind of phrased the verbiage, and I based it on a suggestion of yours, basically, what you said to me in passing is, Mr. Shoulders, couldn't we have an appendix that was attached to this contract that outlined the dates that we should look to you to or for, and I think that is a very workable arrangement. As I view it, we mutually work out this schedule, we attach it and then we try our best to live by it and live with it. It is not arbitrary at that point and it is a working date, a set of dates, really, it is more than just the final plans. There are a lot of benchmarks that come with that. I am comfortable with that, Commissioner, and that is basically how I tried to tailor that verbiage that you see there in "I".

Commissioner Borries: This officially gets you on board and you are saying in the record that you are going to provide a detailed schedule as you move forward with your planning now that we can add to this agreement?

Mike Shoulders: That is correct.

President Tuley: I know that you have taken the lead on this, Richard, but I also know that Mike has bent over backwards to meet every request, every change, since we have been here. He has been working for months without a benefit of a signed contract. Of course, that don't mean a whole lot if we are not paying you anything, but...

Mike Shoulders: Well, you paid me once.

President Tuley: Paid him once. I tend to agree with Rick on this one. If we, you know, we are going to get an addendum that we are all going to agree to that this is the schedule, we are not dealing with someone, like you said, who doesn't have a good reputation in this community and who doesn't live here or who is packing up his bags and leaving as soon as he gets a little more money.

Commissioner Borries: I suppose if I just didn't know you and have a high degree of respect for your work and that is not to say that I wouldn't say that to any other architect, but, I guess, we have the good fortune of having professional people such as yourself and others and contractors who live in this community and who do work in this community and who stake their reputation everyday on those kinds of things. So if there is a disagreement it seems like it is going to be very easy to get hold of you and get this information.

Mike Shoulders: I appreciate those comments, but I do agree with you, too, though, that it is standard in the industry, in the design profession and the industry, the type of verbiage that we have here. It is not like I am imposing a special request on you because I know you or something or that I'm a resident here. I think that if you look at the standard AIA contracts or many

contracts that are drafted for large projects, you will not see rarely, if ever, I don't think I have ever seen a date prescribed for a final plan. I am really not asking for some special thing here.

Commissioner Mourdock: My hesitancy here, Mike, in wanting those dates has nothing to do with you--

Mike Shoulders: I understand.

Commissioner Mourdock: --and I will go on record to say from where we started with the phrase you used a moment ago, the standard AIA agreement, you understood my problems with that.

Mike Shoulders: Sure.

Commissioner Mourdock: That agreement was changed substantially from being a cost plus type agreement to what we have now. We've come a long way. I guess I am still dumbfounded though, the language which says:

"...if delays occur through no fault of the Architect..."

With that language included you still don't want to accept a date in there. To me that is, and I am in the construction business, too, granted a different side than yours, but--

Mike Shoulders: I'm not sure what purpose it serves if we're striving in the same direction with a common schedule that we append to this. I am not sure what this one date, what the meaning of it, what it serves, there are no penalties attached to it, what meaning does it really have?

Commissioner Mourdock: That is right. I have not...and that is a very good point. I have thought of the word penalties because typically in our construction contracts that is what we have. I have never brought that part of the discussion up because I didn't think it was pertinent, and still don't. Without penalties, again, is why it is even more confounding to me that what would seem to be otherwise simple language here is so objectionable to you. You have put in this newest draft that the schematic plans will be delivered no later than the 21st day of October. That is still, I mean, that is a good date?

Mike Shoulders: Yeah, we would like to come here two weeks from now with the schedule and the schematics to present.

Commissioner Mourdock: Alan's comment of a minute ago is what is driving my whole mental process here in that I don't want to see a program that keeps going on, and on, and on, and on, and on. Again, I don't feel that is your intent.

Mike Shoulders: No, that is not in anyone's interest--

Commissioner Mourdock: No, it's not.

Mike Shoulders: --or mine either.

Commissioner Mourdock: That's why when there are dates written on the wall that everybody can see it tends to keep us all better focused. That is what I want to do.

Mike Shoulders: We want to have a big schedule of dates, not just

**Vanderburgh County  
Commissioners Meeting  
October 7, 1996**

9

the final plans. The final plans will be on that. It will be on the 21st.

President Tuley: That was going to be my point, is that not going to be part of the plan that you are submitting?

Mike Shoulders: That will be on there. Let me just say to you and this is part of the reason that I am uncomfortable. The memo from you, Commissioner Mourdock--

Commissioner Mourdock: The fax?

Mike Shoulders: The fax said something like January 20th. We are looking right now at an approximate date of delivery of those final plans of May 31, 1997.

Commissioner Mourdock: Okay.

Mike Shoulders: We have told County Council...we were asked at the lease hearing, first reading, about the dates and we did not say May 31st, but we did say that we expect that we will have bids in hand late in June, assuming a 30 day bid period. That we would be ready to sell bonds, if that is the timing decision which is not our decision when to sell bonds, but we think we can break ground and really be in this by July 15th. So this schedule that you are going to see in two weeks will have dates that approximate those dates I am speaking to you. I am not sure if your vision and mine are the same on that.

Commissioner Mourdock: Again, the January 20th that I put in here was purely an example. I mean, if you told me it should be December 20th, if you told me it is next August 20th, I don't have any frame of reference.

Mike Shoulders: I guess, when we append this schedule to the contract, in essence, I am saying we have what you are wanting. In other words, there is a document that will say, in essence, the final plans will be pinpointed, we'll have it on a flow chart and it will say final plans due to the Commissioners and it will say May 31st and it will be appended to this contract. I don't see where we are that far off of the same understanding.

Commissioner Mourdock: Again, you expect to have that document to us when?

Mike Shoulders: Two weeks.

Commissioner Mourdock: The 21st, you said?

Mike Shoulders: Right.

President Tuley: I'll entertain a motion to approve the contract subject to the appendix that we have been discussing being presented to this Board on the 21st.

Commissioner Borries: I will move approval.

Commissioner Mourdock: Say what you just said again. You're suggesting that we go ahead and tentatively approve this subject to receiving those documents on the 21st?

President Tuley: With the understanding, I don't want to say subject to. Mike had stated for the record that he will be here on

the 21st with the addendum to be attached that will have the dates that you are asking for all spelled out. Not subject to, but with the understanding.

Commissioner Mourdock: Well, we've been up and down this thing a number of times and with that language I will accept it although I want you to know that the date situation remains very much in the front of my mind and I do want to get this thing turned around as quickly as we can.

Mike Shoulders: We will only make a profit in our company if we get it out in a timely way. If it drags on it only means that we are losing money just like your company would on one of your contracts. So we share the same goal here, plus the community goal, not just the monetary, but the community goal. I hear what you are saying, but I think that this broad scope schedule that shows the relationships of not only our work, but other things that have to happen as well as construction, will be more meaningful in this appendix other than just pinpointing that particular date. I mean, there will be a date on there that is doing the exact same thing that you are talking about.

Commissioner Mourdock: Again, just for the record, Mike, the document that I had in my packet today which you had signed effective September 24th--

Mike Shoulders: Right, has been revised.

Commissioner Mourdock: Right, but the only revisions are the two that you have mentioned tonight. One being item, I, in Miscellaneous and the other one being that change of date and the third being the inclusion in the Miscellaneous Provisions regarding the Arts?

Mike Shoulders: Right. Now, when I say change of dates, October 21st used to be October 15th on the preliminary plans and then the date of execution used to be September 30th, or whatever, and now it is October 7th, which is tonight.

Commissioner Mourdock: Right.

Mike Shoulders: That is correct.

President Tuley: We had a motion and I do believe somewhere in there I heard a second.

Commissioner Mourdock: With stated concerns you heard a second.

President Tuley: But it was a second?

Commissioner Mourdock: But it was a second.

President Tuley: So ordered. Mike, now none of these copies that we have are signed by you.

Mike Shoulders: Right, I wanted to let you execute them and then I will follow suit. There is one other issue that I wanted to speak with you about and that is why I haven't signed them as well.

President Tuley: I'm laughing because I started to write 10/7/54 here as the date.

Mike Shoulders: If you will indulge me for a minute.

**Vanderburgh County  
Commissioners Meeting  
October 7, 1996**

11

Commissioner Mourdock: Whose birthday is that?

President Tuley: Mine.

Commissioner Borries: That's right, today is his birthday.

Commissioner Mourdock: Tomorrow is mine.

Mike Shoulders: Happy birthday to both of you.

Commissioner Mourdock: We should have called this meeting off and partied!

Mike Shoulders: The other one, Commissioner Mourdock requested, I think, let's call it a month ago, verbiage in this contract and it is the last item. It is after Item I and it is Item J. It says:

"All individual parties signing this document affirm that they have no conflict of interest or known potential conflict of interest..."

Now, in the spirit of full disclosure I want to bring to the attention of the Commissioners that I sit on the Board of Trustees of the City-County Building Commission, or Building Authority. Let me give you the history of that. I began working on the Vanderburgh Auditorium studies early in 1987. I published my first report on the Auditorium and it is dated July 15, 1987. I was appointed by the Commissioners. I was notified by Carolyn McClintock on July 16th, or it became effective on July 16th of '91 an appointment to the City-County Building Authority Board of Trustees. I served a four year term until the end of '95. I was reappointed on 12/31/95 to serve a second term through the end of 1999. That would be 12/31/99. Now, the function of the Board of Trustees simply and solely is to meet once a year on January 2nd, or whatever, and to ratify the Board of Directors and if there are vacancies or resignations on the Board of Directors to appoint personnel for the Board of Directors. As you know, the City-County Building Authority has not been involved in the architect selection in any way on this project. They have not had a role in this project up until very recently. As of third hearing on the lease and the bond as of this past Wednesday they will now take a role or an active part in this project. That is why I wanted to bring to your attention this issue before I sign that contract and before they begin their work on the bond issue and the lease, I want to give full disclosure and I am willing to tender my resignation from the Building Authority Trustees effective tonight if need be.

Commissioner Mourdock: The folks who will be dealing with that issue, is it the Board of Directors of the Building Authority?

Mike Shoulders: Absolutely.

Commissioner Mourdock: As a trustee, will you be voting on a specific item regarding that issue?

Mike Shoulders: Only for the appointment of the Directors, so you could say indirectly by virtue of appointment. The last appointment we made was a year ago in January. January of '95 to appoint John Stanley to the Board of Directors. That was our last action item of business. We do not act on any substantial issues, that is handled monthly by the Board of Directors. Now, if there is even an appearance, I don't maintain there is any conflict of interest, but if there is even an appearance of a conflict I wish

to tender my resignation and have no qualms in doing so from the Building Authority Board of Trustees. I do not want it said that there was any conflict potentially or by appearance in my serving as the chief architect on this project and also sitting on the Board of Trustees. As you know in this community we are not the largest community around and people wear many hats. People who are involved serve on many Boards. I have served proudly since '91, but I am certainly willing to tender my resignation tonight if that is the pleasure of this Commission. I was appointed by the Commissioners to the position in '91 and I will be more than happy to give you my resignation if you feel it is warranted before I sign this contract.

Commissioner Mourdock: You were appointed by the Board of Commissioners, this Board of Commissioners?

Mike Shoulders: Yes, that is correct, Carolyn McClintock notified me at the time. I don't want you to have to belabor this your entire meeting and you can table this and I can wait and sign the contract after a decision. I would be more than happy, however, to step down from that position. It will not cause me great pain if I need to do that.

Commissioner Borries: You don't receive any monetary consideration?

Mike Shoulders: No, sir.

Commissioner Borries: So there is no monetary. You have no financial interest in the Board of Trustees or in the Building Authority at all?

Mike Shoulders: No, I do not. Since the contract reads the last Item J says:

"...the City-County Building Authority Board of Directors..."

Now, we appoint members to the Board of Directors, this group of mine, the Trustees.

Commissioner Borries: But you don't appoint a majority of the Board of Directors, so, therefore--

Mike Shoulders: We only appoint them one at a time, yes.

Commissioner Borries: I don't see a--

Mike Shoulders: You don't have to give me an answer, but I don't intend to sign my part of the contract until you let me know if I am to tender my resignation from the Trustees.

Commissioner Borries: I think you have made a public disclosure of that and that can be put on file in the Clerk's Office. I don't see at this time...you meet once a year, you don't get any financial payment from the Building Authority. I don't see a...

Commissioner Mourdock: Well, on the issue of the financial payment if someone wanted to make the conjecture, and really you've said the right words, Mike, you said if anyone would have the impression that--

Mike Shoulders: The appearance is just as bad whether it is true or not.

Vanderburgh County  
Commissioners Meeting  
October 7, 1996

13

Commissioner Mourdock: I remember a number of heated comments from Mayor McDonald when Pat and I were on the Riverboat Commission regarding the same issue as far as people having several interests in the community and he used the same words, it's a small community. When I ran for this office I had the words "potential conflict of interest" thrown at me over and over, so I understand both sides of that. I think given the letter of the law, which is respectively what Commissioners Borries was just stating, that you have gone public with this I don't know that legally you need to do anything else. I think it goes beyond the purview of this Board to do anything else, but regarding what the impression is and how much you might or fear you might read about that in the newspaper at some day in the future, I think that is your call. If you're comfortable with it--

Mike Shoulders: As you know, probably my first priority right now...not probably, it is, is this project and delivering this project to you in the finest manner that it can be done. With that intent, I will hereby offer my...or tender my resignation from the Board of Trustees of the City-County Building Authority to avoid the appearance of a conflict of interest. I do not maintain that there is one, but I want to hold this project in the highest esteem throughout the process, or I want it to be held in the highest esteem, and consequently having left that to my decision I will officially at this date and time tender my resignation to you. I will follow this with a letter to both Mr. Utley and to Commissioner Tuley of the Commissioners, then I will execute the contract. Thank you very much.

President Tuley: Thanks, Mike.

Commissioner Borries: Thank you, Mike.

Commissioner Mourdock: How many copies do you need?

Mike Shoulders: Do you want me to go ahead and sign that now?

Commissioner Mourdock: It doesn't matter. How many copies do you need? We did two.

Mike Shoulders: I gave you six, I would like just one back would be fine. Do you want me to go ahead and sign them now?

Commissioner Mourdock: It doesn't matter.

President Tuley: I only saw two to sign. I only signed two so far.

Commissioner Borries: Richard has got one, that's three.

Mike Shoulders: I'll go ahead and execute them as you have done and then we will be in good shape.

Commissioner Borries: How about that one there?

President Tuley: Is this one here?

Commissioner Mourdock: You handled that very well there.

**Michael Robling - Engagement letter with H.J. Umbaugh (Daylight Sewer)**

President Tuley: Ready to move on? Item H was Mike Robling for approval of the engagement letter with H.J. Umbaugh, Daylight Sewer

project. Remember there were some questions about how that recommendation came two weeks ago and he is not here tonight with an explanation, so I think we will just put that on hold until next week.

**Leslie Blenner - Proposal for Ameritech LAN Interconnection Service**

President Tuley: Item 4I, Leslie Blenner, proposals for Ameritech LAN interconnect service.

Cindy Mayo: I asked Mr. Profaizer if he could maybe stay and speak on the technicality of that. She really has turned that in because we need...there is a funding request that will come out of, I believe, Commissioners' budget out of Central Dispatch. If there are any problems or questions with technical, Joe would certainly be able to answer those.

President Tuley: Well, Joe, excuse my ignorance, but would you explain what it is exactly?

Joe Profaizer: Yes, this is Ameritech's LAN Connect Service which is a fiber line which will be running from the Civic Center to Central Dispatch and to the Sheriff's Command Post. The current pricing structure for this line is basically a wash for what we have now is a 56 kilobit per second line. This fiber line will give us the ability to run 10 megabits per second in speed which is 179 times faster and will allow us PC connectivity for those remote sites. We have been back and forth with Ameritech for two years and I am glad to see this come to a head. This will also allow us to centralize our backups to the Civic Center and have centralized management of those computers located at those remote facilities.

President Tuley: The city is apparently offering to pay two-thirds of the cost?

Joe Profaizer: Yes.

President Tuley: One-third cost on the one time payment versus the lease option would be \$22,643.

Commissioner Borries: Where would we get it? Do we have money in the budget?

President Tuley: Sounds like capital outlay.

Commissioner Borries: CCD?

Cindy Mayo: Central Dispatch.

Commissioner Borries: Central Dispatch?

Cindy Mayo: Suzanne, Becky Dixon, I know, came down. I sent her down to your office when she first brought this up to inquire about funding and at the time I was hoping that we could take it out of the E911 Cash Card, but my understanding is that is only for anything having to do with E911 and this is actually a communication link between Sheriff's Department and Central Dispatch, it is not--

Joe Profaizer: Correct, it is a data line only.

Cindy Mayo: Mr. Borries was just asking about the funding source

for this. I was thinking that it would have to come out of Central Dispatch, but he did bring up CCD.

Commissioner Mourdock: Sounds to me like a capital item. I think CCD would be appropriate.

President Tuley: It's appropriate, I don't think there is any question about that. There is money...

Commissioner Borries: I, just in Central Dispatch, Cindy, I just didn't know if there is enough flexibility within that.

Cindy Mayo: It would have to be an appropriation.

Commissioner Borries: Yeah, that is what I thought.

Cindy Mayo: It would have to be an appropriation for CCD also which (inaudible - microphone not on) from General Fund.

Commissioner Borries: I would move then that the county's one-third for this capital improvement be funded from the CCD Fund.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Cindy Mayo: (Inaudible comments, microphone not turned on).

Commissioner Borries: Yeah, sure.

President Tuley: Yeah.

**David Coker - Ozone ordinance**

President Tuley: The next item was David Coker, although I don't see David here.

**Keith Rounder - Health Department/St. Mary's Grant**

President Tuley: Keith Rounder, Health Department/St. Mary's grant.

Keith Rounder: Thank you. Sam Elder, the Director of the Health Department, is here with me tonight answering questions that might come up that I don't have an answer to. What we are here about tonight is an adolescent health clinic which is currently being operated by St. Mary's Hospital pursuant to a grant which St. Mary's has received for that purpose. This clinic helps what are defined as "at risk" population. That is teenagers and adolescence who are at risk for teenage pregnancy, sexually transmitted diseases and whatnot. It provides medical service and counseling services. For some period of time certain staff of the Health Department, county employees, worked at this clinic beyond their regular hours. So in other words, after they would finish a shift maybe one day they would go work at the clinic for a couple of hours. These people agreed to do this, I believe, with some understanding that they might get compensated for it. The problem is that the only money that they could get paid from is a grant. St. Mary's has been advised by their legal counsel not to pay money from that grant directly to these Health Department employees which is understandable because there are a number of problems with that. They can't treat them as contract employees because they don't meet

the definition of contract employees. They would almost have to become employees of St. Mary's and that is not an obligation that they understandably want to take on. It could be a violation of their grant to pay them directly, but I don't know that for sure. At any rate, St. Mary's wants to pay them, the Health Department would like for them to be compensated, they would like to be compensated and they would like to continue engaging in the services they provide at this clinic. The question became how are we going to do this? I have had some discussions with Sam and with Suzanne and with Tom Simpson, from the State Board of Accounts, and this is pretty much what we collectively came up with. We believe that you could take and add a line item to the Health Department budget and hopefully design for money from this grant to go into that line item and be paid out to these employees as overtime for the time they serve at that clinic. No county money would be involved and Tom Simpson has told us that is the most important thing as far as they are concerned. We can trace this coming from St. Mary's to these people and show that there was no county money ever involved and show that this money doesn't go for anything but those employees and the time they serve the clinic and it will be fine as far as the State Board of Accounts is concerned. Why we are here tonight is to make a recommendation or a request of the County Commissioners and that is to make a, I guess, you would call it a request to the County Council that a separate line item in the Health Department budget be created for the sole purpose of providing a vehicle for these grant monies to come from St. Mary's into the Health Department budget and out again to these employees for the sole purpose, again, just for compensating them for the time they spend at the clinic. That is about as simple as I need to make it.

President Tuley: Questions? Comments?

Commissioner Mourdock: That last part cleared it up. I had whole bunch of questions until that last couple of sentences and then it fell in place.

President Tuley: Motion to approve?

Commissioner Borries: Yeah, I just want to thank you for your work on this. I know that some St. Mary's officials had contacted me about this. They've had some concern of how to show the employees, you know, they obviously didn't want them to appear on their roster of employees yet they wanted to provide this service. It looks as if you have worked out a good thing here.

Keith Rounder: It is a valuable public service.

Commissioner Borries: Yes, it is.

Keith Rounder: Everybody benefits from it.

Commissioner Borries: I'll move approval of Mr. Rounder's recommendation.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Keith Rounder: Thank you very much.

President Tuley: Thanks.

**Any group or individual wishing to address the Commission**

President Tuley: Okay, item 4L, any group or individual wishing to address the Commission. Mr. Moser, is that you?

Edward Moser: I would imagine!

Commissioner Borries: We've got a young man back here.

Edward Moser: I have been privileged to attend this meeting tonight and listen to what was said about the Auditorium project. Mr. Shoulders' appeal and the contract and etc. I applaud you for that. Now the work really begins, doesn't it?

President Tuley: Yes, it does.

Commissioner Mourdock: That was the easy part.

Edward Moser: Sir?

Commissioner Mourdock: That was the easy part, you're right.

Edward Moser: Yeah, I don't want to take anymore of your time other than to wish you godspeed in this project. I hope it all works out for all concerned. If I happen to be a loser, why, I will just have to accept that. I know the press is probably getting tired of Ed Moser getting up here! It is still a worthy thought. You'll make a lot of people happy in the Coterie Club if this is the final decision. With that, I will remove myself and just keep on with the good works and I'll be here, you can count on that. Thank you very much.

President Tuley: Thank you, Mr. Moser.

Commissioner Borries: Mr. Moser, again, I want to say to you and I will personally tell you that I will talk to the architect about this to see if there is any way that we can accommodate your group. I want to say, again, you make this community a better place by the kind of person that you are and a nice person. There is much anger and negativism that sometimes pervades modern life and you certainly give such a positive image of yourself and your club. You are certainly to be commended.

Edward Moser: Thank you.

President Tuley: Before you leave I want to pass along one thing to you, too. When I look out in that audience week-to-week there are several people that I know I don't want to see, but it is always a pleasure to see you sitting there!

Edward Moser: My cup runneth over!

Commissioner Borries: Thank you, Mr. Moser.

Edward Moser: Thank you very much.

President Tuley: Young man, did you have anything you wanted--

Unidentified from audience: No.

President Tuley: Okay. I get to call everybody young man now because I'm getting old enough.

Commissioner Borries: Happy...I won't get into how many days, but happy days to you and also to Commissioner Mourdock for tomorrow.

**John Stoll - County Engineer**

President Tuley: Department heads. Are we ready to...that is part of the department heads any way, isn't it, John? His opening that is for John any way isn't it?

Alan Kissinger: Well, yes it is. I can do it during John's presentation certainly.

John Stoll: First of all, I've got a Notice of Intent letter and a claim for the \$100 fee associated with the Notice of Intent letter for the Burkhardt Road project. This letter needs to be signed off on by the Commissioners saying that the erosion control plan will be done in accordance with proper procedures and then we have to submit a \$100 check to start the process on getting IDEM to okay everything. I also have to have a legal ad run saying and providing public notice for the construction. So I need approval for three things. One, for the claim; two, to have the Commissioners sign the letter; and three, for authorization to have the legal ad run. This is all for the Burkhardt Road widening.

Commissioner Borries: Move the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Mourdock: IDEM is the only group I know that will ask you to send them a letter and then expect you to send--

President Tuley: A check with it?

Commissioner Mourdock: --a check for \$100 so they will read it.

President Tuley: So they will read the letter?

Commissioner Mourdock: Uh-huh. If the check is not included they won't read the letter.

John Stoll: They will send a checklist back that has everything marked no, no, no, incomplete! Next, I have a change order on the St. Joe Avenue paving and median removal project. This was with Koester Contracting. The change order is for an increase of \$42,088.56. The reason for the change order is due to some unsuitable subgrade that had to be removed which was replaced with some rock and additional asphalt. We also increased the asphalt quantities which caused an overrun of the contract amount in order to try and increase the road to improve drainage. Those were the two major items on the change order.

Commissioner Borries: I move that the claim be allowed.

President Tuley: I will second and so order.

Commissioner Mourdock: I will abstain.

Commissioner Borries: I want to say that I think the project, based on seeing it here recently, looks very good and I hope will spur some economic development specifically along that corridor there

**Vanderburgh County  
Commissioners Meeting  
October 7, 1996**

19

where there have been some businesses that have been blocked off by that median and also because there has been a large vacancy there due to Kmart moving out. Hopefully, we might be able to attract some new investment in that area. I think that was really a good move.

Commissioner Mourdock: Is that the Koester one?

Commissioner Borries: Oh, boy! Here we go.

John Stoll: Next, I've got a sidewalk waiver request for Glenwood Hills, Section B. This is up in Glenwood Hills Subdivision, Glenwood Hills Estates, off of Orchard Road. The lot sizes out here in this subdivision are in excess of two and a half acres on the average and there are no sidewalks in the first section of Glenwood Hills Estates. Based on that, I think a sidewalk waiver would be appropriate on this subdivision.

Commissioner Borries: They are asking for a sidewalk waiver?

John Stoll: Yes.

Commissioner Borries: How large are the lots?

President Tuley: Big, 3. or 3.5.

John Stoll: I don't remember what the average size is, but it is on septic, so they are at least 2 ½ acres.

Commissioner Borries: Yeah, okay.

Commissioner Mourdock: Did I hear you say, John, that the other adjoining part of this subdivision does not have sidewalks?

John Stoll: No, it doesn't.

Commissioner Borries: This is more than 1 mile outside the incorporated city limits of Evansville?

John Stoll: Yes.

Commissioner Mourdock: Yeah, well outside.

President Tuley: Okay.

Commissioner Mourdock: I'll move that the waiver for sidewalks be granted for Glenwood Hills Estates, Section B.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item that I've got is a request for street plan approval for Crossroads Subdivision, Section 4. This will give an extension of Virginia Street east of its current location where it stops at Crosslake Drive. This will complete a loop parallel to the Interstate and come back down and tie into Division Street out in front of the Best Western and Steak & Shake area. This will be an asphalt street with curb and gutter and I would recommend that the street plans be approved.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: That is all I have.

President Tuley: I've got something for you, John. Valerie was going out the other day when I called over to your office out there on Ward Road and then I got a call from Mikki Heck.

John Stoll: Out at Hillsdale?

President Tuley: Yeah. Apparently Valerie is sizing some pipes or something for them?

John Stoll: Valerie had made several attempts to contact her and I think it was today that she told me, or maybe last Friday, that she was told that the answering machine may have been messed up.

President Tuley: Right, but apparently it has been corrected now.

John Stoll: Right. Ms. Heck did come into the office today--

President Tuley: Oh, she did?

John Stoll: --and she and Valerie went over what areas they were looking for cost estimates on culvert replacements so Valerie is trying to finalize that now.

President Tuley: Thank you.

Commissioner Mourdock: John, I've got two things, one of which I have forgotten, so I will go to the other. I got a call the other day from Dr. Dan Grimm, who is a veterinarian with Greenbrier Animal Hospital on Green River Road. He was telling me that some of the work that has been going on out there has been involving a compactor, a dynamic type compactor. I don't know that to be the case, but that is what he said and he said he has gotten some breaks in his foundation, had some stuff knocked off the walls inside of his house while that is going on and it was all new to me.

John Stoll: It's new to me as well.

Commissioner Mourdock: I mean he lives, I thought, at least from the last time I was out there, quite a ways from where some of the work has been going on. I asked him since he is out in that general area if he ever had any problems with Ayrshire when they were out there blasting. He said, no, he never got any blasting type damage, but whatever is going on out there he said the county is doing it and, again, with some kind of vibratory compactor or something. I told him that I would have you give him a call. Again, the name is Dan Grimm. The second thing that I couldn't think of a moment--

John Stoll: Does he--

Commissioner Mourdock: Go ahead.

John Stoll: Does he live where his office is there?

Commissioner Mourdock: Yes.

John Stoll: Okay, that is about the north end of that project.

President Tuley: That is real close to the north end of that project.

Commissioner Mourdock: Yeah, well, he--

John Stoll: I can talk to Stuart May as well to see if maybe he has contacted Stuart since Stuart is out there on the job site.

Commissioner Mourdock: I don't think he has, but definitely if he says something is going on, I know him well enough to know that something is going on, so we definitely need to check it out. The second thing I wanted to ask is have we awarded yet the Burkhardt Road project? I know the bids came in several weeks ago.

John Stoll: No.

Commissioner Mourdock: Okay. I didn't remember doing it and I just wasn't sure.

John Stoll: I'm waiting for the bond issue to be finalized before that was awarded.

Commissioner Mourdock: Sure, okay. That was the only thing I had.

Alan Kissinger: There is also, John, I would advise you and I think it would be appropriate to make a record now that bond issue money is going to be available and I think also Gershman Brown money is going to be available on like the 15th. We anticipate the possibility of approving that contract on the 14th subject to the funds being available on the 15th. We may do that as early as next week. I have two things for John. I guess everybody has something for John tonight.

**Bid recap VC96-09-03 - Stringtown Road Bridge rehabilitation**

Alan Kissinger: One thing is the bid recap for project VC96-09-03, Stringtown Road Bridge rehabilitation. There were two bidders:

1. Deig Brothers Lumber and Construction Company, Inc.  
\$791,499.96
2. Ragle Incorporated  
\$409,048.60

John, would you like for these bids to be taken under advisement until next week's meeting?

John Stoll: Yes.

Alan Kissinger: Alright. The second thing that I have for John is I am requesting that the Commissioners authorize John to employ a firm who employs a certified surveyor for the purpose of providing us with a legal description of the real estate on which the Vanderburgh County Auditorium is located. The reason for this is a part of the procedure for financing this project will include the county actually deeding the Auditorium real estate to the Vanderburgh County Building Authority with a provision that we lease back. In other words, the county will then lease that facility from the Building Authority which is a part of the financing, I hate to say scheme, but it is a financing scheme. My

research indicates that when the county acquired these various pieces of real estate on which various county buildings are located, we did not receive them in neat packages. There are great big legal descriptions, there are legal descriptions of small pieces, but we don't have a separate legal description for the basically square block on which the Auditorium is located. That is the need...that is why we need a separate legal description. John has indicated to me that he...we deal frequently and he deals frequently with companies that employ certified surveyors and if the Commissioners would authorize him to employ one of those companies to provide us with a legal description as quickly as possible it will facilitate this Auditorium bond issue and financing.

Commissioner Borries: I'll move that the recommendation be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: I talked to Mike Shoulders before he left and he said that he had hired Bernardin Lochmueller to do some survey work over there. He said he didn't know if he had an actual legal description as of yet, but they had done quite a bit of work over there, so they might be the most appropriate one. It sounds like some of the work may already be done. I will probably contact them to see if they do have a legal description, but if they don't I guess the only question is what account do they get paid out of?

Commissioner Borries: There is an Auditorium account, isn't there? Don't we have--

Commissioner Mourdock: Well, this is all part of the project.

Commissioner Borries: Yeah, the project.

John Stoll: Is there already an account set up for that?

Commissioner Borries: Yeah, there should be a line item in there somewhere.

John Stoll: I didn't know who signed off on the claims out of that account. I am not familiar with it.

Commissioner Borries: Okay.

Commissioner Mourdock: Site engineering would typically be the one.

President Tuley: Thank you.

John Stoll: Thanks.

Commissioner Borries: Thank you.

<b>Bill Morphew - County Garage</b>
-------------------------------------

President Tuley: Bill Morphew, County Garage. Let the record reflect that Bill submitted a report for the Highway Department for a period covering Friday, September 27 through Thursday, October 3, 1996. Also included is a report for the same period for the Bridge Crew. It looks as if we have been working...the Bridge Crew

Vanderburgh County  
Commissioners Meeting  
October 7, 1996

23

primarily either on Ward Road...we will just suffice to say all over the county. There are several different places listed.

Bill Morpew: There are actually two reports. The week that there was no meeting.

Commissioner Borries: Oh, oh, oh.

Bill Morpew: September 20 through the 26 is there also.

President Tuley: I thought you just handed me two copies by mistake. Two reports, I amend my note for the record.

Commissioner Borries: Bill, last week we had a resident of German Township to talk with us and express some concern along St. Wendel Road, a portion of St. Wendel Road in German Township. Whether or not the, I guess, the ditches along the right-of-way needed working and, of course, we have certainly had these kinds of requests all over the county this year with 18 inches above normal or whatever we are on this rain situation. It basically is along, I think, that portion near where the community of St. Joseph is.

Bill Morpew: Down...

President Tuley: St. Joe and St. Wendel.

Commissioner Borries: Yeah.

Bill Morpew: Past the intersection there?

Commissioner Borries: Right, yeah.

Bill Morpew: Okay.

Commissioner Borries: If we could look into that they feel that, you know, well, they talked to us about it and it was really the first time it had been called to our attention and so we certainly said we would bring it up in the record and, you know, I ask that we look into that area.

Bill Morpew: Okay. Yes, sir, I will. As a matter of fact, I had met out there near Schmitt Lane a Mr. Bill Higgins probably less than a month ago. We did look at some ditching out there. Actually, it is more along the lines of shoulders and some cleaning of ditches. The shoulders are too high. The water can't get off the road.

