

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 8, 2013**

The Vanderburgh County Board of Commissioners met in session this 8th day of January, 2013 at 5:07 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the meeting of the Board of Commissioners of Vanderburgh County, January 8, 2013.

Attendance Roll Call

President Abell: Could we have the roll call please?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Melcher, would you like to lead us in the Pledge of Allegiance?

Commissioner Melcher: Yes, Ma'am.

(The Pledge of Allegiance was given.)

Election of Officers for 2013

President Abell: This is the first meeting of the Vanderburgh County Board of Commissioners for the year 2013, because it is our first meeting we will have election of officers. I would entertain a motion for the office of President of the Board.

Commissioner Kiefer: I would like to make a motion that Marsha Abell continue as President.

Commissioner Melcher: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: What if I said no?

Commissioner Melcher: You would be outvoted two to one.

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you. I'll entertain a motion for the office of Vice President.

Commissioner Melcher: I'll make a motion for the Vice President to be Joe Kiefer.

President Abell: I'll second the motion. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Grow Southwest Indiana Work Force: Chief Local Elected Official

President Abell: Under action items, the Grow Southwest Indiana Workforce, Jim Heck. Jim will be here to ask for a Commissioner representative for Workforce Investment Board.

Jim Heck: Good afternoon, Commissioners.

President Abell: Good afternoon.

Jim Heck: Thank you for allowing me to come here again today. It's been a little while since I've been here, but I wanted to tell you about some changes that have happened since the last time I came. You know, we've been operating under the Regional Workforce Board structure in this region. We're one of four regions that operate as a Regional Workforce Board. All the other regions in the State operate as a Workforce Investment Board. The State's Workforce Innovation Council voted at their last meeting that all workforce regions in the State of Indiana would have to become a Workforce Investment Board by July 1 of this year. What Angie has handed you is a time line. The first page is a time line of the events that have to take

place between now and then to make that happen. My coming here today is one of those things that have to happen. Each county, again, has to designate a Chief Elected Official from among the County Commissioners and the Mayors of any cities of 5,000 or larger. In Vanderburgh County that is only Evansville. So, one of those four have to serve as the Chief Elected Official for Vanderburgh County. I've talked with Mayor Winnecke, and he has agreed, if you guys are pleased with what he's done so far, he would continue in that, but if somebody else wanted to step up and do it, he would be okay with that as well.

President Abell: Do you need us to do that in the form of a motion?

Jim Heck: I do need that in the form of a motion and recorded in the minutes.

President Abell: Okay.

Commissioner Kiefer: I'll move then.

Commissioner Melcher: For?

Commissioner Kiefer: As he requested, move, you know, that we, that the Mayor does this as you outlined.

Commissioner Melcher: Okay, I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Jim Heck: I just want to explain a few things about the differences that are going to happen now because of that. Our current board is a 15 person board, we'll expand to about a 30 person board because of the required partners inside WIA. It will also mean that right now, currently, the Governor of the State of Indiana is liable for any misspent funds in this region, because he is by law the Chief Elected Official for this region. Under the Workforce Investment Board system it will be the Local Elected Officials in this nine county region that are responsible for those, any disallowed costs. Now, I can tell you that we have never had any disallowed costs in this region. We are monitored every year by an outside agency, by the State of Indiana, and by our fiscal agent. Then, we have contained in every one of our contracts that any costs that are deemed disallowed by the State of Indiana have to be paid back by the agency that makes those disallowed costs. Our fiscal agent is an outside third party. I think the City of Evansville uses them, or maybe the county, Crowe Horwath is our fiscal agent. We've been, we've used them for years and they do an excellent

job. They know Workforce Development inside and out. Once we get all nine Chief Elected Officials for the region, they will come together to elect a Chief Elected Official for the entire region. That has been Mayor Winnecke up to this point, and I see no reason why that won't continue to be, but then they also have to come up with an agreement of how that cost would be shared if any disallowed costs did happen. I don't, I want to assure that we will do anything never to have any, but I do want you to be made aware of it, because the elected officials are responsible for it going forward.

President Abell: We don't have any options, do we?

Jim Heck: No.

Commissioner Melcher: So, we're going to be responsible?

Jim Heck: Yes, but you come up with a formula on how it would be distributed among the nine counties. That's what the elected officials come together, once we have all nine of them, they'll come together and come up with a formula for how it would be allocated if there were any. Most counties, or most regions do it by population base. That seems to be what they consider the fairest, but again, that's not my decision to make, that will be the elected officials decision to make.

Commissioner Melcher: So, there's nine elected officials, but there's going to be 30 total on the board?

Jim Heck: Well, there will be about 30 people. It will vary, Steve, depending on, because you have mandatory partners, and the law requires that you have a majority of business people. So, if your mandatory partners amount to 15 mandatory partners, you've got to have 16 businesses on there, so you would be at about 31.

Commissioner Melcher: Okay, and if they make a mistake, they can outvote the nine elected.

Jim Heck: The nine elected do not vote.

Commissioner Melcher: They don't vote? The nine elected don't vote?

Jim Heck: Mayor Winnecke appoints all 30, or however many it ends up being, he collaborates with the other elected officials, the other eight, or the Chief Elected Officials for the region I should say, and then he would make all appointments. So, then that board acts on behalf of those nine elected officials, but has to follow all of the open door policies and all of the open door laws because it is appointed by elected officials.

Commissioner Kiefer: So, who else votes on this besides us? Will the City Council also vote on this?

Jim Heck: No, it's only the Commissioners and the Mayors of any cities of 5,000 or larger.

Commissioner Kiefer: Okay.

President Abell: What kind of exposure are we talking about financially?

Jim Heck: Well, very minimal. As I said, all of our contracts are covered with a clause that goes back to whoever makes the disallowed costs...the only disallowed costs that I can recall in the last 15 years were over in New Albany, and that was when a company went completely out of business and let the State, I just don't think that's anything to happen. We do bring in about two million dollars a year into this region, so, I guess, if you really put everything down, that is a possibility, although not a probability.

Commissioner Melcher: I'm still kind of hung up on the 31. So, everybody is going to be able to vote on everything except for the nine elected, that were elected. So, appointed people are going to make all of these decisions.

Jim Heck: Yes, sir.

Commissioner Melcher: And if something goes wrong, then it comes back on the elected people.

Jim Heck: Yes.

Commissioner Melcher: That doesn't even pass the smell test. You know, who, is this something new then, what you're saying?

Jim Heck: No, Steve, we operated under this system up until about eight years ago. It was the same system we operated under then. The Governor then, the new Governor changed it to the Regional Workforce Board, and we opted to stay under that policy as long as we could, simply because of this. Then, now, the State is saying, no, you have to go back to being a WIB, and then that policy is written by the federal government. So, it's not, you know, it's not like I can pick and choose or we can pick and choose. It's just the law.

Commissioner Melcher: Well, when you said you had the people Crowe Horwath, or whatever they're called now, they had a different name, who picks them, the 30 minus the nine?

Jim Heck: The, every person will be appointed by the Chief Elected Official that's on that board. Some of them are mandatory partners that we have to go to those mandatory partners and request that they submit names, and then that Chief Elected Official, and I would assume that it's going to be Mayor Winnecke again, would have the authority to say, yes, I'll take this person, or, no, I don't want this person.

Commissioner Melcher: Well, I'm talking, I'm sorry, maybe I confused you and me.

Jim Heck: Okay.

Commissioner Melcher: I'm talking about the fiscal person.

Jim Heck: Oh, the fiscal agent?

Commissioner Melcher: Yes.

Jim Heck: The elected officials make that choice.

Commissioner Melcher: So, they're going to make that choice? All nine, or just Winnecke?

Jim Heck: That would be, well, he will always consult with them. That will be at the first meeting we have, they will come together as a group and make that choice. So, it will be a consensus, or it just depends on how they want to run it, whether it's consensus or a vote, but one way or another they will agree on who the fiscal agent will be.

Commissioner Melcher: Because I know that same fiscal agent did the consolidation financial plan, and all they did was guess. I mean, they didn't really do the plan. They didn't redo it when it was over. So, I don't have a lot of faith in that plan, even though you said you've been okay the last few years, I have lost a lot of faith in that company, personally, because of what they did to the citizens of Vanderburgh County. They didn't use any kind of, they didn't use anybody to get some kind of a base to come up with whatever the figures were going to be. So, that's why when you said that, I thought, well, we've got to discuss that. Obviously, we don't have a say in that.

Jim Heck: Well, no, Mayor Winnecke, you have just selected him as your elected official from this region, so, or from this county, so, he will have input on who is selected as that fiscal agent.

Commissioner Melcher: Well, he knows they guessed too. So, that will be interesting to see what he does.

Jim Heck: I'm sure he would be willing to listen to what your concerns are. I've always found him to be willing to listen to the concerns.

Commissioner Melcher: No, I'm okay with Mayor Winnecke.

Commissioner Kiefer: Jim, a couple questions. One, is there some reporting requirements back to us? You know, when we appoint this, the locally, what's it called a CEO, or executive officer? Is there some type of reporting requirement?

Jim Heck: That would be up to Mayor Winnecke, how he wants to report to you. One of the things that I've given you is our annual report. We do a report every year. Every month we do a financial report that we can send to anybody that wants it sent.

Commissioner Kiefer: Well, I just meant, because if there's some concern about finances, if we could be potentially subject to some kind of financial requirements, you know, I think it would be important for us to be alerted to that if those discussions are occurring. I was just trying to decide if I needed to amend my motion to include that we get some type of report from this elected official, or this executive officer, if there is some kind of financial concerns that, you know, because I don't, you know, the Mayor, we're appointing him to do this job, but, you know, we also represent everybody in this county, and if there's some kind of fiscal concern we need to know it.

Jim Heck: I agree. We would be more than happy to supply you with any report that you would like. We do them already for the board.

Commissioner Kiefer: Okay, then, I'm going to amend—

Madelyn Grayson: The motion, you've already voted on that initial motion.

Commissioner Kiefer: Okay, then I'll make a separate motion then that we receive reports from either the Mayor or from yourself semi-annually. Is that good enough? Then, also if there's some concern that's going to cost us money, don't wait for a report, bring it to us so that we're aware of it.

Jim Heck: Sure, who would you like for me to send that to?

Joe Harrison, Jr.: The President of the Commission.

President Abell: Yeah.

Jim Heck: Okay.

Commissioner Kiefer: So, I make that motion.

Commissioner Melcher: And, you wanted it semi-annually?

Commissioner Kiefer: If that's okay with the Commissioners?

Commissioner Melcher: No, I'm okay with that. I'll second it.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I have a question for our County Attorney. Do we need to have some type of financial insurance on ourselves? I mean, you can't get a board of directors liability or anything, but—

Joe Harrison, Jr.: I don't know. I mean, my question to him, which I was going to wait—

President Abell: Oh.

Joe Harrison, Jr.: —until the end.

Commissioner Kiefer: That was my second question I was going to—

Joe Harrison, Jr.: I was curious what sort of insurance, do you know, is out there on the board or your organization for errors and omissions, etcetera?

Jim Heck: We do carry insurance on our board for just that, errors and omissions. However, I have looked into insurance about disallowed costs that could be, that may be able to be purchased, because this is a question we've asked as well. The State Attorney, or the State's Workforce attorney is looking into it, however, she feels that there is nothing at this time that can be purchased to cover for this type of, or for this kind of coverage.

Joe Harrison, Jr.: What about bonds? Is there any bonding that—

Jim Heck: Again, the board, we have officers and directors insurance, and, I think there's a bond for the people that handle money.

Joe Harrison, Jr.: Right, that's what I'm talking about.

Jim Heck: But, there is not, this kind of coverage is very odd, I guess, and from what I've been told by the attorney is that you can't purchase it. But, again, she's looking into it, and is supposed to get back with me so that we have that information when we go to the meeting of the nine elected officials.

Joe Harrison, Jr.: Well, I've got to believe that the people handling money, they have to be bonded—

Jim Heck: Right.

Joe Harrison, Jr.: —has to, I mean, that's the law in Indiana.

Jim Heck: Right.

Joe Harrison, Jr.: —so, I mean, this Commission, that has to apply. So, can you get back with us with a report on what you find out—

Jim Heck: Sure.

Joe Harrison, Jr.: — within the next, probably by the end of the month.

Jim Heck: I can get back with you as soon as they get back with me.

Joe Harrison, Jr.: Well, even if you don't hear something by the end of the month, tell us.

Jim Heck: Okay. Sure, okay.

Commissioner Kiefer: Maybe just come back to our meeting and give us a verbal report.

Jim Heck: I can do that.

President Abell: Well, and I see our insurance agents are in the audience tonight, and possibly they can be thinking about something, just, you know, I don't mean to sound self serving, but I don't worry about protecting other counties, I'm just worried about protecting Vanderburgh County. So, maybe our insurance agents could look into something for Vanderburgh County. Okay. Anything further?

Commissioner Melcher: This is probably a stupid question, but, who, start from the beginning a little bit. Who's the one who changed this, the Governor? The State legislators?

Jim Heck: There were some, of the four regions, Steve, there were a couple of the regions that wanted to become Workforce Investment Boards, so, they went to the Commissioner of the Department of Workforce Development and asked him if they could become a Workforce Investment Board. He went to the State Workforce Innovation Council, which is appointed by the Governor, and they said, well, if we're going to do that we're going to force every one of them to become Workforce Investment Boards. That's what the impetus was when they got it started. We were content staying as we were, but we also know that we can function as a Workforce Investment Board. We've done it in the past. As a matter of fact, Gary Heck was one of the chairs of the Workforce Investment Board in the past. So, it's operated in the past without any issues, and I feel confident it will operate in the future without any issues.

Commissioner Melcher: Well, the thing I was asking, you talked about population base, we talked about all of the, we talked about the different people that have to be on it from different businesses, and if you're looking at all of that, you would think that Vanderburgh County would have gotten more than one appointment. I would have thought that. That would have gave at least a Commissioner from Vanderburgh County, with 180,000 people, would have a voice also. So, if we want to get that changed, do we go to the State legislators, or do we go to somebody else?

Jim Heck: That would have to go to the State legislators.

Commissioner Melcher: That's what I wanted to know.

Jim Heck: Thank you.

President Abell: Anything else? Anything further? Thank you.

Jim Heck: Thank you.

Madelyn Grayson: Angie, I will need to make a copy of that before you leave also, for our records, because you need to take that with you, I assume.

President Abell: We can make one in the Commissioners office, as soon as Mr. Harrison approves it.

Joe Harrison, Jr.: I think you did the same thing last year. It's simply (Inaudible microphone not on.)

President Abell: If you'll give it to Marissa, she'll see that we get copies. Thank you. We just get a little nervous when we have to deal with money. I hope you understand.

Jim Heck: I don't blame you. That's why I wanted to bring it out. I don't (Inaudible. Not at microphone.) This is a big deal. It's something that you have to be aware of.

President Abell: Well, anytime somebody says, oh, it probably won't happen, that's when you need to talk to your insurance agents, because it always does.

St. Jude: "Give Hope Run": Road Closure Request

President Abell: Road race requests. There are three road race requests to be considered. All requests have been reviewed by Sheriff Williams. I'm getting a nod from the Sheriff's Deputy in the back. He is comfortable with them, and the required certificates of liability insurance have been submitted to the Commissioners office. The first race is St. Jude Give Hope Run, April 27, 2013, from 8:00 a.m. to 10:30 a.m. to take place at Burdette Park, and will affect county roads near the park. Is Katie Witsoe here?

Katie Witsoe: I am Katie Witsoe. Thank you for having me here. We've had this run the past two years, so this would be the third year that we're seeking permission to have this run for St. Jude. Our son was a patient there, so we wanted to help support the hospital. He passed away close to three years ago now. So, there's been a lot of other children who have been treated at St. Jude from the area, and we've got a lot of support the past two years. So, we want to keep that support going with the run this year. It's 5K, we've been in touch with Steve and the Sheriff's office, and I think you have all of the paperwork.

Commissioner Kiefer: Is it the same route as it has been the past couple of years?

Katie Witsoe: It is, and I have maps here.

Commissioner Kiefer: Okay. No, I don't need to see it.

President Abell: I need a motion to approve.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Any further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck with it.

Katie Witsoe: Thank you.

USI Run of Luck 7K: Road Closure Request

President Abell: USI Run of Luck 7K, March 16, 2013, from 9:00 a.m. to 11:00 a.m. on Schutte Road from Clark Lane to Broadway, and from Broadway to Burdette-USI trail. Is anyone here to address that one? I think there is.

Brian Kiessling: Yes, my name is Brian Kiessling, a student at USI. We are putting on these races for, all the money goes back into scholarship funds for the Kinesiology and Sport Department, as well as all of the events are put on by students and student lead so we can get work experience in event management and all of that sort of stuff.

President Abell: Okay. Is there any questions from the Commissioners?

Commissioner Kiefer: I make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck with your race.

Brian Kiessling: Thank you.

USI Spring Into Fitness 10K: Road Closure Request

Commissioner Kiefer: Is he handling the next one also?

Brian Kiessling: Yeah, I'm the next one also.

President Abell: Are you handling the next one too?

Brian Kiessling: Yes.

President Abell: You're just a runner tonight, aren't you?

Brian Kiessling: Yes.

President Abell: The USI Spring into Fitness 10K is on April 13th from 9:00 a.m. to 11:00 a.m., from Nurrenbern to Graff and Broadway to the Burdette-USI trail.

Commissioner Kiefer: I make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck.

Brian Kiessling: Thank you.

THDF: Insurance Agent of Record: Property/Casualty Update

President Abell: Insurance agent of record. The Commissioners need to set the insurance agent of record for the year 2013. I'll entertain a motion.

Commissioner Kiefer: I'll make a motion that the agent of record will be Torian Hofmann Dillow and—

President Abell: Flittner.

Commissioner Kiefer: —Flittner, yes. A lot of names there, guys. Then, also, I just want to make a comment that, I thought they did good job helping us through with the insurance situation. It was a very tough deal, but, you know, I do like doing this on an annual basis. I prefer doing it on an annual basis because it keep these guys on their toes and working hard for us. You know, as we approve other contracts, I would like to keep those annually instead of that long term, five year contracts, like we have, I think, with some other groups. Anyway, I make the motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Further discussion? I think we have two representatives from the agency here. Would you gentlemen like to approach?

Bob Dillow: Bob Dillow and our partner, Greg Hofmann. I would first like to thank you, and I will share your comments with Tony Flittner. Tony did a phenomenal job helping you through that.

President Abell: Yes, he did.

Bob Dillow: He will appreciate your comments. What we would like to do today is give you a brief update of what we're needing to do between now and February 1, as well as give a short synopsis of what's happened over the last year. In the last year we reinstated the work done by Insurance Audit Company, to audit our insurance policies, to review them to make sure that there aren't any gaps or mistakes in coverage and to make recommendations for us to consider. We have forwarded those observations to the insurance underwriters for their review. We have 27 separate topics that we wish to speak to you individually on, to determine what you think may or may not be important as we move forward with the county insurance. Some of those topics could generate an additional premium, some are premium neutral. There's one topic in particular that will generate a reduction in premium if you are so interested. So, in the next two weeks we will be asking you individually to meet with us to discuss those options to determine what might be important on your behalf. From a coverage standpoint, in 2012 there was only one extremely significant change. The bank handling the financing for the Centre, and the contract, requires you to insure the Centre for 100 percent of its replacement cost. An appraisal was done on the Centre, and it required the county to increase the insurance on the Centre from \$45,716,409 to \$70,285,722. That generated an obvious increase in your insurance premiums, which, of course, you paid in 2012.

Commissioner Kiefer: Question, when they come up with that value, is that value just for the improvements only, or does that include the land?

Bob Dillow: That does not include the land.

Commissioner Kiefer: Okay, that's what I was wanting to check on.

Bob Dillow: Okay, then, for the coming year, the most serious topic that we are working on is you have a self insured retention limit, a deductible for every line of coverage. For all lines of coverage, currently that deductible is \$100,000, with the exception of worker's compensation, the deductible, or self insured retention limit there is \$150,000. Going into the new year, due to an extreme hardening of the market, the lowest deductible available that we found through all of our competitive bidding is \$250,000. The standard self insured retention limit for worker's comp in the industry is now a half million dollars. We will, by the end of this week, or Monday at the latest have our last known bid that is coming in from a competing insurance company, to see what they may be willing to do from a deductible standpoint. Now, in the last how many years you go back, you have never had a worker's compensation claim exceed the self insured retention limit, but it could happen. That would have an adverse effect on the loss reserves you have to pay those funds.

President Abell: Excuse me, Bob, then I'm assuming we have not in the past ever had a work comp claim that amounted to \$250,000?

Bob Dillow: Correct.

President Abell: So, as far as I'm concerned, if we don't hit the limit, we could have a million deductible if it lowered the premium. It wouldn't make any difference. If you're not going to hit \$250,000, you're sure not going to hit \$750,000.

Bob Dillow: Well, it is always a possibility that it could happen.

President Abell: Yeah.

Bob Dillow: It just has not happened yet.

President Abell: Yeah.

Bob Dillow: We'll explain—

President Abell: But, that's insurance, you run the risk of whether it happens or not.

Bob Dillow: Now, in addition to the work we're doing with the existing carrier on the changes and the worker's compensation quotations, we are waiting to determine, there is another large entity in the State called Burnham and Flower that specializes in municipal insurance. This would be the first time we've ever seen a bid presented to the county for insurance from that organization. We're expecting a bid from them, but they have not delivered yet. We will know in a week what they are doing. Now, with the existing company, with the exception of potential changes, I want to put you at ease that the pricing with this company is already finished, and there is an increase this year, but it was limited to three percent. So, with increased property values, etcetera, we have a three percent increase this year is the worst case scenario, unless you decide you want to purchase additional insurance after we meet with you. So, with that said, we're ready for any questions, and we'll be calling you in the next few days trying to seek individual appointments.

President Abell: I have a question about the increase in the insurance on the Centre from \$45 million to \$70 million. Have we neglected to raise it every year? I mean, it surely didn't, since 2012, or 2011 to 2012 didn't increase \$30,000¹ in one year. Have we neglected to increase it every year as we probably should have?

Bob Dillow: This was during a time period, I don't want to say self serving, but during a time period that we were not involved. Appraisals were not done.

Commissioner Kiefer: Who did the appraisals?

Bob Dillow: An independent appraisal company that does nothing but reconstruction cost appraisals. It was done by a firm outside, somewhere in the Indianapolis area.

Greg Hofmann: That was a requirement of Mellon Bank.

President Abell: The bondholder, yeah.

Bob Dillow: Yeah, the bondholder required that. They were letting it slip through the cracks on their end. Somebody new from them starting handling this and realized that this had not been done and brought it to our attention, and we've been reacting with this issue through 2012.

President Abell: I will assume that that is what had happened, that somebody neglected raising it every year. I can't imagine that in one year it would have jumped that much.

Bob Dillow: It did not happen over one year, we assure you.

¹Should be \$30 million.

Greg Hofmann: They were getting certificates of insurance, they just weren't paying attention to them in relationship to the contract.

Bob Dillow: The number—

President Abell: We could have been in big trouble, because if we don't carry what we have to carry, we take a big penalty if we have a loss, correct?

Bob Dillow: Yeah, you're contractually obligated—

President Abell: Yeah.

Bob Dillow: — to carry that specific amount, as well as you're contractually obligated that on the Centre that your deductible cannot exceed \$25,000. So, last year we had to buy your deductible for the Centre down from \$100,000 to \$25,000. It's a contract that was signed when the bonding was created. We're just following through, at their request.

Commissioner Kiefer: Does it have to be appraised each year?

Bob Dillow: No, they will, well, they will ask for an update, but it will not be a full blown, visit the site appraisal. I'm sorry, if you would have had a loss, we have specifically written the county's property insurance on a blanket basis. So, instead of individual dollar amounts for each building, we have a blanket amount, all buildings together under one lump sum. So, you would not have had a problem.

Commissioner Kiefer: Since that rate is going to go up, because now we're at 70 some million dollars, will our blanket rate go down a little bit because we've increased our insurance coverages in other places?

Bob Dillow: That was all factored in to the overall increase for all lines of insurance for 2013 that we're projecting will be within a percentage point of a tenth of percent of three percent.

Commissioner Kiefer: Okay.

Bob Dillow: So, that's already been factored in. That's a good question.

Commissioner Kiefer: Thanks. Okay, we have a motion and a second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, gentlemen.

Bob Dillow: Thank you.

Greg Hofmann: Thank you.

**Second/Final Reading of Ordinance CO.01-13-001:
An Ordinance Concerning 2013 Meeting Dates**

President Abell: Second and final reading of CO.01-13-001, 2013 Commission meeting dates. We had, the meeting dates were in the ordinance last week, they've been published, I'll entertain a motion.

Commissioner Melcher: So moved.

President Abell: Do I have a second?

Commissioner Kiefer: Second.

President Abell: Further discussion?

Commissioner Kiefer: Yeah, I've got a question.

President Abell: Okay.

Commissioner Kiefer: Even though we establish these meeting dates, you know, for the entire year, if, for some reason we need to change that, we could change a date somewhere along the line, if we needed to?

Commissioner Melcher: Yes.

President Abell: Not at the last minute.

Commissioner Kiefer: No, not at the last minute, but given the proper notice.

Joe Harrison, Jr.: You can cancel the meeting and have a different meeting.

Commissioner Melcher: We could add a meeting.

Joe Harrison, Jr.: Like we did last year a couple times.

Commissioner Kiefer: Okay, thank you.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**First Reading of Ordinance CO.01-13-002:
An Ordinance Amending the Fair Housing Ordinance**

President Abell: First reading of CO.01-13-002, ordinance amending the fair housing ordinance. It modifies the current definitions of a “family” and “familial status”, family status to include families regardless of the actual or perceived sexual orientation, gender identity or marital status of said family’s members. I need a motion to approve. Somebody?

Joe Harrison, Jr.: This is first reading.

Commissioner Melcher: This is first reading.

Commissioner Kiefer: This is only first reading?

President Abell: Yes.

Commissioner Kiefer: Okay.

Commissioner Melcher: Okay, I’ll make the motion because it’s first reading.

Commissioner Kiefer: Second.

President Abell: Is there anyone here that wishes to address this ordinance? Further discussion for the Commissioners? Mr. Harrison, would you like to explain this ordinance a little bit?

Joe Harrison, Jr.: Yeah, (Inaudible. Microphone not on.) outline the change (Inaudible), the reason for this change is related to (Inaudible) the county may be receiving, I think, three hundred and (Inaudible) thousand dollars (Inaudible), okay \$497,000. This is a requirement in order for them to receive the federal grant (Inaudible) award a contract for the bid (Inaudible).

Commissioner Abell: Further discussion?

Commissioner Kiefer: Joe, I understand that, you know, of course, this is something we need for the money. Was this language, the exact language that came from—

Joe Harrison, Jr.: Yeah, this is the exact language that came from the federal government, or from Debbie Bennett-Stearsman regarding the language the federal government wants to see in the ordinance. This is what other communities have, Haubstadt recently amended their ordinance, exactly the same. There are other ordinances which are like ours, and there are other ordinances right in the vicinity, I can’t remember which town or county it was, that has the exact same ordinance that we had, and made this change to it in order to receive grant funding.

Commissioner Kiefer: Okay, thank you.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes, for first reading.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

<p>Final Reading and Public Hearing of Vacation Ordinance CO.V-12-12-004: Vacation of Portion of Drainage & PUE: 8400 Churchill Court</p>
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President Abell: Final reading and public hearing of vacation ordinance CO.V-12-12-004, vacation of a portion of drainage easement and underground public utility easement at 8400 Churchill Court. I need a motion to approve the vacation ordinance on second and final reading.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: This is a public hearing, is there anyone that wishes to discuss this ordinance.

Bret Sermersheim: Hi, my name is Bret Sermersheim with Morley and Associates. I represent the petitioners, Mark and Rose Norman. They're wanting to vacate a portion of the easement in their backyard for placement of an out building.

President Abell: Have the proper utilities been advised?

Bret Sermersheim: Yes, we've included, I think Madelyn has got all of the letters. Some of the, there's a couple of easements back there, Vectren is outside their easement, so they were going to approve, they were alright with the vacate if we grant so where they are out of their easement we're giving, we're going to grant them an easement as well.

President Abell: Okay.

Bret Sermersheim: Then there's also going to be granting some drainage along with this as well.

President Abell: So, there were no objections to it?

Bret Sermersheim: No, there was not.

President Abell: Questions? I need a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: It passes.

Bret Sermersheim: Thank you very much.

President Abell: Thank you.

Sunburst Avenue Tax Sale Property Proposal

President Abell: Sunburst Avenue tax sale property proposal. This is a large apartment complex that is on the tax sale list. The current owner has a prospective buyer and is proposing to pay a lump sum of \$25,000, plus monthly installments of \$8,000, for a maximum of six months. Is there someone here to address this?

Joe Gries: Madam President—

President Abell: I was hoping someone was going to address it.

Joe Gries: I can help. I spoke with Osman Mufti about this property. This property was offered at tax sale last year. It was not sold. The current owner is, as you said, trying to sell the property. The amount of taxes that are owed would then, a portion of those taxes would be paid through this agreement, and then at closing the remaining taxes would be handled at that time. They're proposing this so that they can make this more marketable to the potential buyer that they have. The other option the county has would be to take title, which is probably not a property that we want to own.

President Abell: We're not in the rental business.

Commissioner Kiefer: Where is this place at, Sunburst?

Joe Gries: This is off of Riverside Drive, just east of, I think 41.

Commissioner Melcher: Before you get to Lodge make a right.

Commissioner Kiefer: Oh, okay.

Commissioner Melcher: No, past Lodge on the right. As soon as you pass Lodge, there's a market on the left side of Riverside, turn right and that's Sunburst Apartments.

Commissioner Kiefer: Oh, okay, turn toward the river off of Riverside.

President Abell: So, this agreement has them paying the county \$73,000. How much do they owe in taxes?

Joe Gries: I believe it's two parcels. I believe it's over \$200,000.

Joe Harrison, Jr.: They're going to have to pay it all.

Joe Gries: Yeah.

Joe Harrison, Jr.: Just, rather than waiting until later, we'll get some of it back now.

Joe Gries: Exactly. If the county doesn't take title and the sale doesn't happen, we would sell it again on tax sale next year, and at that time we could again choose to take title at that point or try to, you know, go through other options.

President Abell: We don't want to take title.

Joe Gries: No.

President Abell: We're just trying to figure out how we're going to get as much money as possible.

Joe Gries: Right.

Commissioner Kiefer: I'm just amazed that, if this is the property I'm thinking of, that's a fairly sizable apartment complex.

Joe Gries: Yes, it is.

Commissioner Melcher: It is.

Commissioner Kiefer: You think the seller would be here, because this is pretty important.

Joe Gries: I don't know that they're local.

Joe Harrison, Jr.: No, they're not.

Joe Gries: The owner is not, I believe they're—

President Abell: They never are.

Commissioner Kiefer: Well, that's why you have attorneys and people like that, somebody to represent you.

Joe Gries: Right.

Joe Harrison, Jr.: I mean, we don't have to do it, but I think it would be good to (Inaudible) now—

Joe Gries: Absolutely.

Joe Harrison, Jr.: —than opposed to waiting until the sale.

President Abell: Oh, I'm all about getting the money.

Commissioner Kiefer: So, you reviewed this contract?

Joe Harrison, Jr.: Well, it's not a contract. It's just a payment plan, and they're going to start paying right away.

Joe Gries: Right.

President Abell: If they don't, we can't do anything to them.

Joe Harrison, Jr.: Well, if they don't, yeah.

Joe Gries: Yeah.

Joe Harrison, Jr.: So, what, but they're planning on—

Commissioner Kiefer: It seems like we would—

Joe Harrison, Jr.: —closing this year.

Commissioner Kiefer: No, right, I understand.

Joe Harrison, Jr.: The good thing is, it helps them sell the property, because their tax liability is a lot less. (Inaudible. Microphone not on.) Obviously, the taxes have to be paid. Rather than having two hundred out there, it would be—

Joe Gries: \$125,000.

President Abell: \$125,000.

Commissioner Kiefer: I guess, I don't understand, it seems like we would have some kind of letter of understanding or something on this agreement, but it sounds like, so, it's just basically a verbal agreement, hey, go ahead and make the payments to us?

Joe Gries: Mr. Mufti did indicate that he could probably have something put in place if the Commissioners agree—

Joe Harrison, Jr.: (Inaudible. Microphone not on.)

Joe Gries: Right.

Joe Harrison, Jr.: I mean, if the Commissioners approve it, but, again, it's one of those things where (Inaudible)--

Commissioner Kiefer: Right.

Joe Harrison, Jr.: – and they probably know (Inaudible) title to the property–

Commissioner Kiefer: Right.

Joe Harrison, Jr.: But, it's going to help them market the property, and (Inaudible). This might help.

Commissioner Kiefer: Okay.

Commissioner Melcher: I don't really see a problem with it, because if they're going to pay us, they're going to pay us. If they're not, they're not.

Commissioner Kiefer: Right. Well, I'll–

Commissioner Melcher: So, this is a chance to get some money. Let's do it, because we're going to be stuck next year.

Commissioner Kiefer: Hopefully they'll find somebody that's more–

Joe Harrison, Jr.: Right.

Commissioner Kiefer: –you know, a better owner that is willing to make his payments on time, and knows how to manage the property better and everything turns out.

Joe Gries: The option with the county taking title, obviously we then would write those taxes off. So, we wouldn't receive those.

Commissioner Kiefer: Right. I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Okay, that was real informative.

2013 Legal Services Agreement with Massey Law Offices
2013 J.E. Shekell OCH Semi-Annual Preventative Maintenance Agreement
2013 OCH Lease Renewal for County Engineer
2013 Youth Resources Agreement
2013 WNIN Agreement
2013 Evansville ARC Grant Agreement
2013 YMCA Agreement
2013 GAGE Agreement (Deferred)
Sheriff: Aramark Food Services Agreement Amendment No. 5
Sheriff: Federal Equitable Sharing Agreement

President Abell: Contracts, agreements and leases. The Commissioners have a legal services agreement with Joseph H. Harrison, Jr. and Massey Law Offices LLC. This contract is for a period of one year, and the terms are similar to that of prior years except that instead of receiving a monthly stipend, Joe Harrison, Jr. will be considered a county employee and will be entitled to receive county health insurance benefits. This is a little less than a wash for us. Actually, Mr. Harrison will be receiving a little less than he did last year. Is there any questions, discussion?

Commissioner Kiefer: Well, just discussion, again, as I stated about the insurance, I would like to state that, you know, I think Joe has done a great job, appreciate everything that you do for us. He does a lot of work that people aren't even aware of. I mean, I don't think this Commission could operate without the competency of a good legal counsel. So, we appreciate what you do, Joe. With that, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: Thank you very much.

President Abell: J.E. Shekell semi-annual preventative maintenance agreement for the Old Courthouse. Preventative maintenance agreement for the HVAC and certain plumbing services to be provided at the Old Courthouse for the year 2013. The cost is \$5,978 to be paid in two semi-annual installments of \$2,989 each. I would entertain a motion.

Commissioner Kiefer: I would like to make a motion, but I would like to also direct Marissa, if you don't mind, I would like to see a report from J.E. Shekell after they do this maintenance, just so I could, I think the Commission would like to know what the condition of the equipment is. I think that would be useful, especially as we go out and lease these spaces and we're doing these improvements, it's good to know the condition is in good condition, but, with that, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Old Courthouse lease renewal for County Engineer. The rental of suites 305, 306 and 307 to the Vanderburgh County Engineering Department. The county will pay rent in the amount of \$15,492 for the year 2013. I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: I'm curious what that dollar amount works out to per square foot, especially when we talk to our private sector tenants (Inaudible. Microphone not on.), but, anyway, yes, I'll second that.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I guess, we're just paying ourselves. That's a pretty good deal. 2013 Youth Resources agreement. The agreement runs for one year at a cost of \$15,000,

which is \$5,000 less than last year. Youth Resources is required to submit monthly reports to the County Commissioners and appear before the County Commissioners on a quarterly basis with a report on their activities on behalf of Vanderburgh County youth. Is there someone here from Youth Resources? No? I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I would like to say that Youth Resources is a great organization. We are very, very happy to support it. The 2013 WNIN agreement. The agreement for broadcasting county meetings during the year 2013 at a cost of \$100 per half hour of telecast time. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: I'll second it.

President Abell: I guess, there's some people that would argue whether that's worth it or not, to listen to us.

Commissioner Kiefer: Well, I am always constantly amazed at how many people say they watch us on television. I'm thinking, wow, but, anyway, there a lot of people that do watch these meetings.

President Abell: We are a public entity, and we're glad to be able to do that. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Evansville ARC grant agreement. The cost is \$279,000 to help support the operations and programs of ARC for 2013. Payments to ARC will be made on a monthly basis in the sum of \$23,250. ARC is required to provide the County Commissioners with written monthly reports and make two presentations a year to the Commissioners regarding its activities. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Another caveat, that's another great organization that we support. They do a lot of good work in our community. The 2013 YMCA agreement. The agreement runs for a period of one year and sets membership rates for county employees. The county pays eleven dollars towards the total cost of the county employees membership. The YMCA now offers four categories of membership; single adult at \$50 per month; single parent at \$56 per month; young adult at \$35 per month; and family at \$65 per month. With the \$11 payment by the county, employees would pay \$39 for single adult; \$45 for single parent; \$24 for young adult; and \$54 for a family membership. I'll entertain a motion.

Commissioner Kiefer: I'll make a motion, and a comment as well. I think this is great that we do this, but I think we need to somehow do a better job of encouraging our employees to actually use it, because, obviously our health insurance is not getting any cheaper. With the dollar amounts we're talking about, in excess of \$14 million in premiums, you know, I wish there was a way that the Y could tell us, or give us a report that says, hey, you know, they check in, I know when I go to the Y I swipe a card. I would love to know how many employees are actually using it, you know, how well we do it, because I hate for us to pay money if people aren't using it and they're just never showing up to the Y, but on the other hand, that may be way too complicated. Maybe all we can do is encourage people to use this benefit.

President Abell: We might look into that. Marissa, maybe you might find out if we can get some kind of report from the Y. It would be nice to know if they are using it. This

is, we do this as a way to make our employees healthier to attempt to lower our health insurance. Did you make a motion?

Commissioner Kiefer: Yeah, I made a motion.

President Abell: Do I have a second?

Commissioner Melcher: Second.

President Abell: Further discussion?

Commissioner Melcher: Don't they, does the Y bill us every month?

Joe Gries: Yes.

Commissioner Melcher: So, with that, what do we get, just bill saying "x" amount of money, but it don't say anything about who was there?

Joe Gries: They list the number of people who have chosen to joint the Y, and then their, our portion is figured at \$11 per person, or, yeah, basically \$11 per person and then we pay that invoice monthly. Each month could be different depending on if that person decides to, you know, drop their membership, or if somebody new comes on.

President Abell: But, we could be paying memberships for people that never go.

Joe Gries: That's correct.

Joe Harrison, Jr.: But, again, they would be paying too.

Joe Gries: They would be, because we take it out of, you know, their check and also submit it.

Commissioner Kiefer: I think what I'm interested in is knowing we're getting a bang for our buck, I mean, it's fine that we're offering this, it's a great benefit to our employees, but if they're not using it, you know, yeah, they're paying, but why should we pay for something they're not using?

President Abell: Right.

Commissioner Kiefer: But, I don't know, I mean, we don't have any requirements on our employees to do that—

Joe Gries: Right.

Commissioner Kiefer: —so, maybe it's just a matter of us doing more to encourage them to use it.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: 2013 GAGE agreement. A one year agreement for the economic development related services provided on behalf of the county at the cost of \$150,000. This is identical to last year's contract. The funding for this agreement is to come from the county's Riverboat Funds. Is there anyone here from GAGE? No one here from GAGE?

Commissioner Kiefer: Were they aware that we were—

President Abell: I don't know, but I would make a motion to table it.

Commissioner Kiefer: Okay. You're asking for a motion to table it?

President Abell: Well, you know, I'll ask for a motion, you can decide whether you want to table it or vote on it.

Commissioner Kiefer: Well, let's, I'll make a motion that we move this to our next meeting, which is—

Commissioner Melcher: I'll second it.

Commissioner Kiefer: Do we need to state the date of that meeting and time?

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: The 22nd, so it's moved to the 22nd. Marissa, will you please send them a note.

President Abell: I have a motion, do I have a second?

Commissioner Melcher: I already seconded it.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Aramark Food Services agreement amendment number five. The amendment extends the current food service contract with Aramark until 1/15/14. Further, this agreement keeps the current pricing for a meal at \$1.25 through 1/15/14. This is at the jail. We're not feeding everybody. I just wanted to specify where we're feeding people. We're providing housing too, but you wouldn't want to be there. Okay, I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Annual federal equitable sharing agreement regarding the amount of federal funds received by the office during the year 2012. This is under the Sheriff?

Joe Harrison, Jr.: Yes, it's under the Sheriff.

President Abell: Would you like to explain this, Mr. Harrison?

Joe Harrison, Jr.: Essentially it's just a breakdown of the certification sent in by Sheriff Williams of the funds received from the federal government last year. (Inaudible. Microphone not on.) ending balance at the end of the year. This is something that's required (Inaudible) the Sheriff's Office (Inaudible).

President Abell: There's a copy of that in our packet.

Joe Harrison, Jr.: The thing, also, Madelyn, did you get page four of the agreement? That may be in your packet. It was missing page four (Inaudible. Microphone not on.)

President Abell: I'll entertain a motion to approve.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote, please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Engineer

President Abell: Department head reports. County Engineer, Mr. Stoll?

John Stoll: I have one item this evening. It's a change order on the concrete repair contract from last summer. It was contract number VC-12-05-01. The increase is \$91,316.62. Of that increase, \$15,500 would be charged off to a letter of credit that was called in for Five Oaks II Subdivision. So, that then reduces the county's actual cost down to \$75,799.60. The primary reasons for that, as I said in the e-mail I sent you was we had found some sections of road where we hadn't planned to remove the pavement, and we found huge voids underneath the road, so we had to take out not only the pavement that was good on the surface, but then fill the voids with extra rock. So, that ran up those quantities. We picked up additional work in Green River Estates, Section III, so we completed that in one year rather than having to drag it across several years. Then, we also had \$9,310 worth of inlet reconstruction that we hadn't anticipated. We thought we could just pour new concrete around some curb inlets, but we ended up having to reconstruct the inlets themselves. So, that's a brief rundown of how we got the increases.

President Abell: Do we have the money?

John Stoll: Yes.

President Abell: (Inaudible) important (Inaudible). I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That was 2012 money. It doesn't affect our 2013 dollars, because we encumbered the money to cover this amount.

President Abell: Okay, thank you, Mr. Stoll.

John Stoll: Thanks.

Board Appointments

President Abell: Board appointments. We have a few board appointments tonight, we still have several to do. Tonight we would like to appoint to the Convention and Visitors Bureau; Kevin Stahl and John Montrastelle; to the Property Tax Assessment Board of Appeals; Dan Humphrey and Joni Steinkamp; to the Building Authority Board of Trustees; Dan Tuley; to the EMA; Mark Merrill, Sheriff Eric Williams and Randy Gentry. Those are the appointments we're going to make tonight. I have received word from our appointment to Central Dispatch that she wants to be re-appointed. I think our ABC board appointment wants to be re-appointed.

Commissioner Melcher: Are you talking about JoAnn Smith?

President Abell: Yeah, JoAnn Smith to--

Commissioner Melcher: Central Dispatch.

President Abell: -- Central Dispatch, which is a good appointment. She was the Director there for years.

Commissioner Melcher: I'm okay with that.

President Abell: There are some questions about our library appointments. I'll do a couple phone calls on those. We have others to work on, but tonight we are in a position to make these appointments.

Commissioner Melcher: Do you want to add JoAnn Smith to Central Dispatch?

President Abell: Can we add her even though--

Joe Harrison, Jr.: Sure.

President Abell: Okay, let's just go ahead and add her. Do you want to add Kurt Kiefer too as ABC?

Commissioner Kiefer: Sure.

Joe Harrison, Jr.: (Inaudible. Microphone not on.)

President Abell: Okay.

Commissioner Melcher: Okay, I'll make that motion to approve the ones that were stated here tonight for the Convention Bureau, the Property Tax Assessment Board of Appeals, the Building Authority, EMA, Central Dispatch and what was the last one?

President Abell: ABC.

Commissioner Melcher: ABC Board.

President Abell: Do I have a second?

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Next meeting we'll have more appointments to make.

New Business

President Abell: Is there any new business to come before the Commissioners?

Commissioner Kiefer: I would just like to make a comment, please, regarding the job Darren did helping us with the inauguration event on the 1st. I thought SMG did a great job. Darren was out there himself, helping set things up, and met with us in advance, worked with us, and, you know, I think the event went off pretty well considering Steve and I were the ones organizing the thing. But, anyway, I just wanted to thank everybody involved in that, because I know there was a little bit of work involved from Marissa and Kristin, thank you very much. Commissioner Abell, thank you, and really everybody that was involved. A special thanks to Steve for a really outstanding job of organizing the tribute to the veterans.

President Abell: That was really nice.

Commissioner Kiefer: It got a lot of nice comments regarding that. So, I just wanted to express that publicly. Thank you.

Commissioner Melcher: I think it was like a team effort, with all three of the Commissioners doing it together, and getting the veterans involved I think was great. We want to thank all of those posts and all the veterans that were there. I would like

to thank all of the office holders that showed up to get sworn in. I think that's something, and the two ladies that work in our office did an outstanding job of e-mailing us back. I bet we had 30 e-mails on this. I had to start an old folder just to slide things over because I was getting things mixed up with the Commissioners folder. I think it turned out okay, and I think we got the final bill e-mailed to us today. I think, the only thing I heard maybe was it was a little bit nippy in there. I said, well, whenever the County Council gives us some money over there, we might turn up the heat a little higher. But, being off for a couple of days during the holidays, I think it went great. I think it's a shame that we didn't have as many as we normally have because of the snow and the weather, but we understood that was going to happen. But, we had, it was a good time, I think everybody thought it was great, and other people told me that was the best one that they had ever been to.

Commissioner Kiefer: I can tell you that the extra cookies that I delivered to the Little Sisters of the Poor were highly appreciated. They were very thankful for that. I know you delivered some extra cookies as well.

Commissioner Melcher: Yeah, we had some cookies left over. We delivered them to, like you said, Little Sisters of the Poor, I think the Rescue Mission, United Caring Shelters, I think got some, Lucas Place, where some veterans are got some. If we was going to have any left over after that we were going to take them to the V.A. So, I don't know if that, those made it or not.

President Abell: Thank you, gentlemen. Anyone else with anything in new business? Well, I have an item under new business that I wanted to take up with my fellow Commissioners in a public forum. I'm scheduled to appear before the Vanderburgh County Council tomorrow morning. The purpose of my meeting with the County Council is to discuss with them the possibility and the further discussions that I wish to have with SMG regarding their assistance in the management of Burdette Park. This is a real outside the box type thing. We haven't done this before. Steve Craig does a remarkable job of running Burdette Park, but he's one person and the park has grown. To have some professional marketing will be advantageous, and there are some things out there that we feel we can do to create a better facility. This is an opportunity to look well into the future. We met with Mr. Craig this afternoon, and although it wasn't a condition of the contract or the agreement with SMG, he voluntarily told us that he plans to retire in five years. Then, Mr. Melcher told him he couldn't because he had to be 65 and—

Commissioner Melcher: 66.

President Abell: – 66 and nine months, or something.

Commissioner Melcher: We had an argument of about three months. He thinks he can go in 65 and nine months, and I said, well, the last time I checked we were about the same age and it was 66, because I'm counting these down too. So, I hope he's right.

President Abell: So, with the thought in mind that after 40 something years, I think he's been at the park on and off, that someday he will be retiring, and we want some continuity and it's such wonderful facility that really needs some advancement. We will be going forward with that. I guess, at this point, I would ask that the Commissioners would entertain a motion to give me permission to go before the County Council with said proposal with SMG and Burdette Park.

Commissioner Melcher: Before we do the motion, we've also talked about the Old Courthouse—

President Abell: Yes, we have.

Commissioner Melcher: — them promoting that, and maybe even helping to promote the Coliseum. Would you want to do a, you might not have enough time to do all three tomorrow, but I didn't know, maybe just put them on alert that that's what we're looking at.

President Abell: I'll mention it.

Commissioner Kiefer: I think this is a great economic development tool.

Commissioner Melcher: Oh, I do too.

Commissioner Kiefer: You know, I would even say, you know, we could bring people into this community to visit Burdette, the Old Courthouse, the Veterans, I mean, the Coliseum, I mean, there are people that travel to see these historic buildings that we're probably not capturing. You know, it's just a great idea. I support this wholeheartedly.

Commissioner Melcher: Well, you know, the Courthouse has, you know, we've done spent money over there and the Foundation has spent money to host events, the Coliseum is hosting events, and we're just kind of doing it from word of mouth. I think with SMG helping us, that would really help us across the board raise our revenue.

President Abell: I think I need a motion to have the permission—

Commissioner Melcher: I'll move.

Commissioner Kiefer: Motion....second.

Commissioner Melcher: Either one, pick one.

President Abell: Further discussion? Okay, roll call vote.

Commissioner Kiefer: See, we're excited because this is such a good idea.

President Abell: You're just excited because I'm doing it and you don't have to.

Commissioner Kiefer: No, but I am excited, because this is why it works out very well here, because it was a good idea that you came up with, Madam President, and, you know, I think, of course, we've jumped on this idea because it's a good one.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I will go to the County Council tomorrow morning.

Old Business

President Abell: Is there any old business to come before the Vanderburgh County Commissioners?

Public Comment

President Abell: Any public comment? Are you all waiting for the Drainage Board meeting? We've never had an audience that had nothing to say.

Consent Items

President Abell: Madelyn, would you do the consent items please.

Madelyn Grayson: The consent items for the January 8th meeting are as follows; approval of the prior minutes for December 18, 2012; employment changes for the Commissioners approval, there's one for the Commissioners; two for Legal Aid; one for Weights and Measures; one for the Co-Op Extension; and two for the Health Department; the County Assessor has a request to surplus six filing cabinets; the County Auditor has the December 2012 A/P vouchers; the County Treasurer has the November 2012 monthly report; SWCD has the December 2012 meeting minutes; Weights and Measures has the November 16th through December 15, 2012 monthly report; the County Engineer has pay request number 166 for TIF projects in the amount of \$225,745.15 and a department head report.

President Abell: I'll entertain a motion to accept the consent items.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Rezoning Petitions: First Readings
VC-2-2013: Petitioner: Daniel Buck
Address: 7100 Felstead
Request: Change from Ag to C-4**

President Abell: We do have a rezoning this evening, but it's only first reading, yeah, to move it to the Area Plan Commission. It's first reading of VC-2-2013. The petitioner is Daniel Buck, the property is 7100 Felstead, it is a change from Ag to C-4. I need a motion to approve this on first reading and move it to Area Plan Commission.

Commissioner Melcher: I'll make the motion to approve it for first reading and it will move to Area Plan.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Re-Visit Consent Items

Madelyn Grayson: President Abell, I failed to mention there's one additional employment change for the Centre that I did not read into the consent items.

President Abell: Would you like to read it in?

Madelyn Grayson: It's just an additional employment change that needs to be added to the consent items for the Centre.

Joe Harrison, Jr.: We already approved them so—

President Abell: Yeah, you'll have to do it separately, because we've already taken a vote.

Madelyn Grayson: Okay, so, there's an additional employment change for some employees to get a step increase at the Centre that needs to be approved.

President Abell: Okay, and I'll entertain a motion to accept that.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Is there any further business to come before the Vanderburgh County Commissioners? I'll entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:18 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the December 18, 2012 Commission Meeting Minutes.
SWCD: December 2012 Meeting Minutes.

Employment Changes:

Health Dept. (2)	The Centre (1)	Co-Op Ext. (1)
Weights & Measures (1)	Commissioners (1)	Legal Aid (2)
Sheriff (2)	Co. Assessor (1)	Circuit Court (4)
Superior Court (11)	Surveyor (2)	Coroner (1)
Recorder (1)	County Clerk (3)	Prosecutor (1)

County Assessor: Request to Surplus Six (6) Filing Cabinets.

County Auditor: December 2012 A/P Vouchers.

County Treasurer: November 2012 Monthly Report.

Weights & Measures: November 16-December 15, 2012 Monthly Report.

County Engineer:

Department Head Report.
TIF Pay Request No. 166: \$225,745.15.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Katie Witsoe	Brian Kiessling
Bob Dillow	Greg Hofmann	Bret Sermersheim
John Stoll	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 22, 2013**

The Vanderburgh County Board of Commissioners met in session this 22nd day of January, 2013 at 5:06 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: Good evening. I would like to call to order the meeting of the Vanderburgh County Board of Commissioners for January 22, 2013.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

(Motion approved 3-0)

Pledge of Allegiance

President Abell: I would like to ask the Buffalo Trace Council Boy Scout Troop 327 to come forward and lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Abell: Thank you, gentlemen.

GAGE Update

President Abell: Under action items this evening we have an update on Growth Alliance for Greater Evansville. I believe Debbie Dewey is here to talk to us.

Debbie Dewey: For the record, I'm Debbie Dewey with the Growth Alliance for Greater Evansville. As part of our service contract with Vanderburgh County, I'm here to provide an update on our activities for 2012. In respectful of the Commissioners time, and with the group we've got here, I'll try to hit just the highlights and not tell you everything that we did over the year. As you know, at the beginning of 2011 we kind of did an overhaul and refocused GAGE on attraction, retention and expansion and incubation, to add jobs. We also recognize that we had to focus on those tier one companies, the companies that today or in the future will be bringing 50 percent of their revenues from outside Vanderburgh County. So,

they're bringing in that growth and they're bringing in that sustainable economic development. So, also, one of the things that I think is important to note is that in 2006 new businesses created 675,000 a year in the U.S. That's dropped approximately 30 percent since that time. So, it's very important that we focus our resources on the entrepreneurs in our community and helping them get new businesses started. We also have to think about transformational change. The business school at USI has been doing some research on regional growth, and Southwest Indiana's growth rate, measured by population, per capita income and employment has been slower than the national average for about the last 30 years. So, we have to do some transformational things to make sure that we get up to that national rate and even exceed it. That's what we've been trying to do at GAGE. In 2012 we worked with companies and entrepreneurs that are adding 425 jobs over the next few years, producing a positive economic impact in our community of \$120 million per year. If we add that to our results for 2011, we've landed projects that will add almost 1,400 jobs, with a positive economic impact of \$280 million a year, and those jobs will be added in the period 2011 through about 2015. We processed 420 requests for assistance in 2012, and that's everything from a large corporation that's looking to expand and looking for a new location, to an inventor who wants to know how to take his new product to market. If we add those results to 2011, we've assisted 764 businesses and entrepreneurs in the last two years. In 2012 we worked on 80 large attraction projects and 40 retention expansion projects for our existing businesses. At any given time we have 15 to 20 active projects that we're working. I think, as I've described to the Commissioners before, we have to kiss a lot of frogs to find the princes, so we have to make sure that we keep that pipeline of projects full, because even just landing a few of those is impressive, but we have to keep the pipeline full. We've met with 50 different existing businesses in our community last year. We conducted a survey of our local businesses, and the results of that indicate that 75, 77 percent of those that we surveyed are going to do some expansion in the near future. So, that's good for our community. We also offered sessions of the Kauffman Foundations "Growth Venture Program" to five more local businesses. So, to date we've offered this program to 33 businesses. What this program is, it's for existing businesses to help them grow. Two thirds of small, medium-sized businesses have been started by somebody with a liberal arts or a technical background, but not a lot of business background. So, what this does is, I liken it to a 30 hour MBA, where we take these business owners through a crash course in evaluating their competition, looking at their future, doing growth planning, organizational planning. Kauffman Foundation says that of the companies that go through this, on average, small businesses will add at least six employees. So, again, if we just keep doing this and working with our small businesses, I think this is going to help the job growth as well. In 2012 we processed 15 design reviews, six tax phase-ins, and, of course, we did the compliance reporting for the city and the county. In addition, we continued to develop promotional material. We developed an Evansville Greater Area stat book this past year. In there we put together information that we gather from a lot of the other organizations; work force size, average wage rates, tax information, quality of life, educational institutions, transportation infrastructure, the State rankings, listing of our largest employers. This is a very valuable tool for us, because now when someone is interested in our community, we can give them a comprehensive book that tells them a little bit about the whole community and everything it has to offer, especially when we're trying to attract jobs. We're continuing to work on this stat book—

Commissioner Kiefer: I just want to interrupt before I forget. Would you mind sending some of those stat books over to the Commissioners office?

Debbie Dewey: Will do. We will do that.

Commissioner Kiefer: I'm very much interested in seeing that.

Debbie Dewey: Okay.

Commissioner Kiefer: Then, also, if you've even got an electronic version.

Debbie Dewey: We do, we have an electronic. I'll e-mail an electronic version.

Commissioner Kiefer: Okay, thank you.

Debbie Dewey: This is also kind of a living document. We're continuing to develop industry specific sheets, like for the automotive industry or plastics. So, what we would like to do is to be able to put together kind of a specific stat book for each company that we're trying to attract, or each company that we're trying to work with. So, we try to keep all of these things and put it together with something very specific for the project. On the tech transfer front, a recent study in the bay area by Engine Advocacy, titled "Technology Works", ranked Evansville as a tech hot spot, in the top 25 metro areas in the nation for adding high tech jobs. I think we're getting this type of recognition for things like the SS&C Technologies, PGP, and other projects that we've landed, but, again, we're top 25 in the nation in terms of adding high tech jobs.

GAGE received the Federal Lab Consortium's Partnership Award for tech transfer, that's a national award, because of our work in tech transfer with the federal labs, trying to use that technology to help grow existing businesses and help local entrepreneurs. We sponsored Evansville's first start-up weekend. We provided local entrepreneurs with resources and business mentoring, and some of those, as they finished the start-up weekend, we continue to provide them resources and business counseling to help get their businesses off the ground. We participate as a member of the executive committee for the I-69 Technology Corridor that's looking at Southwest Indiana as a new frontier in terms of high tech jobs and attracting those high tech jobs. We've also initiated some programs to help our local entrepreneurs, like Pitch Practice, where we let local inventors and entrepreneurs come in and pitch to angel investors and local business leaders and people with a lot of experience to help them learn how to pitch to a potential investor, so that they can sell their business idea. We've also sponsored local organizers in developing Tech on Tap. This is where we're having a social gathering, also an informative gathering, bringing together angel investors, entrepreneurs, business mentors, again, just to try to improve the entrepreneurial ecosystem that we have in the community. As far as--

Commissioner Melcher: Can I stop you there?

Debbie Dewey: Yes.

Commissioner Melcher: Can you go back?

Debbie Dewey: I don't know.

Commissioner Melcher: If you can't, don't.

Debbie Dewey: I can answer a question.

Commissioner Melcher: The I-69 Tech Corridor, who all's on that board? How are they picked?

Debbie Dewey: Well, it's still in its organizing form. What we did is, USI is kind of the catalyst facilitator. They started pulling people together initially as an executive committee. We have, like Grow Southwest Indiana Work Force on it, we have the Economic Development Coalition, we have a representative from IEDC, we have some business representatives from the corridor area. Then, what we've done is to also, that committee has taken into a large consortium where we're trying to pull in elected officials, other business leaders, other economic development organizations or chambers of commerce. I mean, it's a growing, living thing. It's one of those things that we've just started trying to get people interested in the idea, and as we do we're expanding it, including more and more people to help participate. So, it's still in the very early kind of planning stages, but we just keep pulling more people in all of the time.

Commissioner Melcher: Okay, and you said that reports to another, a higher one with elected people and business people?

Debbie Dewey: Well, I don't know that it's reporting. What it is, is it's a local organization; universities, businesses, economic development organizations, the work force development organization, we kind of got together as colleagues to say is there something we could do in Southwest Indiana to further this initiative. So, this group has been talking about things, and, I guess, the first thing we, of course, said is if we're going to do something like this, or if anybody wants to support something like this we have to start including more people. So, as we've been doing that we've been meeting with local elected officials along the corridor, as well as other organizations. We're just now kind of trying to pull people in to be interested. It's not necessarily a reporting to, what we're trying to see is are the organizations and communities along the corridor interested in getting together and maybe collaborating on something in the area.

Commissioner Melcher: Now, is this just up to Crane right now?

Debbie Dewey: Right, that's what we're looking at is kind of the Evansville to Crane corridor. Does that answer the question?

Commissioner Melcher: Yes. I think, probably, so I don't forget it, since I sit on the board, maybe when it comes down to start getting elected people, let us know.

Debbie Dewey: Absolutely. Okay, we also support the downtown commercial corridor. We create and publish the Downtown Walking Map, the Devour Downtown website. We also maintain an inventory of available space and rosters of current downtown businesses. We do this in order to maintain the Indiana main street certification, as well as the certified technology park certification that we have from the State. We also produce the fireworks and still provide quite a bit of support to the farmers market.

President Abell: Debbie, how is your, is Innovation Pointe pretty full?

Debbie Dewey: Innovation Pointe is 98 percent full. It's been a great asset because we've used it not only to help incubation to start up businesses, but we also have used it as an asset to attract a business like SS&C. It's one of those things where you have a company coming in that's not going to make a big investment in equipment, so the tax phase-in is not as big an attraction for them, but by offering them space that helps them lower their start up costs and their start up risk, that's the way that we were able to land that project, versus a lot of the other communities

they were looking at. Just as a quick summary, in terms of the sources of funding that we have at GAGE, the biggest portion from rent and the facilities services for Innovation Pointe, as well as our public services contracts with the city and the county; private investment; we have a small amount of grants; and then up until this year we have also had the remaining funds in the Certified Technology Park Fund, which is now tapped out. Then, the uses of those, over 2012 the biggest part, of course, is the operations of Innovation Pointe. Again, the reason that is large is because we're using that as an attraction, as well as an incubation for new businesses. Then, we also have the work that we do for attraction, retention, expansion, incubation, tech transfer, tax phase-in design and review, and the downtown development. So, that's just kind of a brief summary of the sources and uses of funds for GAGE. So, that's just the highlights for 2012. Again, I think that over the last few years, handling over 760 requests for assistance from large businesses down to small entrepreneurs and investors, as well as landing 1,400 jobs is evidence of what the investment in GAGE is doing. Are there any other questions?

President Abell: Commissioners?

Commissioner Melcher: No, do you want to say anything about the contract or anything, because it's further on down, and you won't have to stay.

Debbie Dewey: Well, the contract that we're proposing is exactly the same contract that we had last year, for the same amount, \$150,000, and really with the same terms to provide economic development services, such as the things you've seen summarized here in terms of our 2012 activities. It would just be a request of a continuation of that contract through 2013.

President Abell: Okay.

Commissioner Melcher: Alright.

President Abell: Commissioners? Well, kudos on the Berry Plastics announcement.

Debbie Dewey: Thank you.

President Abell: Thank you, Debbie. You do not have to stay if you don't want to.

Commissioner Melcher: No, that's why we asked.

Debbie Dewey: Oh, okay. Thank you.

President Abell: We can handle that, we think.

Grow Southwest Indiana Workforce

President Abell: Jim Heck with Grow Southwest Indiana Workforce. Right on top of Growth Alliance for Greater Evansville, that was a lot to say.

Jim Heck: I know, and as a tenant of Innovation Pointe, I want to tell you I really like working with Debbie. We've done a lot of good projects together. So, she's been really great to work with. You asked me to come back to talk more about insurance. I've asked, and Angie's got some reports that I want to give you. I've contacted the

State, our fiscal agent, and I've talked with your insurer, Mr. Dillow, there is no insurance that can be purchased for the type of coverage that you're looking for here, that we can find. We'll still continue to look, but at this point I don't believe there's any that we'll be able to purchase. What Angie is giving you now is a copy of the insurance that we carry, the directors and operators, D & O, to take care of our directors and operators. Then, you'll see our most recent audit from Comer and Nowling. That was just completed, we just got the report, actually after the last time I was here, but I wanted you to have that. That shows no material findings, everything is fine.

President Abell: Commissioners, do you have any questions? What could be our maximum exposure? I don't know if we covered that. We may have covered it last meeting. It won't be a million dollars?

Jim Heck: Our region brings in probably three million dollars a year to this region. So, if it's split up over nine counties, if that liability is split up over nine counties, that would be the maximum.

President Abell: Okay.

Jim Heck: So, I don't know what that figures out to, but, again, that varies from year to year how much we bring in. If we go after additional funds or if we, with the funds that's been cut recently we've gone down quite a bit, but it's somewhere around three million dollars a year.

President Abell: Okay.

Commissioner Melcher: But, that wouldn't be divided up among nine, because as you said before it goes by population.

Jim Heck: Well, it will be whatever that group, the group of elected officials agree to. Each county would have a piece of it, it just depends on how big a piece that would be.

Commissioner Melcher: But, as you said, those elected officials don't vote on it, everybody else votes on it.

Jim Heck: On that piece that's strictly elected officials.

Commissioner Melcher: So, that one is voted on?

Jim Heck: That's strictly the elected officials agreement to come to. That does not pass down to the board.

Commissioner Melcher: Because that's the only thing that we were worried about was that you've got this 31 committee, 31 members, and seven of them can't vote, or nine, whatever it is, and they're the ones elected, but then all of the elected people are the ones responsible.

Jim Heck: Well, on this piece where how it would be split up, that is strictly the elected officials call.

Commissioner Melcher: Okay, thank you.

President Abell: I don't think we have, there's not a lot we can do about it. I mean—

Commissioner Melcher: It is what it is.

President Abell: – we've explored everything that we can explore. It is what it is, yeah.

Jim Heck: Okay.

President Abell: But, we appreciate you coming back to us.

Jim Heck: Oh, it's no problem, and I do want to let you know that every year we have two elected officials meetings. You should have gotten an invitation. If you don't, I'll make sure that we get you one for the next one, but we have two, we try to have them spaced out, and I try to get to the Commissioners meetings at least twice a year to give you an update of what we're doing. So, I'll make sure and bring the financial reports with me when I come for those so that you'll have those as well.

President Abell: We appreciate that.

Jim Heck: Okay.

President Abell: Thank you.

Jim Heck: Thank you.

THDF: Property and Casualty Insurance Update

President Abell: Bob Dillow with Torian Hofmann Dillow and Flittner to give us an update on our insurance.

Bob Dillow: Good afternoon.

President Abell: Good afternoon.

Bob Dillow: Our report today is brief. At our last meeting we mentioned that we were attempting to find better coverage as it relates to the worker's compensation piece of the county's insurance. We were successful in finding a company by the name of Midwest Employers that would reduce the cost of their portion of the program by \$11,500. Same coverage, same self insured retention limit, the only difference simply is a small reduction in the price, and \$11,500 is, of course, meaningful. In addition to that, we were looking for an endorsement, based on the Insurance Audit and Inspection Company's recommendation that would extend coverage for communicable diseases to both the worker's comp and the general liability policy, so that if there was a common loss involving multiple employees, there would only be one deductible to apply, rather than multiple deductibles. The previous insurer would not do that, Midwest would. So, it's been a win on two different levels for us. Also, from an overall premium standpoint, if we keep everything on an apples to apples basis, as near as we can, the increase this year is 2.1 percent, which is down from the percentage numbers that we gave you two weeks ago. Now that we have our final numbers and recommendations from the Insurance Audit and Inspection Company, as well as the responses from the underwriters, we will be asking to meet with each of the Commissioners individually to discuss those to fill you in on what

they're saying and what our recommendations would be. In addition to that, we have the third party administrator contract that renews each February. We were able to negotiate with them, their fees for the next year are flat. There is no increase in any area from them, and they were brought back to you last year for the first time after being absent for three years. So, we're very satisfied with those results. Then, lastly we have been attempting to obtain a quotation from another large municipal insurer, and they keep promising us numbers, and as of today we still don't have them. I am not optimistic that they can meet the level of coverage we have here. They've already admitted that they can't provide the level of earthquake coverage that we currently have, but we are still requesting the numbers so we can compare with what we have now. That's the report from myself and Greg Hofmann. Any questions?

President Abell: Commissioners?

Commissioner Kiefer: None, I don't have any, but thanks for the encouraging news there.

Bob Dillow: Okay, thank you.

Commissioner Melcher: And the good news.

Bob Dillow: Thank you very much.

President Abell: Keep working on those health premiums.

Bob Dillow: Will do.

President Abell: That's a big part of our budget.

County Treasurer: Board of Finance

President Abell: The County Treasurer, for the, I saw her come in. There she is. She has a report on the Board of Finance.

Susie Kirk: Good evening. Apparently it is the usual thing to elect the Treasurer as the President of the Finance Committee. So, I am here to ask if you will elect me to be the Chairman of the Finance Committee.

President Abell: I'll entertain a motion from the Commissioners.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Susie Kirk: Thank you very much.

Commissioner Melcher: Before you leave, congratulations.

Commissioner Kiefer: Yeah, congratulations.

Commissioner Melcher: Congratulations on being the Treasurer.

Susie Kirk: I will have to say it's quite an honor to sit in my dad's old spot.

Commissioner Melcher: No, I believe that. I believe that.

President Abell: For the record, you're Susan Kirk.

Susie Kirk: Yes, for the record. Thank you.

President Abell: You didn't give your name, because all of us know you.

Joe Harrison, Jr.: Is there another position? Is there that needs to be with that?

Madelyn Grayson: Traditionally they've made the Auditor the Treasurer of that Committee also.

Joe Harrison, Jr.: Okay.

President Abell: Okay, well, I'll entertain a motion—

Madelyn Grayson: I'm sorry, not the Treasurer, the Secretary.

Commissioner Melcher: That's right.

President Abell: I'll entertain a motion.

Commissioner Kiefer: That the Auditor be the Secretary—

Joe Harrison, Jr.: Secretary of the Finance Board.

Commissioner Kiefer: – of the Finance Board. Okay, I'll make that motion.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: It's a hard choice, but I'll vote yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I guess you two know each other.

Susie Kirk: Okay, I'll see you sometime. We'll get together.

Commissioner Kiefer: Congratulations, Joe.

President Abell: Thank you, Susan.

<p style="text-align: center;">First Reading of Ordinance CO.01-13-003: County Roadway Hazardous Material Clean Up (Deferred)</p>
--

President Abell: Next on your agenda is the first reading of CO.01-13-003, which is the county roadway hazard material clean up ordinance. The Sheriff has asked that we table this ordinance. I would entertain a motion to table the ordinance.

Commissioner Melcher: So moved.

Commissioner Kiefer: Is that tabled then to the next meeting, regularly scheduled meeting?

Joe Harrison, Jr.: I think until he comes back, until he reports back and says put it back on.

Commissioner Kiefer: So, indefinitely at this point? Okay, then, I'll second it.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: The motion is tabled until the Sheriff brings it back to us.

**Second/Final Reading of Ordinance CO.01-13-002:
Amendment to Fair Housing Ordinance (Withdrawn)**

President Abell: Next on your agenda is the second and final reading of CO.01-13-002, an ordinance amending the fair housing ordinance. I think Debbie is here to speak to us to that.

Debbie Bennett-Stearsman: Good evening. Debbie Bennett-Stearsman with the Economic Development Coalition of Southwest Indiana. At approximately 4:00 today I received a phone call from Kathleen Weissenberger, Kathleen is the Director of Grant Support of the Office of Community and Rural Affairs, and Dax Norton who is the newly appointed Director of the Office of Community and Rural Affairs, regarding the fair housing amendment, which is on the agenda, and was a requirement of the OCRA funded grant the county received for the Bohannon sewer project. They had just had a conference with HUD, and it appears that there was an incorrect statement inserted into the sample fair housing ordinance and/or amendment that was forwarded on to the communities and that was on the website for the Office of Community and Rural Affairs. Therefore, the county will not be required to amend the current fair housing ordinance tonight. I will forward a copy of the county's current fair housing ordinance to the State for review to see that all information in the ordinance is correct. I have reviewed it earlier today and I believe that it is correct. I don't think we'll have any problems. The county will receive the release of funds to award the Bohannon project.

Commissioner Melcher: Let me thank you for all of the e-mails going back between you and us and everybody else that you've done a good job for us again.

Debbie Bennett-Stearsman: Thank you.

Commissioner Melcher: I guess, we need a motion to withdraw?

President Abell: I don't know. Mr. Harrison, what do we do?

Joe Harrison, Jr.: It probably would be prudent to withdraw the ordinance that's under consideration. It passed on first reading two weeks ago. It's not necessary for this matter. It's my understanding that the State will be getting back with other local communities—

Debbie Bennett-Stearsman: All of them.

Joe Harrison, Jr.: —all of them, and indicate what might need to be considered down the road for various types of funding, but they don't what that is right now. Is that your understanding?

Debbie Bennett-Stearsman: Basically, yes, correct.

Joe Harrison, Jr.: Okay.

Debbie Bennett-Stearsman: But, it's not affecting anything right now that you need to, any action that you need to do.

Joe Harrison, Jr.: So, it might be down the road that it might be something that this community, this county may want to look at for future funding, but as far as this

project is concerned, there's no need. Our current ordinance that was passed, I believe, in the early 2000's fits what the Feds, the federal government is looking for to award the \$497,000 grant. Is that correct?

Debbie Bennett-Stearsman: That's, yes, that's my understanding. Of course, they have to review it and agree with what I said, but, as far as the ordinance, but I do not see any problem in the ordinance.

Joe Harrison, Jr.: Okay, thank you. So, what I would do is go ahead and make a motion to withdraw the proposed ordinance amendment at this time.

Commissioner Melcher: Yes, I'll go ahead and make the motion to withdraw CO.01-13-002, an ordinance amending the Fair Housing Ordinance that we had passed a week ago, two weeks ago.

Commissioner Kiefer: I will second that.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Debbie Bennett-Stearsman: Thank you. I'll see you all at the next meeting for awarding.

President Abell: Thank you.

Joe Harrison, Jr.: So, at the next meeting, on February 5th is when the construction bids will be considered?

Debbie Bennett-Stearsman: They will, it will be awarded.

Joe Harrison, Jr.: Awarded.

Debbie Bennett-Stearsman: I'll get information out to you, but they will be awarded and a pre-construction meeting set.

Joe Harrison, Jr.: Okay, thank you.

Debbie Bennett-Stearsman: Okay.

**Superior Court: Professional Services Agreement with Todd Wilson
Co-Op Extension: SBM Maintenance Agreement
County Assessor: DS Parker Assessor Services Agreement
2013 Mulberry Center EAP Agreement
2013 GAGE Agreement
2013 METS-USI Transportation Services Agreement
Health Dept: NACCHO Agreement
Health Dept: CHAMP Software Agreement**

President Abell: Next on the agenda, contracts, agreements and leases. Superior Court, Treatment Court's agreement with Case Manager, Todd Wilson. I think that's what Judge Trockman is here to address.

Wayne Trockman: Good evening, Commissioners, Wayne Trockman, Vanderburgh Superior Court. Our, the Treatment Court's Director has been ill, and has been out of the office for over six weeks. We received a grant, we were successful in receiving a grant from the Department of Health and Human Services, about \$990,000 over three years, and there are some significant requirements over the next couple of weeks and a month or so. I would like to contract with my Senior Case Manager to, who worked with my Director, who is ill, to make all of the submissions to the Department of Health and Human Services. He cannot do that during his regular work hours. He's going to have to work on Saturdays, Sundays, evenings, etcetera. We already pay our Case Managers by contract, approved by you, to teach classes to our participants in the evenings. We pay them \$35 an hour. The contract that you have is \$30 an hour for Mr. Wilson to meet these requirements. It terminates March 1¹, because I can't imagine that we would have any requirements after that, or that my Director won't be back before that. So, it's a simple contract, \$30 per hour to meet the requirements of the, I think it's called the SAMHSA/Department of Health and Human Services Grant.

President Abell: I have a question. I'm a little confused. Todd Wilson currently works as a Case Manager through Superior Court?

Wayne Trockman: He's been with us for about eight years.

President Abell: Is he a full time county employee?

Wayne Trockman: He is.

President Abell: Mr. Harrison, I'm having flashbacks of the hiring the people at the jail, are we into where we would have to pay him overtime to do this? Or, can we contract with him as an independent?

Joe Gries: Mr. Harrison, I might have a quick comment on that as well. IRS stipulations may require that because he's a county employee that we do actually pay him overtime for time worked over and above 40 hours. That's something we may want to contact the IRS and get clarification on, because he is already currently a full time county employee. We've ran into that situation in the past, and it is something we may want to look at.

¹Should be April 1, 2013.

Wayne Trockman: We went through that process some years ago when we entered into these contracts with our Case Managers who are all trained to teach these cognitive and behavioral restructuring classes that we do, and we pay them on a contract basis, but that was based upon legal advice, as I recall, from Ted Ziemer some years ago.

Joe Gries: That information may help, maybe when we contact the IRS maybe we can use that information to help.

Wayne Trockman: Or maybe, yes, or maybe Ted—

Joe Gries: Talk to Ted.

Wayne Trockman: – has some information.

Joe Gries: Right.

Wayne Trockman: But, I know that he approved, and we are still operating under those contracts.

Joe Gries: I know there is a situation with Sheriff Deputies because it's a different branch of government, they're considered part of the Executive Branch—

Joe Harrison, Jr.: And they're working for the Courts, which is the Judicial Branch, whereas—

Joe Gries: – and we did get permission from the IRS to keep that separate.

Joe Harrison, Jr.: Yeah, the IRS said we could do that. You know, when the security, the various Sheriff Deputies go out—

Wayne Trockman: Right.

Joe Harrison, Jr.: – so that's okay, as far as they're concerned being independent contractors, not overtime Sheriff Deputies work.

Wayne Trockman: Well, we also have contracts with three Sheriff's Deputies.

Joe Harrison, Jr.: Right, but that's okay. That's okay.

Wayne Trockman: So, this has been approved. If you would like to table it and consult with Ted, or make an independent inquiry, it's not a problem. We've got—

Joe Harrison, Jr.: You've got the money.

Wayne Trockman: – we're not asking for any money. If I have to pay him time and a half, I will. He's not asking for it.

Joe Harrison, Jr.: Okay, and this is through grant funds?

Wayne Trockman: It is through grant funds.

Joe Harrison, Jr.: As opposed to the other salary that he's receiving that would be county funds, or not? Is he getting paid by all grant funds?

Wayne Trockman: He is paid all grant funds.

Joe Harrison, Jr.: So, all, okay. Okay.

President Abell: You understand, we're not trying to hold you up, we're just trying to make sure that we do this right.

Joe Harrison, Jr.: I mean, I think we could go ahead and, I think you could go ahead and approve it, we'll just have to find out if he has to be paid overtime or not.

Joe Gries: It could be a situation--

President Abell: How about if we approve it and leave off the amount of money, and that way if it's overtime pay or whatever--

Wayne Trockman: You know, if you can do that, that would be wonderful, because he is doing the work now--

Joe Harrison, Jr.: That's fine.

Wayne Trockman: -- because it's very time sensitive. I've not paid him, obviously, because the contract has not been approved. I talked to him on the phone walking over here, and he is anxious to have his contract approved so that he can get paid.

President Abell: Well, what if we approved this agreement and contract language and say that the amount that he will be paid will be based on what--

Joe Harrison, Jr.: What we find out from the IRS.

President Abell: -- the Auditor finds out.

Joe Harrison, Jr.: Yeah.

President Abell: And we will pay accordingly to what we have to pay.

Wayne Trockman: Or, and just--

President Abell: It's either going to be time and a half or \$30 an hour, one or the other.

Wayne Trockman: Just in the interest of fair disclosure, I would like to go ahead and pay him for the work he's done up to date at \$30 an hour, and I'll pay him the balance if we find out that he's owed the balance, would that be acceptable?

President Abell: It's acceptable with me. Is it acceptable to the Auditor?

Commissioner Kiefer: Could we not amend--

Joe Gries: It's maybe not the easiest way to handle it, but, I think, once we get an opinion from the Internal Revenue Service we can go back and we could adjust pay or we could figure out the best way.

Commissioner Kiefer: Could we not approve this as is, and then just do an amendment to the contract if we find out that we owe more money for--

President Abell: I don't know. That's Mr. Harrison.

Joe Harrison, Jr.: Yeah, I don't really have a problem with as the contract is, \$30 an hour, retroactive to January 1, right? Is that when it took effect?

Commissioner Melcher: That's what it says here.

Joe Harrison, Jr.: And, we just need to find out if we've also got to pay Mr. Wilson overtime as well.

Wayne Trockman: Quite frankly, the number is \$30 an hour partly because it's being done in addition to his regular duties, time away from his family during regular work hours and working Saturdays and working evenings and Sundays, etcetera. So, that's why we've paid \$35 to teach in the evenings, that's why I agreed to pay him \$30 to do this on the weekends.

Joe Harrison, Jr.: Okay, I see what you're saying, as opposed to whatever his hourly rate would be.

Wayne Trockman: I think I would have negotiated with him at a lower pay–

Joe Harrison, Jr.: Sure.

Wayne Trockman: – if I knew that he was going to receive time and a half, but I can adjust all of that if we get–

Joe Gries: And maybe I could get with you, Judge Trockman–

Wayne Trockman: Sure.

Joe Gries: – to get all of the details so that we give that information to the IRS.

Wayne Trockman: He's been with us for a long time. He's very reasonable.

Joe Gries: Good. Thank you.

Commissioner Kiefer: I'll make a motion to approve as written, and if there's something different that comes before this, we discover something new, we'll just have to revisit it.

Commissioner Melcher: Yeah, I'll second it with the dates going back to January 1.

Commissioner Kiefer: Right.

President Abell: Is that what you want?

Wayne Trockman: Very good.

President Abell: Okay.

Wayne Trockman: That would be great.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Judge.

Wayne Trockman: Thank you. Have a nice evening.

President Abell: We'll try. Purdue Cooperative Extension Service, Southern Business Machines agreement. Okay. Is this just a renewal of their agreement? What, there's no one here from Purdue Extension? Does anybody have any idea what this is? I mean, it's for their business machines, but—

Joe Harrison, Jr.: Yeah, it's just a postage machine. Yeah, it's just with Southern Business—

President Abell: It would have been nice if they would have come.

Joe Harrison, Jr.: Yeah, I think it's \$635. Is that what the amount is? Southern Indiana Business Machines, \$625. It's just an annual, for their mail machine, electronic scale—

President Abell: Okay.

Joe Harrison, Jr.: – I think they do it every year, apparently.

President Abell: Okay.

Joe Harrison, Jr.: I don't have a problem with it.

President Abell: I'll entertain a motion to accept.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: County Assessor, agreement with DS Parker Assessor Services. Mr. Fluty?

Bill Fluty: Good evening, Bill Fluty, County Assessor. Questions?

President Abell: I don't have any. Do any of the other Commissioners? Everybody knows, I think everybody knows—

Commissioner Kiefer: Yeah, we're familiar with it.

President Abell: I think we're all familiar with it.

Bill Fluty: Yes, thank you.

Commissioner Kiefer: So, there's nothing, no new additional?

Bill Fluty: No, this is similar to the contract we've had previously.

Commissioner Kiefer: Okay.

Joe Harrison, Jr.: It's exactly like last year's, isn't it?

Bill Fluty: Yeah, that's correct.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Bill Fluty: Thank you, appreciate it.

President Abell: Thank you, Bill. The Commissioners on the agenda, the 2013 employee assistance services agreement with Mulberry Center. The cost is \$75 per session, which is the same as 2012. The funding is in place to cover the cost of this contract. Michael Carroll with Southwestern Healthcare is here to answer any questions. Come forward please.

Michael Carroll: Hi.

President Abell: Hi, how are you? The same contract we had with you last year?

Michael Carroll: It is, the price is the same, and last year, I think you used 41 hours. So, it was about \$3,000.

President Abell: I was going to ask you how many people took advantage of it.

Michael Carroll: 12 people total.

President Abell: 12 took advantage of it?

Michael Carroll: Yeah.

President Abell: Good. Commissioners, any questions?

Commissioner Melcher: No, I'll make the motion to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Michael Carroll: Thank you so much.

President Abell: Thank you for providing a good service for our employees.

Michael Carroll: Thanks.

President Abell: 2013 GAGE agreement. It's a one year agreement for economic development related services provided on behalf of the county at a cost of \$150,000. This is identical to last year's contract. The funding for the agreement is to come

from the county's Riverboat Funds. Mr. Melcher, since you're our appointment on the board, what say you?

Commissioner Melcher: No, I'm okay with this. So, I'll make the motion to approve it.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Commissioner Melcher: I would like to say that they are, or we are meeting, in fact we're going to be meeting with the Auditor too. I just talked to Joe today about trying to find some other alternative incomes so ours can start dwindling down in the future.

President Abell: Good idea.

Commissioner Melcher: I think they're even going to ask Commissioner Kiefer to sit on one of their committees, the Savannah, Georgia.

Commissioner Kiefer: Right.

Commissioner Melcher: So, we're looking at a lot of different things right now. Hopefully in the next couple of months we might have something ready.

President Abell: Good.

Commissioner Kiefer: I want to make one comment too, I think they've done a much better job this year.

President Abell: I do too.

Commissioner Kiefer: They've done a great job, at least communicating with me, and I see a lot of their e-mails and a lot of their work that goes out with prospects, and, you know, I'm excited about what they're doing.

Commissioner Melcher: Well, I believe since last year we've asked them to keep us in the loop more. So, I think they're working with us a little better and I think there's a lot more room for improvement, but we're working on it.

President Abell: Well, it certainly is something that we certainly need to bring more business to the area for our residents. I have a motion and a second, roll call vote.

Madelyn Grayson: We've already voted on that motion.

President Abell: Oh, we've already voted. I'm sorry. 2013 METS westside connection subsidized public transit agreement. The cost is \$25,000 for a period of January 1, 2013 to December 31, 2013. The terms and the cost are identical to last year.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Health Department, the National Association of County and City Health Officials agreement. It's an agreement whereby, do you pronounce that NACCHO? NACCHO, is that how you pronounce your organization?

Gary Heck: I think they call it NACCHO.

President Abell: NACCHO? Okay. Way too many acronyms. Will provide \$4,000 in funding to the county Health Department to build the capacity of the county Health Department's Medical Reserve Corps. This runs from January 5, 2013 until January 13, 2013². Mr. Gary Heck with the Health Department is here.

Gary Heck: I would be happy to answer any questions.

President Abell: Commissioners?

Commissioner Kiefer: None.

Commissioner Melcher: No, I don't have any questions. I think we started this a year ago? So, I'll make a motion to approve.

President Abell: Do I hear a second?

²This should be July 31, 2013.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you. Nightingale Notes CHAMP software subscriber agreement. The cost of the agreement will be \$22,574 for one year, and \$6,992 for year two, for a total cost, contract cost of \$29,566, which will be paid to the Indiana Immunization Coalition pursuant to phase two of the CDC billing project grant as set forth in the accompanying addendum. That's a lot to say.

Gary Heck: Yeah, the Indiana Immunization Coalition actually has the funds and they're going to pay this two year on our behalf. So, it's a win-win for the Health Department. It will allow us to bill private insurance companies for services in the future. So, it's really a wonderful project for the Health Department.

President Abell: It is, as it says, a software—

Gary Heck: It's a software program and some training, yes, Ma'am.

President Abell: Will you own it? Or will they own it and you'll use it? How is that going to work?

Gary Heck: It's a licensing agreement, so, we will have the rights to use it for that two year period, and then it would be, from that point on, the Health Department would be responsible for continuing the licensing agreement at that \$6,992, or if they have any incidental increases from that it would be at that amount. With the money that we'll be bringing in from the private insurance for services that we'll be billing, we'll have the funds to pay for it in the future.

President Abell: And, will you be utilizing the services of Mark Rolley to help you? Or is this something that you can do on your own? Or are they going to do it?

Gary Heck: It's like every other project that we have, Computer Services, well, this is a web-based program, so, we'll be using our equipment, but we won't be needing to use anything here other than the Internet to be able to get to it.

President Abell: Oh, okay. So, nothing has to be installed?

Gary Heck: No, that's correct. Nothing would be installed.

President Abell: Okay. I'll entertain a—

Commissioner Melcher: Well, I'm glad you broke it down, because I read this thing three times and didn't know what it said. So, at least we know now what it is. I'll make the motion to approve it.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you, Mr. Heck.

Introduction of Teen Advisory Council & Other Job Shadows

President Abell: Before we go to the department head reports, we have two people here with us here tonight that you don't normally see sitting up here. Maybe we can, Mr. Harrison, would you like to—

Joe Harrison, Jr.: Yes, I'll introduce the fellow to my right. This is Bill Christian. He's a sophomore at Depauw University. They have a winter term project during the month of January. So, he is shadowing another attorney here in town, Marco Delucio, during the month of January, and Bill wanted to attend a County Commissioner meeting and see what we do over here. I said, well, that's great. Have no problem with you sitting next to me. I was a member of the same fraternity that Bill is in at Depauw University, and, as a matter of fact, I went to Depauw myself many, many years ago. So, I was a Beta Theta Pi, just like you. So, thank you for coming here this evening. If you want to say hello to anybody on t.v., you can say hello.

Bill Christian: Not really.

Joe Harrison, Jr.: Okay.

President Abell: And, those of us who feel really old happen to know your parents, which would be me. We have another student who is with Youth Resources, I think.

Allison Cook: Yes, my name is Allison Cook and I attend North High School as a junior.

President Abell: Thank you, it's good to have you with us here this evening.

Commissioner Kiefer: Welcome, both of you.

President Abell: If you have paperwork for us to sign, just bring it up at the end of the meeting, we'll be happy to sign it.

County Engineer

President Abell: Department head reports. Is Mr. Stoll, oh, he is here. John? We got your e-mail, but you might want to—

John Stoll: John Stoll, County Engineer. I've got two items, two travel requests first of all. The first is for Pat Seib to attend Purdue Road School on March 5th and 6th. I would like to file that request with the County Council. The other request is for me to attend the IDEM annual storm water meeting in Indianapolis on May 30th.

Commissioner Kiefer: Do we need a motion?

Commissioner Melcher: Yeah, I'll make the motion to approve it.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The other item I have is three right-of-way purchase offers for the Green River Road project. The offer amounts are as follows; parcel 67, owned by Church, the amount is \$2,735; parcel 68, owned by Curtis, the amount is \$1,350; and parcel 69, owned by Evans, the offer amount is \$1,500. I would like your approval to proceed with making those offers. They have been reviewed by the County Attorney.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: Thank you, Mr. Stoll.

John Stoll: Thanks.

President Abell: I don't see, Mr. Mueller, you're just here for the Drainage Board meeting?

Jeffrey Mueller: That's correct.

President Abell: Okay. Any other, there are no other department heads here.

New Business/Old Business

President Abell: Is there any new business to come before the County Commissioners? Is there any old business to come before the County Commissioners.

Board Appointments

Commissioner Kiefer: What about board appointments?

President Abell: Oh, that's right. We do have board appointments. I skipped over those. Mr. Melcher, you've got the paper, do you want to do them?

Commissioner Melcher: Okay, I could do that. We're going to go ahead and do the Burdette Park too? Okay. On the Common Construction Wage, we have one return person, Tom Goodman. Next would be John Wright, Russell Redman and Marvin Bauer. I guess, the Community Corrections Complex, I guess, I'm being appointed back to that. Next on the Construction and Roofing Board, it would be Jeff Happe, Ron Dauby and John Elpers. Criminal Justice Planning Committee would be Joe Kiefer. Disability Services Advisory Board would be Don Counts, Della Sandage and—

President Abell: I am talking to a young man, and we'll know next time whether he's accepted the position.

Commissioner Melcher: Okay. Domestic and Sexual Violence, Joe Kiefer. Do we have anybody for the EARC?

President Abell: I had a call in to Deidra Conner to see if she knew anyone.

Commissioner Melcher: Okay. Economic Development Coalition would be Marsha Abell and Mike Hinton. The Electrical Board would be Mike, excuse me Mark Schnur, Jerry Goedde and Don Beavin. GAGE would be myself, Steve Melcher. We'll skip the Homeless Commission, we already did Joe. Okay, on the HVAC it would be Bob Crow, John Wright and Brian Steinmetz. ITAC is Marsha Abell. Library Board of Trustees is Dr. Robert Reid. The Mayor's Education Roundtable will be Joe Kiefer. Then, on the MWBE, do you want to announce that one?

President Abell: The Minority Business and Women Enterprise is Anna Melcher. I think Mr. Melcher has a copy of that for you too, if you need for your-

Commissioner Melcher: Yes, and then, Jeff, we didn't know if you wanted to be on the Greenway Board. The Pigeon Creek Greenway Board, or committee, or whatever it is called. Pigeon Creek Greenway, would you like to be on there?

President Abell: Just say yes, Jeff.

Jeffrey Mueller: Yeah. Okay.

Commissioner Melcher: We had one opening, and we thought you would be the best one on it, you know, get your feet wet.

Jeffrey Mueller: Okay, thank you.

Commissioner Melcher: Congratulations on your election too, again. Jeff Mueller, Lester Steinmetz, Steve Craig, Fred Padget and Blaine Oliver. Public Defender, you're keeping it?

President Abell: Uh-huh.

Commissioner Melcher: Marsha Abell. I guess, the Redevelopment Authority, right now, we're going to skip. Then, the Redevelopment Commission is Kirk Knight, Chuck Whobrey and Jim Will, Sr. That's what we have, as of now.

Commissioner Kiefer: Yeah, I make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Public Comment

President Abell: Is there any public comment?

Consent Items

President Abell: Consent items?

Madelyn Grayson: The consent items for the January 22nd meeting are as follows; approval of prior minutes, we have the January 8, 2013 Commissioners meeting minutes, and the January 22, 2013 Executive Session summary minutes; employment changes for the Commissioners approval, there are two for Legal Aid, three for the County Highway, three for the Health Department, and one for the Public Defender; the County Auditor has the covered bridge certification and the affidavit regarding certification of employment for John Stoll; the Sheriff has a request to surplus and dispose of a 2003 Ford E350 SD van; there are December 2012 monthly reports from the County Ozone Officer³, the IBAP Gatekeeper, the County Clerk, the County Treasurer and Legal Aid; the Hillcrest Washington Youth Home fourth quarter 2012 fees for services; we have the Weights and Measures December 16th through January 15, 2013 monthly report; the County Engineer has a department head report and pay request number 167 for \$118,450.

Commissioner Melcher: I'll make a motion to approve the consent items.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the County Commissioners?
I'll entertain a motion to adjourn.

³Should be November & December 2012 Ozone Officer Monthly Reports.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:01 p.m.)

CONSENT ITEMS

Commissioners:

Approval of the January 8, 2013 Commission Meeting Minutes
Approval of the January 22, 2013 Executive Session Summary Minutes.
Ozone Officer: November & December 2012 Monthly Reports.
IBAP Gatekeeper: December 2012 Report.
Hillcrest Washington Youth Home: Fourth Quarter 2012 Fees for Services.

Employment Changes:

Co. Highway (3)	Health Dept (3)	Legal Aid (2)
Public Defender (1)	County Clerk (1)	Superior Court (3)
Auditor (1)	Sheriff (2)	

County Auditor:

Covered Bridge Certification.
Affidavit Regarding Certification of Employment for John Stoll.

Sheriff: Surplus Vehicle Request: 2003 Ford E-350 SD Van.

County Clerk: December 2012 Monthly Report.

County Treasurer: December 2012 Monthly Report.

Legal Aid: December 2012 Report.

Weights & Measures: December 16, 2012-January 15, 2013 Monthly Report.

County Engineer:

Department Head Report.
TIF Pay Request No. 167: \$118,450.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Debbie Dewey	Jim Heck
Bob Dillow	Debbie Bennett-Stearsman	Susie Kirk
Wayne Trockman	Bill Fluty	Michael Carroll
Gary Heck	John Stoll	Bill Christian
Allison Cook	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 5, 2013**

The Vanderburgh County Board of Commissioners met in session this 5th day of February, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex with Vice President Joe Kiefer presiding.

Call to Order

Commissioner Kiefer: I would like to call to order the Vanderburgh County Board of Commissioners for February 5, 2013.

Attendance Roll Call

Commissioner Kiefer: Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here. We have a quorum, so, we're good to go.

Pledge of Allegiance

Commissioner Kiefer: I would like to ask Judge Kiely to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Commissioner Kiefer: Thank you, Judge Kiely. I appreciate that.

**Permission to Open Quotes for VC13-02-01:
Broadway Avenue Bridge No. 270 Deck Replacement & Maintenance**

Commissioner Kiefer: I would like to have permission to open quotes for VC13-12-01¹, Broadway Avenue Bridge No. 270 deck replacement and maintenance.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

¹Should be VC13-02-01.

(Motion approved 2-0)

Commissioner Kiefer: So—

Joe Harrison, Jr.: I'll just go ahead and open them up and report back in a few minutes with the findings.

Commissioner Kiefer: That sounds good. Thank you.

**Junior League of Evansville:
"Rockin' River City Ride" Road Race/Road Closure Request**

Commissioner Kiefer: Alright, moving right along, under action items, Junior League of Evansville, "Rockin' River City Ride" road race request. Megan Rideout with Junior League of Evansville is here to talk to us about the event.

Megan Rideout: Hi, good afternoon.

Commissioner Kiefer: Welcome.

Megan Rideout: Thank you. Like you said, I'm Megan Rideout with the Junior League of Evansville. We have applied for a special event permit, and a county road closure request form for our second annual event. I have spoken with Sam Preston, a lieutenant with the EPD, the Vanderburgh County Sheriff's Office, and he has approved this. I think you have all of the requested documents that you need with the permits. So, any questions you have of me?

Commissioner Kiefer: Yeah, I don't have any questions. I looked at that, I think it looks pretty standard. Commissioner Melcher?

Commissioner Melcher: No, as long as the Sheriff's happy, we're happy.

Megan Rideout: Okay.

Commissioner Kiefer: Okay.

Megan Rideout. Alright.

Commissioner Kiefer: Well, thank you very much. With that, I'll ask for a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: So approved. Thank you very much.

Megan Rideout: Thank you.

Commissioner Kiefer: Good luck with the race.

Megan Rideout: Thank you.

Introduction of Teen Advisory Council Job Shadows

Commissioner Kiefer: Okay, I probably jumped out ahead before I needed to do something here. I would like to ask Allison Cook to introduce herself. She's with Youth Resources.

Allison Cook: Hello, my name is Allison Cook. I'm with Youth Resources. I'm a junior at North High School. Thank you very much for letting me be here today.

Commissioner Kiefer: Well, welcome today. She's job shadowing us, and I think you'll have an exciting meeting here. Hopefully not. I also noticed there's some students in the crowd, I think with a journalism class. Do you want to stand up and say hello? Let's see how many are out here. Great, welcome to the County Commissioner meeting. Thanks. What schools are you from?

Unidentified: University of Evansville.

Commissioner Kiefer: University of Evansville. Great. Well, welcome, appreciate you being here. Thank you. Alright, back to the regular meeting.

**County Auditor: Permission to Advertise the 2012
Statement of Receipts, Expenditures & Salaries**

Commissioner Kiefer: County Auditor, permission to advertise 2012 statement of receipts, expenditures and salaries. Is that something we're doing?

Joe Gries: This is something we do every year. We have a big article, or a big ad in the paper that lists all of the 2012 receipts, expenditures and the salaries for the county.

Commissioner Kiefer: Okay, do we need a motion to approve this?

Joe Gries: Yes, please.

Commissioner Melcher: Okay, I'll make the motion to approve it.

Commissioner Kiefer: Second. I'll ask for a roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Approved 2-0)

Commissioner Kiefer: So approved. That was easy enough.

**Permission to Award Bohannon Estates Sewer Project
Construction Contract to BMB, Inc.**

Commissioner Kiefer: Permission to award Bohannon Estates construction contract to BMB, Inc. John, are you going to be doing this? Yeah. Whew! It's been a long time coming, hasn't it?

John Stoll: No doubt about that. I just want to request that the contract be awarded to BMB, Incorporated. The amount is \$352,340. They were the low bidder on the project.

Commissioner Kiefer: That's great.

John Stoll: Everything was reviewed through Debbie Bennett-Stearsman of the Economic Development Coalition, and I went through the contract documents. Everything is good to go.

Joe Harrison, Jr.: The money was released to us two weeks ago, I think.

John Stoll: Yeah, I believe so. A couple of weeks ago we got the official notice of release of funds from the State. So, everything is ready.

Commissioner Kiefer: When would the start time be?

John Stoll: I haven't talked to the contractor about that as of yet. Our first step will be setting up a pre-construction conference. That's one of the requirements for the grant funds, but once we get that, I can get a date and keep you posted.

Commissioner Kiefer: Yeah, that's exciting. Congratulations! Thank you. We'll look for a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Melcher: We got an e-mail from her. Is there anything else we're supposed to vote on tonight?

Joe Harrison, Jr.: No. It's, the fact that the funds were released. You know, it's been the last ten or 12 days, and that's what we needed.

Commissioner Melcher: So, this is the only thing we have to vote on tonight?

Joe Harrison, Jr.: Yes.

Commissioner Melcher: Okay, because she was saying it was very important that we got some things done tonight.

Joe Harrison, Jr.: I think it's important, I think the bids were only good till about today, weren't they? Or another week or so?

John Stoll: I can't remember whether it was 60 days or 90 days, but either way we were getting towards the end of it.

Joe Harrison, Jr.: Yeah.

Commissioner Kiefer: Well, we got it taken care of.

John Stoll: Thanks.

Commissioner Kiefer: Anyway, that's great, because I know that's been a long time coming, and the neighbors should be very happy about this.

**County Assessor: Tyler Technologies Contract
Juvenile Court: 2013 CASA Agreement
Circuit Court: Professional Services Agreements (5) w/ Sheriff Deputies
Health Dept: WIC Breastfeeding Peer Counselor Agreement: Webster
Health Dept: AIDS Prevention Grant Agreement Renewal
OCH Lease Agreement Renewal: Aids Resource Group
OCH Lease Agreement Renewal: Erin Ivie & Amy Juarez
2013 Alternative Services Concepts Claims Services Contract**

Commissioner Kiefer: Contracts, agreements and leases. County Assessor, Tyler Technologies agreement for data verification and imaging project. I see our County Assessor is here. Bill, thank you for being here tonight.

Bill Fluty: Appreciate it. Just to give you a little background on this project, we started this last summer, early summer, late spring to look into our need to take a street level picture for all residential properties in Vanderburgh County. We wanted a stop and shoot, rather than a kind of a quick drive by that doesn't give you the best photo. This company does do that. It has an overlay sketch that drops on top to give us better information about what's there and not, and also data collection and information. Many of you have been here a long time, and you know that at one time we had eight township assessors and they were in different cycles of keeping their pictures up to date of all new construction and every home in Vanderburgh County. Some were doing very well with it, but some had limited staff and couldn't keep up. We have, there are townships, or homes that do not have pictures, or do not have current pictures. This will give us pictures in a time frame of about four months. This benefits our office tremendously; the banks, I just had some conversation with them, Realtors, anybody doing appraisals, to see a current picture and know that picture has been taken within a time frame of 2013 in the first six months. Hopefully, if we

get all those done, to really see what grade and condition and what shape that home is in. We went to Council, actually Council funded that, and that money is in Reassessment. That was the next step. We've taken it to ITAC. ITAC has looked at it and approved it. We've had it on-site here for our staff and other people to look at. We brought him back again to, actually, Central Dispatch has looked at it, the Police looked at it, the Fire looked at it, the Building Commissioners. I've provided some letters of their support for that and how it helps them. It also puts a GPS right on the door, so they have locating that they can do with tablets as they drive and look for these properties. So, I do have support. I was actually looking for a little money from them, but I got more support and letters than I did cash, but, you know, I did the best I could.

Commissioner Kiefer: I think it's a great project. I know as a realtor myself, I know how valuable that information is. I think it's a great project. I think you're leading the way amongst many counties in what you're doing. I think it's just a really good site that you have. I think this is a great addition. \$194,000 and some change, and it's coming from the Assessor's Reassessment budget, so, I think this sounds like a no brainer to me. Any discussion amongst Commissioners?

Commissioner Melcher: No. I'll make the motion to approve it.

Commissioner Kiefer: I'll second it. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: Bill, thank you very much.

Bill Fluty: Thank you all. Appreciate it.

Commissioner Kiefer: Congratulations.

Bill Fluty: Thank you.

Commissioner Kiefer: Juvenile Court, 2013 CASA agreement regarding assessment and staffing services for certain Vanderburgh Superior Court juvenile cases. Runs from 1/1/13 until 12/31/13. The contract amount is \$96,000, which, I believe, is the same as last year?

Bernie Faraone: Correct. Yeah, it's been that same amount for several years.

Commissioner Kiefer: Right. So, is there anything else that you want to add to it, or any other highlights?

Bernie Faraone: No, just for your information, CASA stands for Court Appointed Special Advocate. It's a program that actually was developed by a former U of E intern, seeing that there's U of E students in the house. The U of E intern later

became the Mayor's Assistant, Joan David.

Commissioner Kiefer: Wow! Great.

Bernie Faraone: So, it was a model program that actually has been adopted by probably every county in Indiana as a CASA program. It's where they train adult volunteers to be assigned to children that were referred to court as being abused or neglected. They go through an education and training program. They get assigned a child and/or siblings, and they get to advocate for the child and submit their independent recommendations to the court. My knowledge of the program is we roughly get about 600 referrals a year, and I know the agency is always looking for more, they can't have enough adult volunteers.

Commissioner Kiefer: Yeah, I think Cathy Tuley is one of those volunteers, isn't she?

Bernie Faraone: Yes.

Commissioner Kiefer: Yeah, I've heard about it. She told me about the program, and it sounds like—

Bernie Faraone: It's a great program.

Commissioner Kiefer: — a great program, doing some good, and, again, Vanderburgh County leading the way in another program here. So, I'm in favor of it, but I would like to open this up for Commissioner discussion.

Commissioner Melcher: No, I know all about CASA. My wife has been a CASA worker.

Commissioner Kiefer: Yeah.

Commissioner Melcher: So.

Commissioner Kiefer: Motion to approve?

Commissioner Melcher: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Bernie Faraone: Thank you very much.

Commissioner Kiefer: Thank you, and congratulations. Circuit Court, Adult Probation agreements with the Sheriff's Deputies to provide security for Adult Probation Officers while making home visits. Just a little background, the off-duty Sheriff

Deputies are to receive \$30 an hour, or approximately \$9,600, for their services during 2013. The term of the agreement will be from 2/5/13 through 12/31/14. It's paid for by Probation User Fees.

David Kiely: Correct. We're asking you to approve the contracts.

Commissioner Kiefer: Okay, that sounds good. Just for a little further clarification, listed here, the Deputies; Nathan Sugarman, Kerri Blessinger, Brian Traylor, Brad Traylor and Randy Chapman. Any discussion amongst the Commissioners?

Commissioner Melcher: No.

Commissioner Kiefer: Okay, a motion?

Commissioner Melcher: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: Judge, thank you very much.

David Kiely: Thank you. I'm also a U of E grad.

Commissioner Kiefer: Oh, well, that's great.

David Kiely: So, there you go.

Commissioner Kiefer: Well, U of E is well represented tonight.

Commissioner Melcher: My daughter graduated from there as an accountant.

Commissioner Kiefer: Well, there you go. Commissioner Melcher's daughter graduated from there. Health Department, the WIC breastfeeding peer counselor agreement with Helena Webster. The cost, just a mere nine dollars per hour. That's very reasonable. Paid for by grant funds. The contract is identical to other such contracts.

Gary Heck: That's correct. I would be happy to answer any questions, should you have any.

Commissioner Kiefer: Any questions?

Commissioner Melcher: No, I think we really understand this program.

Commissioner Kiefer: Yeah.

Commissioner Melcher: So, with that, I'll vote yes.

Commissioner Kiefer: Do you want to make a motion? Are you going to make a motion first?

Commissioner Melcher: I did.

Commissioner Kiefer: Okay, well, then I'll second the motion. Now, we'll do roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: There you go.

Gary Heck: Thank you. I think I have one more.

Commissioner Kiefer: Okay, next is the AIDS prevention grant agreement for \$100,000 and runs through, from January 2013 through December 31, 2013.

Gary Heck: Once again, I would be happy to answer any questions. We've had similar grant agreements just like this for a number of years. It will allow us to continue to provide the services that we do provide.

Commissioner Kiefer: Okay, that sounds good. Discussion?

Commissioner Melcher: Yeah, this money is already in place. I mean, we're getting this grant, right?

Gary Heck: It was awarded last year. It takes a while for the contracts to get released from the State Department of Health. So, this one—

Commissioner Kiefer: It takes time to cycle.

Gary Heck: — we just received. It is on a cycle. So, yes, the money will be, I mean, once we get this signed, it's a reimbursement grant, so we have to put out the funds and then get reimbursed for it.

Commissioner Melcher: Well, I figured it was a reimbursement. So, I'll make the motion to approve.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Gary Heck: Thank you.

Commissioner Kiefer: Thank you very much. Appreciate that. Next, under Commissioners, we have some Old Courthouse lease renewals that we want to talk about. The first one is renewal with the AIDS Resource Group. So, I'm sure they'll be interacting with you on the grant money. This is a two year renewal for suites B5, B6, B7 and B7A. Those are in the basement of the Old Courthouse. The lease includes a rent increase. Last year, if you'll recall, Commissioners requested that any new leases that we do at the Old Courthouse we were going to get higher rates, because we felt like we were below the market, and we got a rate increase. Payments will be monthly in the amount of \$1,128.83 in year one, and \$1,302.50 in year two. With that I'll ask for a motion.

Commissioner Melcher: Yes, and I'm glad that we're starting to have the increases starting this year, because we need the money in order to keep that building up. We're spending like a hundred and a quarter on it?

Commissioner Kiefer: Yeah.

Commissioner Melcher: Okay, so with that, I'm going to vote yes.

Commissioner Kiefer: I'll, oh, he makes the motion, I'll second the motion. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: I think it's exciting that people are willing to pay more to be in the Old Courthouse building. We are going to remodel that this year, and do some remodeling work. This is good that we're getting higher rent rates there. The next one is for a lease renewal with Erin Ivie and Amy Juarez. It's a one year renewal for suite 111. The square footage on the space is 920 square feet. So, it's a small, a very small space. The lease includes a rent increase again, making the monthly rental payments to \$613. With that I'll ask for a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: On to the next item, Alternative Services Concepts claim service contract. This is regarding the handling of all general liability, auto, workers compensation, property liability, law enforcement liability and other claims asserted against the county. The cost is \$59,015. It's the same amount as last year. It runs from February 1, 2013 until January 31, 2014. Any discussion on that?

Commissioner Melcher: No, since the other one is probably out, I'll go ahead and vote yes.

Commissioner Kiefer: Yeah. Okay, so, that's a motion to approve. I'll give a second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: So approved.

County Engineer

Commissioner Kiefer: Next we have department head reports. John, did you have, I think you had a couple of items, didn't you?

John Stoll: I just have one additional item. It's a right-of-way purchase offer for section five of Green River Road. It's for parcel 30, owned by Sterchi Development. The amount of the offer is \$34,225. I've reviewed it, and so has the County Attorney.

Commissioner Kiefer: That's all pretty standard. You go by appraisals and other things like that.

John Stoll: Correct.

Commissioner Kiefer: Right, so, it makes sense to me. Any discussion, Commissioner?

Commissioner Melcher: No, so moved.

Commissioner Kiefer: Second. Roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: John, you're getting off easy tonight.

John Stoll: Trying to keep the meeting short for once. Thanks.

Commissioner Kiefer: Okay, are there any other department head reports?

County Attorney

Commissioner Melcher: Do you want to do the bids now?

Commissioner Kiefer: Okay.

Joe Harrison, Jr.: Let me go ahead and read the bids on the Broadway Avenue Bridge number 270, deck replacement and maintenance. There were two quotes that were submitted. The first submitted was by Blankenberger Brothers out of Cynthiana. That bid amount is \$99,245. The second bid, or quote was submitted by Adler Excavating LLC out of Haubstadt. Their quote amount was \$126,995.54. I would ask that you take these quotes under advisement, and we'll review the same for their responsiveness and make a recommendation at the next meeting. What is it, February 26th? Is that the next meeting?

Commissioner Melcher: Yes. I'll move to take the quotes you have in hand, the two of them, under advisement.

Commissioner Kiefer: I will second that, and ask for a roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: Okay, that was easy enough.

Board Appointments

Commissioner Kiefer: Finally we have, or not finally, but we do have a board appointment for the MWBE. We would like to appoint Carolyn Boone. She will be replacing Tony Kirkland. Any discussion on that?

Commissioner Melcher: No, move for approval.

Commissioner Kiefer: I've known Carolyn for years, so I think she will be very good. I will second that motion, and ask for a roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I agree. She's going to be really good. She owns her own electric company. So, I think she knows about as much as anybody.

Commissioner Kiefer: Oh, I agree. She's very sharp.

Commissioner Melcher: So, I'll vote yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: Okay, great. Well, Marissa, you'll contact her and let her know that she's been appointed?

New Business/Old Business

Commissioner Kiefer: Is there any new business? Any old business?

Public Comment

Commissioner Kiefer: Okay, any public comment?

Consent Items

Commissioner Kiefer: Okay, then, Madelyn, if you don't mind to do the consent items.

Madelyn Grayson: The consent items for the February 5th meeting are as follows; approval of prior minutes for the January 22, 2013 Commission meeting; the employment changes for the Commissioners approval, there's one for the Commissioners, one for Veterans Services, and two for the Health Department; the Commissioners have a request for appropriation and the Carver settlement agreement; Soil and Water Conservation District has the December 18, 2012 meeting minutes; the Auditor has the January 2013 A/P vouchers; Evansville ARC has the November 2013² meeting minutes and report of activities, and the County Engineer has pay request number 168 for TIF projects in the amount of \$373,715.48 and a department head report.

Commissioner Melcher: I move for approval.

Commissioner Kiefer: Second. Roll call please.

²Should be November 2012.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: Okay, so approved.

Rezoning Petitions: First Readings:

**VC-4-2013: Petitioner: Lance Jeffrey & Sarah Jane Zinn
Address: 5026 New Harmony Road
Change from C-4 to R-2**

**VC-3-2013: Petitioner: Beverly Renea & Rick A. Straub
Address: 7700 Nisbet Road
Request: Change from Ag to C-2**

Commissioner Kiefer: Next we have rezoning. We have a first reading of VC-4-2013, Lance Jeffrey and Sarah Jane Zinn, 5026 New Harmony Road, this is a change from C-4 to R-2. Do we need to discuss that now?

Joe Harrison, Jr.: Just a motion to approve on first reading to send it to the Area Plan Commission.

Commissioner Kiefer: Okay. Is there a motion?

Commissioner Melcher: Yes, I make the motion to approve it to send it to Area Plan.

Commissioner Kiefer: I'll second that, and ask for a roll call.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: Next we have a first reading of VC-3-2013, Beverly Renea and Rick A. Straub, 7700 Nisbet Road, change from Ag to C-2. Again, this would be first reading approval to be sent to Area Plan.

Commissioner Melcher: Move to be approved to send to Area Plan.

Commissioner Kiefer: Second, and roll call please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

(Motion approved 2-0)

Commissioner Kiefer: Okay, thank you. Before we adjourn, I just want to mention, as we saw in the consent items there was something on ARC. Well, ARC's having their Really Big Show this weekend, and I'll be participating in that. So, if you want to laugh at me, come on down and see The Really Big Show for ARC. It benefits their great program.

Commissioner Melcher: So, what are doing in that?

Commissioner Kiefer: I don't know, but I'm going to find out on Saturday.

Madelyn Grayson: You better start rehearsing.

Commissioner Kiefer: Anyway, is there any other discussion before we move to adjourn? Okay, we are adjourned.

(The meeting was adjourned at 5:23 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the January 22, 2013 Commission Meeting Minutes.

County Council Appropriation Request: APC Director Salary.

Carver Settlement Agreement.

SWCD: December 18, 2012 Meeting Minutes.

Evansville ARC November 2012 Meeting Minutes & Report of Activities.

Employment Changes:

Health Dept (2)

Prosecutor (3)

County Clerk (1)

Commissioners (1)

County Assessor (5)

Superior Court (1)

Veterans Svcs (1)

Recorder (1)

Sheriff (9)

Auditor: January 2013 A/P Vouchers.

County Engineer:

TIF Pay Request No. 168: \$373,715.48.

Department Head Report.

Those in Attendance:

Joe Kiefer

Joe Harrison, Jr.

Megan Rideout

Bill Fluty

Gary Heck

Stephen Melcher

Marissa Schenk

Allison Cook

Bernie Faraone

Others Unidentified

Joe Gries

Madelyn Grayson

John Stoll

David Kiely

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 26, 2013**

The Vanderburgh County Board of Commissioners met in session this 26th day of February, 2013 at 5:05 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the February 26, 2013 meeting of the Vanderburgh County Board of Commissioners.

Pledge of Allegiance

President Abell: Mr. Melcher, would you lead us in the Pledge?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Attendance Roll Call

President Abell: Could we have the attendance roll call please?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Introduction of Teen Advisory Council Job Shadows & Other Students

President Abell: We have a number of students in the audience. Would you like to stand? Those of you that are up here, turn on your mic, tell us who you are and what school you are with. Then, when they're finished, maybe those students in the audience would like to just come to the microphone one by one, tell us who you are and what school you represent. I'll start over here to my right.

Chase Hayne: Chase Hayne, Mater Dei. I'm a Junior.

Bailey Klipsch: Bailey Klipsch, I'm a Junior at Mater Dei.

Evan Karcher: Evan Karcher, Sophomore at Mater Dei.

President Abell: Front row?

Ariana Beedie: Hi, my name is Ariana Beedie. I'm a Senior at USI in Public Affairs Reporting. This is our class.

Zane Clodfelter: I'm Zane Clodfelter, a Senior at the University of Southern Indiana, Journalism major.

Jacob Bethel: Jacob Bethel, Senior at the University of Southern Indiana, Journalism major.

Austin Payne: Austin Payne, Senior, Journalism major, USI.

Jesse Hellman: Hi, I'm Jesse Hellman. I'm a Junior Journalism major at USI.

Brooke O'Shields: Hi, Brooke O'Shields, Journalism major at USI.

Justin Long: Justin Long, Journalism major at USI.

President Abell: Do we have any other students in the audience that would like to be recognized?

Recognition of Boy Scouts in Attendance

President Abell: I did see the Boy Scout out there. Is this for a Boy Scout badge? Would you like to come to the microphone and give us your name? We could send you a copy of the minutes.

Thor Georgesen: My name is Thor Georgesen.

President Abell: And where do you live? We'll send you a copy of the minutes and you can use that for your badge.

Thor Georgesen: Okay. Is, do I just give my address?

President Abell: I'll tell you what. If you would like to, after the meeting, you could come up and give your address to this lady right here in the black jacket, she's our secretary and she could send you a copy and you could use that for your badge.

Thor Georgesen: Okay.

President Abell: Okay? Thank you. I'm glad you're attending.

Permission to Open Bids: Old Courthouse Corridor Restoration Project

President Abell: I need a motion for permission to open bids on the Old Courthouse corridor restoration project.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Mr. Harrison, will you take care of that for us while the meeting is going on?

Joe Harrison, Jr.: Yes, I will. Thank you.

<p style="text-align: center;">Southern Indiana Classic Marathon/Half Marathon/8K: Road Closure Request & Sheriff's Office Reimbursement Agreement</p>

President Abell: Under the action items, Southern Indiana Classic Marathon and Half Marathon. This will take place on April the 6th. The race organizers have come to an agreement with the Vanderburgh County Sheriff's Office, is my understanding, and the office to reimburse them for the cost of security for this event. The Sheriff was here, are you still, is he still...is this okay with you, Sheriff?

Eric Williams: Yes, it is.

President Abell: Is there anyone here from the race committee? Okay.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Substance Abuse Council 2013 Grant Funding

President Abell: Substance Abuse Council 2013 grant funding. Executive Director, Crystal Sisson will be here to discuss. Good evening.

Crystal Sisson: Good evening. Again, my name is Crystal Sisson. I'm the Executive Director for the Substance Abuse Council. Just briefly, the Substance Abuse Council is the local coordinating council under the Governor's Commission for the Drug Free Indiana. The commission is a statutory authority over the continuation of the LCC's within the State, and they oversee the Drug Free County funds, countermeasure fees and the distribution of the court fees. The SAC here in Evansville was founded in 1990, incorporated in '95, and then became a non-profit in '96. We are required to develop a three year comprehensive community plan, which has been approved, as in October of this year, of 2012, excuse me, which is a collaborative effort to assess the impact of the substance abuse in our community and to identify alcohol, tobacco and other drug emerging issues, evaluate existing services, outline proposed action steps and identifies the means to evaluate the success of our plan. One of the responsibilities for the Local Coordinating Council is to oversee the distribution of the local countermeasure fees, which are collected from the offender's court fees and from any charges they may have for alcohol or drugs. 75 percent of those fees are put into the Drug Free Community Fund, and we're dispersing these with the two stipulations that we must follow is that the funds can only be used to carry out recommended action steps that are outlined in our community comprehensive plan, and that at least 25 of those funds, 25 percent of those funds go to each of prevention, treatment, and law enforcement. I believe that you should have gotten a hand out of the proposed funding budget for 2013. We had 20 prevention organizations, treatment providers and law enforcement agencies that had requested over 25 grants for this year. The proposal that you have was sent to the Indiana Criminal Justice Institute, excuse me, on February 11th, however, we are still waiting for a response from them regarding two of those grants that are on that proposal. Those two grants are the Southwestern Behavioral Healthcare grant on the Integrating Addictions Treatment grant, and also on the Indiana Excise Police Equipment Training grants. We're expecting to get a response from them in the next few days. I'm requesting if the County Commissioners could approve our 2013 Drug Free Community Fund budget proposal pending the decision from Indiana Criminal Institute regarding the Southwestern Behavioral Healthcare and the Excise Police grants.

President Abell: I have a question.

Crystal Sisson: Yes?

President Abell: You get funding from the Vanderburgh County Clerk's office that gets it from the offenders that pay fines?

Crystal Sisson: Yes.

President Abell: Do you get it from any other counties? Or is Vanderburgh County the only county you operate in?

Crystal Sisson: We are only Vanderburgh County. Every other county in Indiana also has their own Local Coordinating Council.

President Abell: Okay. So, you're distributions are only for Vanderburgh County?

Crystal Sisson: Yes, just for Vanderburgh.

President Abell: I have no problem with it. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Crystal Sisson: Thank you for your time.

President Abell: Do you need us to sign something, or do you have it, Madelyn? We have it.

Crystal Sisson: Thank you.

<p>First Reading of Ordinance CO.02-13-003: Amending Title 10 Hazardous Materials Clean Up on County Roads</p>

President Abell: First reading of CO.02-13-003, an ordinance setting forth the responsibility of cleaning up hazardous materials or spills on county roadways. This is first reading. I need a motion and a second.

Commissioner Melcher: I'll make the motion.

Commissioner Kiefer: Second.

President Abell: Is there any public comment?

Joe Harrison, Jr.: Is the Sheriff here?

Commissioner Kiefer: Yeah, he would be—

President Abell: Sheriff, did you want to make some comments about this?

Eric Williams: Good evening, Sheriff Eric Williams. I would be happy to answer questions, but this came as a result of ongoing dealing with traffic issues when we're working crashes on county roadways. A lot of times we'll have a crash where there is a spill of some nature that requires some kind of clean up above and beyond what suburban fire can handle. We would need a commercial vendor to do it. Historically that's kind of been left open ended, and a lot of the suburban fire departments just called whoever they wanted. Our preference, to expedite the clean up and get our roadways open as quickly as possible is to make that part of our towing contract so that the vendor that's already on scene taking care of the clean up of the vehicles also then becomes responsible for the hazmat. We're fortunate right now our towing vendor is capable and certified and licensed to handle it. That would be a consideration next time we bid our towing contracts to how we look at that. This is really purely about expediting the clean up of our roadways and getting them open as quickly as possible.

Commissioner Kiefer: I have a question.

President Abell: Go ahead.

Commissioner Kiefer: Eric, do you know, and I don't know who the appropriate person to ask this question is, but so, if there's a hazardous material that spills, does the insurance company of the company that actually had the accident, does their insurance cover the clean up?

Eric Williams: It can. Generally, and that's why the language is put in the ordinance the way it is. In a lot of cases the suburban fire departments can handle it, you know, if it's on some spill clean ups, the materials down and getting it picked up. They're capable of billing the insurance company, we had some rates for those. Whether they do or not, I don't know, but in a major spill where we would be actually calling in a commercial vendor, somebody that's licensed like our current towing company—

Commissioner Kiefer: Right.

Eric Williams: – or somebody else, they absolutely would be billing the vehicle owners, the registered owners of the vehicles.

Commissioner Kiefer: Right, but what about—

Eric Williams: Their insurance companies.

Commissioner Kiefer: – environmental testing, do we have to have—

Eric Williams: You that's sort of—

Commissioner Kiefer: – if it's some kind of liquid spill or something like that.

Eric Williams: My understanding, while it's limited, is that that becomes part of the clean up process. That they're responsible for making sure that it tests properly, that it was cleaned up properly. That's one of the reasons to do this, is to get that liability off on the vendor.

Commissioner Kiefer: I think this sounds like a great idea.

Joe Harrison, Jr.: Also, in certain situations, if it comes to a certain level, they would be, the towing provider would be required to send a report to IDEM.

Eric Williams: Right, there's some statutory requirements and some administrative code requirements that force them to report things. Now, in talking to the County Engineer sitting out here, and part of the county's requirements to do some reporting, I think it would behoove us to add some language to that ordinance requiring a monthly, quarterly or annual reporting from them back to the county to help John with his data preparation. If we're going to do that, we ought to include that in there, that part of that is they have to report back to the county the number of clean ups and what they did. Whatever it is that John needs for his reporting.

Commissioner Kiefer: These local towing companies have the expertise and ability—

Eric Williams: That's why I said, when we rebid towing we will have to look at that. We'll either have to separate that or make that part of our towing contract. We happen to be fortunate right now that the towing vendor we have does have all that certification. So, this solves our problem for now. We may have to readdress it when we rebid towing someday.

Commissioner Kiefer: Or he has to sub-contract.

Eric Williams: Or, we could look at it that way too.

Commissioner Kiefer: Okay, no, this is great.

Eric Williams: The idea for us, and let me explain to you, the idea for us is consistency. So that we know it's going to get done, that we're not waiting around for another vendor to show up to assess it, then to decide what equipment or who to call in. Right now the towing company is going to be the first one on scene generally, because we're calling them right away to get the cars picked up. He's already going to be there, or their representative, so they can already dispatch the appropriate equipment to do the major clean up, if it's necessary.

Commissioner Kiefer: Now, do you guys as a Sheriff or your Deputies is there any compensation back to you guys for your time? Other than just, I mean, it would be nice if when you're charging back the insurance company for the clean up—

Eric Williams: Well, I may be criticized for saying this, but a significant portion of the majority of our crash investigations, we truly are doing it on behalf of the insurance companies.

Commissioner Kiefer: Yeah.

Eric Williams: No, we are not remunerated for that in any way, shape or form. It's part of our duties that we do every day.

Commissioner Kiefer: No, I'm not talking about that. I'm talking about on the hazardous material, because you're spending extra time in relationship to that hazardous spill.

Eric Williams: I'm sure if we really looked at it we could figure out a way to do it, but at the end of the day, as infrequently as it happens—

Commissioner Kiefer: It's not an issue?

Eric Williams: – if we have a major one we might look at something like that, but as infrequently as it happens and the limited amount of time that it adds, we would spend more time trying to figure out how to bill them than it would be worth.

Commissioner Kiefer: Okay. So, it's not an issue?

Eric Williams: No.

Commissioner Kiefer: Okay, alright. I'll make a motion to approve.

Commissioner Melcher: I'll second, but I still have a question.

Eric Williams: Yes, sir?

Commissioner Melcher: I guess you answered it. So, our current towing, has he seen the ordinance?

Eric Williams: I don't know if he's seen the specific ordinance as it's currently structured. I do know that he's very well aware of what I'm pushing for.

Joe Harrison, Jr.: He's willing to start whenever it passes.

Eric Williams: In certain cases he is the vendor that has been called. It's varied, and that's our problem that there's no consistency for us. My goal is first, the safety for the community when we're out on one of these traffic crashes to make sure to do no harm and that it gets no worse than it was when we get called to the scene, but then, secondly, to get our thoroughfares opened up as quickly as we possibly can so we're not creating more problems. This is really a timing piece for us, so that we can get the equipment there, as deployed as fast as we possibly can to get it cleaned up so we can get the roadway opened.

Commissioner Melcher: I guess my last question is, there's going to be some changes, you're going to bring some more changes to this?

Joe Harrison, Jr.: I can just simply add some language that says that the towing provider is to provide the county with an annual report or quarterly report.

Eric Williams: A quarterly report of their activities.

Joe Harrison, Jr.: Yeah.

Eric Williams: Then they can work it up.

Joe Harrison, Jr.: Or clean ups, so it can go to Sheriff Williams' office as well as the County Engineer.

Eric Williams: They're already going to be doing the work, and that would sure help John in his reporting that he's required to do.

Joe Harrison, Jr.: That's fine. I can add that for the second reading.

Commissioner Kiefer: Sounds good.

Commissioner Melcher: That's where I was heading. Okay, because I tried to call him and didn't get an answer back, so I just wanted to make sure that he knew what we were doing.

President Abell: Well, I like the idea of all in one, because then you only have one phone call to make.

Eric Williams: That's, so I don't have to train a lot of phone numbers, you call this one and we're done.

President Abell: Call this one number and we take care of everything.

Commissioner Melcher: And they're already there.

Eric Williams: They're already there.

President Abell: Yeah, that's good. Okay, we have a motion and a second. Any further discussion? Anyone in the audience want to address this subject? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: I'll make that change for the second reading.

President Abell: Okay, and we'll have second reading at our next meeting in two weeks.

<p style="text-align: center;">Permission to Award VC13-02-01: Broadway Avenue Bridge No. 270 Deck Replacement & Maintenance</p>

President Abell: Permission to award VC13-02-01, Broadway Avenue bridge number 270 deck replacement and maintenance to Blankenberger Brothers, Inc. for \$99,245. John Stoll?

John Stoll: Blankenberger provided the low price quote on the project. So, I would recommend that the contract be awarded to them.

President Abell: What's the next bid?

John Stoll: I did not bring that with me.

President Abell: I'm not comfortable with giving this to Blankenberger Brothers.

John Stoll: I can go check and see.

President Abell: Can this be put off for another meeting?

John Stoll: Yeah.

President Abell: Of course, I defer to my other two Commissioners, but we are still in, have an issue with Blankenberger Brothers regarding the Green River Road that is to say the least a bad highway that cost \$26 million. I'm not, I'm just not comfortable giving more business to them or anyone else that was involved in that. That's not your fault, and I don't mean for it to sound like that. It's just that I'm not comfortable with it. I don't know about the other two Commissioners. I'm just not comfortable giving them more business until we get this Green River Road project settled.

Commissioner Melcher: Well, I think we're all in agreement, at least I am, on that.

Commissioner Kiefer: Yeah, I mean, I think it's worth waiting two weeks until our next meeting, and have further discussion.

John Stoll: I can bring the other data and have it available at the March 12th meeting. That's not a problem.

President Abell: I would like to see what the other bids are.

John Stoll: Okay.

President Abell: I would appreciate it. Thank you.

John Stoll: No problem.

President Abell: I need a motion to table this.

Commissioner Kiefer: I'll move that we table this to the next meeting, March 12, 2013.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Resolution CO.R-02-13-001: Opposing Senate Bill 528

President Abell: Resolution CO.R-02-13-001, the Board of Commissioners opposition to Senate Bill 528. I need a motion and a second and then we'll discuss this.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: For the benefit of our viewing public, Senate Bill 528, I guess, came out of the Senate yesterday? Is that correct, Mr. Harrison?

Joe Harrison, Jr.: Yes, it passed, I think, 32-18.

Commissioner Kiefer: It's called the gaming bill.

President Abell: Yeah, they're calling it the gaming bill, and it's left the Senate and it will now go to the House. We have prepared a resolution to express our concern and our displeasure with the process by which this has been handled, which may cost Vanderburgh County between \$900,000 and \$1.2 million in gaming revenue. The city will likewise suffer. We plan, it is our intention to sign this resolution, send it to our contingency in Indianapolis so they will know how we feel. We are in discussions with the Mayor's office about continuing to get a resolution from them. I would like to ask my fellow Commissioners, I have a commitment tomorrow afternoon, but there's a Council meeting at 3:00, and they are going to consider a resolution. Could either one of you be at their meeting tomorrow?

Commissioner Kiefer: Yeah, I think between Steve and I we'll be there.

President Abell: Could one of you? I have a 2:00 appointment, I don't know that I can get to the meeting by 3:00.

Commissioner Kiefer: Yeah, 3:00 here. Okay, I've got it in my calendar.

President Abell: Okay, that way we can show the Council support from the Commission. They are going to do the same thing. They are going to do a resolution also.

Commissioner Melcher: I can be there. Joe, if you wanted me to, I can just show.

Commissioner Kiefer: Yeah, that would be great, but, I mean, it's definitely something—

President Abell: We need to do.

Commissioner Kiefer: — that we need to do, because that would put Vanderburgh County and the City of Evansville really in a bad situation, because there's a lot of programs dependent upon that gaming, Riverboat gaming money.

President Abell: Oh, yeah. It would be a major, major loss to this community.

Joe Harrison, Jr.: Did you want to read that into the record?

President Abell: Certainly.

Joe Harrison, Jr.: Do you have it?

President Abell: I don't have it.

Commissioner Melcher: Is it this?

President Abell: Madelyn, would you like to read it into the record?

Madelyn Grayson: This is resolution number CO.R-02-13-001. This is a resolution of the Board of Commissioners of Vanderburgh County in opposition to Senate Bill 528.

"Whereas, Casino Aztar, located in Evansville-Vanderburgh County, Indiana, was the first entity in the state of Indiana to be awarded a riverboat gaming license; Whereas, pursuant to I.C. 4-33-12-6, Vanderburgh County receives \$1 of each \$3 admission tax collected by Casino Aztar from each person entering upon such riverboat; Whereas, the Indiana Senate recently passed Senate Bill 528, which among other things will significantly reduce the amount of admission tax revenue and eliminate the amount of supplemental admission tax distribution revenue received by Vanderburgh County on an annual basis as a result of the Casino Aztar riverboat's presence in the City of Evansville; Whereas, If Senate Bill 528, as presently amended, also passes the Indiana House and is thereafter signed into law, Vanderburgh County stands to lose at least One Million Dollars in annual riverboat fund revenue; Whereas, Senate Bill 528, as amended, will have a devastating impact on the future operation of Vanderburgh County government; Whereas, the Board of Commissioners of Vanderburgh County strongly opposes Senate Bill 528, as amended, and urges the members of the Indiana General Assembly to vote against such legislation. Now, Therefore, be it resolved by the Board of Commissioners of Vanderburgh County as follows: (1) That the Board of Commissioners of Vanderburgh County strongly opposes Senate Bill 528, as amended, due to the devastating financial impact it will have on the finances of Vanderburgh County and hereby urges the members of the Indiana General Assembly to oppose such legislation. (2) This Resolution shall be in full force and effect from and after its adoption."

Duly adopted this 26th day of February, 2013 by the Board of Commissioners of Vanderburgh County.

President Abell: Thank you, Madelyn. Any further discussion? Anyone in the audience have anything to address on this issue? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: We will sign that letter and, Marissa, we'll be giving that to you to get out for us.

**Burdette Park: AT&T: Yellow Pages Advertisement Renewal
Burdette Park: USI-PAC Lease Agreement for Lifeguard Training
Health Dept: BPRS Grant Agreement
Health Dept: CHAMP Software HIPPA Business Associate Agreement
Health Dept: Teletask Maintenance Agreement & Autodialer Upgrade
Auditor: KRONOS Maintenance Agreement
Auditor: Tax Management Associates Agreement: Audit Services**

President Abell: Contracts, agreements and leases. Burdette Park, I know Steve Craig is here and has to leave early.

Steve Craig: Steve Craig, Manager of Burdette. I guess, the first one I have is for AT&T, and it's the yellow pages contract. This is something that we got with AT&T and wanted to get internet included in it, and it actually ended up getting us a discount. Last year our payment was \$285 a month, and then when we got into the gold package with the internet, it's now \$168. My request is that the Commissioners pay this, as we do not have the money in our budget to pay it. The last several years, or, I think, forever, I guess, they have paid our yellow pages. I was bringing it before you for your consent.

President Abell: That's an annual contract in the amount of \$2,016?

Steve Craig: Yes, Ma'am.

President Abell: This would come out of the Communications line item in the Commissioners budget.

Steve Craig: Yes, Ma'am.

President Abell: I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I was just going to say before I voted on this, I did question this because I wondered how much people actually use yellow pages. You know, me, I just naturally go to the internet, you know, and look things up, but, I think Steve

and others have pointed out to me that a lot of people still use the phone book and the yellow pages. So, I don't want to risk losing business for us because of that, so, I'm going to vote yes.

Steve Craig: Well, another thing that I did find out is that you can't use the internet yellow pages unless you have a base package that takes the yellow pages out of the phone book. So, we couldn't have went to the internet without doing the phone book.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: And, now your annual agreement with USI for the use of the pool for lifeguard training.

Steve Craig: Yes, Ma'am. That is a contract lease on the PAC pool at USI. They do waive the fee for us. The only thing that we do have to pay is we have to pay a lifeguard to be on duty while we do our testing. I did present it to Joe Harrison and he said that it was okay. So, I was wanting you to pass that.

President Abell: The county would be required to bay \$7.50 per hour to have the lifeguard on duty during the six hour training period?

Steve Craig: Yes, Ma'am.

President Abell: Is that just a one time training period?

Steve Craig: Yes, we would do it in our own pool, but it's too cold.

President Abell: So, you're talking about \$7.50 times six hours?

Steve Craig: Yes, Ma'am.

Joe Harrison, Jr.: Well, I think it's two days, isn't it?

Steve Craig: It's over two days, but one day is two hours, and one day is four hours.

Joe Harrison, Jr.: Okay.

Steve Craig: Then they waive the pool rental fee for us for the two days.

President Abell: You're talking about less than \$100?

Steve Craig: Yes, Ma'am.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Steve Craig: Thank you.

President Abell: Thank you, Mr. Craig. Go to your meeting. The Health Department, bioterrorism preparedness grant agreement. The state of Indiana grant agreement in the sum of \$18,280 for services related to public health bioterrorism preparedness capabilities. This agreement runs from 1/1/13 through 8/9/13. Mr. Heck?

Gary Heck: Gary Heck. I would be happy to answer any questions you may have.

President Abell: What do you do in bioterrorism preparedness?

Gary Heck: There is a, this is a reimbursement grant, and it's on a, where we fulfill certain, it's a deliverable grant. So, we have to perform certain acts, do various things, and then once those are completed we'll get a certain dollar amount for doing those. It's worth \$18,280 for those various services. So, it will be updating a multi-hazard plan would be one of those—

President Abell: Oh, okay.

Gary Heck: —types of things, doing radio communication drills and such. It's those kinds of activities.

President Abell: Commissioners, any questions?

Commissioner Melcher: No.

Commissioner Kiefer: None.

President Abell: I would entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Then, the CHAMPS software HIPPA business associate contract. A follow up with the software agreement the County Commissioners approved with the CHAMP software on 1/22/13. The confidentiality agreement is required by law in connection with the HIPPA requirements.

Gary Heck: This is just a standard agreement that has to do with protected health information. We have one of these contracts and agreements with anyone that we would have a contract with that would involve protected health information potentially. So, this one, the CHAMPS program, you'll recall, is a billing and an electronic medical record program for our immunizations and other clinics at the Health Department that was approved a few weeks ago. We just need this so that we can actually do business with them and communicate.

President Abell: Okay. I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Teletask annual maintenance agreement for billing software and CHAMP health record client appointment reminder system. In addition, the Health Department will be receiving an upgrade of its autodialer system. The agreement will run 3/9/13 to 3/8/14. The total cost of the upgrade to Version 9 for the autodialer system is \$4,521.

Gary Heck: This is an appointment reminder system. You, if you have a health care provider where you would get a reminder for an appointment, that they would dial a phone, or they would send you a text message, or they would send you an e-mail, however you choose to get notified from your provider. This is the automated system that would allow us to send those reminders to our clients who will be using this system. We already have one system in place, but it's a Version 6, and this, there has been several versions that have come out. This is a superior update. As technology changes this is a much better system for us to have, and we have the funds in place to pay for it.

President Abell: I was going to ask you if it was in your budget. Okay.

Gary Heck: Yes, Ma'am.

President Abell: I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you so much.

President Abell: Mr. Heck, I have a question for you.

Gary Heck: Yes, Ma'am?

President Abell: I've been kind of watching the IT assessment that's been going on. Have this been done to your...I know there was a problem, I just wondered if it had been clarified.

Gary Heck: We have a, they are coming to us on Thursday the 28th at 10:00. So, our opportunity is coming up later this week.

President Abell: Okay, good. Thank you.

Gary Heck: You're very welcome.

President Abell: County Auditor, KRONOS annual software maintenance service contract. The renewal quote is \$11,448.79. The terms of the agreement is from 5/25/13 to 5/24/14. The funds have been appropriated and are in Auditor's budget.

Joe Gries: That's correct. This is an annual maintenance contract with KRONOS. KRONOS is the timekeeping system that is used within the county. Actually, this is, the money is actually appropriated in the County Council's budget in their IT line item.

President Abell: Okay. Does, do all employees in the county, is everybody on KRONOS?

Joe Gries: No. There are some, actually that have, were on KRONOS that have now moved over to our new MUNIS system. We've actually reduced the KRONOS agreement based on those changes. So, this maintenance contract is less than it was last year. There are some entities that just report through that MUNIS system, that payroll system that we have. Others would, like for instance, our office, we do have the time clock and our employees swipe, but not everybody uses that.

President Abell: Why?

Joe Gries: Well, for instance, the courts don't, it's a decision based on, you know, the judges or the office holder has decided not to use those time clocks. I can't force another office to use those. This actually could be an opportunity in the future, because the current version of KRONOS that we have runs on the platform XP, Microsoft XP, which in 2014, April of 2014, IT has told us is no longer supported by Microsoft and will have to go away. So, we are starting a process of possibly looking into a new timekeeping system that we'll bring to the Commissioners later this year. That may be an opportunity to ask that everybody go on to the new system. So, we're going to be looking for vendors, possibly putting out an RFP to make sure that we get the system that we need that is also compatible with our other software systems.

President Abell: Well, I would hope that everyone that draws a paycheck out of Vanderburgh County would be on our accounting system. So, that would be a goal.

Joe Gries: The state says that really the only thing that's required is that they submit a voucher, that each department head or office holder signs saying that this is the time that that person is working. So, in a sense, everybody is held to that standard for the state, but, not everybody uses the same timekeeping system.

President Abell: Okay, thank you. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Tax Management Associates contract for the homestead standard deduction audit services. It's a two year agreement for audit services to check the unauthorized homestead exemptions on residences in Vanderburgh County. TMA will receive a fee equal to 30 percent of the additional taxes, penalties and interest collected by the county from persons who claimed unauthorized residential homestead exemptions as a result of the audit efforts of TMI¹.

Joe Gries: Yes.

Commissioner Kiefer: So, basically, somebody has a residence in Evansville, but they also have a residence in some other state or county?

Joe Gries: That's correct.

Commissioner Kiefer: And they have two homestead tax exemptions?

Joe Gries: Yes.

Commissioner Kiefer: They're falsely, or accidentally, it doesn't matter, they file an exemption here, they would catch those people that have done that?

Joe Gries: Absolutely. This company has, basically, large databases that they will, after receiving information from us on who has a homestead deduction in Vanderburgh County, they will take that information and then search throughout all 50 states, all over the world. They have that type of search engine that, it's called Lexus Nexus, that will allow them to identify people who may live in other states, other counties. We will then research to make sure that if they are receiving and living in another location that their deduction here is taken off. Which will also increase, could increase the assessed value base, which could reduce tax rates for all of our other taxpayers.

Commissioner Kiefer: Sounds like a good deal.

Joe Gries: Yeah, this is something that we want to do to make sure that everybody is just really paying their fair share. It's based on a contingency payment plan. So, if they don't find any, we don't pay.

Commissioner Melcher: We don't pay?

Joe Gries: They only get paid if we get paid.

Commissioner Kiefer: Sounds good. I'll make a motion to approve.

¹Should be TMA.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Highway

President Abell: Department head reports. Mr. Stoll, do you have...oh, Mr. Duckworth, you stood up. I assume you must just be dying to tell us something wonderful. Like it's not going to snow anymore this year.

Mike Duckworth: I never comment about snow, because, like the weathermen in this area, I'm never right. We call them weather guessers, by the way.

President Abell: We'll hear from them.

Mike Duckworth: That's alright. I hear from them all the time. Mike Duckworth, Superintendent of County Highway. I did want to come up a little early due to the fact that I have an appointment at six. On tonight's consent agenda, I had listed some items for surplus. I wanted to know if you had any questions in regards to those items. I have sent pictures and a listing of those items to you for your inspection. We're trying to clear out our lot and make room for other things, such as piping and aggregate and those kinds of things.

President Abell: I've talked to Mr. Duckworth. Do either of the other two Commissioners have any questions?

Commissioner Melcher: No, except that, as I told you, Marsha's back so we're going to discuss the generator thing.

Mike Duckworth: That would be fine. At your convenience.

President Abell: Okay. If it's on consent, we don't need a vote.

Mike Duckworth: I just was wanting to leave early, if you don't mind.

President Abell: Okay, sure.

Mike Duckworth: I just wanted to see if there were any questions.

President Abell: Sure, you're going to go where Mr. Craig went?

Mike Duckworth: No, I'm teaching tonight.

President Abell: Oh, okay. I don't think so. We'll approve it under consent.

Mike Duckworth: Thank you.

President Abell: Thank you, Mr. Duckworth.

County Engineer

President Abell: Mr. Stoll?

John Stoll: I've got two items. The first is a change order on the 41 and 64 utility project. This is for an increase of \$57,262. The primary reason for the increase is due to a lot of rock excavation that wasn't anticipated. The original bid quantity in the contract, I believe it was 220 cubic yards, and our final quantity was over 600 cubic yards. When they removed all of the boulders, then that necessitated additional rock bedding as well as sand backfill. So, that's the primary reason for the increase.

President Abell: Okay. I'll entertain a motion.

Commissioner Kiefer: I'm going to abstain.

President Abell: Mr. Melcher, would you make the motion?

Commissioner Melcher: Yes, motion to approve.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

John Stoll: Then, the other item, I've got an administrative settlement for parcel 38 on the Green River Road project. This is owned by William Blackford. The requested increase is from \$1,825 to \$4,000. The property owner requested this increase on the basis of values of abutting properties. I discussed it with the County Attorney, and on the basis that the property couldn't be condemned for the cost difference, we're requesting that the increase to \$4,000 be approved.

President Abell: Okay, I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: Thank you.

John Stoll: Thanks.

President Abell: Sheriff, do you have anything for us this evening?

Eric Williams: No.

President Abell: I see the Surveyor just walked in. Do you have anything under department heads, or are you just here for your Drainage Board meeting?

Jeff Mueller: Drainage Board meeting.

President Abell: Okay. Is there another department head out there? I don't see anyone else.

County Attorney

President Abell: Mr. Harrison, would you like to tell us the results of the bids you opened?

Joe Harrison, Jr.: Sure. The bids that were opened earlier this evening relate to the first floor corridor renovation at the Old Courthouse here in downtown Evansville. There were three bids. The three bids are as follows; the first was from Deig Brothers Lumber and Construction. The base bid was \$105,408. \$105,408. There were four alternate bids. I'll just quickly read those. Alternate number one, \$6,980; alternate two, \$7,273; alternate three, \$30,769; and then alternate number four, \$1,348. Again, the base bid from Deig Brothers for the project was \$105,408. One hundred five thousand four hundred eight. The next bid was from ARC Construction. The base bid for them was \$132,645. One thirty two six forty five. The alternate bids are, number one, \$7,900; number two, \$8,900; alternate three, \$109,800; alternate

number four, \$1,500. Then, the last bid was from Danco Construction. That, let me check something here. That base bid was \$173,000. One hundred seventy three thousand, base bid. Then, the four alternates are as follows; alternate number one, \$12,300; alternate two, \$7,500; alternate three, \$27,500; and, alternate four, \$1,400. I would ask that these three bids be taken under advisement, and, hopefully make a recommendation at the next meeting on March 12th.

Commissioner Melcher: I'll make the motion we take then under advisement.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Commissioner Melcher: Since it's for the Courthouse, who's going to be looking at them?

Joe Harrison, Jr.: I think Veazey Parrott and Shoulders, there's a representative from them that's here. So, they're going to take them and take a look at them and come back with us with the cost.

President Abell: Oh, okay.

Commissioner Kiefer: I think, earlier this year, we did a contract with them to evaluate this for us.

Commissioner Melcher: We did. I just wanted to make sure we have on record who's going to do it.

President Abell: Yeah, appreciate that. Thank you.

Board Appointments

President Abell: The next order of business is board appointments. We don't have any board appointments, but, Marissa, I would like for you to make note that there are, there is a person that is interested in the Disability Board, and there's a person interested in the Old Courthouse Board. I, could you provide for me a quick job description for them and their meeting dates? I told them both that I would present that to them.

Commissioner Kiefer: In regards to the Old Courthouse Foundation Board, I think there was at least one or more people that have sent notice that they would like to no longer serve on the board or be replaced. Marissa might know. I know somebody that works at Old National bank had–

Marissa Schenk: I know that we've had two resign recently. So, there are two openings for those positions.

President Abell: Okay, and I have one person. So, if either one of you Commissioners knows someone else.

Commissioner Kiefer: Yeah, I think what happened was that I sent a letter or an e-mail to all of the board members just telling them we need better attendance and some other things, and a couple of them said, okay, we'll drop off, you know. So, that's what happened with that.

President Abell: So, if you two could think of someone and get back with us. Okay.

New Business/Old Business

President Abell: Is there any new business to come before the County Commissioners? Is there any old business to come before the County Commissioners?

Public Comment

President Abell: Is there any public comment for the County Commissioners?

Don Waters: (Inaudible. Not at microphone.)

President Abell: Sir, if you could come to the microphone, so we could get you on the record. I don't know exactly which one you were asking about.

Commissioner Melcher: It was the race.

President Abell: The race? You're asking about the race?

Don Waters: Yeah, I'm here for the race.

President Abell: The race? Yes, it was approved.

Don Waters: Okay.

Commissioner Melcher: It was first on the agenda.

President Abell: Yeah.

Don Waters: Alright. I apologize for being late.

President Abell: That's okay. We approved it.

Madelyn Grayson: Can you state your name for the record, sir?

Don Waters: My name is Don Waters. Did you get that?

President Abell: Yeah, and the Sheriff said that you have worked everything out. So, we did approve it. Thank you. Anyone else?

Consent Items

President Abell: Madelyn, would you like to do something with the consent items? We have quite a long list this evening.

Madelyn Grayson: The consent items for the February 26th meeting are as follows; approval of prior minutes, we have the February 5, 2013 Commission meeting minutes; employment changes for the Commissioners approval, there's one for the County Highway, four for Legal Aid, and one for the Health Department. We have approval of Township Trustee standards for 2013 for all eight townships, there's Armstrong, Center, German, Knight, Perry, Pigeon, Scott and Union. The Commissioners have sale of 819 Jackson, an appropriation request, and a transfer request. The IBAP Gatekeeper has the January 31, 2013 report. The Sheriff has permission to surplus a 1999 Dodge van and a 2001 Ford Taurus for disposal, and an agreement termination letter to Correctional Risk Services, Inc. American Medical Response has the third and fourth quarter 2012 report and expenses. We have January 2013 monthly reports from the County Ozone Officer, the County Clerk and the County Treasurer. The County Treasurer also has a December 2012 and January 2013 year-to-date report. Weights and Measures has January 16 through February 15th monthly report. The County Highway Department has permission to surplus various equipment for scrap metal, and the County Engineer has pay request number 169 for TIF projects in the amount of \$55,165.41 and a department head report.

President Abell: I'll entertain a motion to accept the consent items.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: There being no further business to come before the County Commissioners, I'll entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 5:50 p.m.)

CONSENT ITEMS:

Commissioners:

- Approval of the February 5, 2013 Commission Meeting Minutes.
- Approval of 2013 Township Trustee Poor Relief Standards (8).
- Quit Claim Deed for County Owned Property: 819 Jackson.
- Appropriation Request: COIT for Hillcrest Washington Youth Home.
- Transfer Request: From Comm. to SW IN Mental Health & Transportation Services.
- IBAP Gatekeeper January 31, 2013 Report.
- American Medical Response: 3rd & 4th Quarter 2012 Report & Expenses.
- County Ozone Officer January 2013 Monthly Report.

Employment Changes:

Health Dept (1)	County Highway (1)	Legal Aid (4)
Prosecutor (3)	Superior Court (5)	Circuit Court (3)
Sheriff (1)	County Clerk (1)	Co. Assessor (3)

Sheriff:

- Surplus Vehicle Request: 1999 Dodge Van & 2001 Ford Taurus.
- Agreement Termination Letter to Correctional Risk Services, Inc.

County Clerk: January 2013 Monthly Report.

County Treasurer:

- December 2012 & January 2013 Year-to-Date Report.
- January 2013 Monthly Report.

Weights & Measures: January 16-February 13, 2013 Monthly Report.

County Highway: Surplus Request Letter: Various Equipment for Scrap Metal.

County Engineer:

- Department Head Report.
- TIF Pay Request No. 169: \$55,165.41.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Chase Hayne	Bailey Klipsch
Evan Karcher	Ariana Beedie	Zane Clodfelter
Jacob Bethel	Austin Payne	Jesse Hellman
Brooke O'Shields	Justin Long	Thor Georgesen
Crystal Sisson	Eric Williams	John Stoll
Steve Craig	Mike Duckworth	Gary Heck
Don Waters	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 12, 2013**

The Vanderburgh County Board of Commissioners met in session this 12th day of March, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the March 12, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Could I have roll call please?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: We would like to ask Joe Gries to lead us in the Pledge.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Introduction of Teen Advisory Council Job Shadows

President Abell: The first order of business, we have some young people sitting up here with us tonight. Would you turn on your microphone, tell us your name and what school you are with?

Sara Weinzapfel: My name is Sara Weinzapfel. I go to Reitz High School.

Tim Stansbury: My name is Tim Stansbury. I also go to Reitz High School.

President Abell: Welcome to our meeting. We always enjoy having the young people with us.

**Permission to Open Proposals for Bridge Design for
Franklin Street and Columbia-Delaware**

President Abell: I would entertain a motion for permission to open the proposals for bridge design services for Franklin Street and Columbia and Delaware.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Mr. Harrison, will you open those for us while we're having our meeting?

Joe Harrison, Jr.: Sure, then I will get back with you. Thank you.

President Abell: Thank you.

Grow Southwest Indiana Work Force Investment Board Update

President Abell: Under action items, the Grow Southwestern Indiana Work Force Investment Board update. Mr. Heck?

Jim Heck: Thank you for having me in here again tonight. After, the last meeting I reported that we were going to have our elected officials meeting. At that meeting they asked me to come back and report to all the Commissioners the outcome of that meeting.

President Abell: Yes.

Jim Heck: You have before you the minutes, and just to hit the highlights of what they agreed to, the first thing that they did was elected Mayor Winnecke as the Chief Elected Official for this nine county region. The next thing they did was voted to, we talked about the liability for any disallowed costs—

President Abell: Yes.

Jim Heck: – they agreed, or they came up with the agreement that it would be split by population according to the U.S. Census Bureau's latest numbers. You'll see on here the percentages. Vanderburgh County falls at 42 percent of the population in our nine county region. The next thing they did was selected Crowe Horwath as the fiscal agent for the nine county region. The last thing that they did was moved the terms to coincide with, or to follow the elections so that they would expire after the January swearing in date for new Commissioners and new Mayors, so that you would get the full two years in. Those were the highlights, and they, following that, Mayor Winnecke selected and appointed the entire 32 person Workforce Investment Board. He didn't do it that day, but over the next few days, and we had our first meeting this past Friday. So, that board is up and functioning and ready to go by July 1.

President Abell: So, if I understand this correctly, if there's a \$100,000 loss, the liability to Vanderburgh County is \$42,000, and the other counties split up the difference?

Jim Heck: That's correct.

President Abell: That's a pretty big hit to us.

Jim Heck: It is.

Commissioner Melcher: We should have gotten more than one vote.

President Abell: Yeah, I agree. Do we get 42 percent of the vote?

Jim Heck: That would be nice.

Commissioner Melcher: I guess, the question I have, and I don't know, did we bring up the Crowe Horwath last time?

Jim Heck: Yes.

Commissioner Melcher: When you were here?

Jim Heck: Yes.

Commissioner Melcher: And they went ahead and hired them?

Jim Heck: Yes.

Commissioner Melcher: Amazing. I hope you have a lot better luck than what we did.

Jim Heck: Well, I did bring up your, the discussion we had. I brought that up to them. Their feelings were, a number of them had done business with Crowe, and they were happy with the outcomes. I explained what you guys, what your concerns were, and–

Commissioner Melcher: Who else was in the running?

Jim Heck: Actually, they, we told them others that could be the fiscal agent, and they selected Crowe Horwath. There are just a few that do this throughout the state.

Commissioner Melcher: So, do you have a list of the others?

Jim Heck: I don't have it with me. I think Comer Nowling is one of them that does it.

Commissioner Melcher: Can you e-mail it to me?

Jim Heck: Yeah, I can.

Commissioner Melcher: Okay, thank you.

President Abell: Well, I think the bottom line is, we really don't have much choice, do we?

Jim Heck: No.

President Abell: There's really not, we shouldn't waste a lot of time on it.

Commissioner Melcher: That's why I said thank you.

President Abell: Okay, but I appreciate your coming back with—

Jim Heck: No, I'm happy to. This is important that you guys know this, because it does affect you.

President Abell: Yeah.

Jim Heck: Believe me, we'll do everything we can never to have any disallowed costs, but you have, we have to, I have to be realistic that there are, it has happened over the period of time in the state. Not here, but in other areas of the state it has happened, so you need to be aware of the liability.

President Abell: Well, since, we've already checked, and, evidently, there's no insurance we can buy to write over it—

Jim Heck: Right.

President Abell: — so, it is what it is. Just be real careful.

Jim Heck: Believe me, I will. I'll be back at least twice a year to update you. I would be glad to send you, we meet on a monthly basis with our financial statements. We would be glad to e-mail those out to you if you would like to see them every month.

President Abell: I think I would like to see them.

Jim Heck: Okay.

President Abell: You can send them by e-mail to Marissa or Kristin and they'll get them to us.

Jim Heck: Okay.

Commissioner Melcher: I guess, just for my memory and for the record, of this big board that you have, the elected officials don't vote on this money, but the other people do, right?

Jim Heck: They, well, now, the Mayor will sign off on all contracts.

Commissioner Melcher: I understand that, but that's after the body that's appointed votes on it.

Jim Heck: Yes.

Commissioner Melcher: So, these counties are being, and us, responsible for all of our money, but the elected ones, even the ones on the board cannot vote.

Jim Heck: That's true.

Commissioner Melcher: Thank you. That's enough for me.

President Abell: Okay. Thank you, Mr. Heck. We appreciate it.

Jim Heck: Thank you.

Permission to Award OCH Corridor Restoration Project

President Abell: I would entertain a motion to award contract to Veazey Parrott and Shoulders¹ on the Old Courthouse corridor restoration project. Is there someone here?

Anna Beth Pfafflin: I'm Anna Beth Pfafflin with VPS Architecture.

Dennis Au: Dennis Au, the President of the Old Courthouse Foundation.

Anna Beth Pfafflin: As you know, we opened bids two weeks ago at your previous meeting. We had three bidders for the work, which includes renovations to the first floor of the Old Vanderburgh County Courthouse. The base bid included patching, repairing and re-painting of the plaster walls, ceilings and the decorative trims. The deep cleaning of existing marble floor, wall panels and trim. We also outlined quite a few alternates. Alternate number one includes electrical work in the rotunda to better light those niches that have the busts in them. Alternate number two includes the repointing of the stone floor. Alternate number three includes the patching, repairing and re-painting of plaster walls in the three light wells from the ground floor to the third floor. We also took unit prices for the repair....did you all get the handout?

Commissioner Kiefer: I have it, yeah.

Anna Beth Pfafflin: Okay.

Commissioner Melcher: Yes.

Anna Beth Pfafflin: If you look at the second page, you'll see the bid tabulation, which includes all of the pricing for the three bidders that we had, which were ARC Construction, Danco Construction and Deig Brothers. The low base bid, as you can see, is Deig Brothers at a total of \$105,408. The alternates are also listed there, and the next page is the bid tabulation for the unit prices. Those unit prices are all listed there as well. At this time, from VPS, what we would like to recommend is to take

¹Bid recommendation by VPS was to award to Deig Brothers.

the base bid from Deig for a total of \$105,408. I'm missing a sheet. Alternate number one for \$6,980. Alternate number two for \$7,273. Alternate number three for \$30,769, and unit price number one for \$15,288, bringing the total award to \$165,718. Now, the, there's remaining money in that budget that was originally stipulated, and that amount is \$14,282, which would allow, if you so choose, to take one of the unit prices and, what we would recommend is the repair of 42 of the 56 broken floor tiles, based on unit price number two. That can be added to the overall contract amount via change order. I think Dennis can probably talk a little bit about what a wonderful thing this is for the community.

President Abell: The Chair will acknowledge Commissioner Kiefer.

Commissioner Kiefer: Thank you. I appreciate the work that you did on this, and will tell you that when we were at the swearing in ceremony for Judge Shively, we did get a lot of comments afterwards when I mentioned that we were going to do this hallway renovation to the common areas. As a matter of fact, I even got a letter here talking about how much they appreciated that commitment to the Old Courthouse. One of the things that I would like to do, adding to this, whenever a motion....well, I think what I would like to do is actually include in our motion that we have the opportunity to, we have some recommendations on cleaning the Old Courthouse from David Rector. It included a few expenses, such as a 22 inch Chariot floor scrubber. I would like to be able to include us having the ability to purchase these things, along with the total award of \$165,718, but with the \$14,282 of the remaining money to be able to repair some of the broken floor pieces, but also purchase a few of the items, such as the 22 inch Chariot floor scrubber for \$8,699.99, which will still keep us under the \$180,000 mark. I would like to include that in there so that we have this equipment that is needed, but, anyway, so, I would like to make a motion to approve this, and also allow us the flexibility to take these recommendations from Dave Rector to purchase this Chariot floor scrubber that we'll be able to use to continually keep the place clean, because they're going to do that deep cleaning, and once that's done, I don't want to just see it go back to being dirty again. It would be nice to have the equipment to continue to keep it clean. Marissa, did you have any comment on that?

Marissa Schenk: No, I was just, I think that with the floor scrubber we will have to get three quotes on that. So, that--

Commissioner Kiefer: Right, but I'm just saying to having the flexibility, I would just like to have the approval tonight so that we at least have the flexibility, you know, once you go out and get the bids.

President Abell: I think it will be in addition though, because it looks like the whole budget of \$180,000 will be taken up if we do the broken floor tiles, correct?

Commissioner Kiefer: If we do all of the broken floor tiles.

Anna Beth Pfafflin: Well, we took unit pricing on the replacement, or the refurbishing of the existing tiles. So, there are a total of 56 that are broken and could be fixed.

Commissioner Kiefer: So, it might be that we only end up repairing, instead of 42 floor tiles out of 56, we might only repair 20 something.

President Abell: Oh.

Commissioner Kiefer: But, I, you know, and maybe we don't even do that, but I wanted to have the flexibility that we have those dollars available if we choose to, if it's thought that the Chariot floor scrubber is a necessity for keeping the building clean.

Joe Harrison, Jr.: If I could suggest something, just for the heck of it, it might be easier just to go ahead and do the \$165,000 tonight—

President Abell: I think so too.

Joe Harrison, Jr.: — and then you've got the \$14,000 sitting there, and they can look and see if they can purchase—

Anna Beth Pfafflin: Sure.

Joe Harrison, Jr.: — the scrubber or whatever, and whatever is left over—

Anna Beth Pfafflin: We can do that.

Joe Harrison, Jr.: — you can do with the tiles.

Commissioner Kiefer: Okay, well, then that makes sense to me. So, with that I'll make a motion to approve the \$165,718.

Commissioner Melcher: I'll second it.

President Abell: Mr. Melcher, did you have some comments?

Commissioner Melcher: Yes, if they're going to be there doing the tile floor, I would rather see the tile floor done and sealed before we start taking a floor scrubber over half the new and half the old.

Commissioner Kiefer: Okay.

Commissioner Melcher: I did that for 15 years—

Commissioner Kiefer: Well—

Commissioner Melcher: — at a place, and I know what it takes. If I was doing it, I would want it all fixed before I worried about taking care of it.

Commissioner Kiefer: Well, that's a good point. I'm not opposed to it, but I just, I don't want to not have monies available, and maybe we'll just have to budget for that, but I just didn't want to not be able to keep the place clean after we do that.

President Abell: Mr. Gries, can we use CCD money to buy a scrubber?

Joe Gries: I believe you probably could.

President Abell: Do we have any?

Joe Gries: We do. The CCD Fund is one of the funds that we do have some money available. Obviously, we just have to go through Council to be appropriated for that purchase.

President Abell: Okay.

Joe Gries: Another possibility, within the Commissioners Infrastructure fund, or line item, you may have some flexibility depending on what you have budgeted for that line item to also increase maybe some spending out of that line item as well.

Commissioner Kiefer: Okay.

Commissioner Melcher: I just know it's cheaper to get something repaired the first time.

Commissioner Kiefer: I mean, that makes sense. That makes sense. I was only worried about, you know, we do all of this work, and then all of a sudden we can't keep it clean, but I think we can address that later.

President Abell: I think we can. We'll have money.

Commissioner Melcher: If nothing else, we could borrow, you know, if we're trying to buy something, people are going to give you something to practice with before you buy something. I know that too.

Commissioner Kiefer: Yeah, why don't we do this—

President Abell: So, we could practice for three or four months.

Commissioner Kiefer: I will amend my motion that we award the \$180,000 to do the \$165,718 for base bid and alternate bids one, two, three and unit number one, and then take the remaining \$14,282 to allow us to repair 42 pieces of the 56 broken floor pieces. So, that's my amended motion.

President Abell: Okay.

Commissioner Melcher: Okay, I'll second that, but it's still not going to fix the whole floor though, is it?

President Abell: Well, that's what I'm going to ask. I was going to ask if, how much does it cost to fix one floor tile?

Anna Beth Pfafflin: If you look at the third page, it says bid tabulation, it has the unit prices listed. To replace one it is—

Dennis Au: Three hundred and thirty six.

Anna Beth Pfafflin: -\$336.

President Abell: What?

Anna Beth Pfafflin: It should be the third page of—

President Abell: I've got the third page. I don't see....oh, \$336. Oh, it's unit number two, it's \$336 per floor tile to repair them, and we're short the difference between 42 and 56 floor tiles.

Dennis Au: Madam Chair, if I may, the Old Courthouse Foundation will consider fixing the remainder, whatever the county money doesn't cover, we will consider fixing the rest.

Commissioner Melcher: How strong is that consider?

Dennis Au: Very strong.

Commissioner Melcher: No, I'm serious, because I think it ought to be done.

President Abell: I do too.

Commissioner Melcher: Or, we've got to cut something else out.

Commissioner Kiefer: Well, Steve, I will be there at that meeting to represent us, so, I'll make sure.

Commissioner Melcher: No, because, I know on repairs it's better to get the repair done. We can paint later. Just like you've got to have a roof, or you might as well not do none of this.

Joe Gries: Madam President?

President Abell: Yes?

Joe Gries: It's an additional \$4,700 for those 14 tiles.

Commissioner Melcher: Okay.

President Abell: \$4,700.

Commissioner Melcher: They ought to be able to find the money, \$4,700.

President Abell: Yeah, let's find the money and get them all fixed at the same time. Let's get this thing done, let's do it right.

Commissioner Melcher: Or, it's going to cost twice as much next time.

Dennis Au: Absolutely. As President of the Foundation, I'll be working with Mr. Kiefer in assuring that that's done.

President Abell: Good.

Commissioner Kiefer: Great.

Commissioner Melcher: Do you have enough to buy the scrubber?

President Abell: You never know until you ask, Dennis.

Dennis Au: Come to the meeting.

Commissioner Melcher: Let's get the rest of it done first.

Commissioner Kiefer: Okay, so, I'm again, I think my motion was amended and probably still good.

President Abell: We have a motion and a second on the floor.

Commissioner Melcher: Right.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you both.

Commissioner Kiefer: Thank you.

President Abell: We're looking forward to seeing it.

Commissioner Melcher: The final thing I want to say, there's differences in scrubbers. So, people need to understand, there's a difference in scrubbers. There's commercial and home.

Anna Beth Pfafflin: Yes.

Commissioner Melcher: Okay, because one will last about a year and the other will last about ten.

Commissioner Kiefer: Thank you. I appreciate this. Thank you very much.

**Second/Final Reading of Ordinance CO.02-13-003:
Hazardous Materials Spill Clean Up on County Roadways**

President Abell: Second and final reading of CO.02-13-003, an ordinance setting forth responsibility of clean up of hazardous materials or spills on county roadways. Sheriff, is the Sheriff here? Sheriff, did you have some information to give us on this?

Commissioner Melcher: Or an update?

Eric Williams: Just that this is a slightly different version to accommodate the County Engineer's requirements for reporting. I offered it again to the suburban fire chiefs, if they had comments or concerns. I received none. So, as far as I'm concerned, it's all okay.

Commissioner Kiefer: I'll make a motion to approve then.