Commissioner Borries: You may look at where the culverts...there may be a culvert blocked or something, I don't know.

Bill Morpew: Yes, sir.

Commissioner Borries: If we could send our crew out there I am sure they would appreciate it.

Bill Morpew: We can do that.

President Tuley: I guess that is all.

Bill Morpew: Happy birthday to both of you.

Commissioner Mourdock: Thank you.

**Alan Kissinger - County Attorney**

President Tuley: Alan Kissinger.

Alan Kissinger: I have about three pounds of documents here and all of them are bond documents for the Burkhardt Road TIF Bonds, Notes, etc. They need to be signed by...some need to be signed by the Commissioners, some need to be signed by the Auditor, some by the Treasurer, whose signature I will get tomorrow. Some need to be signed by the Commissioners and the Auditor and some require the County's seal. I would ask the Commissioners to go through these documents, I guess, starting with...it doesn't make any difference who we start with, but I will hand you this whole stack of documents. I guess we will start with Commissioner Tuley since he is the President and ask him to start signing them and then pass them on to the next Commissioner and the next Commissioner and then on to the Auditor. Then I have two separate documents here which Ms. Mayo received and they are also in regard to the same transaction, so I would ask the Commissioners to sign them as well. Ultimately, these have to go to the Redevelopment Commission. You have signed these types of documents before with the refunding of 1989 Highway Bond Overpass Bonds, so if anyone has any questions about what they are signing, quite frankly, I can't answer your questions. I only know they have to be signed.

Commissioner Borries: You need to start signing from over here?

President Tuley: Yeah, why don't you go ahead. That will make it a whole lot easier.

Commissioner Mourdock: Do we need to vote on that?

Commissioner Borries: Oh, man.

Alan Kissinger: It is noted on the front, Rick. Here, on the front here it indicates Auditor and seal, so it is not necessary for you to sign that one.

Commissioner Mourdock: Before we start signing these would it not be appropriate, Alan, for us to accept them and vote for the record?

Alan Kissinger: Yes, yes, I think that it would be, although, I shouldn't say it would necessarily be appropriate, but it certainly would not be inappropriate. It is not necessary that these be signed at an open meeting, but we certainly have another record that we have done so if we do it at an open meeting.

Commissioner Borries: I'll move these documents which refer to the Burkhardt Road Economic Development Area be signed by the County.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

Commissioner Borries: Is that all you had?

Alan Kissinger: I'm sorry, yes, that is all I have to report.

President Tuley: Okay, thank you, Alan.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy Mayo.

Cindy Mayo: I just have information for you. The surplus vehicle sale will be Thursday at 8:00 at Wolfe's Auto Auction.

President Tuley: Okay.

Cindy Mayo: I have the titles to the vehicles in my possession now, so I will get those out to Wolfe's tomorrow, so that they will have those. That is all I have. Lynn Ellis, I believe, was just not moved off the agenda. She didn't have anything for the meeting tonight, no.

President Tuley: Okay.

**Consent items**

President Tuley: We do have consent items. Rick, the one thing we did was this Veazey Parrott & Shoulders, I think, Commissioner Mourdock had asked at a previous meeting that it not be included in consent because normally...not this one, but their bills in general.

Commissioner Mourdock: Given the nature of the project, the size of that project, I thought rather than just bury it in there with the consent items it is probably worthwhile that we all know that it's separate.

Commissioner Borries: Okay. I'll move that the claim for services performed with the Vanderburgh Auditorium project in the amount of \$183,219.79 to Veazey Parrott & Shoulders be approved.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Then do we have a motion for the rest of the consent items which includes employment changes, travel requests?

Commissioner Mourdock: I'll move approval of the consent items as supplied to us.

President Tuley: Okay, do you want to second?

Commissioner Borries: Second.

President Tuley: So ordered.

**Scheduled meetings**

President Tuley: Scheduled meetings. We have PC Finance, Pigeon Creek Finance meeting scheduled for 2:30 tomorrow. Next Monday, the 14th, Thanksgiving Day in Canada, Columbus Day, 4:30 p.m. Solid Waste meeting here, something a little closer to home, and then a 5:30 Commissioners meeting.

Commissioner Borries: Boy, those Canadians must get an early start on those turkeys, I guess.

President Tuley: Really.

Commissioner Mourdock: The leaves are already falling up there.

President Tuley: Okay. Basically, that is it until next Monday.

**Old business**

President Tuley: Old business before the Commissioners?

Commissioner Mourdock: Just one issue. You have in your packet a copy of a letter that I sent to State Senator Simpson. I met with her this past week at the Association of Indiana Counties. She was the original author of the Solid Waste bill that we operate under with the Solid Waste District. We had discussed in a recent Solid Waste meeting the possibility of using funding there for the hiring of an enforcement and pollution prevention task force agent for the ozone situation. Unfortunately, it appears that the funds that we hoped to use from Solid Waste are otherwise prevented by statute for use in any area except specifically to Solid Waste. So, with that we need to find another funding mechanism and I guess I will report back to you and I would be glad to entertain any other thoughts that you have on that. Obviously, we do need to keep that moving and we are trying to do so.

President Tuley: Okay, thank you. Any other old business?

**New business**

President Tuley: Any new business?

Commissioner Borries: Just one item. I think, and I would like to ask, too, for our County Auditor, Suzanne Crouch's cooperation on this because I know that she can provide us with this. Last week it seemed to me to be an unfortunate situation in relation to this contract or the lease and the confusion over how long this lease was in effect and the, you know, I think, I guess the confusion sometimes these things get lost in political finger pointing as to the dates for certain expirations. As our secretary, and really the official record keeper for all the goings on here, it would be very helpful if, perhaps, your office could provide us, the Commissioners, we sure would I'm sure have this data, but perhaps to pull it all together to avoid any confusion over contracts where there are expiration dates. If you could give us the information that you have on hand regarding the various contracts, the various leases, so that it would be helpful for us to have this information so that we could avoid any kind of confusion as to when a lease expires.

Suzanne Crouch: Well, it is very timely that you did ask for us to do that being as we have been working on that project. I thought, perhaps, you were aware of that, Commissioner Borries. We have been working on that project in the Auditor's Office really since probably late spring/early summer. We have a Signature School student who is working this quarter, or the first five weeks, his last day is Friday. He has been going through the contracts. He has been working with Charlene Timmons; he has been working with Teri Woodward in the Claims Department pulling together all of the contracts. The next Signature School student will pick up where he left off and in order to provide better service and to prevent unhappy customers and clients in the future it is the Auditor's

Vanderburgh County  
Commissioners Meeting  
October 7, 1996

27

intention to, perhaps, provide the Commissioners with information on when contracts do expire before they do so in fact expire and to provide the Commissioners with information on the terms of the contract so that we avoid situations where contracts expire, payment or claims come to the Auditor's Office for payment and, of course, those payments cannot be made because the contract has not been executed.

Commissioner Borries: Right.

Suzanne Crouch: That is a project that we have been working on.

Commissioner Borries: Good.

Suzanne Crouch: We hope to have that in a position to wrap up and have by the end of the year.

Commissioner Borries: Well, I knew we had our Signature School students who had worked with you to pull together that fixed assets inventory and I did know the status of that, but this would be very helpful so that, again, all of us are on the same page and avoid that kind of confusion in the future.

Suzanne Crouch: Certainly.

Commissioner Borries: Thank you.

President Tuley: Any other new business?

Commissioner Mourdock: I may have mentioned this two weeks ago, I don't recall. I received a notice from Greg Martin, who is a County Commissioner in Posey County, and he will be hosting a Regional County Commissioners Meeting on October 16th. I just want you all to know that I am planning on attending and I think you all, in fact, I am sure that you are invited as well.

President Tuley: The 16th?

Commissioner Mourdock: Yeah, the 16th at the airport--

Commissioner Borries: Holiday Inn?

Commissioner Mourdock: Yeah.

President Tuley: Any other new business? Okay, we've had some more people join the back row there. Do you guys have anything for the Commissioners?

Unidentified from audience: Just sitting here with them.

President Tuley: Do you students want to tell us who you are or what you are doing?

Commissioner Borries: Come up and give your name for the official record. You'll become part of the history of Vanderburgh County whether you like it or not!

Jocelyn Gubler: My name is Jocelyn Gubler and I am a student in Larry Mattingly's accelerated U.S. History class at Memorial High School.

Andy Stewart: My name is Andy Stewart and I am a member of the same class. We are here to observe how the County Commissioners work.

Commissioner Borries: Thanks for coming. What have you learned tonight? This is the teacher in me talking, okay? What have you learned tonight students?

Jocelyn Gubler: So far it is kind of confusing right now. We've been talking about the constitution and the national government and we haven't really gotten into local government yet, so it is kind of brand new right now.

Commissioner Borries: Okay, in a nutshell this is the County Executive, these three members you see up here, okay? We are like a three headed mayor of the county and all contracts...we have just signed a whole bunch of contracts here for bonds regarding the sale of bonds for our county auditorium across the street. In a nutshell that is what we do. We are the County Executive. The County Council, which is another body, has control over the money. We propose and they have to dispose and any time you get three folks you are going to get three different opinions, so it gets pretty interesting in here most meetings. We meet every week and we commend you for being here.

President Tuley: Okay, do we have a motion to adjourn then if there is no other business?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 7:05 p.m.

Vanderburgh County  
Commissioners Meeting  
October 7, 1996

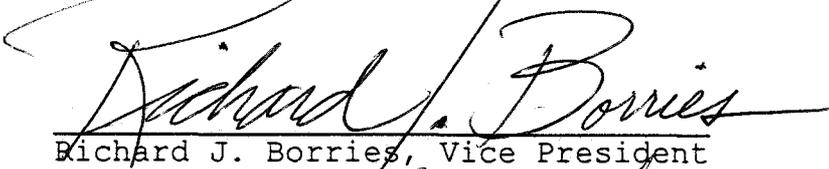
29

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Joe Profaizer  
Mike Shoulders  
Edward Moser  
John Stoll  
Bill Morphew  
Keith Rounder  
Jocelyn Gubler  
Andy Stewart  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
October 14, 1996**

**Table of Contents**

Introduction and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Public input - Sediment and Erosion Control ordinance .....	2
Shirley James - Pigeon Creek Greenway .....	32
Lakeland Neighborhood Association - Carolyn Kelsey .....	44
Michael Robling - Approval of engagement letter .....	46
(H.J. Umbaugh/Daylight Sewer)	
Any group or individual wishing to address the Commission ....	46
John Stoll - County Engineer .....	46
Award VC96-09-03, Stringtown Road Bridge Rehab Ragle Incorporated	
Award VC96-08-01, Burkhardt Road project Blankenberger Bros.	
Clear Creek Subdivision, Section 1 Street plan approval	
Bill Mophew - County Garage .....	49
Progress report for Highway Department and Bridge Crew for period covering October 4 - 10, 1996	
Alan Kissinger - County Attorney .....	50
Report that city wants copy of erosion ordinance and probably will adopt same procedures	
Burkhardt Road bond issue report	
Discussion regarding Community Corrections and grievance being filed by four to six employees concerning benefits	
Cindy Mayo - Superintendent of County Buildings .....	51
Letter from Bonnie Titzer, Land Commission Coordinator terminating contract with county	
Consent items .....	52
Employment changes	
Travel requests: Health Department (1)	
Auditor's Office - Accounts payable vouchers	
Scheduled meetings .....	52

Old business .....	53
Commissioner Mourdock meeting with Mayor concerning ozone issue	
Adjournment .....	53
Attendance and signature sheet .....	54

**Vanderburgh County  
Board of Commissioners  
October 14, 1996**

The Vanderburgh County Commissioners met in session this 14th day of October, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:47 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: I would like to call to order the Vanderburgh County Commissioners meeting for October 14, 1996. With that call to order I would like to ask that we keep it that way unlike the last meeting!

Commissioner Mourdock: I have my Roloids which were given to me after the last meeting which I will share.

President Tuley: As a point of introductions, to my far right is Cindy Mayo, who is our office manager and Superintendent of County Buildings; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is County Auditor, Suzanne Crouch; and to her left is Recording Secretary, Charlene Timmons; I'm Commissioner Pat Tuley. If you will please stand with us, face the flag and join in as we say the Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: Under the action items and for any of you that would like to follow along there still should be agendas placed along the wall. I will ask for approval of the minutes from the October 7th meeting.

Commissioner Mourdock: I'll move approval of the minutes of the October 7, 1996 Board of Commissioners meeting.

Commissioner Borries: Second.

President Tuley: I will so order.

**Certification of Executive Session**

President Tuley: Item 4B is certification of the Executive Session. There was not an Executive Session conducted at the meeting prior to this, there was a Solid Waste Board meeting as there always is on the second Monday, so therefore there was not an Executive Session.

Commissioner Mourdock: However, under that subject we decided to next week meet at 4:00. Do we need to do anything different as far as advertising for what we had previously scheduled for next week's Executive Session?

President Tuley: I think the only thing that we need to do is when we send out our notice, Cindy, is tell them that we will have a continuation of the Solid Waste Board meeting that will begin at 4:00 and immediately upon completion of that meeting we will then go into Executive Session.

Commissioner Mourdock: And conclude.

President Tuley: Yeah, it is going to conclude because we are only going to talk about those few items that are on there.

**Public input regarding Sediment and Erosion Control Ordinance**

President Tuley: Okay, Item 4C is the public input on the Sediment and Erosion Control Ordinance. Mike Wathen, where did you go? As Mike is coming up here let me give you a little background just before Mike gets up here. The purpose of the meeting tonight is that we have been presented, by a task force that was headed up by Mike, with a proposed ordinance for Vanderburgh County for sediment and erosion control. Looking through it as our attorney reviewed it he did note that there are some terminology and legalities and different things like that that we have to change. Rather than going ahead and making those changes and then present it for a public hearing where there may be some additional changes depending on the input that we receive, we decided to leave everything as it was presented to us, get any public input that there is tonight and, hopefully, we'll go to the drafting board to just redraft what you hear of tonight and anything that would be legal in terms of terminology or whatever. We could then make those items or those copies available just like we did these copies through this office whereby you could come up pick them up prior to us actually taking this to a public vote after it is advertised in the form that we wish to address it. At that time there will be a vote and hopefully an adoption of the ordinance. Having said that, Mike, I will let you go ahead.

Mike Wathen: Do you want me to go through the ordinance?

President Tuley: Basically, if you would just real quickly and I am sure that maybe you have told some of these people already that, basically, the reason that we are reviewing this is that we had in our Code of Ordinances a paragraph, basically, that addressed this issue and it did it quite poorly. As we've had the kind of rains that we've had this year and I make no bones about it the grounds that are left to develop, I won't say they are bad they're just not as good to develop or as easy to develop as some of the ones that we have had in the past. That is just by virtue of the fact that this county continues to grow and develop. Mike would come to us after questions were raised or complaints were raised and say...the question would be to Mike, are they in compliance? Quite honestly, Mike, in his mind, no, they weren't, but he couldn't spell it out. The whole purpose of this is to put something down so that the developers, the builders, the homeowners know what should be done and what will happen in the event that they are not in compliance. Basically, Mike, I think, I will just kind of let you take it from there.

Mike Wathen: Well, I don't want to repeat anything that you said. I think, you know, really the only role that I played is we put together a task force and we came up with the ordinance which I think everybody that is here tonight has a copy of or seen a copy of it. We are interested in getting public comment and hopefully it will get adopted and we won't have to change things but once. We are interested in the comments this evening.

President Tuley: Mike, just for the record you might, if you would, just so that everybody understands that there was a rather large in terms of numbers of the task force or at least we tried to get as many people involved who would be affected by this. Could you kind of give us the breakdown of that representation?

**Vanderburgh County  
Commissioners Meeting  
October 14, 1996**

3

Mike Wathen: We had representation from the Homebuilders, County Garage, County Surveyor's Office, from our District Board, from the County Engineer's Office, we also had a developer on there, representation from Area Plan and representation from IDNR. We tried to get a good, accurate cross section to make sure that everybody would have...you know, anybody that had some interest in it would have a voice on the task force. We had three meetings. They lasted just about all day each time. Everything went real well and the one key component that I think that this differs and is noteworthy of bringing up over the Rule 5 Ordinance, which is implemented by the state, is that this one makes the property owner responsible whereas the one with Rule 5 makes the developer responsible. That is a huge difference. Our task force, myself included, felt like that was what it was going to take in order for it to be effective and to make it enforceable.

Commissioner Mourdock: Mike, having sat in on one of those meetings there was quite a discussion at one point with this hypothetical situation. A person out in the county owns let's say two acres. They would like to have a garden and they go out in an area that is 100 foot by 100 foot which is just slightly less than 1/4 of an acre to put in a garden. Are they impacted by this ordinance?

Mike Wathen: It is Ag-exempt.

Commissioner Mourdock: Thank you.

Mike Wathen: Ag is addressed and to further...I think Dick knows this. I appreciate him asking that for the benefit of everybody else, too. There is another set of rules which our office, I personally don't get involved in, but members of our office work with that to keep farmers and ag properties in compliance and to a certain tolerable level of erosion. So a situation such as you just described would fall under that as opposed to this.

President Tuley: Mike, also I think Alan pointed out and maybe, Alan, I don't want to take this away from you, but when you look under Section 4 where it says definitions, it makes reference to additional definitions can be found in the Indiana Handbook for Erosion Control and Developing Areas. We need to add to this where that may be obtained and if there is a fee associated with it. I don't want to spell out...if we know what the fee is right now, I don't want to spell out what that fee is in case that fee changes, but we could say that there is a fee as provided by statute or something. I'm not sure how, but where would that be located because I think that is something that we need either through your office or do they have to write Indianapolis or where can someone that is interested in picking up this handbook located?

Mike Wathen: I would have to clear it with my Board to see whether or not they are going to want to carry the handbooks in the office. Quite frankly, that has not been discussed. I think the assumption is that they would have to order them and we've got an address where they can order them from.

President Tuley: Yeah, and I am not saying that you have to take care of getting them in and keeping them available in your office because I know that you guys have a limited staff in terms of availability of someone to be there, but if we can get an address of someone, an agency and an address, that would be helpful to go ahead and put that in the ordinance.

Mike Wathen: I can provide you with that.

Alan Kissinger: Mike, as a matter of fact, is the handbook not a part of the Indiana Administrative Code?

Mike Wathen: I don't know one way or another.

Alan Kissinger: Okay.

President Tuley: Are there other questions or comments from this Board? Are there comments from the public who are here tonight? Okay, we've got several people raising their hands and we can start with the first hand I saw go up. Anybody that wants to address the Board, please, the minutes are being recorded and will be typed up later, so if you would please come to the podium, identify yourself for the record with your name and address so we know who it is that is talking to us, if you don't mind.

Bob Jeffers: My name is Bob Jeffers. I live at 10011 Brookline Drive. I have talked with Mr. Wathen on several occasions. There are a couple of lots immediately behind me...it's about 75 or 80% I can't find where the lots really aren't developed, but I am told that is about what is developed. It would be darned hard to find any empty lots except, unfortunately, a couple of them are near behind me. I put in a couple of double axle tandem loads of dirt in my back to landscape and whatever else and the two lots behind me that have no screening, no straw, no nothing, bare lots. Water comes across them at a pretty good rate and has taken all of the back. My wife and I thought we might go to the Grand Canyon on a vacation, but instead we stay home and sit on the patio and look at the ditch behind our house because while it is a smaller version it roughly looks like the same thing. It has taken out about three feet of, literally depth, above my knee in depth. The dirt that used to be back there the rut itself is if you take is about four giant steps, if you would say mother may I, so it is a pretty good width and a pretty good depth and I've had it all filled in. Johnny Basham brought the truckloads of dirt in for me. I had a tractor come in and smooth them all out. In less than a summer from the time of July when I had it put in and by August all of it was gone and it has gone down a sewer at the end which is just another house away. I am the second house up. That is how I got to know Mr. Wathen. I called and complained. We tried several other avenues first, and I would like to thank him for attending to this, but I think it is clear as a problem that I see as twofold. One, there needs to be a policy that declares who is responsible for a lot whether it is the developer or the owner and I am fully in favor, by the way, of the owner. Once I own it by god I ought to be able to take care of it. Secondly, is some sort of erosion control. We live in a subdivision that is not more than five years old and we are lucky if our drains work at all. On Belmont, which is the access off Old State Road to Brookview Heights, in the 19 or 20 months, going on 20 months, that I have lived there now we've had I think you call these design storms. The newspaper calls them 50 year rains or whatever. We've had three of those in the period of time that I have been there and had as much as four feet of water on Belmont which is the only entrance to the subdivision, one and secondly, when the water goes away two to four inches of mud is left on the road. The bad news is...well, good news and bad news. The good news is that the neighbors come out to clean it off, but not with tractors and so on, but with hoses, so they pay for the water. All this dirt is going down the drains because there is no other place except to have it scooped off and put in their front yard which isn't likely to happen. So that has happened three times in the time that I have been there. I would ask for two things. One, a clear statement of who is in control of a property,

**Vanderburgh County  
Commissioners Meeting  
October 14, 1996**

5

who is responsible for it, and a clear design that says when you own this property this is what you have to do to it to keep that soil and whatever else that is on this from washing down and taking other people's property away as well as your own so that it doesn't go into the sewers.

President Tuley: Mr. Jeffers, the lots that you make reference to behind your house, they are developer owned at this point or have they been sold and just not built on?

Bob Jeffers: They're sold. The woman who lives catercorner behind me owns the lot on both sides of her and there is only one other lot on that street which is a good distance away. So, she owns...they are privately owned, but she has no straw, no screening, no nothing. Some of the ruts literally, and not to make this more dramatic than it might seem, but I can stand in some of those ruts and be waist deep in a rut that is wider than this. I had some dirt brought in today, a couple of truckloads, and the man wouldn't get anywhere close. He said, hey, I drop a wheel in this and I'll never get out of here, right? So my neighbor and I have paid for some dirt to be brought in to fill some of these things. I think it is pretty serious. I think, even if I am exaggerating some and I don't believe that I am, you would see it is clearly a problem and I think this ordinance will solve to my satisfaction a good amount of what I think this problem is.

President Tuley: Okay, thanks for your input. Ma'am.

Cindy Kettinger: Hi, my name is Cindy Kettinger and I live at 4723 Meadow Crest Court. It is in the Glenwood Subdivision off of Middle Mount Vernon Road. We, too, have talked to Mr. Wathen and he told us to attend the meeting and show our support. We have some bad problems with the soil erosion because of improper drainage that has been put in our subdivision. This, I believe, is around three years old. I have even brought pictures to show the ruts behind everybody's houses. When we bought these houses and bought this property they said that proper drainage would be there for us and it is not. We have the same problem, after a big rain we have four or five inches of mud in the streets. It is awful. It looks like a western town. We've got a brand new subdivision. You know, when you call the developer and complain about it you don't get any action. The only action that we've gotten is when we did call Mr. Wathen and within two hours he called him and our streets were cleaned, but that is not to say that it is not going to happen again when we have these big rains again. There has got to be somebody held responsible for it. You build into a brand new subdivision you want a nice place to live, you know? That is all we are asking for. We've got some more people here from the subdivision, too.

President Tuley: Is there anyone from the sub that wants to add additional information?

Commissioner Mourdock: If you are from that sub, if you would just raise your hand so we can see.

President Tuley: Oh, man.

Unidentified from audience: The only other information I would say would be--

President Tuley: Would you please, so that we know for the record when we get ready to type it up?

Allan Kettinger: Allan Kettinger, same address, 4723. The only thing that I have personally seen with this with the mud being on the road, and I have cleaned some of the inlets myself personally, and some of the other couple of neighbors who live on the corner have done the same thing. I have personally seen a car come down the road and actually slide on this mud. If it wouldn't be for the little bit of curb there where she bounced against she got control back and went on. Now whether she was going a little fast that could be, too. I mean, anytime you've got mud and water you are going to hydroplane and you are going to lose control especially when you've got it three or four inches thick. That was our main concern. As of now he has done some things to help it, but the rains that we've had have put some pretty good ruts in the yard. He has done some things to smooth them over and move dirt out. We've also got a very big retention pond out front that has got standing water in it now. There are some pretty good sized holes next to this that is also next to Mount Vernon Avenue. It looks like the road might even be undermined from where the culvert goes across. That is just a personal opinion there. There are some things that might need to be addressed on that.

Commissioner Mourdock: Have you seen a draft of this ordinance?

Allan Kettinger: Yes, I have.

Commissioner Mourdock: Okay.

Allan Kettinger: I have read over it. I, you know, rather quickly, but yes I have.

Commissioner Mourdock: You are in agreement with what is here as a document?

Allan Kettinger: Pretty well, yeah. At least it defines what needs to be done by whoever.

Commissioner Mourdock: Right, and Mr. Jeffers, you had raised one of the questions about who is responsible and clearly this says under the enforcement section that it is the property owner who is responsible.

Bob Jeffers: I'd be glad to do that.

Allan Kettinger: Yeah, that would be no problem. Most of the lots that are behind us that are not developed are owned by the developer. That is where most of ours comes in right there.

Unidentified from audience: Drainage, as well.

Allan Kettinger: Yeah, you know, on the drainage bit, too.

President Tuley: You know, Alan, maybe I should have asked this question a long time ago, but we are getting some questions here. Retroactive?

Alan Kissinger: Yeah.

President Tuley: What happens.

Alan Kissinger: Well, yes...I shouldn't say that. No, it will not be retroactive to the extent that we will go out and enforce for past violations of the ordinance, but even though construction may have begun prior to the ordinance being adopted any occasion or

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

7

repetition of the type of things that have been pointed out to us tonight would fall under the ordinance and certainly could be the subject of enforcement and it would not be an unconstitutional adoption of an ordinance or an ex post facto law as a result thereof because it would be a new event. New erosion would be a new event and certainly enforceable under this ordinance.

President Tuley: So another rain and problems, then we can go in and address that problem?

Alan Kissinger: Yes.

President Tuley: I want everybody to understand that and that is the reason that I asked the question. I don't want anybody to think that we are going to be able to when this is enacted to run out there immediately and say, okay, you are in violation of this ordinance, but the moment that you have a rain that you get the same problems then we can put it in place.

Alan Kissinger: I think the important thing is especially those properties owned by developers and you shouldn't get the wrong impression that I am saying that developers are irresponsible. Most are very responsible about this, but the developers are going to be the ones most directly affected by this because they are generally the original owners of the property. If they know that there is going to be enforcement a lot of the problems that you are experiencing will never occur.

President Tuley: Okay, we have a hand up here and then I got two more back here. There is another one. We are going to have a bunch of you it looks like, so we will just hear you all.

Robin Long: My name is Robin Long and I live at 4722 Meadow Crest. I basically have a question for clarification. My house is at the top of a cul-de-sac and as a property owner will I be held responsible for each rain that comes because my property was not graded by the developer properly.

Alan Kissinger: Yes, although if the developer did not grade it properly, then your remedy is to go back to the developer and say, I'm the subject of enforcement action and if you can prove that it was improperly graded then he is going to have a corresponding responsibility to grade it properly so that you don't have those problems in the future. It could get to be...what shall I say? Somewhat of a legal nightmare for a short period of time, but I think especially developers who understand that there is going to be enforcement. You are probably going to be very pleased at how quickly they respond.

Robin Long: I am concerned about the houses that have already been built in the neighborhood. We have the back of our neighborhood still to be built which has been a mud runoff ever since we have been there which is mid-June. As someone that has already purchased property, I hate to see that all the ones in the back are just fine and here my yard is running down into Bob's because it was done improperly.

Rob Grubbs: My name is Rob Grubbs. I live at 4708 Meadow Crest Court. I think the first problem, and I don't know if this is written into the ordinance, but we probably wouldn't have had this bad erosion problem, but if you look at the subdivision it gradually goes up. The streets go up, the lots get higher and higher. When he came in a developed this the whole subdivision was

leveled. Levelled, trees and everything. He is just now getting to the back part which has been a year, 18 months. He has had to since come back and reseed and resow where if he would have just left it alone and developed lot-to-lot and cleared each lot, I realize it was cheaper to have one company come in and mow the whole thing down, trees and all, and start over. If he just would have went on each individual lot and cleared it away he would of had existing grass, trees and I think that would of stopped a lot of it. Another thing is on each street we have a catch basin at the end. Whoever has the corner lots have the catch basins. If there is a catch basin behind each backyard, to me you are still going to have an erosion problem, but the water problem, you know, I mean, it should help. I don't know if that can be written in, but I think the biggest thing is for future development. If someone were to develop a subdivision there should be some kind of mandate where they can only clear two lots at a time, or three lots at a time and leave the existing plant life and everything so that you don't have this problem if you don't get to the back of a subdivision for a year or two years. If you have a real wet spring and you started, you know, you've cleared away three streets up and you have a bad spring and it throws you off six months that is just that much more mud that is coming down where if you would have just left it you wouldn't of had that problem. I don't know if that can be written in.

Commissioner Mourdock: Let me take a shot at that one. Mike, even if the situation is such that the developer gets in, to use your phrase, Mr. Grubbs, "ahead of himself", he still has to have all this protection in place, correct? In other words, if he knows he is only going to develop one or two lots in the short term, but goes ahead and starts his subdivision and clears out 15 lots the remaining 13 ahead of those two he either has to...well, he has to do something to meet the confines of this ordinance? It may simply be an economic decision for him. Is it easier to put in the erosion control or to leave the existing vegetation in place?

Mike Wathen: That is an example that I think you are going to see happen.

Commissioner Mourdock: Yeah, I think so, too.

Mike Wathen: Because if I am a developer and if now I am faced with clearing 20 acres and then putting erosion control on 18 of it and spending the money for that 18 as opposed to clearing two and leaving 18 in natural vegetation that would pretty much take care of itself, financially it is going to be his best move to do things in smaller increments. Your second point about will he be responsible, as long as he would own that property, which he would until he, theoretically, sold it to a potential buyer, yes, he would still be responsible.

Commissioner Mourdock: Sure.

Mike Wathen: At which time he sells it he is off the hook.

Rob Grubbs: In our case he has owned this land for over 20 years. He bought it in the '70's. He knew he was going to do this. He developed another subdivision exactly like it 600 yards away. I don't know how he did that one, but this one he just came in and leveled the whole thing. Now he is having to spend money out of his pocket to redo what he should have just left on his lots before and he wouldn't have the problem.

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

9

Commissioner Mourdock: Okay.

President Tuley: To me it spells it out pretty clearly in the way you've got this written, Mike, because in your definitions you talk about land disturbing activity means any change of the land surface including removing vegetative cover, excavating, filling, transporting and grading. Then when you get over under Section 5, which is the erosion and sediment control, the following requirements shall be met on all sites. No property owner shall begin or cause to begin any land disturbing activity prior to installing required sediment control practices.

Alan Kissinger: Excuse me, just briefly I think that we ought to include "or allow to continue".

Mike Wathen: Under Item 2?

Alan Kissinger: Under Item 1.

President Tuley: Or allow to continue?

Alan Kissinger: See my point?

President Tuley: Yes.

Alan Kissinger: Section 5, Paragraph One. It says:

"No property owner shall begin or cause to begin..."

...and I am recommending that we say, "no property owner shall begin or cause to begin any land disturbing activities" and we should also put in there somewhere "or allow to continue any sediment erosion" or something of that type.

Mike Wathen: I see your point.

Alan Kissinger: Because of the very thing indicated. Sometimes someone will come in and buy a piece of property that has already been excavated and they need to know that this responsibility passes on to the purchaser even though it has already been excavated.

Mike Wathen: You know, along with what Dick said, to my way of thinking if I am a developer, A, it is going to be in his best interest. The lot is going to be more sellable if it looks good, so it is in his best interest financially there to do it that way. Secondly, when he knows that he sells the lot that the responsibility now lies on the person that he is giving it to, I don't think it is going to take very long and word is going to get out that you want to buy something in pretty good shape.

President Tuley: Right.

Mike Wathen: Because if not, when you purchase it you are then the responsible party. I think it is going to take a little breaking in, but given the fact that we've got 800 acres a year in Vanderburgh County being turned into subdivisions and they are putting them in spots that...you know, there is only so much good area out there. I think it is a necessary hurdle that we have got to jump.

President Tuley: Shirley, I know you had your hand up.

Shirley James: I'm Shirley James and I am here for West Side Improvement and in support of the neighbors. The neighborhood...

Unidentified from audience: Glenwood.

Shirley James: Glenwood. Mental blank, I swear. I'm getting old, I guess. Anyway, one thing about the ordinance itself that I was confused about was when, and I did advise the neighbors since it says in Vanderburgh County, this excludes the city, does it not?

Alan Kissinger: No.

Shirley James: This is for the whole county?

Alan Kissinger: The city is in Vanderburgh County.

Shirley James: Oh, well good. That is what I wanted to be sure of because I was under the impression that the city was going to move to get a similar ordinance. This is not the case? This is all inclusive for everything, right?

Mike Wathen: I'm not the attorney.

Shirley James: Right?

Alan Kissinger: The county can have erosion control authority throughout the entire county regardless of the fact that there is an incorporated city within the county.

Shirley James: Right, okay.

Alan Kissinger: It depends on the intent of the Commissioners. If it is a subdivision that our County Engineer has to inspect and make recommendations to the County Commissioners on I am assuming that the Commissioners are going to want erosion control authority on in that area as well.

Shirley James: This particular area is within the city. Would it behoove the residents then to also appeal to the City Council or the Board of Works?

Alan Kissinger: Yes.

Shirley James: Yes. Okay, that is all that I have. Thank you.

President Tuley: Mike, you have gone before the City Council though, have you not? Did you not go before them and present them with...

Mike Wathen: Well, the only thing that I did was, basically, give them a copy of the ordinance at the meeting a couple of weeks ago. In all fairness to them, they haven't had a chance to really look at it yet or look it over, but the general concept they were, I think...I don't want to put words in their mouth, but I think they felt like it was something that was needed.

President Tuley: I know at least one of them, and I think he is President this year, was very much supportive.

Mike Wathen: I have heard no opposition from any City Council members.

Commissioner Mourdock: You routinely inspect sites within the city

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

11

now?

Mike Wathen: Dick, I do, but it is under the IDNR rules, Rule 5. It is not under the Vanderburgh County ordinance.

Commissioner Mourdock: It will be shortly.

President Tuley: Mike, also, the day that you and I started the discussion on this we went out and toured with one of the City Council members, correct?

Mike Wathen: Yes, we did.

President Tuley: Okay. It was not...we'll just mention Gail Rieken and then I have talked to Steve Bagbey. I don't think there is going to be any opposition whatsoever.

Mike Wathen: I am sure from what I know of talking to the City Council members that I know, they're getting a lot of the same complaints just as you guys did this spring when everybody got bombed by the rain. I don't anticipate there being a problem.

President Tuley: Okay. I saw your head come up, so I'll get you next, ma'am. I can't very well see you through the podium, but I saw your head bounce up then.

Tom Snyder: Tom Snyder, 4721 White Oak Court in the Glenwood Subdivision. I feel that the Board of Works, or Board of Public Works, needs to take a real strong look at Middle Mount Vernon Road. You are getting wash out right now. We have another six or eight inch rain like we did in early spring you are going to lose the road. You can see the trucks go by and they are dipping down where the culvert is being washed out and coming off the retention pond.

Alan Kissinger: Where are you talking about on Middle Mount Vernon, sir?

Tom Snyder: At the Glenwood Subdivision off of Broadway.

Alan Kissinger: Okay.

Tom Snyder: You are getting wash out right now and you are going to lose the road. We had the seven or eight inch rain and you are talking four inches of mud coming down the middle of the road. The retention pond runs over. The easement on the other side of the road, I believe, I am not sure if it is county or city easement which runs into the creek, it runs into Little Creek, it's growed up. There is no place for the water to go. That is where the problem lies. There is no place for the water to go after it goes under the road because the easement that goes about maybe a half a mile to the creek it is all growed up. It needs dug out and that is where the problem has got to start right there. You've got to have some place for it to go. Somebody needs to get a look at that within the next week or two.

President Tuley: Before the fall season ends.

Tom Snyder: Yeah, there is a big hole there now.

President Tuley: We will forward the minutes.

Mary Belwood: My name is Mary Belwood. I live at 4717 White Oak

Court. I hope you excuse me if I have to pause my talking because I have had surgery. I feel that some of these people in back of me are luckier than I am because I live in the first cul-de-sac. I have to agree with this young man with the red and white stripe. When I back out of my drive after we have had a rain I have to make almost two complete U turns to get on Middle Mount Vernon and I have skidded and I have a heavy car. It scares me. Another thing that I would like to bring up while I am here, the houses in back of me the water...I can see the water coming down off their hill. They are higher. I can see the water coming down. I asked Mr. Railey about it. I've been there three years, will be next month. I asked him the first month that I was there because I had only been there about two weeks when we had a real heavy rain and all the straw that he had put on the weeds that he planted in my front yard, he doesn't plant grass, all of the straw washed down to Middle Mount Vernon. I asked him...I said, you have this ditch between your house and the houses in back of you. Why can't you put one between my house and the young man in the green? The water comes in his yard, too. He lives next door to me. I said, why can't you put a similar ditch so that it would go on to the sewer? He would, he would do that. Now it has been three years. I had bought some expensive bushes, some Crepe Myrtle, Azalea, a Tulip tree and they died. So I thought I might as well dig them up they're dead. When I dug them up immediately the hole filled up with water. When that water comes off that hill it has no place to go except under my house. One of my neighbors did look under my house and he said at one time I had about six inches of water under it. When I talked to Mr. Railey he said he would fix me a place to put a sump pump. That was the first year that I was out there. It hasn't been done yet. There is, and I can't remember the man's name, he is an inspector. He was out there one day, evidently had been up on the hill inspecting houses and he came down and I was talking to him about this water drowning my plants and going under my house. I said, the last time that I talked to Mr. Railey...and he said, oh, your two years are up. You can't complain now. He said, oh, I have it on record that you asked him the first year that you was out here to dig this ditch on the easement. See, there is an easement between them. He has the ditch behind his house, why he couldn't put it behind my house?

President Tuley: Okay, thank you, Ms. Belwood.

John Crabtree: My name is John Crabtree and I live at 4717 Deer Run Court. The proceeding lady was my sister and I guess she is complaining about some of my water. We have plenty of it out there to go around. I have been there only two years and we've had a lot of problems. When there were only two streets in we had a problem. The water was flushed down the storm sewer to the holding pond with city water. Since the other has been developed...used to, Mr. Railey developed one street at a time, then last year he started having all the back 40, you might say, about three streets graded, the trees graded down and he didn't do very much, very little, of trying to contain the dirt. We've had dirt and mud like you say about four inches thick. It comes on down by her house, my house, and then on down to her house into the holding pond. The holding pond was cleaned out last year. It was cleaned out again just a little bit ago, but the outlet out of it going into the ditch is still not open. The holding pond is probably about over half full, now maybe two-thirds. Somebody is going to get in it...some kids are going to get in it and then there are going to be problems. Now the ditch under the culvert that goes under the road into the ditch. Now, I don't know when the ditch was cleaned out, but if you keep running mud into a big ditch you will finally fill it up.

We have talked to Mr. Railey about it and I told him a couple of years ago he had a lot of old people out there like myself, some older, some sick people and he didn't have very many young people. I told him a couple of years ago that he wasn't going to be able to continue to do that because he would be getting some younger people in there and they might even kick his butt. I'll just come clean about it. If I hadn't been sick I would have. He'll tell you about anything and promise you the world, but he don't even try. Now in the last two weeks since this gentleman, I guess, talked to him he has got out there and done some work, but he didn't do it before. You don't have to have a big rain because his drains are bad and he says, well, that is the way it is engineered. I've seen some of the engineering up there. When you've got a new subdivision and even the sanitary drains are put in by engineering and the manholes are sticking up about two foot in somebody's yard, somebody didn't go by the engineering. We need some help out there because, like the gentleman said, you are going to lose that road. You lost a big chunk out of it back in the spring. That road is going to break through.

President Tuley: Okay.

John Crabtree: I realize that the ditch needs to be cleaned to get rid of the water, that is true, but you can fill it up. Even if it is clean you can finally fill it up if you run enough mud in it.

President Tuley: Sure.

John Crabtree: He has just started this time since this problem was aired he has sowed some grass and seeded it and strawed it, but before that it just run and the trees have been shoved down. Not all of them, but lots of them. They haul dirt from the road, from Middle Mount Vernon Road, all the way up to the back end and build up lots with it. If it gets out into the streets it stays there and goes in the holding pond and then we take it out of the holding pond and truck it back up the street and in a little while it come right on back down. It's kind of like dredging the river out here. They put it on the bank and it comes back in, see? That is what he is doing. We need some kind of ordinance so that this don't happen all the time. I've been there two years and I work hard and spent money to get my yard where it don't wash, but I had to put my own drains in off my gutters and stuff because he just turns the gutters loose and lets them go. I had to put my own gutters...put my own pipes in there to take my gutters out to the street. Now that keeps my yard from washing, but it just puts more water right out in the street, too.

President Tuley: Mr. Crabtree, what is this individual's first name?

John Crabtree: Which individual is that?

President Tuley: Mr. Railey.

John Crabtree: Oh, Dougie? Oh, Uncle Dougie, we call him.

President Tuley: Okay.

John Crabtree: The holding pond, that is Lake Douglas! His name is Doug Railey, Prime Properties.

President Tuley: Which one is it?

John Crabtree: Doug Railey, Prime Properties. He operates now under Prime Properties.

Cindy Kettinger: It's 900 Douglas Drive.

President Tuley: As in the old apartments there?

Cindy Kettinger: Yes.

John Crabtree: His dad before him was a builder.

President Tuley: Was that Forest?

Cindy Kettinger: Forest D. Railey.

President Tuley: I used to live in those apartments. That's the only reason I thought that was who it was.

John Crabtree: Yeah, he owns the apartments up there. Thank you much.

President Tuley: Thanks. Shirley.

Shirley James: I'm Shirley James again. I think Mr. Snyder's remarks about the road is extremely critical right now because as you have probably read in the newspaper this morning that they're going to be redoing the Lloyd Expressway and Highway 62 and probably that portion of the road will be heavily trafficed as a bypass around this problem that we will be having in the next few months. Probably road repair would be imperative soon.

President Tuley: Okay, thank you.

John Crabtree: That is a school bus stop there at that corner.

President Tuley: Is that right?

Rob Grubbs: Two school buses (inaudible).

President Tuley: Okay. Do we have additional comments?

Mary Belwood: Can I say something else? Talking about the big pond down there or whatever. Mr. Railey has two grandchildren--

Commissioner Borries: Ms. Belwood, I am sorry. You are going to have to come forward here or she is not going to be able to get your information.

Mary Belwood: Oh, okay. Mr. Railey has two grandchildren, a girl and a boy. The boy is about 9 and the girl is a little younger. I've seen them go down there and wade in that up to their hips and if one gets stuck...it's his grandchildren. Somebody ought to tell him about it.

President Tuley: I saw another hand go up.

John Endress: My name is John Endress, 217 Knollview Drive in Evansville. I support the ordinance and I just had one small language change that I would like to suggest. In Section 5, the very first paragraph the phrase:

"...including but not limited to those..."

I believe that should be reworded or removed or something. The way I read that it would imply that this ordinance affects not only those measures that are needed to comply, but also any measures that might be used in Vanderburgh County.

Alan Kissinger: I'm sorry, sir. What are you referring to?

John Endress: Section 5, the very first line.

Alan Kissinger: Oh.

John Endress: It says:

"All erosion control measures including, but not limited to those required to comply with this ordinance."

To me that implies that all erosion control measures even those that aren't addressed by this ordinance must meet the requirements of the Indiana Erosion Control Handbook for developing areas. Again, I am in support of the ordinance, but to me that is confusing. It would tend to exceed the scope of what the ordinance intends to do by also regulating erosion control measures that somebody might do, for example, in a farm field or some other field.

Alan Kissinger: Agricultural work is specifically excluded by the ordinance.

John Endress: Right, but I guess my point is how can an ordinance address measures that are included in that ordinance and other measures also? It says:

"...including, but not limited to..."

In other words, would not all erosion control measures necessarily be limited to those required by this ordinance?

Alan Kissinger: Well, maybe it is just a matter...I am having trouble.

"All erosion control measures including, but not limited to those required to comply with this ordinance shall meet the design criteria standards and specs for erosion control measures."

I'm sorry, it is probably me, but I don't understand your point.

Commissioner Mourdock: Let me take a shot at it, John. I think I see where you are going.

John Endress: Okay, thank you, Dick.

Commissioner Mourdock: The way this is worded it is saying that not only are the measures in this document going to meet the design criteria, standards and specs of the handbook, but also erosion control methods that are not specific to this document must meet those same criteria.

Alan Kissinger: Oh.

Commissioner Mourdock: John is questioning whether or not we can within this document make that kind of inference on things outside of the document. Did that say it?

John Endress: Very well put, thank you.

Commissioner Mourdock: Thank you. I'm surprised at myself.

Alan Kissinger: Huh?

John Endress: It's a suggestion. I am not an attorney. It is just something to look at. As a layman that is just the way I read it.

Alan Kissinger: Wait a minute, you said Mr. Mourdock's line. Your not an attorney, but...

President Tuley: He didn't say he was proud of it!

John Endress: After reading it that is what I interpreted.

Commissioner Mourdock: Usually when I am saying that I am not apologizing for not being an attorney!

Alan Kissinger: I think I see your point and, certainly, Mr. Mourdock does see your point, so he can hammer it through the hard spot in my head.

President Tuley: Yes.

Tom Gretler: (inaudible) subdivision and I have been here a couple times before hand.

President Tuley: Tom, can you tell us who you are for those who don't know?

Tom Gretler: Tom Gretler and I live at 12338 Oak Gate Road. The subdivision is called Browning Road Estates, West. Did I get that right, Bill? Okay. I have read the ordinance. I am in favor of it. I just have a couple of comments that I would like to add. Section 5 requirement number 2, this I have a question with. It says:

"During the construction activity at a site, erosion control measures necessary to meet the requirements of this ordinance shall be maintained."

First of all, what will be the measures, control measures, and who will maintain them? Is that coming from...will that come from the erosion control...

Alan Kissinger: The erosion control measures are those set out in the Indiana Handbook for Erosion Control.

Tom Gretler: Okay, so they are not in here?

Alan Kissinger: No, they are not.

Tom Gretler: They are not in here?

Alan Kissinger: No, but there is a reference to the handbook. The answer to your second question is who will and the answer to that question is the property owner will.

Tom Gretler: Okay, if they don't know what they are what you are telling me is that we have to go find and get a hold of this copy of the handbook to find out what they are, is that correct? Is that the property owner's responsibility at this point?

Alan Kissinger: That was a discussion that Mr. Tuley had broached just a moment ago. We don't know how we are going to make this available, but certainly we are going to have to make it available.

Tom Gretler: Okay. My next question involves let's see here, compliance, okay? Who determines...first of all, what is compliance? Give me a definition or description and I guess that would be the last page at the very top of the page, Action 3. I know the word compliance and non-compliance is mentioned several times, but I am a little bit confused as to who will determine compliance and secondly, please explain to me what compliance is going to be? Is that left at the discretion of the SWCD?

Alan Kissinger: Yes, that is the Soil and Water Conservation District.

Tom Gretler: Okay.

Alan Kissinger: They will make recommendations and then in Action 3 they will make an inspection and make a determination as to whether or not those recommendations have been complied with. That is what compliance is.

Tom Gretler: Okay, let me get this straight now. It is up to the property owner to know what measures they are going to have to follow through with to get in compliance? If they don't do that then the SWCD representative will if there is a complaint issued and only if there is a complaint issued then they will be told at that point to get in compliance, is that correct?

Alan Kissinger: The SWCD representative is going to contact the property owner and say, for example, here is a problem and here in our experience are the steps that you should take to remedy that problem. If you come into compliance there will be no further enforcement.

Tom Gretler: Okay. Now, is it up to...one of these situations that came first the chicken or the egg, but if you have a...this seems to be a reactive type program here.

Alan Kissinger: Necessarily so.

Tom Gretler: Okay, I would like to add one point here, maybe one other item. You can call it Section 8. What about adding some measures to direct or guide developers before the property is developed to be proactive in laying out some measurements, measures or guidelines that the developer has to follow so that you don't end up with a situation that now years down the way you have to correct. I mean, let's be proactive here from the standpoint of if we already have a SWCD, and I apologize, if we have a Mike Wathen, I don't know if he wants us to mention...he has probably had his name mentioned enough times tonight already. If we have a person who before a property is even developed who can go in and make suggestions, no, guidelines. I don't know, maybe they have to be suggestions. Maybe you are going to tell me that a developer can do whatever he damn well pleases if he owns the property, but what you are telling me here is that you are going to after the damage is done you are going to come along and you are going to say, okay, here is what you have to do. I mean, why don't we put something in some type of measures that indicate what the developer has to do before hand and the rest of us won't have to be here like we are tonight?

Alan Kissinger: Some of those things are already in place, but Mr. Wathen is raising his hand. He wants to get involved.

Tom Gretler: Okay, the reason why I say that is that I am the perfect example of a situation where in this particular development the low lying properties were developed first. As a result, now I've got a situation that is beyond...I'm sure, Mr. Wathen, when he is through talking about what he needs to talk about I would like him to come to my aid because he has been out and inspected my property and has determined as well as...

President Tuley: John Stoll.

Tom Gretler: John Stoll, thank you, Pat, who has determined that I've got more of a problem than just relates to, I guess, to drainage or runoff or whatever you want to call it. The way I see this is, as an example, I have lived there nine years. I was well aware that the creek would overrun and that type of thing. I was perfectly aware of that at that particular point, but now I've got sediment and silt that is coming not from my property and I, even before any ordinances were passed, took the responsibility of trying to upkeep the portion of the creek that runs through my property. It is out of hand at this particular point. I, quite honestly, have no control over that, so that is why I was here in previous meetings to plead my case. In this case in point, had this property not been developed until last, more than likely there never would have been a home built on this particular property. This is what I am trying to make in this particular point. Let's be proactive here and let's let the horse out of the barn before it burns down. Again, I don't have any answers. I'm sure you all are much more adept and equipped to handle this type of thing, but that is just, again, a layman's viewpoint going into this thing. I would also point out that the other thing that I find hard to fathom is that we are taking actions here...the property that is just adjacent to the other side of me there was a developer, I mean a builder, who actually was going to build on that property and had the good sense not to do that. I am going to say that it was several years ago and I am not going to go back in time here, but it was long before the 85 year rain we had this year. That property was in litigation for quite some time until the courts ruled that the people that bought the property were, I guess, basically, in the right and they were given their money back for this particular property that the developer said that you could build a home on. Now that same lot was resold. I assume that the property owner was aware of the prior situation, but I can tell you in my estimation, yeah, a house could be built on there, but you would spend a hell of a lot of money in a foundation as well as erosion control trying to do that. Certainly this gentleman, homeowner, is prepared to spend that kind of money and has done so, but I know there is some concern on his part after recent rains and water that he has seen. Again, I wish I had answers that I could give to you, but I am sure that Mr. Wathen can expand on what I have just described here. Thank you.

Mike Wathen: On Mr. Gretler's first point about being proactive let me explain something for those people who don't...I think the Commissioners are aware of this, but for the people in the audience there is another set of rules that developers play by. It is called Rule 5. Under Rule 5 they have got to have what is known as an ECP which is an erosion control plan. The purpose of that plan, our office reviews it, IDNR reviews it. After it is reviewed and approved they are then allowed to go ahead and move dirt. Not until that time. That is totally a separate set of rules to the

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

19

Vanderburgh County Ordinance, so his point about being proactive, I think, is already being addressed on situations which are five acres or more because that is what Rule 5 deals with, five acres or more. On five acres or less Rule 5 does not deal with it. That is where this ordinance would then be in a position to be used. I think it already is proactive from a standpoint of A, they've got to get a plan together. B, they've got to get it approved by us and C, if they don't implement it IDNR, not Vanderburgh County, but IDNR is going to be the body that would then come down and be the enforcement agency. I think by them having a plan they have already been initiated in that proactive stance or whatever. Did that answer your question?

Tom Gretler: Yes, and I was not aware of that and, Mike, I was not trying to detract from your efforts that you have been doing in the past several months, so no offense there. I was not aware of that, but I am glad to hear it. I hope that maybe through this ordinance that we can get better and more specific measurements that are taken, I guess, with specifically as I mentioned before, with respect to development. I don't know how much leeway you have, how much...you may only give suggestions. It certainly isn't your property, but if there would be anymore, I don't know, Mike, for the lack of a better word maybe plain old horse sense in terms of where to start in development as far as it is laid out. I know you can only give suggestions to a developer and they can probably do whatever they want at that point.

Mike Wathen: I would say in answer to your question, you know, that is where the developer's engineer comes in. That engineer has got to meet certain criteria and it is a checklist of about 40 items. There is already a baseline established for all these erosion control plans to meet. So they have all got to play by the same playing field at that point. I mean, if you hire an engineer that don't know what they are doing that plan will go through our office four or five times before it gets approved. If it is not right it will never leave there. We make sure they have to meet.

Tom Gretler: Okay.

Mike Wathen: I carry two hats a little bit. I work with IDNR as the local representative and then this is a secondary piece.

Tom Gretler: Mike, how long have you been doing this?

Mike Wathen: Too long! I have been here 15 years, but I have only been doing this for about a year.

Tom Gretler: Was there someone doing this prior to this or is this something that you are implementing now? I guess that is where...I know that you have got to start at some point in time.

Mike Wathen: At the local level I am not aware that it was being done aggressively and as far as the ordinance is concerned I would say that is probably as much a result of the Commissioners seeing a need for it and the fact that it rained like crazy all spring.

Tom Gretler: My point from the standpoint of making suggestion to developers (inaudible) as to where to begin, you are saying that those measurements have been in effect for a number of years or just this past year?

Mike Wathen: Rule 5 has been in effect for a number of years. I don't specifically know when, but I have only been dealing with it

for a little bit over a year.

President Tuley: Tom, if I might add, as Mike said, we become keenly aware of the need when you have all this rain that we've had this year. We've had a lot of lengthy meetings, but a couple of other things. There are some developers...keep me from getting in trouble, Alan, that are not quite as honest as others, so they have been trying to skirt Rule 5 by breaking some larger developments down so that they become mini developments. Then we coupled that with a little, like I started out with, a paragraph like this that didn't give Mike much to operate is how this has started to come about.

Tom Gretler: I think it is all well and fine, I guess my concern is (inaudible) a point to start from this is great, but (inaudible) what recourse do we have at this point and what direction are we going to get from the Commissioners, if that is where the direction is going to come from, to be able to correct these problems so that they don't continue to be the nightmare that they are right now?

President Tuley: I think it goes back to what Alan addressed with me--

Alan Kissinger: Yes, it does.

President Tuley: --a little bit earlier. I mean, initially we are not going out there and change anything that has happened to you until that first big rain and then we can come back and say because you have not done this a problem is occurring and therefore we need to change this. They know, the developers, they know and that is why we brought them on board from the beginning to get the developers and the builders involved in this because they know what has to be done. It is just a matter of some of them going along because they want to and they are good developers and some are going along because they are going to be pulled into the process.

Tom Gretler: I appreciate that and I think this is a good starting point, but as far as the situation where you have...you know it is the property owner's responsibility according to this ordinance that is fine, but you do...you take the corrective actions and the following year the problem is still there now what do you do? Do you go to your neighbor up creek? Do you keep going up creek until you get to the top? I guess that is where I am coming from that standpoint. The silt has got to start somewhere.

President Tuley: Right.

Tom Gretler: Now it is a question of how much time and effort are you willing to put (inaudible).

President Tuley: It doesn't start at the bottom and go up does it?

Tom Gretler: Right, right.

President Tuley: That's a good question.

Mike Wathen: The only answer that I can give you to that and I can't change what has been done. We've certainly got some good steps, I think, in place from this point forward and the only comment that I would have is that if this ordinance was in place at the time those problems you are addressing came about they would have been stopped before they become problems. Another point is, you know, I heard everybody get up here and talk about, you know,

the drainage ditch won't do this and won't do that. Well, Mother Nature designs ditches, okay? The ditch only gets as big as the water cuts it, so the ditch is designed properly. There is no ditches out there that Mother Nature made that are designed incorrectly. It is impossible. The erosion is what designed it. Where the problem comes in is when sediment fills the ditches and reduces the capacity of the ditch Mother Nature designed and then she can no longer handle it and that is when you have out of bank flow. That is the cases that we are dealing with here. The sediment has filled the ditch, reduced the capacity, and therefore there is not enough room for the water. If we can cut the sediment from getting to the ditch in the first place, which this ordinance is designed to do, a lot of our drainage problems are also going to be taken care of as well. It is a win/win.

Tom Gretler: I agree with you, Mike, but I guess my point is as far (inaudible) what recourse do you recommend? Do we continue to correct our problem until it goes away because I think we are going to run out of money and run out of patience?

Alan Kissinger: If you have a problem that has continued over a period of time and you have advised the people who are responsible for that problem or the people that you perceive to be responsible there are legal remedies in place that you can pursue.

Tom Gretler: That is what you are saying is legal remedies?

Alan Kissinger: There is a point at which everyone has to--

Tom Gretler: I guess you're saying that there is no other recourse other than legal remedies at that particular point. For those of us once this ordinance is passed those of us who do have problems and you are telling us that we need to get a lawyer and take care of this then?

Alan Kissinger: This ordinance is designed to help the property owners who are being negatively affected by other people's activities, but there are statutes in place and procedures in place and there are also legal remedies that you do have. There are certain circumstances in which, yes, you have to go to court and bring somebody in there and have a court order them to do something or they won't do it. It is just as simple as that.

President Tuley: Okay, Bob...I'm sorry, Tom, are you done?

Tom Gretler: I guess, no that's fine.

President Tuley: Alan is not saying your case because Alan is not familiar enough with your case on its own individual merit to tell you that you have to go to court. He is not telling you that you have to go to you.

Alan Kissinger: But there are circumstances under which, you know, you are not going to have any recourse. Some people do not respond to any other type of stimulus except when they are sued and get a specific order from the court to act.

Tom Gretler: Well, I understand that, Alan. I guess what I am getting to, again, you go through all these steps and from here on out you determine clearly whose responsibility is what, but I am talking about as far as beyond this point and you are saying that once this ordinance is passed and if you feel like you have (inaudible) have the inspector come out and look at this and have

to go through the process of contacting the developer, the builder and just going through until some amicable--

Alan Kissinger: This is not designed to be an exclusive remedy. If you want to pursue other remedies this will not preclude you from doing so.

Tom Gretler: No, I am not advocating that. That would certainly be a last resort. I guess what I am getting at is that you have to follow these procedures and once this ordinance is passed if any of us here at this point if we don't get action taken, then what we need to do at this point is go to the local Executive Body and Board of Appeals, is that correct? I guess what I am asking for is direction at this point.

Alan Kissinger: No, no. Let me answer that question very quickly. I am going to make a recommendation to the Commissioners tonight that the administrative appeals and judicial review section be deleted and that we follow a procedure already in place for building code violations and that is the citation is issued, it is placed...then it is held in the City Clerk's Office. If that citation is paid within 30 days it goes no farther. If it is not paid within 30 days an action is filed in small claims court.

Tom Gretler: Pat, since you are knowledgeable of my situation here and I don't want to take up very much time here, but if you would recommend that I pursue this at a different time or a different round, certainly--

President Tuley: Let me come out and meet with you.

Tom Gretler: Okay.

President Tuley: And see first hand for myself and get with Mike. Mike and I have been talking about your particular problem and I understand there are some remedies that can address a lot of your problems, I think. If you don't mind?

Tom Gretler: Sure, that would be great.

President Tuley: Okay. One second, please, Bob, I saw you.

Bob Brennan: Yes, gentlemen, these people are frustrated here and I can appreciate the situation. If you are going to enact this ordinance I would like to ask that something be done. I would like to ask that this ordinance or a part be put into this that this ordinance be made mandatory to be given to every person who develops a property of one lot or any size larger. Also, every time a developer sells a property that this ordinance be made part of that sales agreement put in. Therefore, we know that this ordinance, and I think that Mike has done tremendous job, will get to the people. That will save an awful lot of time of people coming here to redress something that they will have been aware of. People come here, just as these people have, unaware of what the Commissioners or what these people can do. I think that by putting this in that this is part of the law that through the Building Commission for application for a permit or to every piece of property sold that this be made a part of it. I think you could solve an awful lot of the county's problems.

President Tuley: That is Bob Brennan, since he didn't identify himself.

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

23

Commissioner Borries: Well, Mike, do you want to stand up?

Mike Wathen: Sure.

Commissioner Borries: Wouldn't everybody know about this anyway if we are going to put it into effect?

Mike Wathen: Well, there has been--

Bob Brennan: Has it been published in the paper yet?

President Tuley: That's why we're having a public hearing, Bob.

Commissioner Borries: That is why we are having a public hearing, Bob.

President Tuley: Before we put in the paper.

Alan Kissinger: As to the second recommendation that it be made a required part of the contract, we do not have the authority to do that.

Commissioner Mourdock: The point, and it does come back to something that someone else said earlier and I don't recall who it might have been. It might have been Mr. Grubb's comment about letting people know in advance so that this stuff is out there somewhat proactively. Is it your recommendation or your plan, Mike, to have this through the Building Commission? Let's assume for the moment that I am a developer and I find a nice 80 acres out somewhere on a hilly section or better yet a lower section out west of McCutchanville. How am I going to know that this is in place?

Mike Wathen: Well, the vehicle that we are presently using and I anticipate still using it, you know, keep in mind everybody that there is Bonnie and me, okay? There are two of us in that office. We've got only so many wheels that we can spin out there. I want to try and keep it with no more duplicates than we have to. Right now when we do the subreview meetings we give the developers a copy of it, of Rule 5, what you have to do step-by-step. We have it laid out for them. Where they have to go for every step. We send it to them and if they are there I actually hand it to them at the subreview meeting, so that would take care of anything that would be five acres or more. On the ones that are five acres or less, Roger Lehman was one of the ones on the task force and on those we were just going to run it...initially before I knew about the fining procedure being changed, we were going to run it with Roger when they got their permits, so it would make it easy for people to come in. They would be in there anyway. You know, if they are going to get a building permit to build a house they could pick this up at the same trip and they would know where they stood.

Commissioner Mourdock: Okay, you just said initially. What is different now? Are you saying now since Alan made the recommendation a moment ago about that section that you would not be able to do that?

Mike Wathen: I don't know why we couldn't.

Commissioner Mourdock: Yeah.

President Tuley: That makes logical--

Mike Wathen: Roger is willing to go ahead--

President Tuley: Make the copies available.

Mike Wathen: --and do whatever steps he could do to make it work.

President Tuley: That's a logical approach.

Mike Wathen: I'm not saying that will change. Yeah, we need to let the people know, I agree.

President Tuley: So everybody gets it at the time they come and pick up their permit?

Mike Wathen: If we do it at the time when they come down and get their building permit they are going to be down there anyway. I anticipate handing them a piece of paper that has the address where you can get the handbook and I had even thought about putting together...quite frankly, if they use common sense that is a lot of what the handbook addresses. I mean, if there is not a problem out there I am not planning on going out to see if they bought their handbook. Okay, if there is not a problem why would I care?

Commissioner Mourdock: Right.

Mike Wathen: I was even thinking of putting together like these are the 10 items you can do to help keep yourself in compliance and make it a nice neat little package and have it picked up at Lehman's office at the time they would get their permits.

Commissioner Mourdock: Okay.

Mike Wathen: Did that address what you were saying?

Bob Brennan: Pretty close, but you might as well put the whole ordinance out.

President Tuley: What was the comment? I didn't hear that.

Commissioner Mourdock: I think what Mr. Brennan's comment was in the back of the room, "Pretty close". What Mike suggested a moment ago was "pretty close, but you ought to put the whole ordinance out".

Mike Wathen: Well, we can do that. I don't care. It's just copy paper.

Bob Brennan: Since there is a paragraph in there, although, Alan says leave that out and put the other in, but there is a process for redress here, then those people should know that at the time that if there is something that does happen where they can go and why they should go and save this body and Mike and an awful lot of other people a lot of time and problems by knowing what their situation is.

President Tuley: Agreed.

Mike Wathen: One point, too, if you look under the steps that we are going to do...if you look under 6, the enforcement, if you look under the action items, our first role is not to sneak up on a dirt clod on the street, okay? We're going to go out there and talk with them. They get 10 days, okay? Then it is ten days weather permitting or work days. There is a definition for that in there. I mean, they are going to get their opportunity to get it fixed. It is not going to be a--

**Vanderburgh County  
Commissioners Meeting  
October 14, 1996**

25

President Tuley: Sneak up on them and hit them over the head?

Mike Wathen: Right. It is not going to run like that.

Commissioner Mourdock: Okay.

President Tuley: We've got a young man in the back, too, that wants to address.

Andy Overton: I'm Andy Overton from 4701 Meadow Crest Court off of Glenwood Subdivision. I would like to state that Railey's grandchildren, he has four of them, two that live in the neighborhood and two that live up the road. They all come down to the big hole there. I have seen them ride their bikes in there when it is dried up and somebody is just going to get hurt down there, I think. Also, there is a hole next to it that is about two foot deep and in the snow I was walking across the side of the road and my foot went in it. Like, it went way down in there and like hurt my leg and so I think he should like fill that in or something. But, um...well, that's all I have to say.

President Tuley: Thank you, Mr. Overton. Bill.

Bill Wittekindt, Jr.: My name is Bill Wittekindt, Jr. and I live at 12431 Redgate Road and I am the developer of Browning Road Estates. As a developer I can live with this erosion control ordinance. I am glad you included the word property owner because once I...when I develop a tract of land I do my best in putting all the erosion control measures as needed. When I sell a lot to Mr. and Mrs. John Doe, for instance, and they say, okay, we'll go ahead and build a house and take care of all the erosion, but say they don't like the idea, how can I enforce them as a developer when I have no control over that? They could tell me to go jump in the lake. What am I supposed to do? That is why I like the property owner being responsible for his own individual construction.

Alan Kissinger: See, that is why you are required to build those holding ponds, so you'll have a lake to jump into!

Bill Wittekindt, Jr.: But I do have a couple of questions here. I am not nit-picking, but I read this kind of extensively. In any construction on any subdivision your are bound to get some dirt on the road from construction trucks. That is almost inevitable. I've been in construction long enough to know that. So when mud or dirt is left on the road who is supposed to clean it up? The contractor, the property owner is that who?