Commissioner Melcher: I'll second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

<p style="text-align: center;">Sheriff: KRONOS Software Upgrade Sheriff: Correct Care-Integrated Health Agreements Sheriff: Extend Technology Agreement 2013 METS Elderly Handicap Transportation Services Agreement</p>

President Abell: You might want to stay up here. I've got one, well, let's, I'm going to jump on contracts. While you're standing up here I might as well go ahead and do yours. A purchase order form for KRONOS software upgrade at the Vanderburgh County Sheriff's Office. The cost is \$2,742.07. This is for an upgrade of the timekeeping system at the Vanderburgh County Sheriff's Office, and it will be paid out of the Sheriff's Office budget.

Eric Williams: It's an upgrade to the contract we recently let to do a complete upgrade of the KRONOS timekeeping system. I've communicated with the Auditor's Office and they're on board with it. I've got the funds to cover this upgrade. It's a number of management license seats increase.

President Abell: Okay. I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I'm going to continue with you, and I'll jump back to METS in a minute. Agreement with the Correct Care-Integrated Health, Inc. for third party administration services pertaining to medical claim issues for the Vanderburgh County jail inmates. There are four agreements regarding health care third party administration services for individuals housed in the Vanderburgh County jail and the Community Corrections Complex. Correct Care will maintain an office within the Sheriff's Office to handle medical claims and inquiries of Vanderburgh County personnel and the various medical providers who provide services for those staying in the county jail and community corrections. The term of the agreement is April 1, 2013 to March 31, 2014. The cost is ten dollars for each inmate claim and 75 cents per inmate per month. It's to be paid out of the Sheriff's Office medical budget.

Eric Williams: Correct, and the only thing in there that was inaccurate is that they are not going to maintain an office within my office.

President Abell: Okay.

Eric Williams: They will have an electronic presence there and we'll communicate electronically.

President Abell: Okay.

Eric Williams: Basically, we currently had a third party vendor who would basically make sure that all of the bills that our inmates got when they went outside for services were coded properly, to make sure we were being charged the appropriate rates. Basically, the savings that we get from doing that far and away covers the cost of the program. The former company did it based on a pure percentage. This one is done on a ten dollar flat fee per inmate. So, when we did the math, this ends up being cheaper, because we won't have them review every case—

President Abell: Oh, okay.

Eric Williams: – just our significant ones.

President Abell: Okay. I'll entertain a motion, unless either Commissioner has questions.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Extend Technology agreement for an upgrade to the Sheriff's Office website. The cost is \$1,950 per month for 36 months to be paid from the various Sheriff Office accounts.

Eric Williams: Basically, this is with a local vendor to basically redo our web presence and our social media outlet, but also to give us a mobile presence to do things like receive tips from the public on crime tips, litter tips, a lot of variety of things. It's a fairly involved program, and basically we negotiated a monthly fee to avoid any of the capital outlay of doing development. So, it's just going to be a 36 month agreement. We have a technology grant that will cover the majority of it.

President Abell: Mr. Harrison, we're okay with doing this?

Joe Harrison, Jr.: Yes.

President Abell: This wasn't anything that had to be bid out?

Joe Harrison, Jr.: No, no. It's a service. It's fine, as long as he's got the money, it's ready to go.

President Abell: He says he's got the money. Roll call vote, or, I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Discussion anyone? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Eric Williams: Thank you very much.

President Abell: Thank you, Sheriff. Now, we'll go back to METS elderly and handicap transportation services agreement. This is an annual agreement with METS to provide transportation for citizens outside the city limits. Services are provided Monday through Friday from 8:00 to 5:00. A rider is charged five dollars per one way trip. The cost is \$165,060, which is paid from the Commissioners budget. Is there anyone here this evening that would like to speak to this issue? I'll entertain a motion.

Commissioner Melcher: I'm familiar with the program. I think it's a, you know, it's good because, you know, it's a valuable service to people in the county and I'll make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: I have a motion and a second. I would just like to say that I have gotten some comments from members of our Disability Board, regarding this service, that they would like to see it expanded to Saturday and possibly Sunday. The reasons they indicated to me was that some of them work during the week, and the only day they can do their grocery shopping is Saturday, and they don't have any way to get to the grocery store, and they don't have a way to get to church on Sunday. So, I will go ahead and accept this tonight, but I would challenge my fellow Commissioners here for us to think about the possibility of expanding this service to meet the needs of our disabled citizens outside of the city.

Commissioner Melcher: No, I agree, and I think we ought to check in to see what that would cost us.

Commissioner Kiefer: So, we need METS then to give us a proposal on this?

Commissioner Melcher: Yes.

President Abell: Marissa, could you contact the METS and ask them if they could give us some idea of what it would cost us to expand this service to Saturday and Sunday?

Marissa Schenk: Yes.

President Abell: Okay, appreciate that. Any further discussion?

Commissioner Kiefer: None.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Highway

President Abell: Department head reports. I'm sure Mr., oh, Mr. Duckworth?

Mike Duckworth: Good evening. Mike Duckworth, Superintendent of the County Highway Department. I have actually three items this evening. One is an add on, that always makes President Abell nervous, I know. First is, we would like to conduct our annual road hearings on Thursday, April 4th at 5:00 p.m. in this chambers. I would ask that we advertise that appropriately so county residents can come in and point us in the direction of the potholes and road problems that we could look at. Okay, second—

President Abell: Do I need a motion to accept that, Mr. Harrison? Or can we just set it?

Joe Harrison, Jr.: Yes.

President Abell: We need a motion?

Joe Harrison, Jr.: I would go ahead and do that. Was there a media notice already prepared?

Marissa Schenk: It's been prepared. It has not been sent out—

Joe Harrison, Jr.: Okay.

Marissa Schenk: —until the Commissioners approve the date and time.

Commissioner Melcher: On the 4th, I've got an MPO meeting at 4:00, and this is at 5:00?

Mike Duckworth: Yes.

Commissioner Melcher: Then I've got a meeting at 6:00. So, I might have to leave early.

President Abell: Well, last year we had two people show up for our road hearing.

Commissioner Melcher: But, we had a whole bunch the year before.

Mike Duckworth: I think we can do it within an hour.

Commissioner Melcher: You never know.

President Abell: You never know.

Commissioner Melcher: We had a hundred at one—

Commissioner Kiefer: Well, why don't we set it for an hour, and if it goes longer, then we'll have a part two.

President Abell: Yeah, we could do it in two sessions. How's that?

Commissioner Melcher: Okay, I just wanted everybody to know.

President Abell: Yeah, well, we don't want to leave you out. So, let's do that.

Commissioner Melcher: But, the meeting is going to be in this room?

President Abell: Where's your MPO meeting?

Commissioner Melcher: Right here.

President Abell: Okay.

Commissioner Kiefer: I'll make a motion that we advertise and set that meeting for, you said April 4th at 5:00 p.m.?

Mike Duckworth: Yes. That's a Thursday.

Commissioner Kiefer: That's a Thursday, so, if notice could be sent out, I'll make the motion to do that.

President Abell: Do I have a second?

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Mike Duckworth: Thank you. Next, I would ask for permission to commence the four ten hour day work week that we do normally when daylight savings time begins. That's really the best time for us to start because of, you know, the extended days and we get more done in the ten hours than we do the eight, of course. We spend more time on task and it seems like we get more work orders completed. So, I would ask for permission. We have contacted Local 215 in compliance with the contract.

President Abell: They're okay with it? They've always been okay with it? We've done this several years, and it's always seemed to work pretty well?

Mike Duckworth: Yes.

President Abell: I'll entertain a motion.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Now, is this third one your surprise?

Mike Duckworth: I have a floor scrubber.

President Abell: Alright.

Mike Duckworth: I believe it will, as Commissioner Melcher indicated, different scrubbers do different things. I think it will work.

President Abell: It doesn't have oil all over it or anything does it?

Mike Duckworth: No, no, no, but I'll get with Marissa and Otis and we'll have a crew take it down and see how well it works, and we'll get the report back to you.

Commissioner Melcher: Well, believe it or not, a floor scrubber on tile floor with, what do you call that, I call it caulking, but it's coarse, it takes a special scrubber.

Mike Duckworth: This is an industrial one.

Commissioner Melcher: You're not going to be able to get into the cracks to clean that. So, whenever you have it, you've got to have a special one for that tile floor, because that's the only way it will work. If you look at a regular spinner, it's never going to get it. I'm just telling you up front. I don't care what you paid for it.

Mike Duckworth: I'm not totally committing, but I think we ought to, because the county owns it, we'll take a look at it and see, see how it does.

Commissioner Melcher: No, I agree.

Mike Duckworth: If that doesn't work, then you're not any worse than you were, but we do have one and it's relatively new.

Commissioner Melcher: Okay.

President Abell: You mean you would just like loan it to us, or you don't use it?

Mike Duckworth: No, we do use it, but we would, we actually do the lawn at the Courthouse, so we could probably work out a deal where on the days that we do the lawn we could have the crew bring that as well.

President Abell: Boy, this is sounding good. I like this cooperation.

Commissioner Kiefer: Yeah.

Mike Duckworth: That's all I have.

Commissioner Kiefer: Thank you, Mike.

President Abell: Thank you.

Commissioner Kiefer: I appreciate that.

Commissioner Melcher: At least that was a good surprise.

President Abell: Yeah, you're welcome back in two weeks.

County Engineer

President Abell: Department head reports, does the Health Department have anything? I see the Doctor. Nothing? Mr. Stoll? I'm sure Mr. Stoll has a report. He always does.

John Stoll: I've got two things. The first is to request an award on the Broadway Avenue bridge number 270. This was contract VC13-02-01. The low bid was \$99,245 from Blankenberger Brothers. At the last meeting you had asked about what the second lowest bid was, it was from Adler Excavating, and it was \$126,995.54.

President Abell: Commissioners, what's your pleasure?

Commissioner Kiefer: I'll move that we approve, I know there's been some anxiety because they're involved with the other project that has caused us some problems, the one out on Green River Road, but I think these are two separate issues, and, you know, I think they're qualified to do this bridge project. I think you're telling us they're qualified to do the work.

John Stoll: Yes.

Commissioner Kiefer: I would like to make a motion that we award the contract per John Stoll's recommendation.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The other item I have is an agreement with Lockyear Title for title searches for the Broadway Avenue and Johnson Avenue bridge and culvert replacement project. We have two permanent rights-of-way that we are going to be needing for that project, and then we've got one temporary right-of-way. The permanent right-of-way title searches will be \$250 each, and the temporary will be \$200. We'll also get charged any copying costs associated with obtaining the deeds. We have provided some of the deeds already to Lockyear Title in hopes of controlling those costs. So, all total it will be roughly \$700 plus some incidental extra expenses.

President Abell: Mr. Harrison, do the County Commissioners pay for copies in the Recorder's Office?

Joe Harrison, Jr.: Yes.

President Abell: Well, that makes absolutely no sense at all.

Joe Harrison, Jr.: Now, we are, from time to time we can record something for free, which I did today, but that's on rare occasions, but as far as copying is concerned, I think we do have an account with the Recorder's Office, and I'm sure Lockyear Title does, but, no, we have to pay the cost.

President Abell: Who buys the copy paper and provides the copy machine? The county taxpayers?

Joe Harrison, Jr.: I think it's out of their Perpetual Fund.

President Abell: That's the county taxpayers. Okay.

Joe Gries: The reason, one of the reasons, and it's by statute, state statute, is that money goes to several different places, including the state, and they feel that with allowing certain government entities to be exempt from that that they could lose that revenue.

President Abell: Awww.

Joe Gries: Yeah.

President Abell: I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: Thank you.

John Stoll: Thanks.

President Abell: Any other department heads have a report? The County Surveyor, nothing? Okay.

New Business

President Abell: New business? We just need to set that road hearing, Marissa, for the 4th, in room 301. You'll prepare that? Also, I would like to have it put on the Commissioners web page for people to read.

Old Business

President Abell: Any old business?

**MPO & Sustainable Evansville Area Coalition:
Walkable Neighborhood Design Presentation**

President Abell: Public comment. We have an engineering firm with us this evening that's going to give us a presentation. This is a presentation that all of the Commissioners have seen regarding sustainability of our community.

Seyed Shokouhzadeh: Good evening. I'm Seyed Shokouhzadeh with Evansville MPO. I'll spare the spelling, I'll give you the cards later. I would be here all night if I were to spell it. On August 2010, MPO applied for a grant from HUD to do a regional sustainable planning. We are almost at the turning point with this plan. The plan involves two major components. One is transportation and the other one is housing. We don't like to bring the whole plan to you at one time, because it's going

to be really intensive and it's going to be more complicated. So, we decided to bring it to you in pieces. Today we're going to show you the housing part of it. Mr. Shoulders from BLA will show you the housing part of it, and if you have any questions after that I will be happy to answer.

Mike Shoulders: Thank you. Good evening. I am Mike Shoulders. I'm a planning and urban design consultant working with the MPO on the grant. As Seyed mentioned, we are doing a land use and transportation plan, and then also a housing plan. Those are very much inter-related and the issues dovetail together. So, we would like to show you tonight what we're using as our building block for this overall regional plan. The main building block is what we call the Walkable Neighborhood Design concept. This is not a new concept by any means. This diagram that you see on the overhead was done in 1929 by a planner by the name of Clarence Perry. He invented, not invented, but he catalogued the idea of what we call the pedestrian shed, which is about a quarter mile in every direction, and about a 15 minute walk. For a Walkable Neighborhood, this becomes a goal, is to have a lot of the amenities and a lot of the services in a neighborhood, in the core of that neighborhood, accessible by walking to those residents that live in that neighborhood. A more modern version of this concept is what we call Transit or Traffic-Oriented Development, which means that the core of the neighborhood and say the bus stops are located near an arterial and also at the very heart of the neighborhood, so that access to good transportation and bus service is available to all of the residents. You see that the neighborhood design is designed for expansion. You see the various arrows for designating the, as the neighborhood grows that the connectivity of the street network is also quite important. There will be a core commercial area that will vary in size depending on the market, and there will be an employment area. Now, the density of housing, the number of dwelling units per acre will vary depending on how far we are from the inner core, how close we are to other shopping and services in the community. Remember now, this is a plan for a three county area, which includes Vanderburgh County, Warrick County and Henderson County. So, we will have various neighborhood designs that have various densities and various housing types in a variety of the neighborhoods. This shows you three different scenarios of a neighborhood layout. We are categorizing these opportunities for neighborhood growth and redevelopment and priorities. We're giving high priority to areas that already have some service, but open ground for development, that already have some infrastructure, that already have access to grocery stores and parks. Those become high priority development areas because of the public cost for infrastructure and growth in that case when there's already some infrastructure available becomes less than say a green field development. The very intense and dense circles is just an example of how we would begin to classify and prioritize areas for this Walkable Neighborhood Design. Again, now it looks good on paper to have a round circle for a neighborhood, but this will be applied in the real world and on the ground at various places. The first, on the left, is a redevelopment situation where we may be taking out dilapidated or vacant housing and building and employing new construction in an urban area. The middle one is in what we call an infill site, which is acreage in the, probably inside the city limits that is vacant ground near other development that's already in place. That would be an infill site. Then, the last is like a new, sort of a new growth area. For example, a new growth area might be the area that surrounds the new North High School. That's kind of a green field new growth, but we would like to think we can apply this Walkable Neighborhood Concept to all of those different categories. Once we have looked at the variety of neighborhoods that we have in our community, and this is not our community, this is kind of an idealized prototype, but it says that the, any community is made up of a series of neighborhoods, and each of those neighborhoods needs to have a defined center,

and then an edge to it. That edge could be defined by a greenway system or a boulevard or some other physical demarcation. Now, I said before that the area might vary in density of development, whether it's two story, three story, whether it has ten units per acre, whether it has 20 units per acre. It can also vary by the amount of commercial and public spaces that are built into each different neighborhood category. In this case you see the ones, the two on the left are more of a neighborhood that is in a suburban setting. It has, the first one has a little bit less commercial, maybe it's just convenience commercial. The second one has a little more commercial, maybe it's a little more extensive, and then the two on the right are more of an urban example. Where we go all the way to the far right, that's a maximum core commercial development area, where we have mixed use. The key to a Walkable Neighborhood is mixed density, mixed use compact development. All of these can vary in terms of how the mix is put together for commercial, public and housing. This, again, shows, if you look at that dimension, it says 2,000 feet. Okay, this Walkable Neighborhood is about a half mile in any direction. If I'm at the core point, I can make most any kind of destination within that neighborhood in about 15 minutes without overdoing it in terms of physical exertion and time. Okay? So, that determines the configuration of the Walkable Neighborhood. Again, this is an example showing you how, there are a system of neighborhoods that, that they have an outer edge, they have a center, and they tie together and are connected by collectors and arterial development. The other element that we'll be defining and looking at are the natural features, such as the Wesselman Preserve, the floodplain area, the greenway system, the Pigeon Creek drainage watershed, any floodplains, any kind of steeply sloping ground that's not suitable for development, we'd like to keep it in open space and create a network, similar to our greenway passage system, that runs throughout the community, and the neighborhoods sort of back up to these natural amenities, as far as attractive elements for the neighborhood itself. The mixed used, mixed density, the ideal situation, we may not achieve this in every case, the ideal is a one for one between housing units and jobs. If there's a job for every person living in a housing unit in this neighborhood, then that person can probably walk to work and save on gas, save on time, save on burning of carbon and help himself or herself and the environment. This is an example of mixed use. On the first levels you would probably see retail and office. Up on some of the upper levels may be loft type housing, townhouses and residential development. We would like to insert within the designs of these neighborhoods the, what we call pocket parks, tot lots, green spaces. You see the treed areas here, and the goal that we would have is that in any neighborhood design there is access to a green space within a two minute walk of every neighbor. Now, again, we may not achieve this, but that's our working goal. What's in some of these open spaces? As I say, tot lots, park benches, maybe some running water, maybe we have fountains like the Garvin Park fountain. Also, maybe we have some community gardening, okay? So, we have an edible park. Another element that's very important and critical to the Walkable Neighborhood Design, is what we call complete streets. Complete streets make accommodations for all types and modalities of transportation; including bicycle, including pedestrian, including bus systems and automobiles, and no one of them is more important than the other. They are all handled in such a manner that they are safe and productive for all users. On street parking in these Walkable Neighborhoods, in the core where we have mixed density and high compact development, we're not against on street parking. In fact, on street parking serves a good role, it protects the pedestrian from the on-going, moving traffic. It adds street life and activity, people pulling in pulling out. So, on street parking also takes away from the need for off site parking, which are big, asphalt parking lots in behind the shops and the housing. Boulevards will define the outer edges of the neighborhoods, or the location where two neighborhoods meet together. In this case one is on one

side and one is on the other side. This is about a 20 foot wide boulevard. We believe that tree plantings, tree canopy, tree overhang adds to the amenities and the livability of the neighborhood. This is an example of what we call, in the suburban jargon, it's a lane. In the urban case it's an alley, but however you define it, it's in behind the houses where we have access in this kind of block design to the garages from the rear of the housing, and that all of our utilities that are cabling utilities are also back here, whether it be electrical boxes, you know, fiber optic cable running underground, those kind of units are behind. Probably the wet utilities, the sewer and water are out in front, okay? Again, these Walkable Neighborhoods, we believe, should have housing choices at all levels. It should have a mix of residential and commercial, shops and retail. It should have core areas that have open space so people can enjoy walking around in the neighborhoods themselves. Variety of housing types, this looks like a nice, large scale single family house, but what it actually is, these are apartment buildings. You go in there's an apartment on the left, apartment on the right, you go upstairs, again, apartment on the left, apartment on the right. So, that's a four unit apartment, but it fits very neatly into the core of the neighborhood design. These are row houses or townhouses. Again, they form this wall of development, and the automobiles in the rear, the attached garages are in the rear, and it brings the buildings up closer to the street and enlivens the street life and the pedestrian way. These are little, these are small villas or cottages. They are individual single family homes. Their side yard requirements are only about three feet, so there's about six feet between these houses. They form a nice pattern of street traffic and they give us somewhat of a denser development, more dwelling units per acre, but still giving the single family a home. These are called patio type, courtyard apartments. There are long porches on the sides of these buildings, and they're somewhat private. They look at sort of the blank wall of the next building. This is an example, in the background you see what we call a granny flat. That is an apartment that is on the same lot as the single family home. It's for extended families, for care of elders, and we're encouraging more and more development that has more density, more compactness, and more usage of the lots themselves. Quickly here, this is what we call a pocket neighborhood, whereby we have anywhere from eight to 12 or 16 houses that are sharing kind of a, instead of having a private backyard in every case, they are sharing a backyard courtyard, whereby they can have barbeques, they can have neighborhood events, and it fosters a little more interaction than if everything is just a private yard, okay? This is, in this case, the same idea, only more linear in behind the houses you'll notice that the parking and the street access is on either end of the neighborhood, and you'll also notice that in the core here we may have opportunities here for a community garden. This particular case forms a trail that probably would connect to other areas, other shopping opportunities and other neighborhoods. This is an actual diagram of an actual neighborhood where they had private fences along the sides and the backs of all of the properties, and one day they decided to have a fence tearing down party. They took down all of the fencing and they began to have community space, trails, and common meeting areas, gardening spaces, and it became a very popular sort of sense of public space in the background. That is just a quick example of the building blocks we're using in this plan. We wanted you to know that it's a Walkable Neighborhood Design. Any questions?

Seyed Shokouhzadeh: If I might add, before you ask the question, the grant that we applied for, it had over 360 applicants. They only awarded 45, and this area was one of them. The way we looked at it, we thought about it quite a bit, that these pictures that Mike just showed you, Mr. Shoulders, the real houses, the real neighborhoods, and in the planning offices we usually sit back and say, why this area is about ten to 15 years behind any other communities. So, we took this step, we applied for the

grant, it was very extensive. We used private and public partnership to put the grant together and we were very successful to get it. We're hoping that this will move us forward a little bit faster than usual. We're hoping to get these plans approved. We're going to bring the transportation side of it to you. Again, we didn't want to do the whole thing at the same time. So, the transportation side will be coming at another time. If you've got any other questions.

President Abell: Mr. Kiefer?

Commissioner Kiefer: Not a question, just a comment. Seyed and Mike, one thing, I was out at a conference in Philadelphia, and this is right in line with, this conference I was at was a real estate conference. They said that, you know, it used to be, back in the 40's, pre World War II days, you know, that's the way communities or neighborhoods were developed. You know, people walked to work, they walked to church, they walked to the grocery store, and then somewhere along the line they got this bright idea, well, let's have all of the residential here, let's have all the industrial here, let's have all the, you know, other type of development somewhere else, and that caused a lot of driving. So, I think, you know, it's kind of interesting how this circle, how we've come full circle. They were preaching exactly what you're preaching here today, that this is kind of the way developments in new communities are being developed, where you have this mixed used and not segregation of types.

Mike Shoulders: That's very true. You're seeing more and more developments in the larger cities near transit opportunities, and you're seeing more mix of uses. You're very correct about sort of individual use zoning is, we're trying to foster more choices, more flexibility and higher density. So, I think you're right on target, Mr. Kiefer, with those observations.

Seyed Shokouhzadeh: Every time we did the presentation, I believe, that Commissioner Melcher was in most of them, about 25 percent of the income of each family goes to transportation in this area. That's a very big chunk. We're hoping that this plan is going to adjust it and go down a little.

Mike Shoulders: No one is saying that there's not going to be cars. I mean, you know, that's not the point in any way, shape or form. We will have our automobiles, but as prices of gas increases, we need to be resource efficient as best we can. So, the more compact the development, a wiser use of our time and our energies, is just nothing but positive for the families.

Commissioner Melcher: I will add, I did go to the last one a couple of weeks ago when I was really impressed by the gentleman that came here, I think it was from—

Seyed Shokouhzadeh: Vancouver.

Commissioner Melcher: —Vancouver?

Seyed Shokouhzadeh: British Columbia.

Commissioner Melcher: British Columbia, okay. I thought it was very sharp, and I thought he talked about the same thing you just said. He don't even own a car. His kids are 19 and 25 or something, and they don't own a car. They've got more money to spend locally, and they're healthier up there, so their health care is gone. But, he started off the program about 20 years ago or 25 years ago, that's not the way it was. So, they probably put all of their heads together and redid all of the codes and

redid their master plan. The one thing that struck me was they did away with all of the parking requirements, because they said people will find places to park, you know, if they want to, and the developers know they have to have some parking. He says, it really, really works for everybody. He says he could walk to the pub, it's like four or five blocks away, and then when he comes back he don't have to worry about driving. So, I thought that was interesting. He said they were just healthy, and the colleges up there, they all follow suit.

Mike Shoulders: You're exactly right about the whole health thing. With more walkability and getting out in the neighborhood, you know, it's a little more healthy. Plus, we're finding in some of these areas, the crime rates go down because there's more eyes on the street, there's better lighting on these mixed use areas, and, so, the crime rates are going down. When we slow traffic down in these neighborhoods, the traffic accident counts go down. So, there's just a lot of benefits to this kind of neighborhood concept.

Seyed Shokouhzadeh: I mean, we could stand here and just bore you with data after data after data. Of the big data sets out there that it shows that the young, professional generation will move to the area that is more walkable. If we would like to attract these people, we have to change according to what they like to have. So, it's a win-win situation. Part of, you brought up the zoning, Commissioner Melcher, part of this plan is going to be some recommendation for changing zoning. So, like I said, they have many different components, and we'll bring it up to you.

Commissioner Melcher: I guess, the last thing I'll say on it, I was really looking, when he showed all the countries about how many cars, and how many accidents and where, we drive the most, but we have the most accidents, so that would happen, but what I thought was interesting, I think, from 1960 to 2005 we kept going up the scale. Then, from then our driving's coming down. If you look at the age groups that were at the bottom, he was saying that the young people don't worry about cars like we did when we were young, because of the transit and because of the walking and because of the bicycling, they would rather spend their money on computers and games and everything else. They're not spending it on cars like they used to. I thought that was very interesting. That's why they're healthier, and that's why they're moving to these communities. Thank you.

President Abell: I have a question. I have the opportunity to frequently go to Indianapolis, because I have grandchildren living there, but is there a community up there that I could drive through and take a look at?

Mike Shoulders: The Arch District in Carmel is a good example.

President Abell: Okay.

Seyed Shokouhzadeh: There is a subdivision on 261 in Warrick County, the name escapes my mind. I can e-mail it to you. It's that kind of a design.

President Abell: Oh, that would be nice. I would like to go out and take a look at it. I kind of think the subdivision behind North High School, I know they've got the alleys in the back, and they're, which I really like. The Southerland also, I think, has that here in town, which is another nice area with the trash pick up in the back of the house.

Commissioner Kiefer: One thing, I think, Mike, you had mentioned when you gave me the presentation earlier, was, and you didn't mention, was that it's important to integrate this mixed use because if it's just residential they don't have any place to walk to, you know, you have to have jobs, you know, I think you mentioned a one to one, you know, one job for every one residential.

Mike Shoulders: That's the goal.

Commissioner Kiefer: Yeah, I mean, that's a goal, but you've got to have a school to walk to, you've got to have, you know, a library a retail shop, something, you know. So, I think that's kind of important when thinking about development, that it's mixed use too.

Seyed Shokouhzadeh: Well, I want to bring this up, because we talked about it, one of the themes that we're following is that we should not build subdivisions, we should build communities. So, this is kind of the theme of this plan that we're kind of trying to follow that. If it's okay by you, Commissioners, we would like to bring the transportation component soon to you, so we can introduce that.

President Abell: Yes.

Seyed Shokouhzadeh: We'll let you know.

President Abell: You know, the Mayor walks to work. I think that's kind of interesting.

Seyed Shokouhzadeh: Yes.

President Abell: He moved downtown so he could walk to work. Thank you. Thank you for that presentation.

Commissioner Melcher: So, you're talking about that for the future in the consolidation, I mean, for the master plans then?

Seyed Shokouhzadeh: Pardon me?

Commissioner Melcher: You're talking about, in the future, as we redo all of our plans that's going to be in there for the future?

Seyed Shokouhzadeh: That's absolutely correct. It's going to be up to this body to decide if they want to adopt it, when you do your comprehensive plan. As we do in MPO do our transportation plan, we have to follow the same.

Commissioner Melcher: So, we're going to have some public hearings on that?

Seyed Shokouhzadeh: Absolutely.

Commissioner Melcher: Or, you're going to have some public hearings?

Seyed Shokouhzadeh: Yes, yes.

Commissioner Melcher: You're going to include the neighborhood associations and home builders and everybody?

Seyed Shokouhzadeh: We have.

Commissioner Melcher: Because I would rather do it up front than behind.

Seyed Shokouhzadeh: We've been having public hearings more than any plan so far. Yeah.

President Abell: Thank you.

**Reading of Bids for Proposals for Design Services for
Franklin Street and Columbia-Delaware**

President Abell: Mr. Harrison, would you like to tell us what the contracts that you opened, the proposals, I'm sorry.

Joe Harrison, Jr.: Yeah, there were five. There were five engineering firms that submitted RFP's to the county to be reviewed, regarding the rehab of the Columbia-Delaware Street bridge, and then the Franklin Street bridge. Beam Longest and Neff submitted a proposal, although there's was, I believe just rehab of the Columbia-Delaware Street bridge. Then the other four that I'm going to read also submitted on both projects; DLZ submitted an RFP, United Consulting submitted an RFP on both bridges as well, R.W. Armstrong both bridges, and Bernardin Lochmueller and Associates submitted a proposal on both bridges. So, I would ask that these five submissions be taken under advisement.

Commissioner Melcher: Beam only did one bridge?

Joe Harrison, Jr.: Yeah, they only, their submission only related to the rehab of the Columbia Street, Columbia-Delaware Street bridge, as opposed the other four who submitted proposals on all four. I'm sorry, on the two bridges.

Commissioner Melcher: Okay.

Commissioner Kiefer: I'll make a motion that we take this under advisement.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Public Comment

President Abell: Before we get to the consent items, we have one person that wants to speak under public comment. Mr. Fred Bumb.

Fred Bumb: Fred Bumb. This is not my piece of cake, coming up here and talking like this, but as I have some little problems. I am Frederick Bumb, and I have a farm that the Parkway has gone through and took 11 acres of our property. In that taking, why we found that the tiles, that we had two different tile clusters and these had been interfered by the construction and whatever may be and it went right through the middle of two of our planning of tiles. I had this evening brought in my tenant who has been with me for some years, Mr. Paul Kleinknecht. Maybe, Paul, would you come up here? Also, I have my referee with me, Reed Schmitt. So, but anyway, as it is, I would like to give you a little bit of an idea of what our problem is. To those that maybe are acquainted with farming and with the situation of tiling, why it is a crucial thing. We have, in our particular farm, the 11 acres that the highway took was right through the middle of the best thing. The highway is a great thing, and we're thrilled with the idea that we have made that progress in getting this done. So, as it is, why I have consulted with different people on how the tile, I don't know if you maybe have something there before you, were two different fields. In those fields why the entrance, the main entrance went up through the area right where the highway is. Well, naturally the offsprings from that, or the tiles, the laterals, why they had to have an outlet. Well, as it is, why they had a large ditch next to the highway. If you ever get the opportunity to drive out there, why do it, but that ditch was supposed to outlet all of these laterals. To my knowledge, and we couldn't be out there all the time when the construction was taking place, out of the, let's see there was seven in the one outlet, I mean one field, and three in the other. Well, the three that are outletting from the one field, they are functioning, but the other one that we have the seven in it, why there's only one that is functioning. So, as it is, why we have kind of tossed it around in our minds a little bit which direction should we be going. We hate to be coming up here and complaining about the wet condition that we have, but on the other hand we would like to get it corrected. So, we're asking you folks to maybe give a consideration on putting this one line in along the highway and get the job done and we would no longer bother you anymore. But, I would like to have maybe Paul to give a little bit of insight on his experience with the farming and that. I've kind of stepped down a little bit in my work with it. Now, Paul, do you have some comments here?

Paul Kleinknecht: I'm Paul Kleinknecht and I farm. What, the situation is, the highway went through the tiling, and we have these laterals, and because, we had to come here before because of the wetland situation because this main tile went through what was the county wetland. So, they put a tile around there, but what we're concerned about is, is even after a dry year, these other laterals are exposed and they would be going into our main tile that would go down through that. What we would propose is is that you would put just one line up through the field and then we would be responsible for anything else, but that would for sure take care of the drainage that we could hook up whatever was in there that wasn't....because the line goes completely underneath the highway. So, we don't know what it did there, and what would be coming from the other side. You can see on, I don't know if any of you have the sheet, I don't know if that's—

Commissioner Melcher: We've got these.

Paul Kleinknecht: No. That's the road, that's the highway there, and the lines are where the tiles were, or are.

Commissioner Melcher: Okay.

Paul Kleinknecht: He has gotten bids, and, you know, we're talking about less than \$2,000 to be able to do that. I mean, it just, the part that concerns me is, you know, we're not against, you know, progress and having the highway and stuff like that, but what, he had to sell ground that he didn't necessarily want to sell, or to not have, and now what we don't want to do is have a problem with the drainage later on and then have to come back and have to deal with that.

President Abell: Who designed where these tiles were going to be placed?

Paul Kleinknecht: That was done, we didn't, ten years ago. Well, no, the last three, I don't know, or five.

President Abell: I mean, once we put the road in, once the road went in....we didn't put it in, but once the road was put in by the contractor that put it in –

Paul Kleinknecht: Right, right.

President Abell: – who–

Paul Kleinknecht: There's not been any tiling since then. That stuff was all originally there.

President Abell: Oh, okay.

Paul Kleinknecht: This is all original. So, what's happened is that you have the cluster and then, like these are tile laterals, the road went through like this.

President Abell: Okay. Let me ask the County Surveyor, who's in charge of our Drainage Board. Mr. Mueller, have you had any, do you have any knowledge of this at all? I know you've only been the Surveyor for two months.

Jeff Mueller: No.

President Abell: Okay.

Jeff Mueller: The first I've heard of it was today.

President Abell: I'm sorry?

Jeff Mueller: The first I've heard of it was today.

President Abell: Okay. What about the County Engineer, Mr. Stoll?

Fred Bumb: Yes, he does.

President Abell: I think he must know.

Fred Bumb: We have–

Paul Kleinknecht: He's here.

President Abell: Okay.

Joe Harrison, Jr.: One of the things that I would ask, just to be helpful, if, Reed, if you would send a letter to the Commissioners just setting forth your issues in a nice, concise manner. That would be helpful.

President Abell: We're also going to have to, we won't be able to handle this tonight, because we didn't have it on our agenda. So, we don't have the time set for it.

Paul Kleinknecht: We just wanted you to know about it.

President Abell: Okay, Mr. Stoll, you are aware of it?

John Stoll: Yes. Bernardin Lochmueller did the inspection on the project. From what they told me there were five tiles that were out there. They said they were provided a sketch of where the tiles came out, that there was never a mention of seven back at that point. So, they said they extended five tiles as a part of the project. I wasn't out there so I don't know all of the discussions that took place on site, but like the pictures that I sent you, there were five pipes that were extended as a part of the project. I was last out there six months ago, so, I don't have anything new really to add to it. So, we can check into it and try and sort out the situation.

President Abell: Well, I think at this point—

Paul Kleinknecht: May I make a comment?

President Abell: Okay.

Paul Kleinknecht: The reason that the five, is that's the five that are exposed, but there are other laterals that go into this main that go to that. That's why the five, the five, all he said was, those are the ones that are exposed.

President Abell: Well, obviously, the three of us do not have the expertise to have any idea what you are talking about other than what we're just looking at. I have very limited knowledge of farming. I would recommend, Mr. Schmitt, that you would get a hold of our County Attorney and set up something, I mean, our County Engineer, I'm sorry, our County Engineer so that this could be hashed out and we could get some recommendation as to what this, where this needs to go from here.

Commissioner Kiefer: It may not hurt to work with our County Surveyor as well.

Commissioner Melcher: I was going to mention that, because I don't know if this is, this probably is more of a Drainage Board issue.

President Abell: Well, I don't know.

Commissioner Melcher: I don't know.

Commissioner Kiefer: I don't know.

Commissioner Melcher: Well, we need to decide that, but we could decide that after we know what's going to happen.

Joe Harrison, Jr.: Again, if you would send us a letter just setting forth your issues, that would be great.

President Abell: Mr. Stoll, will you work with them and let us know the progress? Mr. Mueller, will you—

Jeff Mueller: I'll go out with John, yes.

President Abell: Okay.

Commissioner Melcher: And meet with them so we know what's going on.

Commissioner Kiefer: But, Mr. Bumb, I think the Commissioners are sympathetic to what you're concern is. We just need to understand it a little bit more and have the County Surveyor and the County Engineer work with you.

Fred Bumb: I did make my effort to contact the engineer, who was it Lochmueller? Yes, and talk to him, and they indicated that give it time, give it time. Now, this time it's gone on long enough. So, we felt like we should be doing something about it. As it is, well, I appreciate your time and your consideration.

President Abell: Fair enough. Mr. Stoll, you'll get back with us then? Okay. Thank you. Thank you, Mr. Mueller. Thank you, Mr. Schmitt. Is there anything else under public comment?

Consent Items

President Abell: Under the consent items, Madelyn?

Madelyn Grayson: The consent items for the March 12th meeting are as follows; approval of prior meeting minutes, we have the February 26, 2013 Commission meeting minutes; employment changes for the Commissioners approval, there's one for the County Highway; the Auditor has the February 2013 A/P vouchers; the Commissioners have a corrected quit claim deed for 1002 Lincoln Avenue and Harmony Way; there's a payment agreement with Karges Furniture Company, Inc., a letter to Sherman Greer regarding the Roberts Stadium generator, a letter to Old Courthouse tenant regarding variance application, and AT & T settlement agreement and release; the County Engineer has pay request number 170 for TIF projects in the amount of \$38,751.93 and a department head report; and Evansville ARC has the January 2013 report of activities and meeting minutes.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**First Reading of Rezoning Ordinance: VC-5-2013
Petitioner: Gene and Jeanne Pfeiffer
Address: 405 University Parkway
Request: Change from Ag to R-1, R-3, C-2 and C-4**

President Abell: Rezoning, first reading of VC-5-2013, Gene and Jeanne Pfeiffer, 405 University Parkway, change from Agricultural to R-1, R-3, C-2 and C-4. This is the first reading of this. I'll entertain a motion to accept this and move it to second reading.²

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Final Reading of Rezoning Ordinance: VC-2-2013
Petitioner: Dan Buck
Address: 7100 Felstead
Request: Change from Ag to C-4 with UDC
Action: Approved 3-0**

President Abell: Final reading of VC-2-2013, Dan Buck, petitioner, 7100 Felstead, change from Ag to C-4 with a use and development commitment. Janet?

Janet Greenwell: Hi. Janet Greenwell with the Area Plan Commission. Just here to let you know that Mr. Buck did appear before Plan Commission on Valentine's

²This petition will go to APC prior to coming back to Commissioners for second reading.

Day. It was a very long meeting, and a lot of concerns were raised. Mr. Buck agreed to meet with the neighbors and meet with the neighborhood, with the USI people, and what he came up with was a use and development commitment, which under the new ordinance that we put into effect in October of last year brought, brings him forward to this Commission without having to go back to Plan Commission. Plan Commission voted on a straight up Ag to C-4, and they voted to recommend denial with seven negative votes, four, I think three positive votes and one abstention. So, it's coming forth to you with a use and development commitment. Plan Commission has not, it has been filed in the appropriate manner, according to the ordinance. We checked it, it does reference City of Evansville, but also Vanderburgh County, so we think we're covered with that. It's just a matter of Plan Commission recommended denial but it was based on a straight up zoning. At that same meeting, Mr. Buck did get approved for a 66 lot residential subdivision called The Enclave. I'm losing my voice. The, I also left my pointer, The Enclave is a 66 lot subdivision, which 13 of the lots are what is being proposed to be commercial. We would anticipate that if this area that, I believe it's a 3.89 acre area is zoned to commercial, that we might see some changes in the, that section of the subdivision. The subdivision of 66 lots was approved with these as residential lots. There's 13 lots in the overall 66 that would be, that are requested to be zoned to commercial. That's really all I have. The Plan Commission voted to deny it, but that was without the use commitment. It's up to you to decide, and the audience to decide if the use commitment is what they're looking for.

President Abell: Have the members of the Area Plan Commission been sent copies of the use and development commitment?

Janet Greenwell: No. No, they have not.

President Abell: Okay. Thank you, Janet.

Janet Greenwell: Because it will not go back to Plan Commission, unless you send it back.

President Abell: I just thought, as a courtesy, someone might have sent one to them so they could look at it. I haven't talked to any of them. Mr. Buck, did you have something that you would like to say?

Commissioner Melcher: Before Mr. Buck—

President Abell: I'm sorry.

Commissioner Melcher: – as your representative, I was at the meeting, I was the one that abstained. There was three that voted for it, seven against, but I think what happened is, I think everybody's still confused on how the new ordinance is working, because what was allowed was, and the attorney made it clear two or three times that you're voting on the plan as is, not without the special use³. The special use will come back later. In fact, he didn't even have to bring up the special use, but since he did, and tried to get it in and it wasn't in writing, it has to be in writing with the new ordinance. So, I don't know how people would have voted one way or the other. I just think what happened was they went around it, I think some voted against it because

³ Should be use and development commitment.

it didn't have a special use, which it didn't have to have. I think he tried to explain that too, but I don't know. I'm just telling you what came out of that meeting.

Joe Harrison, Jr.: All of those who wish to speak in connection with this rezoning please raise your right hand. Do you swear, affirm the testimony that you are about to give is true and accurate so help you God?

All: I do.

Joe Harrison, Jr.: Thank you. Go ahead.

President Abell: Mr. Buck?

Dan Buck: My name is Dan Buck. I live at 8141 Buck's Lane. I'm the proposed developer of this subdivision. Tonight here to rezone approximately four acres to C-4 for a mixed use. The property, the C-4 property is on the east side of Eagle Crest or Eagle Village student complex, which houses up to over 500 students. That piece is not too much bigger, or it's probably about the same size as what my four acres is. So, you can see how dense that piece of property been developed already. Excuse me, I've been a little sick. Because of the student activity, and the Lloyd Expressway, this four acres would be hard to sell as residential units, single family residential. No billboards can be allowed on this property, because the Lloyd Expressway is considered a scenic route at this location. There could be two accesses, but may only be one to the property. The best use for this acreage, small commercial usage such as a convenience store, restaurant with family room, mini storage or a strip retail center. With an opportunity to have some of this here, I think it would take traffic off the Lloyd Expressway because the students would have a place to purchase convenience items or go to a restaurant, grab some fast food, instead of getting out on the Lloyd Expressway.

President Abell: Mr. Buck, may I ask you....the residences that you are planning to build also, they're directly south of this 13, this four acres?

Dan Buck: Correct, they abut to that.

President Abell: Okay.

Dan Buck: So, I will have approximately 53 lots there. The value of the lots are a million three and twenty five. It will be over nine and a half million dollars worth of homes there. So, I wouldn't want to put anything that would downgrade the value of my investment that I'm putting to the south that adjoins this piece of property. About eight years ago I tried to purchase where Eagle Village is today, and have that rezoned for a strip center with 32 condominiums, and had remonstrators and was turned down. Since then I've had those same remonstrators come back to me and say they were sorry, because of what ended up there today and what I was proposing back then. I think that the Sustainable Evansville Area Coalition did a great job tonight, and virtually they're saying what I'm trying to do. Walkable Neighborhood, a place where you can have convenient activity, core commercial area with a mixed density, which is next door, mixed use and mixed development. It's exactly what they're recommending to this panel. So, I appreciate your time this evening, and would ask for your approval on this project. Thank you. Any questions?

President Abell: Yeah, we may have some questions. I have another one. Would the access off of the Lloyd Expressway back into both the proposed commercial and the proposed residential area be off of Felstead Road?

Dan Buck: Well, there will not be any access on to the Lloyd.

President Abell: That's what I meant. You'll have to get off of the Lloyd, get on to Felstead and then turn into your subdivision.

Dan Buck: Get onto Felstead to get in. Correct.

President Abell: Okay. Commissioners, any questions?

Commissioner Melcher: Not now.

President Abell: No? Thank you, Mr. Buck. Any one that wants to speak on this, you just have to be courteous one to another. I don't know, I don't have any papers from any of you, so I don't know any names to call anybody, but please, all of you limit your comments to about five minutes. We would appreciate it if everybody would not say the same thing someone else has said. You'll have to give us your name and your address as you address us.

Larry Helming: My name is Larry Helming. I live at 6612 Cliftwood Drive. I've been out there for about 37 years. I appreciate the opportunity to issue a statement here that we have signed by 73 residents that live along Felstead Road. These statements represent the desires of the signed residents near Felstead Road showing their opposition to changing the zoning to commercial four, even with the changes that Mr. Buck has outlined. His original request was dated January 31, 2013. The requested zoning change property is located at the corner of Felstead and Highway 62. As Mr. Buck has shown, that serves as an entry to Highway 62 for residents on Cliftwood Drive, Rosser Road, Sycamore Lake, residents living along Felstead in subdivisions further east and south in Bridgeview Subdivision and other connecting drives. None of these properties are zoned commercial. Most homes in the area are built on one and two acre lots, establishing a setting of rural tranquility and spaciousness. The homes range in value on average of \$225,000, or even higher. The residents desire to enrich the property values and the aesthetics by preserving the residential zoning in the area, not fragmenting with commercial splashes here and there. Commercial development abutting residential neighborhoods is not desirable. It will reduce residential value and increase traffic safety concerns. Commercial development will increase large truck traffic for deliveries and services. Most of the possible services stated by Mr. Buck's U&DC report are the same or similar to businesses already found along Pearl Drive, Eagle Plaza, University Shopping Center, Schnuck's Plaza and adjacent shopping centers. Further saturation of these same types of businesses will reduce the business value of those service providers already there, making opportunities for business success less attractive. The need for new commercial opportunity is optimistic at best. At last count, just two weeks ago, we made a survey there in this area I just described, there are 24 commercial store fronts that are currently vacant and available for rent or use. That's within one and a quarter mile, all of this is within one and a quarter mile of the requested zoning change property. Presently when entering Highway 62 from Felstead, either going east or west, it's good to time one's acceleration into the traffic by the light at Schutte about a quarter of a mile away. In addition, when there is a wreck, and there is a lot of them out there for some reason, students are reading their books while they're going to school and things like that. Traffic on the highway

can block the use of Felstead, getting onto that highway, going in either direction. So, additional traffic due to commercial activities will certainly increase the safety issues for an area already dangerous. As it has been noted, the Area Planning Commission listened to our things we had to say, listened to Mr. Buck earlier this year and they recommended that his request to change this to commercial be disapproved. So, we're appealing to the Commissioners to guide growth in a manner that supports and reinforces our community in concurrence with the Evansville-Vanderburgh County 2004-2005 Comprehensive Plan, which we have a picture here of the plan that was created. In the area so targeted here for rezoning, you will notice that that is not indicated in this plan which goes through 2025 to become commercial. I appreciate the opportunity to speak to you on behalf of 73 residents who signed our petition. We could have gotten more. No resident in that area refused to sign the petition after reading it. Everyone agrees with it. The only people that didn't sign it are the ones we couldn't get a hold of. I would be happy to answer any questions.

President Abell: Commissioners, any questions? Thank you.

Larry Helming: Thank you.

Mark Rozewski: Thanks. Mark Rozewski, I'm the Vice President for Finance and Administration at USI. This may be the very first time that anybody from USI came here with an opinion about anything. That's actually an important point. We do oppose new commercial development in this particular location for a couple of reasons. One is, it really is spot zoning that isn't contemplated in any plan. We've been relying on the aesthetics of the Lloyd out near us to compliment the very high quality development of the university itself. If you were to allow the spot zoning that's contemplated here for this three acres, what would happen is you, I think, lose any real claim to fight further claims of spot zoning all up and down the Lloyd between Boehne Camp Road and USI on both sides. Now, that's a problem in a variety of areas. One is, as is correctly pointed out, there's already substantial vacancies in the existing retail infrastructure on the west side. The other, not coincidentally, your other item on the agenda, the proposed development, Gene Hahn's development on University Parkway, where you really—

President Abell: May I correct you? It's Gene Pfeiffer.

Mark Rozewski: Well, whatever.

President Abell: Well, our record needs to reflect the truth.

Mark Rozewski: Sure. Okay, Gene Pfeiffer's development on University Parkway, where you're actually seeking development for retail and are planning a TIF district to fund additional road improvements. This additional retail development allowed willy nilly in an unplanned way all up and down the Lloyd between Boehne Camp and USI will cannibalize what little market remains for retail on the west side, out on University Parkway where you actually want planned development, where you have planned to have planned development. So, from that sense it's just really bad planning. If it were to happen, and we don't support it, there is one really important condition we would like to have imposed here. This goes back to a very important fact which is, Evansville is a college town that doesn't know it yet, is something I tell a lot of people. I think if you were to ask people who run college towns across America, if they had it to do over again, and you sort of do here, what is one thing you would do differently from the get go? One of them is not allowing package carry

out liquor sales within walking distance of college dormitories. Not only are there 500 people living in Eagle Village, and that's 100 percent USI students. That's a private property. There's another 3,000 across Schutte Road, all within walking distance of this site. So, were there to be commercial development here, we would beseech you, with the greatest possible gravity, to not allow carry out liquor sales on this site, because, well, for one thing, the cost to the county would be enormous. You're policing that area. We think it's trouble nobody needs. So, we certainly, now, we did review, we actually proposed a use and development agreement to this developer, which he did not use, and the one you see we've had reviewed and is fundamentally, doesn't really perform any useful controls of the development on the site, and importantly doesn't have a commitment to avoid the sale of carry out liquor on the site, which is very, very important I think to USI, and really when you think about it, to you, and especially to our neighbors. The idea that 3,000 college kids could walk through their neighborhood, and this proposed subdivision on their way back and forth to your carry out liquor is a distinctly unsavory thought. So, we certainly want to make that point as well. So, that's the university's official comment on this.

Joe Harrison, Jr.: Could I mention one thing?

Mark Rozewski: Sure.

Joe Harrison, Jr.: Just so you know, there are no, I don't believe there are any carry out liquor stores in the county.

Mark Rozewski: Well, we're talking about convenience stores that sell beer. We're talking about gas stations that sell beer. That sort of thing.

Joe Harrison, Jr.: Well, what I'm getting at, you can't have a liquor store in the county.

Mark Rozewski: Okay, well, it's actually okay with us to have a restaurant that sells liquor. That's sort of a self controlling thing. That the owner is going to make sure that you don't get out the door with being a danger to people presumably. What we're worried about is having liquor approximate to the dormitories for fairly obvious reasons.

President Abell: There were a lot....next, okay.

Louis Carroll: Good evening. My name is Louis Carroll. I live at 6611 Rosser Drive. This is very close to the area we're talking about. My wife and I have resided there for over 50 years. You talk about a scenic area, it was quite scenic when we first got there. The highway out there was still two lane. To give you an idea, USI didn't exist at that time, but we welcomed the university. We were anxious to have it. When that land was donated to them, I made a prediction that one of these days USI will be the largest university in the State of Indiana. Why? They've got the land. They can expand, but, the thing we don't need is more expansion of commercial areas. I happen to have graduated from Purdue, but when I was on Rosser Drive I had two daughters that graduated from USI. We've always strongly supported the university. Now, we hope that they support us in our opposition to this rezoning. Now, presently we still have a scenic neighborhood, but, however, commercializing Felstead would be devastating to Felstead Road. As you know, it's not a road that needs more traffic. It's a very narrow road. We have a lot of people that still walk down this narrow road for their exercise. As long as there's not a lot of traffic, they're relatively

safe. Wildlife, I don't think this has been mentioned here, we have an abundance of wildlife, but they're being crowded out. This would exacerbate the situation. We have deer, wild turkey and all your small game. Now, years ago I had to go to Michigan or Colorado to deer hunt. Now, if I elected to, I could put a deer stand in the back yard and see more deer than I did in either one of those states when I went hunting there. This gives you an idea of how the wildlife is being threatened. If we have automobiles going up and down Felstead, as well as out on university, or out on the Lloyd Expressway, as you know, there have been a number of deer killed out there. You see it every day. My comment is that I think that it's greed and not need for this rezoning. I would like to say that recently we, as well as a lot of our neighbors, maybe all of them, I don't know, but we voted against consolidation. We wanted to preserve your jobs and our township jobs in the area. I would hope that you would consider this and protect our neighborhood and make the decision not to rezone. Thank you very much.

President Abell: Any questions?

Commissioner Melcher: No, thank you.

President Abell: Thank you. Next?

Bill Jeffers: Bill Jeffers, President West Side Improvement Association. I shared Mr. Buck's feeling to compliment the Sustainable Evansville's presentation for what they presented to you as a Walkable Neighborhood. I would like to emphasize Walkable Neighborhood, because the West Side Improvement board of directors in their last two monthly meetings has discussed this rezoning and this subdivision, and while we usually and generally support all west side neighborhood and neighbors feelings, as well as USI, what we would like to concentrate on here is what the board of directors voted on. With complete consensus we voted to recommend to the Area Plan Commission and the County Commissioners that sidewalks be built along the main roadway from Stellar Drive through this new development, to Felstead, through the residential development. That would be the lower road on your display here that connects to Stellar and runs through the plat that was approved for residential development to Felstead, on one side of that road we would recommend that you insist upon sidewalks. Also, insist upon sidewalks for any roadway that enters into a commercial zoning, if the commercial zoning passes tonight, or in the future. The reason for that is obvious. As Mr. Buck stated, the huge population of student residents immediately adjacent to this property, along with an even larger number of students who reside across Schutte Road, constantly walk along sidewalks that have been provided by the university and by Eagle Village, to and from class and their residences, and if this zoning were allowed, they would obviously want to access the commercial area along the same sidewalk network. We feel that should be, that the Commissioners should not waive the need for the sidewalks. Our board of directors was gratified to find out that in the Area Plan Commission staff field report, MPO agrees with the need for sidewalks, to extend safe transportation for both pedestrians and bicyclists from the new development thence into USI campus, as well as providing safe foot traffic and bicycle traffic to connect to the METS bus stop on Schutte Road. That would be something that was talked about by the Sustainable people earlier today as well, that there is a METS hub there that people use, and they should be able to walk safely along the roadways to get there. In both cases, Mr. Buck in Area Plan Commission, in his summation, stated that he had no problems with sidewalks through the residential portion or into the commercial portion, but there's nothing in writing to that extent, other than the minutes. I say that because our board of directors understands that prior to the Area Plan Commission

hearing, several months prior to this date, when this was first contemplated, a request to waive the sidewalks had already been sent to the County Commissioners. Not making a negative comment in that respect, just that we are asking you, if you do waive sidewalks for a portion of the residential portion of the subdivision or if this commercial zoning were to pass, that you would still retain sidewalks along one side of the street passing through from Stellar Drive connecting to Felstead and into the portion that may or may not be zoned commercial. There were several conditions applied to the plat that was approved by Area Plan Commission on February 14, and those conditions came directly from recommendations that were made by Area Plan Commission staff and the MPO staff. Even though a recommendation for sidewalks was in the MPO staff field, no condition was applied to the plat regarding sidewalks, and that's probably because the County Commissioners are the authority on sidewalks. So, in deference to the County Commissioners, I believe that was left off. We know sidewalks cost money. We know that sidewalks pose potential problems with regard to the American Disability Act, that they have to be poured correctly so that the cross grade is such that people with disabilities are afforded sidewalks that comply with the ADA. We know that individual home builders are the entity who pours the sidewalks, while the primary developer, in this case Mr. Buck, his letter of credit covers the approval of the finished sidewalks. So, we know that there are complications with the system. However, Westside Improvement feels the cost of the sidewalks is a small price to pay for the benefits that they will afford to bicyclists and pedestrians, safe travel for the students to and from and through the area to connect to the existing sidewalks that were already put in place at great expense by USI and Eagle Village, and that the benefits far outweigh the potential hassles. So, since you are the authority who can guarantee that there will or will not be sidewalks in the future through this development, we are simply asking you to consider West Side Improvement's board of directors recommendation that sidewalks be retained at least along the main road connecting Stellar Drive to Felstead, and in the case that a C-4 zoning would occur, that the sidewalks would extend into the C-4 area. The only other issue that we discussed in our board meeting is the greenway, and there is, you can read the staff field report on that as well. There is a proposed greenway passage through the front of this project along Lloyd Expressway. West Side Improvement is not a design organization. We're not saying that the bike path or the greenway should be right immediately adjacent to the right-of-way for Lloyd Expressway, however, the idea is for that to connect the USI and Burdette Park bike path, which was already completed at great expense to both you and USI, through grants. That that would be connected back into town along the Expressway, and pass through, in some fashion, pass through this new development, whether it remains totally residential, as the plat currently was approved, or whether this rezoning would occur tonight or in the future. Again, when that was brought up during Area Plan Commission, Mr. Buck said he had no problem with providing for the greenway passage, and I assume that that means that he would talk to the Parks Department about completing that at some point in the future, in some manner. Thank you for your consideration and time.

President Abell: Questions? I have a question, Mr. Jeffers.

Bill Jeffers: Yes, Ma'am?

President Abell: If we were to consider this, would you think that we might be able to interchange the terms pathways with sidewalks, if we were able to find something that would be a better material than....I don't particularly like concrete because, not only maintenance, but water can't go through it and it just, to me, it's just a mess. I like natural stuff, and I think that, in talking to the engineers earlier, they indicated

that there are many materials being made now that make nice pathways that are much nicer to look at, much nicer for the environment than concrete. I just was wondering if, are you, is Westside Improvement dead set on concrete?

Bill Jeffers: Our discussions didn't touch on the material that would be used for the bicycle or pedestrian walkways, I'll call them. We just used a generic term sidewalks. Yes, of course, we are aware that there are new materials, pervious materials, etcetera that would serve. Our concern is that any pathway for pedestrians, bicycles, parents with baby carriages, what have you would be appropriate and adequate for use by pedestrians, bicyclists and persons pushing baby carriages or disabled persons in wheelchairs or the motorized conveyances. Whatever is appropriate for the surface would be suitable to what our recommendation is.

Commissioner Melcher: Okay.

Bill Jeffers: Thank you.

President Abell: Thank you. The next person that would like to speak?

Keith Hollander: My name is Keith Hollander, and I live at 5500 Bridgeview Drive, in the aforementioned Bridgeview Subdivision. You can't see it on these maps, but if you were to approve this development, the county's probably going to have to put a stoplight at Felstead and 62, because there's already a lot of traffic that goes in and out of Felstead. I use Felstead to go west on 62 a lot myself, and I've had three, four or five cars in front of me waiting to get through that intersection to go west, because there is no stoplight there now. People get frustrated because they're waiting, and then that's going to direct the traffic south. If you're familiar with the westside, Felstead comes out on Broadway at the base of Broadway hill. That's already a dangerous intersection there because you're coming up an incline into that subdivision, into that intersection. You have to look to the west up the hill, and in the evening the sunshine coming down that hillside it's blind, it's blinding. So, you would probably have to put a stoplight at 62, and you would incur the cost of that, if you approve this development. Then, I live on Bridgeview Drive, and a lot of people coming in Felstead already cut down Bridgeview Drive to go to Ryder Drive to come out on Bridgeview, or come out on Broadway because of the bad intersection at the base of Broadway hill. So, it might be, you might want to consider that. It's a stop sign at the south end, there's only two exits going out the south end of Felstead, you've either got to take Ryder Drive and come through my subdivision, or you've got to take Felstead and come out at the bottom of Broadway hill. So, I'm going to say, you're going to incur the cost of putting another stoplight up and maintaining that, along with the subdivision, because people will get frustrated at that intersection, at 62 and Felstead. Thank you for your time.

President Abell: Just a moment, we may have some questions. Does anyone have a question? Okay, thank you.

Commissioner Melcher: Bill, can you come back up? I didn't see it in my notes here, but you said something else, and I'll probably find it after you say it. You recommended a couple other things. I can't remember what they were, like a crossing thing on Felstead and this other road that's south of it because people are going to be going down that way too. Do you remember something like that?

Bill Jeffers: Oh, we were talking about, there is a pedestrian crossing at, on Schutte from, I think, near the bus stop, over into Mehrenholtz Drive, but that already has a sidewalk going there.

Commissioner Melcher: Yeah, and you just recommended–

Bill Jeffers: I don't recall at Area Plan Commission, I guess, a crosswalk from the, I think maybe I mentioned a crosswalk from the residential side of the–

Commissioner Melcher: On the other side?

Bill Jeffers: – to cross over to where it would go into the commercial area.

Commissioner Melcher: From the apartments?

Dan Buck: (Inaudible. Not at microphone.)

Bill Jeffers: Right, where people from the residential 55 lots would want to cross the main street and access the C-4 area, if the C-4 zoning is approved.

Commissioner Melcher: Well, I knew there was something else, and I thought I wrote it down, but I couldn't find it.

Bill Jeffers: Yeah, I believe we also asked for consideration for a crosswalk. That probably should go through the County Engineer's office for, in the roadway plans.

Commissioner Melcher: Yeah, we could kind of–

Bill Jeffers: I mean, I don't know that you would want to make that decision, but it was something we asked to be considered.

Commissioner Melcher: No, I just remembered there was something else, and I wanted to get it on the record–

Bill Jeffers: Right.

Commissioner Melcher: – with the two Commissioners here.

Bill Jeffers: You're correct, yeah a crosswalk from the residential area to the commercial area, if it's approved.

Commissioner Melcher: Okay.

Bill Jeffers: Thank you.

President Abell: We might make note to the gentleman who just spoke. It is not Vanderburgh County's decision where traffic lights are put on the Lloyd Expressway. That has to go through the Indiana Department of Transportation. Next speaker?

Mandi Camp: Good evening. My name is Mandi Camp. I'm the assistant manager at Eagle Village Apartments. We're at 814 Schutte Road. Some of our concerns is Stellar is currently a dead end road, our office is on one side of the road, the other is our residents. Currently, right now there is no crosswalk, I don't know if that was maybe something you were talking or thinking about. What that is, because we have

residents come across that road constantly to pay their rent, to come to the clubhouse. Also, as a staff member we show our model, which is across that street as well. We also don't have stop signs, because there is no need to stop to go out onto Stellar Road as well. We just kind of want to make our presence known tonight, that we are concerned for the safety of our residents, of the university's residents as well. Also, if people can't turn onto Felstead, they're going to go up to the Schutte and the Lloyd light. That light already is short enough as is with university students trying to get on to go to campus, and we also have them as well trying to come onto Eagle Village. So, we just kind of want to make it apparent that the traffic and the safety of the residents and the university and the staff members just be known.

President Abell: Commissioners, any questions?

Commissioner Melcher: No.

President Abell: Thank you.

Mandi Camp: You're welcome.

President Abell: Is there another? Anyone else? Mr. Buck, you look like you're ready to stand up.

Dan Buck: First of all, when, I'll go back to the Ag to the C-4 on this four acres. There's high density residential apartments next door, with student housing. There's the Lloyd Expressway, which probably has a traffic, or miles per hour is probably 55, I would think, out there. So, you have noise from that. With the new subdivision, it would open up a way to get from Felstead to Schutte if Felstead was blocked up at the Lloyd Expressway, and vice versa, if Schutte and the Lloyd was blocked, it would give an alternative route for people to get out on Felstead to the Lloyd if there was any problems. So, it would make it easier for emergency vehicles to get around if there was a problem. The next thing is the comment on greed and not need. When, I've been developing property for 27 years, and a builder for 33, and when you put a project together it has to be feasible, financially, especially in today's times. It's very difficult. So, the need for this commercial property helps sustain the subdivision side. So, this is the main reason, the location where it's at, and the need to help sustain the subdivision side. The next thing is it will create probably between 25 and 35 new jobs if the strip center is there, with a convenience store and a restaurant. There will be new employees working there. There will also be a higher tax base, commercial is a higher tax base than residential. The sidewalks, I would be glad to work with MPO or the County Engineer and Bill on how that's arranged. You know, if one side is good, and I understand the problems with the handicap situation, and nobody wants them. You know, nobody wants the problems with them. So, maybe we can come up with an ulterior product that would give the same benefit, but not have the liability. If we can do that, then I can have the homeowner's association maintain that path, at that point in time. Okay? The greenway, we would create, I would work with Bill on a greenway easement through the commercial, and I don't necessarily think it needs to be green, but, you know, it's going to be an access for people to get from Felstead again, through the commercial, over to the student housing. If they want to ride their bike that way, or whatever. In the past I've given up to 11 acres to the greenway, and that was a project called Amherst Manor, behind the Oaklyn Library. So, I gave a strip of ground from Oaklyn Library to Pigeon Creek, and then ten acres. So, I think it's a good idea. Again, I think very strongly, the architects that came here and talked before me this evening hit it dead on. Eleven years ago, 12 years ago, it's been more than that, 14 years ago we

designed Cambridge with the same concept, same concept, mixed use, mixed density. So, I think it's good that we're finally getting to that point to now where we're starting to plan for it.

President Abell: Questions of Mr. Buck? Thank you, Mr. Buck.

Dan Buck: Thank you.

President Abell: Janet, did you have something else that you wanted to—

Commissioner Kiefer: It still has to go through subdivision review and other Area Plan for those other areas, right?

Commissioner Melcher: No.

Commissioner Kiefer: Or is this subdivision already been platted?

Janet Greenwell: The subdivision was actually approved February 14th.

Commissioner Melcher: Yeah, it's been approved.

Commissioner Kiefer: Oh, okay.

Commissioner Melcher: The subdivision.

Janet Greenwell: It's been approved. We understand, and it was brought up at the meeting that there might be some changes if the commercial is approved. There might be some changes to the 13 lots you see on the screen. To the access, to the drives, maybe to the lot sizes, most probably to the access point as well.

Commissioner Kiefer: Okay, but if this is approved tonight we're not waiving any sidewalks or anything like that? We're not making any—

Janet Greenwell: No, I don't believe that was anything that you were being asked to do tonight.

Commissioner Kiefer: Okay.

President Abell: Wait a minute, Mr. Harrison, would we vote on this as one project or two?

Joe Harrison, Jr.: Oh, no. It's just one. It's just commercial.

President Abell: Well, it came out of Area Plan with two kind of separate feelings. I mean, they approved the residential—

Joe Harrison, Jr.: Well, that's already approved.

Janet Greenwell: The residential section, the subdivision—

President Abell: That's already done?

Janet Greenwell: — is approved.

Commissioner Melcher: Yes.

President Abell: So, we're just looking at this?

Janet Greenwell: You're looking strictly at rezoning from Ag to C-4 with a use and development commitment with the limitations—

Joe Harrison, Jr.: For the 13.

Janet Greenwell: —for these 13 lots.

Joe Harrison, Jr.: Which is 3.84 acres, or whatever.

Janet Greenwell: Just under four acres, yes.

Joe Harrison, Jr.: If it would get approved, as far as the changes that would have to be made, would that, how would that then be resolved, the access issues?

Janet Greenwell: At subdivision review, when it was brought before sub review, I believe Mr. Buck, I'm not sure Mr. Buck or his engineer was there and said that there very possibly may be some changes that might require re-primary, depending on what they plan to do.

Dan Buck: Right, if this would get approved, then I would go back with a detailed plan to sub review and site review and drainage. So, all of this four acres would go through the, virtually the whole process all over again, unless it's sold to one individual, you know, they would still have to meet the county requirements on site and sub and stuff. So, probably just site review, I don't think they have to go to sub if it's just one user.

Joe Harrison, Jr.: But, if it's not one user.

Dan Buck: If it's not one user, if it's more than one user, then it's got to go to sub review.

Joe Harrison, Jr.: Right.

President Abell: Commissioners?

Commissioner Melcher: We haven't waived any sidewalks or anything else.

President Abell: No, we haven't waived any sidewalks.

Commissioner Kiefer: I'm going to make a motion to approve.

Commissioner Melcher: I'll second.

Unidentified: We don't need anymore (Inaudible).

President Abell: (Gavel). We didn't interrupt you. Thank you. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the Vanderburgh County Commissioners? I will accept a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 7:04 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the February 26, 2013 Commission Meeting Minutes.
Corrected Quit Claim Deeds: 1002 Lincoln Ave. & Harmony Way.
Payment Agreement with Karges Furniture Company, Inc.
Commissioner Letter to Sherman Greer: Roberts Stadium Generator.
Commissioner Letter to OCH Tenant: Variance Application.
AT&T Settlement Agreement: 911 Charges.
Evansville ARC January 2013 Report of Activities & Meeting Minutes.

County Engineer:

TIF Pay Request No. 170: \$38,751.93.
Department Head Report.

Employment Changes:

County Highway (1) Prosecutor (3) Sheriff (1)

Auditor: February 2013 A/P Vouchers.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Sara Weinzapfel	Tim Stansbury
Jim Heck	Anna Beth Pfafflin	Dennis Au
Eric Williams	Mike Duckworth	John Stoll
Seyed Shokouhzadeh	Mike Shoulders	Fred Bumb
Paul Kleinknecht	Reed Smith	Jeff Mueller
Janet Greenwell	Dan Buck	Larry Helming
Mark Rozewski	Louis Carroll	Bill Jeffers
Keith Hollander	Mandi Camp	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 26, 2013**

The Vanderburgh County Board of Commissioners met in session this 26th day of March, 2013 at 5:05 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the March 26, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Melcher, would you lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Explanation of Public Comment Segment of Meeting

President Abell: I have been told that many of you are here regarding a rezoning that has been filed in Vanderburgh County. If that is what you are here for, I would recommend that you find a spokesman that we will allow to speak for two minutes at the end of the meeting. This is not being heard by the County Commissioners tonight. This won't be heard by the County Commissioners until after it's been heard by Area Plan Commission. Since a petition has been filed, it is inappropriate for us to hear any discussion on this without the petitioner available, and he is not here this evening, but if you want to speak for two minutes we will allow one person to speak at the end of our meeting for two minutes. If you want to go in the hall and pick yourselves a spokesman you can. If you want to stay in here that's fine. We're going to go forward with our meeting.

The Centre 2013 Capital Improvement Projects

President Abell: The Centre Capital Improvement Projects. Dave Rector?

Dave Rector: Good afternoon, Commissioners. Dave Rector, Building Authority. Each year we've approached you with Capital Improvement Projects for the Centre. You have a list, and I brought you one just in case you didn't have yours, of projects we're looking at for 2013. Darren Stearns and Harry Cochran from SMG are also here. They've got some requests on there besides mine. This has been funded in the past through F & B. I understand from Joe we've got about \$1.4 million in there, but Joe and I just had a brief pre-meeting discussion, I think he has another question around this. So, I don't know if we want to get into that at this time before we move with this. Or, I'm certainly open to questions, if you have any questions on these items.

Joe Gries: One of the things that, as the Commissioners know, the Food and Beverage Fund no longer receives revenue in it each year. The other fund, the Convention Center Operating Fund, does continue to receive revenue from Innkeepers Tax. It may be, at the Commissioners discretion, reasonable to pay for some of these items, possibly not everything, using the Convention Center Operating Fund rather than the Food and Beverage. That would allow the Commissioners to keep the Food and Beverage Fund fairly healthy, and if any major projects came up at some point, the Centre needed to, you know, a roof repair or some major item within it, you could, you would have the money available to handle that. So, there, I believe there's approximately, in the unappropriated balance for the Convention Center Operating Fund, about \$3.2 million. So, it is fairly healthy.

President Abell: How much longer do we get that money, Mr. Harrison? Do you know?

Joe Harrison, Jr.: On the Centre?

President Abell: The Innkeepers? Joe, doesn't that go away?

Joe Harrison, Jr.: I think it ends next year.

Joe Gries: Well, we will continue to receive money in it, but it will be cut in half the amount of revenue after 2014, unless the statute is changed at some point between now and the end of 2014.

Joe Harrison, Jr.: But, the amount we receive now will be cut after '14?

Joe Gries: Yes, that's correct.

Joe Harrison, Jr.: In half, right?

Joe Gries: Yes. We receive about \$900,000 a year, and that would go to about half.

Joe Harrison, Jr.: And the Food and Beverage is going to be directed to the Ford Center, I guess.

Joe Gries: Food and Beverage, the excess of that continually goes—

President Abell: To the Ford Center?

Joe Gries: It actually does now, yes.

Dave Rector: Darren and I were talking about the Operating Fund, after you and I had our conversation, and, Darren, would you like to...he was thinking it was more restricted than this.

Darren Stearns: I do not know the exact statutes, but I do know that it states that it's for the operating expenses. I guess, that's whatever you deem as being operating expenses.

Joe Gries: Exactly. That's correct. Not everything on this list could be considered possibly "operating expenses". I think, we've looked at the statute, we've also tried to come up with some information from the state, and there are, there are several things within this list that would be considered. There's also some other things that the Commissioners may want to consider at other times too.

Dave Rector: If you would like, I can go through here and try to break out what's operating and what would be more capital and work with Joe—

President Abell: I was going to ask you if you would do that.

Dave Rector: —and, Mr. Harrison, if you could kind of look at what that statute does say and then come back next month. If you have any particular questions on these we can talk about them tonight, but, if not, I'll break those out and we can table it.

President Abell: You might give us a little idea of what's....like I don't know what a bollard is. A b-o-l-l-a-r-d.

Dave Rector: Joe asked the same thing.

President Abell: I don't know what that is.

Dave Rector: A bollard is nothing more than a steel pipe, in the ground to prevent somebody from hitting something, approaching something and going through. What we're planning to do, at the dock entrances on Walnut, is to put a receiver in the ground where Harry can go out at event time, put this bollard in place. We've tried barricades, and what's happening is people are taking the barricades down, coming and parking there and then we can't get the trucks in and busses. So, we're going to put something a little semi, more permanent. It's going to keep people from getting in that area.

President Abell: Okay, I think that would be good if you could figure out what you consider "operating expenses".

Dave Rector: Sure.

President Abell: But, you know, if the Centre wasn't there, I mean, to me everything's an "operating expense" because it takes that to operate it. If the Centre wasn't there, we wouldn't be spending it.

Dave Rector: You do recall too, that we have Depreciation Reserve Funds that address certain kinds of major issues, none of these.

Joe Harrison, Jr.: Yeah, if there's major roof, things like that, boilers, etcetera, there's funds in place for those type of expenses.

President Abell: Okay, why don't you do that.

Dave Rector: Okay, we'll do that.

President Abell: You're not in any rush to get this tonight?

Dave Rector: We can handle that. That's fine.

President Abell: Okay, thank you.

Dave Rector: Thank you.

Commissioner Kiefer: Do we need a motion?

President Abell: No.

U of E Presentation: Tinker Memorial Organ at the Coliseum

President Abell: Is there someone here from the University of Evansville Neu Chapel to give us a presentation on the organ? You'll need to give us your name into the microphone and speak into it so it will be on our records.

Douglas Reed: I'm Douglas Reed, University Organist. This is Tammy Gieselman, the University Chaplain.

Tammy Gieselman: Good evening, Commissioners and the Counsel. We're here, as Doug said, to represent the University of Evansville and make a proposal, hoping to repurpose the Tinker Memorial organ currently housed in the Coliseum. Just a brief history on the organ, and the slides can help facilitate the history. Some of you may already know, the Tinker organ was installed in 1919. It was a collaboration between then Evansville College, the City of Evansville and the United Methodist Church. Over the last 50 years there has been little upkeep to the Tinker Memorial organ. In fact, it has deteriorated to an unplayable status. If nothing is done, the Tinker Memorial organ will continue to deteriorate. We live in such a disposable society it seems, it has become easier and easier to throw away what we deem unnecessary or unusable, but we would like to preserve an ideal. That ideal includes music education in the Evansville community. Organ specialists estimate \$1.5 million to restore the organ, in playable use, in the Coliseum. Since no one has come forward with \$1.5 million, we have an option. That option is to remove the Tinker Memorial organ from the Coliseum and repurpose the Tinker organ on the campus of the University of Evansville. The University has raised enough financial resources to enlist an organ builder and experts in their field to remove and store the Tinker organ, and to serve as the custodians for the Tinker Memorial organ until a formal plan can be put into place. This would happen at no cost to the county, to the Veterans Association, or to the city. The primary goal is to keep the Tinker Memorial organ in Evansville and to repurpose the instrument so that it can be used for music education in our city and abroad.

President Abell: Councilman, any questions?

Commissioner Kiefer: Yeah, I would like to make a comment. First, you know, Dr. Reed and Tammy, thank you for being here tonight. I really appreciate it. I enjoyed

having the opportunity to meet with you and walk through the Coliseum and look at the organ. I concur with you, I do believe that it has deteriorated, and probably, or likely will continue to deteriorate without some intervention. So, I do like the idea that you've come forward and are willing to put this back to life and have a plan for it. I understand that you've contacted our counsel, Joe Harrison, Jr., and he'll be working with you to come up with an agreement that you could bring back to the County Commission for our approval. I do support this. I think it's a good program. Dr. Reed, obviously, has a rich history with his education and experience with organs, and, you know, Dr. Reed, you may want to comment on just your brief background just so everybody understands the depth of your experience.

Douglas Reed: Well, I earned my Bachelor and Master of Music degrees in organ performance from the University of Michigan, and then went on to the Eastman School of Music in Rochester, New York, where I earned my Doctorate in organ performance. Then I came to the University of Evansville in 1975 as Assistant Professor of Music, and the university organist, and I've been here ever since. I've been continuing, after 35 years, as the university organist. I have served as consultant on a number of projects and advisor and so on.

President Abell: Go ahead.

Commissioner Melcher: I guess, what I need to say is, I thought it was kind of different that you got a hold of the Mayor, instead of the Commissioners. I think you originally got a hold of the Service Officer, and I thought he told you to get a hold of the Commissioners, because that was the message that we tried to send back. Then, when we found out, all three of us found out from the Mayor, at different times. So, I didn't know, I'm glad you finally showed up after two or three times of saying come to the Commissioners. As Commander of the Veterans Council, wearing my other hat, when we, it's not really deteriorated as much from '72 till now, because there's been a new roof and everything on it, but before '72 is when all of the deterioration went. The County Commissioners was going to tear it down, everything down, haul it all away. Since it's a memorial to the soldiers and sailors and that, the veteran community went together and formed this Vanderburgh County, there's four delegates from every group, and we're trying to maintain that building so it wouldn't be too much out of cost for the county. So, we're trying to help. The only thing that we didn't want to happen is, we know the pipes are long, we know, we don't know how you're going to get them out of there, unless you take that grade down. If you take the grade down, you might have, you're going to have to put it back.

Douglas Reed: I've consulted with some organ maintenance people who work at the University of Evansville and am advised that it will be unnecessary to take the grills down that, but there will be some other staging that will be necessary to pass, especially the larger pipes down over the balcony railing. So, all of that will need to be proposed.

Commissioner Melcher: That's all we want to make sure of. We want to make sure, we have a tough time, and we just want to make sure that whatever you take off there's going to leave something, and whatever it is we just want it patched and painted, because we're spending money on it all of the time. So, that's basically what we want, and what we also think, since it's been there for so long and we're gonna, I don't want to donate it or give it or whatever, because then we have to claim it as surplus then, but to make everything easier, I think it's easier if we let you take it and store it and get it running, but the day U of E ever wanted to get rid of it, it has to come back to the County Commissioners at that time to see if they would want

something. Or if there's some financial gain out of it, that the County, and maybe if the veterans are still going, would get part of that too. Because some of our paperwork, there was a lot of kids that sold milk, and they got so much for their milk.

Douglas Reed: That's right.

Commissioner Melcher: Everybody keeps talking about everybody's donation, but they're leaving the kids out.

Douglas Reed: That's right.

Commissioner Melcher: So, I wanted to get that on the record, since you said what you said, actually it was a lot of the children in this area that helped raise money for that too.

Douglas Reed: That's right, it began with the school children.

Commissioner Melcher: Uh-huh, and nobody says that. So, we've done a lot of research on it too, and we've tried to protect it, but it takes every dime we get just to keep it going. I'm okay with it as long as we get some kind of contract. I've already talked to the attorney about it, to make sure that it runs smoothly.

President Abell: I don't actually have any questions. I sort of echo what you said, only because I remember when they moved the carousel out of here, and we never got it back, and somebody sold it, and, you know, somebody else is enjoying it. So, I would hope that you can restore this some day and use it and the whole community can enjoy seeing it.

Douglas Reed: Well, I think that's it very important that we have the documents that will solidify this, so that it does not leave the community. I really appreciate your perspective on the university's use of it and so on, contingency plans. I will add, if there's a moment, the reason why we went to the Mayor is because that was the original way that this happened. It was our understanding that that was the, we didn't know any different, as far as the correct route to take.

Commissioner Melcher: Well, when I found out, that's why I kept trying to send signals back to you to get a hold of Marsha. It never happened. So, until finally one day I was in a meeting in the Mayor and he told me about it, and then Joe found out about it, and then Marsha found out about it. Actually in reverse.

Tammy Gieselman: Part of it was just a spirit of collaboration, and we hoped to enlist a lot of support around the county and the city. So, it was in the spirit of collaboration and support.

Commissioner Melcher: I know less about it probably than a lot of the people that's been in that Coliseum for 20 or 30 years. Supposedly there's only four or five of these in the world, these organs?

Douglas Reed: It's certainly, this is one of the, there are very few of these instruments, especially in the State of Indiana, or in this region. In 1919 when it was installed here, there wasn't another instrument in 150 miles. I don't think there was even an instrument like that in Indianapolis. So, it was unique for that time.

Commissioner Melcher: We beat Indianapolis every now and then.

Douglas Reed: Every once in a while.

Commissioner Kiefer: Thank you for your passion. I know there's probably not two people in this community more passionate about the organ that you two are. I appreciate your passion.

President Abell: Mr. Harrison, you'll draw something up then, they'll come back and we'll vote on it and sign contracts and all that? We'll let you know. We'll keep in touch with you.

Tammy Gieselman: Thank you very much.

Joe Harrison, Jr.: Thank you very much, and I'll speak with you in a few days.

Tammy Gieselman: Absolutely. Thank you.

Joe Harrison, Jr.: You're going to get some photos and all of that good stuff?

Tammy Gieselman: Yes, yes. Thank you.

Joe Harrison, Jr.: Okay.

Soil and Water Conservation District 2012 Update

President Abell: I think the water and soil district has a report for us this evening.

Mark Abell: Good evening. I'm Mark Abell with the Vanderburgh County SWCD. This is Mark Cambron, he is with the NRCS. As you know, we are a collaborative office, we work with the NRCS and the FSA, which is the Farm Services Agency. We've put together a presentation, very briefly, just to kind of recap what we did for the year. You should have a copy. That is it, yes. The front page is a real quick recap, the second page is a state map showing how we're, there's a high density of projects that occur in our part of the state. It also lists what those projects are. There's also a regional map, and then the fourth page is a break out of different things that we can't put a dollar value on, but that our, of value to our county. I'll let Mark talk a little bit about the first bullet point there on the front page. So, Mark, if you will.

Mark Cambron: Good afternoon, Commissioners. I'm Mark Cambron with the Natural Resource Conservation Service, the District Conservationist for Vanderburgh County. The first paragraph, in 2012 we brought in \$444,000, a little over that, through our conservation programs. In our office, which some of you may not know, we finally have moved, we had the opportunity to move back into the county. We're in North Park. In that office we actually have federal agencies, state agencies and county agencies. So, as you see the Farm Service Agency, the Natural Resource Conservation Service are your federal agencies, the Indiana State Department of Agriculture, we have a person there with that agency, and then we also have the Soil and Water Conservation District. All of our conservation programs we've brought that amount of money in through installation of conservation practices in Vanderburgh County. They range from anywhere from tree planting to wildlife habitat to installing erosion control practices and no till and those sort of things. Also on there is ten new Farm Bill contracts, that's for '12. We've just had our recent contracts approved. It's looking somewhere around 20 this year already. Over 6,000 acres of conservation applied in Vanderburgh County for 2012. Our big push in our agencies now is soil health with a focus on cover crops on crop ground. In Indiana we led the nation in 68,000 acres of cover crop last year. Just in Vanderburgh

County we had over 1,500 acres of cover crop planted. Something else that I would like to make note of as well, is that some of you may not know this, but the Vanderburgh Soil and Water Conservation District was the first in Indiana, just for your information. The reason we have this partnership, is when we started back in the 30's, in order for us to be a federal entity in the county, we always wanted to have the partnership of the local buy in, and that's what really was the creation of Soil and Water Conservation Districts.

Mark Abell: Other than that, we just late in the afternoon were notified that the LARE, which stands for Lake and River Enhancement, grant that we had applied for, specifically for the logjam on Pigeon Creek, which we've spoken about before and your body is the owner of that grant. We were notified, I don't know if you've gotten that notification yet at this time, but we were notified today that that was approved.

President Abell: Oh, good.

Mark Abell: There's still some steps to go through that, I don't really know what those are even yet. It just occurred. So, I'll find that out, and then I'll put a report together about that, but that indicates that that project will be taken care of this year.

President Abell: That's the logjam at the Warrick County-Vanderburgh County line?

Mark Abell: Correct.

President Abell: Yeah, the farmer out there will be happy to hear that.

Mark Abell: Anything else?

Mark Cambron: Unless you had some questions for us. We just like to come and give an update each year. You're always more than welcome to come by the new office any time.