Alan Kissinger: It depends on whose responsible and we have to rely on our field people to advise us of that.

Bill Wittekindt, Jr.: Okay. Now, on Section 6, will the property owner be notified in writing and who the complainant is?

Commissioner Mourdock: Good question.

President Tuley: Yeah, I was going to say...I'm looking for Mike. Did you...?

Mike Wathen: Yes to the first question and I anticipate a no to the second question.

President Tuley: So you would like to have it in writing and it is not necessary that the individual...

Mike Wathen: The property owner of non-compliance will receive written correspondence.

President Tuley: Yeah, but are you, I think...Bill, are you asking...will you come out on a phone call or will someone send you something in writing?

Bill Wittekindt, Jr.: Yeah,--

Mike Wathen: Oh, initially?

President Tuley: Yeah, initially.

Mike Wathen: Oh, a phone call or I will just drive by it myself.

Bill Wittekindt, Jr.: But when you notify the property owner are you going to notify him in writing that John Doe complained about his problem?

Mike Wathen: I would say that, you know, if you look at the first step here we'll investigate, we'll make recommendations to the property owner and if you notice Item C is that we will come back and check it and if everything is fine it says no further enforcement action will be taken. I don't anticipate writing letters for every one of them or I'll spend all my time writing letters.

Commissioner Mourdock: Okay, but that still doesn't address the one question here. Alan, maybe you can help us out with that. If I live next door to Pat and Pat's erosion problem is bothering me and I get Mike involved when the letter goes from Mike to Pat is it going to say that I complained and legally should it or should it not?

Alan Kissinger: It doesn't matter. It doesn't matter who complains. The fact that there is a complaint is all that is necessary. If there is a complaint, Mike or his counterpart or his successor goes out and finds that there is a violation. Who made the complaint is totally irrelevant to the situation.

Mike Wathen: A lot of times I don't even know. I've got people who call in there and say I am not going to tell you who I am, but if you drive out to Joe Blow's street the mud is two foot deep, you know, and then they hang up or worse!

President Tuley: They don't hang up!

Bill Wittekindt, Jr.: So the property owner then will be advised in writing at some point what the problem is and how it should be corrected, is that correct, Mike?

Mike Wathen: Yes.

President Tuley: Should be.

Bill Wittekindt, Jr.: I mean, you will give the property owner some recommendations of how to correct the problem?

Mike Wathen: Yes, but those steps would be in the exact opposite order of the way you just put them. We would make the recommendations prior to sending them something in writing because if they get it fixed there is no point in sending them anything in writing. If I go out there and I've got somebody who has a problem

and I've got somebody called in person A on person B, I am going to go talk to B and say, look, you can do this, this and this to get this thing fixed. If I come back in ten days and it is fixed I am not going to worry about it any more, but if it is not fixed then we will go to Step 4 and write the letter. There is no way that we can do it with two people in our office getting 20 of these a day. It just physically cannot be done. We are going to get so far behind that it is going to eliminate the effectiveness of it otherwise.

Bill Wittekindt, Jr.: Then, Mr. Kissinger, you made a remark a while back in the early part of this discussion that you recommend that this enforcement appeal be left out of the ordinance?

Alan Kissinger: Yes.

Commissioner Mourdock: Administrative appeal.

Alan Kissinger: Yes, the administrative appeals and judicial review. We have a procedure in place now. As a developer you probably know if there is a building code violation or something such as that there is a procedure whereby a citation is issued. If you pay it within a certain number of days then that is all that you are required to do as far as a citation is concerned, but you are still required to come into compliance. If you don't pay it within a certain number of days, then that citation is turned into a complaint that is filed in the Vanderburgh County Small Claims Court and you are then summoned into court to answer the complaint. Then you will have an opportunity to present evidence in your own behalf which could indicate that you are, in fact, in compliance or were never guilty of non-compliance.

Bill Wittekindt, Jr.: That would be in Small Claims?

Alan Kissinger: That would be in small claims court. That gives you...that kills two birds with one stone. Number one, it avoids setting up another bureaucratic body within the county that may or may not be needed and is probably going to be so cumbersome that the real problems will end up in court anyway. Number two, it provides for the constitution...it satisfies the constitutional provision for judicial review because you have your judicial review with the sitting judge in small claims court. If you don't like what happens there then of course you can appeal that decision to a higher court.

Bill Wittekindt, Jr.: I just wondered when the developer or a property owner could voice his opinion that he is right?

Alan Kissinger: His opinion that he is right under very controlled circumstances in the small claims court with the understanding that you present evidence and not heresy.

Bill Wittekindt, Jr.: Okay, thank you. That's all.

Bob Brennan: Does that eliminate the entirety of Section 7?

Alan Kissinger: That will be my recommendation to the Commissioners.

President Tuley: Further input? Mr. Andy.

Andy Overton: Yeah, I would like to add something else. There is no point in washing your car on the street because the next time it

rains it gets dirty anyway. Also, the pond at the front of the subdivision there is also mud and disease carrying mosquitos (inaudible).

President Tuley: Okay. Mr. Crabtree.

John Crabtree: I think we have some good developers.

President Tuley: I agree.

John Crabtree: Maybe we didn't get the best one. As far as the car washes I told the man that I am going to bring you a bunch of car wash tickets. He said it's not my fault it is the Sewer and Water Department's fault, take it to them. That was the answer that I got. Now, there are a lot of funny answers that come out of there. Most of the mud that we are getting now is on the undeveloped lots that are not sold to anybody and are graded down. As far as the engineering stuff, when you take and cut (inaudible) down that's per the engineer 4½ to 5 feet and you leave a manhole sticking up that high and what does he say? I'll see if I can get them to do something about it.

President Tuley: Okay.

John Crabtree: We do. There are good reliable developers like I think this gentleman here would be. There needs to be somebody to control for them to do what they want to do because when we buy a piece of property they say it is going to be so many dollars. We don't pay them short dollars, we pay them every one that we are supposed to. See what I am talking about?

President Tuley: Very much so.

John Crabtree: When our yards are turned over to us they still wash and runoff and it is up to us to fix them because they wasn't fixed right. As this one says, and I am not going to argue about it, it's still on the property owner because we have paid him for it and it's ours. They should be fixed properly like he says.

President Tuley: Until he sells it to you he is the property owner and it should be and that is what Alan was talking about. Once he sells it--

John Crabtree: The drainage should be fixed before I get it.

President Tuley: I would hope.

John Crabtree: Well, it's not.

Alan Kissinger: Sir, there is a disclosure document that is supposed to be completed when any property is sold and that disclosure document is suppose to indicate that the seller is acknowledging certain problems that they know exist on the property or they are indicating that no problems exist on the property. That is a document legally required at every property transaction and if someone has made a false statement on that disclosure, then you certainly have a legal action against that individual to get your damages, to get your property in the order that it should be.

John Crabtree: (Inaudible) you have to move, see?

Alan Kissinger: Well, there is a point at which, and no one wants to hear this, but there is a point at which you've got to go out

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

29

and hire a lawyer and get the job done by having a judge in a court order that person to do it.

John Crabtree: My grandson wants to be a lawyer. Maybe I will encourage him.

Alan Kissinger: You might not want to wait that long.

President Tuley: Yes, ma'am.

Cindy Kettinger: Would it be in our best interest if it came to this point for the group of us to retain a lawyer and get a lawyer and maybe go together and get the same lawyer if we have to take action against him?

Alan Kissinger: If your problems are identical or stem from the same source then the answer to the second part of your question is yes, it would be appropriate to hire the same lawyer. Most lawyers will sit down and discuss it with you without charging you a fee and advising you as to whether or not you have a legal action and whether or not or what your likelihood of recovery is.

Cindy Kettinger: Most of these people, the older people, they can't go out and hire a lawyer.

Alan Kissinger: Understood.

Cindy Kettinger: So if we could do it as a...if we don't get any results out of it we could go as a whole. Even if it is going to cost us \$100 a family.

Alan Kissinger: So no one will get the wrong impression, I am not available for that kind of work!

John Campbell: I talked to my lawyer about it and he said there is nothing to it. I'm his lawyer too.

Mike Wathen: The only thing that I would say, and I've only talked to the man one time, I have never even met him. I think you gave me the phone number. When I asked him to do it he did it right away. That has been my experience in working with him in defense of him. I have never met the man. The second thing is, once this thing is enacted, if indeed it does get enacted, I think a lot of the problems that are here tonight are going to almost take care of themselves before they reach this point. Maybe in the long run we will make some progress in a lot of areas.

Alan Kissinger: Mike, I didn't mean to kind of take your legs from under you in reference to Section 7, administrative appeals and judicial review.

Mike Wathen: Thanks.

Alan Kissinger: We do have, and you may not have been aware of that, but we do have a procedure in effect now for building code violations and, quite frankly, this is going to be very much like a building code violation. I think it is totally appropriate that it should be handled in the same fashion.

Mike Wathen: I agree. We started with a model ordinance. When we started this had a whole bunch of thou shalt nots and I made the argument that if it was good enough for the Ten Commandments it ought to be good enough for the Vanderburgh County ordinance, but

I got voted down and this is what we ended up with. My only other point is where do you guys want me to go from here? What is the next steps, I've never been through anything like this?

President Tuley: Alan, do you want to take it from here in terms...I mean, you are going to change the...you heard the comments in terms of the verbiage as it is now and you are going to make the change?

Alan Kissinger: I would like to have the time to rework this myself and then I would like to have time to sit down with Mike and get his ideas on the changes that I have made and then I will probably make some changes after I have talked with him. Then I would like to come back and present the Commissioners with a document in ordinance form that you can review and schedule for advertising and action.

President Tuley: Could we add one more part to that?

Alan Kissinger: Yes.

President Tuley: Since we did charge Mike with putting a task force together and they have worked hard at it, after you've done it and sat down with him before it actually comes back to us kind of let them take one more look at it?

Alan Kissinger: Certainly. I want to put some things in here that are going to be required legally. Also, I want to take some of the suggestions that have come from this meeting and then definitely because, basically, what I am doing is putting a greek contract into legal form. They are the ones who are going to be able to interpret it and subject to interpreting it, yes.

Mike Wathen: What would be the timetable for those steps?

Alan Kissinger: Duh!

Mike Wathen: My schedule...I could pull it off in the next couple three weeks, but after that I am going to be gone a lot.

Alan Kissinger: Well, then I will make it a point to try to contact you within the next couple of days to set a time for you and me to get together.

Mike Wathen: Okay.

President Tuley: Were there any other comments? I thought you had one more comment. No? Okay. Bill has one more comment.

Bill Wittekindt, Jr.: Yes, one comment. We will get a chance to look at this new ordinance before it is voted on?

President Tuley: Yes.

Alan Kissinger: What we will do is we will advertise it.

Bill Wittekindt, Jr.: In the legal?

Alan Kissinger: In legal, yes.

Bill Wittekindt, Jr.: Verbatim? Word-for-word? Will the ordinance be word-for-word in the legal column?

Alan Kissinger: You know, quite frankly, I don't know.

President Tuley: What I would like to do, Alan, is like what we did this time. Once you and Mike have worked on it and once his committee has looked at it, before we actually bring it to a meeting I would like to have it available in this office for anybody that wants to come in to pick up a copy of it, so the night we actually attempt to take action on it--

Alan Kissinger: Sure and we can advertise it, you know, we are only required to give...well, we would be required to give two notices on this ten and three days before, but if you want we can give a notice as far away as thirty days and indicate in the notice that it will be available for inspection in the Commissioners Office or in their office.

President Tuley: I would like to do that. We need to change the tape.

Bill Wittekindt, Jr.: Would you notify me when it is ready and I will come and pick one up? The ordinance or how will I know when it is ready to be picked up if I missed the legal ad?

President Tuley: How did we handle it last time, Mike? I know we picked up in our office, but...

Mike Wathen: Everybody was calling our office.

President Tuley: Everybody was calling your office?

Mike Wathen: Yeah, and I tell you what, we can't. That is why I didn't want them picked up there because we don't have the resources or the staff.

President Tuley: Well, if we can get our local media to do us a good job after the night that we know it is ready, we'll advertise in the newspaper that it is ready. I hate to sit there and tell you, Bill, for sure that we are going to pick up the phone and call you.

Bill Wittekindt, Jr.: Okay, well, I am interested in this.

President Tuley: I know you are and I don't blame you.

Bill Wittekindt, Jr.: I would like a copy of it and so would other people, I'm sure.

President Tuley: Oh, they want to change the tape. Hang on a second.

**TAPE CHANGE**

Bill Wittekindt, Jr.: So it is going to be at least three or four weeks then before this is going to be ready?

President Tuley: I would say three or four weeks before it is ready to be put back into a form that you can pick up here. Cindy, try to make a note somewhere.

Alan Kissinger: The reason for public notice is because we can't send them to everybody.

Bill Wittekindt, Jr.: I realize that. I realize that.

Mike Wathen: Bill, I'll tell you what, if I hear about...I mean, I will let you know. If I think of it I will call you.

Bill Wittekindt: Fair enough.

Mike Wathen: Remember, it's deer season so...

**Shirley James - Pigeon Creek Greenway**

President Tuley: I think we are up to item 4D, Shirley.

Shirley James: I'm Shirley James and I am with the Pigeon Creek Greenway. My address is 6521 Middle Mount Vernon Road. The Greenway's address just for the record is the Civic Center here, Room 305. With me is Mr. John Kinsella, of Storrow/Kinsella Partnerships, Incorporated, out of Indianapolis.

John Kinsella: I'm John Kinsella and I am returning once again to clarify a fairly complex process. The development timeline, the larger sheet in front of you, is a simplified charting of some overlapping and somewhat simultaneous activities. It goes back to the master plan that was developed in 1993; it began in the first part of that year. The master plan is really an ongoing process that is carried on by the Pigeon Creek Greenway Committee and various consultants along the way. The most recent activity relative to that has been the zoning and planning workshop that we referred to the last time we were here. Going down you will see four phases, in a sense. Phase 1 and 2 is for the Greenway between Heidelburgh Canoe Launch and First Avenue near the Uhlhorn Street animal shelter. The funding was awarded actually right around the turn of year '94/'95. It was a combination of INDR and INDOT Transportation Enhancement Funds. That project has the construction drawings and engineering has been completed. Permitting has finally been completed. INDOT has it in their hands.

Commissioner Mourdock: What permitting was required?

John Kinsella: The whole gamut; core, the division of water, archaeology...

Commissioner Mourdock: There is no permitting required in the other phases?

John Kinsella: Yes, they all have implicit...as part of the engineering process permitting and indeed that box will slide along underneath engineering. Generally, that permit...I shouldn't say generally, always that permitting activity has to be completed before INDOT will let bids or before parcel acquisitions can happen. In fact, before public hearings for parcel acquisitions. You see the red dot appearing down in each phase? The red dot under Phase 3A was for acquisition funds and under Hi Rail/US 41 likewise for acquisition funds for those two activities. If you will look on the document, this document, the 8½ x 11, you will see Phase 3 acquisition, property acquisition \$440,000 federal and that is what that means under Phase 3A and Hi Rail/US 41. The city match on that is \$110,000, so it is an 80/20 match. The current today, I think on your copies you will see a vertical line going through the timeline. That is where we are today. That is the tail end of '96.

Commissioner Mourdock: For Phase 1, once it is constructed how is

it going to be maintained?

John Kinsella: Phase 1 the Parks and Rec Department has committed to maintain that.

Commissioner Mourdock: Everything within Phase 1?

John Kinsella: Everything within Phase 1 that is not a Levee Authority responsibility. There is a letter of agreement between the Levee Authority and the Parks Department to parcel out which is which. In the application for Phase 3A, Construction Phase, that is a pending application for funds and we don't know when that will be responded to. If it is like last year's application it could be June before we get a final word on that. It could also be the turn of the year, but probably not before the election. There is no rumbling out there that it is going to happen before the election.

Commissioner Mourdock: Safe bet.

John Kinsella: The other thing to be kind of interesting here is funding. When you see on this document the city and fed share money maybe committed already and it has been allocated by the city in these cases. It is not actually drawn down until there is a construction contract or there is an acquisition agreement, so the money that you see for Phase 3, Acquisition, \$440,000 Fed, \$110,000 City that will happen towards the end of the acquisition process. That is when they say show us your money and the money changes hands. So there is a timeline in these expenditures. Something of interest, and I think I marked up your copies of the funding matrix here, is on the second page under 1997 through '99 in that summary column. The 50% city share which was labeled as \$353,400 has actually been allocated by the city in the amount of \$400,000, so that shifts over to the city funding to date. I hope that clarifies it. If there are any questions, I will be glad to try and sort that out. It's a long process and Evansville is to be commended on sticking with this going way back to the core period and it has finally got traction.

Commissioner Mourdock: I think most of your efforts in putting this together in response to the question or two that I had last time and I appreciate this. This does help me see what is going on with it much better.

Shirley James: Now what we are asking for this evening is that the county make a long-term commitment for construction in 1999, we think it's going to be, on Phase 3 and also more immediately we would like to really acquire at least a partial payment on the engineering fees. Say 50% of the engineering fees which would amount to about \$177,000 this year and \$177,000 next year. That is primarily what we are asking for at this point in time.

Commissioner Borries: When you say this year, Shirley, you are talking about 1996 dollars yet this year?

Shirley James: I believe so, yes.

Commissioner Tuley: And \$177,000...

Commissioner Borries: Where is that on your flow chart?

Shirley James: That would be the engineering for John.

President Tuley: Mine says today \$177,000.

Shirley James: That would be the engineering between--

John Kinsella: Engineering process now and over the next, really, the next year.

Shirley James: Yeah.

President Tuley: You're looking at \$353,400 between '97 and '99, is that right? Am I reading that right?

John Kinsella: Phase 3A is...

Shirley James: Repeat that.

President Tuley: I'm looking at your smaller sheet. Phase 3 design preliminary engineering. Your looking from the county--

Shirley James: Yes, that's it.

President Tuley: --between 1977 and 1979 something like \$353,400 which mine indicates \$177,000 today.

John Kinsella: Well, today means this is where we are. The actual expenditure of those funds will be over time. It is just beginning.

Shirley James: A commitment.

President Tuley: If we commit, it is money no longer available to us to use for anything else.

Shirley James: Right.

President Tuley: Also on Phase 3 construction, \$706,800 which I add up to a little over a million dollar commitment.

Shirley James: Some of this may be acquired, which we are going to try to do, but some of this may be acquired through donations. The problem there is that when we are talking about construction funding here that is only for the Greenway proper. It is not for any of the amenities. At the present time, Mr. Alderson and some others are putting together a package through Keller Crescent to go out for \$100,000...for raising \$100,000 for the amenities on Phase 1 and Phase 2. Hopefully, some corporate monies might come in, but we can't depend on that. We would just...are seeking commitments now that if we don't reach our...you know, we will probably have to pay for the amenities from corporate funding also. Right? For construction on Phase 3, for the amenities on Phase 3?

John Kinsella: That hasn't been (inaudible).

Shirley James: That hasn't been built into this, right?

Commissioner Borries: Well, I appreciate the visuals of what you have done because it is helpful, but it again gives me some concerns here where you say that you have ISTEAA award notifications. Are you saying that you have some \$5,600,000 in place?

Shirley James: Actually, no. We have--

Commissioner Borries: What is the award notification then?

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

35

John Kinsella: For federal funds.

Commissioner Borries: But what were you awarded? If it has award notification, what were you awarded?

John Kinsella: Oh, in those cases award notification was in that case \$440,000 federal under Phase 3A.

Commissioner Borries: Okay.

John Kinsella: Award notification under Hi Rail--

Commissioner Borries: So you are actually kind of ahead of this schedule? I see where it says 1997/98--

John Kinsella: We are right on schedule.

Commissioner Borries: --and you are saying that you have already been awarded in 1996?

John Kinsella: Yes, any place that you see award notification that has been awarded in 1996, this year a couple of months ago.

Commissioner Mourdock: I think what is confusing Rick is on this one it is acquisition preliminary engineering, Phase 3 and on this one it is Phase 3, acquisition property acquisition. On here it is broken out just showing that sometime during the first, no, second quarter of this year they received word from the Feds that they got ISTEA in the amount of \$440,000 and that is solely dedicated to property acquisition.

Shirley James: Right.

John Kinsella: That is right.

Shirley James: Exactly.

Commissioner Mourdock: But you've gotten the award of \$440,000 what can you do with that money today property acquisition-wise given that your engineering won't be completed until mid-year '97? Do I understand it correctly?

John Kinsella: Engineering in this case includes right-of-way engineering and right-of-way services as well as predesign.

Commissioner Mourdock: Yeah, let me rephrase the question.

John Kinsella: Okay.

Commissioner Mourdock: You've gotten \$440,000 for the purpose of buying properties?

John Kinsella: Right.

Commissioner Mourdock: Can you buy any properties until this other work is done?

John Kinsella: No.

Commissioner Mourdock: Okay. So you've got \$440,000 in an account dedicated to you at this point?

John Kinsella: That's right.

Shirley James: We have to actually be prepared to spend that within the two year period or we lose it.

Commissioner Mourdock: That two years ends when?

John Kinsella: Two years from August 1, I believe. That process has started. We have had discussion.

Commissioner Mourdock: It must be expended by that date, is that what you said?

John Kinsella: Yeah.

Commissioner Mourdock: Again, you can't expend it, you can't use the money that you have been given unless you get the engineering done in the meantime?

Shirley James: Exactly.

John Kinsella: That's right.

Shirley James: I did approach you gentlemen when Aztar monies were being distributed. At that time I appeared twice for this funding.

President Tuley: Let's talk about that a little bit.

Shirley James: Okay.

President Tuley: I just happened to see the distribution. The county gets a dollar a head for everybody that comes on that boat. When you look at what the city gets they get a percent of the adjusted gross profit.

Commissioner Borries: It's 5%.

President Tuley: They have a whole lot more expendable funds from that riverboat than this Board ever has control over, that's for sure. I knew it was written for the benefit of the cities, but my gosh, I had no idea it was that distorted.

Commissioner Borries: Shirley, I mean, I support this idea. I guess where things get fuzzy in my mind is where we come up with that kind of money. Again, you've gone so far as to say that the address, it's almost like a quasi-governmental agency here, is 305 Civic Center which I guess is our office. I don't even know if you have put down here then Sarah's time and the amount of things that we have already done to support this. I don't see that anywhere located on this.

Shirley James: Is time contribution considered on this?

Commissioner Borries: We are already having a person who is hired by the taxpayers to do all this. You use this address, so I guess we are supporting you, I guess is what I am saying.

Shirley James: Yes.

Commissioner Borries: I'm going to have to have a little time here to look and see where we can come up with the money.

Shirley James: That is something that--

Commissioner Borries: Maybe the other gentlemen have some ideas on

that.

Shirley James: That would be considered in contributions and it doesn't match and that is our problem.

Commissioner Borries: Well, I am only saying for supportive purposes. You are using a governmental address, we're using governmental employees to do this.

Shirley James: Oh, yes.

Commissioner Borries: So we are demonstrating our support to this point.

Shirley James: Yes, and it has been very good help.

Commissioner Borries: That's my point. That is all I am saying.

Shirley James: No, Rick, it has been very good help and we are very grateful. Thank you very much.

President Tuley: Let me make sure I am following this. We are looking at a total commitment from this body that you need a little over a million dollars, is that correct?

Shirley James: That is over a long-term period. That is not immediately.

President Tuley: It's not all that long, '97 will be here real soon.

Shirley James: Yeah, but construction wouldn't begin until, what, 1998 or 1999 almost?

President Tuley: Well, we are knocking on the door of '97 right now.

Shirley James: Yeah.

President Tuley: The total monies available to this body right now, I think, the way we set up riverboat, available I want to use about \$1.8 million to be expended in the year of '96 and maybe a little over \$2,000,000 in '97 because we will get the full benefit. It is hard to say. We used \$2,000,000 and nobody knows. We are trying to look into a cloudy crystal ball here. The only other money that we have available to us is CCD money which about roughly a million dollars a year. We've got the Auditor sitting here and how much excess General Fund money have we had? I guess what I am trying to say is if there is any extra money available in the county this is the closest thing there is to it, correct?

Shirley James: The Community Development Fund?

President Tuley: Yeah, Community Capital Development which is about a million dollars a year. Of course, if you look we put half a million dollars this year into the Sheriff's Department because the Council didn't have the money to put into the Sheriff's Department. We put half a million or \$387,000 into the courthouse.

Commissioner Mourdock: It was \$187,000.

President Tuley: No, \$387,000 wasn't it?

Commissioner Mourdock: No, it was \$187,000 in the courthouse, but another \$124,000 I guess it was to the coliseum.

Cindy Mayo: I think that when I went before Council, though, and did ask for Community Development Funds, so to speak, out of CCD, Council did deny that and it was for the restoration of the Four Freedoms Monument. They felt it was not a proper use of the funds. The county did not own the Four Freedoms Monument as--

President Tuley: Such.

Cindy Mayo: I don't know if we will be the owner of the Greenway or how that would be perceived, but I can say that I'm not sure that CCD--

President Tuley: I remember that now.

Cindy Mayo: --would be approved by Council. Certainly I can't speak for them, but I think they would have some hesitation.

Commissioner Mourdock: How much of the Uhlhorn to Angel Mounds section is within the city?

Shirley James: We have that. On the back of your second page--

John Kinsella: That is the total from Heidelburgh to Angel Mounds is about seven and a half within the city and seven interstate.

Commissioner Mourdock: Okay, from the canoe launch...

John Kinsella: That is maybe a mile or 1.6 miles from the canoe launch to Uhlhorn.

Commissioner Mourdock: Okay, so you basically go six miles south and southeast which takes you, what, almost to 41? Looks like it would be pretty close to it.

John Kinsella: I believe so. To put this in context the Department of Parks and Recreation through the city has only committed formally in terms of budget allocation up through Phase 3 acquisition...pardon me, Phase 3 design preliminary engineering, that \$400,000. Below that there is some, you may call it an act of faith, but a commitment to the Feds and to INDOT that if awarded the money will come about. That hasn't been allocated formally and, of course, if they elect not to bring that money to the table then simply that grant goes away.

Commissioner Mourdock: That is what you have labeled here as your pending ISTE A application in Phase 3A?

John Kinsella: Yes, exactly. Again, it is really pushing the crystal ball a little bit, but a track record to date has been...the city has been able to demonstrate an ability to fund design engineering and construction and have indicated to the Feds that this is a viable project in that sense. Again, the actual allocation, the handing of the money for the construction phase, will be sometime around 1999 or 1998 end of the year. I think what I am hearing, and I am kind of blinking into Shirley's role here a little bit--

Shirley James: That's fine.

John Kinsella: Is that the (inaudible) is getting the survey work,

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

39

the right-of-way engineering work underway to nail down the acquisition to continue to demonstrate that this is a viable project in terms of the pending application and to keep the timeline on schedule and work is being done through that \$400,000 city allocation.

President Tuley: In order for you to go for your grant do you need the commitment of \$1,160,000 from this Board tonight or just the \$177,000?

Shirley James: No, the \$177,000.

John Kinsella: That is not a technical requirement of the grant. It is simply to keep it moving so it is clear that we are funded and proceeding with the acquisition.

Commissioner Mourdock: With the engineering?

Shirley James: Right.

Commissioner Mourdock: So that you can then do the acquisition?

Shirley James: Right.

John Kinsella: Exactly.

Commissioner Mourdock: It is not required of the ISTEA award, but if, in fact, you don't get it, two years from now, from August 1, 1998, you will have to give the money back.

John Kinsella: That's right. Well, the money will never of--

Commissioner Mourdock: Well, you've never gotten the money really.

John Kinsella: Right.

Shirley James: Hopefully, if ISTEA monies are not funded by the federal government, you know there is some question about that, we're hoping that we have some finance body established that will look for funding elsewhere.

Commissioner Mourdock: So are you saying even the money that you were given under the award in the second quarter of '96 conceivable would not be there?

Shirley James: Oh, no, it's there. It's locked up.

John Kinsella: I believe that is locked up.

Shirley James: All that money is locked up, but you know they say in--

Commissioner Mourdock: So it's only appending under 3A?

Shirley James: --1997 that maybe the end of the ISTEA grant.

Commissioner Mourdock: Even if it is--

Shirley James: That is tentative.

Commissioner Mourdock: Even if it ends in '97, the money that you've got in '96 will still be there?

Shirley James: Right.

John Kinsella: The highway program in terms of INDOT and Federal Highway Department Administration they always commit money before they know it is there. It simply has a history over the years that it is always there. The enhancement program is not quite as clear cut. It runs more on a five year timetable. I would say there is confidence in terms of the FHWA/INDOT relationship, but it is not the same predictability that has been with the federal highway funding for the past 30 years. It is not quite as clear cut. For that reason they have made every effort in this Phase 1 bid construction that began in '97--

Commissioner Mourdock: So the real--

John Kinsella: --to lock that up.

Commissioner Mourdock: The real key here though is that even if we acted to fund the engineering now for the \$177,000 and, in fact, ISTEA goes away that you designed under 3A, that which you acquired under 3A you wouldn't be able to construct on anyway?

John Kinsella: If ISTEA goes away its most probability is in the next five year pot of money. The monies that we are dealing with these pending applications are in the current pot of money that Indiana has committed to them, they don't have it. I think there is \$12,000,000 left that the state must spend or this five year period will revert back to the Feds. That money is, I guess, as real as one can expect with federal dollars and congressional activities. It is the next five years that we are not sure about which is why this big hunk of money was requested towards the end of this program rather than saying well, let's wait until the next five years. To be honest, I think, again, in the perfect world we probably would have said that we are going to have to really scramble to design and complete the acquisition to do that whole thing in one funding phase. We would have rather spread it out. It was the combined wisdom of EUTS and the Parks Department to go after it while that five year program is in effect and the state has that money in a pretty, pretty firm way assured them from the FEDS. Nothing is guaranteed.

Shirley James: They tell us at state level that it is a popular program and they are cutting their teeth on this one, right? So we feel reasonably confident that the state is solidly behind us on this project.

Commissioner Mourdock: Where does the money come from?

President Tuley: We have one...if you look...we will open Pandora's Box if we agree to commit \$177,000 out of riverboat gaming and that door opens up every Monday night from here on out saying, hey, wait a minute, you did it over here after you said you were going to do this. If the Council is of the same mind towards this project that they were towards the Four Freedom and this is really something they want to question...we don't have a funding mechanism.

Commissioner Mourdock: You're right. The swinging door would start and I am not at all suggesting that riverboat funds be used.

President Tuley: Oh, I know you're not. I'm just throwing that out.

Commissioner Mourdock: We've made that one.

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

41

President Tuley: The only thing that you could hope for is that of the \$600,000 that we held back which is part of the balance in there right now of CCD money. That is the only option that we've got other than that fund. Even then there is no guarantee that if it goes to the Council that it would be allocated. I hate to be the bearer of bad news, but that is the way I see it.

Commissioner Mourdock: That is the way I see it, too. I guess I see a project that Phase 1 is going to be a proving ground in many ways especially now that you've got the engineering done, you've got the permitting done and you're ready to bid it in, what, January or the first quarter of next year? You've got--

Shirley James: We hoped it would be done this year, but IDEM didn't, or INDOT didn't let the bids, so they are due to...we understand that they are going to let the bids in November for Phase 1.

Commissioner Mourdock: I would think that if that happens and you have a successful project, as I think it will be, and you have the City Parks to maintain it I think you will build more momentum to continue along the remaining route, but Pat just hit it on the head. I don't see that we've got the funds available to do this right now even with the \$600,000 that we've set aside with CCD money. Personally, just speaking personally, I have a problem using CCD money for this particular purpose and secondly, there are other things out there that may well be legitimate claims on that money that we can (inaudible).

President Tuley: That was the whole purpose of why we put back \$600,000.

Commissioner Mourdock: Yeah. I guess I also am the bearer of bad news here. It is not that I am against the Pigeon Creek project, but I think it is going to take some momentum to get the kind of funding especially when you have it clear up to Angel Mounds which is effectively what you are asking us for. A big part of that remains upon the city, too. Those folks with the--

President Tuley: With all the excess cash.

Shirley James: Beg your pardon?

President Tuley: I said the folks that have all the excess cash. They probably say it's not excess either at this point considering what they are going to use it for.

Shirley James: Do we make a presentation to the County Council or where do we go from here?

President Tuley: I would...you wouldn't necessarily have to formally make a presentation to them, but I think I would get on the phone and start contacting several of them.

Shirley James: We've already done that.

Commissioner Mourdock: Have they given you any indication, Shirley, specifically where they would allocate the money from?

Shirley James: Well, the reason I came before you for the Aztar money is that I was first advised to go for the Aztar money. I made two presentations to that effect and followed it up with two letters.

Commissioner Mourdock: I understand that, I mean, you don't have to retrace those steps. I am asking if anybody on the Council is saying where they would fund it?

Shirley James: Well, the Council advised us to do that.

Commissioner Mourdock: I see, okay.

Shirley James: Then I went on vacation. The council did advise us to do that and then I went on vacation and I was going to make...if I had gotten no response from the Commissioners I was going to then go to the Council during budget hearings. I came back from vacation and didn't realize that they had already concluded the budget hearings from the Council. I called the Council and asked them what do I do now? They said the Aztar money had already been allocated and the best thing to do is to proceed to see about Community Development and talk to the Commissioners. I have been advised by the Council three different times to approach you and I did each time. That is where we are. It was Council members, most Rick Jones, Bettye Lou Jerrel, Mr. Phil Hoy.

President Tuley: I mean, I am willing to review this next week if between now and then I contact the Council members and they're willing to consider CCD money, but I don't want to go out there and have them--

Cindy Mayo: Again, I don't want to speak on the behalf of the Council, but I think the only funds that have been set aside for Community Development are the County Option Income Tax money. I believe that was set aside to be considered Community Development which is what you are paying the Daylight Sewer Project out of. I think when they say Community Development money they don't mean CCD money. That is Cumulative Capital Development which is--

President Tuley: Okay, I'm sorry, you're talking about the windfall money.

Commissioner Borries: Right. COIT Windfall.

President Tuley: COIT Windfall which has a balance now of uncommitted funds of how much?

Suzanne Crouch: It's \$1.2 million, but that doesn't include the Daylight which will be around \$700,000.

President Tuley: Okay, I--

Suzanne Crouch: I think, isn't it about \$700,000, I believe?

Cindy Mayo: I believe so.

President Tuley: So the total available is \$1.2 million and \$700,000 has already been committed, so they are down to about half a million dollars there?

Suzanne Crouch: Yes.

President Tuley: If that is the funds they are talking about...

Cindy Mayo: I can't speak on their behalf, but I think so.

President Tuley: Okay, I keep thinking CCD money which is different from what you are talking about.

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

43

Commissioner Borries: Cumulative Capital Development.

Shirley James: Right.

President Tuley: What I refer to as their windfall money.

Commissioner Mourdock: I would agree with that and say, again, I don't think CCD is the proper place.

President Tuley: No, and I misunderstood where she was coming from.

Commissioner Mourdock: If, in fact, there is some COIT money the windfall money that is available and if, in fact, the Council would be inclined to do that, then I, too, would be willing to take a second look at it. Let me go back one short step, though. Cindy, when you made the comment a few moments ago about they were not inclined to support the Four Freedoms--

President Tuley: That was a CCD request.

Cindy Mayo: That was out of CCD funds.

Commissioner Mourdock: Okay, so they may, in fact, consider this differently.

Commissioner Borries: Are they going to meet in November?

Suzanne Crouch: The sixth is the next, well, actually I think they have a Personnel and Finance meeting on October 30th.

Commissioner Borries: So they will meet in November?

Suzanne Crouch: November 6th, I think, is their next one. It's the first Wednesday.

Commissioner Borries: Well, I know you all have worked hard on it. I mean, I would make a motion to say that if we want to say that pending Council approval on the money known as the COIT Windfall or COIT Distribution in the amount of \$177,000, I'll do the motion and kind of go from there.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Shirley James: Thank you, gentlemen.

President Tuley: A few minutes ago you thought you didn't have anything, didn't you?

Cindy Mayo: The request to go on November--

Commissioner Borries: One thing with this.

Cindy Mayo: --that will need to be turned in tomorrow. Do you want me to turn that in?

Commissioner Borries: That's why I figured we better move forward here pretty quickly. This money--

President Tuley: Mister newspaper guy, when you get done with the meeting you'll come up here and then understand the flip. There was not a disagreement, but a misunderstanding of which funds they

were going after. He is sitting over there going, huh? I know a minute ago they voted no! It was my misunderstanding. The funds that you were seeking...

Shirley James: I want to thank the Commissioners, too, very much for all the help that they have done for us with Sarah Crow and the office work. We know we have taken a lot of her time, but this project is quite large and getting larger every minute.

President Tuley: Sure.

Shirley James: We would have been lost without her help and she has been excellent help.

President Tuley: Okay.

Shirley James: Thanks.

President Tuley: I apologize for the misunderstanding of the availability of that other fund.

Shirley James: That's all gentlemen. Thank you very much.

President Tuley: Your heart started back up and these guy's brains are going what in the hell just happened?

Shirley James: Thank you very much.

Commissioner Borries: Thank you.

<b>Lakeland Neighborhood Association - Carolyn Kelsey</b>
---

President Tuley: We're all the way up to item 4E.

Commissioner Mourdock: Suzanne said we would be out of here at 8:00.

President Tuley: We're going to move.

Cindy Mayo: On the Lakeland Neighborhood Association, this lady called the office and Sarah did speak with her on the phone. The lady said she was going to send some information in, which she did send in. We did not know if she was going to appear at the meeting. She didn't say if she was or not, so we put her on the agenda in case she showed up.

Commissioner Mourdock: It appears that it is road related. Has it been passed on to Bill?

President Tuley: John and Bill, I guess I know have been involved because I have been out there with John and took a look at this road.

Commissioner Mourdock: There is no need for us to take any action on this tonight then, I presume?

Commissioner Borries: Yeah.

President Tuley: I don't think there is.

Commissioner Mourdock: Have you got a copy of this, John?

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

45

John Stoll: Is it the letter that was circulated from the residents?

Commissioner Mourdock: It is a letter of about 15 residents.

President Tuley: A packet of letters.

John Stoll: Yes. The issue was whether or not the street would be one-way or two-way and the width of the road and things like that. The residents took a poll among the neighborhood and they decided that they would like it to be one-way and whenever they did that we thought that they were doing that just so that it could be paved at its existing width because it is narrow. It is only wide enough for one car. Since that time, Stan Lutz, Milton Hayden, Rick Dickinson, myself and Tom Goodman all met out there and figured out a way that we can probably get it wide enough for two-way traffic. We can get it about 16 feet or so wide and we figured two-way would be better than one-way and several residents have contacted us back again and said they don't want it two-way, so that is what has prompted all this.

Commissioner Mourdock: So you are going to get back to us with a recommendation?

John Stoll: Yes.

Commissioner Mourdock: Thank you.

President Tuley: Okay, here is a letter of clarification--

Commissioner Borries: John, just one thing on that and one other comment. You came from a planning background and I have appreciated that, but in your memory do we have a lot of one-way streets in residential areas?

John Stoll: Not that I am aware of. Most of the--

Commissioner Borries: I don't think I can ever...I mean, I understand one-way streets in commercial areas and how they move traffic, but I have never seen this before. So, maybe the use...isn't it unusual?

John Stoll: To the best of my knowledge it is. Most of the complaints that we got when I was with EUTS was against one-way.

President Tuley: These people are on the north end of the Bussing development, correct?

John Stoll: Pardon?

President Tuley: Well, the north end as it is now. Their concern is the "cut through" traffic as you just started to say.

John Stoll: Right. We had a traffic count taken. There were 75 cars a day that used that street. There were 10 cars during the morning peak and 15 during the evening, so there was no sign of a large amount of cut through traffic trying to miss the Oak Hill and Heckel intersection. What little there is I would expect to totally go away once Lynch Road is done. So there was no big sign that there is quite a few people cutting through there, but that was one of the main concerns that the people kept expressing to us.

President Tuley: Okay.

Commissioner Borries: Thank you.

**Michael Robling - Approval of engagement letter with H.J. Umbaugh**

President Tuley: You have a copy of the letter from Mike Robling in your packets, but basically he just says that at our request he went back and asked for a second bid to be submitted from Gaither Rutherford & Company and says attached is an October 8 fax transmission that states, basically, they do not wish to change their original bid of \$9,500. He concludes by saying I would ask that the Board of Commissioners approve the engagement letter with H.J. Umbaugh & Associations for a fee not to exceed \$5000.

Commissioner Borries: I would move to approve the low bid if that's...I can't remember now if that's what they put in there. Is he saying here--

President Tuley: They went back. It was originally \$10,000 to \$15,000. Then they came in somehow with \$5,000, so we asked him to go back to the other bidder who submitted one bid only of \$9,500 and ask them if they wanted to reconsider and rebid since we had taken a second bid from H.J. Umbaugh.

Commissioner Mourdock: Right.

Alan Kissinger: Excuse me, for the record I should note that these were not, in fact, bids.

President Tuley: I'm sorry.

Commissioner Borries: They were proposals.

President Tuley: Proposals.

Commissioner Mourdock: I'll move that we accept the recommendation of Mr. Robling regarding the engagement letter with H.J. Umbaugh & Associates for the financial plan for the Daylight Sewer Project.

Commissioner Borries: Second.

President Tuley: So ordered.

**Any group or individual wishing to address the Commission**

President Tuley: Any group or individual wishing to address the Commission who do not find their topic or name listed for discussion now is the time to come forward, advance and be shot!

**John Stoll - County Engineer**

President Tuley: Okay, John Stoll, County Engineer, under department head reports.

John Stoll: I would like to recommend that we award contract number VC96-09-03, the Stringtown Road Bridge Rehab, to Ragle Incorporated in the amount of \$409,048.60. They were the low bidder on the project.

Commissioner Mourdock: So moved.

Vanderburgh County  
Commissioners Meeting  
October 14, 1996

47

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: We're on a roll now, John.

President Tuley: Keep it going.

John Stoll: Next, it is my understanding that the Burkhardt Road bonds will be finalized tomorrow, correct, Alan?

Alan Kissinger: The closing is scheduled for tomorrow. All the documents seem to be in place. I am assured that the closing will occur tomorrow.

John Stoll: So we can go ahead and award the Burkhardt Road contract subject to all that being finalized, correct?

Alan Kissinger: Yes. I talked with the County's Bond Counsel who reassured me that the procedure is legal. We must make it clear in the record that the approval of the contract is subject to the funding being available and in place and that as I said before is scheduled to be in place tomorrow probably at about 10:00 a.m. The sale has already occurred. The closing is scheduled for tomorrow. As long as the Commissioners make the motion that the approval of the contract be subject to the availability of funding, then you are certainly within your authority to do so.

John Stoll: This would basically just save us a week in getting a notice to proceed out to the contractor rather than waiting until next Monday after the bond work has all been finalized. We could go ahead and potentially get notice to proceed to the contractor either tomorrow or Wednesday.

Alan Kissinger: Once again as I said, the documents are in place and I think we made sure of the last part of that today and I recommend that the Commissioners give favorable consideration to the approval with the proviso tonight.

Commissioner Mourdock: Commissioner Mourdock has asked for a roll call since he has to abstain.

Commissioner Mourdock: Let me just explain that.

President Tuley: Clarify that.

Commissioner Mourdock: Yeah, what it is there is a possibility that our company may be a supplier to Blankenberger for that particular project and therefore I choose to abstain.

John Stoll: That is something that I did omit. The contract is with Blankenberger Bros. It is in the amount of \$4,142,050.67.

Commissioner Borries: I'll move that the contract be approved.

President Tuley: Second. Roll call, Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: Commissioner Mourdock abstains.

Commissioner Mourdock: Abstain.

President Tuley: I vote yes.

Alan Kissinger: John, you might want to get permission for the order to proceed as well.

John Stoll: Do I have authorization to give a notice to proceed upon notification that the bond issue has been finalized?

President Tuley: So moved.

Commissioner Borries: So moved.

President Tuley: Second. Can you...

Commissioner Mourdock: Sure, I'll go with that.

President Tuley: Then do you want to second?

Commissioner Mourdock: Sure, I'll second that.

President Tuley: So ordered.

John Stoll: Also, in conjunction with the Burkhardt project I have the inspection agreements with United Consulting. These are in the amount of \$300,000 and they would need to be approved subject to the same terms as the contract with Blankenberger Bros.

Alan Kissinger: Once again, the proviso that the contract be approved if, in fact, funding is available and in place as expected tomorrow.

President Tuley: Okay.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I've got Section 1 of Clear Creek Subdivision the street plans for that subdivision off Mount Pleasant Road.

President Tuley: The great big one.

John Stoll: Right, the one that will be about 300 lots once it is fully developed. I have reviewed the street plans and would recommend that they be approved. They are concrete streets with roll curb and gutter. Everywhere the grades are in excess of 5% concrete lugs will be installed.

Commissioner Mourdock: I'll move the approval of the Clear Creek street plans as recommended by the County Engineer.

Commissioner Borries: Second.

President Tuley: So ordered. Do you just want one signature?

John Stoll: The final item. I just wanted to let you know that I did contact Dan Grimm out on North Green River Road and let him know that after talking with Dennis Feldhaus that Dennis had said this would be something that the contractor's insurance would need to address first as far as the cracks go that he has seen in his house since the work on Green River started. I called him today

and let him know that and I told him if there is any further problems to contact me and I would see if I could help him out.

Commissioner Mourdock: Okay, thanks.

**Bill Morpew - County Garage**

President Tuley: Bill Morpew. Thanks, John. Let the record reflect that Bill has turned in a progress report for the Vanderburgh County Highway Department and the Vanderburgh County Bridge Crew for the period covering Friday, October 4 through Thursday, October 10, 1996. Again it looks like we are pretty much all over the county. Going through the file, Bill, there is a very nice letter from Ms. Haggard on the work you guys are doing out there on Radio and Walnut Lane. Far from being completed, but very happy with the progress that has happened to this point. It is in the routing in the mail we sent on through. It was a nice letter.

Bill Morpew: Thank you.

Commissioner Borries: Bill, is the portion of Middle Mount Vernon that the residents talked about in the county?

President Tuley: I think it's in the city.

Bill Morpew: No, it's in the city.

Commissioner Borries: City, okay.

President Tuley: I would like to forward a copy of the minutes to the...I don't know if that would be Sam Lahanis or who that should actually go to.

Bill Morpew: It would be Sam Lahanis.

Commissioner Borries: Okay.

Bill Morpew: To take care of that culvert?

President Tuley: Right.

Commissioner Mourdock: Before the notes are put together for next week, or the minutes from this week, maybe you can talk to him and pass that on.

Bill Morpew: I will do that.

President Tuley: Let him know what is going on out there.

Commissioner Mourdock: I'd appreciate it.

Bill Morpew: That's all I have.

Commissioner Mourdock: You sat there gentlemanly through this whole meeting simply to submit this? I'm impressed.

Bill Morpew: I was going to say that Ms. James knows how to keep an audience, but I'll let you handle that.

Alan Kissinger: You decided not to say that?

Bill Morpew: I decided not to say that.

Commissioner Mourdock: I'll not respond to that at all, but for you to sit here through this entire meeting just to submit those without comment you need to get a life, Bill!

Bill Morphew: Actually, some of this stuff is a little bit interesting.

Alan Kissinger: No, it isn't!

President Tuley: On that side of the aisle sometimes.

Bill Morphew: Well, on this side, yeah. The things that we get to hear plus your responses.

Commissioner Mourdock: That's the best part.

Bill Morphew: If I had my druthers, I could be elsewhere.

Commissioner Mourdock: And now you will be. You're out of here.

President Tuley: Bye!

**Alan Kissinger - County Attorney**

President Tuley: Alan.

Alan Kissinger: Timely report here. I've had the opportunity to talk with Toby Shaw who is the city's legal representative. Mr. Shaw has indicated to me that he has seen the erosion control ordinance that we discussed tonight and that the city would like to be involved themselves in their enforcement procedures. I have indicated to him at his request and in compliance with his request that I would provide him with a copy of our proposed final ordinance. I anticipate that the city will probably simultaneously or very closely thereto adopt the same ordinance.

President Tuley: Okay.

Alan Kissinger: The other thing that I had, you folks really already know this because I said it earlier. All of the documents are in place for the closing tomorrow on the Burkhardt Road project. All indications that I have is that it will, in fact, close tomorrow. I also have a question for you. Since this matter has already gone to grievance I think I can discuss it outside an Executive Session. I have an unusual situation with the Community Corrections contract with the Teamsters. A grievance has been filed against the county in quotes "The County" and I have been contacted by representatives of the Teamsters asking that I participate in the selection of a federal mediator for the purpose of mediating an issue in reference to, I will say, a handful of employees for lack of more specific information. I think it is four to six employees who the County Council has disapproved funding of certain pay and benefits for. Now this puts me in a difficult situation because the County Commissioners, basically, approved the pay and benefits for all of those employees and it was the County Council who disapproved the pay for these people who are being paid from what is referred to as a Z account. I think most of the Commissioners are aware of what that is and how it works. It is my personal opinion that it is an argument over semantics, but professionally I am in a situation in which my employers have told me that by approving this contract they approve of those people being paid. Now I am being asked by Teamsters to

participate in a grievance procedure in which I am supposed to be an adversary. It is rather difficult for me to do and not only will my heart not be in it, it is going to be difficult for me to answer the question when they say well, didn't the Commissioners approve this? What I am asking is permission of the Commissioners to contact the County Council's attorney. I have already advised him of this situation, but to further advise him that I think it would be most appropriate for him to participate in the choosing of the federal mediator because I think it is most appropriate that the County Council's attorney represent the County in this mediation.

Commissioner Borries: That's fine.

Alan Kissinger: I'll do so. Another thing is I received, Mr. Mourdock, two written questions that you have asked for my opinion on. I am totally unprepared to answer them tonight. I will make my best efforts and I may have to even meet with you this week, but I will make my best efforts to be prepared to report on that at next week's meeting.

Commissioner Mourdock: Okay, I didn't know that you had gotten them. I had just wrote them down myself just to remember them and just so these two gentlemen know it is regarding the Welfare to Work situation. You will recall that one of the proposals that was made was that the so-called safety net feature would be administered by a specific Township Trustee and the question is can a Township Trustee be involved and administer a program that would involve all the other townships?

President Tuley: Good question.

Commissioner Mourdock: Yeah, the second one is it possible to require a drug free affidavit from people who will be getting benefits of the program? Then if, in fact, they somehow turn out positive to be responsible and not just kick them out, but get our money back.

President Tuley: Get our money back, too? Lots of luck. They'll either be in jail or unemployed!

Commissioner Mourdock: But it makes the point.

President Tuley: Good point.

Alan Kissinger: I think the collection procedure might be--

President Tuley: That's what I was saying.

Alan Kissinger: --perhaps a wasted effort, but at least maybe a cutoff.

Commissioner Mourdock: There's a message.

President Tuley: Yeah.

Alan Kissinger: I will certainly try to get you a more informed opinion on that. That's all I have.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy Mayo.

Cindy Mayo: I just have one item. A letter came into the office from Bonnie Titzer, the Land Commission Coordinator, saying that she would like to be terminated from her contractual requirements effective October 18th. I believe that Cheryl Musgrave has spoken with you about the situation, so there are two copies here. You just need to...she has asked that you sign off on them and then she and Ms. Musgrave will sign them.

Alan Kissinger: There are legitimate reasons for the termination of this contract.

President Tuley: Yeah, did you review it?

Alan Kissinger: I have reviewed the reasons. I saw the contract. I have not seen the termination agreement, but, basically, I think what I says is that we are no longer obligated, she is no longer obligated and I think it is totally appropriate in light of unanticipated circumstances. They were circumstances that were not anticipated by either party, the Commissioners or the County Assessor.

President Tuley: Okay, do we have a motion to approve or accept and sign?

Commissioner Mourdock: I'll move that we accept the document.

Commissioner Borries: Second.

President Tuley: So ordered. There is a place for signatures here.

Cindy Mayo: That's all I have.

President Tuley: Okay, I don't think we have any requests in do we from Lynn?

Cindy Mayo: No.

#### Consent items

President Tuley: Okay, consent items.

Commissioner Mourdock: I'll move approval of the consent items as submitted.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. There is at 9:00 a.m. in the morning an Insurance Committee meeting. On the 17th there is a 9:00 a.m. Steering Committee meeting. The 21st this lists the Executive Session to begin at 4:00, but it will be a continuation of Solid Waste and immediately upon completion of that, time permitting, there will be an Executive Session. We have the Commissioners at 5:30 and at 7:00 p.m. Rezoning.

Old business

President Tuley: Do we have old business?

Commissioner Mourdock: I guess this is old very, very briefly. I will be meeting with the Mayor to again talk about ozone at 11:00 tomorrow.

President Tuley: Oh, good.

Commissioner Mourdock: You are welcome to join us if you like.

President Tuley: Okay. Any new business...other old business, I'm sorry? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 8:32 p.m.

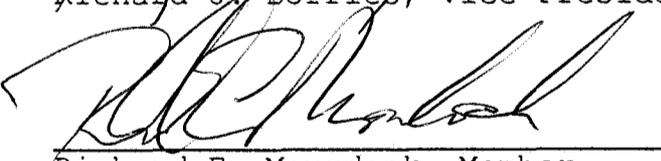
THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Mike Wathen  
Bob Jeffers  
Cindy Kettinger  
Allan Kettinger  
Robin Long  
Rob Grubbs  
Shirley James  
Tom Snyder  
Mary Belwood  
John Crabtree  
John Endress  
Tom Gretler  
Bob Brennan  
Bill Wittekindt, Jr.  
Andy Overton  
John Stoll  
Bill Morpew  
John Kinsella

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
October 21, 1996**

**Table of Contents**

Introductions and Pledge of Allegiance .....	1
Approval of minutes .....	1
Certification of Executive Session .....	1
Bid opening - Transportation services .....	1
(For Office of Family and Children)	
Mikki Heck - Hillsdale Housing Association .....	2
Michael Shoulders - Vanderburgh Auditorium .....	5
(Time Schedule & Schematics)	
Burkhardt Road Project - Agreement with H.J. Umbaugh .....	14
Brink's contract renewal .....	16
1996 General Election Polling Places .....	16
Any group or individual wishing to address the Commission ....	16
Bettye Lou Jerrel	
Edward Moser	
John Stoll - County Engineer .....	19
Extend deadline for temporary driveway construction	
Burkhardt Road project	
Gershman Brown claim regarding Burkhardt Road project	
Letter to INDOT regarding extension of Cross Pointe Blvd.	
Letter to railroad regarding design costs for protection	
involving railroad crossing at Morgan and Cross Pointe	
Bernardin Lochmueller to prepare legal description for	
Vanderburgh Auditorium property	
Bill Morphey - County Garage .....	21
(Not present - report presented by Cindy Mayo)	
Progress report for the Highway Department and County	
Bridge crew for period covering October 11 through	
October 17, 1996	
Alan Kissinger - County Attorney .....	21
Bid report - Transportation services for Office of Family	
and Children	
Update - Erosion control ordinance	
Report - Internet Acceptable Use Policy	
Answer to Commissioner Mourdock's questions regarding	
Welfare to Work	

Cindy Mayo - Superintendent of County Buildings .....	25
Update concerning funds to be used for Pigeon Creek Greenway project	
Lynn Ellis - Purchasing .....	25
(Not present)	
Letter to consider the follow items:	
APA001-97 Approve letting bids - car washing services	
APA002-97 Approve advertising bids - crushed stone	
APA003-97 Approve letting bids - sand and gravel	
APA004-97 Approve advertising bids - gasoline (bulk) and fuel oils, including LP gas	
APA005-97 Approve advertising bids - surfacing materials	
APA006-97 Approve letting bids - oil products	
APA008-97 Approve advertising bids - automotive batteries	
Consent items .....	26
Employment changes	
Travel requests:	
Health Department (5)	
Legal Aid Society (1)	
Treasurer's Monthly report	
Scheduled meetings .....	26
Old business .....	26
New business .....	26
Request regarding snow removal	
Adjournment .....	27
Attendance and signature page .....	28

**Vanderburgh County  
Board of Commissioners Meeting  
October 21, 1996**

The Vanderburgh County Board of Commissioners met in session this 21st day of October, 1996 in the Commissioners' Hearing Room at the Civic Center Complex at 5:40 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: We'll go ahead and call to order the Vanderburgh County Commissioners meeting for Monday, October 21, 1996. As a point of introductions, to my far right is Cindy Mayo, who is the Superintendent of County Buildings and our office manager; in the vacated seat to her immediate left will be Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is Suzanne Crouch, the County Auditor; and to her left is Charlene Timmons, who is the recording secretary for this meeting who is employed in the Auditor's Office. If you would please stand with us, say along as we say our Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: Under the action items, under 4A we have the approval of the minutes from last Monday's meeting, October 14. Could I have a motion to approve, please?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: In terms of certification of the Executive Session, there was a continuation of a Solid Waste Board meeting and immediately upon completion of that there was a short Executive Session held in which the only item discussed was pending litigation. No official or final action was taken.

**Bid opening - Transportation services for Office of Family and Children**

President Tuley: Under item 4C we have a request to open bids for transportation services for Family and Children. Do you have bids there then, Alan?

Alan Kissinger: I do.

President Tuley: Could we have a motion for Alan to open up the bids, please?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Mikki Heck - Hillsdale Housing Association**

President Tuley: Under item 4D, we have Mikki Head, from Hillsdale...I'm sorry, Heck. I'm sorry, Mikki. Mikki Heck, Hillsdale Housing Association. That's a lot of...I'm sorry, Mikki.

Mikki Heck: That's alright. Good evening, gentlemen and everyone else. We're here to discuss the bridges in the subdivision of Hillsdale. One of them is on Radio Avenue and the other one is on Campbell. I would like to bring you attention, too, that Mr. Mourdock was in the neighborhood on October 4th during a rainfall and seen the water flow over the bridge on Radio Avenue and seen that it was in major despair. Also, we have contacted Mr. Brenner, in the Surveyor's Office, to come out and survey this. On Saturday, October 12, I think he talked to Mr. Borries and Mr. Tuley in regards to these two bridges. His comment was that this community is in desperate need of this upgrade in development to make further development so that the neighborhood would not be flooding out in the course that it has. Also, my question to you three gentlemen are is this in the '97 budget for us to get these bridges since it was a \$50,000 bid?

President Tuley: Uh...I'm not sure if it was actually set aside in the budget as such. I don't know if there is additional available funds that have not been appropriated yet. I don't think at the time the budget was placed in, Mikki, that we had met with you and realized the seriousness of your problems out there in terms of a bridge replacement.

Mikki Heck: Okay.

President Tuley: I think based on Mr. Brenner's recommendation that in all likelihood that a bridge culvert replacement out there is necessary in my discussions with Mr. Brenner. I think the only thing that we have to do then is get our engineers to verify that and verify that funding is available.

Mikki Heck: Okay, now I spoke to Valerie and she did give us the updated report on these two bridges.

President Tuley: Okay.

Mikki Heck: Okay, the one on Radio Avenue was in fair but poor condition because she said it was too small of a culvert for the size of the waterway and also the one on Campbell is in poor condition and it desperately needs to be changed.

President Tuley: Okay, so you've already got that information?

Mikki Heck: Yes, we already have got that information from that department, sir.

President Tuley: Sounds like to me that we just need to verify that funding is available and John is out in the hallway.

Commissioner Borries: Now, Mikki, or Ms. Heck, I--

Mikki Heck: Mikki will be fine, Mr. Borries.

Commissioner Borries: Which one of these is the southern most of that, do you know? Is that Campbell?

Vanderburgh County  
Board of Commissioners  
October 21, 1996

3

Mikki Heck: The Campbell one is on the north end, sir.

Commissioner Borries: The north end?

Mikki Heck: Yes, sir, of the community and then the one on Radio is the one with the water main and such under it that is collecting debris.

President Tuley: By the ball field?

Mikki Heck: Yes, sir. Yes, sir, and Mr. Brenner suggested that one be replaced first due to the openness that would be coming and it would be creating more problems if we don't.

Commissioner Borries: Right, that is where I was headed.

Mikki Heck: He also said that he handed you some information to Mr. Borries on this?

Commissioner Borries: Yes, he did. There may be enough money in unencumbered funds to take care of this, but I definitely can support replacement on Radio Avenue first and then going to Campbell because, again, as Mr. Brenner points out, I think correctly, we don't want to create a situation where we have too much water hitting all at once on that.

Mikki Heck: Correct. So how do we go about to make sure that this is allotted in '97 budget?

President Tuley: Did John come back?

Commissioner Mourdock: Yeah, he's back there.

President Tuley: John, out there in Hillsdale Valerie obviously has been involved out there--

John Stoll: Right.

President Tuley: --and gave Mikki a report on the conditions of the two bridge culverts that in Mr. Brenner's recommendation need to be replaced and her assessment of the bridges pretty much go, I think, in line with that. She rates one as poor and the other was as--

Mikki Heck: Fair.

President Tuley: --fair.

Mikki Heck: But in poor condition.

President Tuley: The one on Radio is fair, but in poor condition. Are there unappropriated funds available out of Bridge that could...his estimate is somewhere in the neighborhood of \$50,000, I think, would take care of both of them?

John Stoll: I think Valerie's estimates were higher than that. I believe they were up to \$80,000 to \$100,000 each.

President Tuley: Each?

John Stoll: You're talking about replacing each culvert with a bridge, correct?

Mikki Heck: Right.

President Tuley: Opening that flow up so that they can keep that water out of there, so whichever works best. I don't know if you need a concrete box in there or if you need to just replace and put a whole new bridge in there?

Mikki Heck: We also understood that these would be wooden bridges, too, gentleman so they would not be as expensive as the concrete ones. Also, Mr. Brenner described to me that this would take a week to ten days to put these bridges in on the wooden ones. Please correct me if I am wrong.

John Stoll: I believe the fastest one that went in was out on Petersburg and it was--

President Tuley: Nineteen days.

John Stoll: --17 or 19 days, but that was a rush job and while they do go in faster than the concrete bridges--

Commissioner Borries: They may or may not be cheaper.

John Stoll: Right.

Commissioner Borries: You have to bid them both ways and look.

President Tuley: Let's do this then let's, because we are getting conflicting information,--

Mikki Heck: Okay.

President Tuley: --let this Board work with the Engineer's Office to get some actual cost estimates and let us see what monies are available. Give us a couple of weeks.

Mikki Heck: Okay.

President Tuley: If you don't mind.

Mikki Heck: So we will return back in November then after the election?

President Tuley: You can come back next week if you want to, but I am not going to have--

Mikki Heck: That's fine.

President Tuley: --any more information for you by next week.

Mikki Heck: Yeah, that's what I am saying in the next couple of weeks. We'll see you then in November.

President Tuley: That way we will have a chance...I want to get, because I'm getting conflicting...what I got from Mr. Brenner was somewhere around, and maybe I misunderstood him, \$50,000 per project. Now John is talking maybe \$80,000 and I want to know what it is going to cost us and what money is available. We need to know that.

Mikki Heck: Okay.

John Stoll: I can check the unappropriated balance in Cum Bridge

easily.

Suzanne Crouch: It's about...for this year it's about \$720,000.

John Stoll: Remaining in this year?

Suzanne Crouch: Yes, unappropriated.

President Tuley: Okay, why don't we nail down--

Commissioner Borries: Money is certainly there.

President Tuley: Money is not the problem.

Commissioner Borries: It is just going to be the cost.

President Tuley: Let's get the actual cost figures nailed down first. John can you do it in a week?

John Stoll: Sure. I think Valerie has got most of that already.

President Tuley: Come back next week and then you don't have to wait until after the election. I don't want anybody to think that is what we are doing.

Mikki Heck: Thank you very much, gentlemen, for your understanding and your help here in this meeting tonight and the best of luck to you all.

Commissioner Borries: Thank you.

President Tuley: Thank you.

**Michael Shoulders - Vanderburgh Auditorium time schedule and schematics**

President Tuley: Mike or Mikes. Item 4E is Michael Shoulders in reference to the time schedule and schematics of the Vanderburgh Auditorium.

Mike Shoulders: Good evening, Commissioners. I'm Mike Shoulders, President of Veazey Parrott & Shoulders. We have two or three items tonight that we would like to review with you. Starting first is the schedule for the convention center program. Mike Buente has handed out to you some reduced copies of this board, this illustration. Those are, as you recall, I think there are six of those. You have in your possession five copies of your contract with me and in there it says something to the effect that we would add a schedule as an appendix. This is the chart that is supposed to be appended to your contract with me. In examining the schedule we have laid out activities for both design and construction through, basically, through the end of 1999. Starting here you see the design sequence. We are now at the October 21 date which the green bullet here indicates the delivery of preliminary plans or we call them schematic plans. If you look at the chart we have come all the way through our needs analysis, public input and programming phase and through our schematic design phase. We are now ready to go into the phase which is for the final plans. We basically break that into two work items. The design development which now we will start if we have your approval to proceed tonight and that identifies all the building systems and all the materials in the project. Finally, the last and that will be delivered to you on this schedule January 20th, the design development package.

The last leg of the design phase is for what we call contract documents or final plans ready for bidding. We anticipate completion of the contract documents by May 31st and be able to deliver to you on June 1st bid ready documents on the project. That is of '97. I am just speculating on the term or the time of bond sale. That is a legal issue and I am just trying to maybe let's say reserve space for that. That is not my decision on the sell of bonds. I am just trying to anticipate how my activities may relate to that, but we would anticipate bidding the project from the period of June 1 through July 3. Taking bids on July 3, 1997 and then at your meeting on July 7th delivering the bids for review with our recommendations. The bond sale could then proceed after that time. Or I suppose you could sell bonds in advance and be ready to go. Again, that is not my decision. We would hope that construction would begin on this project by August 15, 1997 and be fully complete in a two year time frame by August 15, 1999. Now there is a new twist tonight for you that we have been debating in my office and discussing and I would like to put it before you tonight. It involves the idea of finishing the exhibition hall portion of this project in advance of the final completion by one year. We feel that there are functions that can go on in that exhibition hall which is our big 40,000 square foot hall that is divisible into two 20,000 square foot segments. We feel that if we can get going next August that in one year's time we can have the exhibition hall up and functioning. We would anticipate by August 15, 1998 having some revenue capability and some activity going on in the facility. It is kind of an overlapping situation here between the completion of the exhibition hall and then the beginnings of really tearing in and doing the renovations. We are going to sort of delay the demolition process. We are going to try to get the earthwork and foundations and the superstructure in over here on our exhibition hall before we do any demolition in the building. This would allow for revenue to continue for the Auditorium and Gold Room for a time and, hopefully, then as we tear into that phase of the project or that portion of the building we can shortly thereafter begin to glean some revenue from the exhibition hall. The bid documents will have to be structured in that manner and specified in that way, so I would like for you to give this some consideration. Again, we would hope that we can optimize revenues when we devise this construction schedule and this is our attempt to do that. I have not scheduled in here meetings, progress meetings or so forth. I think when we get to the bidding phase we can then begin to set up meetings with the Commissioners. Also, a note here that during the construction phase there will be automatically be monthly job progress meeting at the site. This pretty well depicts in one illustration the construction and design sequence as we see it and we offer it tonight for your review and ultimately for your approval.