President Abell: We appreciate that. I did notice that there is a Soil and Water plaque at the 4H Center, at the entrance to where the parking lot is that indicates when the Soil and Water District was established. Commissioners? Thank you.

Mark Cambron: Thank you.

Mark Abell: Thank you.

Arts Council 2013 Funding Request

President Abell: Burdette Park, I know Steve Craig is here.

Commissioner Melcher: Arts Council.

President Abell: Oh, I'm sorry, Steve, just a minute. I skipped over the Arts Council and St. Wendel Men's Club. I was getting way ahead of myself. The Arts Council is next. I'm sorry.

Anne McKim: That's alright. I was hoping that meant you were going to just fund us without me having to speak. I have a presentation, and I think that I can get it up. My name is Anne Shoemaker McKim. I am the Executive Director of the Arts Council of Southwestern Indiana. Thank you so much for the privilege of speaking before you all tonight, and more importantly, thank you for your organization's past support

of what we do in our work. I know that I speak on behalf of my Board of Directors, my staff and our membership when I say that we could not do the projects and programs, or provide the resources that we provide without the belief in our mission that you exhibit and the financial support that you offer. I know that a representative of the Arts Council comes before you every year to request consideration for funding, but I also know that you have many, many organizations that do that. So, I would like to take just a very few minutes to remind you of who you, of who we are and what it is that we do. Our board is made up of representatives from several of the largest businesses in Vanderburgh County, the universities and artists and community advocates. Our mission is to be the best resource for information and advocacy of the fine arts through cross collaboration and partnership building with educators, artists, patrons, governmental agencies, arts organizations and institutes, private businesses and citizens in order to bring cultural and economic development, awareness and appreciation to the fine arts in the tri-state region. That is a mouthful, so in a nutshell, we exist an umbrella organization for arts advocacy in our community. So, why is our work important? It's important for two reasons, and we approach it from two basic aspects. First of all, art is important for social and emotional and intellectual health, not just of children, but of adults. It's part of all of our growth. I think that you as the Commissioners recognize this and have shown your appreciation for that through your past support, and, again, I have to stop and thank you very much. The second point is that art is important for civic and economic development. I feel that the Commission recognizes this as well. We meet the first need through our programming. The Arts Council is home to a 22,000 square foot Bower-Suhrheinrich Foundation Gallery, where through a rotating calendar of exhibits we're able to showcase the talent of local artists. The gallery provides us with a unique opportunity to invite the public into our space, to invite the public to experience and participate in the arts. On Wednesdays at noon, the gallery becomes a miniature concert hall. We provide free musical concerts with seating for 60 plus audience members. Sitting out here I was approached by a few people who attend those concerts and perform in those concerts, so, that's always fun. In addition to the audience members in person, each performance is broadcast live by WUEV, and that allows us to reach an even greater segment of the community. Education is hugely important to what we do. Every year we provide grants....can you all hear me? I'm sorry.

President Abell: Yes.

Anne McKim: Okay. Every year we provide grants to area schools for K-12 arts education programming. These grants go to public, private and parochial schools, as well as to cultural institutions where arts education is part of their mission. Here I think it's very important to point out that all of that money stays in Vanderburgh County, and is specific to Vanderburgh County. So, your investment is being reinvested here. Artist resources are a way that we're able to reach out to the specific segment of our audience, our population, that are the local artists. Here we provide workshops on framing, on photographing work for submission to other shows. We help with CV's and resumes and grant writing for individual artist grants, things to make everyone more professional and our community more of an example. The cultural and civic partnerships aspect of what we do, I think, is also really in line with the Commissioners mission and intent in this community. We work with the museum, with the Children's Museum, with the Public Education Foundation, the Philharmonic, Civic Theater, the list goes on and on. Again, serving as that umbrella for arts advocacy in the community. We're able to make sure that all the needs are being met because of our office, our staff and reaching out and keeping aware of everything that's going on. One of the most exciting groups that we're involved with

right now is the Da Vinci Project, which is a group headed up, led up by Sharon Kizzy and Karen Ellerbrook, working to put the “A”, arts, back into STEM education, which is Science Technology Engineering and Math. We also are represented on the Mayor’s Public Art Commission, which as a non-funded organization is able to take advantage of the resources that we provide, whether it’s through having a staff to do research, using our interns, using our designers to produce materials. The second point of what we try to do is the economic development piece. I think the statistics speak for themselves. Nationally, \$29.6 billion in tax revenues because of the arts, \$166.2 billion in total economic impact, and in Indiana alone \$26 million arts tourists. Those are visitors coming in to areas because of arts programming like ours. Another point where I have to step back and thank you is the fact that through the Evansville-Vanderburgh County Area Plan, the 2011-2030 comprehensive plan, you highlight over and over again the Arts Council serving as the resource, the vehicle for accomplishing the arts goals of this community. I know Power Points are terribly boring when people just read what’s on the screen, so, you have copies of all of this information and you can re-visit it. Again, in the policies, the Arts Council serving as your resource, your hands on arts advocate. The fact that Vanderburgh County has institutionalized support for the arts in our community, I think, speaks volumes. When individuals or businesses consider relocating to our area, a vibrant cultural life is a carrot, it’s a selling point. The Arts Council Gallery is in Innovation Pointe, and that’s a building with heavy traffic from investors and entrepreneurs. That makes us part of the face to that audience. As downtown continues to develop, the Arts Council will serve more and more as a cultural anchor on Main Street, along with the Victory Theater. Not long ago I had a conversation with first lady, Carol McClintock, about a doctor who she was showing condos to. He was very interested in condos on Main Street, in part because of the proximity to the Arts Council and the vibrant arts scene that we’re helping to provide. Those things are good for Evansville, good for Vanderburgh County. I can’t stress enough how much we appreciate the support of the Council. I know I’ve said it many times, and I could say it for an hour, as someone who walked into this position four and a half months ago, there’s a lot that I’m learning and being grateful to our friends is a huge of piece of what I’m realizing, nor can I undervalue the significance of your contribution in past years. Last year’s support of \$10,000 essentially pays for an entire year of fine arts exhibit programming in the Gallery. It pays for an entire year of Brown Bag free concerts. Those things we could not do without the help of your organization. So, again, thank you so much, and do you have any questions?

President Abell: Commissioners?

Commissioner Melcher: I do. Since your new you don’t know any of this, so, I’ll just give you a small history real quick, if I can. It used to cover eight or nine, twelve counties. We used to get money out of the state. You guys elected to quit doing the grant with the state. There’s been a heartburn, and we get calls from time to time about why are we supporting you if you’re representing 14 or 15 counties. So, the last couple of years when they came before us, they said what they were going to do is change the name, you know, to something like the Arts Council of Vanderburgh County.

Anne McKim: Okay.

Commissioner Melcher: Because that way people know the money is staying. You said that, you’re the first one that’s ever gotten to the microphone and said that, because they couldn’t say it in the past that all of the money stays here, but the community doesn’t know it. The people that call us doesn’t know it. So, I thought by now your name would have been changed.

Anne McKim: Well–

Commissioner Melcher: So, can you look into that to see what....you changed it so you could get those grants was my understanding.

Anne McKim: Yes, sir. The Arts Council used to cover seven counties in Southwestern Indiana. That was when we served as the regional granting partner for the Indiana Arts Commission. When that relationship ended, we still receive money from the Indiana Arts Commission. We no longer serve as that partner. So, I want to make sure that you know that our relationship with the state has not been severed there.

Commissioner Melcher: No, I understand that, because I know who you get your money from. The only thing I'm saying is that we thought it was going to change by now.

Anne McKim: Okay. Well, I can definitely bring that before my board. I think that my board appreciates all of the input. I would say that perhaps we have a desire to, at some point, open our doors back up and work on a broader spectrum. That would never be again as the granting partner, but that would be as us being in a financial situation where we could implement more programming around the area. But, now, yes, all of our education programming stays in Evansville almost, well, the majority of our projects and programs occur at our gallery space. So, I will make sure that the board is aware of your concerns about our name.

Commissioner Melcher: Well, the problem was that the city and the county and everybody donate here, but then when we look in the paper, you're giving art awards away to all of those other counties. I kept asking every year, even in the city, how much money is those other counties helping you with? The answer was always zero, but we drive to those other counties, we service them, we give them awards and plaques that our people aren't getting, even though we're funding it locally. So, that's when they, I guess, all of that was happening, and that's when, I guess, you elected not to get that bigger grant, whatever it was for the region. That's when we kept it at the \$10,000 then knowing then that you were changing your name, and that people in Vanderburgh County knows their money is going to Vanderburgh County. So, if you ever did, if you're keeping it just to go back, I would recommend then you're going, anybody you take on needs to be matching the gifts.

Anne McKim: Yes, sir. I agree with that, and I think that perhaps I've phrased that in a funny way. I don't think there's any intent to go back. I think that there's a hope to be inclusive. You know, Evansville is the third largest city in our state, and so we are the cultural center for our region. The Arts Council feels a responsibility to provide programming that makes an impact. Now, whether or not that's actually putting things in someone else's county or not. I would like to say, to maybe alleviate your fears a bit, that the arts awards have been changed this year. They are no longer specific awards for each of the counties that we were previously serving. So, I hope that we can continue to address your concerns. I think they're very valid. Again, it's one of those times where I smile, because there are so many things I didn't know when I go to work every morning. I never know what I'm going to find out, but I know that you're speaking from a place that says that you care about arts programming in Evansville and Vanderburgh County. So, that's reassuring to me, and I think that we can work through them.

Commissioner Melcher: Well, I think we were led to believe last year that we'd shredded it already, and it wasn't a month later, in the paper, we were giving awards away again. So, that's when I thought, wow, when they come next year, and here you are, you know, so, we don't want to read it in the paper a month from now that somebody in Pike County got an award that could have come here, to the taxpayers here.

Anne McKim: Commissioner Melcher, I would love to speak more with you about this and to figure out what we can do to make everybody as comfortable with how we fund the arts in the community. Arts are a difficult thing to draw lines on. An artist who lives in New Harmony might work in Evansville or vice versa. An artist who teaches at Oakland City might also teach a class at USI. So, we, again, it's an inclusive discipline, but, again, I am so aware of what you're saying and I would really like to work with you to make this happen.

Commissioner Melcher: Well, we can. I'll give you my business card, or you can pick one up and you can get a hold of me, e-mail me. One thing I will say, you just brought up something, maybe you don't know this, but people that work in Vanderburgh County and live in Vanderburgh County pay one percent on their salary. People that live in New Harmony and Posey County and come here pay .25. So, it's a little different, you know, and the same way with Warrick County, it's .25. That goes back to their counties. So, it doesn't really benefit us that way. Okay, thank you, that's all I really had. Just, for me to be comfortable with that, you're going to have to change your name, because that's the only way I think people are going to understand that it stays here. Thank you.

President Abell: Mr.....thank you so much for your presentation.

Anne McKim: Thank you. I appreciate it.

St. Wendel Men's Club: Grillin' & Chillin' 5K Run: Road Closure Request

President Abell: St. Wendel Men's Club Grillin' and Chillin' 5K road race request. This event is to be held on June 1, 2013 between 8:00 a.m. and 10:00 a.m. The request is the same as last year. The Sheriff has reviewed the request and all paperwork has been submitted. Is there someone here to address this? Do what? I don't know. Sheriff Wedding, Deputy Sheriff Wedding, could you come to the microphone? We have a question. I assume you're here representing Sheriff Williams?

Dave Wedding: Yeah, I saw that on your agenda. I haven't personally seen anything, but it appears that they have taken the proper channels to have it submitted to the Sheriff's Office to review and forward it to the proper authorities.

President Abell: Go ahead.

Commissioner Kiefer: Dave, I think we got in a little bit of trouble, I don't know, about a month ago or something. You know, typically these things come through, we ask the Sheriff's Department, hey, is this all okay, and if you guys are okay with it, yeah, what I'm saying is we got in trouble because then apparently there was another road race on the north side of town that happens to fall on some big event day. I can't even remember what date it falls on—

President Abell: Oh, I thought you meant the one by Hornville Tavern.

Commissioner Kiefer: Or, maybe that's the one.

President Abell: It went by a tavern that had two wedding receptions planned the day of the race that the road is going to be closed.

Commissioner Kiefer: Yeah, well, all I know is then we got a flood of complaints about them coming through there.

Dave Wedding: Well, generally they're early in the morning. Most runs are, I think they would be completed if it's like a 5K or something then they're generally—

President Abell: Do you know the status of that, Mr. Harrison?

Joe Harrison, Jr.: No, what they're talking about is there is a race that's going to take place, I believe in—

President Abell: April.

Joe Harrison, Jr.: —maybe the 9th or 6th. Is the 6th a Saturday? Does anybody have a calendar with them?

President Abell: Yeah, I do. It's a qualifier for the—

Joe Harrison, Jr.: It's a marathon type—

Dave Wedding: The mini marathon at the 4H Center?

Joe Harrison, Jr.: Yeah, and I know it's going to run by the Hornville Tavern.

Dave Wedding: Right, right.

President Abell: The 6th is Saturday.

Joe Harrison, Jr.: Someone has indicated that there are several weddings that day. Now, it's already been approved by the Commissioners—

Dave Wedding: Right.

Joe Harrison, Jr.: — to close the roads in that area, but, I think, just to be able to allow that facility to have deliveries and that sort of thing maybe that morning, so they're not impacted by the race, for all we know it may be that the runners are through there by the time that deliveries would come, but, if someone could take a look at that. It's my understanding that the Sheriff is already looking at that, and is it Lieutenant Preston?

Dave Wedding: Yes.

Joe Harrison, Jr.: Might be looking into the matter. So, if you can just communicate with him on that race on the 6th—

Dave Wedding: You're talking about the mini marathon?

Joe Harrison, Jr.: Yes, and I think this particular race, we don't know of any issues, and it's been approved by, I think, Mr., Lieutenant Preston. So, it shouldn't be an

issue, but, I know, from what they're indicating is that something came up after the fact.

Commissioner Kiefer: I have a question, and maybe, Dave, you know the answer, maybe you don't, but do neighbors or do people, nearby businesses get notification when there's a request for a road closing like this for an event? Because, I think that's the problem we ran into with the wedding. If there was, if these people asking for the race, to have the roads closed were required to send out some kind of notice, maybe they would have said, hey, you know, no, that's a bad day. Or maybe this is such a minor issue, it only happens once in a blue moon, it's not really that big of a deal.

Joe Harrison, Jr.: The only thing I can tell you is statutorily, and ordinance-wise there isn't any procedure, not even in the city, you know, roads are closed by the Safety Board. Now, what they do is they tell you a few days in advance they'll put out a sign saying, hey, we're going to have this closed off at this time.

Dave Wedding: I know the runners club that hosts this, it's actually a mini marathon, it's a Boston qualifier. They've been pretty good about getting with the community, law enforcement to prepare. They spend countless hours preparing, and this is at least the third or fourth year that this race has been conducted. It started on a Sunday, and they had some issues with the church, the Salem United Church there in Darmstadt that the people were having trouble getting to church. So, they moved it to Saturday morning.

President Abell: I think that's where the problem started is when they moved it from Sunday to Saturday.

Dave Wedding: Exactly.

Commissioner Kiefer: Well, I sure don't want to hamper physical fitness or economic development people, you know, coming in from out of town and going to the restaurants and spending money, but, you know, it's probably not a perfect system, but, you know, with more and more races coming at us....it seems like, gosh darn, I mean, these things are really increasing. Yeah, almost every meeting we get a, you know, road closing request for races. So, I don't know, we'll just see what happens in the future and address it then.

Dave Wedding: What we'll do, we'll make sure that we report to Joe all the findings we have on the road race.

Joe Harrison, Jr.: Yeah, as far as that particular one on the 6th, we would like an update so I can inform the Commissioners.

Dave Wedding: I'll get you one tomorrow.

President Abell: Thank you. I would entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

<p style="text-align: center;">Burdette Park: Permission to Seek Quotes: Pool Chemicals, Food Items & Beverages</p>
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President Abell: Burdette Park, Mr. Craig?

Steve Craig: Steve Craig, Manager of Burdette Park. I'm here tonight, Debbie Spalding had presented you quotes, or packages for quotes. We wanted to get quotes on our pool chemicals, food items for our concessions and our beverage contract is up. I was wanting the Commission to pursue those quotes.

President Abell: You're just getting quotes at this point? You're not purchasing anything yet?

Steve Craig: Yes, Ma'am.

President Abell: Okay.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Burdette Park: Permission to Seek Quotes on Fantasy Shelter

Steve Craig: I also was wanting to receive permission to send out invitations for quotes on a new fantasy shelter house at Burdette, pursuant to I.C. 36-1-12-5, Vanderburgh County. I would like to get bids on this so that we can pursue that.

President Abell: Are you two familiar with what he's talking about?

Commissioner Melcher: A little bit.

President Abell: Do you want to tell the Commissioners what this project started out at?

Steve Craig: Yes, it's, we had dealt with a local artist and he is not only a friend of mine, but a friend of the park's, and his daughters have worked at Burdette. He designs and builds fantasy houses, and they're like very contorted houses. He has one in Indianapolis at the art center up there. He's had over 700,000 hits on it, on their internet. It's their most popular venue that they have at their art center. It's a place where people can come, you know, there's benches, we're going to have a stream around it, a little waterfall, they're going to have a magical garden. It's a very reasonable price and that. I've been out kind of getting money, asking people for donations. I've had some good results with that. What we're just wanting to do is give them a place where they can come and just enjoy themselves. It's something that we're not going to charge for, because it's just a spot in the park, but it's something that I think will be a huge draw. He's only built three of them. I think one is in Washington, D.C., one is in Indianapolis, and then one is on a private property. This will be the last one that he designs to build. I am pursuing having someone build it at this time. Do you got any questions?

President Abell: Is this something we have to bid out? I mean, I don't understand, isn't he the only one who can build it?

Steve Craig: He's not the only one that can build it. He's the only one that could design it.

President Abell: Oh, okay.

Commissioner Kiefer: So, we need a motion to—

President Abell: To build it? Is that where we're at?

Commissioner Kiefer: No, to get quotes.

Joe Harrison, Jr.: Well, it's to get quotes, and it may be that he teams up with someone, or he may do it, or there may be some others, but we've got a specific amount of money that they want to spend, and it's got to be designed a certain way, and we'll see if there's some other willing people out there. They're going to ask for at least three quotes and we'll go from there. The problem is it's got to be constructed within the park.

President Abell: Are you going to have help writing that quote? Or, can you do that?

Joe Harrison, Jr.: I've done it.

Steve Craig: Pardon me?

President Abell: Can you write the quote...or Joe's going to help you?

Joe Harrison, Jr.: I've done it.

President Abell: You're going to help him?

Joe Harrison, Jr.: I've already done it.

President Abell: Oh, you've already done it.

Steve Craig: Yeah, Joe and I, we've been over this a few times.

President Abell: So, what is it you're asking us if you've already done it?

Commissioner Kiefer: I'll make a motion. I'm going to make a motion to approve you going out and getting quotes, a minimum of three quotes, or solicit quotations to do this project.

Steve Craig: They will be in by August 9th.

Joe Harrison, Jr.: April 9th.

Steve Craig: Yes, April 9th. Thank you, Joe.

Commissioner Melcher: I'll second it.

Commissioner Kiefer: I would like to have summer first.

Commissioner Melcher: I'll second it before you go any further, with what Joe wrote.

Steve Craig: Okay. We will open them at the meeting then.

Commissioner Melcher: I do remember you showing me this probably six months ago.

President Abell: It's been a while ago.

Steve Craig: Well, when we did the year, my yearly reports at the beginning of the year, and I sat down with you and Marsha-

Commissioner Melcher: Right.

Steve Craig: - and I don't know, I think Joe was a few minutes late or something, but that was....yeah, I had the pictures and the thing. You can come to Burdette and he has made a scale model of it. It's really cool.

Commissioner Melcher: So, our design is going to be different than the other three?

Steve Craig: Yes, sir, ours will be unique.

President Abell: Okay, I have a motion on the floor. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Steve Craig: Thank you.

President Abell: Where is it going to be in the park?

Steve Craig: Where, it's behind where the miniature golf is, where the batters cage used to be. There's a little opening in the woods, and we're going to have it right there. There's a parking lot near, there's concession stands near, and there's restrooms near it.

President Abell: Good.

Steve Craig: I think a large amount of people will enjoy it.

President Abell: Thank you, Steve.

Steve Craig: Thank you.

**Resolution CO.R-03-13-004: Ratifying the Allowance of
Access Points on Resurrection Drive**

President Abell: Resolution CO.R-03-13-004, ratifying the allowance of access points on Resurrection Drive. Is there someone here to address this? You have information in your packets.

Joe Harrison, Jr.: Tom Norton, the attorney.

President Abell: Is he here? Oh, I didn't see you. I'm sorry, Tom. I didn't see you stand up. Come on.

Tom Norton: Again, my name is Tom Norton. I do represent one of the parties that lives on Resurrection Drive. How this odyssey began, actually was an effort in the Area Plan Commission to do a minor subdivision for a five acre tract of property, which fronts on Resurrection Drive. Mr. Stoll noted in site review that there were some questions that when that road was designed and built by the state, that it was a limited access right-of-way road. The design and drawing seemed to bear that out. However, in 1973, I think if you'll look at item C attached to the resolution, there's a letter from the State of Indiana abandoning that roadway, or the right-of-way, to the county, the County Commissioners, in fact. So, then the question, what we have found out, at least in reviewing what the design on that roadway was, two of the driveways that currently exist on Resurrection were exempted and allowed to be there. They've already existed or they had no other way out, I guess. Since that time, since '73 there's been added the church, Resurrection Church now accesses the drive, and so does one other owner who has built a residence down on the

corner of Diamond Avenue and Resurrection. Currently there's four driveways off of that little short, three tenths of a mile section of road. It's now under your jurisdiction, not the state anymore. In fact, this question came up, and, I think, they first inadvertently contacted INDOT, and they more or less said not our problem, you guys deal with it. What we're seeking at this point is a resolution to ratify those access points that exist, and to also allow one for the five acre tract. I believe, if that is done, there will be, at least currently is, the ownership is configured on Resurrection, no other roadways along that strip, or no other properties that could access that strip.

President Abell: Mr. Stoll? Have you looked at this?

John Stoll: Yes. Like Tom said, there was confusion as to whether or not the limited access lines were really in existence. The plans implied that, depending upon which lines in the deeds and which parts of the plans you wanted to look at, it implied there was or was not limited access. In looking at the proposed project for his client, there are no concerns regarding the safety or visibility associated with adding additional driveways, and really there aren't any concerns anywhere else on Resurrection. There aren't any hills, there's no severe curves, so, allowing access throughout that is not a safety concern whatsoever. So, that's when, in working with Tom and with Joe, came up with the resolution that would provide for access points throughout the entire corridor. Like Tom said, there's really not that many more opportunities to provide driveways out there, but this would at least clear it up in the sense that it would allow it, and people who went to the Plan Commission wouldn't be held up, like Tom's client was whenever we first found this issue.

President Abell: So, others could possibly do this too, if we so wanted to—

John Stoll: If there were other properties out there that needed access, yes.

President Abell: Okay.

Tom Norton: I doubt there's really going to be any.

Joe Harrison, Jr.: I don't know if there's going to be any room for anything else. I have looked at it, and it's all in order, and it seems appropriate, and the Commissioners do have the authority to do this.

President Abell: Okay.

Joe Harrison, Jr.: I think Mr. Norton intends on, if it gets approved, is going to record it, so it's of record.

Tom Norton: That was part of the other problem too—

President Abell: It wasn't recorded.

Tom Norton: — it had never been cleared to anybody buying along there what was going on, because that drawing for the limited access roadway was sitting up in Indianapolis and nobody, it was never of record that anybody could actually see it.

President Abell: Okay. Commissioners, questions?

Commissioner Melcher: No, I'll make a motion to approve it.

Commissioner Kiefer: Second.

Commissioner Melcher: Is there any remonstrators?

President Abell: Are there any remonstrators to this issue? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Mr. Norton.

**Agreement with Deig Brothers: OCH Corridor Restoration Project
Health Dept: NACCHO Tobacco Cessation Agreement
Health Dept: NACCHO Medical Reserve Corps Agreement
Health Dept: Official Payments Corp. Amendment**

President Abell: Contracts, the Commissioners have an agreement with Deig Brothers for the first floor restoration at the Old Courthouse. The agreement for the first floor corridor repairs, the contract is in the amount of \$179,830. This is an issue that we have previously discussed. I guess, I need a motion to approve.

Commissioner Kiefer: I'll make the motion to approve.

Commissioner Melcher: I'll second that, but that's what we talked about two weeks ago.

Commissioner Kiefer: Right, and I think they're ready to start work soon.

Commissioner Melcher: And they're going to do all of the tiles?

President Abell: Yes.

Commissioner Kiefer: Yeah.

Commissioner Melcher: Okay.

President Abell: Questions? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Health Department, I see Mr. Heck is here. Is that NACCHO, N-A-C-C-H-O?

Gary Heck: It is.

President Abell: Agreement for tobacco cessation program. In conjunction with Smokefree Communities regarding tobacco cessation program services to be provided by the Vanderburgh County Health Department between 3/28/13 and 9/15/13. For providing such services the Vanderburgh County Health Department will receive the sum of \$3,000. The agreement runs from 3/28/13 to 9/15/13.

Gary Heck: Yes, Ma'am. We'll be happy to answer any questions. We're really serving as the fiscal agent. Most of the performance work will be done by the Smokefree Communities. It's just that the, it's only offered with local Health Departments being the fiscal agent for these project.

President Abell: So, you won't have any of your staff actually working on this?

Gary Heck: We may have some that work in conjunction with Smokefree Communities, but it's primarily their project that we're the fiscal agent for.

President Abell: Okay. It looks like we've got another one that goes with it, but we need to vote on these separately?

Joe Harrison, Jr.: Yes.

President Abell: Okay, I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: I'll second it.

President Abell: Any further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: NACCHO agreement for contract number MRC 13-2470-C, a grant agreement for \$7,000 to be paid to the Health Department regarding certain civilian Medical Reserve Corps duties to be performed by Health Department's local Medical Reserve Corps. The agreement runs from 2/15/13 until 7/31/13.

Gary Heck: This was a competitive grant that Dr. Nicholson's Medical Reserve Corps unit put together. It's primarily to fund how to handle pets during an emergency. I think you'll remember Dr. Nicholson in the past has talked about the Joplin, Missouri tornado where there were a lot of pets that were, that got loose from owners and they had a problem with how to safely house them during that emergency situation where the owners could then come, reclaim their pets once they were re-established in their homes or they had living spaces available. This project would allow us to put together all of the necessities to have a temporary facility to house animals during one of those emergencies or a disaster should it strike here in Vanderburgh County.

President Abell: Where would this temporary facility be?

Gary Heck: Wherever Dr. Nick can find the space to do it--

President Abell: Oh.

Gary Heck: -- on places, but it will be a temporary sheltering facility--

President Abell: Okay.

Gary Heck: -- that will be controlled through the volunteers and through veterinarians to make sure that the animals are cared for in that time of need.

President Abell: Okay. Commissioners?

Commissioner Melcher: Nothing. I'll make a motion to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Official Payments Corporation amendment regarding credit/debit card payments. Amendment number one to the current contract with Official Payments Corporation. This amendment will permit the county Health Department

to also accept credit and debit card payments for fees charged for immunizations, permits, birth and death certificates and other charges.

Gary Heck: This is an amendment, I think, last, I don't know if it was October or November, you all approved a contract with the Treasurer's Office which allowed the collection for tax payments. This is just an amendment that would allow the Health Department to do the same. We have permission from the County Council to allow us to do it, and we've been working on this for probably two or three years to get the ability to do it. So, we're at that point.

President Abell: Is this without charge to the Health Department?

Gary Heck: It is. I mean, any of the, it's the same thing for any government group that anyone who wishes to pay with this type of credit card or debit card would pay a convenience fee. So, there would be no charge to the county for the acceptance of those kinds of payments.

President Abell: Okay.

Commissioner Melcher: Yeah, it looks like on page five, that's what I was looking for.

President Abell: Yeah.

Commissioner Kiefer: I remember the one from the Treasurer's Office, but, no, I think this is a great service to the community. It makes it convenient and maybe makes it easier to—

Gary Heck: We have folks that come in daily that ask to be able to pay that way, and we look forward to offering them that opportunity.

Commissioner Kiefer: I think it's a good idea. Thanks.

President Abell: Further discussion?

Commissioner Kiefer: No, do we already have a motion?

President Abell: Go ahead. No, I don't have a motion.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Health Department: 2013 Homeless Connect Update

Gary Heck: Thank you. I just wanted to say I've submitted a report from the Homeless Connect. I e-mailed it to you all right before this meeting. So, you probably haven't seen it yet. Our staff attended, we had two booths, very well received again, and we provided services to about 285 guests during the hours that they were open.

President Abell: Good.

Gary Heck: Thank you.

President Abell: Thank you, Mr. Heck.

Commissioner Melcher: Thank you.

County Engineer

President Abell: Department head reports. Mr. Stoll?

John Stoll: First, I would like to request approval for a notice to bidders for contract number VC13-03-01. This would be for the replacement of the Old Boonville Highway bridge. This is, this bridge is located not quite halfway between Burkhardt and Green River on Old Boonville Highway. It's over Crawford Brandeis Ditch. We would advertise it, not this Friday, but the next two Fridays, and then bids would be opened on April 13th. I'm sorry, April 23rd.

President Abell: Okay.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, next I would like to request approval of an administrative settlement on parcel number 67 on the Green River Road project. This would be an increase of \$525 for a total of \$3,260. It was to address a fence.

President Abell: Oh, yeah.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, next I would like approval to make a right-of-way purchase offer on the Green River Road project. This would be parcel number 71. It's owned by Joshua and Anna O'Connor, and the offer amount would be \$1,055. That offer amount is based on the appraisal that we received on the property.

Commissioner Kiefer: I make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, last I would like to request approval to begin talking to United Consulting for a contract on the Columbia-Delaware bridge project and to talk to

Bernardin Lochmueller and negotiate a contract on the Franklin Street bridge rehab contract.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Abell: Further discussion?

Commissioner Kiefer: What's the time line on those? If everything goes well, you get the bids in, and everything works, what's the time line on that work?

John Stoll: Ideally, Franklin Street will probably go faster, simply because it's going to be 100 percent local funds no matter what. I haven't talked to the consultants about specific time tables, but I would like to at least have the designs done by the end of the year so we would be ready to bid Franklin by the end of the year. Columbia-Delaware will be different, because depending on what the overall assessment of the bridge is, it may be worth the county's while to pursue federal funding. If that's the case, it would significantly lengthen the time tables on that. Given the funding we're currently accumulating to do the Maryland Street bridge project, I don't think we would be doing Columbia-Delaware any sooner than 2015 at this point, regardless of federal or local money.

Commissioner Kiefer: Okay, thanks. Appreciate it, John.

John Stoll: Sure.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have. Thanks.

President Abell: I have a question for you.

John Stoll: Sure.

President Abell: Are you staying for the Drainage Board meeting?

John Stoll: Yes.

President Abell: Do you want to discuss Willow Creek in Drainage Board?

John Stoll: We can, that's fine.

President Abell: Okay. Other department heads with reports? Seeing none.

Board Appointments

President Abell: Board appointments. We have two board appointments to the Old Courthouse Foundation, we're appointing Harve Watters and Carl Heldt. To the Disability Services Advisory Board—

Commissioner Kiefer: No, no, no, I think they're Old Courthouse Foundation appointees.

President Abell: Yeah, those two are.

Commissioner Melcher: Yes, those two are.

President Abell: That's what I just said.

Commissioner Kiefer: Oh, I thought you were saying go ahead and appoint them to those boards, to that board.

President Abell: No, no, those two are going to be appointed to the Old Courthouse Foundation, and to the Disability Services Advisory is Jill Trockman.

Commissioner Kiefer: Okay, gotcha. Sorry about that.

President Abell: Do we need to vote on these separately?

Joe Harrison, Jr.: I would just make one motion for—

President Abell: Approval of board appointments?

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: I'll make a motion to approve the board appointments as stated.

Commissioner Melcher: I'll second it.

President Abell: Discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

New Business

President Abell: Is there any new business to come before the Commissioners?

Introduction of Teen Advisory Council Job Shadows

President Abell: Before we get to the rest of the agenda, I need to acknowledge our students with us this evening. Would you turn on your microphone and tell us what school you are from, after you give us your name.

Sara Weinzapfel: My name is Sara Weinzapfel. I go to Reitz High School.

Tim Stansbury: My name is Tim Stansbury. I also attend Reitz High School.

President Abell: These two over here are not students. They work in our office, our intern.

Old Business

President Abell: Is there any old business?

Consent Items

President Abell: We are to...I'm going to skip over public comment, we'll do consent items just pretty quick, okay, we'll go back to public comment. Let's do consent items and then we'll do public comment.

Madelyn Grayson: The consent items for the March 26th meeting are as follows; approval of prior minutes, we have the March 12, 2013 Commission meeting minutes; employment changes for the Commissioners approval, we have one for the Health Department, one for the County Highway and one for Veterans Services. The Prosecutor has a letter agreement with the Evansville-Vanderburgh County Building Authority; the Commissioners have a notice to bidders of sale of 813 East Mulberry Street; the Logan settlement agreement and the Coliseum lease renewal letter. The County Surveyor has a request to surplus various office equipment. The County Auditor has a request to surplus six filing cabinets and one laptop. The County Clerk and the County Treasurer have the February 2013 monthly reports. The Sheriff has a request to surplus a 2008 Ford Crown Victoria. Southwestern Healthcare has the 2012 audit for Hillcrest Washington Youth Home. Weights and Measures has the February 16-March 15, 2013 monthly report. We have the IBAP Gatekeeper February 28, 2013 report, and the County Engineer has approval of pay request number 171 for TIF projects in the amount of \$7,903.91 and a department head report.

President Abell: I'll entertain a motion to accept the consent agenda.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Public Comment

President Abell: Do you have names? Is Mr. Bumb here? Bumb, Mr. Bumb? Yes, you can come forward.

Fred Bumb: Good evening. I'm here to try to find some positive about the evening and for my future. I'm Frederick Bumb, and I farm out on the New Harmony Road, out on the New Harmony, University Parkway. I would like to give you just a little briefing of my background a little bit and everything. I am not a young boy, but I do have some boys here that's working with me and everything, so what the future is for all of us and everything. As you maybe know, some of you maybe have gotten a notice from Mr. Reed Schmitt, the attorney. Did you get one?

Joe Harrison, Jr.: I received it in the mail today, and I just read it just now.

Fred Bumb: Well, I know, I know. I just wanted to brief you a little bit on where, what the future is for us, if you will please. But, anyway, as it was then, back "x" amount of years when the University Parkway was built and everything, and we was thrilled to death to have it on the west side, but, anyway, as it is, why they took 11 acres of our property. In that taking, why it went right through the best part of our farm, believe it or not. I've been there for sixty some years, but as it is, why in this taking it also took one of our best drainage problems that we always had in the past. Now, I'm trying to figure out how we might be going and in what direction. In this direction, why when we were building the highway I made my contacts with the County Engineer, and I made my contacts with the contractor and so on and so forth, and they kept kind of telling me all the time, just, Fred, just give it a little more time. So, we've given it quite a bit of time now and everything. So, now we feel like that we have a problem developed in the past, quite a bit. So, what we are trying to propose to the whoever maybe will listen to us, that we should put a six inch tile in to take care of these laterals that we have on this survey of our tiling. I gave this, well, I was here two weeks ago, if you'll recall, and the saying was that I should bring more material and maybe the cost of this situation. As it is, would somebody like to have it? I have one copy here. Steve, do you have one?

Commissioner Melcher: Yes, I just so happened to check my e-mail right before I left home. Like I told you before the meeting, I just got it, I printed it and brought it with me, but I haven't had time to read it.

Fred Bumb: Well, I understand that, and I apologize a little bit from the standpoint that the gentleman who helped me—

Commissioner Melcher: I do have a question.

Fred Bumb: Yes?

Commissioner Melcher: Now, this Martin's Farm Drainage Company, are they the ones that said that six inch pipe that you're saying now, are they guaranteeing that's going to work?

Fred Bumb: Are they going to do what?

Commissioner Melcher: Are they guaranteeing that if this is done, it's going to work? In other words, I want to make sure that whoever is doing it, if we're involved in it, it's going to work.

Fred Bumb: Oh, I feel real confident. I tell you, in fact, this Mr. Martin who gave me this estimate, put this tile in in '07. I mean, '03. So, he knows the tile and everything like that. I have a lot of confidence in him. In fact, I would say that, I would have no problem at all. Yeah, but I don't know, I tell 'ya, it just has presented a little bit of a problem just where do we go from here? Is there any suggestions?

President Abell: Well, I think we're going, I think, Mr. Stoll, aren't we going to have Bernardin Lochmueller look at this? Isn't that what you're—

Fred Bumb: Ma'am? I tell you, I had presented quite a bit of stuff to Mr. Stoll and he's acquainted with it pretty well and everything like that. We have GPS, I don't know if those of you know what GPS is—

President Abell: Yeah.

Fred Bumb: —that is an identification of these tiles. It's on your map there, if you can see it there. We feel real confident with it, that of the tile that we have, and that was only one of them that's, no, wait a minute, it's three of them. Three of them are letting water out, and then it's about 11 tiles that we have. So, anyway, I'm kind of nervous. I'm sorry.

President Abell: Well, and I understand that. Is this your intent to discuss this with Bernardin Lochmueller?

John Stoll: Yeah, I can get with Bernardin Lochmueller, get all the construction data that they've got, and then address what was in Reed Schmitt's letter.

President Abell: Okay. See we just got your, we just got Mr. Schmitt's letter today. So, we haven't had an opportunity to address it. We will address it, but, you know, we represent taxpayer money, so we have to go through certain procedures, and Bernardin Lochmueller is a firm that's going to look at this.

Fred Bumb: Yes, yes. They have been, we've talked to them, right? With Scott?

John Stoll: I haven't had the opportunity since we just got that letter this afternoon. I haven't talked to anyone at Bernardin Lochmueller about what was in Mr. Schmitt's letter.

President Abell: Yeah.

Joe Harrison, Jr.: Can I ask you one question?

President Abell: Sure.

Joe Harrison, Jr.: Is it okay? Can I ask, it might be two questions. When did you first notice this problem? Your drainage problem, when did you first notice it?

Fred Bumb: Way back, when they were building the road, I told the contractor I said, well, what are we going to do about this, these tiles that we've got in there?

Joe Harrison, Jr.: Okay. Alright.

Fred Bumb: He said, Fred, just don't worry about that. Don't worry about that.

Joe Harrison, Jr.: Okay.

Fred Bumb: That was—

Joe Harrison, Jr.: Well, after the road was built, when did you first notice the problem?

Fred Bumb: What's that?

Joe Harrison, Jr.: After the road was built, when did you first notice the problem?

Fred Bumb: Well, while they were building it, you see the tile were outletting into a ditch, some of them, some of them were, but then some of them were not. We couldn't find them. The construction, from all indications had destroyed them or something see.

Joe Harrison, Jr.: Okay.

Fred Bumb: We tried to tell them, from the GPS about where they were. I hired the GPS guy to come out there and mark and flag, put flags down through the area where they were supposed to be. I never did hear anymore from it see.

Joe Harrison, Jr.: I'm still not, I still don't know if I'm getting the answer out of you.

Fred Bumb: I understand. I imagine not, but unless you've maybe been right there with it, you may not understand it see.

Joe Harrison, Jr.: I mean, you didn't just notice the problem yesterday?

Fred Bumb: I'm sorry?

Joe Harrison, Jr.: You didn't just notice the flooding problem yesterday, you've noticed it for several years, I guess, is that what you're saying?

Fred Bumb: Yes, yes, yes.

Joe Harrison, Jr.: Okay.

Fred Bumb: But, I don't know, is there a rule or something like that?

Joe Harrison, Jr.: Well, I'm asking a question. I just want to know when you first noticed the problem.

Fred Bumb: Well, I got in touch with John, oh, about a year and a half ago.

Joe Harrison, Jr.: Okay.

President Abell: This John?

Fred Bumb: Yes, I did.

President Abell: John Stoll?

Fred Bumb: Yes.

Joe Harrison, Jr.: And, the State did pay you for your property?

Fred Bumb: Right.

Joe Harrison, Jr.: And, then after the tiles were put in, you indicated, you've just indicated that there were still some issues. What I'll do is, I'll speak to Mr. Schmitt as well, after John has a chance to, John Stoll has a chance to speak with Bernardin Lochmueller, then we'll get back with Mr. Schmitt. Is that okay?

Fred Bumb: Would you please?

Joe Harrison, Jr.: Sure. Okay.

President Abell: He does represent you, correct? Mr. Schmitt?

Joe Harrison, Jr.: Yes, Reed Schmitt does represent you still, right?

Fred Bumb: Yes.

Joe Harrison, Jr.: Okay.

President Abell: Yeah, we really need to be talking to him, shouldn't we? Okay, we will get in touch with Mr. Schmitt. If he represents you we're really supposed to be talking to him about this.

Fred Bumb: Thank you.

President Abell: Thank you. Do you have something else?

Madelyn Grayson: No, that's all.

President Abell: Okay. Now, I know that there's a great number of you in here that want to address one particular issue. Have you selected a spokesman? Okay. We would caution you to not be discussing any particular rezoning, because a particular rezoning that has been filed—

Stan Blaszczyk: This isn't really about Majestic Place.

President Abell: Sir, if you'll let me finish, then you'll be free to speak your two minutes, unless you want to start right now.

Stan Blaszczyk: I'm sorry.

President Abell: We cannot comment on anything. It is inappropriate for us to comment on anything that has been filed. So, if you want to talk about something that's not been filed, we will be happy to listen to you.

Stan Blaszczyk: This, as I was saying, this isn't necessarily about Majestic Place. This is about something a little bit more, a wider issue.

President Abell: Could you give your name for the record please?

Stan Blaszczyk: Oh, my name is Stan Blaszczyk. I live at 725 Eickhoff Road. Last week about 25 of my neighbors got together to discuss future development on the west side. We put together a set of questions that we would like to present to the Commissioners. I have them here. We've not changed our focus from the last time Majestic Place was on the agenda. We believe that the University Parkway is ripe for major development. Unfortunately, we will not be able to stop it. We understand that. However, you must understand that the source of significant fear, anger and resentment that the quality of our life is threatened by unrestrained development, and frankly the current set of Commissioners. The reason the vast majority of the thousands of people who live here and the reason they came here in the first place was to escape the commercial junk that we find almost everywhere. We believe that the west side is a stable, bedroom community worthy of protection from encroachment by the desire to generate profit for a few, and the voracious appetite of government to increase revenue at any cost. We also believe that the University Parkway can be a source of significant potential, if, and it's a big if, we are smart about how we transform the west side over the next ten to 20 years. We only get to do this once. The issue is not Majestic Place, the issue is the entire corridor, and frankly the entire west side. We were moving down this path the last time, however the county lost interest when Mr. Tornatta left. We need to come up with a workable plan, or the need to come up with a workable plan is still there. The need to think is still there. The need for leadership is still there. The questions I presented to you are designed to focus on what is important to my community. They are not specific to Majestic Place, they are not hostile, and they are not gotcha questions. They are questions thoughtful citizens have a right to ask, I think, and indeed a responsibility to ask. I would hope that they have a right to have them answered. I respectfully ask that the Commissioners provide a written response, addressing the issues in the question sheet. I hope that you can do this in a couple of weeks. At that time I would request that you would provide those answers to me, or to whatever venue they think is appropriate, so that I can distribute them to the west side community. We have a Facebook page up and running, and a blog, and a website. We have a large e-mail list, and we have a dozen or so people who are willing to take printed copies to every single household on the west side, from USI to Diamond Avenue. We will do it at our expense. In addition, I would ask that you schedule a Commissioners fact finding meeting, with the west side community to discuss the issues and your responses before any decisions are made. Only through discussion can we come together to support a plan. I personally guarantee you that the meeting will be respectful, productive and very substantive. Please let us do our job as active citizens in this democracy. If you provide the leadership, we could remove obstacles and gain a greater respect for each other. More importantly, we might even get this right. You are about to make significant, transforming, irreversible decisions, and I implore all of you to think, let's all think first. That's the end of my speech here, and I really ask you to consider what I've just said and try to do something to communicate with my community.

President Abell: Okay, thank you.

Commissioner Kiefer: Thank you.

(Applause)

President Abell: I'll entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:28 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the March 12, 2013 Commission Meeting Minutes.
Prosecutor Letter Agreement with EVCBA.
Notice to Bidders: Sale of 813 Mulberry St.
Logan Settlement Agreement.
Coliseum Lease Renewal Letter.
Southwestern Healthcare: 2012 Audit for Hillcrest Washington Youth Home.
IBAP Gatekeeper February 28, 2013 Report.

Employment Changes:

Health Dept. (1)	Veterans Services (1)	Co. Hwy. (1)
County Assessor (2)	Sheriff (1)	

Surplus Requests:

Surveyor: Various Office Equipment.
Auditor: Six Filing Cabinets & One Laptop.
Sheriff: 2008 Ford Crown Victoria.

County Clerk & County Treasurer: February 2013 Monthly Reports.

Weights & Measures: February 16-March 15, 2013 Monthly Report.

County Engineer:

TIF Pay Request No. 171: \$7,903.91.
Department Head Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Dave Rector	Darren Stearns
Douglas Reed	Tammy Gieselman	Mark Abell
Mark Cambron	Anne McKim	Dave Wedding
Tom Norton	John Stoll	Steve Craig
Gary Heck	Sara Weinzapfel	Tim Stansbury
Fred Bumb	Stan Blaszczyk	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
ROAD HEARING
APRIL 4, 2013**

The Vanderburgh County Board of Commissioners met in special session this 4th day of April, 2013 for the sole purpose of discussing and receiving comments from the public regarding Vanderburgh County roads in connection with the Vanderburgh County paving schedule for 2013. The meeting was called to order by President Marsha Abell at 5:08 p.m.

Call to Order

President Abell: I would like to call to order the road hearing for 2013.

Attendance Roll Call

President Abell: Could we have roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Kiefer, would you lead us in the Pledge of Allegiance?

Commissioner Kiefer: Sure.

(The Pledge of Allegiance was given.)

Opening Comments by County Highway Superintendent

President Abell: Mr. Duckworth, I believe this is your show.

Mike Duckworth: Well, good evening, Commissioners. Mike Duckworth, Superintendent of the Vanderburgh County Highway Department. Mr. Stoll is going to start, basically our slide presentation. I would just, a couple comments before we get started, just to give you a little bit of what we're working with here, as I have indicated to the County Council, in years past we had a lot more money to work with, and due to, of course, decreasing revenues the revenues have been lowered because of higher gas prices, we think, and higher gas prices equate to less driving, less driving equates to less revenues for us. So, we're in somewhere around the \$958,000 range for our total materials that we have to work with this year. Out of that comes everything from salt to rock to concrete and, of course, asphalt, and sand, all of those materials come out of it. So, we're going to designate, in meeting

with John, about \$600,000 of our budget, and then John has some revenues in his budget that he handles with contractual services that will be used. Unlike past years when John has contracted a lot of services out, because we're down in revenue so much, there's going to be probably some rehab of some roads our department will need to do ourselves. In other words, digging up roads where we have springs underneath them in some of our subdivisions, as in Keystone, and putting a maybe a newer sub floor in it, if you will, compact it better and then come back with an even surface. Hoping to do it right, rather than just putting a band-aid on some of these roads so that in two or three years we've got the same situation. So, there's a lot of strategy in this, and John, after we get the information, we have collected a lot of information from callers that have called in. We've sent, I've got Jamie Rutherford, my bookkeeper, and Jeff Byrd, my paving foreman, here this evening, in case they would need to answer any questions, but we've sent them out to take pictures, and then we'll have to kind of do some type of an estimate as to what it would cost per section of road, and we'll put what we consider a priority list together and get that back to the Commissioners for your consideration for the April 23rd meeting. The last thing I would like to say is, I am working in direct contact with the City of Evansville so we can coordinate a pothole blitz together. So, we'll take the calls one week, and the following week then the city and the county will be doing pot holes at the same time. That's worked better for us in the past, and we think it will work well again.

Commissioner Melcher: I've got one question. Normally, what John does is the concrete work. So, are you talking about tearing out concrete in these subdivisions and doing the base, then coming back with concrete?

Mike Duckworth: If we tear, if we do the tearing out of concrete, it will only be the smaller sections. We feel like we can do that work. Any large projects with a large amount of concrete, we feel like that is something that John can make the determination on whether or not that has to be contracted out or not. We are going to be tearing the asphalt up in some of these.

Commissioner Melcher: No, I figured that. That's why I was asking about concrete. Usually, in the past, John has handled all of the concrete.

Mike Duckworth: Right.

Commissioner Melcher: Then, you said you were going to go in, and I just—

Mike Duckworth: We're going to tear out, if we rehab, in some of these subdivisions, if we rehab an asphalt road, in some of them we're going to take it down to the rock and then put another sub-surface down and re-pack it and then put a surface down. So, it comes up and meets the drain pan, we're not paving over the drain pan, so it's not throwing water into their yards and causing other problems. Okay, so, I'm going to ask John to come up and get started with his part of the slide presentation and then I'll come back.

Reading of the Notice of the Special Meeting

President Abell: Mr., our legal counsel told me that I made an error. So, I guess, I'm supposed to read the notice of this special meeting. So, I'll do that and then you can take over, John.

“This is to give notice that there will be a special meeting of the Vanderburgh County Board of Commissioners on Tuesday¹, April 4, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex at 1 NW MLK Blvd, Evansville, Indiana. The purpose of this special meeting is to discuss and receive comments from the public regarding Vanderburgh County roads in connection with the Vanderburgh County paving schedule for 2013.”

It was presented by all three Commissioners, and it was in the Courier & Press on March 21st.² Okay, John, take over.

2013 County Engineer Contractual Road Project Proposal

John Stoll: Like Mike said, we've typically taken care of the contractual concrete work. This year our budget is about a half million dollars. Like Mike said, that doesn't seem to go as far these days. What we've put together here is primarily a lot of carry over from prior years, from complaints we've compiled. I'll start running through the subdivisions. Like Commissioner Melcher said, we've primarily taken care of the concrete work. The first subdivision you see there, that's Aspen Ridge Subdivision. It's located on Oak Hill Road north of Lynch Road. This actually, there's another slide in here later that deals with an asphalt section. So, it might be the Highway Department and contract both that ends up dealing with this, if this ends up being one of the projects we are able to undertake this year. As you can see there's a number of areas that need some concrete slabs replaced. The next subdivision is Clear Creek Subdivision. Again, this is one where there's scattered problem areas, like the photo you see on the left, it's a carry over from prior years requests as well. We haven't had enough funding to be able to do all of the subdivisions where we get complaints.

President Abell: John?

John Stoll: Yes?

President Abell: Can I stop you a minute? I know the previous slide you showed, that's a rather old area, it's been developed a long time. How long has Clear Creek....I don't want to put you on the spot if you don't know, that's fine, but do you have any idea when this one was built, Clear Creek Subdivision?

John Stoll: I would guess, the earliest phases were in the mid 90's.

President Abell: Oh, okay, the mid 90's.

John Stoll: It probably was finished, I'm going to guess somewhere around 2000, but I can get you the exact figures later.

President Abell: Okay.

¹Thursday.

²This notice was published Friday, March 22, 2013.

John Stoll: One of the things we think that contributes to the problems in some of these newer subdivisions, you can see in that right photo, whether it's springs or whether it's sprinkler systems, we're seeing a lot of areas that stay wet all the time, which then helps accelerate the street deterioration. One of the solutions of that, like Mike was talking about, would be potentially going back and trying to put in some perforated pipes to get the water to the inlets. So, that way it doesn't keep it saturated all the time and result in the street failures. One of the later slides we've got is in Keystone, and that's one of the sources of the problems we think is out there as well, is just sub-surface water issues and sprinklers. You're right that there are some of these that are only 15 or 20 years old where we're starting to see some problems, and these photos, some of them shows the water, some of them don't. That's just what we think might have led to some of the problems out there.

Commissioner Melcher: Well, if we're having trouble with sprinkler systems, maybe we need to be thinking about that in new subdivisions and everything.

John Stoll: We could add that as a change in the standards that, put a perforated pipe up and down both sides of all streets. So, that way, there's probably areas that you wouldn't battle the water problems, but you would at least pick up the areas where there would be water problems.

Commissioner Melcher: No, I'm just thinking, if that's what's happening and these are going to be in newer subdivisions, now is the time to look at them. Even if having the sprinkler another two feet back in the yard.

John Stoll: One of the issues is once the water's been turned on for too long it ends up sheeting out over into the street. So, we end up with the problem no matter what.

Commissioner Melcher: Well, you're going to have that no matter what.

John Stoll: Right.

Commissioner Melcher: What we can slow down, we can.

John Stoll: Right. Eagle Crossing, this is out between Seib Road and Petersburg Road. Once again this was probably started mid 90's. I can get you the exact dates. In those photos you can see water is coming up through the joints, which, once again, probably helped accelerate the problems out there. One of the routine problems we've seen on concrete streets, if it's on any grade of any significance, once the water is started then it creates the voids underneath the road, which in turn leads to the failures of the road.

President Abell: Yeah.

John Stoll: Edinborough Subdivision, this is located near Baumgart and Heinlein. This one dates back to, the early sections are in the early 90's. This one has been carried over for a number of years now. It's got scattered problems throughout, like you can see in those two photos. The two subdivisions, Edinborough and Fox Hollow are side by side, so those would be a couple of good ones to lump together in a single contract. This is Harper Heights Subdivision. This is located up off of Highway 65. Off the top of my head I do not know the age of this subdivision, but this is some of the worst sections of street that we've seen, as far as concrete is concerned. Residents may phone in some other ones, but as far as what our

inspectors have found, that's among the worst, as you can tell from those photos. William Wortman Subdivision, this is located on Old State Road out near, a little bit southeast of North High School. This one would fit the description of what Mike was talking about earlier where there's scattered smaller failed areas that could be potentially replaced by his crews rather than contracting it out. It's kind of hard to see in those photos, but in the photo on the right the corner of that concrete slab is all broken up, and then on the photo on the left you can see where mud has been coming up out of the cracks in the pavement. There's not a lot of repairs needed out there, so that might be a candidate that, instead of doing it as a contract, we could work with the Highway Department crews to pick up those sections. Willow Creek, this is located off Streuh Hendricks out near the county line. The earliest sections of that date back to, I'm going to guess the early 90's, '91-'92. These pictures are from some of the earlier sections. Once again this is the concrete street on a steeper grade, and once the water starts getting into the joints then it undermines the street and leads to what you see in the photos. I didn't put photos of every subdivision where we got requests on, repair requests, but there are eight more listed there that cover the majority of what we've heard. If any residents have any other ones that we've missed, we can always go out and check it out and then prioritize those in addition to anything else that Mike finds between now and the 23rd. Typically, we had, we've been involved with the contract work on concrete streets. This is a situation where, depending on what Mike's crews can do, or what they can't do, we may end up needing to do some contract work out in Keystone as well. Mike and I had some discussions about that yesterday and we think his crews can do it, but, as you can see from those photos, there's some pretty significant deterioration there. So, this will have to be removed down to the dirt and basically start over rebuilding that section of road. In working with the residents of Keystone, we were provided a list, Mike met a couple of residents out here who are here this evening. They provided a list of all of the problem areas in Keystone, and they vary from significant deterioration like that to some areas that may just need some minor patching. But, that list covers all of the streets that were included in the inventory that was provided by the Keystone residents. Then, there's one other potential asphalt paving contract that we may need to do, and that's milling and resurfacing on St. Joe Avenue. The last time that project, that section of road was done was back in the mid '90's, and we're starting to see quite a bit of cracking, some areas that are needing some patching. If it's not done this year, it's going to continue to get worse, and our repair costs will continue to go up. The downside is, just to go from Diamond Avenue to Allens Lane we're estimated that, to mill and resurface that would cost in the neighborhood of \$200,000. Back when this was done in the mid '90's we did a contract that ran from Diamond all the way to Mill Road that cost about \$250,000. So, a significant difference in costs, and once we start on this, we'll have to continue to follow up year after year until we get everything redone all the way up to Mill Road. With that, I'll turn it over to Mike so he can go over the projects that he may end up doing this year.

2013 County Highway Department Road Project Proposal

Mike Duckworth: I think one of the challenges in the strategy of what we're going to try to do has to do with, because of the depleted revenues and work that we have, we may just have to do sections of roads. There are some on our list that are anywhere from a mile to a mile and a quarter, if we did the whole road. I think what we may end up doing is looking at some of these longer stretches and maybe doing part of them this year and part of them next year. I do that because if we do several

roads of a mile, a mile and a half, we're not going to have any funding left to do some of these smaller stretches. So, we're really trying to stretch our dollar the best way we can. This is Arla Jane Drive, Laubscher Road to Laubscher Road, and I don't know that this road has been paved in some time. Of course, you can see with the thawing and the freezing and us putting our plows down has caused significant damage. It's .33 miles. Aspen Drive, and these aren't, these are in alphabetical order, they're not in any order of priority. We received a call again today, I think this was discussed last year. It's getting to the point where it's significant. It's .57 miles, it runs from Oak Hill to Iroquois. Broadway, a heavily used roadway, of course, from Nurrenbern to Bayou Creek. This is one of the sections that's 1.05 miles in distance. I think that brings up another issue, as to whether or not we, how much money we put in our neighborhoods, how much money we put in those areas and those roadways that are more frequently used. So, we have to weigh those variables as well. Fischer Road from Orchard to Schenk, it's 1.25. As you can see, and as John has said, you know, we have a crack sealing machine where we can go out and seal some of these cracks, especially in some of the, some of the concrete streets that haven't deteriorated so bad, we can kind of put the deterioration off for a while. On some of those we'll have to use that, but, again, we'll have to measure the worst parts of these roads and give you those recommendations. Forest Green in Hunters Green to the dead end. You can see the alligating and some spots where it's not going to be long before we have the pothole crews out there. Heckel Road, we don't know if that's going to be included in any type of future project, but it is a heavily traveled area, it's .87 miles. Again, that's something that the Commissioners need to look at and consider as to whether or not it will be included in a future project or if it's something we need to do. Kratzville Road, from Darmstadt Road to Wimberg. Those of you that have traveled on Kratzville Road, you will notice that there has been numerous utility cuts along Kratzville Road. Of course, the utility department chose not to resurface the entire road. So, you get these patches periodically. It's .57 miles, and to make it, to sustain the roadway and to take care of the work that they've done, our recommendation is that we look at doing the county section of that road. Laubscher Road—

Commissioner Melcher: That rock you're talking about, that shows in those pictures. That's where they didn't put blacktop back, they just put rock back?

Mike Duckworth: Well, that's the shoulder of the road. I'm not sure in that particular stretch if that shoulder was built with rock, or if they dug it up and dug the asphalt up at that area and put rock back. I would have to, Jeff, do you know?

Jeff Byrd: I thought that was all rock.

Mike Duckworth: I think so too. Yeah, it's just the shoulder of the road where the asphalt ends.

Commissioner Melcher: Okay.

Mike Duckworth: It's point, Laubscher Road is .65 miles. Again, we'll have to put it in the mix and see, as you can see, the photo on the left hand side on, the one with the grass coming up to the road, where the edge of the road is starting to deteriorate, which could be a big problem. Meadow Green from Forest Green to the dead end. Again, a lot of alligating, some pretty big potholes, it's only .03 miles. So, that may be one that we can knock out pretty easily. Mesker Park Drive, very frequently used, Detroy to Folz Road. It's getting to the point, it's .80 miles, I don't

know if we would have to do all of that. It may be one that we do a section this year and a section next year. This is Millersburg Road. We've received a number of calls on this. I've discussed it with Joe Harrison, there's no weight limit. This is the area that we get calls on because of the heavy trucks. No weight limit. Those folks have every right to drive their trucks out there. It deteriorates the roads and our job is to fix them. So, that's why we bring it to you, and we can do sections of patching, or we can do the whole road. This is not the area here in front of Blue Heron Subdivision. This is on down closer to the county line. Mohr Road, a heavily traveled road between St. Joe Avenue and Darmstadt. Another that is beginning to age and to deteriorate. Plantation Estates, John, do you know when this was built? There were four roads that we received complaints on. These were the two worst. We anticipate that in paving these, that probably next year we will be getting around to the other two. There was an area as you drive into Old Plantation Drive where we have an active spring, we believe, but the road's not bad there, it just gets wet from time to time. So, we will monitor that, and if it gets to the point, I can't say it will be an easy fix or a cheap fix, but it's something we may have to look at down the road. It was built in '87 they said.

President Abell: '87?

Mike Duckworth: I didn't think it was that old.

President Abell: I didn't either.

Mike Duckworth: Rusher Creek Road, .23 miles, we have some pretty good depressions. That's from 41 to the dead end. This is out by the Arby's out on 41, Arby's, McDonald's, pretty close to 64.

President Abell: Oh.

Mike Duckworth: Schroeder Road, from Old State Road to Highway 41. Another example of some of our 540 miles of county roads that are deteriorating. This is an area that's 1.25 miles. I believe, I don't think we have the revenue to do all of it, but I think we can get the worst part of it taken care of. Upper Mount Vernon Road, from Red Bank to the city limits. As you can see we've got some major problems there. That's only .40 miles. To me, on heavily traveled roads, .40, I would rather knock a lot of these out and then maybe do the long stretches a little at a time, as we can afford to.

Commissioner Melcher: Are you saying knock out these little ones and also do sections?

Mike Duckworth: As much of the others as we can. We'll just have to measure them. The smaller ones, I don't know, John's going to have to, we're going to have to sit down and go over the roads in like the Keystone's and the Plantation's and the Hunter Green's and some of those and see if we have to completely rehab how much more cost that is going to cause us. I know it would cause them a lot more if they got a contractor to come in and do that work. What I'm saying is, with the equipment we have we can pop those streets up, we can put, we can roll and re-compact what's there, add some more rock, add some base asphalt to it, which is a heavier base, and then come back over with a surface coat. I think we can do as well and substantiate these roadways. The last thing I would like to say is, I don't know if this funding issue is going to get any better, but I think because of the fact

that we've got a lot of subdivisions out there, and they're between 15 and 20 years of age and we're already seeing this kind of deterioration, that we need to get with the Homebuilder's Association, we need to talk about different standards, stronger standards, as John had mentioned earlier, so that when we accept a road we know that it's a good, stable road, that, of course, in 20 years or 25 years we're going to have to do some things, but this is a little close to construction time to have to be rehabbing a lot of these roads.

President Abell: Could you go back to Heckel? How far is that .87 miles, that goes all the way from Green River to Oak Hill?

Mike Duckworth: Yes.

President Abell: That whole thing? You might want to put some figures together to really fix that properly. I just asked the County Attorney, there is a possibility we might be able to take that repair cost out of the TIF that is on Green River Road.

Mike Duckworth: Okay.

President Abell: Since it adjoins into Green River Road. I'm not positive that we can do that, but we'll look into it. That would be a way to....oh, I think Joe Gries is going to tell me.

Joe Gries: Well, one other suggestion I might have, Millersburg, I believe was on your list as well, was it not?

President Abell: Yeah.

Mike Duckworth: That's outer Millersburg, east of Green River.

Joe Harrison, Jr.: But, it's on the other side of 64, isn't it?

Mike Duckworth: No.

Joe Harrison, Jr.: Oh, it's not.

President Abell: No, it's still on this side.

Mike Duckworth: It's between Green River and 64.

President Abell: So, it's still in the TIF, right?

Joe Gries: I believe so. So, that may be another one that you may want the Commissioners, Joe, you may want to look at.

Mike Duckworth: Okay.

President Abell: Put some figures together on those two.

Mike Duckworth: I would be glad to.

President Abell: We'll see what we can do out of the TIF, because the TIF is pretty healthy.

Commissioner Kiefer: What do we got in there, like \$20 million?

President Abell: Yeah.

Mike Duckworth: If I could just get a couple million.

Commissioner Kiefer: Well, you know—

Mike Duckworth: I could make a lot of these people happy.

Commissioner Melcher: It's got to touch Green River Road.

President Abell: I bet they could find a way for Keystone to touch Green River Road.

Mike Duckworth: I would be glad to answer any questions. I know, John, he's really the expert being the engineer, and we get a lot of calls not only about roads, and like I said we're going to try to catch up with....we keep pothole crews out there on occasion. We at least have one pothole crew out a week that handle two or three of our complaints so we can kind of keep up on them, so that this time of year we don't have 200 to do, you know. So, the problem is, after a winter, and I know we've had what some people would consider a mild winter, but when you're putting some salt down for slick spots and on occasion you're putting those blades down, you're chipping things, and, you know, it causes deterioration. So, I think our crews do a good job with the money and the equipment that we have, and the county, you know, when we were flush we were buying good equipment, pavers and we even do paving for the city, you know, to save them money. So, we go into Burdette Park, and a number of different areas, and so we want to do what we can, but we have to look at the dollars and cents. We will bring our recommendations to you, we'll massage it how you want us to to get a final plan, paving list for 2013. We'll leave a little bit there in case we have an emergency, you know, roads fall in from time to time and we have to be ready.

Commissioner Melcher: I guess, a question I would have, and we did this a few years ago and it worked out great, and, John, you'll probably remember this. If we're going in these subdivisions and we're going to do just a partial, where we're planning on going back in there next year, then we need to try to let everybody know that. Because I think people will feel more comfortable, at least I know I would, and that's what I said at the time. We gave this one subdivision a three year window and we got it done in two.

Mike Duckworth: That's right.

Commissioner Melcher: But, that way they knew what was going on.

Mike Duckworth: That's right.

Commissioner Melcher: So, if we're going to do just this partial, then I want them to know that they'll be on the top of the list next year to do the balance, or the second of three years or something.

Mike Duckworth: Right, and in subdivisions, I have to tell you that, if you have a whole road in a subdivision, I really do not like to do, I mean, they're not very long anyway, I don't like to do half a road in a subdivision because you've got people over

here with a new road and people over here with–

Commissioner Melcher: That's what I'm just saying.

Mike Duckworth: –so, we would do that whole small road. Then, we may do this approach road, and then the next year get the other two. So, you're doing whole roads, and you're not doing a section of this and a section of that.

Commissioner Melcher: Well, that's not what I thought you were saying. I just want to make sure they know what's happening.

Mike Duckworth: We will communicate, for instance, Keystone, we'll meet with their neighborhood leaders.

Commissioner Melcher: What we did, if I remember right, John, we sent e-mails out and they knew exactly what was happening, because if they gave us the e-mails then they knew what was happening. If they didn't give it to us, they didn't know.

Mike Duckworth: We will advertise it, we have an active website that we will have it on, as well as, I'm sure, it will be on the Commissioners website. We will be out and meet with as many residents that have questions, or whatever the case may be.

President Abell: Are the people from Keystone here? I talked to somebody on the phone.

Mike Duckworth: Mr. Jensen.

President Abell: You've met with Mr. Duckworth and everything is okay?

Bill Koch: May I say something?

President Abell: Yes, certainly. Please give us your name for the record.

Bill Koch: Okay. My name is Bill Koch, K-o-c-h. I've been in, you called me Mrs. Abell and told me what they were doing. I would like to, I don't want to make their heads big, but everytime I have contacted the County Garage, I have had nothing but nice cooperation. They leveled me what they could do and what they couldn't do. So, there was no, you know, we, I think we had a good communication. On Keystone, Mr. Paul Jensen and I, we gave one of the persons up here a list of what all, and John Stoll and Mike they have that, and right, wrong or indifferent, these are our assessments as to what we consider to be problems. I would like to recommend to the Commissioners that if you are looking at upgrading standards, please do so, because I know a developer will probably complain, and rightly so, because if I'm a developer and you're asking me to up standards I've got to put more money out, but, that developer is going to turn right around and put it on the price of the lot or whatever they do. By upgrading the standards, now we have better standards instead of like Keystone I think it's about 15 or so years old, you've got a longer period of time before you have to address any road problems. As a taxpayer, who you all are also, you know, that's money. I would rather keep it in my pocket than that. So, do you have any questions of me as far as Keystone?

President Abell: Commissioners? I did talk to you on the phone. I think you addressed what questions I would have. I will tell you that I have talked to a couple

of developers about the possibility of us altering, if you will, some of our standards, and, actually, the developers that really do a good job want to continue to do a good job and they would like to see us make sure that the people that don't do a good job come up to their standards. Because they do a good job and then they have to charge more for their lots, and then the people are competing with the ones that aren't—

Bill Koch: Yes.

President Abell: – and they're saying, well, I can go across the street here and get a lot for half that price, and that's exactly what they're getting but they don't realize because this guy's met the minimum requirements for the road, and the other person has met the maximum and has a good road. So, I think that in cooperation with the Builder's organization, which all three Commissioners here have a good relationship with, I think we're going to be able to make sure those standards are a little more toward the good developers end.

Bill Koch: Well, that's good to hear. I think the taxpayers would be most appreciative of that too, because the taxpayer, no matter what we do, you, me, we end up paying the bill.

President Abell: Yeah.

Bill Koch: I haven't found that money tree, even for my own home yet. Anyway, I wanted to thank you all for listening, and to John and his crew and Mike and his crew the cooperation that we've had, and I thank you.

President Abell: Thank you.

Commissioner Kiefer: Thank you.

Commissioner Melcher: Thank you.

Mike Duckworth: Marsha, I ended too soon. I do have a few other slides.

President Abell: Oh, okay.

Mike Duckworth: They are regarding crack sealing. We've received some calls about some concrete streets in subdivisions. Caribou Drive, which is in Malibu Subdivision, these roads are holding together pretty good, but they've been sealed before and some of the sealant is coming up. So, that's an easy fix for us. We have the materials, we have the equipment to do that, and we can get out pretty soon. Probably within the next couple of weeks we'll have that done.

President Abell: You know, Malibu's a really old subdivision.

Mike Duckworth: It is.

President Abell: You know, obviously, I don't even know who developed it—

Mike Duckworth: I don't either.

President Abell: –but, obviously, they did a good job.

Mike Duckworth: Yeah, so, that's a good way for us to kind of keep things going. As you can tell, there's some cracking there, and, you know, it's not going to hold up forever, but we'll band-aid it another year and see if we can put them on the list next year, whatever the case may be. Sunny Brook from Malibu to the dead end, these are all in that subdivision. Again, our, John's office and my office is available for anyone to call in. You know, this next two weeks is going to be our window to put a plan together for you to look at. We will get that to you, for you to look over, ask any questions, tell us to make any changes or whatever the case may be.

President Abell: Commissioners? John, do you have anything further? Yes?

Unidentified: We would like to make a comment, if we could.

President Abell: Okay. You need to give your name for the record please.

Walter Russell: Walter Russell. We live at 536 Hilton Court. We know all of these problems the county has, we're aware of that. However, in front of our house, the street's cracked and there's not any ground underneath it that I can see. You may be able to reach it with a stick. In January, Gloria called and the guy said that they would look into it. Well, the next morning we had two barricades sitting in front of the house. They're still there. It's something I didn't see in any of those pictures, but it's in front of our house. In February—

President Abell: Where is Hilton Court? Can you help me out a little bit?

Walter Russell: It's right off of, it's in Old Petersburg Place.

President Abell: Okay, okay.

Walter Russell: Right off Petersburg Road.

Commissioner Kiefer: Mike, are you going to pick up the address on this one?

Mike Duckworth: Yes.

Walter Russell: But, anyway, we've called, or she's called three times and we got three different answers. The first time, you know, they would look into it, but the barricades were there the next day. In February she called back and was told he put a work order in on it, and when the weather breaks they would take care of it. Well, last week she called back and talked to a lady, she said there's no work order on that. The fella across the street said that he had complained a year ago and nothing was done. The lady said, they did have a complaint and it shows it was completed. Well, it's still there.

President Abell: Okay.

Walter Russell: So, you know, we can't park in front of the house, and the trash trucks that come through there, I guess that's the reason for the barricades, because I don't know that it would handle that. The mailman doesn't like it.

Commissioner Kiefer: Well, you definitely have the right people sitting right behind you. So, hopefully we'll get some—

Walter Russell: But, anyway, I know I saw about the lack of funds that we're going to have, and everybody has that, but I just would like to make sure that there is a work order and will be there, so they can take the barricades down.

President Abell: Sure. Well, you've come to the right place. That's what this meeting is for. So, I'm glad you did come. Let me ask, Mr. Duckworth, can you get somebody out there and take a look at that right away?

Mike Duckworth: Most definitely.

President Abell: When will you start doing some of this work. I mean, I know, we all expected spring to be here three weeks ago.

Mike Duckworth: Right, right. I'm not aware of what this is, to just be very honest with you.

President Abell: Oh, I understand.

Mike Duckworth: On Monday morning I will have a foreman go take a look at that.

President Abell: Good.

Mike Duckworth: If it's something that needs to be dug up, I don't know if we have to have locates done, you know, to make sure that we're not digging around any utilities and that kind of thing. Within next week I hope to have some resolution for this situation.

President Abell: Okay. If you would just get started on it.

Mike Duckworth: At least, if I can't get it fixed, I'll at least tell Mr. Russell what the situation is—

President Abell: Right.

Mike Duckworth: — and, you know, where we're at on it. I don't know if there's a culvert there. I don't know if it's just an impression in the road that we need to dig out and finish or...we'll take a look at it, and if we need to consult with John we'll do that, but we'll get Mr. Russell some information.

President Abell: Okay.

Walter Russell: Yeah, just let us know what to do.

President Abell: We will. Thank you. See if we had Google Earth up we could look at his property.

John Stoll: (Inaudible. Not at microphone.)

President Abell: You could get it up there?

John Stoll: I'll try. I don't know if it's on there or not.

President Abell: Did all of the rest of the...are you going to try to get it? Okay. Did

everyone else's....have we covered everything?

Mike Duckworth: Yes, I'm done with the slide presentation

Commissioner Melcher: While he's doing that, Mike--

President Abell: I think there's a gentleman--

Commissioner Melcher: -- you know I'm big on crack and seal. When do we start that?

Mike Duckworth: Crack and seal?

Commissioner Melcher: Well, what you said about going to those roads and filling up those cracks with that sealer.

Mike Duckworth: We can start that, weather permitting, at any time.

Commissioner Melcher: Because that even helps, and you and I have had this conversation, I know, because of road schools, that seems to save a lot of roads if we keep staying on top of that.

Mike Duckworth: Yeah, I guess, when you and I talked earlier, I thought you had said to me chip and seal.

Commissioner Melcher: Well, that too.

Mike Duckworth: I am not a fan of chip and seal, because, especially in subdivisions.

Commissioner Melcher: All I'm trying to do is get the roads repaired and get the cracks done.

Mike Duckworth: Crack filling, yes, most definitely.

Commissioner Melcher: Because that's what they said, they, you know, we both know that there's some things out there that's probably costly to us right now and we can't, but instead of taking up that blacktop we could crush it all down and that makes a better base,

Mike Duckworth: The only problem with that is, in subdivisions when the houses are so close, you bring something out there to rubblelize or to do that, you've got all that vibration and then you start having cracks in people's walls and foundations, and it's a real liability issue. John and I talked about that earlier, about a number of concrete street repairs, just rubblelizing the concrete, rolling it and making that your base and then coming over it with an asphalt coating. I just think we're taking a lot of chances. I don't want, you know, to get done with a nice street and some guy walk out and say, the street looks great, but now I've got two cracks in my wall. I just, I don't know that that would happen, but there's a possibility.

Commissioner Melcher: Well, we'll talk about this some more.

President Abell: Yeah.

Mike Duckworth: Okay. We actually thought about, when we dig up the asphalt, taking it to the asphalt company and seeing if they could recycle it, then we would get our mix from that. Well, they do that, but it has to be milled. In other words, it has to be almost a granular, you know, you'll see these machines out on the road and they have these long arms, they are grinding it up and they're putting it back into the truck, and then they take it to the asphalt yard and they make the new asphalt out of it. That's great, but those mill machines they're extremely expensive to rent, and more expensive to buy.

President Abell: More than a gradall?

Mike Duckworth: Most definitely. Most definitely.

Commissioner Melcher: Well, they just, I was just talking about a base, not the road.

Mike Duckworth: Yeah.

Commissioner Melcher: Okay.

President Abell: Well, maybe you can talk about it.

Mike Duckworth: Yeah, be glad to.

President Abell: Because I have no idea what you're talking about. There was a gentleman that did raise his hand. Sure, just give us your name, and your address so we'll know where to go.

Derek Reyher: My name is Derek Reyher. I live at 8635 Middle Mount Vernon Road. I know, a year and a half ago they came out and paved Middle Mount Vernon Road from County Line to about a half mile past McDowell Road. Then there's, from there, I live on the curve, and then where it meets into Eickhoff and meets up to the Parkway. We've had a lot of bigger truck traffic through there with all of the congestion up at the overpass and all that. I was noticing that the roads are starting to crack quite a bit, and the shoulder is starting to break off. I didn't know if maybe we could get that road added to the list for future purposes?

Mike Duckworth: We'll take a look at it at, and then put it on the list and do an evaluation of it. The least we can do is at least patch it for a while, or cut some out and replace it and make sure it's going to last another year until we can get to it. It may be one of the worst. I don't know, I haven't seen it.

President Abell: Yeah, would you put it on there?

Mike Duckworth: Most definitely.

President Abell: There's a gentleman in the very back that is with the County Garage. Give him your name and—

Mike Duckworth: Jamie's taking it.

President Abell: Oh, Jamie's taking it? Okay, okay. Maybe even a contact phone number so if they would get out there, in case there's something they need for you to point out.

Mike Duckworth: Well, we would want to meet with you out there.

President Abell: Yeah, they may want to meet with you personally.

Derek Reyher: That's fine.

President Abell: Okay, thanks for coming. Thank you. Did you get Google Earth up? Can't get it up? Okay.

John Stoll: It wouldn't take my user name just a second ago, and I messed up and logged out. I can't get logged back on now.

President Abell: Okay, that's okay. We'll see what we can do with it. John, you're braver than I am. If I couldn't do it, I wasn't going to let somebody stand up there and show how easy it is to do.

John Stoll: I don't know the magic word. I think we're 0 for 2.

President Abell: While we're still looking for Google Earth, I guess, everyone has now, your road is on the list or it got put on the list, I'm assuming. Okay, good deal. Yeah, we'll look at it, John. Don't worry about it.

John Stoll: Last try. I struck out.

President Abell: That's okay. We'll look at it on our computer. I know I can get Google Earth up on mine, at least I know somebody who can. Okay, I guess—

Commissioner Kiefer: I'll move to adjourn then.

Commissioner Melcher: Second.

Commissioner Kiefer: Or is it postponing?

Joe Harrison, Jr.: No.

Commissioner Melcher: We adjourn.

President Abell: No, this is, because the final list will come back up to us in an official County Commissioners meeting, correct?

Mike Duckworth: On the 23rd, yes.

President Abell: On the 23rd.

Commissioner Kiefer: Okay, so then I move to adjourn.

Commissioner Melcher: Second.

President Abell: All in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Abell: We are adjourned.

(The meeting was adjourned at 5:55 p.m.)

Those in Attendance:

Marsha Abell

Joe Gries

Kristin Comer

John Stoll

Derek Reyher

Members of Media

Joe Kiefer

Joe Harrison, Jr.

Madelyn Grayson

Bill Koch

Jeff Byrd

Stephen Melcher

Marissa Schenk

Mike Duckworth

Walter Russell

Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 9, 2013**

The Vanderburgh County Board of Commissioners met in session this 9th day of April, 2013 at 5:04 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: We would like to call to order the April 9, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Would the Auditor like to lead us in the Pledge?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Centre 2013 Capital Improvement Projects

President Abell: Under the action items this evening, the Centre capital improvement projects. Mr. Rector?

Dave Rector: Good afternoon, Commissioners. Dave Rector, Building Authority. This is a follow up to our last meeting where Joe had recommended, Joe Gries had recommended we look at this Operating Fund in addition to the Food and Beverage. So, he and I got together and looked to see what we thought could come from Operating in the CIP. What you see before you is a breakdown under those two categories. Again, Harry Cochran and Darren Stearns are here if you had any specific questions different from what I've got. We've reduced it, now the Food and Beverage would be \$62,800 and the Operating, \$55,275.

President Abell: Commissioners?

Commissioner Kiefer: So, what are we...do we need to make some kind of motion on this?

Dave Rector: Yeah, to approve. I think, we need to remember this for future years. I mean, had Joe not brought it up to us, I don't think we were aware of the opportunity.

Commissioner Kiefer: Okay, well, then I'll make a motion to accept the recommendations.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Dave Rector: Thank you.

Discussion of Skywalk Connecting the Centre to Ford Center and/or Hotel
--

President Abell: Mr. Rector, while you're here—

Dave Rector: Yes.

President Abell: —would you look at what we're going to need to build the catwalk, the walkway, the skywalk back across to the new hotel. I understand that those gentlemen are in town this week. You might meet with them—

Dave Rector: Okay.

President Abell: — and find out.

Dave Rector: I would be glad to.

President Abell: Thank you.

Commissioner Melcher: It was my understanding, from day one, it was going to be hooked up.

Dave Rector: It is.

Commissioner Melcher: When the center was done, and I was told that by the past Mayor, the construction, what was his name?

Dave Rector: John Kish.

Commissioner Melcher: Kish, he said that a couple of times, the Redevelopment should have it, because we've got about \$3.2 million in it.

Dave Rector: We do.

Commissioner Melcher: You and I have had this discussion, and they bragged about being under budget, and that was because they didn't finish it. So, they need to finish it, and take the same suggestion they were given on fixing where if they build a hotel and it does happen, it'll just retrofit into that. Or, if they build a parking garage or another building they could retrofit into that too. Let's do it right the first time, and that's what I told them three years ago.

Dave Rector: I'll address it. We did have plans at that time, and as we know, it's all been delayed. I'll resurrect it and take a look at it.

Commissioner Melcher: Okay.

President Abell: I think they're going to address the Redevelopment Commission in the morning.

Dave Rector: Oh, okay. Alright, thank you.

President Abell: Thank you.

Burdette Park: Permission to Open Bids for Fantasy Shelter

President Abell: Burdette Park, permission to open bids for I.C. 36-1-12-5, the shelter house. Mr. Craig?

Steve Craig: Steve Craig, Manager of Burdette. I would like to get permission for Joe Harrison, the County Attorney, to be able to open the bids that has been submitted for I.C. 36-1-12-5, shelter house.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Do you have, do we have bids already? One bid?

Commissioner Kiefer: That makes it easy.

Joe Harrison, Jr.: I think we just have one, unless there's anybody else that was intending to submit a bid.

President Abell: Do you know of any, Steve?

Steve Craig: There was five people that actually picked them up, but we only got one back. So, I guess, that was it.

President Abell: Okay.

Commissioner Kiefer: I recall it was a somewhat unique project, not anybody could do something like this.

Steve Craig: A very unique project, yes.

Commissioner Kiefer: Okay, so, I think—

President Abell: I have a motion and a second on the floor.

Commissioner Kiefer: Yeah.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Burdette Park Event Schedule Update
--

Steve Craig: Then, one other thing, I would like to go through a couple things real quick that we've got coming up. On April 20th, we start out, we've got an Energy for Life Walk-A-Thon for the United Mitochondrial Disease Foundation. On April 27th we've got the Give Hope Run, it's for St. Jude. On the 23rd, or the 18th of May we have the Mad Max Ride for kids at Riley. On May 18th we also have the 7th Annual Wurst Bicycle Ride. Well, we serve bratwursts for the food at the end.

President Abell: Oh.

Steve Craig: So, we named it the Wurst Ride. We have a walk, we have a run, we have a bicycle ride and we have a motorcycle ride in the next coming months.

President Abell: Good.

Steve Craig: So, if anybody's interested they can get a hold of us and we'll head them in the right direction.

President Abell: Good. Excellent.

Commissioner Kiefer: Good job. Thank you.

Steve Craig: You're welcome. Any other questions?

Reading of Bid for Burdette Park Fantasy Shelter

President Abell: Have you got that bid open? We might as well go ahead and address it right now if we've only got one bid. Or do you want to wait?

Joe Harrison, Jr.: Yeah, I'll go ahead and indicate who it was, then we'll have to take it under advisement and make sure we've got everything in order. The one bid was from an outfit called Reising Son Originals, over on Middle Mt. Vernon Road here in Evansville. They submitted a proposal for \$9,000 to do the shelter house. So, we'll just have to take a look at it.

President Abell: Now, is that just for the foundation to put this on, is that what this is?

Steve Craig: No, that's the whole—

Commissioner Melcher: It's the whole thing.

President Abell: That's to build the whole thing?

Joe Harrison, Jr.: Although the materials are going to be furnished by the park.

Steve Craig: We are furnishing the materials in house, that is just for the labor, for the footers, the foundation and the building.

President Abell: Okay.

Joe Harrison, Jr.: So, we'll have to take—

Commissioner Melcher: I'll make a motion to put it under advisement.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Steve Craig: I will need to come back in two weeks to—

Joe Harrison, Jr.: Yes.

Steve Craig: Okay, thank you.

President Abell: Thank you.