Alan Kissinger: Mr. Shoulders--

Mike Shoulders: Yes.

Alan Kissinger: --just as a...for your information, presently the bond issue is scheduled to close on December 9th of this year.

Mike Shoulders: Okay, thank you. We can then revise that item. As I mentioned, that is not in my decision making. The date was December 9th, is that right?

Alan Kissinger: The 19th.

Mike Shoulders: The 19th? Alright. Good, we'll make that notation

Vanderburgh County  
Board of Commissioners  
October 21, 1996

7

and correction. This is in our computer and we'll send those out to you.

Commissioner Mourdock: What part, Alan, if you may clarify that. The bond issue you are saying, basically, what he shows on here as being starting in June of '97 and being complete by mid-August you're saying that if they start in December 19th of this year then that whole process ought to be finished by mid-February?

Alan Kissinger: No, I'm not necessarily saying that. I knew that Mr. Shoulders was not familiar with the schedule on the bond issue. That is the schedule. Basically, the situation is we're going to be spending money before we get in line with Mr. Shoulders' plan here and we are going to have to have that money in place in order to just get the project started.

Mike Shoulders: Okay, right. The period, Commissioner Mourdock, that would be substituted then would be where we show from about July 1st to August 7 in that vicinity of '97 which is this blue segment here. Now the bidding segment would stay, but this segment would be moved back to right in here.

Commissioner Mourdock: Right.

Mike Shoulders: As Mr. Kissinger indicates, we do have some ongoing costs in the project fees, etc., so that by the first of the year those will all be payable and ready to go.

Commissioner Mourdock: I'm wondering, Mike, your comments about starting the exhibition hall, basically, in front of everything else to continue revenue through the auditorium. I guess my knee-jerk reaction to that is one of the strongest points that came out a year and a half ago as we started to survey this whole process was that no matter what we did, no matter how well intentioned or how privatized we got, this still was never going to be a moneymaker.

Mike Shoulders: No, that's right.

Commissioner Mourdock: If this were a private business then I think the logic you just put forward works perfectly.

Mike Shoulders: Uh-huh.

Commissioner Mourdock: I'm wondering since we know this is going to eat more revenue than it generates are we costing ourself anything additional in dollars in hopes of just keeping that relatively insignificant revenue stream going with that kind of plan?

Mike Shoulders: Well, of course the only reason for fast-tracking it, so to speak, is not strictly revenue. I feel like that it is a logical step to begin on both sides of the existing building to put our foundations, etc., in and it won't lose us any time, I don't believe, on our ultimate time line.

Commissioner Mourdock: Let me rephrase the question. If revenue coming out of the auditorium was totally not an issue at all is that still the way you would do it?

Mike Shoulders: I think it is. Now let me place another issue in mind. The booking of conventions and the notion that we are in business here and we are competitive, I think, would be well...so it is not totally a revenue thing unless you consider it revenue in

the sense of economic development in the community. We think it is reasonably important to show progress and to be open for business as soon as we can and to be able to support some of the other businesses in the downtown such as the Executive, the riverboat and all these factors that we feel like this early opening will facilitate. Again, I think we would do it that way either way. By that I mean if we just said how quickly can we get this whole project completed I think we would still opt to begin to do the foundations and footings on the new construction part first. Here is the reason, when we begin to put in our mechanical and electrical systems in the building the entire complex is affected. We need to try and get the new construction parts up to a level that is somewhat close to the existing building and then when we begin to run our new electrical systems, our new conferencing systems, our new mechanical and heating systems we are doing it entirely on a complex-wide basis. We are doing it throughout. Another way to look at this would be that we are catching up the new construction parts to the status of the existing building so that we can then treat the entire complex sort of equally in terms of our installation of mechanical systems and electrical systems. We do have some major demolition to be done, as you know, on the theater and to some extent on the Gold Room. I think that the contractor...at this point in about February of '98 we should have people all over the site. I mean, it should be manned in a way...I mean, we are talking major amounts of tradesmen and workers.

Commissioner Mourdock: So the very start of that magenta colored line that says Atrium Link and Auditorium, that is the date that the auditorium closes for business?

Mike Shoulders: That's right. Now, I had a call from the Philharmonic asking about that issue--

Commissioner Mourdock: I'm sure you did!

Mike Shoulders: --on several occasions and I've told them simply what I feel is in the best interest of this project and tried to keep them informed as we proceed. I would ask that the Commissioners review this and please feel free to call me and discuss this. This is for your review. This is certainly not final. There are refinements that we can make, that we will have to make for the bond sale and probably in this area. I mean, that is still subject to...when we get to the point of completing the contract documents we should begin to spell out the sequencing in general terms of how we see this thing phased. Yes?

President Tuley: Following up Richard's question there with that magenta line with the Atrium Link and Auditorium.

Mike Shoulders: Uh-huh.

President Tuley: At that point in time I thought I heard you say that we end up shutting down at that point in time. Does that go all the way until completion? I'm thinking out loud for budgetary purposes.

Mike Shoulders: Yeah, when we shut down here in February of '98 the Gold Room and the auditorium we are pretty much out of business on those items. However,--

President Tuley: You still have--

Mike Shoulders: --the new convention--

Vanderburgh County  
Board of Commissioners  
October 21, 1996

9

President Tuley: Is done.

Mike Shoulders: --hall will be done and operational as of August of '98.

President Tuley: Okay, so I have it clear in my mind we are not talking about a complete shutdown of the entire facility at any given time it doesn't sound like?

Mike Shoulders: The only point where there is a complete shutdown is in this segment right here from February--

President Tuley: Of '98?

Mike Shoulders: --'98 through August of '98. That represents a total shutdown.

President Tuley: Okay.

Mike Shoulders: Again, we would like to keep the total shutdown as small as possible because we have the Convention Bureau trying to book events. They are going to need to know when we have an agreed upon schedule so that they can sort of do their work. We feel like that if we can get something going over there for them to actually begin to get the word out in the midwest that we are open for business on some new facilities it is going to help this ultimate date of August of '99 when we have the whole thing open and we have our grand opening, so we've been doing a little business prior to that. We're a known quantity and people can begin to find out what it is that is in store on this project. I would ask that you review that and, again, call me if there are any questions.

Commissioner Mourdock: At the outset of your comments you said this is the addenda or the appendix that now becomes part of the contract?

Mike Shoulders: Right, now I think if we, and this is in my computer, but since that bond timing will be revised on there I think that you can feel free to mark this thing up and we will mutually arrive at a final schedule that will then be the appendix that will attached. This draft that you have we won't attach it because we are not really finalized on it.

Commissioner Mourdock: For what it is worth from me, we can attach this one because I realize that the date will change pursuant to what Alan just said, but I suspect other dates will move also.

Mike Shoulders: The design, hopefully, the design portion is pretty well rigid by now. Okay, the other thing that we would like to do is show you some progress on the project to date. What we've begun to do is to get in to more detail on the building. What you've seen before consists of sort of color blobs on paper without doors and door swings and stairs and toilet facilities and storage. Now we are beginning to actually try and come up with the actual scaled spaces with doors, windows and exits and all the things that would make this a functioning building. We have here then on the ground level, or on grade level, the plan that is pretty much the concept that you have approved previously. It is now beginning to be fleshed out. You'll recall that we have our 12 meeting rooms on the ground level and our 15,000 square foot ballroom above it. This is the upper level plan here. We have our Exhibit Hall A and B at this end of the project. We have, in line with our budget, trimmed a little bit of I'll call it fluff or fat out of the

project in order to get it lean and mean, let's say, and to get it within budget which it is now within budget. You'll see that we have a little breathing room on the site now. Previously, the building pushed almost all the way almost close to the curb lines which is not the greatest either, but it was conceptual. With some of the refining and some of the removing of a little bit extra circulation and corridor space and vestibule space we think that this is a lean, mean plan that fits well on the site. As you know, this is the curb at Ninth Street, so it is all fitting nicely onto the allotted site. We are beginning to articulate the theater spaces and what you see here is this the main level and then it has sort of a mezzanine level that you come up to here. The first balcony, which we call the lower balcony, has 800 seats and the box seating on the sides and ultimately the upper balcony which is about 389 seats. We have begun to work out in our atrium the methods to get in and out of these various levels with proper fire exiting and building codes that are followed here. We've begun to design the concessions, coat storage, elevator locations, escalator locations. There will be two escalators on the Martin Luther King entrance and then a pair of escalators here along Locust Street in addition to our elevators. What we would like to also begin to show you now are some of the elevations of the building showing how the fenestration and window treatment is beginning to work itself out. What we would anticipate is at a subsequent meeting here, probably in the November meeting, that we would come back with some more color treatment and material designations for you to fill in the skeleton here. What you are seeing is a building cross section here which is to scale showing the relative heights of the various spaces such as Exhibit Hall A and B. Now this is a cutaway and I am standing on Walnut Street and I am taking a knife and I am slicing the building in half and pulling this half nearest to me away. Now I am looking into the building to see the relative heights and depths of the various floors. Here is our atrium. We have concession on what we call ground level and then what we call 40 foot elevation which is at the base of the...I'm sorry, 20 foot which is the base of the first balcony. We have new toilet facilities on ground level and at the 40 foot elevation which is the top of the first balcony. We have, again, concession on one and, we'll call them, three and toilets on one and four in this atrium. You can see them in various places within the diagrams. We want this to be a civic building that projects itself well with its neighbors such as the Civic Center. Here you have the Martin Luther King elevation as if I am standing at the Executive Inn looking across Martin Luther King to the entrance areas that come into our meeting rooms. This element, this atrium element that you are seeing here has a radius shape to it, so you are sort of seeing that radius move away from view there. This is the entrance into the exhibit hall area here. You will notice that there are some similarities in treatment to the Martin Luther King elevation and the Locust elevation that goes in the exhibit hall. This is to identify that these are convention center functions or convention center related items. This element, where we have the word "Center" here, that is to be a unique element that signifies with a kiosk and the theatrical that this is the entrance to the auditorium. It is defined differently than we have on the convention center type functions. We begin to give that exterior identity to the various spaces. This is our Walnut elevation as if I am standing over at the Green Center and looking across at the building. This is the functional sort of end of the building. This is where the truck docking occurs and so forth, so it is not quite as festive looking as our Locust and Martin Luther King elevations. That is where we are on our preliminary plans. Again, in November we would like to come back with some color and further

material notations on these same drawings and continue to flesh out all the building systems that we will have in the project. Any questions on this?

Commissioner Mourdock: Mike, on the auditorium center itself the question that I have been asked more than anything else on this whole project is will the seats and the aisle space in the auditorium stay the same given the fact that you are adding the additional seats?

Mike Shoulders: Are we using continental?

Mike Buente: Yes, but they won't be the same.

Mike Shoulders: As the continental that is there. What we have in the existing auditorium is if you think about sitting down close to the stage, you know, the very generous aisleways. That is called continental seating and when you have that you are required to have few intervening aisles. Fewer aisle, say, in the middle of the seating because you can exit much easier in the lateral spacing. We propose to stay with the continental style seating. The modern continental style which is going to be very similar to the kinds of spacing that you would have over there now. It may vary a couple of inches here or there. We also would like to use wide comfortable seats and not cram people into the 18 and 19 inch seats. We would like to use 21 and 22 inch width on our seating. I guess, Commissioner, to answer your question, yes, the seating will be very spacious and similar or comparable to the kind of spacing that you would see over there now.

Commissioner Mourdock: Yes, the seating will be spacious.

Mike Shoulders: It's very spacious.

Commissioner Mourdock: I do get asked that one a lot, I really do.

Mike Shoulders: The existing capacity is 2,001 seats and the new capacity...is it right exactly 2,500?

Mike Buente: It's 2,599, but we will lose some seats (inaudible comments not made from microphone).

Mike Shoulders: We actually show 2,599. As Mike says, we are in the midst of our building code exiting analysis and we've got a little fluff there. If we have to lose a few seats we still believe that we will top out in excess of 2,500 seats.

Commissioner Mourdock: Do virtually all the additional seats come in that upper level then?

Mike Shoulders: Not really. What happens, as you know, the existing auditorium is in a fan shape. A fan shape is notoriously the worst shape for acoustics and sight lines in the corners. The parallel walls that you see takes some of this pie shaped area out of use within the internal space of the auditorium and it gives it over to other important uses like support spaces, circulation and so forth. Now we get better sight lines and better acoustics, but we actually lose some seating capacity on the main floor and we pick it up on these nice deep balconies. Two of them that we are stacking in the space. There are really no bad seats now in this scheme. What we've done is add seats and they are all better, much better, than the worst seats in the present facility, if you see what I am saying. A person that...in the present building a person

that is sitting over here sort of sight line-wise loses about one-third of the stage. That won't happen anymore. It will pick up 95% of the stage from any seat. The acoustics will be marvelous.

Mike Buente: (Inaudible comments not made from microphone).

Mike Shoulders: Yeah, the other element is that in the present facility you have that break in the mezzanine there and that has a curtain in there that can be...most of you may not have seen it, but there is a curtain that can ring around there and that is for the smaller audiences and theoretically to seal off acoustics from the back. One of the benefits of this arrangement that we are looking at is that with the two balconies, the broad balcony and the upper balcony, we can shut the lights off in these balcony areas and play to a very intimate group of 1,000 to 1,200 people should we desire to do that or we can open it wide open to 2,500 seats. Now we have a great feeling in this theater regardless of the seating capacity or the audience size that we would want or that we would have. Any other questions?

President Borries: Probably only one from our gentleman who is always loyal here and so charming and positive. I know you are giving thought to some way to accommodate the wonderful people of the Coterie Club and others in relation to the wooden floor in some fashion on the ballroom.

Mike Shoulders: Yes, we are investigating that and we have discussed several times or at least two or three times the need. We are trying to find what has been done in other locations successfully. Portable floors reportedly have some problems in leveling and so forth. We are looking at costs and flexibility of the space and how that is affected with a wood floor. I guess we could say that we are studying that and we will want to come back at this next stage with a report on that to the Commissioners. We would welcome, certainly, any data or any kinds of input at any time. You may call me, you know that. I wanted to pass out now what we view as the budget for the project. In other words, where we are with this submittal and costs on it. As I mentioned, we have cut square footage out. You will recall that we needed to make cuts on the order of about 1.9 million dollars in order to be within the budget and we have done that. We have cut over 20,000 square feet out of sort of the perimeter and the fluff of this building and that is not an easy task if you remember that one of these exhibit halls, either A or B, that is 20,000 square feet. In a precision way we have gone around this building and made total cuts of over 20,000 square feet and we believe we have still kept the concept that you approved in tact. That is why I say that we have a lean, mean project that is very much at the basic level, but will service us well into the 21st century. The numbers that I have for you today show that we are at a total price at this stage for all elements of hard construction at about \$29,802,660 and we need to carry a project contingency at this time of at least 2.7 million dollars, that is a 9% contingency which is not very healthy.

Commissioner Mourdock: That's less than you projected earlier isn't it?

Mike Shoulders: That is about...I think we had 9½ or 10.

Commissioner Mourdock: I think you had 10.

Mike Shoulders: Yeah, so we are at 9% and we feel that is a very

lean contingency. It represents both a design contingency and an inflation contingency factor which puts us at a few pennies above \$32,500,000. Remember then that also in the budget approved by Council for the lease one of the line items in there was an allowance for furniture, furnishings and loose equipment which is not in your construction costs, but is included as 1.5 million dollar allowance. Then, of course, we have the A & E fees and reimbursables as per my contract to show the total project costs. With this scheme that we have submitted to you today we feel that we are in very good shape on the budget. We are continuing to look for economies, but also we recognize that this should be a very special project in the community and should be able to last a good long while. Any questions on the budget numbers?

President Tuley: Slender down, Mike.

Mike Shoulders: I'll keep it in mind. In order for us to keep proceeding we would like, at some point and it could be after you have studied this information, we would like the Commissioners to actually approve the budget schedule and preliminary plans so that we can record this date, or if it is next Monday that is fine, and move ahead into more detailed engineering.

Commissioner Mourdock: You are basically with that last statement, Mike, just formalizing the adoption again of this schedule into the document, that is all you are saying?

Mike Shoulders: Right.

Commissioner Mourdock: Alright.

Mike Shoulders: We have some revisions, probably, to make on that regarding the bond and so forth.

Commissioner Mourdock: I would like to add also given the last meeting that you attended when you and I had a rather lengthy discussion about the dates in there, I appreciate the fact that you have brought this in as you said you would and the dates are on there for us.

Mike Shoulders: You'll notice in my contract it says that preliminary plans will be due on October 21st. That is written into the contract and this is my submittal to fulfill that portion of my contract today. Any other questions?

Commissioner Mourdock: Take it under advisement?

President Tuley: Yeah, I think we should take it for one week, Mike.

Mike Shoulders: That is fine.

President Tuley: Look at it. I think you have done everything that you are supposed to do. I think you presented a good timetable and a good project in terms of budget.

Mike Shoulders: Okay, feel free to call me if there are any questions that do come up this week. Thank you.

Commissioner Borries: Thanks, Mike.

Commissioner Mourdock: Thanks.

**Burkhardt Road Project - Agreement**

President Tuley: The next item on the agenda is the Burkhardt Road Project. The agreement between Vanderburgh County and H.J. Umbaugh and Associates, Certified Public Accountants with regard to handling the financing and our related matters. Do you guys want to look these over real quick?

Commissioner Mourdock: Do you want to define what this is? I thought we did this one last week.

President Tuley: It is the actual contract that is being presented by Umbaugh in terms of what they will be doing related to them in terms of financial planning and what have you, preparing the official statement and what have you.

Alan Kissinger: I think it also relates to work that they have already done.

President Tuley: I was going to say I'm sure it does.

Alan Kissinger: I think they were in the process of filling out or preparing their statement for services previously rendered and discovered that they did not have an agreement in place. This agreement is very much like a previous agreement that we signed with Umbaugh. I have reviewed it. I don't have any specific comments on it. I will try to answer questions on it if you wish.

Bob Brennan: Are your microphones on?

President Tuley: Mine is.

Alan Kissinger: Mine was. As Mr. Borries has pointed out, this is supposed to be signed by the Vanderburgh County Redevelopment Commission President, but I think it requires approval of the County Commissioners before it will be considered by the Redevelopment Commission.

Commissioner Mourdock: Alan, I am sorry to be slow on this one, but just skimming this for all of 30 seconds it would appear to me that everything in this document is basically in arrears of the services that they have already provided, is that right?

Alan Kissinger: Not everything.

Commissioner Mourdock: What would they do henceforth?

Alan Kissinger: Well, as you will recall, there is a Phase 1 and a Phase 2. It involves the issuance of bonds in Phase 1, bond anticipation notes. Phase 2 will basically involve the same thing, however, the expense or the billing for the second phase should be considerably less in consideration of the fact that about 75% of the information necessary has already been compiled in Phase one. The Burkhardt Road thing is still an ongoing thing. The first phase is completed and has been completed with the closing which occurred last Tuesday, but there will be additional work. Yes, this covers some work that has already been completed, but it also covers work to be completed.

Commissioner Mourdock: Again, the bulk of what this covers and given what you just said regarding the percentage being greater previous...

Alan Kissinger: Yes, yeah, that is kind of a shot in the dark saying 75%, but I would say that 75% of their work has already been completed. Terrible oversight for an accounting firm!

Commissioner Mourdock: We just signed another agreement with these folks last week.

President Tuley: That was in reference to...

Alan Kissinger: That was the Daylight Sewer project.

President Tuley: Yeah, Daylight Sewer.

Alan Kissinger: That was a bargain.

Commissioner Mourdock: I am trying to find in here where the fees are for the services provided under this.

President Tuley: Page four, article four.

Commissioner Mourdock: Do we have a fee schedule then with this? It says:

"For the services in Articles 1 and 2, the Accountants' fee will be based upon normal time charges and expenses of the Accountants incurred in providing services."

Do we know what normal time charges are?

President Tuley: I don't see it attached.

Commissioner Mourdock: I guess Article 3:

"Provide continuing technical assistance after the sale of bonds..."

...is what will, in fact, be that remaining 25% if your percentage was somewhere close?

Alan Kissinger: No, well, yes. That would be a part of it, but there will be another...we anticipate another bond closing in the future, sell, closing, etc., for Phase 2.

Commissioner Borries: Why don't we wait one week and see if there is some attached documents that need to accompany this particular agreement.

Commissioner Mourdock: Take it under advisement?

Commissioner Borries: Right.

President Tuley: Right.

Cindy Mayo: If you want to put it back in the folder we'll make sure that it is in next week's folder. We didn't get those until late and I know they were a little concerned that they be separated and I think that was the reason that she didn't stick one in everyone's folder because I think those are all considered originals. Perhaps I could run some copies and you could study those that way we would have the originals together.

President Tuley: Okay. Cindy was this put into everybody's folder or is this going to be their first exposure to this, too?

Cindy Mayo: That came in very late.

**Brink's contract renewal**

President Tuley: Item 4G is the Brink's contract renewal for the picking up of funds from the Clerk and Treasurer's Office. It is a contract that provides for service for five days a week at a proposed \$198 a month per office versus \$180 per month in their previous contract for a period of one year. There is a little bit of an increase. Actually the Treasurer's Office went from \$180 to \$198 and the Clerk's Office went from \$187 to \$198.

Commissioner Mourdock: I'll move approval of the Brink's contract for one year.

Commissioner Borries: Second.

President Tuley: So ordered.

**1996 General Election Polling Places**

President Tuley: The next item is item 4H, the 1996 general election polling places. Do you guys have the list submitted in front of you? Okay. I was going to ask Cindy if Sue or Jon had anything to add to this.

Commissioner Mourdock: I didn't realize that we used the Duck Inn Stampede Room as a polling place!

President Tuley: Oh, yeah. We have for several years.

Commissioner Mourdock: What did they come up with for the Helfrich Golf Course? What is that six something...?

President Tuley: Yeah, six...

Commissioner Borries: It may have been Helfrich Park Middle School.

President Tuley: That is what I am wondering. I see 6-16...

Commissioner Mourdock: I bet that is right.

President Tuley: That probably is it. Okay we have two at Daniel Wertz. We still have how many at Plaza, four?

Commissioner Borries: I'll move that the 1996 general election polling places be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Any group or individual wishing to address the Commission**

President Tuley: Item 4G, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda, now is the time to come forward. Okay, Ms. Jerrel.

Bettye Lou Jerrel: I would like to call to your attention

something. I came the 23rd of September--

Commissioner Borries: Would you like to give your name for the record, Bettye Lou?

Bettye Lou Jerrel: Yes, my name is Bettye Lou Jerrel and I am a member of the County Council. I was here the 23rd of September and at that time we were going to schedule a meeting for this week to review the Safe House lease, so I am bringing that to your attention. We haven't had anything scheduled, but I did go to the Safe House today. The purpose of my visit was to take a look at the repairs and the damage to see where that was. I spoke with Mr. Weightman and I asked him who was doing kind of the oversight or the contracting work and then I knew the men would probably be doing the actual labor. He said that...Mr. Weightman said that he and Mr. Howerton were the contractors for the job. There are three main areas of repair and if you haven't been out there I would urge you to go. You would be interested because one area that houses the women's showers and commodes all the floor has been removed and then in two other areas some of it has. Two loads of concrete arrived while I was there. I don't know how many cubic yards you'll find, but the idea is to pour that down and to reinforce with sand and then add another layer of concrete. Apparently before a layer of concrete was poured on top of the wood and then the facilities were mounted and, of course, they fell through after a time. When you look at this area where all of the floor has been removed that plumbing in there...this was all an area that was remodeled five years ago. We paid to have it remodeled five years ago and because it is all PVC plastic pipe it is all relatively new. I would urge you to either go out there or as I understand I got to looking at something on the 23rd of February you all had Mr. Kissinger give you an opinion and at that time you indicated that Mr. Howerton was going to make monthly department head reports to you and if necessary weekly Commissioner meetings if needed and I think I would find out because I don't think it is a topic that I am competent to discuss, but I think you need to find out what is being done out there because it is your responsibility. The plan and the work, I don't know who is doing it and I would urge you to go out there and look or at least make contact with him. Mr. Howerton was not there today, but I did speak with Mr. Hart and Mr. Weightman. As I said, they were getting ready to pour the concrete when I left.

President Tuley: Mr. Howerton contacted me late this afternoon and had told me that he had heard from Mr. Hart or Mr. Weightman or one of them that you had been there and that you had concerns.

Bettye Lou Jerrel: Right.

President Tuley: He is not available for the next two days nor is our Assistant County Engineer, but on Thursday they are going to get together and go out and review that and report back to us as to what the findings were.

Bettye Lou Jerrel: Because they were pouring concrete, so that you aren't going to get up.

President Tuley: Right.

Bettye Lou Jerrel: I mean, if that is not the answer it got poured today.

President Tuley: Yeah.

Bettye Lou Jerrel: But anyway, I wanted you to be aware of it and I do think we need to get the lease settled because it is things like this that we need to...

President Tuley: Yeah, along that note, Cindy, when we were...the Judge sent us some information and I wrote as it was being routed through, hopefully you saw it, but maybe you didn't. I did ask that someone contact the Judge from our office and ask...he has said in his letter that he was not available the first two weeks of October.

Cindy Mayo: I have a note from you that I was going to give you tonight to remind you to set up a meeting after the 21st.

President Tuley: What I am asking you to do is to confirm the date.

Cindy Mayo: Oh, okay.

President Tuley: If you would and then contact Ms. Jerrel so she knows when it is.

Bettye Lou Jerrel: Yeah, I would like to...thank you.

President Tuley: Okay, Mr. Moser.

Ed Moser: Ed Moser is my name. I'm the President of the Coterie Club of Evansville. I can't say with finality that the fact that we would have a wood floor in this versus, for example, a terrazzo floor as presently over in the Gold Room now, if that will generate a certain amount of business I just can't say that with all finality. I hasten to add that in most every place that I have danced, and there used to be a facility down in Metropolis before the boat came down there called the Tuxedo Junction with a great wood floor, great dances. We've danced up at the Rupp, we've dance at the Green Convention Center. Adequate floor, very good floor. I can't say that this one feature is going to bring so many people in from...and I hope they come in by droves. I don't know if they will ask the people that are making the arrangements. I hope they will ask. I don't know if they are going to ask if there is a wood floor or not. It is not only for us, the Coterie Club, it is what's coming in the future. I was impressed with these drawings and a lot of thought has been given to it. I don't mind being up on the second floor provided that we have a wood floor. I hate to be beating the drums for this, but I think that is the answer. There used to be a wood floor around the bandstand over in Owensboro. That is the message that I bring you. I wish you good luck, continued good luck, and I thank Mr. Borries, Commissioner Borries, for the kind words that he said to Mike while he was up here. I think Mike and I have had just some outside dialogue before the meeting started indicating that anything that we can offer in this regard we intend to do so. I thank you very much for your time and you are always so very kind and I appreciate it very much. Thank you very much.

President Tuley: Thank you, Mr. Moser.

Commissioner Borries: Thank you, Mr. Moser.

President Tuley: Any other group or individual?

**John Stoll - County Engineer**

President Tuley: John. Under department head reports we will start with John Stoll.

John Stoll: First of all I would like to recommend that we extend the deadline for the temporary driveway construction on the Burkhardt Road project from November 1 to November 15. The contract documents were prepared on the assumption that the bond issue would be finalized by the end of September and that a Notice to Proceed would be issued by the end of September when, in fact, the Notice to Proceed was not issued until last Tuesday, October 15. This is just giving the contractor the days back that were lost between the 1st and 15th of October. There are liquidated damages associated with this temporary driveway, so this is just trying to keep the terms of the contract the same as far as giving the contractor the same number of work days.

Commissioner Mourdock: This is to Blankenberger for their big project?

John Stoll: Yes.

Commissioner Mourdock: Okay.

Commissioner Borries: So moved.

Commissioner Mourdock: I would like to abstain because, as I mentioned last week, there is a possibility that our company may be supplying materials to that job and I wouldn't want it to be inferred that somehow I did anything with this to our advantage.

President Tuley: Second and so ordered.

John Stoll: Next I've got a claim for the Burkhardt project. It is a reimbursement to Gershman Brown in the amount of \$196,000. This is for their reimbursement of the design cost that they paid prior to the bond issue being finalized. This would have been on the consent agenda, but we didn't get all the paperwork prepared until after the deadline for the consent agenda. The Memorandum of Understanding said that they would pay the design fees prior to the bond issue being finalized.

President Tuley: It's safe to assume then that you have reviewed it and you recommend payment?

John Stoll: Yes, the consultant has been paid for all five claims that were submitted to Gershman Brown. There is a letter from the consultant in there that verifies that they did receive payment and I would recommend that it be approved.

Commissioner Mourdock: I'll move approval.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next I've got a letter that I would like the Commissioners to sign so we can send it to INDOT. This is in regard to the extension of Cross Pointe Boulevard where it would connect to Morgan Avenue at the I-164 ramps. In discussions with INDOT they wanted some assurance that the county would pursue

connecting Cross Pointe between Lloyd and Morgan and that has been part of a long range road plan that has been prepared for several years by EUTS and APC. This letter is just reassurance to INDOT that the county will pursue that right-of-way over the years. We can't give them any time frame as of yet, but I believe everybody is committed to making that road go through eventually and they didn't want to allow that connection to Morgan Avenue unless there was some assurance that this would be a continuous road between Lloyd and Morgan.

Commissioner Mourdock: Just to state it emphatically, this is part of the EUTS plan for the development of that entire area.

John Stoll: Right.

Commissioner Mourdock: I'll move approval of the letter to Mr. Curtis in regards to the extension into Morgan Avenue from Cross Pointe Boulevard.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next I've also got another item in regard to that same project. Since this project will involve the railroad crossing we will have to have protection designed for that crossing and the railroad will not proceed with any design costs on the railroad protection signals and gates or whatever they deem necessary until there is an agreement for somebody to cover the design fees. With your authorization, I would like to send the railroad a letter stating that they need to submit us a cost estimate for those design fees and upon us receiving that if it is a reasonable cost that we could cover that cost.

Commissioner Mourdock: Do you want to define reasonable before we make the motion, John?

John Stoll: Usually they have been \$5,000 to \$10,000. I don't know how reasonable that is, but that is typically the range of what they've charged on Federal Aid projects and things like that.

Commissioner Mourdock: I'll move that we direct the County Engineer to provide a document to the railroad for plans to cross at the intersection of Morgan and Cross Pointe.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item that I've got, Bernardin Lochmueller sent me a fax today that said that their costs for preparing a legal description of the auditorium property would be \$150 and I wanted to know if you wanted to proceed with having that done?

Commissioner Borries: Quickly! So moved. I'll move that it be approved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Mourdock: My heart stopped when you said \$150 because I thought there was another number coming in.

Commissioner Borries: Yeah, three zeros coming in.

Alan Kissinger: John, the Commissioners did say quickly. We do need that quickly.

John Stoll: Okay. They just got this faxed to me today otherwise we might of had it last week, but I will let them know to proceed with it.

Alan Kissinger: Okay.

John Stoll: That is all that I have.

President Tuley: Got any questions for John? Thanks, John.

Commissioner Borries: Thanks, John.

**Bill Morpew - County Garage**

President Tuley: Cindy is just handing out the Highway Department Progress Report for the period of Friday, October 11 through Thursday, October 17 for the Highway Department as well as the Bridge Crew. Bill had called me late this afternoon and said that he had an unexpected meeting take place tonight that he had to be at and therefore he was requesting that we just let him submit his report. The Assistant Superintendent was off all day as his mother's house had burned or something and he had problems, so he wasn't even there today.

Commissioner Borries: I'll move acceptance of the County Highway Department's Progress Report for Friday, October 11 through Thursday, October 17, 1996 be entered for the record.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Alan Kissinger - County Attorney**

President Tuley: Okay, Alan Kissinger.

Alan Kissinger: First, the bids for transportation services for the Vanderburgh County Office of Family and Children. We have two bids and they are from River City Yellow Cab Company Incorporated and Evansville Taxi Incorporated doing business as Bassemier's. These bids actually are quotations of rates for six different categories of fares. It is very much like a unit bid. I recommend that the Commissioners defer any action on this for at least a week until these bids can be reviewed by our Office of Purchasing.