**First Reading of Ordinance CO.04-13-004:
Amendment to Ch. 10.28: Parking on County Streets**

President Abell: First reading of CO.04-13-004, amendment to the ordinance concerning county streets where parking is prohibited. Is someone here to discuss this? Is the County Engineer, is John Stoll here?

Commissioner Kiefer: Yeah.

Joe Harrison, Jr.: I think he's here.

President Abell: Do you know anything about this, Mr. Stoll? Good.

John Stoll: We were receiving complaints up on Rusher Creek Road regarding semi truck traffic parking on the street, which was interfering with access to the businesses out there. So, after discussing it with the County Attorney, as well as the Sheriff, we figured the best bet was just to go ahead and amend the ordinance to prohibit parking out there. That way it would be enforceable where the Sheriff could write tickets if people continue to park. The business owners on the south side of Rusher Creek were having problems accessing because semi trucks were parking in front of the motel out there at the end of the road.

Commissioner Kiefer: John, would it be better to just prohibit semi tractors or certain size vehicles? What about cars and stuff?

John Stoll: The cars were able to get into the parking lots with all of the businesses out there. The semis were large enough that that's why they were staying out on the street rather than going within the—

Commissioner Kiefer: But, will this ordinance prevent cars from parking?

John Stoll: Everything on the street, yes.

Commissioner Kiefer: I guess, my question is, would it make more sense to prohibit trucks or larger, you know, certain type size vehicles or bigger, instead of cars, you know.

John Stoll: We weren't having a problem with cars parking out there. I mean, we can modify it, I guess, if—

Commissioner Kiefer: I mean, I'm just asking a question. I mean, you know, do the other Commissioners have any thoughts?

President Abell: If it's not a problem.

John Stoll: The complaints all originated from semi trucks parking out there. From looking around, it looks like all of the cars were making it in the parking lots of the

motel, the fast food places and things like that. So, it was the semis that instigated this whole thing.

Joe Harrison, Jr.: There were issues with line of sight and being able to come out of the establishments.

President Abell: But, there's plenty of parking for cars?

Joe Harrison, Jr.: Yes.

President Abell: So, they wouldn't have to park—

Commissioner Kiefer: So, the cars don't need it for parking?

John Stoll: No.

Commissioner Kiefer: They don't need on-street parking?

John Stoll: No.

Commissioner Kiefer: Okay, well, in that case, I just, I didn't want to put somebody out of a, you know, a car trying to park to go to a business when, you know, now they don't have a place to park, but what you're saying is that parking is not an issue for cars.

John Stoll: Right.

Commissioner Kiefer: Okay, well, then in that case I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Will you be putting the signs up? Or will you have someone put signs up once it's done?

Joe Harrison, Jr.: Well, again, this is first reading tonight.

President Abell: Oh, that's right, but you'll be doing it anyway when we vote on it.

John Stoll: Yes, when it's all said and done we'll put in a work order to the Traffic Department and we'll have the signs posted.

President Abell: Okay. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, John.

**EMA: IDHS Performance Grant
AT&T OPT-E-MAN Agreement Amendment
Harding & Shymanski Engagement Letter: 2012 Centre Review
Indiana Southern Railroad: Construction & Maintenance Agreement
Prosecutor: 2012 Equitable Sharing Agreements
Superior Court: Lease Agreement with DNJ Properties, LLC**

President Abell: Contracts, agreements and leases, EMA IDHS performance grant. Is Sherman Greer here?

Joe Harrison, Jr.: Yes.

President Abell: I see him. Sub-grant agreement from the Indiana Department of Homeland Security in the sum of \$66,106.50 to assist the local EMA office with the payment of staff salaries. The term of the sub-grant agreement is for a period of one year.

Sherman Greer: Yes, this is an annual grant that we receive for our performance that we did the previous year.

President Abell: It says it's for staff salaries. You're not putting anybody on? It's for people that are already there, correct?

Sherman Greer: The people that are already there.

President Abell: Okay.

Sherman Greer: All three of us.

President Abell: Well, you're lucky. The Council didn't cut you.

Commissioner Melcher: Well, they couldn't get this money. So, that's why they didn't cut you.

President Abell: Yeah, you'd better make sure you keep getting this grant money.

Sherman Greer: Okay.

President Abell: You might be in trouble.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Mr. Greer.

Sherman Greer: Thank you.

President Abell: Chief Information Officer, AT&T OPT-E-MAN contract amendment to pricing schedule. Is there someone here? We don't have a Chief Information Officer anymore.

Joe Harrison, Jr.: No, I don't think anybody is here on this, but this essentially is allowing us to have cheaper pricing. I believe the city has already, has approved a similar agreement. What it is, is, there's a summary, I think, but AT&T has agreed to allow the city and county to terminate certain locations they no longer need and re-distribute the bandwidth to areas needed to be hooked up. The county has three locations that it will be terminating. Then, after the change the county will then have nine locations. The city has a number of locations that are going to be terminated and added as well.

Commissioner Kiefer: It doesn't cost us anything?

Joe Harrison, Jr.: No.

President Abell: Okay.

Commissioner Kiefer: Actually, we save money.

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: Yeah. I'll make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Engagement letter for 2012 review of the Centre financials. The annual review of the Centre's financial statements for the prior year pursuant to the Centre management agreement between SMG and the county. As we know, the funds to cover the cost of the 2012 financial review will come from SMG's Centre operating budget. I do see Mr. Darren Stearns is here if there are any questions.

Commissioner Kiefer: My understanding is, the review has been done by this group before. That they are familiar with the operation and, so, it's not the first time they've—

Darren Stearns: No, they've done all of the audits that we've had since 2006.

Commissioner Kiefer: Right, so, I'll make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Further discussion?

Commissioner Melcher: I was part of that for awhile, on this, and they do a good job. They were able to find us money and stuff before. So, and, I think we're the ones that ended up hiring them, right? The county.

Darren Stearns: Yes, actually yes, that's why you're asked to sign that letter.

Commissioner Melcher: That's why we were doing it, because we've asked for this already.

President Abell: Okay. Alright. Do I have a motion on the floor? Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Darren Stearns: Thank you.

President Abell: Thank you. I think someone, I think, from MRC came in. Did you want to discuss the AT&T?

John Staples: I'm sorry. I was running late.

President Abell: That's okay. Come on up. We've already voted on it, but you can come up anyway.

John Staples: I'm sorry.

President Abell: That's okay.

John Staples: I don't think I could have found a seat even if I was on time. Sorry about that. John Staples with Computer Services. Did you have any questions? Did you actually review that already?

President Abell: Well, actually, unless our legal counsel didn't get it right, we're just renegotiating a contract with AT&T and it's going to save us money.

John Staples: Re-distribute some bandwidths and some closed places to some places that are still up and needing it. There is no cost associated with that. That's correct.

President Abell: Okay.

Commissioner Kiefer: Our legal counsel did a good job on that one.

Joe Harrison, Jr.: That's what I forwarded to them. I'm glad you confirmed what I said.

President Abell: Considering he doesn't know a thing about IT.

John Staples: I'm sure he did a great job. I'm sure he did. Thank you. Sorry about that.

President Abell: We've already voted on it, so it's already passed.

John Staples: Great. Well, thank you so much. Alright, have a good night.

President Abell: Indiana Southern Railroad Kansas Road construction and maintenance agreement regarding the airport runway project. John Stoll and I see the airport's also represented here. I hope this is really good news.

John Stoll: We finally have an acceptable agreement—

President Abell: Good.

John Stoll: —with the railroad. This agreement basically outlines the provisions where the airport builds the railroad crossing and the county will maintain the road approaches to the crossing on Kansas Road once everything is all reconstructed. So, approving this agreement will allow the airport project to move forward with having the railroad install the new crossing, and then the airport project can then finish the road and move ahead with their runway project. So, it's taken quite a few months to get all of the unacceptable terms out of the agreement, but we finally got it taken care of.

President Abell: Good.

Commissioner Kiefer: John? Oh, go ahead.

Commissioner Melcher: The time frame?

John Stoll: On?

Commissioner Melcher: On all of this, because we've had these discussions before, and I know they didn't build that roundabout or whatever it was supposed to be that we thought should have already been done. So, when are we going to get a time schedule?

John Stoll: I only have approximate time schedules, but in talking to the project manager with R.W. Armstrong out at the airport site, he thought that a ball park estimate for the completion of Kansas would be July, which in turn would allow the permanent closure of Oak Hill between Millersburg and 57 in July. They've been proceeding with as much work as they could. However, until the railroad crossing was installed, the whole project couldn't get finished.

Commissioner Kiefer: John, previously, you know, we had some people out here that had concerns, like Jeff Dike—

John Stoll: Right.

Commissioner Kiefer: — and his business. It sounds like everything is going well now, you know, with access for him.

John Stoll: I haven't gotten any new complaints on that.

Commissioner Kiefer: Right, so issues have been resolved.

John Stoll: Right.

Commissioner Kiefer: Okay, well, I know that you were working hard on that, as well as others.

John Stoll: R.W. Armstrong has continued to look for ways to try and keep the project moving, in spite of the fact that the crossing wasn't completed. So, we're still probably going to deal with changes through the course of the next few months as far as how it's done, in order to try and keep things open as much as possible, but we'll continue to work with them to do whatever we can.

Commissioner Kiefer: Appreciate your efforts on that. That, I know it helps out those small businesses and they appreciate it. Thanks.

President Abell: Is there access to Mr. Dike's property right now? Do you know, Doug?

Doug Joest: The entrance has been open about a month.

President Abell: So, if I was going to go out there to buy strawberries from him, I could get out there?

Doug Joest: Several ways.

President Abell: Okay, good. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

President Abell: Yes.

John Stoll: Thanks.

President Abell: Sorry about that.

Commissioner Melcher: That's alright.

President Abell: I'm just so excited to get that project done.

Commissioner Melcher: They said yes.

President Abell: We said yes at the same time.

Commissioner Melcher: I just want us to be kept in the loop from here on out on this.

President Abell: Yeah.

Commissioner Melcher: Even if it's just an e-mail, because we don't want anymore surprises. Yes. Now, I voted.

(Motion approved 3-0)

President Abell: Old Courthouse lease agreement with Taron Construction and Development LLC, rental of suite 104 in the Old Courthouse for a period of one year at the rate of \$150 a month.

Commissioner Kiefer: I would like to just comment that that suite is very small. So, when you see \$150, you think, wow, that's nothing. Well, it's because it's only like 200 square feet or something. I mean, it's a really small space. It probably wouldn't be used by anybody else. This is just another tenant that helps us fill up the Old Courthouse, and help defer costs on that. So, I'll make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: The Prosecutor's Office, equitable sharing agreement and certification for the Vanderburgh County Multi-Agency Narcotics Task Force and the Evansville-Vanderburgh County Drug Task Force. These certificates are required each year to report the use of federal grant funds received by these two programs. Is the Prosecutor here? I didn't see him.

Joe Harrison, Jr.: I don't think he is. That's okay, these are mandated requirements.

President Abell: Okay.

Joe Harrison, Jr.: The forms are completed indicating the federal funds that were used in connection with the Vanderburgh County Multi-Agency Narcotics Task Force and then the Evansville-Vanderburgh County Drug Task Force.

President Abell: Okay.

Joe Harrison, Jr.: The Sheriff has to do similar reporting, and I think there's another reporting that's done by another agency that receives federal funds as well.

President Abell: Okay.

Joe Harrison, Jr.: This is just the time that they need to get it in.

Commissioner Kiefer: Yeah, this is something that I would like to commend the Sheriff's Department, the Prosecutor's Office on, because you hear in the news about, you know, these drug busts or narcotics arrests, and people will say, oh, Evansville's got a problem. Well, I think it's because Vanderburgh County and Evansville does a better job than most communities. We're out front on these things. So, I really want to commend both the Sheriff/Police and the Prosecutor's Office on this. With that, I'll make a motion to approve.

Commissioner Melcher: I'll second it, but I want to add on to what you just said. It's more than what you said. What's happened over the last three or four years, and I've said this before, just like you did, the reason why we have so many, we're finding them only because of the community. Every neighborhood association by now has probably had that training three times. You know, they've done it at United Neighborhoods, each neighborhood, people know what to do. You read in the paper all the time where they're going on a call of something at one house and they smell something or see something and they check the other house and that's the meth lab. So, I think what it is, Evansville and this part of Southern Indiana, we know what's going on, we're doing it. So, we're finding them, you know Indianapolis and Ft. Wayne and them's got more than we have, they're just not, the community's not in tune like our community's in tune.

Commissioner Kiefer: Not only the neighborhood associations, but the landlords—

Commissioner Melcher: They did it with them too.

Commissioner Kiefer: – yeah, we've been working, everybody's been working together.

Commissioner Melcher: They've done it with civic clubs also.

Commissioner Kiefer: Yeah.

Commissioner Melcher: So, it's great that all of this attention is being done to it.

Commissioner Kiefer: Yeah, I agree.

President Abell: I'll entertain a motion.

Commissioner Melcher: We did it.

President Abell: Oh, we have a motion on the floor? Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Superior Court lease agreement between Vanderburgh County Treatment Courts and DNJ Properties, LLC for office space rental at 2004 Vogel on a month-to-month basis, beginning on 5/1/13. The lease agreement may be terminated upon 30 days written notice. The monthly rental under the lease agreement is \$2,500 a month. Funds to pay such rental amount will come from the Drug Court User Fees. There's no one here?

Joe Harrison, Jr.: I don't think there's anyone here as well. This is, again, where the people come in and have to report in and be tested, etcetera.

President Abell: Why are they just doing it on a month-to-month?

Joe Harrison, Jr.: I don't know if they're looking for other space or what.

Commissioner Kiefer: Is that something we can do in some of our vacant space?

President Abell: That's exactly what I was thinking.

Commissioner Kiefer: I mean, we've got Old Courthouse space still.

Joe Harrison, Jr.: But, again—

Commissioner Kiefer: We've got space at other places.

Joe Harrison, Jr.: All I know is, again, with a month-to-month they can get out of it with 30 days notice, but I just don't have any idea if they're looking for someplace else or not.

Commissioner Kiefer: I wonder if—

Joe Harrison, Jr.: Obviously, they need parking and all that.

Commissioner Kiefer: Yeah, well, I'm okay with making a motion to approve this, since it's month-to-month, but maybe we ought to contact them and see if there's a reason why it has to be outside of one of our county-owned facilities.

President Abell: Marissa, would you contact someone over there and ask them if they could send us an e-mail or something to explain to us why they, about, maybe one of our facilities would certainly save us some money.

Commissioner Kiefer: Yeah, \$2,500 a month. Okay, with that I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Engineer

President Abell: Department head reports. Mr. Stoll, do you have something?

John Stoll: I've got three items this evening. First is an easement dedication request from Vectren. Vectren's requesting that the county provide an easement along the south side of Millersburg Road, west of Firlick Creek. The Millersburg Road reconstruction project basically used up their easement they had out there. It's now been paved over with our new widened roadway. They need to construct a new electric transmission line, so they're asking for a new easement along the south side of Millersburg. It varies in width from 16 to 19 feet. I've looked it over, Joe Harrison's looked it over and we didn't see any problems with it. So, I was going to request that you sign off and allow Vectren to have that easement.

President Abell: Is it optional?

Commissioner Melcher: I don't know, that's what I was thinking. I was trying to figure out how we would do this question. Don't we have to do this?

President Abell: Yeah, it isn't optional, is it?

John Stoll: At this point--

President Abell: No.

John Stoll: – I don't think you would have to. The, when the plans were initially developed for the Millersburg Road project, the title work showed the easement, but the plans didn't, the title work for the parcel that was affected. So, the county went ahead and bought the right-of-way, the plans did not show Vectren's easement, Vectren didn't catch it in the review of the plans. So, our plans weren't exactly correct because it didn't reflect their easement, but they didn't catch that the easement wasn't shown on the plans either. So, that's how it slipped through the cracks. Otherwise, they would have asked for it back when we were trying to get the agreements worked out for the project. At that point then I would say, yes, they would have mandated it. At this point, I would say, it could be optional.

President Abell: Well, my concern is that they're going to be bringing trucks in to put poles up, and are they going to tear up our brand new road?

John Stoll: I wouldn't think so. I mean, we could make sure that they don't.

President Abell: Yeah, I've seen how they don't before.

John Stoll: Since it's--

President Abell: As I recall, Green River Road was being torn up the day we cut the ribbon on it.

John Stoll: I was going to say, in this case, since it's going to be new poles, it would be off the side of the road rather than--

President Abell: Yeah, but they've got to get their trucks out there somehow. I mean, they're not going to fall in out of the sky. So, if they're going to drive them down Millersburg Road, I just don't want them tearing up, that's such a nice road.

John Stoll: Right, and with it being overhead, at least there's no pavement cuts involved. So, that's a plus. I can talk to Vectren and see exactly how they're going to access this and keep you updated on what their plan is.

President Abell: Well, just talk to them and tell them, you know, we're kind of getting a little tired of repaving roads after we've already done them once.

Commissioner Melcher: Would, does this got to be done right away?

John Stoll: They wanted to get moving on the construction of their new transmission line in early May, if I remember right. So, they were asking to get this addressed as soon as possible. Now, whether it was--

Commissioner Melcher: So, if we pass it in our next meeting it's still before May.

John Stoll: I think that was their time tables.

Commissioner Melcher: That would give you time to check with them on how they're going to do it.

John Stoll: I can do that.

President Abell: So, do you want to table it?

Commissioner Melcher: I want to. Yeah, I make a motion to table it so John can find out exactly how they're going to do it.

Commissioner Kiefer: Second.

Commissioner Melcher: And you can voice our concerns about the road.

John Stoll: Okay.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: It's tabled until the next meeting. Okay.

John Stoll: I'll get the information and update you as Vectren provides it. The next thing I had was a sidewalk waiver request for Section Three of Windham Hill Subdivision. Windham Hill is located on the west side of Green River about a third of a mile south of Kansas. Section Three of Windham Hill has no through streets. It does abut Section One, which does have sidewalks, but the developer is asking for a complete waiver in Section Three. Given the fact that it's just a loop street that doesn't connect anywhere, there wouldn't be any continuous sidewalk that gets from Green River to some other county road. We can have the developer of Section Three construct curb ramps that would bring the sidewalks in Section One back to the street, that would make it ADA compliant in that manner, and that would eliminate any problems as far as how the sidewalk terminates between Sections One and Three if you approve the waiver. So, on the basis that it's a loop street that's not going to go anywhere, and the fact that we can address the ADA issues, I would recommend approval of the waiver.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: I'll second it because of what you just said.

President Abell: Further discussion? I was reading your e-mail as you were talking. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The last item I have is a right-of-way purchase offer for parcel 70 on the Green River Road project. This parcel is owned by Diane Stautz and Matthew Murphy. The offer amount would be \$6,185. That offer amount is based on the appraisal that was provided.

Commissioner Kiefer: Well, we need to do it, so, I'll make the motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have. Thanks.

President Abell: Thank you, John. Mr. Craig, did you have anything further? Or, did he leave? Mr. Heck, do you have something? Any other department heads here?

County Highway

President Abell: Marissa, do you want to give Mr. Duckworth's report please?

Marissa Schenk: Sure. Mr. Duckworth could not be here tonight, but he's requesting for permission to advertise the joint city-county pothole blitz. Residents can call in

between April 15th and 19th to the County Highway at 435-5777, or to City Maintenance at 435-6000. Repairs would then be made between April 22nd and 26th. He would also like noted that the County Highway does work four, ten hour shifts, and they are closed on Fridays, so their offices will be open Monday to Thursday, April 15th to 18th, and April 22nd to 25th.

President Abell: I need a motion to give permission for this to be advertised.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Will you take care of that, Marissa? Thank you.

**New Business:
Southwestern Healthcare Letter Regarding Health Dept. Lease
Rescheduling of May 21st Meeting to May 14th
Right to Life Proclamation**

President Abell: Under new business, Southwestern Healthcare letter regarding the Health Department lease.

Commissioner Kiefer: I have a comment about that.

President Abell: Yeah.

Commissioner Kiefer: I don't want to make any commitments on what we're going to do, or what we would like to do with the Health Department lease until we determine ultimately whether or not we can, you know, we may have plans for them in other building locations, such as the former EVSC Admin. building, or perhaps some other location that the county already owns. You know, this gets back to the same deal that we talked about a little bit earlier in this meeting is that we would like to get our county departments in county-owned buildings. So, while it's an attractive offer to reduce our rent, I just think before we jump to any ten year lease, we need to make sure we're taking into consideration all other opportunities of county-owned facilities.

Commissioner Melcher: I agree with you, because I think what's happened, when they thought we were maybe trying to find a building, all of a sudden mysteriously out of the sky they found money to lower the rent. So, if we wouldn't have been doing that, we wouldn't have this in front of us tonight. So, I think it impels us to table this tonight.

Commissioner Kiefer: I agree. If you want to make that motion, I'll second it.

Commissioner Melcher: I will. I'll make a motion that we table this.

Commissioner Kiefer: Second.

President Abell: Do you want to table it until next meeting?

Commissioner Melcher: Until we look at our options, then we can look at it again.

Joe Harrison, Jr.: Why don't you just make a motion to accept the letter tonight, and it can come back when you guys want it to come back.

Commissioner Melcher: Just accept the letter only?

President Abell: Just acknowledge that we got the letter.

Commissioner Kiefer: Yeah, so no contract or anything.

Commissioner Melcher: Okay, and I'll make the motion that we're just accepting the letter as received, not the intent.

Commissioner Kiefer: Okay, I'll second that.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: The next order of business, I would entertain a motion to re-schedule the May 21st meeting to May 14th. May 21st, Mr. Kiefer and I are both going to be out of town.

Commissioner Kiefer: But, not together.

President Abell: True, that's true.

Commissioner Kiefer: I'm going to be at a conference.

President Abell: And, my grandson's graduating high school.

Commissioner Melcher: The minority can't have a meeting without somebody else. One person can't do it, you've got to have a quorum. So, I'll make the motion to change it.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Marissa, will you so advise all of the department heads?

Marissa Schenk: Yes.

President Abell: Thank you.

Joe Harrison, Jr.: I'll put a legal out too.

President Abell: Yeah, it had better be publicized. Right to Life proclamation. Mr. Melcher?

Commissioner Melcher: Yes, do you want me to read it?

President Abell: Sure.

Commissioner Melcher: Okay. We have a proclamation this evening;

“Whereas, the Right to Life of Southwestern Indiana has served as a model citizen-based public advocacy and education organization within the framework of our legal and political system; and, Whereas, the members of this organization have committed themselves to assisting those facing an unexpected pregnancy through numerous and consistent outreach efforts, public education and financial support for local agencies that provide directly for the immediate needs of those in a pregnancy situation; and, Whereas, the Right to Life of Southwestern Indiana has sponsored many events for youth that give them first-hand experience in exercising their rights and obligations as citizens engaging “the public square”; and, Whereas, the members of the Right

to Life of Southwestern Indiana reflect virtues central to our American identity by committing their time and resources to advocate not for themselves, but for those who do not have the ability to represent themselves; and, Whereas, the Right to Life of Southwestern Indiana has demonstrated a consistent and principled dedication to a tenet fundamental to the founding of our nation, namely, the unalienable right to life; Now, Therefore, be it resolved that the Vanderburgh County Board of Commissioners offers this proclamation and appreciation to the officer, board of directors and members of the Right to Life of Southwestern Indiana organization in recognition of their longstanding commitment to upholding and exercising the fundamental civil rights and ensure the dignity of every American, born and unborn; Be it Known That, we, the Vanderburgh County Commissioners, do honor by proclaiming April 18, 2013 as "Right to Life of Southwest Indiana Protecting the Unborn".

Signed by all three Commissioners.

President Abell: That's to be read on the 18th at the Right to Life dinner. I understand the Mayor is doing one for the city?

Commissioner Kiefer: I think so.

Commissioner Melcher: Yes, he, they've already got the Mayor's.

Commissioner Kiefer: Right, and this is something, I know, we did this last year, and probably, I'm sure you guys have done this for many years in a row. So, I'll make a motion to approve. I'm excited about this, and think we need to do it again.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Introduction of Teen Advisory Council Job Shadows
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President Abell: Under new business, I think we have a student with us tonight. Would you like to turn on the microphone, tell us your name and what school you represent?

Tim Stansbury: My name is Tim Stansbury, I'm from Reitz High School.

President Abell: Are you with one of the groups?

Tim Stansbury: Yeah, I'm with the Teen Advisory Council, Youth Resources.

President Abell: Welcome.

Tim Stansbury: Thank you.

President Abell: Thanks for coming.

Old Business

President Abell: Any old business?

Commissioner Melcher: This is not old business, but as I told you at the beginning, I'll probably have to leave a little after six.

President Abell: Okay.

Commissioner Melcher: Just so you know.

President Abell: We'll try to get through it.

Public Comment

President Abell: Public comment? I had a request for public comment from Mr. Basinski. I hope I didn't damage your name too hard.

Stan Blaszczyk: You sure did.

President Abell: If you would like to take the podium and begin.

Stan Blaszczyk: My name is Stan Blaszczyk. I'm here representing a lot of the people that you see back behind me. I would like to present you with a packet of information before we get started.

Commissioner Melcher: Is this what you e-mailed?

Mike Lockard: Basically.

Commissioner Melcher: Okay, but you did send an e-mail, right?

Mike Lockard: Yes, sir.

Stan Blaszczyk: Well, I think we can get started. I wanted to thank you very much for the opportunity to speak. As a community apprehensive about the future we have a number of requests. We are asking the Vanderburgh County Commissioners to respond to a set of questions. These inquiries were put together by many of the people you see here tonight. From our, your constituents' perspective, these are very important concerns. Our second request encourages the Vanderburgh County Commissioners to vigorously engage my community in a discussion that could

constructively challenge outdated ideas that limit effective planning for smart growth and development. We ask that the County Commissioners set up a series of town hall meetings before any further decisions are made about development along the University Parkway corridor. We hope you will agree that we need to understand each other's viewpoint. We are at a critical stage in the history of the west side. Dialogue can go a long way in resolving conflict before people become adversarial. Our group, our neighbors, our fellow citizens would appreciate the Commissioners addressing, through their public answers to the questions in the packet, four main topics. The first topic is the character of the University Parkway area and more broadly the west side. We as a community need to understand how you view us and the Parkway corridor. We need to understand what you think our goals are and our challenges. We need to know what we can do together to plan a transition from our current state to a Parkway community that grows in smart values sustaining manner. We need to appreciate your viewpoint so that we can understand where the conversation between the County Commission needs to go. The second topic is about the new zoning model that we, that was reported in the media. What is it? How does it apply to the University Parkway corridor and our west side community? What are its objectives? How does it affect sustainable growth and development? Where does it come from? If there is about to be a paradigm shift, we certainly want to be involved, both as neighbors and as a community in how this model is applied to the University Parkway. We would like to know at what point will public input be allowed to shape smart zoning for a sustainable community along the Parkway corridor. The third topic, as we move to develop the Parkway corridor we should, how should we evaluate the proposed zoning changes? What information do we need to make informed decisions? The process for evaluating is exceedingly important and not very well understood by the public. How can we make the process as transparent and as objective as possible? The fourth topic is by far the most important. We are asking the Commission to consider an overlay zone for the Parkway. We only get to do this once. We have a pristine area, a highly desirable jewel that is about to change drastically. In ten years the Parkway, and the west side may not be recognizable. Proper and planned development of the University Parkway, using modern standards of sustainability and smart growth will affect current and future generations of Vanderburgh County. Will the Parkway enhance USI, for instance? The economic driver of the west side, or will it detract from it? Three years ago, then Commissioner Lloyd Winnecke commissioned a traffic study of the USI overpass by the MPO. He and the study concluded that the overpass is dangerously inadequate for public safety in the future. This is a very serious concern for all of us. Three years ago on December 8, 2009, the former Majestic Place petition was sent back to the Area Plan Commission until a corridor study could be done. It was a three-nothing vote by the Vanderburgh County Commission to do that study, but the study has never been completed or even initiated. We, as an active, caring, concerned, united community formerly request that you support what the Vanderburgh County Commission has already voted on. We feel it is critical that this Parkway corridor study be done immediately, with significant input before any community altering decisions are made. We desperately need a plan. We need to protect our natural and economic resources. We desire to meet our current needs without compromising our future. We suggest that we review together the development impact study provided in the packet, as an example of what could be done. It is a very thorough document. If it were used to review the Parkway corridor, I'm sure many sound policies could be generated. I want to stress that these requests offer the Commission a rare opportunity to engage an energetic community in a productive planning exercise that will significantly impact the future of a valuable segment of our county. We can define our goals and develop a pathway to a beautiful Parkway and west side that we can all be proud of. All we

have to do is decide to do it. Recently, many of us heard a nationally recognized entrepreneur, T. Boone Pickens, speak at USI and stress the importance of planning. Planning is important on the national level, but it is vital on the local level where it affects how each and every one of us live every single day. I hope each of you, as Commissioners, realize that your actions craft the future of the university corridor and the west side. It can be better or poorer. These neighbors here with me have decided to step up as a community and create our own future. We have chose to participate in our government in a way that removes the cynicism and replaces it with a commitment by our elected officials and the citizenry to think in new ways to solve age old problems. The way to move forward is to build on that participation. To clearly and respectfully state our concerns, and more importantly come up with workable solutions that create a positive future. Albert Einstein once said we can't solve problems by using the same kind of thinking we used when we created them. In a democracy we should get the kind of government we the people shape. By showing up tonight, by focusing on the entire community and the commitment we have shown, both now and three years ago, we are proving that the west side community deserves the best government possible. In our corner of the world we are doing exactly what those guys with the muskets many years ago would have wanted us to do. The decision you make tonight, this evening, right now, whether to engage our assembled community or to blow us off, will be the transformative decision for the west side. The decisions made about the Parkway will unleash forces that will fundamentally change everything forever. The Parkway will not be the same, USI will not be the same, the entire west side will not be the same. Much could be lost. Together, however, we must work to assure current residents and future west siders that change is worth the sacrifices. A thoughtful plan is the only answer. Tonight is that significant. What happens tonight will define the relationship my community has with its elected officials. We need to work together as active, passionate, concerned citizens. Certainly, together with the Vanderburgh County Commission's active participation, we can enhance the Parkway and the west side as a desirable community, a place where people want to come to, come back to with higher property values, and more importantly higher human values. It can be a place worthy of generations of citizens who have worked all their lives to carve out a little bit of paradise. We urge you to take the time to do a comprehensive plan before any rezoning is approved. Engage us in your planning. Listen to the idea of hundreds of people who live near the Parkway. We are looking for the nuts and bolts of how and why and what it will take to create a better future. We suggest that broad input will lead to enlightened answers. In conclusion and summary, we are asking that the Vanderburgh County Commission speak to us about your vision for the University Parkway and the west side. We would ask that you engage our community as an endeavor to understand all stakeholders. We ask that you support the previous Vanderburgh County Commission in an effort to objectively study and understand the University Parkway potential. We ask that you implement an overlay plan for the University Parkway area as an investment in our future. Thank you for allowing me to speak, and we anxiously await your responses.

President Abell: Commissioners? I don't think we have any questions.

Commissioner Kiefer: Thank you.

Stan Blaszczyk: Thank you.

(Applause)

Consent Items

President Abell: Madelyn, consent items.

Madelyn Grayson: The consent items for the April 9th meeting are as follows; we have approval of prior meeting minutes; we have the March 26, 2013 Commission meeting minutes, the April 4, 2013 Executive Session summary minutes, and the county road hearing minutes. The employment changes for the Commissioners approval, there are three for the Health Department, one for the Commissioners and Soil and Water Conservation District, one for the County Highway and one for Weights and Measures. The Sheriff has the Audubon Motors agreement. The Commissioners have a request for appropriation, a request for repeal of funds, notice to bidders regarding sale of 216 West Virginia Street, and the 2013 Arts Council funding request, as well as a letter to the Indiana Gaming Commission regarding bingo at the Coliseum. The County Assessor has a request to waive rental fees/not overtime for the Centre June 11-13, 2013. Evansville ARC has the February 2013 meeting minutes and report of activities. The County Auditor has the March 2013 A/P vouchers. The County Engineer, there's an omission in this next line, it should read approve pay request number 172 for TIF projects in the amount of \$9,560.41, and a department head report.

Commissioner Melcher: Move to approve the consent agenda as written.

Commissioner Kiefer: Second.

President Abell: Further discussion?

Commissioner Kiefer: Yeah, I've got a question. You know, when we waive these requests, even when it's for county departments or county elected offices, do we know, how big of a space do they actually need? When they submit that request do they ask? Because I wonder if we can't start having some of these events or activities held at the Old Courthouse. We're remodeling some of that, some of the space up there is remodeled.

President Abell: Is the Assessor, is the County Assessor here? I don't see him.

Joe Gries: Mr. Fluty is not here. He asked me to try to answer some of the questions. He gave me some information concerning the classes that would....I don't know the size though, unfortunately.

Commissioner Kiefer: Yeah, that's what I'm just saying. I mean, I would love to be able to promote using the Old Courthouse space a little bit more, if we could, just because we're investing money there. You know, we've got a nice space there.

Madelyn Grayson: He's requested Walnut Room A, B, D and E and microphones, a podium, Wi-Fi-

Commissioner Kiefer: So, if might be that it's just....okay.

President Abell: Is this reassessment?

Joe Gries: No, these are IAAO courses that allow, or provide Level III training for assessors and their staff, from not just this county, but from several counties. There will be several counties coming here.

Commissioner Kiefer: Right. Again, I'm not against doing this—

Joe Gries: Right.

Commissioner Kiefer: – I'm just saying if we have opportunities and, you know, maybe it's a small deal or something, why not encourage them to, hey, go look at the Old Courthouse, maybe there's a room there they could use.

President Abell: Do you know if he's charging the other counties to come here?

Joe Gries: They have to pay a registration fee, but, I believe, you know, as far as the rent or anything like that, that's what they're asking for.

President Abell: Where will the registration fee go to?

Joe Gries: That goes to whoever is teaching the class.

President Abell: Because the Public Defender is doing this, and he's charging other counties to come here, which we could use to offset some of our expenses.

Joe Gries: I don't believe he's doing that. The thought was to have it here locally to try to defer travel costs, because it's a week long class, a stay in a hotel and per diem and all of that.

President Abell: That's why the Public Defender is doing it also.

Joe Gries: Yeah.

Commissioner Kiefer: Right.

President Abell: Okay.

Commissioner Kiefer: So, they are spending money here in the community and shopping here and going to restaurants and stuff. No, I'm all in favor of it, I just wanted to promote the idea that if there is an event and somebody wants to use the Old Courthouse, let's at least promote it within our own county offices. Thank you.

President Abell: Further questions? I have a motion on the floor. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Final Reading of Rezoning Ordinance VC-1-2013
Petitioner: Brenda J. Fishburn
Address: 1400 Tupman Road
Request: Change from Ag to C-2 with UDC
Action: Approved 3-0

President Abell: Janet? Final reading of VC-1-2013 as amended. Brenda Fishburn, 1400 Tupman Road, change from Ag to C-2 with a use and development commitment.

Janet Greenwell: Mrs. Fishburn is here tonight. The Plan Commission heard this initially in January and voted, well, they strongly suggested that Mrs. Fishburn amend her, not her use and development commitment, but amend her legal description to a smaller area. Once she did that, she came back to Plan Commission, the use and development commitment was acceptable to the Plan Commission. As a matter of fact, one of our members is a, just lives a stone's throw from her house and he said that he was very happy to see that she cut the size of the lot down to just the two out buildings. She has a commitment to rezone the property back to agricultural when she, if and when she terminates her living there. It was recommended for approval with ten yes and one abstention at Plan Commission. She's planning to do a little dog grooming shop, and her use and development commitment limits it just to that and nothing else.

President Abell: Yeah, I think I understood that she really was rezoning more than she really needed.

Janet Greenwell: She was rezoning more than she really needed, and the Commission members raised the issue of making her house legal non-conforming, which we've all seen it, it becomes a nightmare when you go to sell. So, this will, if she wanted to add on to her house or do some improvements to her property outside of the C-2 area, she's not constricted from doing that by the fact that she's limited the C-2 area just to the small out buildings.

President Abell: Okay. Did you say she's here?

Janet Greenwell: Yes, she's here.

Joe Harrison, Jr.: Anybody that wishes to speak on this petition, other than Janet please raise your right hand. I guess, you.

Brenda Fishburn: Oh, yeah.

Joe Harrison, Jr.: Do you swear, affirm the testimony that you're about to give is true and accurate, so help you God?

Brenda Fishburn: Yes.

Joe Harrison, Jr.: Thank you.

President Abell: I only have—

Joe Harrison, Jr.: State your name again. I'm sorry.

President Abell: I'm sorry.

Brenda Fishburn: Brenda Fishburn.

President Abell: You understand everything and you're okay with it? You know why--

Brenda Fishburn: Yeah, oh, yeah.

President Abell: Okay, I just wanted to make sure that--

Brenda Fishburn: I'm fine.

President Abell: Okay. Any other questions?

Commissioner Melcher: No.

President Abell: Any remonstrators to this rezoning?

Commissioner Melcher: Move for a do pass.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I wish they were all this easy. I'll vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck to you.

Brenda Fishburn: Thank you so much.

**Final Reading of Rezoning Ordinance VC-3-2013
Petitioner: Beverly Renea & Rick A. Straub
Address: 7700 Nisbet Road
Request: Change from Ag to C-2 with UDC
Action: Approve 3-0**

Janet Greenwell: The second item that we're bringing tonight is VC-3-2013, which is a petition to rezone 7700 Nisbet Road from agricultural to C-2 with a use and development commitment. This is one, Mr. Melcher, I heard you last month and we

sent out a memo to all of the Plan Commission members when the new use and development commitment was filed, soliciting their comments. I gave them all three of your e-mail addresses. I heard back from several that they were really pleased to see that they are being kept informed so that they could, if they wanted to, not that they would have any input, but if they wanted to they had an opportunity to voice to you whether they were happy with the use commitment.

Commissioner Melcher: We brought that up because of that new law.

Janet Greenwell: Yes.

Commissioner Melcher: I'm still not, I still think it needs to be tweaked or something, because I don't think Area Plan when they vote, they're not voting on the plan. I guess it's hard to explain. They're voting on this, but they, and the attorney keeps telling them if you don't think you're going to pass this, then if you're going to have a special use that comes down, I think maybe, I know why we did it, to save them money from re-advertising and everything, but I think if we could have them come back to Area Plan—

Janet Greenwell: Well, I don't believe it was just the money.

Commissioner Melcher: It was the time.

Janet Greenwell: The time constraint.

Commissioner Melcher: Yeah.

Janet Greenwell: Because to file and re-notify, that the ordinance requires, adds two to three months on the development time.

Commissioner Melcher: No, I know, but if you've got a meeting that night on a zoning and everybody's there and you change it and say, well, okay, in two weeks we're coming back....well, Area Plan it would be a month, but then in a month we're coming back, we're only holding them up one month. They don't have to re-advertise anything, but that's not what the state did.

Janet Greenwell: Yes, sir they do.

Commissioner Melcher: I know they do, but I'm just saying I think this thing wasn't thought out in the beginning. It's not our fault.

Janet Greenwell: I understand.

Commissioner Melcher: But, I don't think the state thought of that when they passed the law to do it, but anyway we're trying to keep everybody informed. The City Council also did the same thing

Janet Greenwell: Well, we will do the same with City Council. Anytime there is an amendment made after Plan Commission, we will send out the amendment, the new use and development commitment, the amended use and development commitment, any information that we have, we're going to send it to all of our Plan Commission members and invite them to give comment on whether they agree with what the intent was, to make sure it's what they actually intended. I don't know if any of you

had any responses. I had several of the Plan Commission members e-mail me back and say thank you, we would like to be informed.

President Abell: Yeah, I actually had one of the Plan Commission members tell me that they like knowing what we knew.

Janet Greenwell: Exactly.

President Abell: So, I think it's a good idea.

Janet Greenwell: Okay. The Plan Commission did vote eight yes, two no and one abstention. That was without a use and development commitment. The commitment was filed after Plan Commission voted.

Commissioner Melcher: I was supposed to pass on my remarks that they passed it knowing a use and development commitment was coming.

President Abell: Okay.

Commissioner Melcher: That's why some of them voted that way. Some of them stuck by what the attorney said and voted no. I abstained, because anything coming to us, I'm abstaining it.

President Abell: What's this for? What's this going to be?

Commissioner Melcher: I don't remember.

Joe Harrison, Jr.: All of those who wish to speak on this petition, why don't you raise your right hand. Do you swear, affirm the testimony that you're about to give is true and accurate, so help you God?

Dave Wanninger: Yes.

Beverly Straub: Yes.

Joe Harrison, Jr.: Thank you.

President Abell: Come forward and give your name.

Dave Wanninger: I'm Dave Wanninger with Accura Engineering, representing the Straub's.

President Abell: Okay.

Beverly Straub: I'm Beverly Renea Straub. I'm the landowner.

President Abell: Okay. Is there someone here that's against this? What are you going to do there?

Commissioner Melcher: It's a recreation...isn't this the recreation one?

Dave Wanninger: It's a family recreational facility that the Straub's want to develop. The reason for the use and development commitment, in the review for the Area Plan, I think the County Engineer noted that there would be some uses in the C-2

that could generate heavy truck traffic, and Nisbet Road is a narrow road at that point, at 65. So, he had a concern with that. So, the use and development commitment went back and went through the different uses to determine what might generate heavy truck traffic and eliminated those.

Commissioner Melcher: And there was some questions that if she zoned all of the land or whatever that she wouldn't be able to do what she wanted to do down the road on part of it.

President Abell: Yeah.

Commissioner Melcher: So, I think it worked out in everybody's best interests, if I remember right.

President Abell: Okay.

Commissioner Kiefer: I'm going to make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Roll call vote.

Commissioner Melcher: Remonstrators?

President Abell: I asked for remonstrators, there were none.

Commissioner Melcher: You did? Okay.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Going off the strength of the engineering firm, I'm going to vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Dave Wanninger: Thank you very much.

Beverly Straub: Thank you.

President Abell: Thank you. Is that all you have, Janet?

Janet Greenwell: (Inaudible. Not at microphone.)

President Abell: Is that it? That's okay. I thought that was all you had.

Janet Greenwell: Yes, that's all I have, and I thank you.

President Abell: Thank you. Any further business to come before the County Commissioners?

Commissioner Melcher: I move to adjourn.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Oh, Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioners Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: We are adjourned.

(The meeting was adjourned at 6:03 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the March 26, 2013 Commission Meeting Minutes.
Approval of the April 4, 2013 Executive Session Summary Minutes.
Approval of the April 4, 2013 Road Hearing Minutes.
Appropriation Request: Centre Contractual.
Request for Repeal of Funds: Centre Contractual.
Notice to Bidders: 216 W. Virginia Street (County Owned Property).
2013 Arts Council Funding Request.
Letter to the Indiana Gaming Commission Regarding Bingo at the Coliseum.
Evansville ARC February 2013 Meeting Minutes & Report of Activities.

Employment Changes:

Health Dept (3)	Weights & Measures (1)	Comm/SWCD (1)
County Highway (1)	Prosecutor (2)	DADS (1)
Sheriff (4)	County Clerk (2)	Assessor (2)
Circuit Court (1)		

Sheriff: Audubon Motors Agreement.

County Assessor: Request to Waive Fee/Not OT for Centre: June 11-13, 2013.

County Auditor: March 2013 A/P Vouchers.

County Engineer:

TIF Pay Request No. 172: \$9,560.41.
Department Head Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Dave Rector	Darren Stearns
Steve Craig	John Stoll	Sherman Greer
Doug Joest	Tim Stansbury	Stan Blaszczyk
Janet Greenwell	Brenda Fishburn	Dave Wanninger
Beverly Straub	Mike Lockard	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 23, 2013**

The Vanderburgh County Board of Commissioners met in session this 23rd day of April, 2013 at 5:05 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the Vanderburgh County Board of Commissioners meeting of April 23, 2013.

Attendance Roll Call

President Abell: Could I have roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Would you please stand and join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

**Permission to Open Quotes:
VC13-03-01: Old Boonville Highway Bridge No. 1530 Replacement
VC13-04-01: Marx Road Bridge No. 1320 Deck Replacement**

President Abell: I would entertain a motion for permission to open quotes on the....do I need to do these separately, Mr. Harrison? Or, can I do them both at one time?

Joe Harrison, Jr.: Why don't you do them both separate.

President Abell: Okay, to open quotes on the Old Boonville Highway bridge number 1530 replacement.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Now, I would entertain a motion to open quotes on the Marx Road bridge number 1320 for deck replacement.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Highway

President Abell: I'm going to make a little change in the agenda, simply because Mr. Duckworth has to leave. I'm going to move him up for the department head reports so he can get his in quickly. We were going to approve our road, final road repair tonight, and there's been a little change and he's going to explain that to us.

Mike Duckworth: Thank you, Commissioner Abell. Ladies and gentlemen, Mike Duckworth, Superintendent of the County Highway Department. This evening I come to you with a request to delay our final findings in regards to our annual resurfacing list. You know, I don't think there's any surprise that, you know, the state of revenue in the Highway and Local Road and Street Funds have been depleted over the years due to high gas costs and the lack of number of people driving. It all affects excise tax, surtax, wheel tax, all of those revenue sources that bring money into Vanderburgh County for, that feed our budget so it will allow us to repair as many roads as possible. Currently there are, there's a House version and a Senate version

of a funding bill to give, hopefully, some of our local road and street departments some relief for some of the lack of revenues. I've been following this very closely, I have communicated with Senator Luke Kenley, with our local Representatives Suzanne Crouch, Vaneta Becker and Jim Tomes, and I would tell you that I have absolutely no idea, and I don't know that they do at this point as to how that funding is going to land. The Senate version calls for local surtaxes to have to be at 50 percent to cause us to be able to get that funding, to qualify us. We're at 20 percent. In discussing this with County Council people, that's not going to work, because, basically they're not going to agree to, of course, raise those local taxes at one swoop, at one time, or, maybe not even at all. The House version is a little more friendly, and they're still in committee deciding that. I just don't think it would be prudent for us to make decisions at this time and get people all amped up about their roads being repaired without knowing what kind of funding source we're going to have in years to follow. I think it would be probably wise on our part to wait and see. The session ends, I believe, April 30th, so, I would ask to be able to come back on the 14th, if possible, and we'll know more about funding sources. I'll get with Councilmembers and Commissioners and we'll finalize our list at that time.

President Abell: Commissioners?

Commissioner Kiefer: Well, it makes sense to me. So, I would make a motion to accept his recommendation.

Commissioner Melcher: I agree, so, I'll second it.

President Abell: Before we vote I have a question. Do you think, and you may not be able to answer this, maybe the Auditor might be able to help us, do you think the difference in the 20 percent and the 50 percent is the amount we would get back from them anyway? In other words, if we could tax our people the additional 50 percent and keep it here, would we be better off?

Mike Duckworth: I don't that answer. That's somebody that works with a calculator daily.

President Abell: I was just wondering if we're sending more up there than we're getting back.

Joe Gries: In 2012 the county received right around \$590,000 in Excise Surtax, which is what you pay on the passenger cars and motorcycles. So, if you increase that by two and a half times, which is going from 20 percent to 50 percent, you're in the range of \$1.3 million. Now, the increase in the Senate version that Mike talked about for the state funding, we would only see, for the first fiscal year—

Mike Duckworth: \$390,000.

Joe Gries: – \$390,000. So, we would be increasing the local tax way more than what we would be receiving from the state.

President Abell: In other words, we would be sending a lot more to them than they're going to send back to us?

Joe Gries: Well, that money does come to us. That's a local tax. So, it does stay here, but it does get funded, or get funneled to the city and to Darmstadt as well, depending on the calculations.

Mike Duckworth: We don't know which version they are going to accept, or if they're going to modify one version and compromise, or whatever the case may be. You know, we're looking at a significant shortfall next year in our budget. I would hate to go out and spend up a bunch of the revenues that we have for this year. We may have to put some aside for next year. I'm just trying to be as cautious as I can, because first and foremost we have enough work for the workforce that we have, believe me, with trees down and ditching and all of those things, you know, I would just rather wait and make the decision thereafter so that we can make a good decision. I will tell you that at the road hearing we had a gentleman come in and complain about a problem on Hilton Court, that's been fixed. We also had someone complain about needing some crack and sealing in Malibu Subdivision, and we used up our allotment there, so we're waiting for more to come back. So, we are working through some of these issues, but I don't want to make, you know, \$200,000 to \$300,000 to \$400,000 worth of obligations and then find out that we're not getting any money and have to change our course.

President Abell: I think that's prudent. Any other discussion? I have a motion on the floor, roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Mike Duckworth: Thank you.

President Abell: Thank you, Mr. Duckworth.

**Second/Final Reading of Ordinance CO.04-13-004:
Amending Ch. 10.28: Parking on County Streets**

President Abell: We will go back to the agenda, on our action items, second and final reading of CO.04-13-004, the ordinance about prohibiting street parking. Is there someone here to talk to this?

Joe Harrison, Jr.: Mr. Stoll was here last time. He may want to come up, but I think he addressed the questions last time, but this is the second and final reading.

President Abell: Yeah, I just want to see if the, Commissioners, do you have any further questions?

Joe Harrison, Jr.: If there's any remonstrators.

Commissioner Kiefer: I think, you answered my questions last time. So, I was satisfied.

John Stoll: Yeah, this was all initiated as a result of complaints we were receiving from businesses out there.

President Abell: Okay.

John Stoll: This was on Rusher Creek Drive and Elpers Drive and Schroeder Road.

President Abell: Is there anyone in the audience that are here to address this issue?

Commissioner Melcher: I make the motion to approve.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Permission to Award Bids for Pool Chemicals at Burdette Park

President Abell: Permission to award the pool chemicals to Leslie's pool, pool and Brenntag. Is Steve Craig here? I didn't see him.

Joe Harrison, Jr.: Or, is Debbie Spalding, is she here?

President Abell: Oh, okay. Jerry is here.

Jerry Grannan: Good evening, Jerry Grannan, Burdette Park.

Madelyn Grayson: You all should have a spreadsheet also on your desks.

Commissioner Melcher: This one here.

Jerry Grannan: Where the bid sheet went out to. Brenntag is typically lower, they're just across the river.

President Abell: Meaning they're in Henderson?

Jerry Grannan: Yes, I'm sorry.

President Abell: Okay. I'm assuming Leslie's Pool must be in Vanderburgh County?

Jerry Grannan: Yes, they are. Very close on those two.

Commissioner Melcher: So, is the plan to get what you shaded from that? So, the one you're getting from Leslie's Pool and the rest from Brenntag?

Jerry Grannan: Yes, the pinks are what we're going to obtain.

Commissioner Melcher: Well, ours didn't come out pink, but it's shaded.

Jerry Grannan: Okay.

Commissioner Melcher: It's shaded, that's why I said shaded.

Jerry Grannan: On the Brenntag bid, they get the Isocyanuric Acid, they get the DDR Muriatic, they get the Calcium Hypochlorite, and they get the Copper Sulfate bid. Then Leslie got the CCH Granular.

President Abell: So, you basically picked the lowest of the two of everything?

Jerry Grannan: Yes, and actually Debbie Spalding was involved in this one. She can answer any specifics.

President Abell: I don't have any problem with it.

Commissioner Melcher: No, I'll make a motion to accept from both companies what's shaded on our sheets.

Commissioner Kiefer: So, to make sure I understand this correctly, we would buy the CCH Granular for \$144.95 from Leslie's Pool, but then we would buy the other products from Brenntag?

Jerry Grannan: That's correct.

Commissioner Kiefer: Okay, I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Okay, thank you.

Jerry Grannan: Thank you.

**Superior Court: Home Verification Officer Agreements (2)
Superior Court: Juvenile: Addendum to Cedarbridge Youth Center
Burdette Park: Reising Sons Originals Contract: Fantasy Shelter
Burdette Park: Express ATM Agreement
SMG Management Agreement for Burdette Park
County Assessor: Tyler Technologies Agreement Addendum
Sheriff: DOC Grant Agreement for Community Corrections**

President Abell: Under contracts, Superior Court, home verification officer agreements with Deputy Sheriff Kelly Williams and Deputy Sheriff Ryan Barrett for drug and alcohol testing for individuals on probation. It runs from May 1, 2013 to May 1, 2014. The Deputies are paid \$27.50 per hour. I do see someone from Superior Court here. Do you gentlemen have any questions?

Commissioner Kiefer: I think I just want to make sure, this is separate from their regular pay? It doesn't create extra comp, or extra, you know benefits or anything?

President Abell: I think they're employed like an independent contractors at this stage, aren't they?

Commissioner Kiefer: Right, okay.

President Abell: Is that correct, Mr. Harrison?

Joe Harrison, Jr.: Yes, that's correct. We've communicated with the state on this, and they are comfortable with the arrangement. Again, they're off duty Sheriff Deputies at the time that they are doing this work.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Addendum to the agreement of May 5, 2011 with Cedarbridge Treatment Centers LLC. It increases the per diem rate from \$99 a day to \$109 a day

for placement of juveniles at the detention facility in Muncie, Indiana. The new rate will start on May 6, 2013 and will be in effect until December 13, 2013.¹

Bernie Faraone: Hi, Bernie Faraone with Juvenile Court.

Commissioner Kiefer: I kind of remember this from last year. I was amazed how cheap it was done. So, it doesn't seem like this is a very significant increase.

Bernie Faraone: No, I think a couple of years ago it was like \$139 per diem, and then we kind of like cut the business with them and re-negotiated. They brought it down to \$89, and then it's increased ten dollars every year. They wanted, our contract has been from May to May. They've communicated that they would like to go from January to December now. So, this one would run through December, and we don't know what the per diem will be in January.

President Abell: That probably makes it better for your budgeting too--

Bernie Faraone: Yeah.

President Abell: -- since we're on a calendar year also.

Bernie Faraone: It will match that.

Commissioner Kiefer: Yes, I'll make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Bernie Faraone: Thank you.

President Abell: Thank you. Burdette Park, shelter house contract with Reising Son Originals LLC. The cost of the project is \$9,000. Reising Son Original was the only bidder which submitted a quote to construct the proposed shelter house. Is this the....yeah, okay. This is the original design.

¹Should be December 31, 2013.

Joe Harrison, Jr.: The insurance, I've looked at the certificate of insurance that's been provided. I think I gave a copy to Madelyn. The contract appears to be in order. I guess, they're wanting to get started here in the near future, and the money is available.

Jerry Grannan: Immediately, she's got USI student volunteers.

Commissioner Kiefer: Motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Have you gentlemen seen the diagram?

Commissioner Melcher: Yes.

President Abell: Okay, alright.

Commissioner Melcher: It was a long time ago, that's why I had to refresh my memory at the last meeting.

President Abell: Okay, I just wanted to make sure you had seen it. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I think you have one more. The agreement with Express ATM, a two year site lease agreement to place an ATM at Burdette Park. The county will receive fifty cents on each transaction up to 100 each month, and a dollar for each transaction over 100 each month. Where is this going to be, down by your office?

Jerry Grannan: The main office, uh-huh, and it is needed. We do have, we send everybody to Wal-Mart right now.

Commissioner Kiefer: It sounds like a good deal.

Jerry Grannan: It should be.

Commissioner Kiefer: It's good for the customers, and we get a little stipend for it.

Jerry Grannan: I don't believe we'll generate a lot of revenue, but I think it's going to be very convenient for the summer people. I really do.

Commissioner Kiefer: Right.

President Abell: Does someone come out and refill that with money?

Jerry Grannan: As far as I read...Joe took care of (Inaudible) put together.

Joe Harrison, Jr.: As needed, you know.

President Abell: As needed? Okay.

Joe Harrison, Jr.: That's the key. They also, I think they have one at the Centre, and then at the Ford Center as well. So, they're familiar with the government buildings here, and they have one in the Civic Center here. They've got the one on the first floor.

Jerry Grannan: As I read into it, we're just responsible for making sure this machine stays on the property.

Joe Harrison, Jr.: Yes, that's it.

Jerry Grannan: That's pretty much it.

Commissioner Kiefer: I think it's a good service. I'll make a motion to approve.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you. I think that's it.

Jerry Grannan: Do you want me to stay with Darren and the SMG?

President Abell: Sure. Darren, do you want to come up? The SMG park management agreement for the management and promotion of Burdette Park. SMG will receive an annual fee of \$25,000 for their services, with a possible incentive fee if they meet certain annual budget savings criteria. The county's initial \$25,000 annual fee will be pro-rated for a period of eight months for 2013, as SMG's services will begin on May 1, 2013.

Darren Stearns: Hello, Darren Stearns, SMG and the Centre.

President Abell: I don't think I have any questions. I've kind of lived with this thing for the last couple of months, but maybe the other two Commissioners do.

Commissioner Kiefer: I think I understand what you're going to do, but just, if, you know, for the sake of the audience, I guess, I mean, what's the very first thing you're going to do? I mean, you get this contract, what are you doing coming out of the gate?

Darren Stearns: Well, right now we're working on getting staff to, for the aquatic park and concessions and getting concessions and working with Debbie on the bids for the concession items, pouring rights. That's the very first thing that we're working on when we get down there. We will have a finance person that will start doing some financial reporting and stuff for Burdette Park.

Commissioner Melcher: You're going to do the advertising too?

Darren Stearns: We will do the advertising, depending on what the existing budget is.

Commissioner Melcher: Well, the existing budget is zero.

Darren Stearns: Well, we'll be working on that then with what we can, yes.

Commissioner Melcher: No, seriously, because when the budget was, we always had budget money for that, and they did it in-house and farmed some out and it was really good. Then it went to the convention center, because the convention center convinced the Council that they could do it. Then, what they did couldn't hold a candle to what we were doing. That's why I know it's zero.

Darren Stearns: It went to the CVB, and I knew that had happened last year, but I didn't know if that was the entire budget. Again, there's ways of going about it with, you know, without cash. It makes it a little bit more difficult, but that's something we'll have to look at when we get into it, but we have plenty of ideas on marketing and sales as far as the park.

President Abell: I am scheduled to appear before Council on that.

Commissioner Melcher: I was getting ready to say, I think we need to go to Council and tell them we want to go ahead and get our, I forgot what it was, but it wasn't much money.

President Abell: No, but I will be presenting to Council and I will discuss it when I present to Council.

Darren Stearns: Great.

Commissioner Kiefer: Darren, when you're out representing SMG, I mean, I'm assuming you guys have a sales staff or a marketing staff that are calling on people for the Centre, are there events that, groups that you call on that you could say, hey, look, not only do we have the Centre, but we have this facility, the facility at Burdette Park? You're already calling on people now, you can just go ahead—

Darren Stearns: Sure.

Commissioner Kiefer: – and talk to them about this?

Darren Stearns: There, you know, depending on what the group is, and what they're wanting to do, it could be a price situation, it could be the number of attendees, it could be something that we're booked a particular weekend and the space that they're looking to have at the Centre or the other way around, and we can direct them to the other building, you know, Discovery Lodge or any of the shelters themselves. So, yeah, the sales people will be out and they'll be selling both properties.

Commissioner Kiefer: Right, that's what I was getting at.

Darren Stearns: Yes, yes.

Commissioner Kiefer: So, I mean, there is some synergy that you get from your people. It's not like you're starting from ground zero. I mean, you've already got–

Darren Stearns: Yes. No, we have staff in place that will be doing that.

Commissioner Kiefer: Right.

Darren Stearns: Then we have a marketing, a Director of Marketing and Sales that's at the Centre that will be spending a lot of time at Burdette.

Commissioner Kiefer: Okay, alright, thanks. I don't know, has anybody made a motion yet?

Madelyn Grayson: No.

Commissioner Kiefer: Okay, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: I have a motion. Any further discussion?

Joe Harrison, Jr.: Could I just mention one thing?

President Abell: Sure.

Joe Harrison, Jr.: I think that Joe Gries is going to get with you, I think, in the next few days–

Darren Stearns: Okay.

Joe Harrison, Jr.: – on probably some issues.

Joe Gries: That's where the budgeting comes in.

Darren Stearns: Thank you very much. I appreciate that, yes. Yes, okay.

President Abell: I just want to say, you know, we County Commissioners are not in the entertainment business. This is, we see this as an opportunity to take an asset that the county owns and putting it in the hands of someone who is in the entertainment business. So, we're, you know, we're really looking forward to this

helping Burdette. It's a great facility, and we would like to see it really utilized much, much more.

Darren Stearns: Thank you. We appreciate that. I look forward to working with Jerry and Steve as well. It's really exciting. It's something different. Like you said, it's got different qualities than the Centre itself, so there's other opportunities there that we might not have at the Centre and the other buildings that we've had in the past. So, we're really looking forward to it.

President Abell: Good.

Commissioner Kiefer: I'm thinking like, there's probably, like with these BMX and other things like that, there's probably some national—

Jerry Grannan: Exposure.

Commissioner Kiefer: — yeah, exposure that we can get promoting this property.

Darren Stearns: Actually, I believe, if I remember right, you already have the national BMX or have in the past, but, yes, uh-huh.

Commissioner Kiefer: Yeah, but, I mean, there's probably affiliate things affiliated with that, or other uses for the track. I don't know, but I'm excited about it and looking forward to seeing good things.

Darren Stearns: Okay, thank you. Appreciate it.

President Abell: You know, and I think one of the, and I'll let you speak, Jerry. One of the things I think could be very exciting is, as you market to get conventions here, after we get a new place for people to sleep when they come to conventions, I think it would be, you know, how, what a nice thing to say to a man who's coming to a convention, bring your family, look what, you know, look at Burdette Park, you know, their kids could have a ball out there. You know, you might not would know, as having been a mother and married to a man that went to a lot of conventions, you know, sometimes I didn't want to go or take anybody with us, because we didn't think there would be anything for them to do. So, I think this is a great opportunity for us to advance our convention business as well.

Darren Stearns: Yeah, and you're totally right. There is always, usually at least a social time frame for everybody, which could also be down at Burdette Park in the evening. They might be able to have a cook out or something different than they normally do, but also the family members are looking to that. They're looking for the museums, they're looking for the parks, you know, the water park is a prime example of something that they could take the kids to, the miniature golf that's down there.

Commissioner Kiefer: Well, especially with the trolleys, you know, maybe they could coordinate when they're booking a convention, if they wanted to do an event, a side event out at Burdette Park, you know, a side activity, you know, they could coordinate that with METS and even have transportation from the hotel, the Centre to Burdette Park.

Darren Stearns: Sure, that's a possibility. Like I said, the conventions that we're doing now, our conferences that we have now, that's what we're having to do as it is, provide their bus transportation. The CVB helps us with that quite a bit, to get

them back and forth. So, it's not anything different than what we've been doing. It's just adding another stop for that.

Commissioner Kiefer: Okay, thanks.

President Abell: Jerry?

Jerry Grannan: I just wanted to publicly say that both Steve and I are fully embracing these folks. I really think, what we have to do is change a mind set, because everybody thinks of just parks and recreation, but it's not that anymore. It has to be family-oriented entertainment.

President Abell: Yeah.

Jerry Grannan: I think they are going to really help us out.

President Abell: Well, I think that just broadens your horizon to have somebody who—

Jerry Grannan: Sure.

President Abell: — is out there.

Jerry Grannan: And to have several hundred acres of what we do have, we don't utilize a lot of that. I think these people are going to open our minds up to certain areas.

President Abell: True. Well, since Mesker Amphitheater is gone, I would love to see some concerts out there at night.

Jerry Grannan: I'm all for that.

President Abell: I can think of a lot of things that would be just great out there. Okay, thumbs up. We're looking forward to it. Thank you.

Commissioner Kiefer: Thank you.

Darren Stearns: Appreciate it.

President Abell: Do I have a motion on the floor? Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Glad to have that done. County Assessor, addendum to Tyler Technologies agreement. I did see him here, yes. Amendment is exercising the county's option to have Tyler photograph approximately 6,500 commercial and industrial properties in Vanderburgh County, for a price not to exceed \$20,000 to be paid from the Assessor's Reassessment Fund.

Bill Fluty: That's correct. You might remember you passed this contract maybe about five or six weeks ago for residential properties in Vanderburgh County. They were just replacing old pictures. We've always had pictures of every home in Vanderburgh County, but this will be current and they'll be done shortly. They've already captured 26,000 residential properties. The quality is good. There's a sketch feature with this, which is an overlay. It also puts the GIS² mark on the front door that allows 911, the police and fire, to actually access these locations when they're in transit, so they can get to the people. So, it has that factor. As you remember, I had letters from all of those agencies. Now, we're going a little further and we're asking for all of the commercial, industrial and the exempts, and that was the real interest of the police and fire. Not that they're not interested in the rest, but they have some interest in seeing those and having those pictures on file and having that GPS mark when they're in transit for that. So, this is just, we like what they did earlier with the residential. We would like to get them all done this year, and we do have the money available to do that. So, that's why I'm back.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? If you're pleased with them, I'm happy.

Bill Fluty: I'm pleased.

President Abell: Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Bill Fluty: Thank you.

²GPS.

President Abell: Good luck. Sheriff Department, a Community Corrections grant agreement, EDS# D25-14-058 for the sum of \$1,818,528 for the operations of the Vanderburgh County Community Corrections program. The term of the DOC agreement is from July 1, 2013 to June 30, 2015. Is there anyone here to speak to that? Mr. Harrison, would you like—

Joe Harrison, Jr.: Yeah, I spoke to the Sheriff, the only thing I'm not one hundred percent sure about, is that a two, it said till '15, but I don't know if that's a one year. The agreement does say it's through 2015. So, I didn't know if you all knew before if it was a two year.

Madelyn Grayson: It's been annually for the last few years, but I don't know.

Joe Harrison, Jr.: I think it's probably a one year. I think that might have been a mistake.

President Abell: But, the amount is not a mistake, \$1,818,000?

Joe Harrison, Jr.: No, the amount is not a mistake.

Commissioner Kiefer: Well, do we need to note—

President Abell: We need to know, I think.

Commissioner Kiefer: We can't vote.

President Abell: I mean, I think we need to know if we're paying \$1,800,000 or half of that.

Joe Harrison, Jr.: No, we're not paying anything, we're getting the money.

President Abell: I mean, I didn't mean paying, but I think we need to know if we're going to be getting \$1,800,000 or get half of that.

Joe Harrison, Jr.: No.

President Abell: If it's two years or one year.

Joe Harrison, Jr.: No, it's been that amount.

President Abell: It's been that amount for a year?

Commissioner Kiefer: That's what I remember.

President Abell: So, we assume it is a year?

Joe Harrison, Jr.: Yes. It says, it said '15, do you see that in there?

Commissioner Kiefer: Why don't we vote on it to go through—

President Abell: '14?

Commissioner Kiefer: —June 30, 2014. Then, that way we've got a for sure year agreement, and we've got to re—

Joe Harrison, Jr.: Yeah, on page one of it, I don't know if, Madelyn, at the very bottom of the grant agreement.

Commissioner Melcher: Yeah, number four.

Joe Harrison, Jr.: It says the grant agreements commences on July 1, 2013 and shall remain in effect through June 30, 2015. Why don't we go ahead and approve it, and we can get clarification from the Sheriff before it goes into effect.

Commissioner Kiefer: Okay.

Joe Harrison, Jr.: If that's okay with everybody.

President Abell: Want to make a motion with it ending in '14 though?

Joe Harrison, Jr.: That's fine.

President Abell: Okay.

Joe Harrison, Jr.: I know it doesn't end in '13.

President Abell: Yeah.

Commissioner Kiefer: I make a motion to approve the DOC Community Corrections grant agreement with the term ending June 30, 2014, starting July 1, 2013.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Attorney

President Abell: Department head reports. Do you have something?

Joe Harrison, Jr.: Yes, I have the bids.

President Abell: That's yours? That's fine, I just wondered if you had something else.

Joe Harrison, Jr.: No, I don't have anything else, but I can wait if you want me to.

President Abell: No, let's go ahead and talk about the bids then.

Joe Harrison, Jr.: I have the bids on the Old Boonville Highway bridge replacement, bridge number 1530. There were three submissions, they were from Blankenberger Brothers for \$250,400; Deig Brothers Lumber and Construction submitted a bid for \$381,716; and then the final one from Ragle, Inc. in the sum of \$277,060. So, those were the three bids, and I would ask that all three be taken under advisement and Mr. Stoll can look at the information and get back with us.

President Abell: I'll entertain a motion to take these bids under advisement.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Okay. Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: Then we have one more, the Marx Road bridge deck replacement. That was, I guess it's bridge number 1320, and there were three bids submitted on that one, three different contractors. It was J.H. Rudolph in the sum of \$30,822.25; Adler Excavating LLC, that bid amount is \$41,608.50; and then the final one is E&B Paving, Inc., and their submission amount was \$40,800. So, there were three bids, and I would ask that all three be taken under advisement and Mr. Stoll can look at the information and get back with you with a recommendation in the next few weeks.

President Abell: I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Do you have anything further, Mr. Harrison?

Joe Harrison, Jr.: No, thank you.

County Engineer

President Abell: County Engineer?

John Stoll: I've got two items. The first is the discussion again about the easement that Vectren had requested along Millersburg Road, west of Firlick Creek. I know there were questions about the placement of the poles and making sure that the road wouldn't be damaged. Here this evening is Marty Frederick of Vectren and Phil Rainey of Vectren, so, hopefully, they can answer any questions you have in regard to how the project would proceed without damaging the road. I'll turn it over to Marty.

Marty Frederick: Good evening, I'm Marty Frederick. I'm with Vectren, as John has said. I'll briefly go over just a little bit of the information that may have been shared with you at the last meeting. Vectren has an overhead electric transmission project that has been scheduled for quite some time. Vectren had postponed this project in the past because of working with the airport, projects they're working on, and also on the Oak Hill project. Phil Rainey is with our engineering group, on the transmission side, he's brought along an aerial photograph. Also, he's brought along some other drawings, well, I think will help maybe better understand, you know, what we're talking about. The, while they're getting that set up, what Vectren and what I had talked with John Stoll about prior to him coming to the last meeting, is that Vectren has a, currently has an easement, purchased an easement several years ago for a corridor, along with where is, along the Millersburg Road—

Phil Rainey: I hope you can see this.

President Abell: I think you are going to have to come closer.

Marty Frederick: Phil, if you can point out, just kind of point out the area there where we're talking about.

Phil Rainey: (Inaudible. Not at microphone.) Highway 57 (Inaudible) Millersburg Road, Petersburg Road, Green River Road. This is the area of concern right here on Millersburg Road. (Inaudible) Hedden Road is (Inaudible). Hedden Road has been removed and they've got a (Inaudible) built.

Joe Harrison, Jr.: Yeah, why don't you get a little closer to this mic here.

President Abell: Where is Christian Fellowship Church?

Phil Rainey: The church is right here.

Marty Frederick: This is the church to help you kind of get your bearings.

President Abell: That's what I needed.

Marty Frederick: Vectren, again, had purchased an easement in this vicinity some years ago, with the anticipation of knowing that we were going to have to build, start working on a transmission line. We currently have a line that comes up through this corridor here, and along this road we currently have electric distribution poles. The plans are, and what have been in the works for, again, quite some time, is to connect on to our current electric transmission line here. We have three poles that we need to set in this area. Now, again, the reason....oh, thank you.

Phil Rainey: It might be better to show them the small ones.

Marty Frederick: Do you have the small ones, John, that you could distribute?

Phil Rainey: These are the same drawings, but I just wanted to have one in front of you.

Marty Frederick: I think you may have seen these drawings, maybe at the last meeting. I had given John, I don't know, John, maybe you can, I'm not for sure if you did, didn't. What we're asking for here, again, let's just go back over, as I said Vectren had purchased the easement here with the intentions of building this transmission line. At the time, afterwards the county had planned, you know, sent us plans indicating they was going to widen Millersburg Road. Unfortunately, I don't know what happened, but for whatever reason the, I guess the consultant that did the designs for the county didn't notice Vectren's easement in that area, thus the road continued, went ahead and was constructed to be built. So, what we're asking for at this time is that, again, this cross hatched area is where Vectren's easement currently is. What we're asking for then is, we don't want to disturb, you know, go out and (Inaudible) in the sidewalks and doing anything of that nature. So, to make it work for both the county and Vectren we're asking that you grant us a ten foot easement where we would install these three poles. Basically, what would happen is, if you can see the black dots here, I think they show up on your drawings as well, we will remove these poles, and, basically, install three new poles in the basically same location. It will be south of the sidewalk. The poles will not be removed or installed from the street. We will, in this particular area, there's a little drive here where we can actually, will actually pull in off the road to install, remove and install the pole. From this one we will get off the street, get off Millersburg Road, the truck will actually be sitting up behind, on or behind the sidewalk for these two locations. So, I wasn't here at the last meeting. Like I said, I presented the information to John, if he would bring it to you folks to, you know, to request, you know, to give us an easement back in here in place of where we already have an easement. So, up till this point—

Commissioner Kiefer: Would we vacate the old easement then?

Marty Frederick: The easement is still there. We wouldn't vacate the old easement. It would really be—

Commissioner Kiefer: It would just sit empty?

Marty Frederick: I'm sorry?

Commissioner Kiefer: That easement would be empty? Or nothing would be in it?

Marty Frederick: Nothing would be in the old easement, no. We have to build this line.

Phil Rainey: The old easement would cover us from the back of the sidewalk out to the road. Because if we vacate the old easement there's going to be a void in there, which we won't even be able to work across, so we don't want to vacate it, which would create that void. Do you understand?

Commissioner Kiefer: But, neither one of these easements are in...I guess, the new easement is not in the actual roadway or concrete?

Phil Rainey: No.

Commissioner Kiefer: It's just like--

Marty Frederick: This would be south, what we're asking for is the easement would be south of the sidewalk.

Commissioner Kiefer: That's what I thought you said, but I just wanted to clarify it better.

Marty Frederick: Sure.

Commissioner Kiefer: There's nothing there but dirt or grass right now.

Marty Frederick: Right. Outside of our, we do have three distribution poles there, but outside of that there's nothing else there.

President Abell: So, you want to take up the old poles and put new poles in, correct?

Marty Frederick: Basically, yes.

President Abell: Okay, and when you take up old poles and put new poles in, I doubt that you do that with three men picking it up, so, what kind of equipment are you going to have to have in there? This is my concern.

Marty Frederick: I understand.

President Abell: My concern is that you're going to bring equipment in and tear up our brand new road.

Marty Frederick: Well, as I said, to start off with, we won't be using equipment on the road. We will back, there will be a truck that literally will sit on, will back up over the curb to get on the sidewalk behind that area to install the pole. So, there won't be any work taking place in the road. There won't be stabilizers down on trucks, you know, sitting on the pavement, nothing like that whatsoever.

Phil Rainey: What we've done in the past is, you know, we work from the road and we back onto curbs and sidewalks all the time to access lines. It's done routinely, by various methods. I mean, sometimes they'll lay down cross arms up against the curbs to where they're not driving, you know, you're actually driving on the cross arms. They'll lay down pallets, they'll lay down whatever means are necessary. It's routine to work like that. The outriggers are laid down, there's pads that go

underneath the outriggers so you don't make a bid dent right in the ground. Any work, we repair, we restore areas.

President Abell: Oh, I know you restore, but that's my big problem.

Marty Frederick: I understand your concern.

President Abell: I don't want a restored road.

Marty Frederick: You don't want a restore, I understand.

President Abell: We just paid for a brand new road. We don't want a restored road.

Phil Rainey: I guess, when I say restore—

President Abell: We've got a restored road on Green River Road that cost us \$28 million. We don't want to go that route ever again.

Marty Frederick: Right.

Phil Rainey: When I say restore, I mainly mean, if there was a little rut in the grass or something we'll take care of that, reseed it or whatever is necessary. That's what, again, that's routine work for us.

Marty Frederick: Basically, what we're saying though, in a nutshell, is we don't have an option. We have to build this transmission line. We have to put our poles back into an easement, because that's where we keep all of our transmission lines, in an easement. We don't want to disturb the surface out here to do the work. We don't want to do that. We appreciate the fact, you know, I live here also. I don't want to see a road, a newly built road, I don't want to see it disturbed either. So, we think it's a win-win for both of us. What we're saying is, in place of our easement here, where we would have built, we're not asking for the full width of that easement either, we're just saying allow us ten feet for the easement—

Phil Rainey: (Inaudible. Not at microphone.)

Marty Frederick: Okay. So, we're saying allow us this, give us this easement, we can go ahead and build the line. That way, it will work for both sides is what I'm saying.

President Abell: Yeah, I don't have a problem with your easement. Not at all. I'm just worried about the road.

Marty Frederick: I appreciate that as well. I kind of felt like that was probably the issue, but not being here at the meeting I wasn't for sure, but, you know, the best thing I can do to try to calm any uneases you have about this, I've seen the site, I know Phil's working on it, this is very routine. It's a good, level grade. I don't see any issues with the truck backing up over the curb. You know, we will put ramps there so, you know, they won't just actually jump up on the curb. The sidewalk and everything else will be protected. So, there shouldn't be, to start off with, excuse me, as I said in the beginning, we actually won't have anything in the road. So, the road surface itself would not be impacted at all. If anything at all might be the grass off of the road, or the sidewalk. We don't foresee anything, but if for some reason the sidewalk would get cracked or anything like that, that would be restored. So, again, we won't have any activity on the road that would disturb the road surface.

John Stoll: We could go out too and take pictures of all of these pole locations prior to them starting the work. I was going to say, we can go out and take pictures to document the current conditions of everything out there prior to them starting the work, if that would help out as far as having a good before and after documentation of the conditions.

President Abell: You know, I trust them. I think they would repair it. It's not that I don't trust them, and I know what it looks like. As a matter of fact, I was out there over the weekend. So, I've been out on the road a lot. In fact, I'm a realtor, and I had a house for sale out there. So, I've been out there a lot. I just don't want the road torn up. That's my bottom line.

Marty Frederick: We can appreciate that.

President Abell: I just don't want the road torn up. You know, the taxpayers, you know, you sat here and you heard Mr. Duckworth, we don't have any money to repair roads with—

Marty Frederick: Sure.

President Abell: – and, you know, we're trying, trying to build good roads that are going to stay in place. I just don't want you to tear up my roads.

Marty Frederick: I certainly appreciate that.

Phil Rainey: The only restoration I can foresee is like reseeding a little grass or something where we marred it down, but, again, I don't expect any damage to any roads or sidewalks.

President Abell: Grass is fine. I don't have a problem with the grass, and I don't have a problem with your easement. I know we need to have the power. I'm happy to have you out there.

Phil Rainey: We will still (Inaudible), we do it all the time, crossing the field, we restore property, that's one of our major expenses.

Marty Frederick: But, that's the reason we wanted to come tonight, after, you know, after the last meeting, John told me your concerns, and, you know, I felt like I could have maybe addressed them by sending an e-mail, send you a letter of some sort explaining what I could, but I felt like probably in the best interests to the group that, you know, we would just try to answer your questions in person to try to, again, try to ease or calm any concerns you have. Again, the thing I want to emphasize, we won't be doing the road. We will not be doing the work from the road. It will be off the road.

Commissioner Kiefer: Right, well, I feel comfortable with it after their explanation. I appreciate you guys coming out. I think that, having a drawing and telling us what you're going to do, and if you could coordinate with John when you're doing the work, I think, I feel comfortable with it.

President Abell: Mr. Melcher?

Commissioner Melcher: I'm okay as long as you're using ramps and that, instead of jumping the curbs.

Marty Frederick: Exactly.

Commissioner Melcher: Because you could break a curb.

Marty Frederick: Absolutely.

Commissioner Melcher: You know, something could happen eight months from now because you jumped that curb.

Marty Frederick: And that's true.

Phil Rainey: We know you're concerned about the issue here, so, I'll be on part of the project and I'll instruct the, our inspector to instruct, well, I will be part of the, some of the people instructing the contractor how to do the work here.

Commissioner Melcher: Well, if you could get it to John and he could e-mail us when you start and when you finish we could even go out there and watch and see something.

Marty Frederick: Yeah, you would be welcome. You would be welcome. We would be glad to meet you there.

President Abell: Okay. I think one of the things that fail when Commissioners work with engineers and contractors and all is that we are not clear in relating to you our expectations.

Marty Frederick: Exactly.

President Abell: And then consequently when we're unhappy with what we get, we're really as much to blame as anyone else because we didn't relate the expectations. So, now we've related the expectation.

Marty Frederick: Yeah. Well, and that's why I thought it best served both sides of us if we come and talk to you personally, rather than try to communicate it through a letter.

President Abell: Okay. Well, I think we're ready to vote on it.

Commissioner Melcher: Is there any paperwork we have to do, Joe?

Joe Harrison, Jr.: I think they've got it from the last time.

President Abell: Have you got it? Okay.

Joe Harrison, Jr.: It references the easement area.

Commissioner Melcher: Okay, I just wanted to make sure whatever we had we were doing it right.

Joe Harrison, Jr.: Oh, yeah. Just so they notify Mr. Stoll when you guys begin the work.

Marty Frederick: We'll be working with John.

Joe Harrison, Jr.: That's the main thing.

President Abell: Okay.

Commissioner Melcher: Okay.

President Abell: We appreciate you coming down here.

Marty Frederick: We appreciate your time as well.

President Abell: Thank you. Thank you so much.

Commissioner Kiefer: I'm going to make the motion to approve, and comment that I've known Phil Rainey for a number of years and I know he's a high quality individual, and I'm sure if you're associated with him, you're the same caliber. So, with that, I'm going to make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: And also that Vectren is a good corporate member of our community and we appreciate it.

Marty Frederick: Well, and that's the way, you know, that's the way we want to continue operating. We're all residents here as well, and we want the best for our community as well.

President Abell: Well, we appreciate that.

Marty Frederick: Okay. Thanks again for your time.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, gentlemen.

Marty Frederick: Thank you.

President Abell: Mr. Stoll, thank you for bringing this back to us.

John Stoll: No problem.

President Abell: We appreciate it. I know you have other business for us tonight.

John Stoll: Yes, I've got one other item. It's right-of-way purchase offers for the Burkhardt and Virginia project. We've got six parcels that we need to acquire out there. The owners names and the offer amounts are as follows; parcel one, Gillenwater, \$4,700; parcel two, Thornton's, \$39,700; parcel three, Kooshtard Property VIII LLC, \$25,400; parcel four, Sam's Real Estate Business Trust, \$13,100; parcel five, Krispy Creme Doughnut Corporation, \$3,600; parcel six, BLP Indiana Properties LLC, \$6,900. That's a total of \$93,400 of right-of-way, and these offer amounts are all based on the appraisals that were recently completed on these parcels.

Commissioner Kiefer: I think it's a great project. I'm glad that the county is able to do this with the TIF money that they were able to generate good sums of money, and this is helping out a lot of folks who travel on those roads. I mean, it's going to be a tremendous relief that people shopping there. So, I think it's a good project, and, again, thankful that we have a TIF district that generated the cash that we can do this project. So, with that, I'm going to make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Further discussion?

Commissioner Melcher: I'm just glad, because this has been going on forever, I think.

John Stoll: I'm glad we're to this point too.

President Abell: Well, we have to generate enough money to be able to continue. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: Thank you, Mr. Stoll.

John Stoll: Thanks.

New Business

President Abell: Any new business to come before the County Commissioners?

Old Business

President Abell: Any old business?

Commissioner Kiefer: This is old business, I guess. If you get a chance and can stop by the Old Courthouse you can see they've started the work there, and it's really amazing how good what they've done so far looks. I mean, it's like night and day difference. They should be done with the work, I think, by June 5th or something like that, June 5th or 6th, but if you get a chance to stop by there you ought to do it. I mean, it's amazing how good it's going to look.

President Abell: Jerry, did you have something you wanted to say?

Jerry Grannan: This Saturday the St. Jude's Hope run/walk, 5K run/walk.

President Abell: Oh, yeah.

Jerry Grannan: This is the third year it's going to be at Burdette. Pre-registration is at 7:30 in the morning, it's a \$30 pre-registration fee, after April 19th, so, we've already missed that date, but this has actually turned into the second largest single event fundraiser for St. Jude's in the nation. They've actually, they're going to have maybe 2,000 plus there this year.

President Abell: Wow!

Jerry Grannan: It's in the main parking lot of the aquatic center. Fantastic event, guys. It really is. So, if you know anybody that isn't busy early Saturday morning, you don't have to necessarily walk, they're just looking for sponsorship money, but it would be great to get on out that way, 7:30 is pre-registration. The walk/run begins at 8:00 a.m.

President Abell: 7:30?

Jerry Grannan: Uh-huh.

President Abell: Okay, well, good. Thank you.

Jerry Grannan: Okay, thanks, guys. Have a good day.

President Abell: Anyone else? I don't have anything necessarily old business/new business, but just a little couple comments to my fellow Commissioners, since we're supposed to do everything in this meeting. I just wanted to keep you abreast that I have been, am working on our health insurance, which seems like an annual thing that goes on forever and ever and ever. So, if you hear that I've met with the company that provides the health clinic here in the city, I have. I've met with the Mayor, and we are talking to the city about the possibility of the county also participating in that. So, I just wanted to bring you up to speed and let you know that I am working on that. Marissa and I are working on some things with the cleaning

service at the Old Courthouse. So, I just wanted to kind of bring you up to speed on some things that I'm doing. So, if either one of you have anything that you want to—

Commissioner Kiefer: Well, when you're talking about the health insurance, I'm actually going to go on Thursday, Deidra from ARC, they have set up a health clinic and she wanted me to...she just called and asked me if I would tour that. She may be calling you guys later, but she was going to give me a walking visit through their health clinic, because she says it has saved them just a ton of money in their health insurance. Obviously, we already have, the city has the health clinic, so, you know, it seems like it makes sense if we could do something in conjunction with what the city already has set up. I just thought it would be worth the visit to see what they have. She offered it and was excited to tell us about it, because she says it's been so successful for ARC. So, I'll let you guys know at the next meeting how that visit goes.

President Abell: My understanding is that the employees in the city are very happy with it. That it's been very successful in the city. Another part and parcel to the health insurance is a meeting that Mr. Gries and I went to about a month and a half ago where we noticed, we were invited and there's a product that you can purchase and we have yet to explore too much about the cost of it, but it's been put together by a doctor who lives in Nashville, Tennessee, and he basically has found the rates for every provider in our area, and he puts it onto a chart and you provide this to your employees who have the health insurance. It may give you, something like an MRI and it will show you ten different facilities that you can go to to have an MRI, and, I think Joe and I were both astonished that the price of those range from about \$500 to about \$3,000 for the very same procedure. What his product says is that if you can get your employees to, they don't have to go to the lowest, if they'll just go to the middle of the road, we can save thousands on our health insurance. So, those are things that we're looking at and going to try to—

Joe Gries: It was very interesting.

President Abell: – yeah, it was a very interesting meeting. Joe and I were both sitting there like, we had no idea. We were wowed.

Commissioner Kiefer: I like that because it gives people choices, you know. I mean, it's not something, you know, absolutely mandated upon them, but at least they have a choice, you know.

President Abell: Yeah, and it's not like saying that your doctor, but these are like procedures that are, not taking away your relationship with your doctor.

Commissioner Kiefer: Right.

President Abell: If you go in and your doctor says, oh, you need to go down the street and get an x-ray, well, this will tell you all the places down the street that do x-rays. They're all going to send the x-ray back to your doctor.

Commissioner Kiefer: Well, and I think what happens, and, of course, my caveat is is that I'm not a health care professional, but, I think what happens is these doctors have relationships with a lot of other facilities, and it's not that facility "A" is worse than facility "B", or vice versa, it's just that he has a relationship with facility "B". So, that's why he sends you there.

President Abell: Right.

Commissioner Kiefer: It doesn't mean the other facility is bad or doesn't offer good services.

President Abell: Well, these are, I just want both of you to know that I'm working on these things because the Council has pretty well given us a mandate that there is no money. Rather than cut some of the health coverage that we offer to our employees, we're trying to find methods to reduce those fees. So, I just wanted to bring you up to date on that. With that said, I guess we're ready for consent items.

Public Comment

President Abell: Public comment? I don't think there's anyone here.

Commissioner Melcher: Yep, yes.

President Abell: Oh, I thought you were here for the Drainage Board.

Eldon Maasberg: I'm here for part of that too. My name is Eldon Maasberg. I live at 14747 Lutterbach Road. I couldn't make your road hearing meeting, but I'm concerned about University Parkway. When we haul grain down towards Mt. Vernon, we cannot get back on University Parkway if the kids are going to school, because they have no stop signs, and we have to sit there sometimes a half an hour, or you just finally move your truck out into traffic. I had a state cop tell me Sunday, we ought to start using their roundabout up at the college. I bet the college would love that too.

Commissioner Melcher: A lot of trucks do. I was following one the other day and a semi truck went all of the way through the college.

Eldon Maasberg: I mean, I wouldn't go all the way through, it's that turnaround.

Commissioner Melcher: Well, they did. They just kept going.

Eldon Maasberg: Because, I mean, you just cannot get on, turn to go north. Right now, it's strictly what it's called, University Highway. It's for the university and not for the general public. We, as Vanderburgh County taxpayers, did pay to built that thing. Eventually you want to take it all the way to I-64, which you'll take some more farm land out, why can't that be made a light so that we can get on and head north on it when you're coming from Mt. Vernon? Because the kids, the people, or the kids going to school, they don't have to stop. If they had a light, where we both would have a chance, it would be a different story. I did talk to, I can't think of her name now, up at the statehouse, she was going to talk to-

President Abell: Your Representative, is that who you're talking about? Wendy Mc Namara?

Eldon Maasberg: Not mine, but she lives down there around the St. Phillips area, I think. It's Missy something. I can't think of her last name, but anyway she was at the Meet Your Legislators, and I talked to her afterwards. I was telling her about it, and she was going to talk to IDEM, because that lady got killed at the other end and they're wanting to put a light there. To me, I think you need the light at the college before you do down there, because that don't have near the traffic that you've got

in front of the university. If it's time for them kids to go to school, there is, well, if you see a bunch of traffic going across, you might as well go on to Evansville, because you ain't going to get through there.

President Abell: We're looking at that interchange.

Eldon Maasberg: Well, thank you.

President Abell: That's the most I can tell you right now, but thank you, Eldon.

Consent Items

President Abell: Consent items.

Madelyn Grayson: The consent items for the April 23rd meeting are as follows; approval of prior minutes, we have the April 9, 2013 Commission meeting minutes; employment changes for the Commissioners approval, there are two for the Health Department, one for Area Plan Commission, one for Veterans Services, and eight for Burdette Park. The Commissioners sale of county owned properties at 813 East Mulberry, 401 East Cherry, 216 and 210 West Virginia, and 104 Read Street. The Commissioners have North Green River Road tolling agreements. The Knight Township Fire Department final document for the Vanderburgh County OCRA grant. The Sheriff has a request to surplus and dispose of various out of commission vehicles. Burdette Park has a request to surplus and dispose of an inoperable 1997 Ricoh copier. The Hillcrest Washington Youth Home first quarter fees for service; the IBAP Gatekeeper March 31, 2013 report; the Ozone Officer February 2013 monthly report; the County Clerk, March 2013 monthly report; Legal Aid Society, March 2013 statistical report; Weights and Measures monthly report from March 16th through April 15, 2013; and the County Engineer has pay request number 173 for TIF projects in the amount of \$13,645 and a department head report.

President Abell: I'll entertain a motion to accept the consent items.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Introduction of Teen Advisory Council Job Shadow

President Abell: Before we adjourn the meeting, I would like to have our student turn on the microphone and give us her name and the school she is from.

Sara Weinzapfel: My name is Sara Weinzapfel, and I attend Reitz High School.

President Abell: You are a senior?

Sara Weinzapfel: Uh-huh.

President Abell: Okay. Glad to have you with us this evening.

Adjournment

President Abell: Is there any further business to come before the County Commissioners? I'll entertain a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:05 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the April 9, 2013 Commission Meeting Minutes.
Quit Claim Deeds for County Owned Property: 813 E. Mulberry, 401 E. Cherry,
216 W. Virginia, 210 W. Virginia and 104 Read Street.
Green River Road Tolling Agreements (Five Contractors).
Knight Township Fire Department Final Document: OCRA Grant.
Hillcrest Washington Youth Home: First Quarter 2013 Fees for Services.
IBAP Gatekeeper: March 31, 2013 Report.
Ozone Officer: February 2013 Monthly Report.

Employment Changes:

Health Dept (2)	Veterans Services (1)	Burdette Park (8)
APC (1)	Circuit Court (3)	Sheriff (5)
Prosecutor (3)	Assessor (2)	

Surplus Requests:

Sheriff: Out of Commission Vehicles.
Burdette Park: Ricoh copier.

County Clerk: March 2013 Monthly Report.

Legal Aid Society: March 2013 Statistical Report.

Weights & Measures: March 16-April 15, 2013 Monthly Report.

County Engineer:

TIF Pay Request No. 173: \$13,645.
Department Head Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	John Stoll	Jerry Grannan
Bernie Faraone	Darren Stearns	Bill Fluty
Mike Duckworth	Marty Frederick	Phil Rainey
Eldon Maasberg	Sara Weinzapfel	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 7, 2013**

The Vanderburgh County Board of Commissioners met in session this 7th day of May, 2013 at 5:03 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the May 7, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Could I have the roll call attendance please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Joe, would you lead us in the Pledge?

Joe Gries: Yes.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Burdette Park: Award Bids for Food & Related Items

President Abell: Under action items this evening, Burdette Park. Good evening, Darren.

Darren Stearns: Good evening, Darren Stearns, with the Centre and Burdette Park. We have a few items that we had sent over to you for the pouring rights and concession items.

President Abell: Commissioners, do you have any questions of Mr. Stearns? Go ahead.

Joe Harrison, Jr.: On the award of the quotes, do you have that with you?

Darren Stearns: I have some of the breakdown that we have.

Joe Harrison, Jr.: The breakdown, do you want to go over that, and just–

Darren Stearns: Oh, as far as which is what?

Joe Harrison, Jr.: Yes.

Darren Stearns: Sure. We are recommending that we do the major concession items with CRS Onesource, who has done it last year. We have quite a bit of product that is from last year as well, and their pricing was very competitive. The candy we are recommending we go with Wabash Foods, and then the bread we are recommending that we do with Earthgrain, they were the lowest bidder.

Commissioner Kiefer: Sounds good.

Joe Harrison, Jr.: As far as the other items that are concerned, your recommendations are set forth in the sheet that was provided.

Darren Stearns: Yes.

Commissioner Kiefer: You're comfortable with it, Darren?

Darren Stearns: Yes.

Commissioner Kiefer: Basically, those were the same providers as last year, right?

Darren Stearns: The candy was with a different provider.

Commissioner Kiefer: Oh, okay.

Darren Stearns: This provider was the lowest bid on the candy.

Commissioner Kiefer: Okay, do they, just out of curiosity, do they have a wider variety of product?

Darren Stearns: They've got different, and they've got different sizes. I don't know that it's a wider variety than who had it last year, but it was the low price on the standard candy that we usually sell.

Commissioner Kiefer: Okay, great. I'll make a motion to approve the award of quotes for food and related items as recommended by SMG.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Darren Stearns: Thank you.

President Abell: Thank you, Darren.

Burdette Park: Extension of RC Cola Agreement for Pouring Rights

Darren Stearns: Do you want to do the other one?

President Abell: Oh, sure, while you're up here I guess we could.

Darren Stearns: We are recommending also that we continue the existing agreement with RC Cola for the pouring rights for this year.

Commissioner Kiefer: Okay, and that's one that you've had for multiple years?

Darren Stearns: That one has been at Burdette in the past, and actually we have that, them as the pouring rights sponsor at the Centre as well, and being this late in the game we thought it was best to go with what was existing.

Commissioner Kiefer: As long as they've got Ski.

Darren Stearns: Right.

Commissioner Kiefer: Okay, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Darren Stearns: Okay, thank you.

President Abell: Thanks, Darren.

**County Clerk: MAXIMUS Agreement for Title IV-D
City-County Interlocal Agreement for Wastewater Pretreatment Program
Superior Court: Employment Agreement: Jeanene Heldt
Health Dept: MOU with EVSC for Back to School Blitz
Health Dept: Internship Affiliation Agreement with Iowa State Univ.**

President Abell: Contracts, agreements and leases, the County Clerk, MAXIMUS agreement for consulting services for Title IV-D. Is....yes, she is. Madam Clerk.

Debbie Stucki: Hi, Debbie Stucki, and I have John Mallers with me from MAXIMUS if you have any questions about the contract.

President Abell: Is MAXIMUS the provider for the IV-D for a lot of the other Clerks?

John Mallers: We have around 25 Clerks, about 20 courts and four or five prosecutors.

President Abell: Okay.

John Mallers: Along with 70 of the indirect cost plans that we do through the Auditor's Office.

President Abell: Is this, you do the support services, you come in through the trunk and do it on the computer? Or, how do you, is that what you're going to be doing?

John Mallers: Well, what we have is, actually, last summer we did a time study for the Clerk, to kind of see if they were claiming, it was a free, no obligation analysis to see if they were claiming all that they were entitled to claim. We had their employees track their time and we found out that there were several employees that they weren't claiming that we started tracking their time on, and certain expenses that weren't being claimed. We found out about \$4,000 a month net to the county more based on our analysis than what they were currently claiming. So, what we're recommending here, what we're proposing here with the contract is to take over the claiming going forward, but to also do a back billing where you can go back 24 months, revise those claims, which I conservatively think should be about \$75,000 to \$80,000 more that you will get here in the next few months once that's completed.

President Abell: Okay, does everybody understand what that money is? I just do because I used to be Clerk.

John Mallers: Title IV-D reimbursement, counties are entitled to a reimbursement for expenses they incur enforcing child support orders. So, we go in, most of those expenses obviously are labor, wages and fringes, so we go in and determine, based on time tracking, how much time people spend on child support issues. Then, based on that, we take that percentage of their wages and fringes and then we can a portion of the supplies and other services and charges and what not of the Clerk. We also do this work right now for the courts here in Vanderburgh County, brought in about \$100,000 into the General Fund last year, based on that. So, these expenses are reimburseable through a federal grant administered through the Department of Child Services.

Commissioner Kiefer: I have a question please.

President Abell: Okay.

Commissioner Kiefer: Under this agreement it calls for, it has a termination for convenience that either party may terminate on a 60 day written notice, without cause, but it also states that you should be reimbursed for any reasonable costs incurred. Such as, what kind of costs would you have? You don't have capital, up front capital costs that you're incurring, do you?

John Mallers: No. You know, I'm not an attorney, I don't know what the meaning of that was. I know that the costs, any costs we have—

Commissioner Kiefer: Oh, okay, out of pocket expenses.

John Mallers: Yeah, yeah.

Commissioner Kiefer: Okay, so there's not like a \$50,000 investment you're making—

John Mallers: Oh, no. Heavens no.

Commissioner Kiefer: – in order to do this business and some kind of capital?

John Mallers: No, I mean, we travel down here periodically. We also do a lot of phone consultations as well.

Commissioner Kiefer: I'm fine with it. I just wanted to make sure that I understood that. So, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Debbie Stucki: Thank you.

John Mallers: Thank you very much.

President Abell: Thank you.

President Abell: Interlocal agreement with the City of Evansville for wastewater pretreatment program. This agreement relates to an ordinance that the county will adopt requiring industrial users of the Evansville Water and Sewer Utility in the

unincorporated areas of the county to be subject to the same wastewater treatment ordinance as those located in the city.

Osman Mufti: Osman Mufti with the City Attorney's office.

Jeff Merrick: Jeff Merrick with the Water and Sewer Utility.

Osman Mufti: This interlocal agreement is basically a requirement pursuant to IDEM. A couple years back IDEM did a pretreatment audit of the wastewater system, and this was one of the requirements that the city enter into an interlocal agreement with the county regarding industrial wastewater discharge, because currently the county, the county discharge is treated by the city treatment services. So, this agreement is requiring the county to adopt the ordinances that are identical to the city's, and allow the city to implement those.

Commissioner Kiefer: I have a question.

President Abell: Go ahead.

Commissioner Kiefer: So, will this affect industry that's already operating that they then have to comply? Or, is this for new businesses or new industry?

Jeff Merrick: It's for existing, existing and new.

Commissioner Kiefer: Okay.

Jeff Merrick: They've already complied. They've already fell under our regulations, per se, it's just that the State always wanted us to have something written with the county so that if there was a dispute with an industry out in the county, as far as a violation goes, we would have grounds to stand on.

Commissioner Kiefer: But, at this time, they are not, there's nobody that you're aware of out of compliance?

Jeff Merrick: Correct.

Commissioner Kiefer: Okay, I just wanted to make sure that this wasn't going to all of a sudden throw some Azteca into a, you know, a bind where they're spending, you know, hundreds of thousands of dollars or something. So, I don't have any other questions.

President Abell: Is this an ordinance that you're going to draft?

Joe Harrison, Jr.: Yeah, in fact, Os and I are working on that right now. It will come either next Tuesday or the meeting after that. We wanted to get this in place first.

Commissioner Melcher: So, you want this in place first before we get the ordinance?

Joe Harrison, Jr.: Yes.

Commissioner Melcher: Because that's what I was going to ask.

Joe Harrison, Jr.: Yes.

Commissioner Melcher: Okay.

Joe Harrison, Jr.: It may be at the next meeting, but we wanted to get this in place first.

President Abell: Okay.

Commissioner Kiefer: Okay, I'll make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Osman Mufti: Thanks.

Jeff Merrick: Thank you.

President Abell: Thank you. Superior Court, employment agreement with Jeanene Heldt as special treatment court reporter to provide special treatment drug court reporting and transcription services on a part time, independent contractor basis at the rate of \$25 per hour. Is there no one here from Superior Court? Do they have this in their budget?

Joe Harrison, Jr.: It comes out of their User Fees.

President Abell: Out of their User Fees?

Joe Harrison, Jr.: Yes.

President Abell: Do we not have to put a limit on it? Can it be just whenever they need it?

Joe Harrison, Jr.: Pardon?

President Abell: Do we need to put a limit on it? Or is it just as needed?

Joe Harrison, Jr.: It's as needed.

President Abell: Okay.

Commissioner Melcher: Okay. I'll make a motion to approve.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Health Department, a memorandum of understanding for the Back to School Blitz. Do you want to tell us about that, Gary?

Gary Heck: Yes. Gary Heck with the Vanderburgh County Health Department. This is a similar agreement that's been held, or that's been in place between the Health Department, St. Mary's, the Evansville-Vanderburgh School Corporation and the ECHO Community Healthcare, for the past several years for, where medical or health related services are provided to EVSC students in conjunction with the annual back to school blitz that's held at the ECHO Community Healthcare. This year it will be on August the 3rd, and we need to have this agreement signed so that we can provide these services to these kids.

President Abell: Commissioners, any questions?

Commissioner Kiefer: It sounds like a good program.

President Abell: We've done this before haven't we?

Gary Heck: Yes, Ma'am, yes, Ma'am.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Internship affiliation agreement with Iowa State University.

Gary Heck: Yes, this agreement is for one of the dieticians, it's an internship program to allow a dietetic student to come and do a non-paid internship over the summer, at the Health Department, in our WIC Clinic, the Women's Infants and Children's Clinic. We have done these in the past. I believe this is the first time we've done this with Iowa State University. So, we're looking forward to this.

President Abell: Questions?

Commissioner Melcher: No, I'll make a motion to approve.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you, Gary.

County Engineer

President Abell: Department head reports. I think Mr. Stoll is in the audience.

John Stoll: I have one item this evening. I would like to request that contract number VC13-04-01, the Marx Road Bridge number 1320, be awarded to J.H. Rudolph in the amount of \$30,822.25. That, they were the low bidder on that project.

Commissioner Melcher: I'll make a motion to approve.

Commissioner Kiefer: Hold on just one second.

President Abell: Okay. We have some others that you are holding until next week, correct?

John Stoll: Yes.

Commissioner Kiefer: I'm going to abstain on this vote here.

President Abell: Okay. I will second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

John Stoll: That's all I have. Thanks.

President Abell: Thank you. Any other department head in the audience that needs to make a report?

New Business/Old Business

President Abell: Any new business? Old business?

Public Comment

President Abell: Any public comment other than the rezoning, since we'll take that at the rezoning time?

Consent Items

President Abell: Madelyn, consent items.

Madelyn Grayson: The consent items for the May 7th meeting are as follows; approval of prior minutes, we have the April 23, 2013 Commission meeting minutes; employment changes for the Commissioners approval, there are 12 for Burdette Park, one for Area Plan Commission, and one for the Public Defender. The Auditor has the April 2013 A/P vouchers. The Commissioners have a corrective quit claim deed for 507 Taylor Avenue and 1409 S. Linwood Avenue. We have the transfer of the Swanson Nunn property to the City of Evansville. The Prosecutor has amended 2012 equitable sharing agreement and certification for Multi-Agency Narcotics Task Force and the Drug Task Force. The County Treasurer has the March 2013 monthly report. SWCD has a Lake and River Enhancement Grant application. The Sheriff has a request to surplus and dispose of a 2005 Ford Crown Victoria and a request

to surplus and auction various seized items. The County Engineer has pay request number 174 for \$1,668.11 for TIF projects and a department head report.

Commissioner Melcher: Move to approve.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**First Reading: Rezoning Ordinance VC-6-2013
Petitioner: Christian Fellowship Church
Address: 4100 Millersburg Road
Request: Change from Ag to C-1 with UDC**

President Abell: Under rezonings, first reading of VC-6-2013, Christian Fellowship Church, 4100 Millersburg Road, change from Ag to C-1 with a use and development commitment. I need a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: This is first reading that will send this to APC. Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.¹

¹See Area Plan Comments under rezoning VC-5-2013 minutes below.

(Motion approved 3-0)

Second/Final Reading of Rezoning Ordinance VC-5-2013 (As Amended)
Petitioner: Gene F. & Jeanne A. Pfeiffer
Address: 405 University Parkway
Request: Change from Ag to R-1, R-3, C-2 and C-4 with UDC
Action: Approved 3-0

President Abell: Second and final reading of VC-5-2013, as amended, Gene and Jeanne Pfeiffer, 405 University Parkway, change from Ag to R-1, R-3, C-2 and C-4 with a use and development commitment. I think we have Janet here to tell us about it.

Janet Greenwell: Janet Greenwell with Area Plan Commission, and before I say anything about the VC-5, I will tell you that the one that's on for first reading you will be seeing an amendment on it. They found an error in their legal and the property that they were petitioning to rezone was promised to the airport. So, they will be filing an amendment, but it will still be the same.

President Abell: That's the Christian Fellowship Church?

Janet Greenwell: Christian Fellowship, yes. Moving on to VC-5, I don't have a lot to say about it. I'm sure everybody here has heard a lot about this zoning. It's 195 acres on the east side, west side of University Parkway. It went to Plan Commission April 11th, it received seven affirmative, four negative and one abstention. It was voted on without a use and development commitment, but with the promise of one. You did get one. We sent it out to all of our members, soliciting comments to you Commissioners. I don't know if you received any, we received back one comment from Mr. Mueller that he was satisfied with it. I really think that I probably don't need to say anymore on this one, because there's plenty of people to speak on it.

President Abell: Ms. Lockyear?

Joe Harrison, Jr.: All of those who wish to speak on this rezoning petition, if you do wish to speak on this, please raise your right hand. Do you all swear, affirm the testimony you are about to give is true and accurate so help you God?

Krista Lockyear: I do.

Unidentified: I do.

Joe Harrison, Jr.: Thank you.

Krista Lockyear: Thank you, Madam President, members of the County Commission of Vanderburgh County. My name is Krista Lockyear. I'm here tonight representing the property owners, Gene and Jeanne Pfeiffer. Before I begin I would like to pass out the paperback of the Power Point that I'll be presenting. So, you can have that in front as well. We also have large displays of the conceptual site plan. So, they'll be a little tight to see up on the screen, so we'll put them out here for your viewing as well. Alright, again, by way of introduction, representing Gene and Jeanne Pfeiffer, these are the property owners of the real estate. Gene and Jeanne moved into the area roughly 33 years ago. They had acquired part of this real estate since then, as time went by, acquired as much as they could, and they live in this property

and on this neighborhood. Gene has planted, if you drive down University Parkway, you look at the lakes that are back around the property, he's planted all of the new trees, anything that's not old growth forest along that property. He has been an extreme steward of this land. Part of what we're presenting to you tonight, why it's so fantastic is because he's committed to continue to be a steward of the property, as well as a good neighbor to the west side. I want to emphasize this is not the plan that we had for Majestic Place that came in front of the County Commissioners three and a half, four years ago. There are some significant differences. This property right now is not under any contract with anyone for development. My client, Gene Pfeiffer, is planning on moving forward with the development. We don't have, nor do we have, nor can we really get prospects until this property is rezoned. So, this is truly step one in the process of getting this area developed on the west side of Vanderburgh County. I would also like to give credit to my client, Gene, and the team at Bernardin Lochmueller. Some of, I believe the County Commissioners have already seen a presentation by Mike Shoulders that discussed sustainable growth, the smart growth concepts that I'm going to talk about a lot tonight. Since 2008, Gene and Jim Farney and the team at Bernardin Lochmueller have been looking at this property and trying to design the development that we're presenting here tonight in the best manner possible. What I think you will see and what I've heard from almost everybody that's looked at the plan, it's really exciting. It's something we don't have in Vanderburgh County, it's something we deserve to have in Vanderburgh County. So, many, many years of thought and planning have gone into it. You'll hear me talk about some phrases that come from the Smart Growth Manual. Again, I have to thank Mike Shoulders for loaning that to me. I also have to quote Mike Lockard. I think he's going to quote me later, and maybe not in such a nice fashion, but Mike's comment was, "We deserve a plan for University Parkway, and it's time that our voice was heard!". Really, what we're presenting is a plan. Before we got to Area Plan Commission the G.R.O.U.P. and the Westside Improvement Association hadn't seen a lot of the conceptual designs. I had met with Mike a couple of times, met with the University of Southern Indiana, but the plan was coming together in a legal fashion, if you will, and this is the plan for Gene's development. Again, this is going to be conceptual, because it's a drawing, and we can't legally commit to the drawing. Like I said earlier, we don't have end users that will go into any specific zoned area, but this is the idea for the development. I'll talk about specific areas as we go through the presentation. This plan began years ago, and you all County Commissioners are very aware of what has gone into it. When you decided to develop University Parkway as a major north-south thoroughfare to connect the Lloyd Expressway to Diamond, and then eventually on to I-64, that's a huge undertaking for a county. You can see now that the Parkway, under construction, was a huge undertaking, and now we're at the point where it's completed all the way to Diamond Avenue on county and state funds. The county also, Commissioners and the Area Plan Commission, decided to adopt a TIF district in this area. The TIF district allows you take tax dollars that will be generated from the commercial development and utilize those funds back into this area to improve the infrastructure, any needed improvements that this particular area needs. You're familiar with the TIF districts in other areas of Vanderburgh County, obviously have implemented those for a reason. We need to take advantage of this TIF district, to bring in the income for Vanderburgh County to help develop this area. Again, this plan didn't just willy nilly come up. As you all know, the TIF was approved in 2007 by the county and the APC. This is the drawing of that TIF district as it runs from the Lloyd Expressway up to Diamond Avenue, and even a little north of Diamond. The property that we're talking about and requesting that you rezone to C-4 is predominantly in the lower portion of this TIF district, south of Roesner Road, kind of a pretty good rectangle right there at the bottom you see. As you can also see,

we're a small area of the TIF district. We presented to Area Plan Commission that my client's development will consist of 3.7 percent of the expanse of the Parkway. So, this is a small drop in the bucket of what Vanderburgh County is going to have the ability to do in moving forward along University Parkway. These numbers you see, we commissioned Steve Folz to say, hey, you know, what's this really mean in real dollars for TIF district and tax money for the county. The total build out values, if you look at, I may have to get, you can't see total build out values on this screen. So, I'm going to read them to you. Current values, the property is paying \$19,848.26 in tax revenue. Those are on the agricultural and residential assessed property. If we build out the entire acreage, and again we're talking years down the road, but we're looking at a tax revenue to the county of two million five hundred and sixty nine thousand three hundred and forty dollars (\$2,569,340). The letter from Steve Folz indicating those values are in your package that you have on the Power Point. Those numbers, how do we come up with those numbers? Steve took the examples of development that we think we would have in this area; some medical office complexes, some restaurants, some apartment complexes that are upscale in the higher end of the assessed value, but that actually exist in Vanderburgh County on the east side. He took those assessed values and applied the west side tax increment, or tax rate of the west side to those values. So, these are actual true numbers that west side development of this side will generate for the county. Backing up on what you can see on this, if you look up above on your, or the second page on your Power Point display, if we look at building out only 13.8 acres of this property, we're going to generate \$388,298 of tax money for the county. So, pretty quickly, as development can start to occur, it's going to benefit Vanderburgh County from a tax standpoint and basis. Besides generating the needed tax revenue for Vanderburgh County, and keep in mind this revenue back into this area to do sewer expansions, etcetera. As any big rezoning does, we need to make specific promises for the developer himself. Not just we're going to generate this tax revenue for the county, but what will the developer do to make sure that this is a good project. These specific references and commitments are contained in the use and development commitment that was presented at Area Plan Commission, although it's gotten a little stiffer and more stringent since then. I'm going to go through those commitments as well, what the developer himself is promising. Those commitments, they run with the land, they can never be changed unless we come back in to rezone the property and have this whole public hearing again through County Commissioners. So, they're meant to be a part of the zoning restrictions. So, in essence, they actually amend the zoning ordinance and are enforceable by Area Plan Commission. We also put in there, as Vanderburgh County suggests on the Area Plan Commission website that they be enforceable in favor of some of the neighbors. So, we have that in there as well, but Plan Commission is the recognized, enforceable body of these use and development commitments. I did meet with Blaine Oliver at Plan Commission before coming to you all with this revised use commitment, he had seen our presentation at Area Plan. So, they're aware and staff is aware of what we have in this use commitment and of their enforcement responsibilities. So, with that having been said, we have on this development an R-1 parcel. There's 34.79 acres of R-1, which is single family development. There was no single family development planned at all four years ago for the Majestic Place. So, this is a pretty drastic change from what you had then. In that development we even put a restriction, not only is it single family, recognizing we abut against an existing subdivision we promise that the lots in this new residential subdivision will not be smaller than the average lots in the existing subdivision. So, the neighbors don't have to be concerned we're going to put in tiny lots and devalue their property. Use restrictions on the development of the R-3, we understand from the University of Southern Indiana that they're really interested in containing their student housing

predominantly on campus. We can't discriminate against student housing. So, if a student does want to rent an apartment on this complex, we have to allow it, but we do designate in this use commitment that we won't use construction methods that are designed to encourage student only housing, you know, the smaller complexes. These will be apartments that are designed for ordinary persons to come live in there, and if a student does, again, we can't discriminate against that. The other things in the R-3 that we anticipate putting there, and I'll show you the section when we get a map up, is a senior living community. This is not assisted living, but a 55 and older community that would blend in really well with the mix and the smart growth ideas that we have for this development as a whole. Within the C-2, and if you look on the maps that we have up here, the C-2 area is the dead center. We're going to call it city center, it's the town square concept. This originated many years ago when Gene was planning this and talked to USI officials, and USI was really interested in seeing some upscale development here that could compliment the entryway to USI. I think at some point the idea of designing this somewhat like Clay Terrace up north of Indianapolis was mentioned, and my client said, yeah, you know, that's a pretty neat idea. What's really interesting, I mean, years ago was before we had the presentation and the smart growth and sustainable Evansville movement, if you will, it was popular in other communities but we hadn't really embraced that idea. I'm not sure we've embraced it yet in Evansville, but we're learning. That idea is you've got a mix of retail development and commercial development. It's a place where people want to gather and come to, and I'll show you some pictures here in a bit. The other thing that my client did, in looking at this town center, we want to encourage people to come, live here, walk around the neighborhood. He said, hey, we'll build a farmer's market, an outdoor area that would allow local vendors to come and sell their wares, not the typical bring your big trailer in and set up a tent that we see downtown, which is a great farmer's market, but this is more an idea of more permanent vendors, but they'll be local so that the residents of the neighborhood surrounding this development can come, buy local produce, buy local products. You know, really a fantastic concept again, we have it downtown, but we don't have a whole lot of opportunity to do that in Evansville. Again, trying to just bring about the connectivity of the neighborhood with the commercial areas. This is kind of a conceptual design of this activity center. You see you've got mixed uses in the street scape development, you've got a lot of green spaces. So, again, encouraging people to walk around, come into town. Park benches, this is a place where we want people to gather. So, ideas, this was not very nice weather, I wish it had been in the springtime, it would have been a little prettier, but Clay Terrace is a beautiful place. It's vibrant, people want to hang out there, bring their kids, a lot of mother's with strollers. It's a real active and enjoyable place to be. You can hop in on a restaurant if you'd like, and, again, that's the idea that we're looking at for this city center for this development. We do have the C-4 component, and, again, the C-4 component as I talked about the TIF district earlier, is predominantly along the University Parkway, and that's what's going to generate our tax dollars. It's also proper zoning development, and I'll talk about that a little bit later, but it's not realistic to develop homes right there along University Parkway now that it's been developed. Existing residences are there, they're buffered, they're taken care of, but new developments are not likely to come into this area. So, being able to market any of this real estate as residential is, quite frankly, ridiculous. So, that's the area where C-4 goes appropriately. In any rezoning, even if we're not trying to do something as spectacular and new in Evansville as we are now, when we do a C-4 zoning, Plan Commission often asks, hey, put some use restrictions on here, because there are so many things you can do in a C-4 zoning area. So, we went through, actually, Mike Lockard and Westside Improvement Association we sat down and said, hey, you know, here are the C-4 uses we don't like. We went through, and I keep

meaning to count, but a predominant majority of what they didn't want us to put in the use commitment, we said, fine, we'll strike those uses. In total we've got 55 uses disallowed, you know, just things that are not really conducive to a nice development, not really conducive to being right adjacent to residential and anything that is commonly, morally objectionable, we said that we will not have those in this development. We envision something like this. We don't have any idea if a Dick's Sporting Goods or any particular vendor would come in, but the idea is, again, to have spectacular looking buildings along University Parkway. Make it a development where the higher end retail stores want to be located, and a development where people on the west side of Evansville, maybe we'll even draw people from the east side of Evansville for a change. Again, we're looking at a little bit of Clay Terrace. This is the roundabout concept. The idea, as you see the traffic flow through the development, we use the roundabouts. The roundabout is real conducive to slowing down traffic and a calming effect on the traffic. So we envision having people walking through this neighborhood, the roundabouts work real well to make the pedestrian traffic compatible with the vehicular traffic. Also in the use commitment, we made the written promises that, yes, we will pay for a traffic impact study. A traffic impact study has been requested as long as four years ago, but there's no development and there's no traffic being generated from this property now. So, we're really getting the cart before the horse if we do a traffic impact study at this point in time. Bernardin Lochmueller has done a traffic count, if you will, kind of a perspective of this is what traffic we think will generate if we take a typical mix of C-4, C-2, R-1 and R-3 apartments, and we believe we can accommodate that traffic. Exactly how it gets accommodated will be vetted through the traffic impact study process. My client has agreed in this commitment that he will pay for that to support what's the best and safest traffic flow from his property. We agreed to minimize access to University Parkway. This commitment or request generated several years ago when the Majestic Place plan was being presented. Majestic Place had two entrances on University Parkway, which was adamantly opposed by the neighbors. Even with this one now we hear we don't want to make it like a Burkhardt Road and have a stop sign, a stop sign, a stop sign. We're not having very many entrances either. So, to minimize the entrances on the Parkway is the best way to go. If we can do that without a stoplight, fantastic we'll do it. There's nothing in here that says, and we talked about a stoplight and it got everyone up in arms. There's no requirement that we have to have a stoplight in this property. If we can avoid it as it develops up, and as other infrastructure is developed, we'll certainly do that. Control of traffic design rests with commercial site review and Vanderburgh County as we go through the development process. So, before my client can actually put in a boulevard and say this is the way the traffic is going to flow, everybody gets to sit around the table and have additional public meetings. The County Engineer has a huge say to it. The Metropolitan Planning Organization has a huge say to how this traffic flow develops. Again, we do promise to minimize the entrances on the University Parkway. We agree to utilize Roesner Road because it runs right into the development, only for emergency ingress and egress at this point in time. Roesner is really narrow, so my client agreed, just so nobody is worried about people, you know, disregarding signs, we'll gate that. So, only emergency use in and out, but it does provide a second access if it's necessary. My client, and this is pretty standard stuff, but agreed, in writing, to dedicate any land that's necessary along University Parkway to provide for accel or decel lanes to ease traffic flow in and out of the property. So, don't have to worry about coming in and wrestling with what's the value of the land to get the easement, we've agreed that that would be dedicated. This drawing, and, again, I'm showing you to present that this is three or four years of study. Bernardin Lochmueller has studied traffic flow and come up with designs that will accommodate the ingress and egress from this boulevard entrance on to University

Parkway, both at initial build out of the property, and, again, we don't know how many years this will take to develop. It's not going to spring up 200 acres overnight, but they've also looked at future build out, and have plans for ingress and egress as we move forward. Another item in the use and development commitment that was strongly encouraged, nobody jumped up and down, but almost, that we have to commit to putting the infrastructure in for this development before any development occurs. Kind of, to my mind, seems counterintuitive, we can't build a commercial building out there until water and sewer is extended to this property. But, the fear, understandably that we would rely heavily on county for county involvement got Area Plan Commission staff and Westside Improvement folks, and I think some developments that have happened in the past not quite in the right process, to encourage us, and we agreed that we will pay for the expansion of the water and sewer to serve this development. I know the county has plans, we didn't want to jump in and say we'll take over that, because you guys have studied the infrastructure improvements for quite some time, but my client has committed or any future development of the property is committed to pay for their share of water and sewer expansion. Just to say it, because it seems like obvious to me, but we stated in there no development will occur on the property without water and sewer being expanded to the development. Again, you have to keep in mind that TIF funds, as we bring water and sewer on our clients dime to this area, those TIF funds start to generate additional funds for the county to bring water and sewer to the rest of the county. Sewer in and of itself is becoming a pretty hot topic state-wide. We've got a lot of septic systems on the west side, so, anything we can do to help improve the infrastructure for the sewer development out there would be a fantastic thing for the county. Now I get to the part that's brand new from what we had in the Area Plan Commission meeting. At Area Plan Commission we had in there that we would implement upscale design standards, landscaping and maintenance standards, we would mitigate parking spaces, utilize shared parking, restrict trash pick up, restrict noise activity, screen the trash cans with architectural design, etcetera, things that you would expect to see in an upscale development. But, we didn't have, how do you get into words what these drawings show, or these pictures that we show? Rightly so, and so now I have to give more credit to Mike Lockard, because he has studied every zoning code, I think, in Indiana, and perhaps throughout the nation, to see what other communities are doing and how they get concepts and designs into words. So, most of, well, most of this language, all of this language with edits by me, and Mike's going to talk about those edits, because he didn't like them a whole lot, but I can explain why I had to edit some, but these are all of the concepts that were presented by Westside Improvement and G.R.O.U.P. to get into writing how we do this as my client, Gene Pfeiffer, has promised. The speakers, we limit the noise from the speakers so that it doesn't encroach in the rezoning areas. The following design concepts will be implemented; building orientation, we planned the development so that the buildings will be oriented to face the primary parkway, University Parkway and primary roadways. I had put a little fudge language in here because "should" be oriented rather than "shall" be oriented. Purposes there, when we get into building a large, and I'll throw out medical complex, orientation of the building itself is going to be dictated by topography, geography of the land, what they hit when they start drilling footings. So, from my client's perspective, we can't promise things that would prohibit development, but we can promise that all the positives will be encouraged and shall be utilized, unless otherwise necessary. Service areas, we indicated that the service areas will be located behind the buildings. So, when you come into the complex, you're driving through there, you don't see loading docks and service areas, you see the fronts of the buildings. Building appearance, there is language in here that dictates multiple textures, colors on the buildings, high quality, reflect the professionalism of the development. Color, texture and architectural

elements should be used to emphasize interest and to break up, if we have a large, vertical structure, these type of things are what encourages the positive and upscale development. Again, these aren't brand new, these have been utilized in other communities and are effective to get this quality. Business signage; recognizing that nobody really likes a whole lot of business signs in an upscale development, we put prohibitions on what type of signage that will be. No flashing signs, pole signs will be minimized and monument, multi-owner or operator signage utilized as much as possible. We absolutely recognize that you don't want to have a scenario where you drive down University Parkway, or where you drive into this beautiful development and you see a pole sign, a pole sign, a pole sign, a pole sign for every business. Encouraged and minimized are used, because that's really contrary to our current zoning ordinance. Multi-tenant signs usually need a variance, depending on how big the buildings are, what customers are putting on there, multi-tenants or multi-owner signs in a development, if you will, are off premise signs. They're not on premise signs. So, it's a really different animal than what's directly compatible with our local zoning code, but we agreed that that's what should go into this development. So, this language is there to encourage that's how the signage goes up. We have design standards for the signs that they be, you know, a color to compliment the materials of the building. I did, I have to give credit to Janet at Area Plan Commission, because I've had, except where necessary to meet business branding or advertising designs. You have a Subway or an AT&T and they don't want a brown sign. They are going to want to have their logo colors on the signage, but, again, you see these in other developments around the country, they don't bend, but they put other upscale elements into their designs to conform with what we've put into these design standards. Location, you know, it's all kind of intuitive when you think about putting this stuff into writing, when you see the designs, that's what we've got. Parking lots, and parking lots is kind of my pet peeve with what we have in Vanderburgh County, so, I love this section. Large expanses are highly discouraged and should instead be designed in smaller modules. We encourage shared parking. Our zoning code allows shared parking, but it's not something out of the box that is said, hey, why don't you go to your neighbor, if you have a restaurant next door to a pharmacy or something of the sort, you know you have different office hours or different heavy times of traffic, enter shared parking agreements so your customers can utilize the parking spaces, you don't have a whole big expanse of empty parking spaces at any given time of day, but it's adequate for the needs of the business owners that are in this property. The setback enhancement, this was a direct request that I did not change "shall" to "should". If you think about this, it's a pretty big commitment, the setback on parking lots will have a minimum front yard of 20 feet within the C-4 parcel. So, again, on the idea that you don't drive in and see concrete is put into writing on this development. The other one that Westside Improvement gave us directly, no parking area that contains over 70 spaces, will be developed with at least a ten foot wide vegetative strip. So, they're forcing us to put in green to divide up the big spaces of concrete. My client agrees, that's what he's after as well. No street parking, obviously we'll maintain it. We have prohibitions on when the streets can be swept, except if it's snow removal and it's a safety issue. Drainage, it's all kind of a given, we have to maintain our water flow off of the impervious material of the parking areas. We went a little further and said use bio-retention and vegetative swales are preferred for storm water maintenance. Again, going back to the concepts that are in the smart growth, the sustainable growth, and really being innovative on what we want. We want this to be a green development. Lighting, we dictate types of fixtures in order to provide harmony in what those fixtures look like. Also, to minimize any lighting overflow from this development into any other residential areas, we're directed that they be down lighting. Within any particular zoned area, it would be of a common design. Again, we want to enhance the flow

and how this area looks. Utilities, trash receptacles and outdoor storage; that's kind of an easy one, we'll keep our trash picked up. Years ago, you know, when the east side was being developed real close to residential neighborhoods, that was a concern. I don't know that it's as much of a concern, but it's an obvious, I mean, anybody that has a development in here, be it the 55 and older community or the apartment complex, or a medical office, you name it, they're going to have a significant investment in this property. So, keep your trash picked up, hide your trash containers, screen them in such locations to minimize any visual impact from pedestrians and visitors, if you will. Utilities, utility lines shall be located underground, except where strictly necessary for service or prohibited by a particular utility. Again, the idea is that this all be underground. Upscale, I think, Jim Farney, I have to give him credit, said, hey there are two ways to muck up an upscale development, and that's have a whole lot of utility poles and lines running everywhere and have a whole bunch of pole signs everywhere. So, the plan is not to have that stuff, but if we have a particular utility that needs a little bit of above ground, we're going to have to accommodate that. Hide utility boxes, screen them, keep them in the service areas, trash receptacles, I kind of went through that concept, and restriction on time of trash pick up as well. Plant materials, consistent landscaping type quality and arrangement is discussed. We actually talk about a majority of plantings within the real estate should conform to the Arboricultural Specifications Manual, developed by the Evansville Tree Advisory Board. So, that's what we have here in our community. It encourages use of native species, and we certainly agree, yeah, we'll use that. It doesn't, I don't know that I've ever seen a rezoning in the county say we'll embrace these standards and utilize them. Location of arrangement, irrigation, all front yard areas will be irrigated. Maintenance, the plantings must be maintained. Trees or bushes that die have to be removed and replaced. Finally, we've got restrictions on construction activity. Minimize your sediment from any construction areas, maintain dirt, keep the streets clean, the things that as a developer and a high quality developer we think are absolute we do it, we put them in writing so that they're binding commitments and must be done. So, again, smart growth. I've said enough so probably don't have to repeat that slide. We do have a promise in here to have trails and bike paths connecting the residential areas to the commercial areas. That's a key component of our development. If you look at the conceptual drawings you'll see these white lines that are running from every outlying area, which are residential, into the commercial areas. That's what the design calls for, that's what's going to make this development work, from generating that activity and vibrancy between the residential and the commercial. Again, here are your white lines you see bringing everybody in. Legal-ease, you know, we have standards that you guys have to consider when you look at a rezoning request, any rezoning request, and, obviously, with a near 200 acre one we're going to want to make sure that we address those standards. One is the Comprehensive Plan, and we have had this discussion with Area Plan Commission. The Comprehensive Plan, as it stands now, is a snapshot of current development with a little bit of commercial node at major intersections. It's not a plan, if you will, if it's kind of an existing, well, this is what we have now. Since the plan, however, too many things have happened to make that plan anywhere near binding on a decision you make. In any land use decision, if you have covenants and restrictions that effect real estate, judicial review, if they look at it and they say circumstances have so changed that it's not appropriate to honor something that was created so long ago, we're going to throw that plan out or that covenant or restriction out and recognize the change in circumstances. So, I present to you, since that plan we've completed University Parkway between the Lloyd and Diamond Avenue. It's completely a different area than it was when you developed, when the last Comprehensive Plan was developed, and the passage of the TIF district, which is an acknowledgment by the Body that

that area is not going to remain agricultural. Because why would you pass a TIF district to utilize the commercial use and commercial tax dollars if it were going to remain agricultural. Another consideration, current conditions and character of the current structures and use in each district. When this plan was put together, the recognition that we've got an outlying area of residential areas is what caused my client to say, okay, we're going to do a 34 acre R-1 development. So, we've got residential abutting residential, with the exception of three and a half or four lots, and I'll address the protections that we're going to put in to accommodate those folks. We've got the commercial development along the major thoroughfare, and that's just kind of the way development proceeds. Most desirable use for the land, again the TIF district was designed for commercial use. New residential development is not suitable along University Parkway. Again, the TIF district begs for tax dollars to be brought in, and this will allow that. Conservation of property values. Developments, upscale development, commercial development that we're proposing, anywhere that they've gone in have really not had a negative impact on residential or surrounding values. People like, and again this goes into the new smart growth, sustainable, kind of the new zoning plan, people like to be close to amenities. I'm a westsider and I love where I live, but it takes me 15-20 minutes in my car to get to Target. That's not really desirable. So, there are many, many times that I think I wish I were closer, and, you know, as things in my life change, my next home will be a lot closer to amenities. So, you know, I'm telling you, this is green growth, this is smart growth. I'm getting a little ahead of myself, but smart growth incorporates the balanced mix of uses, large and small dwellings, retail spaces and work spaces. These quotes are directly out of that Smarth Growth Manual. Connectivity, trails and walking paths; green, we have open spaces within a five minute walking distance of every place in this complex. Smarth growth communities make the most of their context by preserving and celebrating the natural amenities; lakes, woodlands and watercourses. My client has promised in his use commitment to take care of those natural elements as well, and I submit to you his past history and stewardship of this land speaks way more than any of my legal language could in a written document. Land use ease; mixed use promotes vitality, you cut the carbon footprint, you honor the quality of life by promoting green spaces, and, again, it's the new sustainable plan that Vanderburgh County is lacking. Again, some pictures of what we're looking for. With that, I will rest my case, ask you all for support, but I know you're going to hear a lot more and some questions will come up, and I'll do my best to answer those as we go along. Actually, I do want to say, I indicated I would address the three or four residences that are adjacent to what will be parking for commercial. We have a written covenant that I've provided for your counsel to review earlier this afternoon, and this covenant is probably a precursor to other covenants that will happen on the property as commercial subdivisions develop, as residential subdivisions develop. It's not uncommon to see restrictions that are incorporated within the development that protect all of those owners within that development itself. We thought it appropriate to go ahead and do that for the buffer of these residences. We have the protection of three rows of trees within this covenant in section one, of the buffer area, at my client's or any future land owner's cost, maintaining those trees in healthy conditions, repairing and replacing. That's at least 50 feet in width to protect them from any commercial development. We also had the issue of lake maintenance come up by the neighbors, and, again, that's something we commonly see in a residential restriction or covenant, and, so, why not go ahead and put that in there now. We have a drainage lake maintenance promise that the petitioner or property owner will maintain any drainage or retention basin, as approved by Vanderburgh County Drainage Board. I understand the county has had some trouble with maybe some silting or retention basins not being maintained as they were designed, my client has promised that he will maintain those in that fashion.

General lake maintenance as well, simple aesthetics, cutting the areas around the lake, maintaining some algae control within the lake, we have those promises in here as well. This covenant is binding on the real estate, it will be enforceable by anybody that owns property within the real estate, as well as the abutting property owners that surround the property. We had that drainage, that lake detention maintenance area, also enforceable in favor of the Vanderburgh County Drainage Board or Vanderburgh County Commissioners, in case you have somebody coming in in the future saying, hey, wait a minute, there are detention ponds not performing and they're not maintaining it. We've made that commitment for you. That having been said, I will shut up for a little bit and let everyone else speak, unless you have immediate questions for me.

President Abell: We may have some questions for you, Ms. Lockyear. I actually have Google Earth up on my computer here, could you come here and show me where those residences are?

Krista Lockyear: Yes, Ma'am.

President Abell: You might want to return to the microphone, Ms. Lockyear. Mr. Melcher, Mr. Kiefer, do either of you have a question for Ms. Lockyear?

Commissioner Kiefer: I don't think I have a question, more than a comment. This is, I just got a copy of this, I think it was earlier, let's see, today is Tuesday, no, I actually got a copy of this last week, I think, and it's quite stunning. I mean, I have to admit, it's, the activity center, the green entryway is much more than I ever envisioned. So, you know, I compliment the developer on that. It's, I noticed that you've got roughly 12 pages of use and development commitment, which is, again, quite comprehensive in covering what you can and can't do there, along with covenants that will carry with the title of the property. I just, one thing, you know, I think it's very good, I noticed that you had screening on all of the appurtenances, like HVAC, and I noticed that they had that same type of screening and protection out at Cross Pointe on the east side—

Krista Lockyear: Right.

Commissioner Kiefer: — which, I think, where Steve Chancellor has his building there. You can drive out there and you can't see any of those HVAC's. So, I think that's a very good thing as well. One thing I noticed, just something to consider, I don't think it's necessary, but I noticed that some new developments have trash compaction. Instead of individual dumpsters they'll have trash compaction at a central location, somewhere hidden and not seen on the back sides. Again, you know, I think what you've got is adequate for protection, but something you might consider. I've seen that at a couple places now going on, Lakeshore Apartments, it's in Evansville, but it's back there at the I-164- Lloyd Expressway, that quadrant back there by ITT, they've got a similar system there that's trash compaction. You can drive through that whole development, you don't even see a screened in dumpster. So, something to consider—

Krista Lockyear: Okay.

Commissioner Kiefer: — but, you know, I'm not saying it's necessary, but something to consider.

Krista Lockyear: Absolutely.

President Abell: Okay, thank you.

Krista Lockyear: Absolutely.

President Abell: We will now go to the people that wish to make a comment. Mark Rozewski is the first person on the list. Do you want to move the signs, that's what we were talking about, if you want to move the signs where you can see them, you can do that.

Commissioner Melcher: You might want to turn the signs around where everybody out there can see them.

Mark Rozewski: Oh, so people can see them? Madam President, Commissioners, the University of Southern Indiana really does appreciate the opportunity to, again, address both this proposed development and future planning for the University Parkway area. We've been gratified by the extremely productive dialogue between USI and Mr. Pfeiffer's counsel. We believe that his proposal is better because of the active and good faith talks with the University and other interested parties. We have, however, no other comment on, or endorsement of the application. Overall development of this corridor is important to your State University and to the community, and as stated at the meeting of the Area Plan Commission, USI remains committed to co-fund a master plan for the development of University Parkway, for the balance of University Parkway, and we agree with everyone that University Parkway is a corridor of nearly unlimited opportunity for this community. However, should the master plan exercise not come to pass, the University does plan to draw upon its own expertise and invite collaboration with other universities and planning organizations to create and offer public symposia and a public planning process through our Master of Public Administration program, focusing on University Parkway. Because USI is currently a significant source of traffic at the interchange of University Parkway and the Lloyd, we do look forward to having material input into the redesign of that interchange that I know planning is already underway for changes that may be needed as additional traffic is generated. USI looks forward to future conversations with all interested parties that give thoughtful consideration to the role of planning and building a stronger, more efficient, effective, attractive and economically vital community for us all. Thank you.

Commissioner Kiefer: Mark, thank you very much. I appreciate your comments, and I personally plan to participate, I think there, through the Chamber of Commerce and the Transportation Committee at the Chamber, I plan to participate in the University Park symposium, Parkway symposium. I think, originally, we had some dates set for June 14th, but I believe those dates have been pushed back a little bit.

Mark Rozewski: Right.

Commissioner Kiefer: But, I do appreciate your future involvement in that, and I plan to participate representing the Commissioners, involved in that symposium.

Mark Rozewski: Thanks.

Commissioner Kiefer: Thank you.

Commissioner Melcher: The only thing, I would like to thank you too, because I think it's great that we're able to work together, and we need to work together with the State also.

Mark Rozewski: Correct.

Commissioner Melcher: Because, they're the most important ones, that's where you get your funding, we're hoping that they can help us with that interchange. We've got people looking at it now. That highway is going to go all the way to 64 if the State has their way. So, again, thank you.

President Abell: Thank you. Stan, I won't try to damage your last name as I did last time.

Stan Blaszczyk: Everybody does. My name is Stan Blaszczyk. I live at 725 Eickhoff Road, basically, right next door to this thing. I'm here also representing G.R.O.U.P. in many respects. We've had many meetings over the last few months, trying to figure out what to do about what's going on in our community. With that, I have a petition here, signed by about 500 people, really saying that we would like to still do a study on the Parkway, you know, it really needs to be done. I would like to present this to you. I would like to start out by saying USI has been a good neighbor for many years. Their interest in preserving their image is certainly in concert with the westside community. Their desire to encourage evidence, fact-based decision is commendable. They have generously offered to facilitate and co-fund a study that is desperately needed to build a future that is both economically advantageous to the area and to the county as a whole. Their expertise and experience in planning is evident in the finest architectural suite in southern Indiana. We, as a county, need to engage in the creativity of USI and all of the stakeholders, to make the Parkway something people marvel at, rather than lament how we just keep doing the same thing over and over and over again. USI is the economic engine of the westside. Our community is filled with students, faculty and staff. For the most part we live very well together. The westside is a mix of older residents who have been here for decades, their adult children who come back and an influx of middle class young people seeking the American dream. USI, the westside and Vanderburgh County have a mutual vested interest, monetarily and otherwise, in maintaining a caring, family-oriented rural image that provides a wholesome and affordable experience for families in southern Indiana. The Expressway and the Parkway communities are a vital part in not only creating an image for others to see, but a reality that provides value to the community at large. I would like to talk about some of the issues. Traffic is the major reason the 2009 rezoning of Majestic Place was never approved. Commissioner Winnecke cited a traffic study by the MPO, the conclusion was that the overpass was inadequate. The only reason it worked was it's unusual right-of-way at the ramp. We really do need to study the effects of putting several thousand cars per hour onto the Parkway, just a half a mile from Hogue and half mile from the Expressway ramps. The cars have to go somewhere. If a traffic light is placed on the Parkway between Hogue and USI, will there also need to be lights at Hogue and the ramps at the Expressway? In all likelihood that's probably what we're going to end up doing. How will the University Parkway traffic mingle with the student traffic? Hogue will certainly be used to avoid congestion at the USI ramps, Middle Mt. Vernon will be used to shortcut to the Lloyd. How will cross traffic at Hogue and the issues at the ramps impede University Parkway traffic? Students and residents have been using the Parkway ramps and now commerce is beginning to flow through the intersections as well. We need to study and understand future traffic patterns before the collisions are almost everyday. We already are having too many predictable accidents at the other end of the Parkway. This can be avoided through smart planning, which proceeds smart growth. Everything we do we really need to protect the children of Vanderburgh County that use the USI ramps and the Parkway daily. Based on a letter by the Commissioners to the Area Plan Commission, the county

is in discussions with USI, engineering firms, and INDOT to make revisions on the Parkway. Obviously, the Commissioners understand that this is a very serious problem. However, the Parkway community needs and wants to be involved in that as well. A comprehensive plan is the only way to protect our community from the adverse effects of development. It is important to understand how major projects will affect local streets and roads. Access points need to be identified and examination of changes to traffic patterns into and out of the project, as well as surrounding roads, could reveal needed improvements to ramps, signals, roads, the number of lanes, cutouts, etcetera. By looking at the expected traffic patterns and identifying where the traffic is coming from, plans to isolate residential roads from shortcut problems could be instituted before issues arise. By developing and understanding of how far from the project adverse impacts are significant, we could begin to understand what feeder roads would have to be built, modified or maintained. This would give the county a means to plan future projects and tax expenditures. More importantly the cost of the county in terms of maintenance due to increased use could be identified as well. Real data matters in this stuff. How do you, another issue is, how do you address the declining retail base? There's considerable anecdotal evidence that the older shopping centers in and around the city and county are struggling. One drive down the Expressway finds the old Wal-Mart center almost vacant. When Wal-Mart moved across the street to the shiny new center, the old area deteriorated and now is left with demolished buildings and weeds growing through the parking lot. It's a sad state of urban decay on the doorstep of Evansville. We need to leverage the real estate experience of our Commissioners to promote further development and establish retail space in vacant commercial lots. What will future development along the Parkway mean to Pearl Drive and University Drive and Franklin Street and Red Bank and even Diamond and First Avenue? Decaying commercial property contributes to many of the disagreeable aspects of urban living. I would like to talk about the tax base. What independent data is available to provide that there will be a net plus in tax revenue? Are we simply trading an increase in revenue in one area for a decrease elsewhere? How is it beneficial to the tax base if there is simply a transfer of retail businesses from one place in the county to another, especially when new development would require many tens of millions of dollars to build and support the infrastructure. If thorough, enlightened leadership, if through thorough, enlightened leadership the Parkway is developed as a grand entrance to USI, would that not lift the property values of everyone in the community and serve as a showcase entrance to Evansville? Everyone would win, the Parkway, the community, USI, Evansville and the coffers of Vanderburgh County. A study could go a long way in identifying how we could enhance this area for everyone. We talked about the TIF district, what infrastructure would be necessary to support the development? We don't know yet. What feeder roads would have to be built and modified and maintained? We don't know that either. What are the major spending categories that this development will impact? We don't know that. Who will pay the incremental costs of adding police protection, sewer capacity and water capacity? Will a development require extensions of sewer and water? What is the current capacity of the water and sewer systems? Will the development require expansion of the wastewater treatment plants? Will the development require new roads? Who's going to pay the cost of the new roads? Will the development require bonding for infrastructure improvements or other county capital investments? What assumptions would be made to support those bond issues? What is the risk of not generating sufficient revenue within the TIF to support aggressive development? Who will the TIF money go to? How will it be used? These issues are very important. They go well beyond taxes. This is about our home. This is about our character. This is about our future. This is about good, solid, responsible government. This is about knowing where we want to go. This is about strong

community participation. This is about facts. This is about considering all stakeholders. This is about creating a foundation for everyone to build on. We need to be talking about choosing community interests over special interests. We desperately need a plan to avoid the mistakes of the past. We want to meet our current reality without compromising our future. We urge the Commissioners to take the time to do a comprehensive plan before any rezoning is approved. Engage us in your planning. Listen to the ideas of hundreds and hundreds of people who live near the Parkway. We are looking for the nuts and bolts of how and why and what it will take to create a better future. We are looking for leadership. We suggest that broad input will lead to enlightened answers. Thank you.

(Applause)

President Abell: Commissioners, do you have any questions? Thank you. Dave Robinson?

Dave Robinson: Thank you. Good afternoon, Commissioners. My name is Dave Robinson. I live just north of the west end of this project, on Big Sky Lane. I would like to first say that I personally know Gene Pfeiffer, and I know Gene Pfeiffer to be a good man. I know that Gene has had a vision for this property for quite some time, and that vision is a good vision. You know, he's been accused of a lot of things. Gene has been accused of just wanting to make money on this project. I do not think that that's the case. I think that Gene wants to leave a legacy, but, the problem with this situation, as it is now, is the same problem that existed before. That is, and it keeps coming smack up against...I wanted to be able to come in here and recommend this project, but I can't, because traffic, as Stan has just brought out, has been a major impediment going back to 2009. I remember one comment that Gene had made to me at that time, he said, well, I guess, maybe the roadway is the problem. You've got to keep in mind, and, Mr. Kiefer, you were there, and you know all the details of this, the developer actually took it off the table because the Commissioners were not going to approve it because of the roadway issues. If you approve this you are creating potentially a perfect storm out there. The roadway is not handling the traffic that is on it now adequately. One thing that Krista brought out that I agree with, she said, you're getting the cart before the horse. I agree with that. One thing she said too was, that the traffic impact study for traffic coming from this project will be done, and they're going to fund that. The problem with that is, when you take a look at those words, it's traffic impact study for traffic coming from this subdivision. She said that also then site review would have to pass blessing over this. That's true, that's true, however, site review is a non-discretionary body. Only the Commissioners, in this case, have discretion to approve or not approve. What I mean by that is, that as long as they have the details in place where things like, as she suggested, impact study, traffic coming from this project, and Mr. Farney is going to do a nice job putting together the engineering plans, and when he does that, they have to approve that. Once that's done then, once that's done, then traffic is going to be flowing onto this Parkway and there's nothing that anybody at that point can do about it. You're creating a perfect storm out there. All this talk about a TIF district, you know, it's like that's free money. No, that's money that a bond has got to be floated for, and we have to pay that back. As Stan has brought out, what is that going to be used for? What infrastructure changes are going to be made out there, and how much is that going to cost? Once you create this perfect storm out there, are you expecting that INDOT is going to be our friend and is then going to put in the bridge that should have been put in to start with? Are they going to pay for it? They lost our check last time. They weren't our friend then, they're not our friend now. They wouldn't build the bridge, they're not going to help us next time around. With

regard to smart growth, you know, that's a nice concept, those are nice words, but there a couple of things that Krista left out. When you take a look at the Smart Growth Manual, one of their tenets is to re-use already used land. To re-use already used land, to protect the natural and to rehabilitate historic districts. I don't think this plan does that. Again, please, I beg you, do not create this perfect storm that is going to happen. Thank you.

(Applause)

President Abell: Ron, I can't pronounce your last name, I'm assuming it's Ruminer.

Ron Ruminer: It's a westside name. I live at 623 Mel's Drive.

President Abell: Would you give us your name, since I didn't pronounce it correctly.

Ron Ruminer: Ron Ruminer. We homesteaded, our family did, so we've been around a long time. I forget who signed the deed on our farm. The dam of the lake that we have lived on, my wife and I, for 45 years that joints the Pfeiffer property. Will Pfeiffer's advise whoever develops this land that they have no access to our lake? It's been over 40 years since the Sheriff's Department has had to deal with intruders on our lake. It also costs about \$3,500 annually for chemicals and mowing and upkeep of our lake for swimming, fishing and boating. I know this because my name is on the check for paying the bills. How many years will Pfeiffer's pay for upkeep of the lakes on their property, so they won't become mud holes? Or, are the County Commissioners going to appropriate money for this each year? Now, I heard just a little bit ago that they promised to take care of these lakes. Is that in writing and enforceable? Any comments?

Joe Harrison, Jr.: Ms. Lockyear can speak to that. I don't know if the covenant refers to the lake you're speaking about or not, but, if so, there is some language in there that commits the petitioner to maintain the lakes at the petitioner's expense.

Ron Ruminer: But, once he doesn't have the land anymore, and so forth, will the lakes still be taken care of.

Joe Harrison, Jr.: Well, whoever does have the land will be obligated to do the same, under that agreement.

Commissioner Kiefer: Sir, could you point out on that aerial view where your lake is?

Ron Ruminer: It's on the end of Mel's Drive.

Commissioner Kiefer: Okay, it's down, okay where Drexel is? Okay.

Ron Ruminer: Yes, it's about an (Inaudible. Not at microphone.)

Commissioner Kiefer: Alright, thank you.

President Abell: Darlene Robinson?

Darlene Robinson: I'm going to pass.

President Abell: Mike Lockard?

Mike Lockard: Madam President, Members of the Commissioner, Mike Lockard, from Westside Improvement and G.R.O.U.P. , where our name stands for Growing Responsibly On University Parkway. What we would like to tell you is the same thing we told everybody, it's a group effort. We thank you for your hearing from us and listening to our concerns. I also want to thank all three of you, because I've met with all three of you prior to this meeting, and I want you to know that I know that you have a busy schedule, and I deeply appreciate that you took the chance, or took the opportunity to sit down and go over things with me. A couple of concerns, things, could you pull up, thank you. One of the things that I've said all along is written in the title slide, which is, our communities can be shaped by choice, or they can be shaped by the chance. We can keep accepting the kind of communities we get, or we can start creating the kind of communities we want. I want to thank Ms. Lockyear and Mr. Pfeiffer for making a very, very good effort and working with us one on one, not only with G.R.O.U.P., but also Westside Improvement in going over some of the numerous concerns that we have over this development. A lot of it goes back to what Stan and what Dave said, which is going on traffic. One of the things behind smart growth, and, by the way, I have the exact same manual that Mike Shoulders has, and I've read it. I've got about ten smart growth manuals that I've bought over about the last six months. There are some concepts in smart growth that Dave alluded to that I want to show you a visual representation of exactly what we're talking about when we talk about infill development and existing land that should be developed. Every red pin that you see on there is an example of an existing, vacant building or vacant lot that sits within about a one mile radius of Red Bank Road. It's not a small amount. Anywhere between 25 and 30 percent of the buildings and the lots near the Red Bank Road area are already vacant. If you approve this without some kind of plan to take care of this infill development, it's going to continue to vacate. Now, one of the things that I wanted to point out was, at APC, and I'm sure Ms. Lockyear will correct me if I'm wrong on this, at APC the engineer for this particular development said that at a certain percentage of build out, they forecast that a stoplight was going to be needed. The percentage kept moving at APC. One of the concerns I've got, I actually worked with Area Plan Commission to get the GIS map to download it and put it in correctly, this is Eastland Mall. This development is so large, that you can take Eastland Mall drop it in the middle of this development, and it is solely enclosed by this particular development. Eastland Mall has ten entrances, a number of stoplights, a number of stop signs. So, I kind of ask with some kind of wonder, how can we absorb this development along University Parkway when you can fit Eastland Mall completely within the confines of it, and yet they say, well, maybe we'll need a stoplight, maybe we won't. Krista, here's the quote that you were looking for. This was in the paper on Friday, Saturday. "Keep in mind that this is conceptual. We can't guarantee everything." Well, you know what, in smart growth, yeah, you can. Handout for you. I took some liberties of taking a code that was done in another community, and everything that's in their smart growth plan is in writing, everything. One of the things that I noticed that was missing from the discussion on R-3, is that, and unless they have changed something, in R-3 they have allowances for home-based businesses. They have a number of them in the use and development covenant that would allow home-based businesses. So, in the R-1 you don't, but in the R-3 you do. Now, if you start allowing home-based businesses into an R-3 area, you're increasing traffic. You're increasing the number of people that visit. When I looked at Vanderburgh County as a whole and started calculating how much vacancy we have, we literally have millions of square feet of vacant area in Vanderburgh County. Stan made the observation, and he's correct, is that if you build this new area out there without a plan to account for that, everybody's going to look at the shiny, new area and that's where they're going to want to go. Taxes are not necessarily the king in this case. In many ways, the taxes that can be used

for the TIF district are going to be isolated to the TIF district. Our comment is, what's the rush for this particular development? All we're asking for is a unified plan for University Parkway. Ms. Lockyear made the comment that on some of the restrictions that we put in there, one of the things that I had commented on, and I think that most of you know that I've done this for a number of years now, is I have a very large concern on underage drinking. I've appeared both at the local and the State level on underage drinking. I feel very strongly about restricting the number of alcohol outlets that are out there. We can't eliminate them, I understand that, that's just not part of business. However, I would like to see some kind of density, in terms of the number of alcohol outlets that are out there, because if you can have in the use and development restriction a ban on abortion clinics, then why can't you have a density requirement for alcohol outlets? I don't see any moral difference between the two. In terms of the overall design of how they went through there, her and I discussed this, I think, just as recently as today, I have a large concern over the differences in the use and development where it says "should", versus where it says "shall". Because when you look at that particular handout that I just gave you there, most everything in there is "should". When you look at building appearance, it says the colors of the building should be high quality. Color should be used to emphasize. Mechanical equipment on the roof should not be visible. We have that problem with Pearl Drive right now where you drive along the Expressway and all you can see is the HVAC units on top of the businesses on Pearl Drive. I don't feel like the neighbors, as a whole, are asking for a lot here. I don't think that we're asking for a lot. All we're requesting is that based on the funding from USI, the symposium that the Chamber is going to be putting on, there is an opportunity to do proper planning for University Parkway. This only represents 3.7 percent of the frontage, and, yet, you can see by the designs I put in front of you, that you can drop our largest mall right in the middle of it and lose track of it. All we're asking is that you send this back, or delay this until some more planning can be done, so that University Parkway can be developed. Because, as we've said many times, we only get one chance to do this right. All we're asking is for the opportunity to do it right the very first time. Thank you.

(Applause)

President Abell: Any questions from the Commissioners? I can't read—

Mike Lockard: I've got to give the mouse back.

President Abell: I can't read the last name, but it's Bob and it starts with a K.

Bob Kieffner: Madam President, Commissioners. I don't do this very often, so, I'm probably not going to do it right. I have a selfish reason for being here.

President Abell: Sir, could you give us your name?

Bob Kieffner: My name is Robert Kieffner. I reside at 612 Mel's Drive, and I have for 45 years. My property borders, not the residential, but the C-4 commercial property that is proposed to be developed. I see nothing in the proposal that's going to shield my property from this development. Three rows of trees that are no bigger than three inches in diameter is not going to shield my property. There's been a lot of references made to Clay Terrace. Clay Terrace is located on a flat piece of property. All of the residential around that Clay Terrace is protected by either berms or fencing. All of the residential that was out on the Target out there when the Target was put in was required to be bermed and fenced. I have pictures of it here, how

high those fences were. You can stand in the residential area all around the Target out there, and you cannot see the buildings, you can not see the garbage dispensers, you cannot see the lighting. You're not affected by it. Those people are not affected by it. I can tell you right now, no matter what they put up out there, that is not a flat piece of property, and we are all going to be affected by this property. I'm especially going to be affected by the commercial development that is being proposed. You can say our land values won't go down, but they will. Obviously, you know, I've maintained my property. I've lived there for 45 years. When I moved there, this was farm property. I knew the gentleman that farmed that property. He said this will never be a commercial development, but, you know, times changed, owners changed, and now we're faced with a commercial development. We're going to do away with 195 acres of beautiful green space. We're going to turn it into blacktop, buildings and I thought that our whole purpose, or part of our purpose in life is to maintain green space, not destroy it. When this was proposed before the Area Plan Commission, it was told that there was no property bordering commercial property, existing residential property was not, none of it was going to be bordering commercial property. But, my neighbors on both sides and my lot all border C-4 property. The protection that is given, that's been proposed, is three rows of trees that are three inches in diameter. You try to protect something with three rows of trees, three inches in diameter in the fall of the year when they turn into nothing but sticks. I'm not against development, but I'm against development that isn't being planned properly. I don't think this development is being planned properly. That's all I've got to say. Thank you.

(Applause)

President Abell: Just a moment. Do you want me to have him come up here and show us where his house is at?

Commissioner Kiefer: Yeah.

President Abell: Sir, sir, could you come up here, we have Google Earth up on our computers, could you come up here and show us where your house is?

Bob Kieffner: Sure.

President Abell: This is Google Earth, and I'm assuming, this is that big lake. Do you live over here? I think it's down in here.

Bob Kieffner: We live on the...the development is, where is the development?

President Abell: The development is up here.

Bob Kieffner: Okay, so this is—

Commissioner Kiefer: There it is. If you look on that map, you can see the development.

President Abell: He can't turn it around. USI is down here. Here's Mel's Drive right here. Is that where you said you live?

Bob Kieffner: (Inaudible. Not at microphone.)

President Abell: Thank you. The next speaker is Carolyn.

Carolyn Ruminer: Hello, I'm Carolyn Ruminer. I live at 623 Mel's Drive, and, yes, I am nervous. I have a couple of notes that I would like to refer to here. I have to agree with Bob Kieffner as he talked about Mr. Roesner saying that this would never be a commercial area. Mr. Pfeiffer himself told me when he bought some of the land, that I would see big, beautiful homes there on a lot of acreage and that I would be very proud to be a neighbor of it. In 1969 we built, and you could hear the birds in the trees, and all this good stuff around our house. I mean, we had a lot of birds, to say the least. I'm a bird fan. Our subdivision has the noise now of the Highway 62 to the south of us. I mean, we're in this corner, okay, it's to the south of us, and it's to the east of us now with the Parkway. Okay, we're getting a lot of noise, especially motorcycles on that Parkway. I've got to find my place in my notes again. In the fall, it's about the only time we ever hear anything from the campus across the street from us, and that's when they're having rush parties and all of this stuff. I guess, the Greek thing, or something out there, that they play a lot of music that we can hear on our front porch very easily. Now, we're talking about, we are the sixth house up the street from where Bob Kieffner showed you on the map, on the turn around there. I mean, I can go out our lane and probably go thirty feet and be in Bob Kieffner's lane, okay. We live on the lake back there, which was pretty peaceful sometimes, but not like it used to be. Then, I heard gossip in the neighborhood that Mr. Pfeiffer had bought the easement at the dead end of Mel's Drive. I don't know if this is true or not, but doing that we don't need anymore traffic on Mel's Drive or in our subdivision. We don't need another bicycle path, because we're located in a nice, wooded area that in the hot summertime when people are riding their bicycles, they come back to our side of the subdivision to cool off. They know there's always water available for them there, if they want a drink of water or something. Our whole thing, we don't need more foot traffic, we don't need bicycle traffic, and we don't need more vehicles in our subdivision, especially four wheelers. Okay? Thank you.

(Applause)

President Abell: We have no more people signed to speak. Is there anyone who did not sign up that would like to speak? You can come forward.

Jay Van Zant: Good evening. My name is Jay Van Zant. I live on 726 Mel's Drive. I am one of the other houses that are abutting right up against the C-4 commercial. I just wanted to reiterate what they had said earlier, in the fall, when you look out my side windows, you know, there's an area of trees there, but when you look out in the fall and the winter, there might as well not be anything there. You're just looking right up the hill. We'll see the whole development. Just, you know, would like to see what would be in there for protection for our property. Also, there is a stream, or creek that would be in between our property and this, and want to know, you know, that water running off that hill is going to have to go somewhere. You know, so what else are we, you know, do we have any protection from that? That's going to back up that creek in that area and change the flow of all that water. So, that's what I had.

Sarah Van Zant: He said 726, we're 616.

President Abell: Oh, you're 616?

Sarah Van Zant: That's the big lot that abuts up to the commercial.

President Abell: Thank you.

(Applause)

President Abell: Ms. Lockyear, would you like to make some comments?

Krista Lockyear: Again, Madam President, Members of the Commission, Krista Lockyear. First, I would like to address a few of the specific points that individuals have brought up, and then kind of go into a summation, if you will. Mr. Ruminer requested whether my client would help him enforce the fact that his lake is a private lake. His lake is not on Pfeiffer's property, but is a dam, I believe, south of the property, as he pointed out up on the screen. Gene certainly agrees we'll do anything possible to enforce Mr. Ruminer's private property. The other question that Mr. Harrison spoke to a little bit is, will my client maintain the lakes that are on his property? My client has maintained, there's approximately 1.6 acres of water on this land that we're developing now. He's maintained those for approximately 19 years, and they are in beautiful and pristine condition. Recognizing as Westside Improvement asked us, as some Commissioners have expressed concerns about things, you know, in the past we've heard concerns about maintaining what is on your own real estate. We presented this covenant that says we will continue to maintain those lakes. It's a binding covenant that runs with the land. So, if Mr. Pfeiffer sells that property, those lakes have to be maintained, not only from a drainage perspective, also from an aesthetic perspective, at his own cost. So, those, the history of maintenance has been there, it's proven, and it will continue in a legally binding fashion. To address Mrs. Ruminer's concern about an easement to Mel's Drive. My client has no easement to Mel's Drive. We don't have access to Mel's Drive. There's not the opportunity for any access from this development on the real estate to Mel's Drive. I have to eat crow, Mike warned me that he would get me with my quote about we can't guarantee everything, but I've got to put that in the proper context. That quote was directly tied to the conceptual designs that we provided to the newspaper and to everybody else, to help show what we envision the property to be. We can't commit to a design, because you can't commit to any particular box or parking area until you know who's going to buy that property. What has happened since I made that quote and all we were doing was looking at the conceptual designs, is that Mike and I have gotten together and he's given us his design controls, and we've incorporated those into that entire section ten of the use commitment. Those are guarantees set forth in that use commitment. Again, I gave the example of a building, if we can't get footers in a certain location and have to move that building over, that happens, but the whole concept of orienting the buildings as appropriate to enhance the development, the concept of underground utilities, all those exist, unless absolutely necessary. I'll submit to you, there's not anyone in the room that could come up with an example that absolutely necessary wouldn't be sustainable in a legal argument. To address Mr. Kieffner's concerns about, and the other neighbor that are directly abutting the commercial development. For one thing, there's a sewer easement along this property line. There's a flood area along this property line. A berm is completely inappropriate given the topography of this area to provide a buffer. Fencing may work, generally in my humble experience, trees are better buffers, neighbors are more satisfied with trees, they may have to mature a little longer, but trees buffer noise, they buffer sound, they're aesthetically pleasing rather than just a fence. I've got to tell you Target war stories, because Target rezoning occurred almost 13 years ago to the day, because I handled it and my son turned 13 last weekend, April 20th, I'm not sure if that was last weekend or not, two weekends ago. Every neighbor in that neighborhood was concerned. The berm that was promised, the trees that were promised, the vegetation that was promised, we'll keep the vegetation irrigated and green that was promised, none of that satisfied the neighbors. There's an element of fear of the unknown, and I get it, and my client gets it, and we sympathize with that, but the best

that we can do for buffering of that property is a row of trees from a topographical standpoint.

Commissioner Kiefer: Krista?

Krista Lockyear: Yes?

Commissioner Kiefer: You know, talking about the trees, I agree with you, trees are a good buffer. I wonder if there's a type of tree that buffers better than others, like some type of evergreen or whatever.

Krista Lockyear: These trees, as they mature, they're native species, we're doing those things that the G.R.O.U.P. , the smart growth, the Evansville Horticultural study suggest we do, that we don't put in trees that turn into junk trees that deteriorate rapidly. These are quality trees that, over time, will only improve. Again, I submit to you, we've got the best in there that will, over time, provide the best protection. I'll tell you, those neighbors that hated the Target development and were not satisfied, and we had, I don't know 25 abutters at the time, have come up to me and said, we love it, it's great. So, I understand the fear of the unknown, unfortunately, we've got our best foot forward in this situation, and that buffer is the best we can do for those neighbors. The direct comment, I believe Mr. Blaszczyk said, you know, we keep getting the same thing over and over again in Vanderburgh County. Well, I submit to you, this is not the same thing we've had over and over again. A lot of the neighbors saying we don't want anything to be developed in our pristine neighborhood where we can hear the trees is the same thing over and over, and we understand that. That's why four years of planning and studying have gone into this plan that you have in front of you. Not only the conceptual designs, but the designs that we put into writing that will make it binding on the property owner and the developer. Mr. Robinson quoted the Smart Growth Manual that infill is positive, and absolutely it is, but we can't force infill to be developed. You can't force land that nobody wants in any given time to be developed. The other thing you can't do, is to prevent a private property owner from developing his land in an appropriate manner. In this situation you've got more promises than I believe any developer has made in Vanderburgh County to protect both the surrounding residents, to protect the county as a whole, to protect the Westside Improvement Association, and to protect University of Southern Indiana. He's made commitments to put in infrastructure improvements, the water and sewer that are necessary and requested by both this Commission and the Area Plan Commission. He's made all the commitments about traffic controls that any developer would as they come in. The only way we're going to be able to plan traffic appropriately out there is as development starts to occur, determine how that traffic needs to be laid out. One entrance and exit off that Parkway is what had been requested in the past by the neighbors. The commitment by my client is that as long as one entrance and exit in that Parkway is appropriate, according to the traffic impact studies that he'll pay for, that's what we'll have. As long as those traffic impact studies advocate for other designs, we'll do that. Again, Mr. Robinson indicated kind of when we go through site review, that there's not much to say. Well, there's a lot to say by site review. When the design gets presented by Mr. Farney at site review and the County Engineer and EUTS² say, wait a minute, the traffic impact study that you did before you submitted this design to us, says that this maybe is not such a good traffic pattern, you need to go a different route. That's what's going to have to happen. So, again, this

²Should be MPO.

rezoning is stage one, traffic study will happen, and this is the best way this county is going to get a traffic study out there. Commitment by a private developer to do it, as well as generating property tax income. This rezoning comes to you with a favorable recommendation from the Area Plan Commission, before we enhanced the use and development commitment. By putting everything that I said we can't guarantee, we took all of that and put it into writing, based on Westside Improvement's suggestions. Area Plan Commission, at the time, said they had the use and development commitment that was in front of them that didn't have that section ten in it. There were some additions to the use commitment that we've made. At that time seven of the members said this is a favorable zoning, and we're going to recommend it. It's favorable because it combines all of the traditional zoning mechanisms; use shelter as much as you can surrounding property owners, you keep commercial development along the majorly traveled highway, you keep residential development adjacent to residential. We have done that and provided the buffers where we can't. At Area Plan Commission we did not have in writing that we would provide that buffer, we didn't have in writing the lake maintenance, we didn't have in writing the drainage and retention maintenance. Even without those, they recommended to the Commission that you approve this rezoning. In the final analysis, the questions asked what's the rush? The rush is that the Vanderburgh County Commissioners stopped rezoning and development of this property four years ago, and said, let's study it, let's wait. Nothing happened, no studies happened. Until you get some rezoning, until you get some movement, until you start to improve the infrastructure to that area, nothing is going to happen. Forcing this property owner, who has done such a wonderful job in planning a development to protect everyone possible, forcing him to wait another six months is ludicrous, much less than potentially a year or however long that may happen. He's already waited three and a half. There's a thing called exactions in the law, and it's when the government forces too many things out of a private developer for the protection of the public. Who knows what a judge would say if you forced more from my client. My client can't give any more. This is more positive things for the community than any developer has given that I have seen in a rezoning. The most progressive and well planned development, we've promised you traffic controls, traffic studies, we've promised infrastructure, we've promised to protect the neighbors. We ask for your support and approval of this rezoning.

Commissioner Melcher: I've got a question. I do appreciate, a lot of the concerns I had on different things, like the lakes and all of that, you've addressed and that. The buffer, I guess, I've still got a question, I'm kind of like Joe over here, have those trees already been planted?

Krista Lockyear: Those trees are existing, and will be maintained pursuant to the covenant. They will not be, they will be re-planted if they die. They will be maintained and maintained by my client's expense.

Commissioner Melcher: No, I understand, because that was another concern, but I'm trying to figure out how we could maybe put, maybe some different type of trees that are green or something year round, in between those. I mean, it probably wouldn't be that many, it's four lots.

Krista Lockyear: For positive agricultural development, my client is adamantly convinced that these trees are the way to go.

Commissioner Kiefer: Gene, did you have something you were going to say about those trees?

Joe Harrison, Jr.: Do you swear, affirm the testimony you are about to give is true and accurate so help you God?

Gene Pfeiffer: I do, sir. The trees that are planted there, I wish I could tell you exactly, but they're probably, there's a row of bald cypress that I think is on ten foot centers. Contrary to the three inch, I think I could very easily, we call it DPH, diameter of breast height, I think I could very easily find trees out there ten or twelve inches in diameter. It's in a flood plain, I specifically planted bald cypress because they're very desirous of wet areas, and they have grown prolifically. They are a species that is a deciduous conifer. So, that means it loses its needles in the fall when the frost hits, but then they come right back out. I know of no other tree in that wet area that would, excuse me, that would give the foliage coverage during the warm months. The next two rows of trees I affectionately call the Pfeiffer Family Pecan Orchard. Those are specifically, there's about, just shy of 100 trees, on ten foot centers, two rows of ten, that are on the side beyond where the neighbors see the cypress trees. Those are on ten foot centers, two rows that go full length of the flood plain, and they were specifically planted for the benefit of my heirs to go pick up pecans.

Commissioner Kiefer: Thank you.

Commissioner Melcher: Go ahead.

Commissioner Kiefer: I don't have any questions, but I've got discussion with the Commissioners.

Commissioner Melcher: I'm done.

Commissioner Kiefer: Okay, a lot to digest. Some of the things that, you know, lead me to want to support development along University Parkway is, obviously, you know, the county, as we know, has suffered with the property tax cap, and many folks, you know, property assessments have gone down due to the recession, which Tom Shetler, our County Council President, has advised us that there will be approximately \$1.5 million shortfall. I see the County Auditor nodded his head in agreement.