President Tuley: Lynn had asked that they be taken under advisement by her for a period until November 4th in which she'll make a recommendation for the award.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: I met last week with Mike Wathen in reference to

the erosion control ordinance. I informed Mike of the changes that I thought needed to be made and we, basically, agreed on all points. Mike is going to be...I don't know if he is vacationing or what he is doing, nonetheless he is going to be unavailable for a week or so. What I hope to do is get the ordinance rewritten and in proper legal form and back to Mike within a week or so, so that he can distribute the proposed final to the parties who have expressed interest in the erosion control ordinance. I would say within two or three weeks or perhaps more, but not a lot more, we should be able to present a completed ordinance to the Commissioners for their consideration, for your consideration. I also met with Joe Profaizer from Computer Services and discussed with him the Internet Acceptable Use Policy. I think all of the Commissioners received a copy of that proposed policy. There were some minor changes that Mr. Profaizer recommended and only one thing, I think, that the Commissioners really need to make a decision on. I talked with Joe and was quite surprised to find that there are some business concerns who allow their employees to use their personal Internet accounts at work. I advised Joe that I thought it would be the position of the Commissioners that under no circumstance could we allow such activity to take place in consideration of the fact that we are a government entity. I also remember Mr. Mourdock's comment on one of the T.V. advertisements he saw about someone using the Internet for their own private purposes. Other than that, what Mr. Profaizer has recommended is that the county adopt, not at this meeting, but that the county adopt the Internet Acceptable Use Policy that he has prepared. Unless the Commissioners wish to have some additional input on this he is going to prepare a clean copy of what he will propose to the Commissioners as our Internet policy.

Commissioner Mourdock: Does he also have, Alan, language that would preclude someone from using the county's account at their home? In other words, you're statement was going the other way--

Alan Kissinger: Yes.

Commissioner Mourdock: --someone use their home account here. It could go the other way as well.

Alan Kissinger: Yes, as a matter fact there is even a warning in here that the Internet activities, the Internet use is going to be monitored from time to time without any announcement to cut down on that or to keep that from happening.

Commissioner Mourdock: Okay.

Alan Kissinger: I guess, you know, one of the things that he thought was rather serious that the Commissioners would have to consider would be the possible termination of an employee for abuse of the policy. You know, it is just a matter of fact that if we don't consider terminating an employee for a major violation of the policy, then we need not have a policy. Also, something very interesting came out of my conversation with Mr. Profaizer on this matter. As the Commissioners will recall, the County Assessor has provided us with a semi-proposal from Ameritech for enhanced access for various county office records. I took the opportunity to talk with Mr. Profaizer about that and he indicated to me that one of the problems that he had with it, which was the same as the problem that I have with it, we're entrusting a private entity with county information and giving them basically exclusive control of certain purposes. I asked him, because of my basic knowledge of computers, if we could not provide that service somehow through the Internet

and he said absolutely. What it comes down to is the county buying an Internet server. He indicated, you know, it was like it is something that the initial expense will probably be significant, but it will be insignificant compared to what it will be if we wait for five, six, seven, eight, ten years when we can't do without it. That is something for the Commissioners to consider in the future. I have not heard anything from the County Assessor in reference to her recommendation of Ameritech's plan, but I assume she will be contacting me sometime in the near future. Let's see...Mr. Mourdock asked a couple of questions last week, asked me to research a couple of questions last week in reference to the Welfare to Work. Those two questions were number one, could the county require drug testing as a condition of application or something such as that? And number two, could one Township Trustee administer this for the entire county. My research indicates in reference to question number one, Indiana Code 12-14-2-21 Subsection A, Subsection 12, provides that recipients must sign a personal responsibility agreement including that they must agree not to abuse illegal drugs or other substances that would interfere with the person's ability to obtain self-sufficiency. Also, the statute this Senate Enrolled Act gives statutory authority to the Office of the Secretary of Family and Social Services to and I quote:

"Provide plans to implement the personal responsibility under the applicable statute."

The short answer to the question is no, I do not believe that the county can independent of the Secretary of Family and Social Services require drug testing for applicants for the Welfare to Work program. However, I think that at the state level the Secretary of Family and Social Services could certainly make it a requirement of application and acceptance and that, I am assuming, would be administered on a local level by the county.

Commissioner Mourdock: Alan, there is one other slight mix to this and I think I know the answer, but let me state it. In the...478 requires the documentation that people are doing all these things and trying to get themselves in the condition to permanently stay off welfare, the personal responsibilities document you are talking about. There is a chance, however, that some of the people that would otherwise be eligible for the local program that we've designed have never made a claim through the existing welfare program. In other words, they are the working poor who are at 70% less than the poverty level--

Alan Kissinger: Right.

Commissioner Mourdock: --but they have never applied. In that case could we require an affidavit or our own personal responsibility statement that might otherwise preclude drug use? Those people haven't been under the Secretary's guise.

Alan Kissinger: Right.

Commissioner Mourdock: You might want to take that one under advisement.

Alan Kissinger: What we cannot do is anything that is more strict, if you will accept that term, than the conditions that are put on these applicants by the state.

Commissioner Mourdock: So we could have our own?

Alan Kissinger: We could, yes.

Commissioner Mourdock: I appreciate you bringing this subject up because I work very hard to be quoted accurately in the press when those times come and I know the Welfare to Work group was quite upset at a story that came a week or so ago. There was something totally taken out of context that sort of inferred that I was making light of...the quote being:

"I'm not saying that we want to just ruthlessly slash through the population and say because you may have smoked a joint months ago that you are ineligible forever."

Obviously, we were looking at the drug testing to make the point that it is a serious issue and that context is somewhat out of place in that article. Okay, your second point.

Alan Kissinger: I think it is easy to illustrate that it is a serious issue in consideration of the fact that it is a part of the enabling legislation that allows this program to get under way. The second part of the question, the present statutes provide that the Township Trustees will be the administrators and the language refers to the Township Trustee will do this, that and the other thing. Although it doesn't say it specifically, anyone with any experience in reading this thing knows that what they are talking about is the Township Trustee that provides service to that township where the applicant resides. We do not have any statutory authority to have one Township Trustee administer this entire thing for the other Township Trustees. However, there is a possibility since this is a statutory duty and not a constitutional duty and it constitutes only a small part of the Township Trustee's duties that the Township Trustees could enter into, basically, a blanket contract or interlocal agreement with one Township Trustee to perform that service for them and then provide them with the necessary reports that they are required to submit back to the state. I think the first thing that I would do would be to seek the Secretary's approval, the State Secretary of Family and Social Services' approval for that method of operating, but as far as the end result is concerned it seems that everyone's concerns are going to be met and all of the requirements will be met. There is nothing that indicates that this can't be done. As a consequence, as I say, if we could do an ordinance under Home Rule to provide for this type of contract, but I think before we do that the Secretary of Family and Social Services would have to be advised of the situation or we might just be spinning our wheels.

Commissioner Mourdock: Is it too gross a simplification to say that this situation is like that which we ran into with the drainage issue up in Darmstadt not too long ago? They questioned whether or not we had the authority there when we didn't have in the city and it was determined that the city had basically given that right to the county?

Alan Kissinger: Yes.

Commissioner Mourdock: Same type of deal?

Alan Kissinger: Exactly the same type of deal. I think the only difference that we are going to have here is that each Township Trustee is going to be required to keep certain records and make certain reports. That is one thing that I think that they are still going to be required to make those reports, but the only

difference is that the information would be provided to them by that one Township Trustee.

Commissioner Mourdock: Okay, thank you.

Alan Kissinger: Sure. That's all I have...oh, I...yes, that is all that I have to report.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy.

Cindy Mayo: I just have one item of information that I need to pass along. Last week when Shirley James was at the meeting she did request funding which we took out of the set aside money, the County Option Income Tax money. Tuesday, the 15th, which was the deadline date to get the information into the Auditor's Office for advertising Ms. Jerrel did contact me and say that she would like for it to be put under CCD and the set aside money that there was some use perhaps for the economic development money. I did call President Tuley and pass that along to him and he did give me permission to advertise out of both. He was aware of the money that Ms. Jerrel was talking about, but I know there were some concerns on your part about that amount of money coming out of CCD. Before the November meeting we can decide as to if that is the only funding source if you do want to continue or withdraw that request, but it is advertised out of both. That's all I have.

President Tuley: Is that alright?

Commissioner Borries: Yeah, I would like to have that report, however, since we had not discussed CCD originally, so we will need to monitor that.

President Tuley: Okay. Are you okay with everything?

Commissioner Mourdock: Uh-huh.

President Tuley: Okay. Is that the only thing that you have?

**Lynn Ellis - Purchasing**

President Tuley: Under Lynn Ellis' report, Lynn called me last week and she is in Indianapolis tonight. She has numerous requests for advertising and approve the letting of certain bids which she has covered in letter form. In cases where there are actual Notice to Bidders she has provided that notice to the bidder. There is about seven others other than the one that Alan has already discussed in terms of opening the bid in which she has asked to be taken under advisement as well.

Commissioner Mourdock: I'll move approval of the consent items.

Commissioner Borries: Second.

President Tuley: Wait a minute. Are we adding this to the consent items then?

Commissioner Mourdock: I'm sorry, I thought we were.

President Tuley: No, that's fine. I just, I mean, she has put it

all in writing and we can add them to the consent as opposed to putting it under department heads and then we can approve it under consent.

Commissioner Mourdock: I'll move that we add the October 17 letter by Ms. Ellis to tonight's consent items.

Commissioner Borries: I will second.

**Consent items**

President Tuley: Okay, now it is under consent. You just had a motion for the approval of the consent.

Commissioner Mourdock: I will move approval of the consent items.

Commissioner Borries: Second.

President Tuley: I will so order.

**Scheduled meetings**

President Tuley: Scheduled meetings. There are no scheduled meetings apparently the rest of this week. The clocks go back Sunday. Monday, the 28th, at 11:00 a.m. there is a Pigeon Creek Overlay Committee meeting. There is a 12:00 Pigeon Creek Technical Committee meeting. At 4:00 p.m. an Executive Session. At 4:00 p.m. there is a Pigeon Creek meeting. At 5:30 a Commissioners meeting and 6:30 p.m. Drainage Board. On the 30th, Wednesday, there will be at 3:30 a Personnel and Finance Committee meeting.

**Old business**

President Tuley: Old business.

**New business**

President Tuley: New business.

Commissioner Mourdock: One item that I was going to put before Bill Morpew, but since he wasn't here tonight I'll just mention it to both of you. I try not to use four letter words, but the word snow will be before us before too long. You'll recall, last year when we got the late snowfall we ended up contracting on a last minute basis with some providers to help the county folks clean the roads. I remember having a discussion at that point that said sometime this fall, meaning now, we ought to be thinking about contracting something like that out for some emergency services in case we got to one of those same types of event, so we know who would be available, who would be committed and at what rates they would be available. I think it is appropriate that we start the process and I will try to get with Bill between now and next week just to pass that thought on to him, but in the meantime if either of you think it worthy or unworthy you might pass that on as well.

Commissioner Borries: Okay.

President Tuley: Good idea. Any other new business? Motion to adjourn prior to going in to the Rezoning Hearings?

**Vanderburgh County  
Board of Commissioners  
October 21, 1996**

27

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

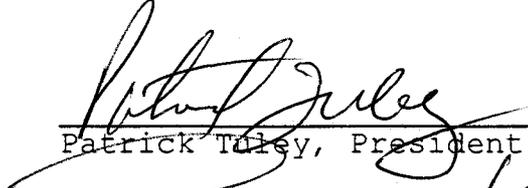
President Tuley: So ordered.

The meeting was adjourned at 7:04 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Mikki Heck  
Michael Shoulders  
Mike Buente  
Bettye Lou Jerrel  
Edward Moser  
John Stoll  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



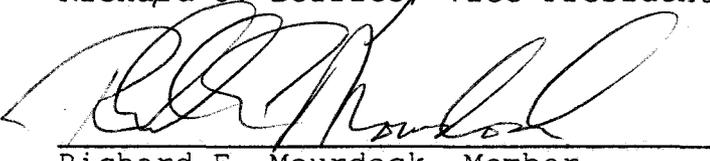
---

Patrick Tuley, President



---

Richard J. Borries, Vice President



---

Richard E. Mourdock, Member

**Vanderburgh County  
Rezoning Meeting  
October 21, 1996**

**Table of Contents**

**First Readings:**

VC-12-96 Robert W. Woodward, Sr .....	1
7321 Eagle Crest Boulevard	
VC-13-96 J.J. Brodi, LLC .....	1
1980 North Burkhardt Road	
VC-14-96 Phoenix Land Company .....	1
14700 Warrick County Line Road	
VC-15-96 Phoenix Land Company .....	2
15001 Highway 57	
VC-16-96 Phoenix Land Company .....	2
15000 Highway 57	

**Final Readings:**

VC-10-96 C & S, Inc .....	2
11001 Highway 41 North	
VC-08-96 Kempf Group .....	3
3000 Kansas Road	
VC-09-96 Alan Braun .....	22
16680 Highway 41 North	
Rezoning in reference to Davis/Lant case .....	23
Green River Road/Lynch Road intersection (By Court Order)	
Approval of minutes .....	3
Adjournment .....	24
Attendance and signature page .....	25

**Vanderburgh County  
Rezoning Meeting  
October 21, 1996**

The Vanderburgh County Board of Commissioners met in session this 21st day of October at 7:16 p.m. for the purpose of hearing rezonings within the county.

President Tuley: I would like to call the Rezoning Hearing to order here, please. We've got a lot of people here tonight. We have several first readings and we would like to go ahead and do those first.

**VC-12-96**

President Tuley: The first one is VC-12-96. The petitioner is Robert Woodward, Sr. and the address is 7321 Eagle Crest Boulevard. The request is from AG to M-1.

Commissioner Borries: Mr. President, I'll move that VC-12-96 be approved on first reading and forwarded to the Area Plan Commission.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**VC-13-96**

President Tuley: The second one is VC-13-96. The petitioner is J.J. Brodi, LLC and the address is 1980 North Burkhardt Road. The request is from AG to C-4 and R-3.

Commissioner Borries: Mr. President, I'll move that VC-13-96 be approved on first reading and forwarded to the Area Plan Commission.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**VC-14-96**

President Tuley: The third one is VC-14-96. The petitioner is Phoenix Land Company and the address is 14700 Warrick County Line Road. The request is from AG to M-2.

Commissioner Borries: Mr. President, I'll move that VC-14-96 be approved on first reading and forwarded to the Area Plan Commission.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

**VC-15-96**

President Tuley: Item number four is VC-15-96. The petitioner is Phoenix Land Company and the address is 15001 Highway 57. The request is from AG to C-4.

Commissioner Borries: Mr. President, I'll move that VC-15-96 be approved on first reading and forwarded to the Area Plan Commission.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**VC-16-96**

President Tuley: Item number five under first readings is VC-16-96. The petitioner is Phoenix Land Company and the address is 15000 Highway 57. The request is from AG to M-2.

Commissioner Borries: Mr. President, I'll move that VC-16-96 be approved on first reading and forwarded to the Area Plan Commission.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**VC-10-96**

President Tuley: Is it safe to assume that most people in this room are here in regard to VC-8-96, the Kempf Group? There has been a request for item number three which is VC-10-96, C & S, Inc. If we could go ahead and move that one first; there has not been any...I don't think there were any remonstrators that are present. It will probably take just a couple of minutes if we may go ahead and hear that one first, is that a problem? Okay, then the petitioners or their representatives for VC-10-96. The petitioner is C & S, Inc. The address is 11001 Highway 41 North. The request is from C-1 and C-4 to C-4 and C-1.

Don Jellison: Yes, I am Don Jellison, from C & S Incorporated the Circle S Food Mart, here to answer any questions that you may have.

Commissioner Borries: This is simply a modification of an earlier request. Is that correct, sir?

Don Jellison: Yes, sir.

Commissioner Borries: Now that you have the Department of Natural Resource approval?

Don Jellison: Yes, sir.

Commissioner Borries: Is that right?

Don Jellison: Yes.

Commissioner Borries: I'll move that VC-10-96, petitioner C & S Inc, be approved on third reading.

Commissioner Mourdock: I will second.

President Tuley: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes.

Don Jellison: Thank you.

Commissioner Mourdock: They should all be so easy.

**Approval of minutes**

President Tuley: I need to back up for a second. We need to do the approval of the minutes from the September 16 meeting.

Commissioner Mourdock: I'll move approval of the minutes that were of the first readings from September 16, 1996.

Commissioner Borries: Second.

President Tuley: So ordered. Thank you, Commissioner.

Commissioner Mourdock: Do you have the signature page?

President Tuley: I probably do in here.

Charlene Timmons: It's in a separate file folder.

**VC-08-96**

President Tuley: Okay, going back to the agenda VC-08-96. The petitioner is the Kempf Group and the address is 3000 Kansas Road. The request is from AG to C-4.

Les Shively: Mr. President and members of the Board of Commissioners of Vanderburgh County, my name is Les Shively representing the petitioners for this particular request. The purpose of this change is to take 36 acres of this land and to rezone it to C-4 for a company known as Apex Trailer Service, Incorporated. They are a company that is in the sales and service of trailers for commercial vehicles. Let me identify where the

property is located. The property is located at this point right here which is near Highway 57, Kansas Road and Seib Road. This area that has been already zoned C-4 where R.L. Jeffries is located, we seek to rezone this 36 acres west of Seib Road and leave the balance of the tract, about 13 and some odd acres on the other side of the creek, as agricultural, hopefully, for single family residential development in the future. Immediately across the road is Rexam Plastics, which is M-1. As you can see, M-2 continues all the way across the east side of Highway 57. As we go further north on the west side of Highway 57 we see that this is C-4 and that's where, I believe, Banner Truck and some other commercial developments are located. To give you an idea of what this facility will look like, this is an architect's rendering of the building that will be located with some proposed landscaping. The plan is to initially employ after construction 24 permanent employees with an income, or I should say salaries, of between \$20,000 to \$35,000 annually or an annual payroll of \$684,000 and within two years to be up to 40 full-time employees at that same salary range with a payroll annually of \$1.4 million. You have been given a EUTS report with regard to the subject property. The EUTS report voiced some concerns about Kansas Road and its width and construction and its ability to take commercial traffic. I want to address that for a moment, but first of all I would like to orient you, again, with two photographs. One photograph is a view of Kansas Road looking east on the east side of Highway 57 which goes to Rexam and proceeds upwards to another industrial complex. I believe the airport or Expressway Industrial Park is located there on Kansas Road. As you can see from that photograph, and this photograph that I am showing you here which is looking west on Kansas Road from Highway 57, the condition and the width of the road is virtually identical, yet I am sort of curious of the comments by EUTS that the condition of the road cannot support industrial. That same road is supporting industrial traffic as we speak and has for some time. Nonetheless, in developing this property the developer does want to try to improve this area, this intersection. The State of Indiana, as EUTS has pointed out, already has this on their plan to do improvements in the area and they are already in the land acquisition phase. We have already allowed them to acquire from us property for the improvement of the location there, Seib, Kansas and Highway 57. I am going to give this to you at this point, so you can put it as part of your record that shows the detailed plan prepared by the State of Indiana. It shows the property acquired and a letter dated May 2, 1996 which indicates that the state is moving forward on this project. As I am sure you are well aware with the county highway projects, you can't acquire land unless you are really serious and you are going to do the plan that has been approved. Obviously, the State of Indiana must be in that same phase because they have acquired the property and plan to move forward to improve this particular area which is in a developmental stage. To also give you an idea of the subject property, as we look to the northwest you will see R.L. Jeffries and the tract between Seib and Highway 57 is already C-4 and then in the corner you can see, I can safely say in the left-hand corner, the subject property. I have also taken a shot, it was taken over the weekend, on Seib Road as we are looking south towards the subject property, towards R.L. Jeffries, towards this

Vanderburgh County  
Rezoning Meeting  
October 21, 1996

5

intersection of Seib, Kansas and Highway 57. As you can see from that photograph the portion of the property that we seek to zone C-4 is, in fact, next to C-4 and already established industrial uses. VSH Development, which I am sure that you are very much familiar with is the residential development that is going to put in 274 new homes, single family homes, and a golf course is located in this area here. We have discussed our plans with them. They have no objection as well as the residents on Viehe Drive which are up in this area right in here. The reason for that, quite simply, is that we explained to them that this project will allow us to extend city sewer services which these residents are very much in need of in view of the fact there is a limit to how long you can be in septic and to increase the marketability of their homes. They know this will enhance their situation by being able to go on the city sewer. We had also asked based upon some comments made at the last meeting with regard to what the master plan calls for this particular property. We looked at the master plan and to be quite honest with you the master plan really isn't to scale and this is the map taken from the master plan, the latest version of the Area Plan Commission Master Plan, and although there are contentions raised that this is in a zone that has been labeled to remain as single family residential, I don't think that is abundantly clear from there. In fact, it seems to be to be located in an area that is categorized undeveloped. So what we have done, we had Mr. Clem Behme, a real estate broker and a gentleman who has the CRS designation, to give his opinion as to the suitability and the proper use of not just the 36 acres, but the entire 50 acres that the petitioner owns in this particular case. As you can see, the area that we plan to use for industrial for the location of the...not industrial, for commercial for the location of the trailer service he believes given the topography and such would be more conducive of that type of use and would not really lend itself to residential because of the topographical concerns that he has raised there. We have attempted to address all the concerns. I would also note to the members of the Board of Commissioners that whenever this amount of acreage is at issue, and it does about some single family or agriculturally zoned areas, the initial attempts were made to meet with the neighbors out in that area. We had a meeting, I think, back in July or August and I think it was probably August. We exchanged information in terms of what our plan was here, so at least you know that attempts were made to do that. At this time I would be more than happy to answer any questions that the Commissioners have regarding this particular request.

Commissioner Mourdock: Les, if I may, just one real quick one.

Les Shively: Yes, sir.

Commissioner Mourdock: You said you met with the neighbors. Were there any suggestions made by the neighbors that you or your client felt could be a part of your plan or was it just more of an informational meeting?

Les Shively: It was informational. I think what we were looking for at that particular meeting was were there any particular uses

other than this particular use for the trailer sales and service or any particular uses that they wanted us to prohibit through use and development commitment to get their feedback on that. We really didn't hear anything in that regard. There were some questions with regard to limiting the amount of acreage that is being zoned C-4 and we attempted to proceed with that or at least talk to the end user, Apex Trailer. They do need that entire area although where the building will be located, as you can see from the site plan that we submitted, it is going to be up towards that intersection of Seib, Kansas and Highway 57. We were unable to accommodate in terms of reducing the acreage, but we did request such things as what uses would you not want to see there and also reiterated the fact that we have no intentions of going beyond the creek and sought from them...in fact, we initially planned to rezone that to R-1, the area west of the trees to show our firm commitment that we don't intend to go past the trees and there was more concern or as much concern raised about zoning that single family for some reason as it was to the C-4, so that is why we dropped it and just left it agricultural and just concentrated on what we needed to rezone to accommodate Apex Trailer Sales.

Commissioner Borries: Thank you.

Les Shively: Thank you.

Commissioner Borries: I don't have any at this time.

President Tuley: With this many people, I am sure that we have other speakers. Mr. Bodkin.

Tom Bodkin: My name is Tom Bodkin and my address is 700 Hulman Building. I am an attorney here in Evansville and I represent two of the remonstrators who are in the room this evening. If I may approach you gentlemen I have a document that I would like to hand you. It is a colored, if you will, a colorization of an aerial photograph reflecting the site and the black and white crosshatch with the balance of the parcels around it on the same side and in fact I think the other side of Kansas Road that gives you a good feel for what the area is physically like today. I suspect, gentlemen, that most of the people standing behind me except for Mr. Shively and his client are here to remonstrate against this petition. I only represent two of them and I don't know how many more may choose to speak, but I would suggest to you that the remonstrations, to the extent that it is relevant to you at all, is heavy. Let me clean up a couple of points real quick. Mark Schutz, I believe, is the developer of the parcel to the north that is proposed to be developed called Eagle Crossing, is that right?

President Tuley: He is one of them, yeah.

Tom Bodkin: My understanding is that Mr. Schutz is not taking a position that he is for or against this. He has apparently his own reasons for not wanting to be involved, so my information is that he is not saying that he is in favor of it, he is taking a position that he is not going to take a position. I find that significant. I find also a couple of other points of significance. The

Vanderburgh County  
Rezoning Meeting  
October 21, 1996

7

document, I think, that you were just handed looks like this and it has a letter from the State of Indiana dated May 2 with a map on it. As I read that letter that map and letter dealt with the acquisition of a piece of right-of-way along Seib Road for doing a sign as opposed to doing construction. However, I did request today from the Evansville Urban Transportation Study and they were kind enough to supply me with not only their report, but also a copy of a map which is the State of Indiana's plan. I think that is in your packets, gentlemen, reflecting what the State of Indiana says that it is going to do with this intersection. If you've got the same as I do, the word says question mark trucks, question mark here on Seib Road. Rose Zigenfus tells me that was put on there by EUTS. They can't figure out how tractor-trailers are going to make an almost 160 degree turn to get into anything built in that corner and that is one of the reasons EUTS is recommending to you that these roadways will not handle the kind of truck traffic that will come from this kind of development. We are talking about a tractor-trailer facility. I assume repair, painting, whatever you do to tractor-trailers. Mr. Shively just indicated they need all 36 acres even though only a small portion down in the corner of Seib Road and Kansas Road is where the building will be and I think in your packet there is a plot plan or a site plan that reflected the building with the balance of the 36 acres being substantially untouched, as it were. I assume, and I can only assume since we have no detail as to exactly what they are planning to do that the people that my clients who live just north on Seib Road and look down on this site will have the privilege if you grant this zoning of looking at 36 acres of tractor-trailers lined up in the floodplain, part of which is in the floodway. I am not sure whether that violates DNR rules, that is parking tractor-trailers in the floodway, but I suspect it may. There is no question, gentlemen, that all of this entire site, the entire 36 acres, is either in the 100 year floodplain according to the report from staff and a chunk of it is in the floodway. In your packets there is a map that delineates where the floodway is and it is a long creek, obviously on both sides of it. A substantial portion of this parcel is impacted with the floodway. As you know from your own ordinance which you have adopted for flood hazards in this county, there can be no construction in the floodway without a permit from DNR. There can be no construction in the floodplain, you can construct in the floodplain, but you can't construct buildings in the floodplain. I don't know what the plan is. I don't know how much fill dirt is going to be brought in in order to raise the sight of the building. How big is the building going to be? Are they going to raise all of this 36 acres out of the floodplain or are we going to leave it in the floodplain, so that when we have a storm like we had just this year in that area I think these folks would be glad to attest to you how much water was down there. It was substantially more than any of you would want to deal with. We are going to have all 36 acres, except for what they raise, full of tractor-trailers sitting under water. Your master plan is new. You just adopted it again very, very recently. I suppose we can debate over what the maps show. All I can do is request that you look at them when we get to them in a moment, but I would note for you that in your own master plan, in your brand new one, you noted on Page iii two different interesting problems

both of which really exist here today. You noted that here in Vanderburgh County based on building permits issued since 1990 that the continued housing need has increased and you projected in your plan that by the year 2015 you are going to need 3,200 more units for people to live on. Five square miles of more residential land for people in this county, not in the city, in the county, to live on. You also said on that page:

"Of the many areas designated in the plan for future residential use, the most growth is anticipated on the northeast side between McCutchanville and Boonville-New Harmony Road."

Right where this site is at, gentleman. You also noted that the plan, the master plan, calls for protecting the residential character of neighborhoods from intrusion by incompatible uses. At Page 20-1 of your own master plan you noted that it was likely that there will be development proposals which do not conform to the Comprehensive Plan. My clients submit to you gentlemen that this is exactly one of those proposals. In fact, it may be the first one to come to you under the new Comprehensive Plan where you are actually going to have to deal with the proposal in light of the plan that you just adopted taking this county's projections through the year 2015. You recognized when you adopted your plan that you were going to be faced with this problem and you advised the public that there were certain principals that you were required by law to follow and you set them out in the plan on Page 20-2, 20-3. There you said that Indiana law mandates that zoning be in accordance with a comprehensive plan and to be designed to accommodate anticipated long range future growth to assure conformity between zoning regulations in the Comprehensive Plan and to provide for an orderly and responsible sequence of development, the following principals should be employed. You told us as lawyers and as the public as taxpayers and citizens that zoning should be used to guide development activities into appropriate locations and to enforce density in other development and redevelopment standards in accordance with the plan. Secondly, you told us the zoning district should be designated and administered in such a way that protection is given to the existing and future use areas from encroachment by uses inconsistent with the plan. Those were the two guiding principals of your plan that you said that you were going to apply to rezoning petitions. To help you in deciding how those principals were applied you then listed on Page 20-1 and 20-2 of your plan nine specific criteria that you said you were going to apply. First you said you were going to look at the suitability of the property for the use allowed under the current zoning ordinance. The current zoning ordinance for this parcel of real estate, gentlemen, is AG. There is no question that it is suitable for agricultural use. That is what it has been. There is also really no question that it is suitable for residential use. You have said that because your own zoning code allows single family residential use to occur in AG zoned property. You also had before you a month and a half or two months ago a parcel of real estate located not too far from here that was in the floodplain that is being converted to a single family residential subdivision. One just off of Old State Road just a little bit south of that, so we

Vanderburgh County  
Rezoning Meeting  
October 21, 1996

9

know that here in the county the fact that it is in the floodplain does not eliminate nor require that it not be developed residentially. In fact, we know it happens in Vanderburgh County. Secondly, you said you were going to look to the zoning of the adjacent properties. The zoning of the adjacent property, gentlemen, along Seib Road is agricultural or R-1, as you will note, except for the parcel that Jeffries sits on, the piece which is actually east of Seib Road. Everything else to the west is zoned agricultural or residential. You have a subdivision that sits just below the town park of McCutchanville, you have the park itself, you have a golf course coming in, you have a proposed subdivision to the north of this 100 acres, you have another subdivision that is planned and Mr. Bohleber is going to talk to you about that in a minute, immediately south of this parcel on the other side of Kansas Road right across the road from it, and there is a church going to go in right on the corner. The only commercial zoning on this side of Highway 57 is an already existing piece of real estate. It has been there as long as I have lived in Evansville and it has been, basically, used for the same thing as long as I've been here. Now the people who are coming out today to build residential structures know it is there. They can make the judgement whether they can live with that, but they do rely, gentlemen, on your plan which talks about where you expect commercial growth to go and where you expect residential growth to grow and you said it in your master plan. Another thing you said you were going to look at was the length of time that the subject adjacent properties had been utilized for their current uses. Well, its got nothing on it today, so I assume since the good Lord made it, its pretty well been used as agricultural property. We know the parcels around it other than, again, the one piece of commercial property on 57 have been used as either agricultural property or residential property for as long as anyone around can recall, by and large. That principal, that criteria, if you will, mitigates against changing the character of this neighborhood. You also indicated that you were going to look at seven or eight other items, there again, in your own master plan on Page 20-1 and 20-2. I'll be glad to read them to you or you can read for yourself, but what you said is that you are going to take those nine criteria and you were going to apply them to this particular zoning petition or any other and if you apply those criteria, if you test this petition against them the following things become very, very clear. Number one, the parcel of real estate at issue is suitable for ag or residential. We know that from your own experience, we knew that because your master plan says it is. You did not zone it so it could not be used for either of those purposes. Secondly, the adjacent properties are ag or residential and except for the one, have been that way for a long, long period of time. Thirdly, EUTS tells you that the roadway, Kansas Road and Seib Road, won't handle the traffic. As I have already indicated to you, it is my understanding of the EUTS map in your packet, but what INDOT is going to do at Kansas Road and Seib Road is not designed to deal with this tractor-trailer place coming in. It was designed to deal with turning radii just on and off of Kansas Road. You have to then ask yourself what is going to happen to you as Commissioners if you allow this kind of heavy use to go in and all the people on Seib Road and Kansas Road now no longer can get out because the

tractor-trailers are going to stack up going in and out on Kansas Road. EUTS noted for you in their report that when this is done the parcel at issue here was going to be 40 feet from the stop bar for State Road 57. A typical tractor-trailer is a lot longer than that. The trailer is longer than that, let alone the tractor. Fourthly, what detrimental impact to the adjacent property is going to occur? Now at the Planning Commission, we noted and I would note for you again, that indeed the developer called all the neighbors together and said here is what I am going to do, what do you think? My clients said I don't like it. I want it to stay residential or ag. Others had other debates and not much was done, but, gentlemen, under C-4 under your zoning code there are 173 other legal uses for this parcel of real estate. They are telling you that they are going to put this particular development in. They may or may not, but if they don't there are 173 other uses for that parcel immediately because you are being asked to take a piece of real estate from AG to C-4 with absolutely no restrictions on use. No commitments, no guarantees. Therefore, what you have to do, it seems to me and you so said under your plan, is to take a look at all of those 174 uses in C-4 zoning and determine whether those are what you want to go at that location. Is that what the people want? You cannot rezone this property believing that there is no commitment that nothing else will go in because that is not the case. There is no commitment from this developer that no other use will be made of that property but this use. What is the character of the neighborhood? We've already talked about that. On that side of Seib Road it is not commercial. The proposed land use plan in my opinion as set forth at Page 7-6 of your master plan does not call for this area to be commercial, but, in fact, calls it to be residential. Now we can debate, I guess, and we can have realtors go out and tell use what they think it ought to be used for and I'll guarantee you every realtor in the world will tell you he would love to have it C-4 because he can get a lot more per acre for it than he can get if it is AG or R-1. The bottom line is your maps, gentlemen, the maps that the Plan Commission submitted to you and you approved as Commissioners, called for this real estate to be residential. The only little place in your map that it called for it to be commercial is exactly where it is commercial today and that is east of Seib Road, not west. It is the place where there is already a heavy commercial use that has been there for many, many years. That is in your map. Now if I am wrong and you remember that is not what you meant by your map, then so be it, but all I can do is look at the map contained in your plan and try to advise my client what you have said you are going to allow property to be zoned in this county. Interestingly enough, you called for this area to be residential and you did have that on your map. In fact, you called it Area B on your residential area and that is Page 7-6 of the master plan where you said this area covers portions of northern unincorporated Center Township, southern Scott Township and the northern Old State Road corridor. City water and sewer service is available in most of the area although certain portions do not have these services, for further information contact the city. Then you wrote most of the residential growth should be single family subdivisions with a range of lot sizes. The area is attractive for this type of development due to its wooded and rolling topography. Other factors making this area

Vanderburgh County  
Rezoning Meeting  
October 21, 1996

11

attractive for growth are that a school and golf course are proposed on Petersburg Road in the McCutchanville area as demonstrated on the map. The proximity to U.S. 41 for access to the city, the Toyota Plant and expected spin-off development and the appeal of rural communities such as Darmstadt and McCutchanville. Gentlemen, when you drew your maps and you wrote the words and adopted the words you told us through your maps that are not proposing that this area go commercial, but, in fact, should stay residential. The map in the master plan identifies it as well because you did, as I indicated, carve out only the little corner if you will look at the map where Jeffries is now, it used to be Banner, I guess. You had an interesting statement to say in the master plan and it really is the crux of the reason that we are here debating tonight. You said that what you wanted to do was to include uses only for residential use in the future so as to avoid encroachments and then you wrote at Page 8-4 of your master plan that encroachment of commercial development into residential areas is often viewed in a negative way by residents of the neighborhood and that is true. The typical problems caused by encroachment are increased traffic, parking and change in the neighborhood character. Then you wrote that market forces could make residential conversion and encroachment very attractive in some areas, therefore, concerted efforts are needed to limit encroachment and conversions in residential areas. That, gentlemen, is what we have here. The ground is cheap. Now what did you tell developers in this county? Where do you want them to go with this kind of development? You told us that. You've spent millions. You're about to spend millions of more dollars on roads in addition to telling us where you want it to go. You're doing a TIF bond to build one of them right now or are about to. What you told us in your map because you've got a map telling us where you want the commercials to go. By the way, this is C-4. That is the heaviest commercial you have short of going into a manufacturing category. You told us in the maps that you wanted it along the Lloyd Expressway, you want it along Green River Road and you wanted it in Burkhardt Road corridor. That is where you proposed it to go and you proposed it to go there because you've made the commitment of the taxpayer's money and the developer's money to build the roads that can handle that kind of traffic. If we rezone this, gentlemen, are you prepared...where are you going to find the money to rebuild Kansas Road? Where are you going to find the money to rebuild Seib Road? Will the parcel next door stay AG? I suggest to you that it will not because you see we've already got this little piece along 57, so why don't we have another little piece on the other side of Seib Road and then, of course, we pyramid it. It's a great game. I have played it before when I represented developers and I probably will again, but the bottom line is that your master plan said this is not where we are going to do it. You said a couple of other things and then I will shut up and sit down. What you said in your plan was that you should only encourage those commercial uses in or adjacent to residential neighborhoods that primarily serve neighborhood residents. Now I suggest to you that I don't think you are going to find many tractor-trailers parked in McCutchanville or at that church that is going to be built or the new subdivision on the south side or anywhere up and down Seib Road. Therefore, the only possible resident in the neighborhood

that might use it is a competing business that I suggest to you probably doesn't need them. You also said that we should direct new commercial development into the existing commercial areas prior to rezoning new land. If they were here telling you there was no land left and that under your master plan we have used it all then perhaps you have a different argument, but you know and I know that is not the case. You should avoid inefficient strip development. That is in essence what is going to happen along Kansas Road. Lastly, you said that you weren't going to spot zone commercial property, and that is really what this is as well, particularly in those areas reserved for residential use. This subdivision or this zoning, gentlemen, does not meet the criteria of the master plan. We have already spent much treasury on developing road systems for heavy commercial traffic in this county and Kansas Road and Seib Road were not the targets for that expenditure. The neighborhood is residential not commercial. The intrusion of massive heavy truck traffic into a facility located in the floodplain and part of it in the floodway is exactly what the plan said you should not do. My clients request that you vote no on rezoning this real estate.