Joe Gries: That's correct.

Commissioner Kiefer: So, you know, this is, I see development as an opportunity to increase revenues for the county. Additionally, economic development, coming off of the recession, I think, could really be good for our community. I know, a lot of construction jobs could be initiated, and not only that, but construction of buildings or roadways and other things, but, I mean, I feel like this is a really strong economic development tool. A lot of times I see the city or other folks, you know, they actually give people money to come in and do something. You know, like the city is trying to incentivize a new hotel, or, you know, we give tax phase-in's, or something like that. We do things to incentivize economic development. Here, you know, I plead with, or I talk with my fellow Commissioners, you know, we need economic development. I see economic development opportunity along University Parkway. If a hotel should happen to develop along that Parkway to service the University, that's additional tax revenues to us. Then, you know, regarding traffic, I really do believe, I met with Troy Woodruff up at Indianapolis, and I met with INDOT, and, you know, they are very interested in a reversion program, where they give us some of their State roads,

such as State Road 57, or Diamond Avenue, or U.S. 41, so, you know, in return, Troy Woodruff told me that they would take University Parkway. In addition to that, we, obviously, might be able to capitalize on additional funds and dollars to maintain the roads that we take. Also, I was told by INDOT that if development should occur along University Parkway, they will feel more compelled to act on improving the interchange there at 66 and University Parkway. Also, they have advised me that they would be interested in extending University Parkway out to Interstate 64. All which will put pressure on INDOT to improve that interchange. Additionally, if they so badly would like for us to do this reversion program, which I believe they do. That gives us some clout and some leverage to force them to improve that interchange at 66 and University Parkway. So, I do believe there's an opportunity for the county to increase our revenue. I do believe there's opportunity for the county to get INDOT to make the improvements necessary to help the university as far as that interchange goes. Then, I also believe that, you know, when people talk about vacancy of retail space, and I do see that picture and see there's a large amount of vacancy there, I do know from my experiences that there's not a lot of vacancy for Class A type retail. If you look at the Target center for example, that's really a Class A type of retailer, and, you know, they don't have, they're not sitting on a bunch of vacancy. There's groups out there like Whole Foods, they don't want to be down in University Village and that type of Class C space. Or, there might be Trader Joe's, they don't want to be in that. I know from my experience with the International Council of Shopping Centers, what these developments such as the ones up in Carmel, the Clay Terrace and places like that, they do attract a higher end, end user, that pay higher property taxes, because the values are much higher. So, I guess, just in our discussions about this development, I see those are some reasons why we would support development along University Parkway. Those are my comments to the Commissioners.

President Abell: Mr. Melcher?

Commissioner Melcher: I don't have anything.

President Abell: Well, I would like to point out that we have not just been doing nothing. We have, I have a letter from State Representative Ron Bacon who doesn't represent that area, but who has contacted the Indiana Department of Transportation, INDOT, and has gotten a commitment from them that they are looking at that intersection. Yesterday I asked Mr. Keith Lochmueller of Bernardin Lochmueller to go out to that intersection and look at a couple of things. I, is Mr. Lochmueller still here? Did he leave? Do you know, did he leave? He was here earlier. I do know that he has, he is putting some things together as we speak about that intersection. The traffic problem on that intersection exists currently, it has nothing to do with any rezoning that we're talking about tonight, effective as of tomorrow. It's not going to change tomorrow. Tomorrow everybody will go out there regardless of what we vote today, and the traffic will still be the same. It will still be the same six months from now. We've got plenty of time to discuss, work on the transportation era. I did pull all of the minutes from any meeting that the Vanderburgh County Commissioners have had on University Parkway. They go back to November 29, 1999, with promises and commitments, not from the Commissioners, not from the developer, but from others who have not been, INDOT and others that have not been kept. I think that 1999 to 2013 is long enough to discuss this matter. I would entertain a motion to approve.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: As I stated earlier, you know, some of the reasons why I support this project, and I do think that these use and development commitments and covenants are probably the strongest, you know, that have been presented to me from my time on City Council and on the Commission. So, with that, I vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the County Commissioners?

Commissioner Kiefer: I make a motion to adjourn.

Commissioner Melcher: I'll second.

President Abell: We are adjourned.

(The meeting was adjourned at 7:13 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the April 23, 2013 Commission Meeting Minutes.
Quit Claim Deeds: 507 Taylor Avenue, 1409 S. Linwood, Swanson-Nunn Property.
SWCD: Lake & River Enhancement Agreement Grant Application.

Employment Changes:

Area Plan Commission (1)	Public Defender (1)	Burdette Park (12)
Circuit Court (1)	Sheriff (3)	Coroner (1)

Auditor: April 2013 A/P Vouchers.

Prosecutor: Revised 2012 Equitable Sharing Agreements (2).

Treasurer: March 2013 Monthly Report.

Surplus Request Letters:

Sheriff: 2005 Crown Victoria & various seized items to auction.

County Engineer:

TIF Pay Request No. 174: \$1,668.11.
Department Head Report.

Those in Attendance:

Marsha Abell
Joe Gries
Madelyn Grayson
John Mallers
Gary Heck
Krista Lockyear
Dave Robinson
Bob Kieffner
Gene Pfeiffer
Members of Media

Joe Kiefer
Joe Harrison, Jr.
Darren Stearns
Osman Mufti
John Stoll
Mark Rozewski
Ron Ruminer
Carolyn Ruminer
Sarah Van Zant

Stephen Melcher
Marissa Schenk
Debbie Stucki
Jeff Merrick
Janet Greenwell
Stan Blaszczyk
Mike Lockard
Jay Van Zant
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 14, 2013**

The Vanderburgh County Board of Commissioners met in session this 14th day of May, 2013 at 5:03 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the May 14, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Melcher, would you please lead us in the Pledge?

Commissioner Melcher: Yes.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Evansville ARC Semiannual Report

President Abell: Under action items this evening, we have the Evansville ARC update. Deidra Conner is here.

Deidra Conner: I have guests. Good evening. My name is Deidra Conner. I'm the President of Evansville ARC. I know that you all know what we do, but for those in the audience who might not know, or those listening who might not be aware of Evansville ARC, just a little bit of background. Evansville ARC is a non-profit organization that was founded in 1954 by families who were looking for services for their children with disabilities. Since 1954 we have expanded our services to meet the needs of both children and adults with disabilities. Today we serve over 700 individuals, many of those on a daily basis, Monday through Friday, in a wide variety of programs and services; including our Child Life Center, which is a NAEYC accredited state licensed facility that serves children with and without disabilities, and

a broad array of services for adults. Job support services, helping people get jobs in the community, work opportunities at ARC Industries, which is an ISO registered manufacturing facility that provides the supports for individuals with even severe and profound disabilities to work, and our Adult Day Program is another premier program that you're going to learn a lot more about tonight. Now, we have many other ancillary services, but those are our large, predominant services that we provide. The Day Services program is at our training center facility on Virginia Street, and we serve about 120 adults in that program, many with severe and profound disabilities. Lots of personal care, lots of assistance, lots of hand over hand assistance with those individuals. Our goal is independence, helping increase independence skills and helping individuals be as engaged in the community as possible and live as independently as possible. I have someone who's much more familiar with this program in terms of the benefits to him and his family. So, I brought with me a board member tonight, Mitch Singler, who is a manager in the IT department at Springleaf. He's also the father of one of the adults in our Day Program.

Mitch Singler: Thanks, Deidra. Good evening. My name is Mitch Singler, and I'm the parent of a mentally handicapped adult son, Jacob. My wife Sherrie and I consider Jacob a blessing, and believe that along with this blessing we've been given resources over the years to help Jacob and our family cope with his disability. The current and primary resource today for us is the Evansville ARC. As a member of ARC's board of directors, I provide a parent's perspective to the board and gain first hand knowledge of how well ARC does what it does. The board and staff are committed to provide high quality services. Some of the ways we do that include the fact that there are four board members who are, or who have children with disabilities, or who will be receiving services from Evansville ARC. Actually, one board member is a disabled, one of the clients at ARC is on the board. As a board member we provide input from our perspectives basically. At ARC we pursue and maintain accreditations that demonstrate quality, such as; ISO, CARF, and NAEYC. We utilize committees that include board members, staff and community leaders to assist with programs, development and quality initiatives and provide services that have been identified as progressive and innovative by funders, accrediting bodies and others, such as the Child Life Center, as Deidra mentioned; Community Job Link; Connections for Life; and Transitions Services for high school students. As you can imagine providing and maintaining high quality services can be difficult given the challenging financial times of today. However, the board and staff are creative and strive to seek ways to provide high quality services at the lowest cost possible. Some examples of that are we participate in an IT consortium with the Gibson County ARC and SIRS, and then we share IT resources with those groups. We've implemented an on-site medical clinic three years ago and reduced employee medical costs by 50 percent. Our medical costs are lower today than they were ten years ago. Partnered with, we partner with local non-profits, as well as corporations to optimize our resources for a variety of projects. We do have to make some difficult decisions, when needed, to make sure we do not exceed budgeted expenses. For example, we've eliminated retirement plan match for employees, and we've reduced or eliminated merit raises when necessary. ARC's mission is to advance the value of and respect for all individuals with disabilities by providing opportunities for development employment and independence. I would like to thank you for your continued support for ARC of Evansville. Thank you.

Deidra Conner: Could you talk a little bit about what kind of services your son receives and how that helps your family in general terms?

Mitch Singler: Jacob, as Deidra mentioned, receives a lot of assistance in just day to day activities. Some hygiene, just main hygiene, how to interact with others, it's pretty basic things that Jacob needs. The ARC is good at providing that with others that are disabled as well. So, Jacob is not, there's not a one on one situation, he's there with other disabled people in a room, he's allowed to wander around probably more than he should, but he likes to wander around the hallways at ARC and visit other classrooms. They do arts and crafts kinds of things. They cook, they are shown how to cook, and just day to day activities that really provides an assistance for Sherrie and I, because it's hard for us to do those kinds of things with him at home. We have three other kids and we're busy with their lives as well. So, ARC helps us immensely with providing those kinds of supports and things for Jacob while he's at the ARC. I don't know what else to say on that.

Deidra Conner: Okay, thank you. One of our mottos at Evansville ARC is, "Every person matters", and we sincerely believe that. The folks who attend our Adult Day Program are individuals that could easily be ignored, that could be in nursing home care, they could be institutionalized, but these are individuals who want to contribute to the community to the best of their ability. Many of those individuals volunteer in our volunteer program. Through this program their parents have the capacity, we have 80 year old parents who are working with adult children, that if they could not come to the Adult Day Program, those children would be institutionalized, and mom and dad would not be able to keep them at home. For some of the younger folks, again, mom or dad would have to quit their jobs. Every person who attends the Day Program qualifies for 24/7 care, whether they live with their parents or somewhere else. It really is a critical link and support for families, but for the individuals themselves it's truly an opportunity to be all that you can be, for lack of a better phrase. Many of the individuals learn skills that permit them to volunteer, they get opportunities to engage in the community, and even the arts and crafts program, one of the things I'm going to leave with you is a flyer for an art exhibit currently on display for the next three weeks at the art gallery, at the Arts Council. These are mosaics that were made by adults with the most severe and profound disabilities. I hope that you take the opportunity to walk in there. You will be in awe of what you see. We truly focus on people's abilities and optimize those abilities. Do you have any questions for Mitch or for me about the Day Program?

President Abell: Deidra, I hate to put you on the spot.

Deidra Conner: That's okay.

President Abell: So, if you don't know off the top of your head....what's your, about how much is your budget, and how much do we contribute toward that, do you know?

Deidra Conner: Our budget runs between ten and twelve million dollars, and that varies depending on ARC Industries and the outside revenue they are able to generate from vendors like Berry Plastics. You contribute \$279,000. It's been the same amount for about 30 years. We've been in the budget for 50 years. I say this every single time I'm here, but I'm going to say it again. It is with a great amount of gratitude that we have, you know, a grant from you. We do not take that for granted. We very much appreciate it. Your support helps us provide those extra set of hands in all of these areas where the State does not fund us enough to serve the most severe and profound individuals. So, we have a lot of successes, a lot of great achievements for our individuals and at ARC, and you help make that happen. We do not take that for granted.

President Abell: We hope we can continue it.

Deidra Conner: I hope so too. Thank you.

President Abell: Thank you, Deidra.

Commissioner Kiefer: Thank you both for coming out here today. Thanks for serving on the board, appreciate that.

President Abell: I think there was an article in the paper about this.

Deidra Conner: There was, it's a great show, and it's free.

President Abell: Thank you so much.

2013 Vanderburgh County Paving List
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President Abell: 2013 paving list, I think Mr. Duckworth has good news for us tonight.

Mike Duckworth: I believe I will let Mr. Stoll begin.

President Abell: Okay.

John Stoll: We've updated the Power Point that was provided back during the road hearing to include the final roads that we propose to get repaired and resurfaced this year. First of all, since my office deals with all of the contract projects, I've got the contractual projects listed here first. Mike will go through the County Highway paving projects here in a moment. This again is a picture of some of the damage that's out in Keystone. In order to try and remedy that, we're proposing that the roads that are highlighted in red would be paved this year. It does not cover everything that needs repairs out there, but this is a combination of two things; one, we're picking up some of the areas that are in some of the worst conditions, and we're also getting some of the areas that show a lot of surface cracking, but we haven't had the streets totally fail as of yet. So, we're thinking that if we can mill and resurface those areas before the pavement totally breaks up we can save some additional costs next year. The streets we're including in this are Eastbourne, Flagstone, Keystone Hills Drive, Long Pond Way, Marshfield, Pembroke, Saybrook and Shoreham. Like I said, that doesn't cover everything that's going to need to be done out there. Anything that's not highlighted in red will need to be looked at again next year. We'll have to take it, take a look at it again and evaluate it once we know the condition after next winter. We're estimating it will probably take two more construction seasons to knock everything out out there. We didn't try to project what might need to be done next year, simply because we don't know what the effects of next winter might be. All total we're looking at about one and half miles and we're estimating this will cost \$191,000. The next project we're proposing to do on a contract basis is Millersburg, east of Green River, out to the county line. This would be done with TIF money. We're estimating that will cost \$125,000.

President Abell: John, are you, back up to Millersburg.

John Stoll: Sure.

President Abell: Are we taking into consideration that we've got a business out there running trucks on there?

John Stoll: Yes.

President Abell: Is that going to, is this road going to be substantial enough that that's not going to change the—

John Stoll: We will end up, you can kind of see it in those pictures there where the pavement is deteriorated. A lot of cracking there. We'll have to saw that out and put some fairly thick asphalt patches in those areas because of the truck traffic. Once we get all of the areas that have failed removed and a suitable patch put in, it should hold up. We are taking the truck traffic into consideration.

President Abell: Thank you.

Commissioner Melcher: Didn't we, at one time, isn't he doing some of that? Isn't he paying for some of that close to his entrance?

John Stoll: He was doing some repair work. I'm not sure—

Mike Duckworth: No.

John Stoll: Okay, nothing at this point.

Commissioner Melcher: Well, that's something that I think we need to pursue, even though it might not happen, I think we still ought to try to pursue it.

Mike Duckworth: We've discussed that. I've discussed it with Commissioner Abell, and I would just tell you that we've consulted the County Attorney, and, you know, we've looked at weight limits and we don't have weight limits in other areas, and we have to be consistent with this. This is a person operating a legitimate business within the parameters of the law and within the ordinance. I think if we start here, we have to look at other areas as well. I think that's what was indicated to me. Isn't that right, Mr. Harrison?

Joe Harrison, Jr.: More or less.

Mike Duckworth: I don't think we can require them to do it. They were in here looking for some type of change in their zoning—

Commissioner Melcher: No, I know all about the zoning.

Mike Duckworth: —well, part of that was that they were going to come through and do some of those changes if that zoning was changed, and that didn't happen.

Commissioner Melcher: Well, they weren't going to stop the trucks, or do anything to the highway.

Mike Duckworth: No, and we still aren't. So, I mean, I don't think there's any, we don't have any leverage here. We have to keep it passable and we have to keep it as strong as we can to endure the truck traffic.

Commissioner Melcher: Okay.

President Abell: Joe, is there absolutely nothing we could do? I assume this man pays taxes. Or, is this in Warrick County and he pays taxes in Warrick County and we don't anything but provide a road?

Joe Harrison, Jr.: I think Mike put it the right way. I don't want to say a whole heck of a lot more. Things may change down the road, but as far as his analysis of the situation, that's what we've discussed in the past.

President Abell: It is in Vanderburgh County? We're paving a Warrick County road?

Joe Harrison, Jr.: No.

Mike Duckworth: No, it's in Vanderburgh.

President Abell: Well, I just, near the end it does change, I just want to make sure that if we're going to pave it, it's going to be ours. I don't want to be over here paving Warrick County roads.

Commissioner Melcher: That's why he was trying to get it rezoned, because it was in Vanderburgh County.

John Stoll: The fill site that they are dumping the construction debris in, that's in Vanderburgh County. That's just right on the west side of the interstate. The county line is out there in that vicinity. So, we'll stop at the county line with our work.

President Abell: Okay.

John Stoll: The last item that we've got proposed for this year on contract paving is St. Joe Avenue between Diamond Avenue and Allens Lane. This is starting to see quite a bit of cracking and potholes showing up. We, once again, deal with a lot of truck traffic on this road, since it's the primary route up to the landfill. Given the cost estimate of \$200,000, this is like Keystone, it will be several years before we can get all of St. Joe done all the way up to the County Highway Department. This is kind of beyond the scope of what the Highway Department can do, just because it's a four and five lane roadway section. They don't have the ability to get that road done. So, that's why this would end up being contract work. In the event that our bids come in low enough and we've got any extra money in the contractual account, we were going to propose that we also do some work in Harper Heights Subdivision. This is located out off of Highway 65 up near Cynthia Heights School. You can see that there's significant deterioration of those roads. If the cost estimates we have right now are accurate, we should have some money to at least start some of that out there this year as well. That's the end of the contractual projects. I'll let Mike go through the Highway Department projects.

Mike Duckworth: Well, thank you, Mike Duckworth, Superintendent of the County Highway. I would just like to make a couple comments about funding. First of all, I don't know if everyone understands how critical the legislative passing, the legislature passing the \$215 million Local Roads & Street bill is. We were coming in at about \$900,000 less in revenue than we had had in previous years. So, we were really behind the eight ball. This new bill that passed, and our local legislators Suzanne Crouch and Vaneta Becker, Jim Tomes, they all worked on this. I, actually spoke with Luke Kenley and David Long about how critical it was for them not to add us needing to raise our excise tax to 50 percent. Long story short, they passed it without that caveat attached to it. So, for the next two years we'll be getting that

\$900,000. So, we ought, that pretty well brings us up to where we can do what we have been doing over the last few years. Understanding that, we have looked through many of the...the other way? Okay, sorry. Looked through many of our roadways. We've gone out and monitored them. We've graded them. We've done an assessment. Here's the list that we have come up with in regards to the worst of the worst. Arla Jane Drive, from Laubscher to Laubscher. Aspen Drive, .57 miles from Oak Hill to Iroquois. Broadway Avenue from Nurrenbern Road to Bayou Creek Road, 1.05 miles. Fischer Road, Orchard Road to Schenk Road, 1.25 miles. Forest Green, which is from Hunters Green to the dead end, .13 miles. Kratzville Road from Darmstadt Road to Wimberg Road, .57 miles. This is a roadway there has been an extensive amount of utility work on, and they went back in and just patched it in every little increment. So, it is extremely bumpy, and we'll smooth that out this year for those residents. Laubscher Road from Kratzville to the dead end at .65 miles. Meadow Green from Forest Green to the dead end, .03 miles. Mesker Park Drive from Detroy Road to Folz Road, .80 miles. Upper Mt. Vernon Road from Red Bank Road to the city limits, .40 miles. Wimberg Road from St. Joe Avenue to Kratzville Road, 0.95 miles. This is a roadway that has given us some problems, especially in the winter, because we have some drainage problems. We're probably doing some culvert work and some ditch work, so, hopefully will eliminate the freezing problems on that road. It seems like it's the first road that freezes up for us. We do have additional county paving projects that we can take, but we're taking this in very slow increments, because the volatility of the oil and asphalt prices is up and down. When we catch a good price, we've estimated it at \$65 a ton, and when it's under that we're going to be paving. If it goes over that, we may wait awhile until the price goes down, or it may have an effect on how much we can pave. Additional roads are Mohr Road from St. Joe to Darmstadt, that's 1.15 miles. Rusher Creek Road from Highway 41 to the dead end at .23 miles. Schroeder Road from Old State to Highway 41, 1.25 miles. This is kind of difficult to read, but I will tell you, it's, our budget that we have set aside for paving, County Highway wise, is about \$600,000. We've left some leeway in that because out of that same account we have buy our salt, our concrete, our rock, all of those materials that we use on and around our roads in Vanderburgh County. I think this is the best possible scenario, between John's contractual work where, in many cases they'll be milling roads down. We don't have the equipment to do that, and then building the road back up, hopefully, in a stronger fashion. You know, we will do what we've done in the past for a total of about 12 total, a little over 12 total miles of resurfacing. Times are tight, and we are respecting every dollar that we get. We will continue to do so. I hope to be able to come back and give you a final report on what we were able to complete at the end of the paving season and let you know we've got, that we're going to be holding over until next year. I would be glad to entertain any questions.

President Abell: Commissioners? Good report. Thank you.

Mike Duckworth: Thank you.

President Abell: Do we need to accept this, Mr. Harrison?

Joe Harrison, Jr.: Yes.

President Abell: I'll entertain a motion.

Commissioner Melcher: I'll make the motion that we accept the report as given.

Commissioner Kiefer: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Mr. Stoll. Thank you, Mr. Duckworth.

First Reading of CO.05-13-005: Wastewater Pretreatment Ordinance

President Abell: First reading of CO.05-13-005, wastewater pretreatment ordinance. It's in your packet.

Commissioner Kiefer: This is what we discussed last week, wasn't it?

President Abell: Yes.

Commissioner Kiefer: It's the ordinance?

Joe Harrison, Jr.: Yes, you all passed the interlocal agreement with the Water and Sewer Utility, and this is the follow up to that. Essentially the county will be adopting the city's ordinance requirements for industrial users of the Evansville Sewer system. So, this is a first reading of that particular ordinance. If you want me to read it, fine. If not, on first reading, go ahead and pass it and if I need to read it next week, I'll read it into the record.

President Abell: Okay. It's in our packets, available if anyone wants to see it. I'll entertain a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Anyone have any comment? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: The second reading would be what, June 4th? Is that our next meeting?

President Abell: I think that is our next meeting.

Joe Harrison, Jr.: That would be the final reading then.

Resolution CO.R-05-13-005: In Support of Downtown Hotel

President Abell: Resolution CO.R-05-13-05 in support of proposed downtown hotel. This is a resolution of the County Commissioners. I think we probably ought to read it into record. Madelyn, would you please read it into the record?

Madelyn Grayson:

“A Resolution of the Board of Commissioners of Vanderburgh County in support of a new hotel in downtown Evansville. Whereas, the City of Evansville, Indiana is seeking to have a new hotel constructed in downtown Evansville, Indiana (the “New Hotel”); Whereas, the plans for a New Hotel include an overhead walkway which will connect a New Hotel to a parking garage, the Ford Center and to the Evansville Auditorium and Convention Centre (the “Centre”) which is leased to Vanderburgh County and managed by SMG; and, Whereas, since the closing of the Executive Inn in downtown Evansville, convention business at the Centre has substantially diminished causing a decrease in the annual revenues of the Centre; and, Whereas, the Board of Commissioners of Vanderburgh County, Indiana strongly support a New Hotel which will complement the Centre and enable it to realize the convention and trade show business it was designed to handle when it opened over ten (10) years ago; and, Whereas, a New Hotel will be a significant economic development boost to the Evansville community by creating much needed jobs and by increasing future convention and trade show business at the Centre. Now, Therefore, be it Resolved by the Board of Commissioners of Vanderburgh County as follows: 1. That the Board of Commissioners of Vanderburgh County strongly support a New Hotel and urge the City of Evansville officials to proceed ahead with a New Hotel which will complement the Centre and enhance the other downtown governmental facilities. 2. This resolution shall be in full force and effect from and after its adoption. Duly adopted this 14th day of May, 2013.”

President Abell: Thank you. We found that the resolution number is incorrect on here. Is it 006?

Joe Harrison, Jr.: Well, I don't know. Madelyn, one is an ordinance, obviously, and it's got a different number. Is the resolution number, is that was that accurate? They just happen to be the same.

Madelyn Grayson: Actually, that number just correlates with the month and the year–

Joe Harrison, Jr.: Right.

Madelyn Grayson: – and they happen to both be the fifth one of the year.

President Abell: Oh, well, we weren't sure. That's why I stumbled over it when I was reading it, because I thought we had two of the same numbers. So, evidently we don't then. So, it just happened that way.

Commissioner Kiefer: So, one is an ordinance, and one is a resolution?

Madelyn Grayson: Yes.

President Abell: Okay, it just happened that they happened to have the same. Okay, having read the resolution, I will entertain a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Any further discussion?

Commissioner Kiefer: This resolution is just, basically we're saying we support a hotel, but we're not getting into minutia details about how it's funded or how it all ultimately occurs, but it does say we do support a new hotel, because we recognize how good it would be for the Centre and for the downtown area.

President Abell: Correct, the negotiation is up to the City.

Commissioner Melcher: I agree with that, plus they were originally supposed to hook up the Centre with the Ford Center and they didn't. They were also supposed to have it for in the future, and that's why we have it in here. They were going to have like a pod and they were going to go into the Ford Center, or to a parking garage, or across the street to the hotel. So, we've got that all in here under the second paragraph.

Commissioner Kiefer: So, anyway, I guess I'm ready to vote.

President Abell: Okay, I have a motion on the floor. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Madelyn, would you see that the Mayor and the City Council get a copy of that?

Madelyn Grayson: Yes.

President Abell: Thank you.

**Health Dept: WIC Grant Amendment One
EMA: Letter of Consent Agreement with IDHS
Sheriff: Indiana DOC Contract
Building Commission: Indiana Housing & Community Authority Grant
Auditor: H.J. Umbaugh Contract: TIF Analysis**

President Abell: Contracts, agreements and leases. The Health Department WIC FY, for the year 2013 grant amendment one. The amendment decreases the funding received by the County by \$108,712, making the total grant agreement amount \$694,359. The term ends on September 30, 2013. Gary Heck is here to present.

Gary Heck: Gary Heck, Vanderburgh County Health Department. This amendment is necessary due to the federal sequestering, where the federal funds were cut by a certain percentage. It affected Indiana WIC program by four point, yeah, I think it was \$4.5 million total. It affected our local program by reducing 78 hours per week in case load time. So, we lost that amount of money which would have supported two full time positions.

President Abell: That's substantial.

Gary Heck: It is substantial.

President Abell: It's unfortunate.

Gary Heck: And it is unfortunate.

President Abell: I assume there's nothing we can do but just accept it. That's just the way it is, correct?

Gary Heck: That's the advice I think the County Attorney gave me.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you, Gary. EMA written letter of consent agreement with the Indiana Department of Homeland Security. This enables the State to retain and spend \$50,000 in state grant funds designated for the county EMA to be used to support the States IDHS Acadis Database utilized by the county EMA. Is, Sherman Greer is not here?

Joe Harrison, Jr.: I don't think he's here, but, essentially, money is going to be used for the local EMA, it's just that the state is going to spend it for this database.

President Abell: They are going to spend it on our behalf instead of giving it to us to spend.

Joe Harrison, Jr.: That's correct.

President Abell: That's pretty typical of the state. I understood that. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Well, I would almost vote no, but I'll vote yes since I don't have anything to say about it.

(Motion approved 3-0)

President Abell: The Sheriff, I do know that the Sheriff is here. Indiana Department of Corrections contract. Under this agreement the State of Indiana will pay Vanderburgh County \$25 a day for any Department of Corrections offenders housed at the Vanderburgh County Community Corrections Complex in connection with the Department of Corrections Re-entry Program. The term is from July 1, 2013 to June 30, 2015.

Eric Williams: Sheriff Williams, I would be happy to answer any questions. This is similar to a previous agreement. Basically, these are inmates that are going to be coming back from the Department of Corrections regardless. So, it makes sense for

us to participate in the Re-entry Program, because then we get paid for them. They are not going in the jail, they are going into Community Corrections, which has the capacity to handle it. It would be a different story if we were trying to put them in the jail, but it's part of the Community Corrections grant system anyway.

President Abell: Are these typically people from here?

Eric Williams: Yes, they are people that are being re-entered into our community that left our community.

President Abell: Okay.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Eric Williams: Thank you.

President Abell: Thank you. Building Commission, Indiana Housing and Community Authority grant agreement. The grant funds in the amount of \$369,992 for a program whereby the county and through the Building Commission will be acquiring and demolishing three structures located within the local flood plain. The properties are located at 5200 Duesner Road, 3601 Old Henderson Road and 3100 Twin Lakes Drive. All of these properties in Evansville. The properties to be acquired will be owned by the county and are to be turned into permanent green space, no structures will ever be located on the properties in the future. The current owners of all three properties to be acquired are supportive of the project. All three property owners will be moving to replacement properties outside of the flood plain areas. Is there anyone here to discuss?

Joe Harrison, Jr.: Two of the properties are in the county, and one is actually in the city.

Dave Ballew: That's correct.

President Abell: I'm assuming Twin Lakes Drive maybe is in the city?

Dave Ballew: Correct.

President Abell: Okay.

Dave Ballew: David Ballew, Flood Plain Manager for the City of Evansville-Vanderburgh County Building Commission. What we would like to do is just enter into the agreement of the grant. It is a 100 percent voluntary property acquisition grant. We've invited Mr. Brian Phillips to come down in case there's any technical questions on this. He is with the Indiana Housing and Community Development Authority. We've got two of the homeowners here. I don't see the third one. So, you know, everybody is volunteering for this. They want to see this happen. So, it's a good project there. The owners are in agreement of the buyout. They agree that it would be an effective way to mitigate against further damage and occurring costs to taxpayers to rebuild these homes. We've held two public meetings; one July 18th of last year, and one April 2nd of this year at Oaklyn Library. We also posted in the local newspaper. In your packet I've included some photographs of the homes. The first one being on 3100 Twin Lakes Drive.

President Abell: Which is which one? They're not numbered.

Dave Ballew: No, right, I've got them in the same order.

President Abell: Well, they kind of got mixed up.

Dave Ballew: Oh, I'm sorry. The yellow house.

President Abell: Okay. This is number one? Okay. This is Twin Lakes?

Dave Ballew: That would be number one. Sorry about that.

President Abell: This is 3100 Twin Lakes?

Dave Ballew: Right.

Joe Harrison, Jr.: This one?

Dave Ballew: Yes.

Commissioner Kiefer: Where is it at on the map here?

Dave Ballew: That is going to be the one along Pigeon Creek.

Commissioner Kiefer: Oh, okay, gotcha.

President Abell: Is that this one? Oh, here, okay.

Dave Ballew: According to the map, all three of these properties are in the flood way.

President Abell: Okay, and which one is number two?

Dave Ballew: Number two would be the house with the barn in the background. That's going to be—

President Abell: Duesner Road?

Dave Ballew: – correct, that’s going to be Duesner Road. This house actually has a basement and sustained quite a bit of damage. All three of these properties are substantially damaged.

President Abell: Where on the map is this?

Dave Ballew: That one is going to be right in the middle of Union Township bottoms area.

President Abell: Okay.

Dave Ballew: Then, the final would be 3601 Old Henderson Road. Mr. and Mrs. Roberts are in the audience. This house sustained a long term water inside of it, resulting in mold, which deemed it uninhabitable for a long, long time. We’ve had well over \$250,000 go into all three of these properties since 1995. One of the other requirements is that they are a repetitive loss structures. So, this will also add to our CRS, our Community Rating System, points to possible help save people money on their flood insurance.

Commissioner Kiefer: So, this is not in, it’s in a flood way, which is different from a flood plain.

Dave Ballew: Correct.

Commissioner Kiefer: Okay, and since it will never be used again, and you said green space, like any purpose, use, purposeful use for the green space? Or is it just to look at?

Dave Ballew: For recreation only.

Commissioner Kiefer: Recreation only?

Dave Ballew: Yes, you know, they can plant a garden, but no structures, no fencing anything like that would be allowed on that property.

Commissioner Kiefer: But, the county will own it, or will we turn around and sell it?

Dave Ballew: No, the county would own it.

President Abell: So, it’s off the tax roll.

Dave Ballew: With a deed restriction.

Commissioner Kiefer: That’s what I was getting at.

President Abell: Yeah, now it’s off the tax rolls.

Commissioner Melcher: How long are we going to own it? Forever?

President Abell: We don’t want to own it.

Dave Ballew: Any restrictions on that?

Brian Phillips: Green space in perpetuity.

President Abell: Well, grass has to be mowed. I don't want to own it.

Joe Harrison, Jr.: Go ahead and talk on this, because it's my understanding that it never has to be mowed or anything.

Dave Ballew: No, no, no. All of these properties can just grow wild. We can do an agreement, you know, with the neighbors. The one on Old Henderson Road, the neighbors would like to just go ahead and maintain it himself. So, you know, possibly put in a garden and that type of thing.

President Abell: You know, and I don't mean to be argumentative, and I know that sounds wonderful to you, but five years from now that neighbor is not going to care that they said they would like to mow it tonight. We're going to have the County Garage out there having to mow this yard, because we go through this every spring, and we don't have, our equipment is falling apart, we have no money. I just am not, I do not want to take these properties on. I will vote against this. I do not want to take them on. Maybe the city can take them on. We don't want them.

Commissioner Kiefer: Let me ask this—

Dave Ballew: Sure.

Commissioner Kiefer: —why, I mean, is there something that would be placed in the deed that would restrict us from ever selling it?

Dave Ballew: That is correct. Yeah, there is a deed restriction that goes in place.

Commissioner Kiefer: I guess, my question would be, why wouldn't we be able to sell it somebody else who would just use it, with the knowing that they can't build on it?

President Abell: Give it to them.

Dave Ballew: Brian? Come on up here please.

Brian Phillips: Thank you. With regards to the properties, the lien needs to be on the property in perpetuity to avoid any future flooding for any structures.

Commissioner Kiefer: I understand you have a lien on it to prevent any building structure to go on it. My question is, why does the county have to maintain ownership? We could, could we not sell it or give it away to somebody, as long as the lien is place on there that says their not allowed to build on it?

Brian Phillips: I think that's something we could discuss, but we would need to be repaid upon sale of that property. If you do sell that property then that's out of compliance, basically, with the federal regulations.

Joe Harrison, Jr.: What if it's given away?

Brian Phillips: The county still has to maintain ownership of the property, of the lot.

President Abell: Well, why don't we deed it to you?

Brian Phillips: Because we are not in the business of property management.

President Abell: Neither are we. We aren't either. We're not in the ownership, we're trying to get rid of property now. We don't want it.

Commissioner Kiefer: Let me ask you this, could we lease it to somebody for like a dollar a year for a hundred years or something?

Brian Phillips: Yeah, you could, as long as the county still maintains ownership of the lot, you can lease that and handle it however you want, as long as there is nothing put on that property that would create any excavation, earth moving, recreational uses only.

Commissioner Melcher: What happens if we don't want it? If we turn this down tonight?

Brian Phillips: If you turn it down, then the owners of those properties are back to square one. They're currently living in a property that is going to flood again. If anything is done to that property to avoid flooding, it's simply going to divert the water to someone else's home, in some cases. If this is not passed today, then those homeowners still have that home. It's possible that those homes, if they continue to obtain detrimental circumstances or anything, that they'll continue to pay to live in another unit somewhere else and also continue to pay their mortgage. This is one of the primary reasons that we're doing this is because these families are not able to live in the house, or they're living in the house, I've been in the houses and I know that there's currently mold in one of those houses, definitely. So, if it does not pass, then you have homeowners that are going to be living in a situation that's simply waiting until the next flood, and then they'll have to take the precautionary measures to try and minimize the damage. I know these households have rebuilt several times over, and they're very anxious to get out of the situation. They're making double payments right now, at least two of them are, and have in the past.

President Abell: Can we give the property back to them after we tear the house down? Let them mow it and take care of it.

Brian Phillips: That is totally up to you guys. That's between you and the owners of the property.

Commissioner Kiefer: Are we required to vote tonight for this grant to be effective? Or can we vote on this at our next meeting? I'm not saying I'm, I don't want to say no, but I would like to know that we could maybe, in the meantime, work out a lease agreement with the current owners that they would take it back, or somebody that would take it and maintain the....we just don't want to be stuck with the management of the property. But, my question is, do we have time, or is this a vote on it tonight?

Joe Harrison, Jr.: No, I think they have time.

Brian Phillips: We have time. I mean, we put a date in the agreement as an arbitrary date so that things can expedite and that they don't sit stagnant, but it does not have to happen tonight.

Commissioner Kiefer: Yeah.

Commissioner Melcher: Does it have to come to the county? Can't the one in the city go to the city?

Brian Phillips: Not with the properties outside the city limits of Evansville. That's the primary reason that—

Commissioner Melcher: Well, the two houses that are outside, that's in the county, but I thought you said one was in the city.

Commissioner Kiefer: The one up on Pigeon Creek.

Brian Phillips: Right.

Commissioner Melcher: So, why do we take that one? The city could take that one.

Brian Phillips: The city could take that one, but then you have the other two.

Commissioner Melcher: I understand that, but I would rather handle two than three. I'm just saying, we need to look at some options and hold this, and, Joe, you need to check on some of this.

Joe Harrison, Jr.: I think as far as—

Commissioner Melcher: I want to help the people.

Joe Harrison, Jr.: Sure.

Commissioner Melcher: You know, that's what I want to do, I want to make sure that they get helped, so, I don't want to hold this forever, maybe until a couple meetings from now and we could go ahead and vote on it. By that time we've done some research, we know what we're going, we're just not signing a blank check.

Joe Harrison, Jr.: There might be some organization, I mean, I don't know, I'm just thinking out of the box, that might be willing to lease the property to.

Commissioner Kiefer: Yeah, like there's that —

Joe Harrison, Jr.: The Nature Preserve.

Commissioner Kiefer: Like the group over there at Wesselman, yeah, the State Hospital grounds that does—

Commissioner Melcher: That's the Master Gardeners.

Commissioner Kiefer: Yeah, the Master Gardeners or something. Maybe somebody would take a 50 year lease for a dollar a year or something on it, you know. I mean, or nothing.

Dave Ballew: Excuse me, I've already talked to the adjoining property owners, and, like I said, they are willing to take on the responsibility of that, with a lease agreement. The one on Twin Lakes Drive, the one in the city, that's a wooded area. It can just grow. It's not going to hurt anything at all. There really is no maintenance or upkeep for that property whatsoever.

Commissioner Melcher: Okay, but according to what you just said then, we're only talking about one house. If we could go ahead and have leases all signed by the time you come back.

Dave Ballew: I don't have an issue with that, frankly. So, if it's—

Commissioner Melcher: That makes more sense.

President Abell: You mean, that you will get something in writing from someone that says they'll take over the maintenance of these lawns?

Dave Ballew: Yes, Ma'am.

Commissioner Kiefer: Perhaps Joe can work with them to draft something.

Joe Harrison, Jr.: I've talked to them already about that, it's just that right now we don't own title to the property, so we couldn't enter into a lease, but we could get a commitment from whomever would like to lease the properties. I thought you said there were two out of the three that you had.

Dave Ballew: That is correct.

Joe Harrison, Jr.: And, on the other one we're going to have to find someone that might want to lease it as well.

Commissioner Melcher: Well, if we could, somebody like Keep Evansville Beautiful—

Joe Harrison, Jr.: Right, that's what I'm saying.

Commissioner Melcher: — to go out there out and plant trees and then we don't have to worry about it all.

Commissioner Kiefer: Well, like this property number two here for example looks like that that was demolished. I don't know how big of a parcel that is. It doesn't say what the square footage or acreage is.

Dave Ballew: No, I don't have that information on them.

Commissioner Kiefer: Like parcel number two—

Joe Harrison, Jr.: On Duesner?

Commissioner Kiefer: Yeah.

Joe Harrison, Jr.: Is that the one on Duesner?

Commissioner Kiefer: Yeah, that looks like that could be a flat piece of ground, like that might be something the Master Gardeners or somebody might appreciate.

Dave Ballew: Well, actually if you look, in the photograph back there, there's some farm ground, the farmer who surrounds that, I mean, that's just a big horseshoe basically. He said, you know, he is definitely interested in just going ahead and taking that land over.

Commissioner Kiefer: Well, do you know how, what the size of that property is?

Unidentified: Three acres.

Dave Ballew: Three acres, there you go.

Commissioner Kiefer: Well, in that case, three acres, we might be able to get actually a little bit of income on that.

President Abell: Well, he says we would have to pay them back.

Joe Harrison, Jr.: No, we would have to pay them back.

President Abell: I think we just let–

Dave Ballew: Right, we're not in it to make money.

Commissioner Kiefer: Oh, okay.

Dave Ballew: Right.

Commissioner Kiefer: So, if we got any income on it, we would have to pay it back? Even if you're leasing it for farm production?

President Abell: I just don't want it on the back of the local taxpayers. We've got all we can handle.

Dave Ballew: Right, right.

President Abell: I can not imagine though, in looking at this, this one at 3601 Old Henderson Road, it has houses around it. If I lived next door to it and you tore it down and it had weeds growing up, I would be calling the County Garage every day to come out.

Dave Ballew: Well, the house that's adjacent to it there, he's the one that wants to take over the property.

President Abell: Yeah, but, again, I mean, I can appreciate that, but sitting behind this desk I'm not looking at somebody's verbal, I would be happy to do it for you for the next few weeks. I want somebody to sign it so the next County Commissioners that are sitting here aren't worrying about how they are going to get it mowed.

Dave Ballew: Sure.

Nora Roberts: May I say something about that particular question?

President Abell: You'll have to come to the microphone and give us your name.

Nora Roberts: My name is Nora Roberts. I live at 3601 Old Henderson Road. The neighbor next to me, the property that I live in, that my neighbor lives in, and the person right next to him is all, has all been family owned since 1957 or before. That is the reason they want to take over that property, if we're able to move. Because they would like to keep it into the family. So, for us, for them it's not a question of it being just for 50 years or so. That's something that they want to be able to hand down through my husband's family for generations to come, which is also why they are willing to take over, take care of it, keep it mowed, leased, and just kind of have family functions there, like picnics and bonfires and such.

President Abell: So, we need to deed it to them. See, that's, my position here is I, as President of the Vanderburgh County Commissioners, do not want to own this property.

Nora Roberts: I understand that.

President Abell: We can deed it to them, we can give it to them, they can pay for it, I don't care. I just don't want it in the name of Vanderburgh County.

Nora Roberts: I understand that.

President Abell: Okay, that's my whole point.

Nora Roberts: Thank you.

President Abell: So—

Commissioner Kiefer: I'm going to make a motion to table it, if that's okay.

President Abell: Yeah.

Commissioner Kiefer: Until, I don't know, what date were you thinking, Steve?

Commissioner Melcher: Well, the second meeting in June.

Madelyn Grayson: That's June 18th.

Commissioner Kiefer: Until June 18th, and then that would give us time to research this.

Sue Hubbard: Can I say something?

President Abell: Yes, Ma'am, but you'll have to come to the microphone and give us your name. Someone wants to make a comment.

Commissioner Kiefer: No, that's fine. I just thought this would give us time to research, and if we could do a 100 year lease or whatever to somebody, maybe we can make it work out.

Sue Hubbard: I'm Sue Hubbard. I'm a west sider. I'm an aunt to the owner of the 5200 Duesner Road. These people, Jim especially and his son, have been out of their house since April of 2011. You know, delays are very, they're costly, they're very stressful. I just would encourage you to look at this without delay and come to an agreement. The fellow from Indianapolis, he's been helpful and informative. Dave Ballew has been excellent with them. I thought perhaps you already had this information ahead of the meeting.

Commissioner Melcher: No.

President Abell: No, this is our first notice of it.

Sue Hubbard: Okay.

Commissioner Melcher: Normally, that's why we have two readings. We usually have something like this first, then we come back in two weeks or four weeks and hear the whole thing then. That gives us time to investigate it.

Sue Hubbard: Uh-huh.

Commissioner Melcher: Because I don't think there was any Commissioner, Dave, involved in this from the beginning, right?

Dave Ballew: No.

Commissioner Melcher: So, we're just kind of getting it tonight. To be fair with all of the taxpayers.

Sue Hubbard: I understand.

Commissioner Melcher: I understand that you heard me say awhile ago, I want the people to sell their homes, because I understand that. So, I just have to do due diligence on this.

Sue Hubbard: Right, and I do understand that the county doesn't want to own it, but surely there is some kind, some way, I'm sure that the three acres there on Duesner Road would be managed by the farmers who surround it all the way around there. So, it wouldn't be a weed field, it would be used.

President Abell: Well, that's what we plan to do with the two weeks is find out if we can deed these properties to someone else.

Sue Hubbard: Right. I know you have governmental rules that you have to follow, but I'm just suggesting that you put as much effort as soon as you can, because these people have been out of their homes for more than two years now. Thank you.

Commissioner Melcher: So, I guess, I need to ask, and it might take you to answer this, so, are we allowed to give these homes to somebody?

Brian Phillips: No.

Commissioner Melcher: We're not allowed to give them to them?

Brian Phillips: You can lease them, but you cannot deed them to anyone else. They must stay the property of Vanderburgh County.

Madelyn Grayson: Can you state your name for the record?

Brian Phillips: Brian Phillips.

President Abell: You mean, now, you're going to tear these houses down, correct?

Dave Ballew: Correct.

President Abell: All three of them?

Dave Ballew: Uh-huh.

Brian Phillips: Uh-huh.

Dave Ballew: And all structures on that parcel.

President Abell: And, Vanderburgh County has to remain the title holder of these properties forever? We can't do anything else with them? We can't deed the three acres to the farmer that lives behind them?

Brian Phillips: No, that farmer cannot own that property.

President Abell: And, this is a grant from the State or the federal government, where is this coming from?

Brian Phillips: It's a grant from the State. We're using Community Development Block Grant Disaster Recovery dollars.

President Abell: Why don't they take title to it?

Commissioner Melcher: It's federal. CDBG is federal money.

Dave Ballew: Yeah, it's federal.

President Abell: Let the United States government take title to it. I don't want it.

Dave Ballew: Now, we have acquired properties in the past, back in I believe it was 1995, you know, we own title to, I believe it's 12 properties right now currently in the Union Township area.

Commissioner Melcher: The Commissioners do?

Dave Ballew: Yes.

Commissioner Melcher: We do?

Dave Ballew: Yes, Vanderburgh County does.

President Abell: We don't want them. I mean, I'm just being honest about it. We, I mean, I just got off the phone with the, before we came in here with Mr. Raben from the County Council. We're \$1.5 million short in 2013. We can't afford to take on maintenance of anything.

Dave Ballew: I understand.

President Abell: We can hardly afford to have the floors washed in the Civic Center. So, I don't want these properties. If there's, you need to find a way we can get them off our backs.

Brian Phillips: That's not within the federal regulations.

Joe Harrison, Jr.: Well, we can lease them to somebody.

Brian Phillips: Right, but you can't deed them to someone else to own.

President Abell: I'll entertain a motion to table.

Commissioner Melcher: I'll make the motion. We'll table this until the 18th of June.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Dave Ballew: Thank you.

President Abell: We'll address it on the 18th. County Engineer, H.J. Umbaugh and Associates professional services contract for the annual county TIF....this is not the County Engineer.

Madelyn Grayson: It's actually the Auditor.

President Abell: This is from the County Auditor.

Joe Harrison, Jr.: Yeah, it's the County Auditor. I don't know how that got on there.

President Abell: Well, my report, my agenda says County Engineer. That's incorrect. It's the Auditor. To provide certain annual and other related TIF administration financial analysis services concerning the county TIF areas. Umbaugh has been providing these types of TIF revenue services for the county in the past in connection with the TIF areas. Umbaugh will work with the County Auditor, County Assessor and County Redevelopment Commission regarding the services to be provided under the contract. As we said in here, this is going to be paid for out of the TIF funds.

Joe Harrison, Jr.: Joe Gries is not here, but Umbaugh has been providing these services for the last several years, and this is just an agreement to update the one that's expired.

President Abell: Any questions? I would entertain a motion.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Any further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Engineer

President Abell: Department head reports. Mr. Stoll, do you have a further report?

John Stoll: I've got two things. First, I would like to request approval to go to County Council to file an appropriation and a transfer for Baseline Road bridge number 201. That bridge is located about two miles east of 65 up in Armstrong Township. The 2010 bridge inventory called for replacing two beams on that bridge, and doing some deck work. Well, the 2012 report now calls for replacement of all of the beams. So, we had budgeted on the basis of the 2010 report, and now we've got the 2012, so we need to increase the amount from \$125,000 that we currently have in the account. So, I'm going to request that we file a transfer of \$50,000 from Broadway Avenue bridge number 270 over Carpentier Creek, and also file and appropriation of \$75,000 out of the Bridge Fund, to give us a grand total of \$250,000 in that account.

President Abell: Councilmen? Any questions, Commissioners?

Commissioner Melcher: No, that was basically what you sent today with an update.

John Stoll: Yes.

Commissioner Melcher: I'll make the motion to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The other item, I would like to request approval to advertise a notice to bidders for the repaving of Keystone Subdivision. This will cover the first part of the projects, the contractual projects that you approved this evening. We would open bids on June the 4th.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have. Thanks.

President Abell: Thank you. Mr. Heck, do you have anything further?

Gary Heck: No, Ma'am.

President Abell: County Surveyor, you're here for the Drainage Board. Darren, do you have something? You're just here to watch? Okay.

Commissioner Kiefer: He's got the Burdette Park passes coming up.

President Abell: Oh, okay.

Board Appointments

President Abell: Board appointments, the Legal Aid Society, we are re-appointing Aaron Wilson, and we are appointing Brian Holtz, he is replacing Jim Martin for a second term. I'll entertain a motion to accept those board appointments.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

New Business

President Abell: Under new business, Burdette Park passes for county employees. You're not here to discuss that, are you? I spoke with Mr. Craig on the phone today about this. He has not ordered those. He's leaving that decision on whether or not to provide them up to us. Of course, this is where we're going to make that decision, because the three of us having discussed it. I don't know how the other two feel, but, we just, I just do not think this something we can continue to afford. We're operating at bare bones. We're losing money at Burdette Park every year, and I don't think we can continue to provide passes for anyone to use the facilities, but I will entertain comments from my fellow Commissioners.

Commissioner Melcher: Well, it's not just not the county employees. Every time we do the county employees, the next two weeks we've got to come back and do the building here. So, they're not on here again, so that means they'll be back at the June 4th meeting wanting to know where their passes are. I agree, you know, right now, with the times the way they are and all of this, I was in a meeting with Shetler yesterday, you were on the phone, we've got to find out where all of this money is going to come from. You know, we hate to do that, but, you know, nothing says we can relook at this some other time. So, I don't even think—

Commissioner Kiefer: Don't do anything.

Commissioner Melcher: – don't even do anything on it, no. So, we'll just move on with old business.

President Abell: No action. There will be no action on this, and there will be no park passes issued this year.

Old Business

President Abell: Anything under old business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Madelyn, the consent items.

Madelyn Grayson: The consent items for the May 14th meeting are as follows; approval of prior meeting minutes, we have May 7, 2013. Employment changes for the Commissioners approval, there are two for the Health Department and two for Burdette Park. The Commissioners have a corrective deed for 4010 Broadway, we have pay application number one for the Old Courthouse corridor repairs, there's transfer requests, appropriation request, and the Bumb settlement agreement. The County Highway Department has the annual operations report. The County Auditor has a request to surplus various computer equipment. The County Clerk has the April 2013 monthly report, and the County Engineer has pay request number 175 for \$10,488.61 for TIF projects.

President Abell: I would entertain a motion to accept consent items.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

New Business Re-Visited

Commissioner Kiefer: Before—

President Abell: Yes?

Commissioner Kiefer: – we adjourn, I would like to, can we have Councilman Raben or somebody from the County Council come. I mean, I'm hearing all of this talk, and I've seen e-mails about it, and I've seen newspaper accounts, but it would be nice to have somebody from the County Council here to give us, you know, a face to face where they could talk to all three Commissioners at one time. I don't know if we could add them to our agenda—

President Abell: Sure.

Commissioner Kiefer: – to see, a request, I guess, the Finance Chairman to appear before the Commission and tell us about what's up.

President Abell: Marissa, could you do that?

Commissioner Kiefer: Okay, that would be great. Thank you.

Commissioner Melcher: I don't want to bring this up, but I've got to bring it up, it's the same thing we just talked about awhile ago about these houses. I agree with Marsha, but I also have something about humans living like that, because I've seen that, been part of that. So, I want to see how we could work this out somehow, someway. I really don't understand about how we can't sell it for a dollar, because they want to be paid back. Now, I think we need to check into that more, because everybody sells everything for a dollar in government. So, if we could sell it to somebody for a dollar and then let them have the dollar.

Commissioner Kiefer: It seems like you could have a lease agreement that has the same force and effect as a sale, that they take it in perpetuity, you know, for a one time lease payment of a dollar, and then, of course, we'll give that dollar back to the federal government.

President Abell: Yeah, but if we sell it to them, then it's on the tax rolls again.

Commissioner Melcher: Well, here's the other thought, is there a way we could tie this up with the taxes we're losing on that property every year, and add that up over ten years or something? Your attorney fees and everything. Finally, when we have enough money to pay for a house, we say okay, you owe us this, we owe that, we'll trade this out.

Joe Harrison, Jr.: The only thing about these structures, these properties is that you can't put a structure on them. There's a requirement there.

Commissioner Kiefer: If it's in a flood way, it doesn't have any tax value anyway.

Joe Harrison, Jr.: Yeah.

Commissioner Kiefer: It's going to have nothing.

Joe Harrison, Jr.: But, I think some organization–

Commissioner Melcher: But it did.

President Abell: Sure it did.

Joe Harrison, Jr.: –may want to maintain it and lease it. I mean, maybe the Building Commission can find three organizations, or three neighbors that might be willing to take this on for an extended 50 year lease or whatever, but I think they're going to have to come to us with some options. I'm glad the representative from the State was down, because he heard exactly what you were saying, you know, but, as far as deeding the property off, I'm 99.9% sure that can't be done. But, as far as leasing it to someone, or the neighbor, or, you know, I, you know, the county, or, for instance, the Parks Department has lease agreements with various organizations to maintain, you know, the ballfields over where all of the Little Leagues play, where the soccer fields are for many, you know, off Vann Avenue and many areas. Those

are long term agreements. I think out at Moutoux Park there's a long term lease out there with others. So, I mean, I think it's doable where they have to maintain insurance on the property and keep the property in some sort of a condition.

Commissioner Melcher: Well, and I was going, that's the last thing I was going to bring up, we're going to have to add insurance on there. That's going to cost us money, because we've got to make sure we're covered if something happens out there.

President Abell: If somebody falls out there and gets hurt.

Commissioner Melcher: Even if we let somebody have it, or lease it to them, you know we're going to have to keep something on it.

Joe Harrison, Jr.: I don't know about that. I think the agreement, the agreements I've seen would require them to have it insured.

Commissioner Kiefer: And we're named as an additional insured.

Joe Harrison, Jr.: Additional insured, that's correct.

Commissioner Kiefer: I guess—

President Abell: Them who?

Commissioner Kiefer: Whoever leases. Whoever would do the lease.

President Abell: Oh, yeah. Yeah, if they lease it. I think what Steve and I were saying is if we don't lease it all, we've got to add it to our insurance policy.

Joe Harrison, Jr.: That's exactly right.

President Abell: So, we've got to get it out of our hands.

Joe Harrison, Jr.: As quickly as possible.

President Abell: Absolutely. They've got to....and that burden should be on them, not on us.

Commissioner Kiefer: Let me ask you this.

President Abell: They're asking us to do something. We didn't ask them to do anything.

Commissioner Kiefer: Right. Let me ask this, that \$369,000 grant, where is that money going to?

Joe Harrison, Jr.: Well, it's going to, it's going to pay them off.

President Abell: They're going to buy those people out.

Joe Harrison, Jr.: They're buying them out.

Madelyn Grayson: And razing the property.

Joe Harrison, Jr.: Raze the property, properties.

Commissioner Kiefer: I mean—

Joe Harrison, Jr.: And, then they're going to use that money to buy replacement homes.

Commissioner Kiefer: If we sell the property, then we have to pay that grant money back, in effect, correct?

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: Okay, well, can we get something in writing with the people that are selling it and receiving the grant money that somehow we would get funds back that, some kind of liability would go to them?

Joe Harrison, Jr.: Well, they're, they will be deeding us the property.

Commissioner Kiefer: No, I know that, but they're getting, it's a nice deal for them because they're selling a property that has no value, and they're getting cash for a property that has absolutely zero value. I mean, yeah, they've got a problem, they've got a bad situation. I guess, what liability should the sellers have in the future?

Joe Harrison, Jr.: They're not going to have any liability.

Commissioner Kiefer: That's what I'm asking. Can we give them some liability?

Joe Harrison, Jr.: The grant's not going to provide that. The grant is they get paid a particular sum, the properties will be appraised, two appraisals, they'll get the middle of the two amounts—

President Abell: And, there's some mortgages on these, I think.

Joe Harrison, Jr.: Probably, yeah, I'm sure there are.

President Abell: They've indicated, that gentleman indicated there were some mortgages.

Joe Harrison, Jr.: So, the mortgage will be, obviously, paid off, and the structures will be demolished and removed, and that's all factored in in that \$369,992 amount. So, it's \$370,000 for all three.

Commissioner Kiefer: It sounds like the county's being put in a bad position, because we didn't build the houses, we didn't cause the problem of being in the flood way, but yet if we don't accept this, then we, you know, these people have this hardship and this burden.

Commissioner Melcher: It's really the only way they could get out.

Commissioner Kiefer: Yeah, and this is the only way they can get out. So, it's really somewhat, all they're doing is shifting the burden, the burden is getting shifted to the county. Of course, not as badly as what they probably have right now, but there is a burden being shifted. So, I agree, and, hopefully, they can come up with some ideas that we can look at in a couple of weeks.

President Abell: Because we have to be mindful of anything that we take on that's an expense. It's not coming out of my pocket, it's not coming out of yours, and it's not coming out of Commissioner Melcher's, but it is coming out of all of the taxpayers in Vanderburgh County. This is their money we're taking care of.

Commissioner Melcher: Which is us too.

Commissioner Kiefer: Can we get an estimate from someone? Can somebody give us an estimate on what we're talking about on maintenance on this property? Are we talking \$100 a year or \$10,000 a year?

Joe Harrison, Jr.: I could speak with Mike Duckworth.

Commissioner Kiefer: Yeah, that would help, because then we know what kind of dollars we're actually talking about.

President Abell: Well, but the problem, because I work with Mike so closely on this I know, I was just out at the County Garage last Thursday, and I can tell you something, it isn't a matter of the money, they do not have enough equipment—

Joe Harrison, Jr.: Sure.

President Abell: – and enough people to mow what we've got to mow. They can't take on another lawn.

Joe Harrison, Jr.: The bottom line is you've got to have three entities or persons that are going to want to take all three and lease that space. I mean, that's something you've gotta have as far as considering this grant. You've got to have someone in place, whether it be adjoining neighbors or a local organization that might be willing to take it on.

President Abell: Yeah, I mean, the County Garage is getting three employees cut.

Joe Harrison, Jr.: Right.

President Abell: They do not have the staff to take on one more piece of property. Not one.

Commissioner Kiefer: It's too bad that the grant can't allocate monies to be retained by the county to maintain the property, because if they're allocating dollars for demolition, they're allocating dollars for things like that, why can't there be allocation of dollars in that grant for maintenance of the property, at least for some period of time.

Joe Harrison, Jr.: I can check on that as well.

Commissioner Kiefer: Yeah.

Joe Harrison, Jr.: I mean, the bottom line is you don't even want to take it on, but I can at least check on that.

Commissioner Kiefer: Well, it would be interesting to know, because, you know, if so many dollars of that grant could be applied toward maintenance, maybe that helps make the decision a little bit easier for us.

President Abell: Did you want to address this tonight?

Commissioner Kiefer: Oh, sure.

President Abell: Something else under, we've gone back to new business now.

Commissioner Kiefer: Yeah, thank you very much.

Commissioner Melcher: That's what it looked like.

Commissioner Kiefer: I have a proposal that was submitted to the County Commissioners and John Stoll.

President Abell: He left.

Commissioner Kiefer: John's gone, but, basically, this is a proposal where the State would relinquish, no, it's a proposal to do an analysis for the State relinquishing State Road 57, State Road 65, State Road 66 and U.S. 41, in return the county would get either some kind of cash payout or work done on University Parkway or something in return, but, basically Structurepoint has done this proposal in Hamilton County, and they analyze the value for us taking those roads. You know, because it's not free to take a road, I mean, we have to upkeep it, maintain it, you know, service it. So, we have to see what the value is for doing that work in return for some either cash payout or some type of agreement. Basically, this could be an opportunity for us, or we may just determine that, you know, it's not the right move, but, Structurepoint has submitted a proposal to do that work, and the proposal to do that is \$79,950 to do this analysis. It could be something very useful to us, but it's something we need to consider as to whether or not we would want to entertain a project with the State.

Commissioner Melcher: Well, I think, at this time I don't know where we would get the \$79,000. Maybe we could table this too, and we could look into it further, because there might be some other proposals that we haven't got-

Commissioner Kiefer: Right.

Commissioner Melcher: - and maybe we could get one, or maybe find out if there's a deal where they get a percentage instead of a dollar amount.

Commissioner Kiefer: Yeah, and I think what would be interesting is to see the deal that was structured up there in Hamilton County, because, obviously, they did a deal that was fairly lucrative for them. Or, at least they perceived it as being lucrative, and it would be interesting to get some input from some of those public officials, maybe even see what finally transpired. I mean, I'm assuming that's all public information up north as well, but if we could actually get a copy of something that was, that the State did with Carmel, or Hamilton County.

Commissioner Melcher: Well, obviously, they would have that. I mean, Structurepoint would have that.

Commissioner Kiefer: Yeah, I mean, at least we know, we would know what we're talking about. That could be a benchmark or an indicator.

Commissioner Melcher: Well, if we could get that, and then some of us could call up there and talk to Commissioners and that, and Joe could talk to the attorney, that would give us at least a start. There's one road on there that I don't want us to take, and that's 41.

Commissioner Kiefer: Yeah.

Commissioner Melcher: The State's already kicked back on that twice because of funding, on the MPO that I sit on. They have, you know, they have cut it off the table. In fact, they told the engineer quit designing it, pulled them off the project. So, there's a lot of bridges.

Commissioner Kiefer: Okay, so, I think—

Commissioner Melcher: But, there's other roads.

Commissioner Kiefer: – well, we can pursue trying to get a copy of what was done up there in Carmel, and see what kind of contract or relinquishment program they had there.

President Abell: Why don't you talk, why don't you work with John Stoll on that.

Commissioner Kiefer: Yeah, we'll do that.

President Abell: Will you?

Commissioner Kiefer: Yes.

President Abell: You'll take this on? Okay, Mr. Kieffer will take it on. He will work with John Stoll on it.

Commissioner Kiefer: Yeah.

President Abell: Okay.

Commissioner Kiefer: Got it, and we'll report back later.

President Abell: Anything further? I would entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:17 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the May 7, 2013 Commission Meeting Minutes.
Corrective Quit Claim Deed: 4010 Broadway.
Pay Application No. 1: OCH Corridor Repairs.
Transfer Requests (2) & Appropriation Request (1).
Bumb Settlement Agreement.

Employment Changes:

Health Dept. (2)	Burdette Park (2)	County Clerk (1)
Superior Court (2)	Circuit Court (3)	Assessor (1)
Prosecutor (2)		

County Highway: 2012 Annual Operational Report.

County Auditor: Request to Surplus Various Computer Equipment.

County Clerk: April 2013 Monthly Report.

County Engineer:

TIF Pay Request NO. 175: \$10,488.61.
Department Head Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Harrison, Jr.	Marissa Schenk	Madelyn Grayson
Deidra Conner	Mitch Singler	Mike Duckworth
John Stoll	Gary Heck	Eric Williams
Dave Ballew	Brian Phillips	Nora Roberts
Sue Hubbard	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 4, 2013**

The Vanderburgh County Board of Commissioners met in session this 4th day of June, 2013 at 5:04 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the June 4, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Could I have attendance roll call please?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: President Abell?

President Abell: Yes.

Pledge of Allegiance

President Abell: Mr. Harrison, would you lead us in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

**Permission to Open Bids for VC13-05-01:
Repaving of Streets in Keystone Subdivision**

President Abell: I would entertain a motion for permission to open bids for VC13-05-01, the street paving in Keystone Subdivision.

Commissioner Kiefer: So moved.

President Abell: I'll second that. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Mr. Harrison, do you want to open those bids for us?

Joe Harrison, Jr.: I will, and I'll report back in a few minutes.

President Abell: Thank you.

SWCD/NRCS Pigeon Creek Logjam Presentation

President Abell: We are fortunate this evening to have some good news given to us. I understand the Southwest Soil and Conservation group are here. Mr. Mark, would you like to tell us what wonderful things have happened in the last few months?

Mark Abell: Indeed. I'll introduce myself. I'm Mark Abell with the SWCD. This is Mark Cambron, and we work in tandem. He's with the National Resources Conservation Service. About, I guess, let's just start at the beginning, about a year and three months ago, Commissioner Abell called me and asked me to contact Charlie Wagner, who is a farmer on the eastern parts of Vanderburgh County in regards to a Pigeon Creek logjam. I had never seen it before, in fact, I had really never seen much of any logjams before that. So, I just kind of delved into it and started feeling my way through it. I was fortunate enough to be made aware of a new grant that was made available last year from the Indiana DNR called the LARE grant, which stands for Lake And River Enhancement. They specifically, in this grant, now were covering logjams, which they hadn't done up to this past year. So, I went ahead and inquired with the Commissioners whether or not they would like to sponsor that project, because we, our agency could not sponsor it. I was able to put it together and do the administrative part, but the County Commissioners were the sponsors of that grant. Then, we've documented it with photographs. As it turns out, it was probably, they measure these logjams in levels of one through five, and when we had the DNR Grant Director come down and look at it initially, he classified the logjam as a level six on a level five. It was, and I didn't know any better, I'd never seen it before, but it was massive. It was about two football fields long. We'll just go through the pictures, that would probably be the best thing to do.

Mark Cambron: This is the initial site visit. That's Doug Nussbaum, who's with DNR. Lake And River Enhancement is actually funds that are received from the State for boat registrations. Typically they've been done at the watershed plans, conservation practices, and like Mark said, this is one of the first times that they have done any logjam projects. The estimated length, about 300 feet. So, about the length of a football field. So, that's our initial site visit. He said, yeah, you've all got a serious problem here.

Mark Abell: This is taken from probably the down side of it, but if you'll look at the left part of your screen there, you can see a cut in where, the bank used to be where those trees are leaning to the right. That was the form of the bank. What happens when there's a logjam is water tends to find its way around the logjam, because you're not going to stop the water. What it does is it works a way around the sides, and it was going to start eating into the farm fields. That's why Mr. Wagner was so concerned, he has the farm land just, on the left side, which is north, just north of the creek there. It was getting pretty close to coming into his land. Oh, and then, up above, toward the top of the screen is where it ran back about 300 feet at this point, but as the year went on, it took, like I said, about a year and two months to get to this, the water had come up again a few times and brought other debris downstream with it. This ended up being about two football fields long before we were able to address it towards the end. This is just another, we're just going to run through some pictures. This is some of the better pictures. We have a lot of pictures. These are

some of the better ones just for you to get a feel for the size of it. That is taller than, you could literally walk out there and walk up, it's up over the stream. I probably would have thought that was 12 feet deep in the middle there. This is the bank, that's a fishing shack that's, the bank didn't used to be right where it is there. Right on the other side of that shack is his farm field. So, you can see, he was starting to get pretty concerned about losing his land. Downstream from it, a secondary logjam had developed from just items breaking. As water comes up and recedes and comes up and recedes again, it breaks some things loose. They come downstream and then they get caught on fallen logs and then you get a secondary logjam. This is the secondary logjam that was probably, what, about 50 yards down from the other?

Mark Cambron: Upstream, but yeah. This is just another photo of just, it just kept piling up, this is upstream, looking east. With each rain event more debris just stacked up and stacked up on it. This is actually the contractor that did the work, this is Henry Bigge, Mark and then we have Ashley Havelin.

Mark Abell: Ashley Havelin, she's the LARE Grant Administrator specifically for logjams. So, she's with DNR. So, this project was done in the guidelines that are outlined by the DNR. Henry Bigge's service, you know, pretty much had to adhere to all of those rules and he did. Basically, he drove out onto the, I think you can see on the right side, you can see his piece of equipment, he drove out on the logjam and just started removing it and piling it up, and grabbing it and piling it up on the northern bank. We couldn't pile anything up, we initially thought we would pile it up on the southern bank, but that turned out to be a wetland, and that would have involved the Army Corps of Engineer permitting, and that would have probably extended it into a five year process. Okay, now this is after it has been cleared, so you can see the stream is flowing, it's open. That cut that we had initially seen on the left has been remediated. There's the stack of logs that he put on the northern bank. To give you an idea of the size of it, it's actually, it's hard to tell from this, I think you've got another one, it's taller than his machine.

Commissioner Kiefer: What did you guys do with the debris?

Mark Abell: It's still there.

Commissioner Kiefer: Because it looks like there's a fire burning in there.

Mark Cambron: No, that's a road sign that he got out of the debris. There was a lot of road signs, a little bit of everything, t.v.'s in there.

Mark Abell: Furniture.

Mark Cambron: Yeah.

President Abell: Really?

Mark Cambron: By law, we removed, or Henry removed the non-combustibles and separated them out, so that when they do burn this, and this will be an approved burn, you know, there won't be anything in there that's toxic.

President Abell: Have you got plans for burning it?

Mark Abell: Uh-huh.

President Abell: When?

Mark Abell: Well, I think it will take, it depends on the weather, but they think maybe in July sometime they'll have a-

Commissioner Kiefer: When there's a fire ban?

President Abell: Yeah, when we've got the fireworks ban going.

Mark Abell: We'll notify, probably not during the ban, but, I think, they plan on having a celebratory bonfire, and we'll contact everybody to let them know that that's going on so the calls, you know, about a plume of smoke aren't-

President Abell: Well, because occasionally the fire department likes to go out and do this.

Mark Cambron: That was DNR's recommendation of how to get rid of it, was just do a controlled burn on it.

President Abell: Yeah.

Mark Cambron: A planned burn, I don't think, it might take awhile for that pile to dry out enough to do that. I think they're okay, it's not hurting anything right there.

Mark Abell: No.

Mark Cambron: But, this is some of the photos after the logjam was removed. Everything had to be seeded and mulched, per DNR's guidelines. Mr. Bigge did a really good job of getting everything back in shape. Just some of the photos, as you can tell from the photos, this is kind of what we had started with, and this is what we ended up with. So, everything, you know, we would like to go out there maybe two or three, all that bare dirt probably in a month is going to be grass and river weeds, it will restore itself. If you go there in probably two years you're talking trees to re-stabilize the bank.

Mark Abell: This is a list of our project partners. It required a lot of different agencies to work together to get it done. In the overall scheme of things, I think it really got done pretty quickly once we got through the grant acceptance project, or process.

President Abell: I think it got finished very quickly.

Mark Cambron: Because we were actually told we wouldn't hear about awarding of money until June of this year, and we got notification back in, what, February or March?

Mark Abell: At the end of April.

Mark Cambron: Was it that early?

Mark Abell: It might have been in March.

Mark Cambron: So, it moved pretty quick.

President Abell: I'm sure Mr. Wagner is very happy.

Mark Abell: He is. He sends his thanks.

Mark Cambron: The other issue too is this was starting to affect upstream landowners. It was flooding their fields. It was not just Mr. Wagner's problem, but other landowners as well.

President Abell: How much do you estimate this would have cost had we had to pay for it?

Mark Cambron: One estimate I saw was \$50,000 to \$60,000.

Mark Abell: I've had other people say that similar jobs were \$100,000.

President Abell: Wow!

Mark Abell: That brings up a point. There are some, this LARE grant for the logjam, we maxed it out. They have a cap where they will, in an 80-20 split cut loose with \$35,000 annually. There is a possibility, and I've spoken with Ashley Havelin from the DNR, to possibly run a three year program, so that would be three years of \$35,000 a piece, specifically designated for Pigeon Creek. Again, this would be something that would be up to you to decide if you would like to do that and sponsor it.

President Abell: That would be great.

Mark Abell: It would require an initial site, where we would go down the creek in a craft and do GPS location points on where there are already, because, I believe, I'm told there are spots where there's some logjams currently, they need to be at the level four before DNR will release money from the LARE grant. We can go out and find them now, initially identify them with GPS points, and when they attain the level four, the process of taking care of them would move a lot quicker. So, there would be a couple of different, I guess, steps in this, one would be to make the application, you know, go up and down the creek and make the location points. Then as the logjams became level four we would, you know, have them done and then invoiced off to the DNR. That would be a three year process.

President Abell: Alright.

Mark Cambron: One of the concerns that we do have with that is that, as we get closer into town, there's going to be the issues of access and where to put debris and that sort of thing.

President Abell: Yeah.

Mark Cambron: So, it would just be a case by case situation. She mentioned that that was a possibility. They like to get into that and would like to see maybe we could have a three year plan. Say we would like to hit these this year, maybe this one next.

President Abell: I have noticed some, I guess, it may not be serious enough to call it a logjam, but where the streets go over Pigeon Creek and the water flows under the road there, that there's been, I've seen some building up on the sides of that. Most specifically Stringtown Road, since I happen to live on there.

Mark Abell: That's a pretty notorious one. There's a few others that are maybe already level four now, but what will happen is, as the creek rises, the ones that are level two and level three, as the creek rises those may release and go down stream, but they'll catch somewhere. So, that's why they wait until they're a level four, because water is still flowing through, or around or over without having any channel cutting until they become a level four. Level four is a complete, across the bank blockage.

President Abell: Well, kudos to you guys. When I got that call from Mr. Wagner I had no idea where we were going to go to to help him. I appreciate all of your work on this. This has been really great.

Mark Abell: On the future one, if you would like to go down that road, you know, let me know and I'll approach the DNR and see what type of steps we have to take. Maybe we can have, you, again, we as an agency cannot be the sponsor, so, it would have to be you requesting it like it was last time.

President Abell: Kind of something like the White River in downtown Indianapolis would be nice.

Mark Cambron: We'll get the logs out, but—

President Abell: I figure if you wish, then wish big. Thank you, gentlemen.

Mark Abell: Okay, you're welcome.

Mark Cambron: You're welcome.

President Abell: Appreciate your coming tonight. Thank you.

**Resolution CO.R-06-13-006: Approving the Execution of an
Amendment to County's Lease with EVCBA: The Centre
(Deferred)**

President Abell: Our next item of business is a resolution which we are pulling from the agenda tonight. We have some more work to do on it. We thought we would have it ready for tonight, but we do not. So, that will not be heard.

**Second/Final Reading of Ordinance CO.05-13-005:
Wastewater Pretreatment Ordinance**

President Abell: After that, is the second and final reading of CO.05-13-0005, wastewater pretreatment ordinance. IDEM has requested that the county adopt an ordinance identical to the City of Evansville's for industrial users of the Evansville Water and Sewer Utility that are located within the unincorporated areas of Vanderburgh County. These users are already complying with the city's ordinance requirements in order to be allowed to hook up to the EWSU system, however, the ordinance will better assist EWSU with various industrial users issues which may be encountered down the road. Do I have somebody from the Water and Sewer Department here? No?

Joe Harrison, Jr.: I don't believe so. Oh, Os is here. Go ahead.

Osman Mufti: I can respond to any questions that are, I really don't have much to say on it, so.

Commissioner Kiefer: I think we discussed this before.

President Abell: I think we did.

Commissioner Kiefer: I mean, we understand it. So, I'm going to make a motion to approve.

President Abell: And, I'll second.

Osman Mufti: Alright, sounds good.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

<p style="text-align: center;">First Reading of Ordinance CO.06-13-007: Amendment to Title 17: Vanderburgh County Zoning Code</p>
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President Abell: First reading of CO.06-13-007. It's an amendment to the zoning ordinance. This ordinance makes a change to chapter 17.20.220 of the city, of the county code involving farm products processing and sales use activities in an agriculturally zoned district. The proposed amendment permits such use activities in an agricultural zoned area as long as a Special Use 25 permit is obtained. The Area Plan Commission recommended approval of this amendment at their meeting on May 9th. Is there someone, Blaine Oliver, anybody from Area Plan here?

Commissioner Kiefer: Marsha, I think this is where, like, for example, the one farmer—

President Abell: On the wine?

Commissioner Kiefer: Yeah, on the wine, you know, he grows grapes and wants to be able to sell the grapes.

President Abell: Hello, gentlemen.

Blaine Oliver: Good evening. Come on up here, Ron.

President Abell: Did this originate from the wine?

Blaine Oliver: Yes, yes, it did. Basically, what it does is it allows for certain farm uses that involve processing, like making of wine, bottling of wine, making of apple

cider and bottling that, jams and those sorts of things, it allows those to be Special Uses. Whereas, otherwise, our ordinance currently would require those to be rezoned to a manufacturing district to allow for the processing. So, instead of changing the zoning in a completely agricultural area, the Special Use is an overlay above the zoning. It doesn't involve changing the zoning of the land. A request would go before the Board of Zoning Appeals to get this Special Use number 25. They could do, at a vineyard for example, somebody growing their own grapes they could do a small, little processing building, have wine tasting, or if it was an orchard, apple cider tasting and sell from the site without changing the zoning. So, it just makes it easier to have those businesses out in an agricultural area.

President Abell: I was going to ask you about the retail sales. So, they can sell out of that?

Blaine Oliver: They can sell. That's right.

President Abell: Okay, maybe this gentleman—

Blaine Oliver: They can even distribute and sell off-site as well.

President Abell: Okay, we, and the County Commissioners are used to seeing you, Blaine, but who is this gentleman standing beside of you? There seems to be a new face tonight.

Blaine Oliver: I should have introduced myself, as well as him. I'm Blaine Oliver with the Area Plan Commission, and this is the new Area Plan Commission Director, Ron London.

Ron London: Hello.

President Abell: Welcome, Ron.

Ron London: Thank you.

President Abell: I don't have any....huh?

Commissioner Kiefer: This is just on first reading.

President Abell: Yeah, this is just on first reading, and I have absolutely no questions. I sort of was, well, I had talked to you, Blaine, about this.

Blaine Oliver: Right.

President Abell: We talked about this a long time ago.

Commissioner Kiefer: Yeah, I'll make a motion to approve.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Commissioner Kiefer: So, when will this come back? Oh, May 9th?

Joe Harrison, Jr.: No, the June 18th, I guess.

President Abell: June 18th.

Commissioner Kiefer: Okay, it said May 9th. Oh, I see that was that in the past.

Blaine Oliver: So, will that be second and third reading?

President Abell: Second and final.

Joe Harrison, Jr.: Second and final reading. The final reading.

Blaine Oliver: Okay.

Joe Harrison, Jr.: If you want them here. It's up, whatever you all, you might want to be here, Commissioner Melcher wasn't here this evening.

President Abell: That's true, he might have a question. He's on vacation.

Joe Harrison, Jr.: Then you have one more.

President Abell: We have one more. You might as well stand there for a minute.

<p>First Reading of Ordinance CO.06-13-006: Amendment to Title 17: Subdivision Code</p>
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President Abell: The first reading of CO.06-13-006, an amendment to the subdivision control ordinance. The amendment to this ordinance will allow the Area Plan Commission to waive certain subdivision design standards in connection with subdivision plat applications to provide flexibility when considering certain burdensome and unnecessary requirements which are worthy of being waived without compromising the overall general intent of the county's subdivision control ordinance. The Area Plan Commission recommended approval of this amendment at their May 9th meeting. Want to give us an example of where this might—

Blaine Oliver: Sure. The last ordinance we talked about was a change to the county zoning ordinance. This ordinance is an amendment to the subdivision code, the county subdivision code. It's an equivalent process to getting a variance for standards in the zoning ordinance, which that process goes before the Board of Zoning appeals, but State law was changed not too long ago, back in the summer of 2011 it came into effect. That change allowed local governments to waive certain standards in their subdivision ordinances. So, we're really talking about a process very similar to a variance where someone would come in and say want to reduce lot size from, if you're out in the county and you're on septic you would normally have to have two and a half acres. Someone could come in and request to do an acre, say, for example, and Area Plan Commission could waive that two and a half acre requirement. So, down to one acre or whatever the request is. What we will do, the

staff, when someone requests a waiver of a certain standard, we will ask for comments from John Stoll if it had to do with say narrowing the right-of-way width of a subdivision street for example. That, we would get comments from John on that, and if it had to do with septic, we would have comment from the Health Department. So, those agencies would be involved in the process to give the Area Plan Commission information as to whether or not the waiver would be appropriate in that instance. So, those are two examples of where this could be used. Sometimes you can't fit a square peg in a round hole.

President Abell: Right.

Blaine Oliver: That's basically what this allows is the Plan Commission to waive in an appropriate situation.

Commissioner Kiefer: I'm going to make a motion to approve. I think it sounds like a good ordinance. I could see a certain situation where it might be conducive for economic development purposes or whatever.

Blaine Oliver: Right.

Commissioner Kiefer: So, I'm in favor of it. I'm going to vote to, or make a motion to approve.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Thank you. That's the kind of stuff that we like to see. Thank you.

Ron London: Thank you.

Blaine Oliver: Thanks.

<p>First Reading of Vacation Ordinance CO.V-06-13-001: Vacation of 12' Public Utility Easement: Lot 2, Lee Subdivision</p>

President Abell: First reading of vacation of ordinance CO.V-06-13-001, vacation of a twelve foot public utility easement located on lot two of the Lee Subdivision. A motion to approve on first reading?

Commissioner Kiefer: I'll make a motion to approve.

President Abell: I'll second. There isn't anyone here to speak to this tonight?

Joe Harrison, Jr.: No, they're going to be here at the next meeting on the 18th.

President Abell: Okay. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Joe Harrison, Jr.: And the petition will be heard at that time as well, is that correct or not?

Madelyn Grayson: Yes, the next item on the agenda is the permission to advertise the notice of public hearing.

Joe Harrison, Jr.: Okay.

**Permission to Advertise Notice of Public Hearing for
Vacation of Public Utility Easement in Lee Subdivision**

President Abell: As Madelyn said, the next item on the agenda is permission to advertise the notice of public hearing on June 18th for vacation of public utility easement in Lee Subdivision.

Commissioner Kiefer: Motion to approve.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: We will hear that at the next meeting.

**City-County Interlocal Agreement: EWSU Relocation of Water Line GRR
Coroner: Pathology Services Agreement: Dr. Griggs
Circuit Court: Home Verification Office Agreement: Mark Harrison
Health Dept: Radon Gas Grant Agreement
Health Dept: Xerox Lease & Maintenance Agreement**

President Abell: Contracts and agreements, for the Commissioners an interlocal agreement with the Evansville Water and Sewer Utility regarding the relocation of a water line on North Green River Road. The agreement pertains to the relocation

of an EWSU water line in connection with the next phase of North Green River Road improvement project. The EWSU will be responsible for reimbursing the county for all construction costs associated with the relocation of the water line.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: Second. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: The Coroner, pathology services agreement with Allen Griggs, M.D. Dr. Griggs has been under contract with Vanderburgh County to perform autopsies on behalf of Vanderburgh County Coroner. The current contract with Dr. Griggs has expired. The renewal contract provides that Dr. Griggs will be paid \$520.50 for an external exam with review of medical records, no autopsy; \$1,500 for standard autopsy, including external exam and review of medical records; and \$3,000 for a homicide autopsy, including external exam and review of medical records. The contract is for a period of four years and runs from 6/5/13 to 6/4/17. Annie Groves is here.

Annie Groves: Yes.

President Abell: Welcome, Ms. Coroner.

Annie Groves: Thank you.

President Abell: I do have a question.

Annie Groves: Okay.

President Abell: What's the difference in whether you're doing an autopsy for a homicide, or you're just doing an autopsy for—

Annie Groves: The difference between the prices is that includes testifying in court.

President Abell: Oh, okay. That makes sense. I just couldn't imagine why you would do half way for one and all the way for the other.

Annie Groves: What he presently does—

President Abell: If you're dead, you're dead, you know.

Annie Groves: – now is charge the Prosecuting Office \$200 an hour to testify. So, I met with Nick Hermann and our County Attorney and the doctor agreed for \$3,000 and that would be all of his testifying also.

President Abell: Well, that's good. That was forward thinking. Thank you. Does anyone have any questions? Commissioners?

Commissioner Kiefer: Just curious, I mean, how do these prices stack up to what like Warrick and Posey and surrounding counties pay?

Annie Groves: He does all of theirs also. So, the same price.

President Abell: We do everybody.

Commissioner Kiefer: Oh.