Steve Bohleber: Good evening, Commissioners. My name is Steve Bohleber. Like Mr. Bodkin I only represent some of the people who are here this evening opposed to this rezoning. I think I made a tactical error. I let Tom go before me because he is older, but I didn't know he would talk that long. I share his sentiments as do my clients. I want to put a little different spin on the things that Tom has talked about as they relate to the developers of North Ridge Subdivision. I am showing you a rather localized map to give you an idea of the location of North Ridge as it relates to the proposed rezoning. My purpose here this evening is to represent some of those developers that Mr. Bodkin alluded to that had taken you at past representations and taken you at your plan that this was going to be a residential area. It is those folks and I guess vicariously the 108 families who they are developing lots for at this site who are here through me this evening. My clients had some degree of reluctance to hire me because they, like the petitioner, who you know are builders, developers and entrepreneurs committed to improving Evansville to helping the local economy and being a proud part of Evansville's growth as we enter the 21st century, but when they carefully looked at the impact of this development on them and the area they reached one conclusion it was wrong for this area. It is wrong for the residents, many of whom are here this evening and some have already spoken through their attorney. It is wrong for historic McCutchanville and I think someone is going to talk about that in a very passionate context in a few minutes. It is wrong for the church that is about to be constructed adjacent to my clients subdivision across Kansas Road from this proposed site. It is wrong for the environment of the area as well and we will talk about that in a few minutes. My clients could only concede after looking at it that it was wrong for them and their economic future and for the 100 plus families they intend to work with as partners developing between 15 and 17 million dollars of homes for these 108 people along Kansas Road. We tried to group their major concerns into three areas and I want to talk about those briefly and there is no particular order of importance because we feel they are all critical. First of all,

there is the traffic and safety issue and Mr. Bodkin has alluded to that. The staff field report points out:

"Kansas Road is a rural residential street."

Seib is even narrower and creates more precarious situations. The configuration of Seib, Kansas and State Road 57 that came about as the county developed county roads and then the highway cut across our county later on has created an interesting situation. I suppose I could say that it sort of looks like the results of a food fight at a spaghetti factory because we have them running in all directions. If you look at it and the graphic that I passed around enlarged that intersection as it stands and it won't be dramatically changed by the improvements made by the State Highway Department because you still have the two fundamental traffic problems. Traffic from the north on 57 which must practically make a U-turn to access Seib Road. From the south, traffic must jog in excess of 90 degrees to the left and then immediately jump to the right to access Seib Road. The improvements will only widen this problem area. They won't eliminate the need for a U-turn or for a zigzag turn. As I drive around the city of Evansville I see major arteries where semis have trouble negotiating 90 degree turns. There are at least two intersections that I travel going to and from my office each day where I am almost run over by semis as I am sitting there at the light watching them turn and come over the median almost tumbling toward me. Ninety degree turns are difficult enough. We are asking them to do much greater than that to access this site. It is not inconceivable that traffic jams, jackknife and accidents can be expected if we are looking at heavy truck traffic. It has nothing to do with the width of the road or anything else that is another concern that Mr. Bodkin talked about, but rather was simply that intersection itself. The second concern from somewhat an environmental standpoint. The staff field report points out and it is abundantly clear from other presentations that:

"The entire parcel is in the flood zone. DNR has designated a large portion of this property as floodway which requires a DNR permit prior to any cutting, fill or other land disturbing activities."

All 36 acres are subject to periodic but yet very predictable flooding from rains. My client has seen it twice this year and he hasn't been out there every day like some of these people who live there. The water that doesn't percolate in the soil and hence into the water table, runs into Ferlich Creek. It heads south between the church next to my subdivision bringing with it all the natural and introduced liquids and solids that might be spilled or introduced into that 36 acres. Semis or any vehicles in any states of repair or reconstruction have the potential of adding significant pollutants to this natural watershed and dumping those on everybody to the south along the creek. Drainage is an ultimate concern and that is pointed out in the staff field report, too, saying that your very Drainage Board is going to have to look carefully at this if it is developed to make sure it doesn't increase drainage problems in the area. It is inconceivable that

this petitioner will be able to develop this floodway and floodplain despite the infusion of the money necessary to elevate it to get the permits and to comply with environmental regulations to the point that there can be relative safety, but not environmental degradation will occur affecting everybody to the south which includes my clients. The third area of concern is the aesthetics of the situation. People don't move to the suburbs to invest in their dream home to see a C-4 semi repair reconditioning operation across the road or for that matter the 173 potential C-4 uses. They do not want to see semis bottlenecked at the closest intersection that they have to the outside world and they don't want to see the possibility of large signs, even billboards, towering above the landscape but yet all these things are possible if this rezoning change occurs as presented. There are no restrictions, no commitments and no real plans to develop the entire 36 acres at this point, at least as I understand it. No amount of screening, as pointed out, is responsible for them to do will shield the residents from the inevitable results. The trees are there performing a natural function at this point along the creek, but they only have leaves part of the year since they are all deciduous trees. When you add the traffic and safety hazards, the environmental concerns and the aesthetics together, my clients, the developers to the south, can reach only one conclusion. This is an economic disaster for their subdivision and a problem for the area that should not be permitted to go forward. Eight of the ten Area Plan Commissioners, including Commissioner Mourdock, reached that conclusion on October 2 when they recommended the defeat of this petition. My clients simply ask that the Commissioners at this dispositive vote follow suit this evening. Thank you very much.

Dennis Elpers: Good evening. My name is Dennis Elpers and I reside at 7220 Henze Road here in the county. I am a Trustee at Fairhaven Christ Fellowship Church and I am speaking on behalf of the church and members of that church, many of whom are here this evening. We purchased 12½ acres at the corner of Kansas Road and Highway 57. It is immediately south of the property that is under discussion here. Our intent is to develop that as a worship center. Develop it for religious education and also recreational facilities. We were very much aware of the master plan for development in the area when we made this purchase. We knew that it was residential and felt that was appropriate and agreed with it. Now we are faced with a heavy truck repair business here. We weren't notified or invited this summer to this early meeting. If we had been I would have expressed a lot of concern about the truck traffic. I would have expressed concern about safety, about noise and about adverse effect that this would have on our property and the other adjacent land owners. I guess that is the same message that I wanted to convey to you tonight that on behalf of myself, the congregation that I represent, that we urge a no vote on this proposal.

President Tuley: Any other comments?

Greg Donaldson: My name is Greg Donaldson and I reside at 2225 Kansas Road which would be, gee, it's hard to know the direction out there, but it would be directly west and on top of the hill

that the housing development is. Their property, that 55 acres, abuts my property. I want to start by saying this, I knew about that 55 acres being developed and we are not here about that. That has already been approved. My property being abutted I can tell you and it hasn't really closed, but we were just in the process of buying it and I am not generally a remonstrator by any means, but I can just tell you from where I live looking over this beautiful valley it was not my number one pick to have a pretty high intense housing subdivision right across my fence row. What I want to say next kind of makes me share with you why my wife and I did not come and remonstrate and that is that McCutchanville is not your ordinary burgh. I quoted last time and I will try again, but I just read the little book by Ken McCutchan, From Then Until Now, which recants the history of McCutchanville going back to 1810 and talking about all the families that are still there. It is very unusual. You may find this in Darmstadt, you may find it in St. Wendel, but you have still a lot of McCutchans. You still have Moffetts, you still have Liggetts, I guess, you still have Iglehearts. You have these families that have lived there since almost the beginning. They all came from Scotland and Ireland and England and then they even let some Germans in that came up from Evansville! Now, the point is this, I don't know how you want to call it, but McCutchanville in my judgement, and I have lived there for 20 some odd years, is a precious jewel. I want to talk to you about what is happening. We all have to be for progress and we all are. At one time this summer I was told, we sold our house to a person who came from Arizona. At one time this summer in our price range which is sort of in the price range of these houses that are going to be built in the subdivision right below me, but there were only five houses in the McCutchanville area that were for sale in that price range and yet that area is very desirable because there hasn't been sewers out there so we've got all these 2½ at least, and five acres and 10 acres and you could quickly say well, that is where all the big houses are. Well, that's not right. If you travel Browning, Petersburg Roads through there it is an interesting place in that it is all kinds of people. It is big houses, but strangely enough there will be little houses right next to them. I've made a list, it's a place of community, it's a place of wide-open spaces, it's a place of...primarily it has been a place of people, children, families, and a church or two. There is a golf course out there. There is going to be another golf course. There is a school that is going to be built. It is a place where people just pitch in. They just pitch in and they do things. I think I said last time the Garden Club is probably the most influential political group going! But it is not a place where people ban together like this if it doesn't really count. Finally, I want to say this and I think this is really important. I think Mr. Bodkin mentioned this. I want you to think about what is happening to McCutchanville, this precious jewel. It is always by degrees. It is always a little at a time. It is never a big chunk, but seven or eight years ago we lost the southern part of McCutchanville to the airport. There was a rerouting of the road and a lot of houses went. Not as many as could have, I thought they did a decent job of saving as many as they could. You go over to the Highway 41 corridor and it is just hotter than a firecracker over there. I mentioned last time that you have this kind of...the

way Evansville is that we've got this Baumgart Road that swings around and I mentioned Shoe Carnival, their warehouse is right there and now there are other businesses going on the east side of the old Baumgart Road which is right...there is a subdivision right there. We have the Highway 41 corridor that is coming this way, we have the airport on the south and on the east of McCutchanville, I'm talking about the heart of McCutchanville, you have the wrap around of the airport industrial park. I remember with my own ears when that was built there was a great hue and cry from McCutchanville people about you turning this thing into an airport industrial...you know, we're going to be like St. Louis where people complain about all the airplanes coming over the top of them. There has always been a lot of attention to that and he said no, no, no, Highway 57 will be the border. Now, the problem and I can really close with this, the problem is that you can say that this Ferlich Creek which I was happy to learn the name of that creek. My boys and I have always called that Courageous Creek, but it is Ferlich Creek. That is a natural boundary. It has a lot of scrub trees along there and we could say that is a buffer, but it is not. I mean, the leaves are gone practically now. It is just skinny trees standing up. The next point is that there is another creek and it is a creek that you folks, I'm sure, required Dan Buck and his group to form that lake. There is another pretty stiff creek up on the side of the hill...not on the side of the hill, but just up another 500 yards or so on the Erskine lady's property and you could just as easily say well, let's just go up there. Let's just go up there. This is the last thing is the encroachment of McCutchanville, the heart of McCutchanville is by degrees. I think there is better places for this project to go. Go over on 41, I mean, that is where all the truck outfits are now. Go over there. You know, we're not fighting that, but we are fighting this. I don't know because I don't come to every one of your meetings, but when there is the new big subdivision going on in McCutchanville, but I don't think or you don't generally have giant fights because most of us love that place. We do. You don't move out of McCutchanville very often or we talk about you! If you move to the other side of town, but you don't. People do not move out of there and they don't move out of there because it is this precious jewel. It is this place of community. We are not fighting all those subdivisions because if we fight those subdivisions we are hypocrites because we love living there and what it has done for us. We are not about to come out and fight every time that somebody wants to build another subdivision. We just don't do it. Now maybe there are a few, but they've got their own reasons, but the community doesn't show up like this. This time the community is showing up because we know that we would much rather have another 55 house or whatever is going to be on the Erskine property or on this property that we are talking about. We would much rather have that than to have a truck plant because what happens? A truck plant is going to stop it and it is then going to be a toss-up as to which way it goes. On the other side of Kansas Road is it going to be commercial or is it going to be residential? Then in closing I want to say one thing about Kansas Road. I have walked that and my wife has walked that. Half the people in this room have walked that all their lives. We don't have sidewalks as you know. You've heard about that before, I'm sure. We walk that

Vanderburgh County  
Rezoning Meeting  
October 21, 1996

17

road. That is our road. We call that the holy road, as a matter of fact, and now they've got a church on it. That was a chip and seal road ten years ago. They came through, thank goodness, and they paved, but you know that they come through every year and they stack up some rock on the side of that road. I'm sure you guys are into that and they pave over it. It keeps falling apart, falling apart. There is a bridge there that only one car can pass. It's a country road. Keith Lochmueller, who was quoted or was spoken about earlier, if he knew that there might be trucks on that road he would die. It just can't handle them. Anyway, I just ask you, not that I want to stand in the way of progress, I am absolutely for it. I know this is a great disappointment to the developers, but there has got to be a better place where it does not interfere with a precious place that we know and love as McCutchanville.

President Tuley: Thank you, sir.

Clem Frank: I would like to say one thing. If Kansas Road is a country road, Kansas Road is 24 feet wide. Petersburg Road is only 18 or 19 feet wide and we've got all the traffic running through McCutchanville. How can you call Kansas Road a country road?

Les Shively: Mr. President?

Clem Frank: New Harmony Road is only 18 feet wide, it takes all the traffic off I-64--

Les Shively: Mr. President?

Clem Frank: --all the way over to 41--

President Tuley: Mr. Shively.

Clem Frank: --57 is only 26 feet wide, Highway 57.

Les Shively: Mr. President?

Clem Frank: Seib Road is 19 feet wide.

President Tuley: Sir, if you--

Commissioner Mourdock: Mr. Shively, you have the microphone.

President Tuley: --yes. If you would like to address the Commission would you please come to the podium and do so?

Clem Frank: That's all I have to say.

President Tuley: Okay, Mr. Shively.

Les Shively: Mr. President and members of the Board of Commissioners. Let me start with Mr. Donaldson's remarks and again I want to focus on land use. Mr. Donaldson made some excellent points and I want to review those with you. He talked about Baumgart Road and the development in that area of Baumgart/Heinlein Road. He is absolutely correct and the interesting thing is, and

I am sure Mr. Donaldson would agree with me on this, the commercial development that is going along the east side of Baumgart Road and the commercial subdivision were done by the same developer approved and laid out at the same time of one of the most successful developers in Vanderburgh County, Mr. W. C. Bussing. They are selling lots and the commercial is there and everybody is happy and it has peacefully coexisted. If you have been down Heinlein Road compared to Seib or even Kansas Road makes Seib and Kansas look like an interstate. I also submit to you that in terms of Kansas Road, Kansas Road as I indicated earlier by the photographs, as you traverse on the east side of Highway 57 to the industrial park to the industrial development, not commercial, but the M-2 area is the same width and it doesn't even change at all, so obviously it is adequate. With regard to all the discussion about DNR and water and whatever I am not going to get into that, but I would remind...I don't have to remind this Board that you passed a very comprehensive county wide development over five acres. We will come back before this body for our entire surface water plan which will have to be scrutinized in great detail. As you know, we have also dovetailed on that Rule 5 of IDEM with regards to erosion control and other matters as well. With regard to the other matters that Mr. Donaldson pointed out about the assaults on this subdivision or to McCutchanville...first of all, before we talk about assaults let me show you that the area of McCutchanville, the largest section of McCutchanville is all over here. The area that we are talking is way over here by Highway 57 of which the entire eastern border is bordered by C-4. The entire eastern border is C-4 with a truck company here and truck company there. The assaults that have occurred to McCutchanville to the south were not the result of commercial encroachment. Not the result of some industrial plant, but were a result, unfortunately, of local government and the Air Boards manifest and expansion which is still in process which I think is ill-advised and wrong and I have worked with some of those people out there and I think that is a horrible plan, a horrible idea. What we are doing here is not inconsistent with what is already out there. With regard to moving vehicles in and out of the area and we said this at the Planning Commission and I will say it again, before we pull any permits, again, we'll have to come before you for the drainage plan. We will also have to go to site review and design an ingress/egress plan that in fact will be approved by EUTS. The Indiana Department of Transportation is going to improve this intersection. They are not improving it, ladies and gentlemen, for purposes of residential development. They're improving this because of what is taking place in the area. Highway 57 is a state road carrying commercial traffic. That is why they are improving that looking at what is down the road for a plan. With regard to this notion, Mr. Bodkin used the term pyramids and said he's done it before and will probably do it again. I don't do it for clients and I am not doing it tonight and I won't ever do it again. Let me tell you what the best check here is. The property located immediately to the north is owned by the same property owner who intends to develop it for residential purposes. Why would he take part of this 50 acre tract here and do something with it that jeopardizes the single family residential development he wants to do here? It just doesn't make sense. Number two, Mr. Bodkin's client is not adjacent or across from the

area that we are trying to rezone. He is over here across from the area that we are going to keep as single family residential developed as single family residential. Mr. Bodkin also made light of our real estate experts. Well you know all real estate experts or all real estate brokers look at commercial because there is more money in commercial. Not this particular expert. All he does is residential. That is why he has the CRS designation. That is why we chose him to render this opinion. He makes his money, he makes his living off of residential development. That is how he looked at it. He is not a commercial man and that is his opinion which is part of the record. Let me say this, the Comprehensive Plan is not conclusive as to what is in store for this area. In fact, one of the shortcomings of our Comprehensive Plan is that I don't think it gives us a detailed enough view especially when we designate large areas undeveloped. What kind of guide is that? I will say this to you, it is not your plan. You didn't adopt it. You didn't approve it. It was approved by the Area Plan Commission. Unfortunately, from time to time you have to deal with and pay the bills associated with it, but I would submit to you that the Comprehensive Plan, even in its most recent state, is not much of a guideline. What is a guideline are market forces and what is actually out there. In the entire eastern border of this property from north to south is C-4. It always will be C-4. There are a lot of people in here this evening that are opposed to this, obviously, and we understand the dynamics of how that plays in these decisions. We understand that the Indiana General Assembly vested in the legislative body of where the property is located the right to make change in land use decisions. They have vested you with that authority because these decisions are important and they don't just impact the people that show up for the public hearing. There are 165,000 people in this county that want to see quality development. They want to see progress. They want to see new jobs and they want to welcome new businesses to Evansville, Indiana and to Vanderburgh County. This plan will not affect McCutchanville. This plan will not affect existing or proposed residential development. That is not just my hope or my wish, again, Mr. Donaldson's example at Heinlein and Baumgart is an excellent example how the two on the edges of the north side area can coexist. We think this is good zoning and we ask for your favorable action on this request this evening. Thank you.

President Tuley: Somebody else that wants to address?

Unidentified from audience: Can I make one little comment?

President Tuley: Sure.

Unidentified from audience: I think most of it has been said tonight--

Commissioner Mourdock: You need to state your name.

Martha Vibul: Okay, Martha Vibul. I live in McCutchanville. I have lived there 22 years now. I would just like to say that I am against this. Mostly because of the aesthetics, but I also would like to let you know what it is like to sit at that intersection

when you have truck traffic coming down 57 either direction and turning east into the industrial park you sit there, you wait for trains, you wait for trucks and since there are three intersections there, Seib Road, 57 and Kansas many times, especially in the morning when people are going to work or coming home, you have to hold back before you even get to the intersection so you let the Seib people either come in or out and then you cross the highway. In the winter time the snow removal on Kansas is nill. In fact, I tell my children not to even go down it if there is any snow at all because the county just doesn't get to it. I just hope you vote against it. I'm just really upset about it. Thank you.

President Tuley: Questions or other comments?

Unidentified from audience: Yes, I would like to make a comment.

Chuck Meny: My name is Chuck Meny and I live on Seib Road just a little bit to the north of the land. Not a lot has been made about the water and I can't imagine this because there are many times when we have a really hard rain that you cannot get out Seib Road. You have to go up the opposite direction and come out Boonville-New Harmony. It simply is impassable. There is...Seib Road is covered sometimes 100 to 200 feet of water back from Kansas. So, the water alone it seems to me precludes any possibility of having very much traffic there. The environment has been talked about, so, gentlemen, surely that is a tremendously important thing. It hasn't been stressed enough. We get covered up with water with a really hard rain. Thank you.

Clem Frank: Now I would like to say something. I'm Clem Frank, I'm the owner of the property. I would just like to say that I had this property sold and it is contingent on the rezoning. Well, I've sat up here and listened to all of these pros and cons and some of them are true, but some of them aren't. Now I want to say that it is immaterial to me whether it is rezoned or not, but I am not calling this gentleman a liar but I have been out there when they've had the heaviest rain that they've had around. I have never myself seen any water over Seib Road. If water was over Seib Road it would be over Seib Road in the low part on the west side of Ferlich Creek, not where this property is located because this property is located on the high side. There is a low swag in there where that new subdivision is going across the street which is the lowest part of Seib Road. It is possible, I am saying that I have never been there when it was over it, but that is on the other end of Kansas Road. It doesn't affect 57 and Kansas Road. Talking about the traffic in and out, I go by there three or four times every day and there is a little traffic occasionally when the factory over there that was Sunbeam lets out, but other than that there isn't too many cars or trucks either one that use Kansas Road because of the fact that it dead-ends at I-64 and it dead-ends at Petersburg Road. There is very little traffic on Seib Road because Seib Road is only a mile and a half long. It dead-ends at Boonville Highway and it dead-ends at Kansas Road. Kansas Road is 24 feet wide. Kansas Road is five feet wider than Petersburg Road that has been carrying 100 times as much traffic as Kansas Road. Boonville-New Harmony Road which runs into I-64 and runs all the

Vanderburgh County  
Rezoning Meeting  
October 21, 1996

21

way over to 41 and, of course, west of 41 it also...Boonville-New Harmony Road runs east of I-64. That road is only 19 foot wide and here the man calls Kansas Road a country road. You've got roads carrying 100 times as much traffic as that little old country road is going to carry for a couple hundred feet because those trucks that go in there...how many trucks are you going to have go in and out of a truck sales place? How many trucks are you going to have, semi trucks or big trucks, go in and out of a sales place? Talking about turning around, that is no problem. The guy is going to have it where you go in on Kansas Road, you circle right on around and come out on Seib Road. They are going to build that new intersection in there which there shouldn't be any problem. As far as the drainage or the water or anything, of course, that will have to be taken care of. Just like I said, everybody else was talking and I thought I would just express my views. The ideal for it is a commercial use. These people don't want anything in their backyard. They have no traffic out there now. There isn't a house facing Kansas Road. Not one house. There is a cemetery, church, another cemetery, and a church building on Petersburg Road. There is a house on top of the hill, I guess, it is the gentleman that lives in it that faces Mourdock or whatever it is that road that curves around. There is a cemetery there and there is a house on Petersburg Road. There is not a house on Kansas Road. Seib Road has probably ten houses on it. There is only one...there isn't a house located across from this property. The only house that is there is located up on top of the hill where I own the additional 50 acres which will be developed for housing. Down farther there is probably ten houses, I have never counted them, on probably Seib Road. There is very little traffic in there now. This will not increase the traffic at all, this 50 acres, but if it isn't approved tonight and I go in there and subdivide that 50 acres and have 100 acres of housing and you have 250 houses or 300 houses in there, that's going to cause a heck of a lot more traffic than a little truck deal that is going to have maybe eight or ten trucks go in it.

Commissioner Mourdock: For the purposes of a roll call vote I will move the approval of VC-8-96 which is 3000 Kansas Road from the currently zoned AG to Commercial 4, C-4.

Commissioner Borries: Second.

President Tuley: Roll call. Commissioner Mourdock?

Commissioner Mourdock: No.

President Tuley: Commissioner Borries?

Commissioner Borries: No.

President Tuley: I vote no.

VC-9-96

President Tuley: Bev, I take it Mr. Kent is here for this last one?

Beverly Behme: Yes.

President Tuley: Okay, the next one is VC-9-96. The petitioner is Alan Braun. The premises affected is 16680 Highway 41 North. The petitioner requests the change from C-4 zone to M-2 zone. Yes, Mr. Kent.

David Kent: Thank you very much. Good evening, gentlemen. My name is David Kent and I am an attorney with the law firm of Shively and Kent. We are here on behalf of the petitioner, Mr. Alan Braun. Mr. Braun recently purchased this property from the owner Gary Williams. I believe that transaction has not been completed yet, however, he is listed as the petitioner at this time. This is a very somewhat simple matter in the fact that this was in 1995 rezoned from AG to C-4. In that report as is in the report that the staff has provided today the use in the Comprehensive Plan is for an industrial corridor along U.S. 41 which we are asking that this be transferred from C-4 to M-2 to more fit the industrial idea of the corridor whereas the C-4 was more of a commercial development. The C-4 aspect was for an outlet mall that just plain did not go through. There weren't enough backers to bring in stores to make that a viable project forcing Mr. Williams to have to sell this property and Mr. Braun wants to develop this into a more industrial type of setting along with the Comprehensive Plan.

President Tuley: Are there any remonstrators or anyone that wants to speak to the issue?

Ted Karger: My name is Ted Karger and I live on Old State Road. Azteca has pretty much blown us away lately as far as the lights and the smell. I just don't want that to happen with any more stench, any more plants or whatever you guys might want to put in there. There are a lot of people that live there. The wind comes out of the west and the north and it kind of turns your stomach. I think you made a mistake when you put Azteca in there because of that reason. Let's not make anymore mistakes. Thank you.

President Tuley: Any other comments?

Commissioner Mourdock: Just a quick question for Mr. Kent. The zoning that you are requesting is M-2. Do you have anything specific at this point?

David Kent: At this point Mr. Braun does not have a specific plan for the property that I have or am able to give the Commissioners at this time.

Ted Karger: Can I say something?

President Tuley: Sure.

Ted Karger: If they have no idea what is going in there then how can you actually put a vote to anything if you don't know what you are dealing with? I think it shouldn't be allowed anything but C-4 until it is--

Vanderburgh County  
Rezoning Meeting  
October 21, 1996

23

President Tuley: It's already, yeah, I was going to say it is already C-4.

Ted Karger: I know. It should stay there until they figure out what they are going to do with it.

Commissioner Mourdock: For the purposes of a roll call vote I'll move approval of Docket number VC-9-96, 16680 Highway 41 North, from C-4 to M-2.

Commissioner Borries: I will second.

President Tuley: Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I'll vote yes. I think with the exception of signing that takes care of rezonings.

Alan Kissinger: I have one matter as far as rezonings are concerned. As the Commissioners will recall back in July we settled a condemnation case in reference to the Davis and Lant property which is out near the Green River Road/Lynch Road intersection. A part of that judgement from the Gibson Circuit Court was the rezoning of a particular piece of that property. Barbara Cunningham of the Area Plan Commission has asked that at our rezoning meeting tonight we make this judgement a part of our record to show that this particular property described in the exhibit that I have attached to the relevant portions of the judgement has, in fact, been rezoned from A to C-4.

Commissioner Mourdock: Alan...did I hear change the tape? Must be voices again! Just as a matter of law, how can we vote to change a zoning without the public hearing process that we just went through?

Alan Kissinger: I am not asking you to do that.

Commissioner Mourdock: I misunderstood then.

Alan Kissinger: I am merely for reference purposes, Area Plan, and I might mention parenthetically here that the judgement itself has already been recorded, but Area Plan Commission has requested for future purposes for people researching this particular piece of property and for people looking for a reference as to this rezoning this will actually cause the zoning map to be changed. The fact that we recorded it in the Recorder's Office doesn't generate that action. Just making this a part of tonight's meeting minutes will accomplish that.

Commissioner Mourdock: So as part of the condition of settlement we did not change the zoning?

Alan Kissinger: No.

Commissioner Mourdock: What did change?

Alan Kissinger: A part of the judgement--

Commissioner Borries: The judge's ruling.

Alan Kissinger: --order was that the property be rezoned, so the judge has usurped--

Commissioner Mourdock: Okay, so that is my question. As a matter of law a judge has the right to do that?

Commissioner Borries: That's right.

Alan Kissinger: Yes.

Commissioner Borries: A judge can overrule this Board.

Commissioner Mourdock: Live and learn!

Alan Kissinger: That's right.

Commissioner Borries: And it has been done before.

Commissioner Mourdock: And it was just done again!

Commissioner Borries: Which I strongly object to, but that is the way it works.

Commissioner Mourdock: All are created equal, it is just that some are more equal than others.

Alan Kissinger: All that I am asking is that the relevant part of the judgement entry and the exhibit describing the property be made a part of the record for tonight's meeting.

Commissioner Mourdock: I'll move the inclusion of those documents into tonight's record.

Alan Kissinger: Thank you.

Commissioner Borries: I will second.

President Tuley: So ordered. Any other business? Motion for adjournment?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 8:37 p.m.

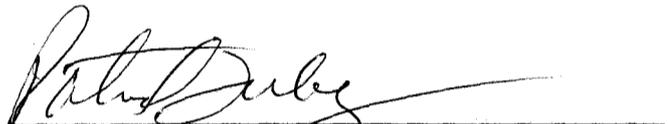
Vanderburgh County  
Rezoning Meeting  
October 21, 1996

25

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard Borries  
Richard Mourdock  
Suzanne M. Crouch  
Charlene Timmons  
Alan Kissinger  
Beverly Behme  
Don Jellison  
Les Shively  
Tom Bodkin  
Steve Bohleber  
Dennis Elpers  
Greg Donaldson  
Clem Frank  
Martha Vibul  
David Kent  
Ted Karger

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



---

Patrick Tuley, President



---

Richard J. Borries, Vice President



---

Richard E. Mourdock, Member