Annie Groves: Yeah, he does everything around us.

Commissioner Kiefer: Oh, he does all of the counties around us?

Annie Groves: Uh-huh.

Commissioner Kiefer: Does he do Henderson too?

Annie Groves: A different state.

Commissioner Kiefer: I know but—

Annie Groves: They have a Medical Examiner system.

Commissioner Kiefer: Oh, do they?

Annie Groves: Uh-huh.

Commissioner Kiefer: Okay.

Joe Harrison, Jr.: He's been doing it for the last, what, four years?

Annie Groves: Six.

Joe Harrison, Jr.: Six? Okay.

Commissioner Kiefer: Okay, I'll make a motion to approve.

President Abell: Second. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Annie Groves: Thank you.

President Abell: Thank you. Adult Probation, home visit Deputy agreement with Mark Harrison. Under this contract Deputy Mark Harrison will be compensated for his services in checking on persons on probation, as per order of the Vanderburgh Circuit or Superior Courts. Deputy Harrison will be paid \$30 per hour for his services. The contract will expire at the end of this year, which I'm assuming means the year 2013, correct?

Joe Harrison, Jr.: Yes. Karen Angermeier is here. I don't know if she wants to mention anything.

President Abell: Did you want to say something? He is a Deputy with the Vanderburgh County Sheriff's Department, I think, isn't he?

Karen Angermeier: Yes, he is. Karen Angermeier with Circuit Court, here on behalf of Judge Kieley who's at a Drug Court graduation tonight.

President Abell: Oh.

Karen Angermeier: One of our Deputies resigned the position due to scheduling conflicts, so that's why we are asking to replace him.

President Abell: Oh, okay.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: The Health Department, State indoor radon gas grant agreement. The Indiana State Department of Health will grant the Health Department \$1,500 to be used by the Health Department in connection with its 2013 indoor radon gas program. The term of the grants runs from 1/1/13 to 12/31/13. Mr. Heck is here.

Gary Heck: Yes, this is, we have an indoor radon gas program right now, it's for a slightly larger amount. It just expired. This is an extension with a different dollar amount. We would appreciate your approval of it.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Xerox copy lease and maintenance agreement. The lease agreement runs for five years at a cost of \$332 per month. The maintenance agreement also runs for five years at the base rate of eight dollars per month. The Health Department has sufficient funding in its budget for this agreement. You must have planned for it last year.

Gary Heck: We did, but we have a current lease agreement that expires in August. This will actually save us money, about somewhere between \$36 and \$40 a month once this is in place. It re-aligns some equipment within the Health Department. So, it's a win-win for everybody really.

President Abell: Okay.

Commissioner Kiefer: So, \$332 is a competitive rate?

Gary Heck: Yes, it is.

Joe Harrison, Jr.: It does more than copy, doesn't it?

Gary Heck: It's a multi-function device. So, it copies, scans, faxes, prints.

President Abell: It's a work center.

Commissioner Kiefer: Okay. Alrighty, I'll make a motion to approve.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Gary Heck: Thank you.

President Abell: I have a question, Mr. Heck.

Gary Heck: Yes, Ma'am.

President Abell: You and I had discussed a citizen complaint.

Gary Heck: Yes, Ma'am.

President Abell: Have you—

Gary Heck: We're working through it right now.

President Abell: Okay.

Gary Heck: The biggest issue has to do with that it's in the flood plain.

President Abell: Yeah.

Gary Heck: We didn't know if you wanted a formal response with everything laid out. Is that what you would like? It just means we have to write up something and get with the County Attorney.

President Abell: Get with the County Attorney and then, let's, maybe you and I might go out and make a personal visit with those people--

Gary Heck: Sure.

President Abell: --and talk to them and explain to them what's going on, and help them as much as we can. They're in a bad situation.

Gary Heck: I understand. Yes, Ma'am. Thank you.

President Abell: Thank you.

County Attorney

President Abell: Department reports, the report on the Keystone paving bid opening. Mr. Harrison?

Joe Harrison, Jr.: There were four bids submitted. They are as follows. The first was from J.H. Rudolph and Company of Evansville. The bid amount is \$234,280.05. Two three four two eight zero point oh five. The next bid was from E&B Paving, Inc. out of Chandler. Their bid amount is \$219,222. Two nineteen two two two point zero zero. The third bid was submitted by Metzger Construction Company of Boonville. Their bid amount is \$251,593.55. Two five one five nine three point five five. The last bid was submitted by Gohmann Construction, Inc. out of Clarksville, Indiana. The bid amount is \$283,497.30. Two eight three four nine seven point three oh. Those are the four bids. I would ask that you take them under advisement.

Commissioner Kiefer: I'll make a motion that we take it under advisement.

President Abell: I'll second that motion. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: I guess we'll turn those over to Mr. Stoll.

County Engineer

President Abell: Department head reports, Mr. Stoll, I do see you out there. I suppose you would like to give us a report?

John Stoll: I've got a few things here this evening. The first is approval to make right-of-way purchase offers on the Green Rive Road project between Millersburg and Kansas. The two parcels are parcel 72, which is owned by Brown, and the offer amount would be \$2,900. The other parcel is parcel 73, owned by Hulse, and that amount is \$2,200. I had the County Attorney review the appraisals, and he was okay with it, so I would like to request approval to make the offers.

Commissioner Kiefer: I would like to make a motion to approve so that you can make the offers.

President Abell: I would second that motion. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Next I've got a street plan approval request for Section 7 of Wynnfield Subdivision. This is near the southeast corner of Kansas and Green River. This is the final section of Wynnfield. This is on the east side of Green River, south of Windham Drive. We've reviewed the plans and the consultant has made the changes that we've requested. So, I would recommend approval of the plans.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: We are continuing to work with that developer, because the Green River Road project does drain through that property. So, we've been working with the County Attorney, as well as the developer's attorney to try and hammer out an agreement to cover all of the terms of draining that water through that site.

President Abell: I was out there not long ago. He took me, the developer showed me where that is. I think, you know, some of that's our Green River Road pushing water over on him, I think.

John Stoll: Right, it drains through there, and when it's all said and done, when the storm sewers are built, it should work for both parties. I'm pretty confident we'll get something hammered out that acceptable to everybody.

President Abell: Yeah.

John Stoll: The next thing I have is a sidewalk waiver on Section 7 of Wynnfield Subdivision. The existing sections of Wynnfield will have a sidewalk that comes along Windham Drive that will run out towards Green River, and then we're doing a continuation of the same sidewalk path that was built along the south side of Millersburg. We're putting one of those on the west side of Green River, so with the access, the sidewalk access along Windham Drive, there's really no need for additional sidewalks in Wynnfield 7. So, I would recommend approval of the sidewalk waiver.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Next I've got a change order on the Marx Road bridge contract. This was contract number VC13-04-01. This is for an increase of \$1,209.48. The primary reason for that was we had a typo in our specs, and in doing so we had the wrong waterproofing membrane specified for the bridge. In getting that corrected with the contractor it did increase the price. We did end up having some decreases on some other items that helped offset that cost increase, but the final is the \$1,200, and I would request your approval.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Next, I would like to request approval of two notices to bidders. The first is for St. Joe Avenue between Diamond Avenue and Allen's Lane. This would be a mill and resurface of that section of St. Joe Avenue. Then, the other would be, and that one would be paid for out of the Local Road and Street contractual account. The other notice to bidders would be for Millersburg Road from Green River east to the county line. That would be paid out of the TIF funds.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: Second. Will you be doing both sides of St. Joe? I guess you will.

John Stoll: We'll do everything between Diamond and Allen's. We'll just have to continue in following years to take the paving all the way up to Mill Road.

President Abell: Right. Okay. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Then, next, I have a contract with United Consulting for the preliminary scoping report for the repairs to the Columbia-Delaware bridge. This is for the amount of \$76,025. This will cover a detailed evaluation of the bridge. It's a 17 span bridge, so it's pretty significant as far as the inspection that is required to determine the exact scope of work for the design phase of the project. This initial phase would be done by the end of this year, and then next year we would enter into a design contract to actually design the repairs that are identified through this initial evaluation. I would request approval of that. That has been reviewed by the County Attorney.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: I did end up with the Ridgefield plans. I said in my e-mail that I didn't know if I would have those or not, but I do have those. Ridgefield Subdivision is a three lot subdivision located on the west side of Red Bank Road. It's about a thousand feet south of New Harmony. It will be a privately maintained rock road. The

plans do meet the county standard for a rock road. So, I would request approval of the plans. It is about a 400 foot road, and it will involve extending, installing a pipe along Red Bank Road to accommodate the drainage that is routed through this subdivision. It will all be privately maintained when it's all said and done.

President Abell: Privately maintained by?

John Stoll: The residents abutting the three lots.

President Abell: Do they have a homeowners association set up? Or do you know?

John Stoll: I don't think anything's been set up yet.

President Abell: Do you know, Mr. Harrison?

Joe Harrison, Jr.: No, but again, it's not going to be up to the county to accept the roadway. It's going to be a rock roadway.

President Abell: Yeah, the three people that own the homes there are going to take care of it.

John Stoll: Right, and one way or another, whether it's just restrictions on the plat, or if it's a homeowners association, but one way or another they'll be responsible for it.

President Abell: Okay. I'll entertain a motion.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Then, the last thing is a sidewalk waiver for that same subdivision. With a rock road, we definitely don't want sidewalks over there.

President Abell: No.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: That's all I have.

President Abell: Thank you, Mr. Stoll.

John Stoll: Thanks.

Commissioner Kiefer: Hey, John, before you go, are you familiar with Heinlein Road just west of Petersburg Road?

John Stoll: Yes.

Commissioner Kiefer: How many lanes is that? Is that just one lane?

John Stoll: It's, for all practical purposes, a single lane.

Commissioner Kiefer: Yeah, okay, because I'm getting, I got a call, complaint call saying that a particular mailbox has been knocked off multiple times, that they're concerned about that road not being wide enough, since it's only one lane. I was wondering if you could take a look at it and maybe investigate that a little bit.

John Stoll: That road is a problem as far as trying to make improvements because it cuts through a hill—

Commissioner Kiefer: Yeah.

John Stoll: — and there are buildings on top of the hill on either side of the road. So, there's not a lot of room to play with as far as trying to do a cost effective widening project. So, it would be very expensive to address that.

Commissioner Kiefer: Okay.

John Stoll: But, I can—

Commissioner Kiefer: Well, maybe we could pay to relocate the people's mailboxes or something. I mean, you know, the number of times they've lost their mailbox has been numerous.

John Stoll: Sure.

President Abell: Is it when we clean the road off?

Commissioner Kiefer: No, it's just people, you know, when there's two cars trying to pass, you know, it's just, and there's trucks and other uses coming down that road. I don't know, I'll get with you later. Maybe, at the very least, you can contact some of the neighbors out there so we can at least let them know that we're listening to them anyway.

John Stoll: Sure, and I can get you the details as far as the width and all of the problems that we've got out there, but that's been an ongoing issue for many, many years.

Commissioner Kiefer: Okay. Alright, well, I don't know what we can do about it, but if there is something, you know, maybe we would just have to explore it at a later date.

John Stoll: Okay.

Commissioner Kiefer: Thanks.

John Stoll: You're welcome.

President Abell: Thank you, John. Any other department heads?

New Business/Old Business

President Abell: New business? Old business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items, Madelyn, it's your show for awhile.

Madelyn Grayson: The consent items for the June 4th meeting are as follows; approval of the May 14, 2013 Commission meeting minutes. We have employment changes for the Commissioners approval, there's one for the County Highway, one for Legal Aid, and eight for Burdette Park. The Commissioners have notice to bidders of sale of county owned property at 422 Garfield Avenue, 212 West Virginia Street, 418 420 Garfield Avenue, 1011 Adams Avenue, 3 Poplar Drive and 1218 South Linwood. We have a quit claim deed for 1318 West Columbia. A corrective quit claim deed for 734 East Riverside. A settlement agreement. A transfer request for Burdette Park. The Auditor has the May 2013 A/P vouchers. The Sheriff has a request to surplus a 1998 Ford Taurus for disposal, and a request to transfer a 2001 Ford Taurus to Area Plan Commission. The County Engineer has pay request number 176 for TIF projects in the amount of \$58,538.33 and a department head report. Burdette Park has a request to surplus two busses. The Ozone Officer has the April 2013 monthly report. The IBAP Gatekeeper has the April 30, 2013 report. Weights and Measures has the April 16th through May 15, 2013 monthly report. The County Treasurer has the April 2013 monthly report and the April 30, 2013 year-to-date investments report, and Evansville ARC has the April 2013 report of activities.

President Abell: I would entertain a motion to accept the consent agenda.

Commissioner Kiefer: I'll make a motion to accept it.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**First Reading of VC-8-2013
Petitioner: Tim Rich of Houchens Properties
Address: 4910 and 4800 Heckel Road
Request: Change from Ag to C-2 with UDC
Action: Deferred until 6/18/2013**

President Abell: We have what looks like three rezonings on first reading tonight. First reading of VC-8-2013, petitioner, Tim Rich of Houchens Properties, 4910 and 4800 Heckel Road, change from Ag to C-2 with a use and development commitment. I'll entertain a motion to approve on first reading and send to APC.

Commissioner Kiefer: I represent Houchens. They are one of my clients.

President Abell: Well, that's a problem.

Commissioner Kiefer: Yeah. I cannot vote.

President Abell: You can't vote, and I can't vote by myself. We'll have to, this is going to have to be put off until Mr. Melcher comes back.

Joe Harrison, Jr.: Yeah.

Commissioner Kiefer: Yeah.

Madelyn Grayson: I don't think it goes to Area Plan until July 9th. So, could we do it June 18th?

Joe Harrison, Jr.: That's what I was wondering about. I can't believe it would go—

Madelyn Grayson: I think it does. I think it's July 9th or 11th, something like that.

Commissioner Kiefer: Okay, so Steve—

President Abell: Can you put this back on our agenda next week please?

Commissioner Kiefer: Thank you.

Joe Harrison, Jr.: Yeah, if it's not going until then, it's not going to be a problem.

President Abell: Yeah, we've got time.

**First Reading of VC-7-2013
Petitioner: Altstadt Plumbing Service
Address: 2118 Harmony Way
Request: Change from R-1 & C-4 with UDC to R-1**

President Abell: First reading of VC-7-2013, petitioner, Altstadt Plumbing Service, 2118 Harmony Way, change from R-1 and C-4 with use and development commitment to R-1. I would entertain a motion to approve on first reading and send to APC.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: Second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: That will go to Area Plan Commission and come back to us later.

**First Reading of VC-9-2013
Petitioner: Two Kins Investments
Address: 2624, 3700, 3708 and 3800 Heckel Road
(E. of 3800 Heckel Road and behind 3618 Heckel Road)
Request: Change from R-1 to R-3**

President Abell: First reading of VC-9-2013, petitioner, Two Kins Investments, 2624, 3700, 3708 and 3800 Heckel Road. This is east of 3800 Heckel Road and behind 3618 Heckel Road. This is a change from R-1 to R-3. I'll entertain a motion to approve on first reading and send to APC.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: That will go to Area Plan Commission and come back to us for final vote. Any further business to come before the Vanderburgh County Commissioners? I would entertain a motion to adjourn.

Commissioner Kiefer: So moved.

President Abell: We are adjourned.

(The meeting was adjourned at 5:49 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the May 14, 2013 Commissioner Meeting Minutes.

Notice of Sale of County Owned Properties:

422 Garfield Avenue

212 W. Virginia St.

418 420 Garfield Avenue

1011 Adams Avenue

3 Poplar Drive

1218 S. Linwood

Quit Claim Deed: 1318 W. Columbia: Sale of County Owned Property.

Corrective Quit Claim Deed: 734 E. Riverside Drive.

Settlement Agreement.

Transfer Request: Burdette Park.

Ozone Officer April 2013 Monthly Report.

IBAP Gatekeeper April 30, 2013 Report.

Evansville ARC April 2013 Report of Activities.

Employment Changes:

Burdette Park (8)

County Highway (1)

Legal Aid (1)

Sheriff (2)

Prosecutor IV-D (1)

Prosecutor (1)

Auditor: May 2013 A/P Vouchers.

Sheriff:

Request to Surplus 1998 Ford Taurus for disposal.

Request to Transfer 2001 Ford Taurus to Area Plan Commission.

County Engineer:

Pay Request No. 176 for TIF Projects: \$58,538.33

Department Head Report.

Weights & Measures: April 16-May 15, 2013 Monthly Report.

County Treasurer:

April 2013 Monthly Report.

April 30, 2013 Year-to-Date Investment Report.

Those in Attendance:

Marsha Abell
Joe Harrison, Jr.
Mark Abell
Blaine Oliver
Karen Angermeier
Members of Media

Joe Kiefer
Marissa Schenk
Mark Cambron
Ron London
John Stoll

Joe Gries
Madelyn Grayson
Osman Mufti
Annie Groves
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 18, 2013**

The Vanderburgh County Board of Commissioners met in session this 18th day of June, 2013 at 5:06 p.m. in Room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the June 18, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Could I have attendance roll call please?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Madelyn, would you like to lead us in the Pledge?

Madelyn Grayson: Sure.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Announcement Concerning Building Commission Grant

President Abell: Before we get started on tonight's agenda, is there anyone here who is here to hear about the three houses that are in the flood way? The city has pulled that from the agenda. We will not be hearing it tonight. Okay? I just didn't want you to sit through a long, boring meeting and find out it wasn't even going to be on the agenda.

Unidentified: When will it be heard?

President Abell: July 9th, I've just been told is when we're going to hear it, yes.

**Resolution CO. R-06-13-009: Approving the Refunding/Refinancing
of the Burkhardt Road-Green River Road TIF Bonds**

President Abell: Under action items, resolution CO.R-06-13-009, approving refinancing of the 2006 Vanderburgh County Redevelopment Commission TIF bonds. Mr. Harrison?

Joe Harrison, Jr.: Yes, what is before you is a resolution refunding/refinancing the Burkhardt Road-Green River Road TIF bonds from 2006. This will start the process to enable the county to save a little over a million dollars in interest payments over the next several years. So, the financial advisors were looking at this and figured we'd better do this opportunity now, because they're afraid rates are going to start going up, and this will enable the county to use that savings for other projects out in the TIF area. So, I would ask that you all give this consideration. The Redevelopment Commission passed a similar resolution at its meeting on the 12th, June 12th.

Commissioner Kiefer: I'll make a motion that we approve.

Commissioner Melcher: Second.

President Abell: Further discussion?

Commissioner Kiefer: I was just curious do we have any other financing out there that we can refinance and redo?

President Abell: Oh, yeah.

Joe Harrison, Jr.: Well, we've got the Centre bonds are going to be coming up as well. That may be at the next meeting, although that is backed by Food and Beverage and COIT.

Commissioner Kiefer: Right.

Joe Harrison, Jr.: But, again, that will be a savings of over a million dollars.

Commissioner Kiefer: Yeah, I think we ought to, I knew, I was aware of that one, but, I mean, I think—

Joe Harrison, Jr.: As far as any other TIF bonds—

Commissioner Kiefer: It has to have, it has to fall at a certain time—

Joe Harrison, Jr.: Right, right, and you've got to have the right timing when the bonds can be called, but these two opportunities are out there now. We had a couple, if you recall, last year.

Commissioner Kiefer: Right, no, I remember that. I'm in favor of it, so.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

<p style="text-align: center;">Second/Final Reading of Ordinance CO.06-13-007: Amendment to Title 17: Vanderburgh County Zoning Code</p>

President Abell: Second and final reading of CO.06-13-007, and amendment to the zoning ordinance. This ordinance makes a change to chapter 17.20.220 of the county code involving farm products processing and sales use activities in an agriculturally zoned district. The Area Plan Commission recommended approval of this amendment at their May 9th meeting.

Commissioner Kiefer: I'll make a motion to approve. I think this is a good idea. It gives opportunity for economic development in these agricultural areas. So, I'll make the motion to approve.

Commissioner Melcher: I'll second it, and with that, this is going to be a good thing, because we was able to do in Area Plan, since I'm your representative, we was able to let the farmer be able to bring his stuff, his wine or whatever downtown to the wine fest. The original way they had it, when it came to us, it didn't have that. So, in other words, a taxpayer here could not take his wine down there, but other people from all over the state can. So, we quickly adjusted that so he could.

President Abell: Good.

Commissioner Kiefer: Good catch, Commissioner Melcher.

President Abell: Good catch, absolutely. Is there anyone here that has any questions about this? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Mr. Melcher, for being on top of that.

**Second/Final Reading of Ordinance CO.06-13-006:
Amendment to Title 17: Subdivision Code**

President Abell: Public hearing and final reading of vacation ordinance CO.V-06-13-001.

Joe Harrison, Jr.: We have one more ordinance for Area Plan?

President Abell: We do.

Joe Harrison, Jr.: Yeah, we have one more rezoning ordinance. It was final reading on CO.06-13 was it 007 or 006?

President Abell: Oh, I skipped one. I'm sorry, I'm sorry, you're right. I'm just, I'm in a hurry to get the meeting over, I guess. So, we can go into that Drainage Board meeting. Second and final reading of CO.06-13-006, an amendment to subdivision control ordinance. This amendment to this ordinance will allow the Area Plan Commission to waive certain subdivision design standards in connection with subdivision plat applications to provide flexibility when considering certain burdensome or unnecessary requirements which are worthy of being waived without compromising the overall general intent of the county subdivision control ordinance. The Area Plan Commission recommended approval of this amendment at their May 9th meeting.

Commissioner Kiefer: I'm in favor of this again. I think it's another economic development tool—

President Abell: Yes.

Commissioner Kiefer: —that will help growth in our community. I could see where somebody needs to put in a septic system, but they don't have the right size...maybe they're a tenth of an acre off or something. So, I'm all agreeable to this, and I'll make a motion to approve.

Commissioner Melcher: I'll second it, but with that, again, at the Area Plan, what really kind of brought some of this up too is a lot of the older farms weren't platted right, and they subdivided later and had housing. Then they had a, I guess, what you would call a sewer put in, and some of them didn't, they had septic, but then it didn't follow code because they didn't know that it was done wrong 45 years ago.

President Abell: Yeah.

Commissioner Melcher: So, this way they'll have a little bit more flexibility of the current owners.

Commissioner Kiefer: Thanks for staying on top of that. I think that was, you seconded it, didn't you, Steve?

Commissioner Melcher: Yes.

Commissioner Kiefer: Okay.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Public Hearing/Final Reading of Vacation Ordinance CO.V-06-13-001:
Vacation of 12' Public Utility Easement: Lot 2, Lee Subdivision**

President Abell: Now we'll get to the one I wanted to get to earlier. Public hearing and final reading of vacation ordinance CO.V-06-13-001, vacation of twelve foot public utility easement on lot two of Lee Subdivision. Is there someone here to address that? Looks like there is.

Krista Lockyear: I will try. Members of the Commission, my name is Krista Lockyear, I'm here on behalf of Buttonwood Properties, LLC. Buttonwood is the real estate holding arm of Sky Cylinder Testing. Sky Cylinder has been at this location off of St. Joe Avenue since 1999. Sky Cylinder's owner, Rick Richardson, and John Grimm, their Director of Engineering, are here with me tonight to answer any questions that I may not be able to address. Since 1999 Sky Cylinder, again, has been at this location. They employ approximately 45 people, and they service business within a radius of more than 500 miles from Evansville. As you can see from the Assessor's map that I've got in front of you, there's a rectangular piece to the south of the main structure where their buildings are now. In 2011 they entered into a contract to purchase that rectangular piece on the south, and in September 2011 this body approved our rezoning of that parcel to M-2 to allow expansion of the Sky Cylinder property. That parcel to the south that you see that's all grass now was then re-subdivided so that it became one lot with the rest of the Sky Cylinder property. So, now, to kind of complete the expansion process, Sky Cylinder has been in, going through commercial site review. In the commercial site review it was discovered that there's a twelve foot public utility easement that runs, literally, right....let's see if I can get my mouse to go there. Maybe not, but it runs right there along the border where there's a fence between their main property and the grassy area to the south. So, site review suggested, hey, why don't you vacate that. We want to put paving across that area to incorporate the property into one lot. There will be one building located on it, but predominantly paving for parking for the facility as well. So, we went ahead with the vacation process. We found through sending the letters to the utilities that AT&T is the only utility that has a facility within that easement. So, our ordinance that we've presented to you for approval does reserve an easement in favor of AT&T. All of the other utilities have no objection to the vacation, and there's really no other possible need for this easement. It's only a twelve foot wide public utility easement. Again, it's simply hindering our clients' expansion of their property. So,

with that, we would like to request your approval of the vacation. I would be happy to answer any questions.

President Abell: Commissioners, do you have any questions?

Commissioner Kiefer: I just want to confirm. So, the utilities did not object, you know, and there's no need for....is there, so, there's no utilities being used that are stretched across that easement?

Krista Lockyear: Except AT&T.

Commissioner Kiefer: Except AT&T.

Krista Lockyear: The ordinance, the petition that we filed with you has all of the letters from the utilities—

Commissioner Kiefer: Right.

Krista Lockyear: —indicating that they have no facilities there and no objection, with the exception of AT&T. So, the ordinance that you would, if you so choose to pass tonight for us, reserves an easement in favor of AT&T. So, we're vacating the public utility easement, but giving AT&T their particular easement to maintain their facilities.

Commissioner Kiefer: Okay, thank you.

President Abell: This is a public hearing. Is there anyone who wants to address this issue. Yes?

Kathryn Kornblum: Good evening. My name is Kathryn Kornblum. I'm here on behalf of Mr. and Mrs. Daleiden. Their property also has that easement that abuts them, not the particular part, and I've been told the part that's being vacated does not extend all the way to St. Joe, which is where my clients property is. I've had discussions with Ms. Lockyear regarding their planning on expanding the ditch, making it deeper, and she assures me that that's not going to disrupt my clients' property. Actually it's, the problem is that my clients', and I'll show you pictures, if I may.

President Abell: We're a little confused on where your client is, Kathryn.

Kathryn Kornblum: (Inaudible. Not at microphone.)

President Abell: Well, we're looking at a plat. We're not actually.

Kathryn Kornblum: (Inaudible. Not at microphone.)

Joe Harrison, Jr.: Yeah, why don't you—

Krista Lockyear: The plat's probably not as good as this GIS map.

Kathryn Kornblum: If you see the mouse in the cutout part—

Krista Lockyear: He's right here.

Kathryn Kornblum: —right there, yeah.

President Abell: If I'm looking down at it, it's on my left.

Krista Lockyear: Uh-huh. He sits, his driveway comes right off of St. Joe Avenue.

Kathryn Kornblum: This plat map that she provided—

President Abell: It's right here.

Kathryn Kornblum: Right. The easement is covered in gravel, as you can see, my client needs that to get into his garage. I've been assured, that's his landscaping there, I've been assured that the ditch that's going to be expanded....Krista, could you get up that picture of where the ditch is? He is to the right of where that opening is for the water runoff. You can see my clients' landscaping there on the left hand side.

President Abell: Oh, yeah.

Kathryn Kornblum: Okay. So, they have assured me that where they are expanding that ditch, making it deeper, will not take out the landscaping and will still allow my client to use the gravel to be able to get into his garage.

President Abell: So, your client is okay with this, as long as everything—

Kathryn Kornblum: He's okay, as long as the vacation does not go all the way to St. Joe. It stops at the point that's noted on the map.

President Abell: And, Ms. Lockyear, I assume you're okay with this also?

Krista Lockyear: I would like to expand a little bit on where we're at.

President Abell: Okay.

Krista Lockyear: At this point in time, my clients don't have any plans on, and, again, I really need to distinguish between what we're asking for and what Kathy's concerns are, because the vacation we're asking doesn't even come up, it ends at his rear property line. So, again, we're only vacating the easement that runs between Sky Cylinder's existing facility and this little grassy rectangle. So, it doesn't even touch Mr. Daleiden's property. I can't say that we won't ever want to do anything with his landscaping, because his landscaping encroaches about ten feet on to our property line. So, we have a private issue there that we may have to deal with in the future, but for the time being, all my clients are planning on doing is, you know, leaving his gravel, leaving his landscaping encroachment until we can work, you know, an easement or something else out. The ditch is well on to our property, again, if his driveway is encroaching here, you know, the ditch, that's ten feet, then the ditch is another couple feet off of that onto our property. So, the expansion of the ditch, or the deepening of the ditch won't touch any of his improvements, but I do want to be clear on record that those improvements are encroaching on my clients property.

Commissioner Kiefer: But, those are two separate issues.

Krista Lockyear: Absolutely.

Commissioner Kiefer: I mean, the easement—

Krista Lockyear: Completely.

Commissioner Kiefer: – stops, what you're asking to be vacated stops before it gets to their property.

Krista Lockyear: Exactly.

Commissioner Kiefer: Okay, well, then, the other issue is separate in my mind. I would like to make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Again, is there anyone in the audience that wants to address this issue? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Krista Lockyear: Thank you.

President Abell: Thank you. Thank you, Kathryn.

**Recorder: Fidlar Agreement
County Assessor: Exemptman Licensing Agreement
Prosecutor: Adult Protective Services Grant Agreement
Superior Court: IDOC Grant Agreement
Health Dept: Third Addendum to Lease with Southwestern Healthcare
Health Dept: Revised Continuity of Operations Plan**

President Abell: Under contracts, agreements and leases, the Recorder has a contract with Fidlar regarding Fidlar's proposal to convert certain data on file within the County Recorder's office into Fidlar's document Laredo index. The conversion will enable the future searches to be made by parcel number and street address. The proposal is for the sum of \$15,000. Sufficient funding for this project is in place and will come from the County Recorder's Perpetuation Fund. I see someone is here.

Shannon Edwards: I'm here instead for Z.

President Abell: I actually think we've all gotten all of our questions answered.

Shannon Edwards: Oh, good.

President Abell: But, we're happy you're here.

Shannon Edwards: Okay.

President Abell: I'll ask my fellow Commissioners if they have any questions.

Commissioner Kiefer: I don't have any, but I would like to, whenever we're ready make a motion to approve.

Commissioner Melcher: Okay, no, I didn't have any questions, because I met with Z. before she left. So, I was prepared not knowing somebody was coming.

Shannon Edwards: She thought there may be technical questions. I've been working with the data, so, I thought I would show up just in case you did have questions.

Commissioner Melcher: No, we have it. It's for \$15,000, and I talked to her about getting with Joe Harrison, and she did.

President Abell: And, this is an improvement to your system.

Shannon Edwards: Yes.

Commissioner Melcher: Right, and it's not going to cost because it comes out of her Perpetuation Fund.

Shannon Edwards: Right, and it's a one time fee also.

Commissioner Melcher: Which is a user fee.

Commissioner Kiefer: I think it's a great deal. You can now do searches.

Commissioner Melcher: Now, you can make the motion.

Commissioner Kiefer: Yeah, my motion is made.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Shannon Edwards: Thank you.

President Abell: You're welcome. Assessor, Exemptman licensing agreement, for software and professional services to be provided by AS2 in order for it to comply with reporting requirements to the State of Indiana. The cost is \$4,500 to be paid from the Assessor's Reassessment budget funds. I did speak with Mr. Fluty earlier and told him it's not necessary for him to be here. I think this is a pretty standard thing for him. Any questions, Commissioners?

Commissioner Kiefer: No.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Prosecutor, Adult Protective Services grant agreement. This amendment proposes to provide additional funding of \$152,796 for the county Adult Protective Services programming. The term is from 7/1/13 through 6/30/14. Is someone here from the Prosecutor's Office? Where do they get this money?

Joe Harrison, Jr.: It's all grant, it's grant money.

President Abell: That's what I was wondering. All of it?

Joe Harrison, Jr.: Yes, it's all coming from the State.

President Abell: All grant money?

Joe Harrison, Jr.: It helps with the Adult Protective Services program.

President Abell: Okay.

Commissioner Kiefer: (Inaudible. Microphone not on.)

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Superior Court, Indiana Department of Corrections grant agreement to provide funding in the sum of \$248,772 for the Vanderburgh problem solving court program. The term of the grant agreement will run from 7/1/13 until 6/30/15. Is that correct?

Joe Harrison, Jr.: Yes, and if you may recall, originally this amount was in the Sheriff's budget. It got pulled out and is now in part of Superior Court and it's used on their programs. This is through the Community Corrections grant received by the county. So, this is an increase of, what is it, it's a total of \$248,772.

President Abell: And, it's a two year grant?

Joe Harrison, Jr.: That's correct.

President Abell: Okay.

Joe Harrison, Jr.: It starts July 1 and goes through June 30, 2015.

President Abell: Okay, I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Health Department, the third addendum to lease agreement with Southwestern Healthcare. The third addendum extends the current lease agreement for an additional five years, along with an option to renew for an additional five year period, and reduces the annual rental rate for the leased premises to \$12 per square foot. The current rental rate is \$17.14 a square foot. The proposed reduction in rental payments, under the lease agreement, will be retroactive to May 1, 2013, and will result in a savings of \$82,801 or 20 percent for 2013. The savings for 2014 will be \$124,202 or 30 percent less than the total annual rental amount paid prior to the execution of the third addendum. Mr. Heck is here. This is where you currently live, correct?

Gary Heck: That is correct. I think the only difference is our current amount is \$17.50 a square foot for this year.

President Abell: Oh, okay.

Joe Harrison, Jr.: Sorry about that.

Gary Heck: That's okay. So, it's an even greater savings.

President Abell: We were, this lease agreement extension of five years is actually four years beyond what, because they would have had another year left on their current lease. So, it's another additional four years.

Joe Harrison, Jr.: It's five years from the date of signing. So, it would be 2018.

Gary Heck: Okay, so originally, our current lease would have expired September 30, 2014.

Joe Harrison, Jr.: Right.

Gary Heck: So, we're taking the option a year early.

President Abell: Right, that's what I meant.

Gary Heck: I understand.

President Abell: Okay, any further discussion?

Commissioner Melcher: No, I understand this is something the County Council went to the Southwest Mental Health and asked them, we were needing some more money and if they could look at ways of savings us some money.

Commissioner Kiefer: The only comments I've got is, you know, my chagrin and disappointment that, you know, we had an opportunity to bring these folks over to the Civic Center Complex. It would have saved, you know, really these kind of monies and more by moving them into the old EVSC building, but the County Council—

Commissioner Melcher: We would have saved \$200,000 a year on that.

Commissioner Kiefer: Yeah.

Commissioner Melcher: And owned it after ten years.

Commissioner Kiefer: Yeah, and owned it after that period of time, but the County Council chose not to, you know, pursue that opportunity. So, you know, this looks like a second choice, or, you know, it's not the best choice, but it's a second choice.

President Abell: Right.

Commissioner Kiefer: So, I'll reluctantly make a motion to approve.

Commissioner Melcher: I feel pretty much the same way, because I said I wasn't going to sign a five year lease, but since we're getting out a year earlier, at least it comes in at four. So, I'll second it.

President Abell: Further discussion? Well, my discussion on that is that I have never wanted to sign a lease beyond the term of the current County Commissioners. I don't think it's fair to the next group of County Commissioners. However, the two gentlemen I'm sitting here with tonight are going to be here for four more years, so, I guess, we're staying within that by this contract extending four years instead, by picking up another year out of there. So, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I was talking to a person from Southwestern Healthcare and brought that up, what you just said, that you didn't like to sign long extensions, and neither do I. So, I'll vote yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Revised continuity of operations plans. The COOP plan sets forth certain policies and procedures to ensure the continued function of the Vanderburgh County Health Department in the event of an emergency or disaster in this area. The County Health Department is responsible for the maintenance of the COOP or coop. Is that how you pronounce it, coop plan?

Gary Heck: It is. It is pronounced coop, and it's the Continuity Of Operations Plan is what the COOP would stand for. This is, it's been slightly updated. We get guidance from the State Department of Homeland Security and from Sherman Greer's local District 10 Emergency Management Agency. He's got a staff member that helps coordinate these for all of the local health departments. This one meets all of the standards. The Board of Health has already approved their portion of it, and we just would request that the Commissioners consider it, and approve it on behalf of the Health Department so that we have it in place should we ever need to use it.

President Abell: Gentleman, questions?

Commissioner Melcher: Any questions, Joe?

President Abell: I'll entertain a motion.

Commissioner Melcher: I'll move to approve it.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: I have a couple of things.

Gary Heck: Yes, Ma'am?

Commissioner Melcher: I've got one.

President Abell: A little announcement that Dr. Nicholson, we had tentatively planned on a health forum tonight at 7:00, and that has been cancelled, and will be re-scheduled, I assume, to address health issues in our community. So, I hope you'll keep us abreast so that we can attend that when it is re-scheduled. Where are you, Mr. Heck, and you, Mr. Harrison, on the people on Millersburg Road that need to rebuild their house? Or, they're having septic problems.

Joe Harrison, Jr.: I believe that, one of the issues that enables a waiver was taken care of tonight on the second reading of the ordinance, the zoning ordinance.

President Abell: Okay.

Joe Harrison, Jr.: Or, it was the subdivision ordinance, I guess. So, that was done tonight, and I assume there will be a waiver request made by them.

President Abell: They don't have a counsel.

Joe Harrison, Jr.: Okay.

President Abell: They need help. They have come to us for help, and, you know, we need to be helping people instead of just telling them no, this can't be done. We need to find a way to help these people.

Gary Heck: My understanding is that they were, their home was damaged by a flood in 2011. The Building Commission has a certified flood plain manager who gave them instructions that their trailer that had been occupying that property had to be replaced. It couldn't, that's what brought the whole thing into being, is that with the destruction of that trailer by the flood, they then have to come into, whatever they do there has to come into whatever the current standards are. While they might be able to elevate the land so that they would be out of the flood plain for building something, unless they can connect to a sewer they're not in a position where, or they haven't been able to come to the Health Department with, the ball's in their court right now, to put together a plan to show how they can be in compliance with the State and Federal rules on the septic system, because it's not allowed to be in a flood plain. A septic system in a flood plain is the equivalent of a combined sewer overflow, because everything would be under water. Dwayne Caldwell, who's our environmental services supervisor is here, and he can explain all of the technical things to you, but my understanding is they never applied nor received a permit to put a septic system in back 40 years ago, or whenever they acquired that property and moved there. If it hadn't been for the flood damage that caused them to lose their trailer. So, I don't know that even a waiver, they can probably get a waiver from the Area Planning from your subdivision, but I don't believe they'll be able to get a septic permit. I'll let Dwayne address that with you. We've looked, we've, I've petitioned the State Department of Health, we've checked everything possible, but the fact that their property is in the flood plain is what the big problem is with the septic system. You can't have a septic system in a flood plain. Plain and simple.

President Abell: But, if they had never had a problem, they would still be out there?

Gary Heck: As would a lot of other people all over the place. The Health Department would not have said something to them under those circumstances, because that's the county's policy on it. It was the fact that their home was damaged, and the certified flood plain manager presented them with a choice that said you've got to do something different, because you can't continue to live in this trailer that's been more than 50 percent destroyed by the flood waters. So, really their property, what got tabled tonight by the city for those other property owners, this person would be another potential person that needs help under that rule, because unless they can connect to a sewer, they won't be able to get a septic permit for their property. Let me let Dwayne talk to you about that though.

President Abell: Okay.

Gary Heck: Because he could probably explain it better than I appear to be doing.

President Abell: Marissa, would you get me that letter?

Dwayne Caldwell: Good evening, I'm Dwayne Caldwell, Environmental Health Supervisor. In speaking with the Building Commission, this is a new construction, I do believe, there's no existing structure there. They're placing—

President Abell: Well, I had her get the letter. I actually think there was a trailer on that property that the mother lived in, and that they had....no, it's a handwritten letter from the owner. That they actually lived in a house, and as I recall, and I'm, that's

why I'm getting the letter because I'm going off my memory, that house burned and they could not live in it. They were told to move the trailer, and as soon as the mother passed away they moved it away. Now, they're sitting there with this property, these people have nowhere to live, they're trying to put a pre-constructed home on the property, a modular home, I assume. I'm understanding what Mr. Heck's saying, because I'm a little familiar with septic systems, however, I guess, my problem with all of this is that we, as servants of the taxpayers rather than say, no, you can't do it, should be saying, well, that won't work, but let's see what will work. I think these people have gotten no direction, and they're just writing letters to us and calling us, and they're kind of, you know, when you say technical things to some people they have no idea what you're talking about, and they might not respond as you would think that they could respond. Quite frankly, if they could afford to hire legal counsel, they probably wouldn't be living in a flood plain. They obviously, you know, are not hanging around with a lot of money in their pockets, and we need to help these people.

Dwayne Caldwell: Yes, if you would like to see a letter that we sent them.

President Abell: Sure.

Dwayne Caldwell: That explains what needed to be done and the circumstances around that. We are governed by the State of Indiana's septic code. That says that we can't allow a system into a flood plain, unless the can find an area of virgin soil that's above it. We've had some do that. Unfortunately, this whole area is below. Now, if we can by counsel find some law that allows us to suspend the State code, then I would be more than happy to help these folks out. But, there have been many people who have wanted to build in flood plains, and due to that rule, we've said no. I sympathize with them. I wish there was a way, but I just can't see it within our boundaries of our code.

President Abell: Thank you.

Joe Harrison, Jr.: Marsha, there's some discrepancy in whether or not the property was damaged by fire or by flood.

President Abell: It was flood, I'm sorry.

Joe Harrison, Jr.: Okay.

President Abell: It was flood. It was damaged over 50 percent according to her letter that she wrote to us. They've lived there for over 40 years, so, if their home hadn't been damaged, they just had the misfortune of having a flood, and now we're going to double whammy them with telling them they can't live there. I just have a real problem with this.

Dwayne Caldwell: I share that, but, unfortunately, we have to live by the codes of the State and the county.

President Abell: I understand that, and I agree, and I see that you did send a letter. I will point out, I've been working on this for three months, this letter is written February 8th and you just now tell me about it. You know, if I had seen this three months ago, we would have been three months ahead of the game. That's a little irritating to me, but over and above that, you know, if you know about these things, and, obviously you do, because you've written to them here to submit a diagram of

the proposed system showing this, this, this and this, maybe we could walk them through this. Maybe tell them where they could get some help. You know, isn't there anything we can do other than just slam a door in their face?

Dwayne Caldwell: I've spoken to them many times via the telephone, and I would be more than happy to meet. I would be more than happy to meet with anyone and explain. I could also get someone from the State Department of Health to come down and explain their code as well and see if they could find a way to help. I would be more than happy to help, but I have to be consistent, of course, with the code.

President Abell: Well, maybe we could set up a meeting and I could attend that meeting with you and we could go to their home, and we could explain that to them in a way that they need to have it explained to them. You know, there are a lot of people that get an official letter like this and it does nothing but upset them because they don't know how to read it, and they don't understand it. I think it's incumbent upon us to, you know, we're only the best county we are if we take care of the lesser people in our community. I think that's part of what we have to do here. So, I will contact her, get some dates from her, get them to you, and maybe we can plan to, if they don't have a home out there, maybe meet in the Commissioners office, but I certainly would like to continue to at least try to help these people.

Dwayne Caldwell: That would be fine. I would be open to helping them in any way that we can.

President Abell: Okay, thank you. Did you have something?

Commissioner Melcher: Yeah, with Gary.

President Abell: Okay.

Commissioner Melcher: You're eventually going to be starting to be putting your budget together.

Gary Heck: Yes, sir.

Commissioner Melcher: As last year and every year, we want the Dental Clinic. We would like for you to try, like I said last year, I would like you to try to find it within your budget to see if you could put the Dental Clinic in there. I would like for you to call Mark Owen with Southwest Mental Health, he's got some suggestions too on how you can do it, because this is definitely needed in our community. I believe it's our responsibility to help. So, you need to have it in your budget, because I didn't want to wait until after the budget and you say, well, we've got to wait another year.

Gary Heck: We were instructed by the County Council not to have it in the budget. I will go back to their board with your request and ask them to consider it, but I don't know where we're going to get the money. We just got a notice from the Auditor's office that the circuit breaker affected the Health Fund by \$320,000, and right now we were projected to be \$72,000 short by the end of this year that we have to do a repeal. I can honestly tell you that there's no, I don't know where I would get money to do that.

Commissioner Melcher: I don't know neither, but we would still like you to look at it.

Gary Heck: I will look at it again.

Commissioner Melcher: Every department is having the same trouble. Every department is having the same trouble. We're having that problem.

Gary Heck: I know, sir.

Commissioner Melcher: We've also got big problems with our health insurance, we're supposed to cut it another million or more. So, everybody is involved. So, it's not like you're out there by yourself.

Gary Heck: Okay.

Commissioner Melcher: We're all flying the same flag. But we're also, like Marsha just got through talking about, we've also got a responsibility to our citizens in our community for healthcare, and that falls on the Health Department. So, I just believe strongly that we need that Dental Clinic, some way, somehow, even if we've got to partner with ECHO or something. I know when I talked to Mark Owen today he said that, you know, he's willing to talk and explore it or something, maybe help raise some money. We need to get moving now instead of waiting until after the budget hearings. The County Council, if you put it in there, they might cut it. Well, at least you've done your part. So, I just think we need a Dental Clinic.

Commissioner Kiefer: I have a comment about the Dental Clinic. USI, they have a school out there, I mean, I wonder if somehow we could do some kind of partnership with USI, or at least approach them. I know they train people for certain dental clinic technicians and things like that. You know, they may already be set up with a facility that if they had a dentist come in, you know, maybe it wouldn't be, maybe it would help their educational tools and they could operate something out there. I mean—

Commissioner Melcher: But, I don't know how—

Commissioner Kiefer: I mean, I don't know, I mean, it might be worth some conversation with them though.

Commissioner Melcher: It might be where USI could come in, because it's sitting, all of the equipment is still there, right? In the building?

Gary Heck: It is, sir. We just got a communication from USI, they want the county to donate the digital x-ray equipment and some of the chairs to their school out at USI.

Commissioner Melcher: Well, it sounds like there's got to be a lot of discussion to happen before any of this happens.

Gary Heck: Yes, sir. Will you all still pledge....it costs, when we operating it full time, it was about \$300,000 a year, and the Commissioners put \$130,000 in Riverboat money into it.

Commissioner Melcher: As far as I know, that's still there.

Gary Heck: You put in the \$300,000 and then it's funded.

Commissioner Melcher: That's true.

Gary Heck: Because there's no, I'm telling you there's no money in the Health Fund, or we can ask the Auditor. He told me that we were projected to be \$72,000 short

and we're doing a repeal right now to be in compliance this year. I don't think the projections for next year is looking any better at all.

Commissioner Kiefer: I just wonder if we could, if we can initiate some conversations with USI, because they've got a program, they're trying to educate students.

Gary Heck: They're not educating dentists, they're educating hygienists—

Commissioner Kiefer: I understand—

Gary Heck: – and assistants.

Commissioner Kiefer: –that, okay, but they've got a system set up and in place, and if they had some dentists come in, it's not like you're paying rent for it.

Gary Heck: We've worked very closely with theirs, and we've had their dental assistants and their dental hygienists both serve clinical rotation at the Dental Clinic when it was in operation. We've worked closely with every program that's here. If we still had money, I can assure you, we would still have that Dental Clinic operational.

Commissioner Kiefer: Well, I know the IU—

Gary Heck: We will go back and look at it.

Commissioner Kiefer: – School of Medicine is looking at Evansville, to open up a new school here. I wonder if we should reach out to IU. They have a dental school, you know, maybe there's some kind of program where these—

Gary Heck: It's my understanding that Dr. Wohlford's already doing that. We, you know, we already have a two year medical school here that they want to make a four year medical school. I don't know that they have plans to have a four year, or to have a dental school component. It certainly makes sense, and I know Dr. Wohlford is excited about that possibility. I know that he's approached people about it, but that's still going to be years away, and we don't have the funds to maintain this Dental Clinic right now.

Commissioner Kiefer: Well, you're doing a good job for the County Council.

Gary Heck: We're trying. I'm not, I'm not trying to, I mean, I've had the fight with them about the monies at times, I'm telling you.

President Abell: Yeah, don't do their job for them. Let them hack it from your budget if they want to.

Gary Heck: Yes, Ma'am.

Commissioner Melcher: Thank you.

Gary Heck: Thank you, sir.

President Abell: Thank you.

County Engineer

President Abell: Department head reports, Mr. Stoll?

John Stoll: First, I would like to request that you award contract number VC13-05-01, the repaving of the streets in Keystone Subdivision to E&B Paving for \$219,222. E&B provided the low bid on the project.

President Abell: Commissioners?

Commissioner Kiefer: Yeah, I'm just looking at that summary here now. Okay, I'll make a motion to approve.

Commissioner Melcher: I'll second it, but there was some discussion about all of the participation. They were low in everything, except they had the lowest bid.

John Stoll: All of the bidders did not meet, none of the bidders met the goals established in the ordinance. I don't remember the exact percentages, but I know none of them hit the—

Commissioner Melcher: They didn't even hit one percent. Everybody else, if you look at that was over one percent. I mean, that's what amazes me about it.

Commissioner Kiefer: Yeah, .19 percent.

Commissioner Melcher: So, it doesn't even look like they're trying to me. So, but I understand about the low bid, we've got to do what we've got to do, but I still think they need to be looking at what we're trying to get done here.

Commissioner Kiefer: Perhaps we can encourage them, send them a letter, you know, when you make contact with them about awarding this bid, express to them the concern about that, and then, you know, maybe the message will—

President Abell: Resonate.

Commissioner Kiefer: –resonate. Thank you for the right word.

John Stoll: I can pass that on. That's not a problem.

Commissioner Kiefer: Yeah, but I would definitely bring it up and point out that it was discussed at a Commissioner's meeting.

John Stoll: Okay.

Commissioner Kiefer: Thanks.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, next I would like to request that you reject all bids for contract number VC13-03-01, the Old Boonville Highway bridge replacement. This was bridge number 1530. We're in the process of looking at revisions to contract specs, and potentially looking at changes to the road closure duration. So, we will make some modifications and then pursue a rebid.

Commissioner Melcher: I'll make the motion that we withdraw.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, next, I would like for you to approve a notice to bidders for the rebid of that project. Now we would call it contract number VC13-06-03, instead of the 13-03-01.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Those bids would be opened at the July 9th meeting.

President Abell: Okay.

John Stoll: Then, next, I would also like you to approve, request approval of a notice to bidders for contract VC13-06-03, I mean, sorry, 04, Baseline Road bridge number 201 rehabilitation. This is a beam replacement on a bridge on Baseline about two miles east of Highway 65. Initially the bridge inventory called for replacing three beams. Now that we've got the updated bridge inventory book from the inspections of last November, and now they're recommending replacement of beams. So, that's the scope of work for the project. Once again, if this is approved, the bids would be opened on July 9th.

Commissioner Kiefer: Well, we don't want a bridge to fail. So, I'm going to make the motion to approve.

Commissioner Melcher: Or at least one fourth of it to fail. Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Those bids would be opened on July 9th as well.

President Abell: Okay.

John Stoll: Next, I would like to request approval of the street plans for the Enclave at Eagle Cliff Subdivision. This is the subdivision located at the southwest corner of Lloyd and Felstead where there's a commercial property immediately abutting the Lloyd Expressway, and then residential to the south of that. We've reviewed the plans. The consultant, Morley and Associates, has made the changes we had

requested. I would like to recommend approval of the street plans. The plans consist generally of 24 and 29 foot asphalt streets with curb and gutter.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Is this the one that we just recently rezoned?

John Stoll: Yes.

President Abell: Are there some changes in the way that....as I recall, when that came to us it was going to be like the commercial was going to be against the Lloyd Expressway, but there were going to be, there was going to be access to the commercial where the residents could walk there. The whole idea was to have the walkable sustainable community, and now I looked at something the other day and none of that's there.

John Stoll: They do have frontage on Stellar Drive, which is the interior street within the subdivision. So, they can make that connection to the residential and to the apartments to the west. It's kind of a flag lot situation where the majority of the property abuts the Lloyd and Felstead, but there's a little strip that comes down and ties into Stellar Drive. So, that's where they could get the access off of the internal streets. It has changed, but it still does have access off of Stellar.

Commissioner Melcher: I think one of their recommendations was to have Stellar Drive with sidewalks.

John Stoll: That's the next item on my list here, was that they have a sidewalk waiver request on that as well. That would provide a sidewalk along the north of Stellar, and then it turns and makes the 90 degree bend, heads south on the currently unnamed north-south road within the subdivision, and then it heads east along the north side of Cliftwood Drive and runs out to Felstead. So, there will be sidewalks through the subdivision, but it would only be one side of that main road through the sub. The cul-de-sac streets would have no sidewalks, and the south side of Stellar and the west side of the north/south access road would not have sidewalks either. I had e-mailed you a layout. Madelyn has it.

President Abell: That may be what I looked at.

John Stoll: The red line was going to be the--

Commissioner Melcher: So, the sidewalk is not going to hook up to the sidewalks of the other subdivision?

President Abell: This is what I saw.

John Stoll: It runs across the street. There is a driveway on the south side of Stellar, in the adjacent development. This development would provide the sidewalk on the north side, opposite where the sidewalk terminates on the apartment side of Stellar. So, there would be ADA ramps that will connect across Stellar Drive from the existing on Stellar, and then loop around on to the north side of Stellar within this development.

Commissioner Melcher: So, they will be able to walk from one subdivision to the other?

John Stoll: Correct.

Commissioner Melcher: On a sidewalk?

John Stoll: They will have to cross the street at this one location.

Commissioner Melcher: ADA compatible?

John Stoll: Right.

Commissioner Melcher: Because I think that's what we asked for. I think we talked about it maybe just one side too, if I remember right, because we want to be able to do that, because we're trying to do that with all of our sustainable Evansville and Vanderburgh County now.

President Abell: So, this isn't a substantial change? It just seems like to me it just changed everything.

John Stoll: They did change the layout of the commercial lots. When they went back through the Plan Commission, after the rezoning was approved. I don't have the plat with me. This is the area where the lots were reconfigured. Right here is where the commercial access, the commercial lots would have access to Stellar Drive, at this location. The sidewalk runs, it crosses Stellar Drive at this driveway. It's an ADA ramp here. It runs along the north side of Stellar, around this 90 degree turn, down Cliftwood, and then out to Felstead.

President Abell: These are residential lots?

John Stoll: Yes. Commercial is in this area up here on the north end.

Commissioner Kiefer: And that's the Lloyd, isn't it?

John Stoll: Right. There's Lloyd, there's Felstead.

President Abell: I guess, that in my mind that isn't what this was going to do. In my mind, this would have been a commercial area, but you would have been able to walk into it. This is a whole lot different, this is just a commercial area with a residential area behind it. I think that's pretty much what it is now.

John Stoll: Jim Morley is here. He might be able to help out with some of the questions, since they provided the design for the developer.

Joe Harrison, Jr.: You've got two requests. The street—

John Stoll: Street plan approval, plus the sidewalk waiver.

Joe Harrison, Jr.: —and then the sidewalk waiver is the second request.

Commissioner Kiefer: Yeah, so, we could hold off on the sidewalk request to get issues resolved about walking access and stuff.

John Stoll: Yeah, if you want changes, I mean, we could always postpone the sidewalk waiver until a later date.

Commissioner Kiefer: This just lays out, what we're approving tonight is the street plans?

John Stoll: Yes. We have the sidewalk waiver request as well, but, like I said, that could be delayed. They could still begin construction on their streets. They wouldn't be held up.

President Abell: Are they moving dirt out there now?

John Stoll: Yes.

Commissioner Kiefer: Maybe Jim could approach? If that's okay.

President Abell: Sure.

Commissioner Kiefer: I mean, I think looking at this—

Joe Harrison, Jr.: They've got a map here, Jim. Well, I guess, you can't see it.

President Abell: He might want, well, he might want to point—

Commissioner Kiefer: He can use this mic.

President Abell: I guess, what we thought was, or at least I thought, I envisioned this being almost like a unit, and it seems like it's not going to be if it's just going to have access down here. I was hoping more for access, easier access. If somebody could just—

Commissioner Kiefer: The residents that live here could easily walk up to the commercial access.

President Abell: Yeah, like maybe through here or something. I mean, we were shown pictures of backyards that people walk through. I guess, I'm just kind of surprised, because now it's really just commercial up here with a residential area behind it. I think that's a fair statement.

Jim Morley, Jr.: Yeah, I can, Jim Morley, Jr., Project Engineer. I can tell you that the basis behind the way we did the sidewalks, is the sidewalks are on the south side of Stellar Drive in the area of the Eagle Village community center. We could have extended them on the south side, however we switched to the north side, across from an existing ADA ramp because we felt like, where the students live here in the apartments, they would want to come to the sidewalks on their side of Stellar Drive, and then they could walk down the sidewalk and into the commercial center here. So, that's why we switched here. There's an existing ADA sidewalk, or ADA ramp here, and then we would line up straight across from there, but the students themselves would just walk out of the apartments to this sidewalk and up into the facility. The residents here would have the opportunity to walk up and in. The commercial zoning line stops at the back of these lots here, is where the rezoning came to. I think the flag comes down, but these lots were never rezoned as commercial. So, the way we had it described to us by the developer, so the way the petitions were written were that the streetscape of Stellar Drive, short of this access

point, would be a residential streetscape, and then there would be access into the commercial area. But, to bring these lots, these commercial lots, would typically face, you know, the higher traffic roads, which meant if we brought the commercial all the way down to Stellar you would basically see the back sides of those commercial buildings from Stellar Drive. So, we thought it was a nicer streetscape to see the residential homes and let the backyards of these homes share, basically, the backside of these commercial buildings.

President Abell: Okay. I'm okay.

Commissioner Melcher: This hasn't been approved by INDOT, has it?

John Stoll: That's not in INDOT right-of-way. The INDOT right-of-way stops here. So, this driveway for the commercial will be just south of the INDOT right-of-way.

Commissioner Melcher: So, they don't have to get INDOT approval?

John Stoll: I'm not sure what their ultimate plan for the grading of this area is. So, they may or may not, but this plan doesn't mandate it.

Commissioner Melcher: (Inaudible. Microphone not on.)

President Abell: Okay, so we've got two issues tonight. We've got the road—

Joe Harrison, Jr.: And the waiver of the sidewalks.

President Abell: Well, I want to table the sidewalks. I want to go out there and look. Okay, we're back. You want us to—

John Stoll: Approve the street plans.

President Abell: – approve the street plan. Okay, I'll entertain a motion.

Commissioner Kiefer: I already made a motion.

President Abell: Oh, we have a motion just for the street plan.

President Abell: And, do I have a second?

Madelyn Grayson: Yes.

President Abell: Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The second request was to have the sidewalk on the north side of Stellar, the east side of the unnamed north-south road, and then the north side of Cliftwood, and all other sidewalks would be waived.

Commissioner Melcher: I think we're going to table that, aren't we? I make a motion to table it.

Commissioner Kiefer: I'll second that.

President Abell: I want to, I think the three of us want to look at this again. I'm going to go out there and take a look at this, because I want to see what it's going to look like.

John Stoll: Not a problem. The main thing was the street plans.

President Abell: That's what we thought. That doesn't hold up anything?

John Stoll: Right.

President Abell: Okay, and I think I recall even, talking to the developer about maybe not even having sidewalks, but having a walk that was—

Commissioner Melcher: You pretty much called it trails.

President Abell: Yeah, so the water would—

Commissioner Melcher: It was kind of like having a trail there and a trail back, and that way it would even be cheaper than a sidewalk.

John Stoll: I forwarded the minutes from the prior meeting to Morley and Associates. I'm not sure what discussions that Jim had with his client, but we did take the comments that you had made at the rezoning hearing to forward those on to try and come up with a plan that would comply with what you were looking for.

President Abell: We would like for it to really, really be nice. Very nice, because it's the first time we've, this is our first attempt at this multi-use, walkable sustainability thing, and we would like for this one to really be good. I think we would like to table this and entertain it at our next meeting. There's a motion to table and a second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: I have a question.

John Stoll: Sure.

President Abell: I want to know if they've torn up Millersburg Road putting that line in, or if Vectren's gone out and done it yet, or did they not do it? What's the status of that?

John Stoll: I was in contact with Vectren, my contact person at Vectren has not been in, but I'll get an answer for you and let you know.

President Abell: Okay. I want to stay on top of that. I don't want to let that go away.

John Stoll: Back when it was approved I'd let them know that just contact our office whenever they were ready to do the work. So, I haven't heard, but, I'll follow up and let you know.

President Abell: Okay, just want to keep our road nice.

John Stoll: I understand.

President Abell: Thank you.

John Stoll: Thanks.

President Abell: Any other department head reports?

New Business/Old Business

President Abell: Any new business? Old business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items, Madelyn?

Madelyn Grayson: The consent items for the June 18th meeting are as follows; approval of the June 4, 2013 Commission meeting minutes; employment changes for the Commissioners approval, we have one for the Drug and Alcohol Deferral Service and one for the Purdue Co-Op Extension; the Commissioners have an appropriation request for Change of Venue, pay application number two from Deig Brothers for the Old Courthouse first floor restoration, sale of county owned property at 903 Oak Hill Road, and the Kixmiller property corrective deed. The Sheriff has a request to surplus a 2003 Crown Victoria and a 1989 Ford F-700 bus. The Health Department has a request to surplus various computer equipment. Burdette Park

has a request to surplus a 1992 Chevy pick up. The County Engineer has pay request number 177 for \$6,627.45 for TIF projects and a department head report. The County Clerk has the May 2013 monthly report. We have the IBAP Gatekeeper May 31, 2013 report, and the Auditor has continuing disclosure agreements.

Joe Harrison, Jr.: Can I make one comment? The Kixmiller matter is actually K-i-x-m-i-l-l-e-r quit claim deed, just as a correction.

President Abell: I'll entertain a motion to accept as corrected.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Rezoning Petition: First Reading of VC-8-2013
Petitioner: Tim Rich of Houchens Properties
Address: 4910 & 4800 Heckel Road
Request: Change from Ag to C-2 with UDC**

President Abell: Rezoning, first reading of VC-8-2013, the petitioner is Tim Rich of Houchens Properties. It's 4910 and 4800 Heckel Road, change from Ag to C-2 with a use and development commitment. Is there any further business to come before the County Commissioners?

Commissioner Melcher: We have to vote.

President Abell: Oh, we have to, I need a motion to move this to second reading.

Commissioner Kiefer: I'm abstaining from this particular rezoning.

President Abell: Okay. Mr. Melcher, would you—

Commissioner Melcher: I'll make the motion to move to Area Plan.

President Abell: I'll second to move this to Area Plan Commission.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

President Abell: Any further business to come before the County Commissioners?
I would entertain a motion to adjourn.

Commissioner Kiefer: Move to adjourn.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:10 p.m.)

CONSENT ITEMS:

Commissioners:

- Approval of the June 4, 2013 Commission Meeting Minutes.
- Request for Appropriation: Change of Venue.
- Pay Application No. 2: Deig Brothers: OCH First Floor Restoration Project.
- Quit Claim Deed: 903 Oak Hill Road.
- Quit Claim Deed: Kixmiller Property.

Employment Changes:

- | | | |
|----------------|--------------------|-------------------|
| DADS (1) | Co-Op Ext. (1) | Sheriff(3) |
| Prosecutor (1) | Superior Court (1) | Circuit Court (1) |

Surplus Requests:

- Sheriff: 2003 Crown Victoria & 1989 Ford F700 bus.
- Health Dept: Various Computer Equipment.
- Burdette Park: 1992 Chevy Pick Up.

County Engineer:

- TIF Pay Request No. 177: \$6,627.45.
- Department Head Report.

Those in Attendance:

- | | | |
|------------------|-------------------|---------------------|
| Marsha Abell | Joe Kiefer | Stephen Melcher |
| Joe Gries | Joe Harrison, Jr. | Marissa Schenk |
| Madelyn Grayson | Krista Lockyear | Kathryn Kornblum |
| Shannon Edwards | Gary Heck | Dwayne Caldwell |
| John Stoll | Jim Morley, Jr. | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 9, 2013**

The Vanderburgh County Board of Commissioners met in session this 9th day of July, 2013 at 5:02 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the Vanderburgh County Board of Commissioners meeting of July 9, 2013.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Harrison, would you lead us in the Pledge?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Permission to Open Bids:

**VC13-06-01: Repair and Repaving of Millersburg Road
VC13-06-02: Repair and Repaving of St. Joseph Avenue
VC13-06-04: Baseline Road Bridge No. 201 Rehabilitation**

President Abell: I will entertain a motion for permission to open bids VC13-06-01, repair and repaving of Millersburg Road; VC13-06-02, repair and repaving of St. Joe Avenue; and VC13-06-04, Baseline Road Bridge number 201 rehabilitation.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Mr. Harrison, do you want to open those bids for us?

Joe Harrison, Jr.: Sure.

President Abell: Okay, we'll check back with you later.

Permission to Seek Quotes for Burdette Park Pool Liner Replacement

President Abell: Under action items this evening we have the Cooperative Purchasing, permission to seek quotes for Burdette Park pool liner replacement, and permission to award the paper contract bid for Altstadt Office City. We will take these separately.

Boscoe Wilhite: Okay.

President Abell: So, do you want to tell us about the Burdette Park pool liner first?

Boscoe Wilhite: Yes, we're just asking permission to seek quotes at this time, or seek bids.

President Abell: How many liners, are we replacing, one liner? There's three sections, I think.

Boscoe Wilhite: You know the big pool, the big pool with the kiddie pool and the slides coming down?

President Abell: Okay.

Boscoe Wilhite: That size pool is what we were going to replace.

President Abell: Okay.

Boscoe Wilhite: The Olympic style, we're not going to touch.

President Abell: Okay. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Permission to Award Copy Paper Bid to Altstadt Office City

President Abell: Your next one?

Boscoe Wilhite: The next one is permission to award bid for the copy paper to Altstadt Office City. You have Debbie Spalding's memo in front of you. Do I have any questions?

President Abell: We did get it. I had a copy of it.

Joe Harrison, Jr.: This was a joint bid?

Boscoe Wilhite: It was a joint bid. It was between the EVSC, city and the county.

President Abell: Yeah.

Boscoe Wilhite: Right now we're paying around \$33 per case. We got it down to \$28 going through Altstadt.

President Abell: Good.

Commissioner Kiefer: Okay, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Madelyn Grayson: Can you state your name for the record? I'm sorry.

Boscoe Wilhite: I'm sorry. Boscoe Wilhite.

President Abell: It's on our agenda too, Madelyn.

Resolution for City-County Byrne JAG Grant Award

President Abell: Resolution JAG grant award split with the City of Evansville. The disbursement of annual Byrne Justice Assistance Grant program award funds, JAG funds, the county receives \$6,922. The city is to receive \$42,518. The county's share is to be used for investigative computer equipment to support law enforcement. Is there someone here to—

Joe Harrison, Jr.: I doubt if there's anybody here on this. This is an annual grant fund that is given to the city and county, and the split is basically the same. The amounts kind of change every year.

President Abell: Okay.

Joe Harrison, Jr.: I would ask that you all give this consideration.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Resolution CO.R-07-13-010: Regarding Transfer of County-Owned Property to the City of Evansville and DMD

President Abell: Resolution CO.R-07-13-010, regarding transfer of county-owned property to the City of Evansville, Department of Metropolitan Development. These are properties acquired by the Commissioners through tax default. The City of Evansville will pay to the county \$450 for each of the properties located at 1209 Culver, 1223 Culver, 1214 Judson, 208 Madison, 427 Jefferson, 1164 South Bedford and 520 Washington Avenue. I will entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Any discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

<p style="text-align: center;">Resolution CO.R-07-13-007: Regarding the Refunding/Refinancing of the Centre Bonds</p>
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President Abell: Resolution CO.R-07-13-007, regarding refunding/refinancing of the Centre bonds. The refinancing of the Centre bonds will save the county approximately \$1.2 million in future interest payments, which will be paid from the county Food & Beverage Tax. Pursuant to the refinancing of the bonds, the county is to receive a lump sum savings payment of approximately \$1.2 million within the next six to seven months, which must be used in connection with future improvements to the Centre facility. The Building Authority and the County Council have already approved similar resolutions. I will entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: I'm glad to second it.

President Abell: Is there any discussion?

Commissioner Kiefer: It seems like a no brainer to me.

President Abell: It's a no brainer to me. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Recorder: Fidlar Technologies Agreement
Sheriff: Cash Rent Lease Agreement: Straub
Auditor/Treasurer: SRI Tax Sale Contracts
Building Commission: IHEDA Grant Agreement**

President Abell: Contracts, agreements and leases, the Recorder, Fidar Technologies agreement. A one year agreement for scanning and imaging conversion services. The cost is \$427,774.08, which is to be paid from the County Recorder's Perpetuation Fund. The County Recorder is here.

Z. Tuley: I'm Z. Tuley, County Recorder. This is Mark Lystiuk, he is with our Fidar contract company. They are the people that house and take care of our software. We have a lifetime contract, so to speak, with them. I think we're called lifers. So, we get some free upgrades and what have you. They have done this project in almost all of the counties that they serve here in Indiana. They have completed Floyd, they have completed Harrison, and they have completed St. Joe counties. Everyone that I've talked to has been very content, very pleased with their work. Since they are our company, we feel like they are the most responsible for getting accurate and good data and scans. Oh, and this is Shannon Edwards, my Chief Deputy. She talks computer lingo better than I do. So, if you have any questions or anything, I'll let Mark or-

President Abell: I assume then that there are other companies then that do this also, but this was your selection for a company?

Z. Tuley: Uh-huh.

President Abell: Is this something we have to bid?

Joe Harrison, Jr.: No.

President Abell: Just want to keep you out of trouble. Make sure you didn't get in trouble. Okay. I'll entertain a motion.

Commissioner Kiefer: I'll move to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Z. Tuley: Thank you.

President Abell: You're welcome. Sheriff, cash rent lease agreement with Rick and Beverly Straub of Kansas Road property. It's a one year agreement for the Staub's to farm a portion of the Sheriff's Office Kansas Road property that is not currently being utilized. The county will receive \$2,250 from the Staub's for their use of the property. The farm crop lease agreement may be renewed for a period of one year so long as both parties agree to such an extension. The agreement is from 6/5/13 to 6/4/14. I don't think the Sheriff is here to address this, but it's sort of like share cropping except they're just going to pay us for what they take off.

Joe Harrison, Jr.: That's correct.

Commissioner Kiefer: I think it sounds like a good way for us to get a little extra money for the ground that's sitting, doing nothing. So, I move that we approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Auditor/Treasurer, the SRI contracts; master service agreement....are you going to address this, Joe?

Joe Gries: Yes.

President Abell: Okay, I'll let you come to the microphone. This is regarding the tax sale?

Joe Gries: Yes.

President Abell: Tax sale support services addendum and the 2013 Vanderburgh County tax sale work plan. One year agreement for handling county tax sales. The cost is \$70 for each parcel on the county tax sale list after the county receives the past due tax bills. Both the County Treasurer and the County Auditor feel the contract with SRI will increase tax revenues and decrease the county's costs.

Joe Gries: Actually, I couldn't have said it really better than that.

President Abell: Well, I have it written down in front of me.

Joe Gries: Yes. Mr. Glen Luedtke is here from SRI if there are any questions concerning this. Susie and I are here to address questions as well. Essentially, what this is, it allows us to work through the tax sale process more efficiently. We hope to see a benefit of increased sales, which bring in more tax dollars to Vanderburgh County and all of the taxing units within the county. So, this doesn't cost the county one dime. It's all a user fee. So, we view this as a pretty good program. Another bonus that I see, and Susie, I think, would agree with me, SRI does a great job in looking at new legislation every year. They will champion good legislation and changes to tax sale laws, and they'll also fight against bad legislation. Which, as you are probably aware, this last legislative session was very intense, a lot of things that affected the counties. So, that's another positive that we have, you know, as far as SRI being in our corner watching these things and helping us through those types of issues.

Susie Kirk: There's 80 other counties in Indiana that use SRI—

President Abell: Come to the microphone, Susie. Thank you.

Susie Kirk: Okay, there are 80 other counties in Indiana that use SRI. So, it's pretty well proven that they, you know, it's a good company, and it's working for those other counties. So, I felt, even though I'm new at the game, I felt very comfortable with it.

Commissioner Kiefer: I have a question. Will you guys then, next year will you be able to come back with a report saying, hey, this is how we did, and give some kind of performance report?

Joe Gries: Absolutely. Once we go through the process this one time, we'll be able to show reduction in costs for things like postage, supplies. We would also be able to show possible increases in additional sales of these tax sale properties to show a comparison between SRI being on board versus not.

Commissioner Kiefer: Sounds good to me. I would like to make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: When will this go into effect? Yesterday?

Susie Kirk: Well, we were just a little behind the schedule, and SRI was good enough to kind of have some patience with us until we could get this contract approved, but we are already on the road.

President Abell: This must be the contract?

Susie Kirk: That's, I'm not sure which...I didn't have anything in a folder.

President Abell: Oh, this is Fidler's.

Susie Kirk: We're already preparing, actually, worked today even trying to get everything prepared.

President Abell: Okay.

Susie Kirk: So, we will be on time. We will not be late with anything. Everything will be on schedule.

President Abell: We'll sign it tonight. If you need a copy of it, we can get you a copy of it.

Susie Kirk: Okay, thank you very much.

President Abell: Building Commission, Indiana Housing Community Authority grant agreement. Dave Ballew will be here to discuss, but I don't think he is.

Dave Ballew: Yes, I'm here.

Commissioner Melcher: Yeah he is.

President Abell: Yeah, sorry. I saw Rose walk in, but I didn't see anybody else walk in.

Dave Ballew: Dave Ballew, Building Commission. Just wanted to re-submit the grant with the necessary adjustments to comply. The City of Evansville will sign the lease agreements, and the Building Commission will make sure that the properties are maintained with monitoring.

Joe Harrison, Jr.: You said the city will sign the lease agreements?

Dave Ballew: Correct.

Joe Harrison, Jr.: Okay, for all three properties?

Dave Ballew: All three properties.

Joe Harrison, Jr.: The properties at some point will be acquired by the county, after the process goes through the steps that have to be followed. Then, thereafter, the leases will be entered into with the city?

Dave Ballew: Right, with the deed restrictions.

Joe Harrison, Jr.: That's correct.

Dave Ballew: Right.

Joe Harrison, Jr.: The State will have a chance to look at the proposed leases?

Dave Ballew: That's correct.

Joe Harrison, Jr.: Okay.

Commissioner Kiefer: Sounds like a great solution. I'm pleased to make a motion to approve.

Commissioner Melcher: I'll second it.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I'm happy to vote yes on this.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I think we finally got here, but I'm just hoping in the future when we have these programs that the Commissioners are invited first, so you don't come here and we don't know what's going on.

Dave Ballew: Sure.

Commissioner Melcher: So, just make sure we're all on the same page. Whoever the property, whatever (Inaudible) lives in is the one that should be taking the property, or we wouldn't have had all of this wait. We do need to help the people, and I'm ready to vote yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Dave Ballew: Thank you.

County Engineer

President Abell: Department heads, Mr. Stoll?

John Stoll: I've got three things. The first is a contract with Bernardin Lochmueller and Associates for the Franklin Street bridge. The contract amount is \$91,700. This will cover the re-design of the bearings for the steel structure that supports that bridge.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, second, I have some reimbursement agreements with Vectren. This would cover the reimburseable utility relocations associated with the Green River project between Millersburg and Kansas. The electric distribution line agreement is in the amount of \$88,852.08. The transmission line relocation agreement is in the amount of \$24,206.11. I've had the County Attorney review these agreements, and he saw that they were acceptable, so, I would request your approval.

Commissioner Kiefer: Motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Did they, do we know anything about the condition of Millersburg Road?

John Stoll: They have not given me an exact schedule on that, as of yet. I tried to contact them again today, but my contact person was out of the office. So, as I get an update, I'll let you know. The last they had told me was the work was tentatively planned for mid to late July. So, it has not been done as of yet.

President Abell: You know I won't let up on this.

John Stoll: That's why I'll keep giving you updates.

President Abell: Okay.

John Stoll: The last item I have is a maintenance agreement for our GIS software. This is for \$700. It's just the annual maintenance agreement that provides us software upgrades each year.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

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

President Abell: No, and I don't think Mr. Harrison is finished yet looking at the bids.

John Stoll: Okay.

President Abell: Okay, thank you.

John Stoll: Thanks.

President Abell: Any other department heads that have a report tonight? No one? Okay.

Old Business/New Business

President Abell: Any old business to come before the County Commissioners? New business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items. Madelyn?

Madelyn Grayson: The consent items for the July 9th meeting are as follows; approval of prior minutes, we have the June 18, 2013 Commission meeting minutes; employment changes for the Commissioners' approval, there are three for Burdette Park. The Commissioners have Deig Brothers Lumber and Construction change order number one for the Old Courthouse first floor restoration, an ADT settlement agreement, final notice to bidders for 1218 Linwood Avenue, sale of county owned property at 1011 Adams Avenue and 3 Poplar. The Auditor has the June 2013 A/P vouchers. The County Clerk has a request to surplus various office furniture. Weights and Measures has the May 16th through June 15th monthly report. The Treasurer has the May 2013 monthly report and the May 31, 2013 year-to-date report. Evansville ARC has the May 2013 report of activities and meeting minutes. Area Plan Commission has a request to surplus various equipment. The County Engineer has pay request number 178 for TIF projects in the amount of \$16,231.34 and a department head report.

President Abell: I would entertain a motion to accept the consent items.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I'm just hoping that all of this equipment that they are surplus doesn't end up in the basement. I don't think, you know, because the idea was when we surplus stuff that it's up to the office to get rid of the stuff.

President Abell: I don't see the Clerk here, but we might give her a call. Yes, Mr. Gries?

Joe Gries: Actually, President Abell, if I could maybe ask a question. We have some surplus computers that we've surplus and offered to other county and city departments, and we haven't had any takers. I guess, my question is, what would be our next step? Would it just be something that we just destroy them?

President Abell: Yeah, we destroy the computers.

Joe Gries: Okay.

President Abell: We do not...you could keep the screen, if anybody wants the screens—

Joe Gries: Right.

President Abell: – or if anybody wants the keyboard.

Joe Gries: Well, and most of that has been taken. It's just the hard drives.

President Abell: Yeah, we don't allow our hard drives out.

Joe Gries: Okay, that's what I wanted to check with. Thank you.

President Abell: Did you second that, Mr. Melcher?

Commissioner Melcher: Yes.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Rezoning Petitions: Final Reading: VC-6-2013
Petitioner: Christian Fellowship Church
Address: 4100 Millersburg Road
Ag to C-1 with Use & Development Commitment
Action: Approved 3-0**

President Abell: Rezoning, final reading of VC-6-2013, Christian Fellowship Church, 4100 Millersburg Road, change from Ag to C-1 with a use and development commitment. I think Janet is here to talk to us about that.

Janet Greenwell: Janet Greenwell with the Area Plan Commission. It's a very simple, VC-6-2013 is a request by Christian Fellowship Church at 4100 Millersburg Road. They are requesting to rezone a 20 by 20 square of land. Just a small part of their church parcel to allow them to apply to the BZA for an electronic sign. I do have a picture of the sign up here. This is what they plan to put up.

President Abell: Okay.

Janet Greenwell: I should also add that Plan Commission voted unanimously for approval.

President Abell: Okay. This is final reading. Is there anyone here to address this issue?

Brenda Owens: Hi. My name is Brenda Owens. I'm with Sign Crafters, Incorporated, representing Christian Fellowship Church. We'll do the fabricating and everything of the sign. Basically, what Janet had said is what we are wanting, just a small, little parcel rezoned so that they can have their sign with a message unit on it.

President Abell: Okay. Commissioners, any questions? I'll entertain a motion.

Commissioner Melcher: So moved.

Joe Harrison, Jr.: There's somebody out there.

President Abell: Oh, someone else. I'm sorry I didn't notice you.

Agnes Ellison: That's alright. I just had a question.

President Abell: No, you need to come to the microphone, Ma'am.

Agnes Ellison: I wasn't at the Area Plan Commission, but since they're going to rezone just that small parcel to C-1, there's no chance of anything else getting rezoned?

Commissioner Melcher: No, that question came up under Area Plan.

Agnes Ellison: I missed that one, I'm sorry.

Commissioner Melcher: Well, somebody else asked that question, so, there was another neighbor there.

Agnes Ellison: Okay.

Commissioner Melcher: They're only doing that one small part. Now, that's doesn't mean they can't come back in the future—

Agnes Ellison: Right.

Commissioner Melcher: — for asking, but, right now it's only that part that they're putting that sign on. That's what they told APC.

Agnes Ellison: Okay, thank you.

Madelyn Grayson: Would you state your name for the record, Ma'am?

Agnes Ellison: Agnes Ellison.

Joe Harrison, Jr.: There's also a use and development commitment that I think restricts it to this. Is that correct, Janet?

Janet Greenwell: That's correct.

Joe Harrison, Jr.: Okay, so, it's, that's all they can put on there is the sign.

Commissioner Melcher: Yeah, just one sign.

Agnes Ellison: Okay.

President Abell: Commissioners, any further questions? Is there anyone else that wishes to address this? Any remonstrators?

Commissioner Melcher: I'll move for approval.

Commissioner Kiefer: I'll second it.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Brenda Owens: Thank you.

**Rezoning Petition: First Reading: VC-10-2013
Petitioner: Douglas L. Bays
Address: 16820 Petersburg Road
Request: Change from C-4 to Ag**

President Abell: First reading of VC-10-2013, Douglas Bays, 16820 Petersburg Road. He is requesting a change from C-4 to Ag. This is first reading. I will entertain a motion to accept this on first reading.

Commissioner Kiefer: I'll move to....go ahead.

Commissioner Melcher: I'll make the motion to accept it on first reading and send it to Area Plan.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Rezoning Petition: First Reading: VC-11-2013
Petitioner: Evansville-Vanderburgh Convention & Visitors Bureau
Address: 4016 Heckel Road
Request: R-3 & R-4 with UDC to R-3 & R-4 with Amended UDC

President Abell: First reading of VC-11-2013, Evansville-Vanderburgh County Convention and Visitors Bureau, 4016 Heckel Road, from R-3 and R-4 with a use and development commitment to R-3 and R-4 with an amended use and development commitment. I'll entertain a motion to accept this.

Commissioner Melcher: I'll make the motion to accept it and send it to Area Plan.

Commissioner Kiefer: I'm abstaining on this vote.

President Abell: Okay, I'll second the motion. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

President Abell: That will go to Area Plan and come back to the Commissioners.

Reading of Bids:
VC13-06-02: Repair and Repaving of St. Joseph Avenue
VC13-06-01: Repair and Repaving of Millersburg Road
VC13-06-04: Baseline Road Bridge No. 201 Rehabilitation

President Abell: Any further business to come before the Vanderburgh County Commissioners?

Joe Harrison, Jr.: I've got the bids.

President Abell: Oh, the bids. Okay, you've got them open?

Joe Harrison, Jr.: I got them open, finally, and I even busted the nice opener that someone gave me. So, that's unfortunate. But, anyway, first of all would be the

repair and repaving of St. Joe Avenue, here in Vanderburgh County. There were two bids submitted, they are as follows; E&B Paving, Inc, the bid amount is \$213,550. The second bid, the other bid was by J.H. Rudolph and Company, their bid amount is \$196,996.15. So, that's the bids for that particular project. Is there a motion to accept those?¹

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: I'll have John Stoll take a look at those for their responsiveness and get back with us at the next meeting. The next group of bids is on the repair and repaving of Millersburg Road in Vanderburgh County. There were two bids.

President Abell: (Inaudible. Microphone not on.)

Joe Harrison, Jr.: Pardon me? I'm sorry, I had them backwards, I'm sorry. The first is from E&B Paving, Inc., that bid amount is \$167,670. The second one, and the last one, is from J.H. Rudolph and Company, and that bid amount is \$136,551.91. I would ask that you take those under advisement as well.

President Abell: Motion?

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

¹County Attorney corrected this later. Should be take under advisement.

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: I think I may have inadvertently said accept the bids above on St. Joe. What I meant to say was take those under advisement, okay? So, if that can be noted on the St. Joe Avenue paving bids.

Commissioner Kiefer: I think when the motion was stated it was to take them under advisement.

Joe Harrison, Jr.: Okay, and then the last group of bids are on Baseline Road bridge project. I guess, it's number 201 rehab project. There were three bids submitted. They are as follows; Deig Brothers, their bid amount is \$242,597; Blankenberger Brothers, the second bidder, \$214,562; and the third bid was Ragle, Inc. in the sum of \$236,188.65. I would ask that these bids be taken under advisement for review by the County Engineer.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: No.

(Motion approved 2-1. Commissioner Abell opposed.)

President Abell: Any further business to come before the County Commissioners? I would entertain a motion for adjournment.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 5:29 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the June 18, 2013 Commission Meeting Minutes.
ADT Settlement Agreement.
Final Notice to Bidders: 1218 Linwood Avenue.
Quit Claim Deeds: 1011 Adams Avenue & 3 Poplar.
Evansville ARC: May 2013 Report of Activities & Meeting Minutes.

Employment Changes:

Burdette Park (3) County Clerk (3) Assessor (7)
Sheriff (15)

Auditor: June 2013 A/P Vouchers.

Surplus Requests:

County Clerk: Various Office Furniture.
Area Plan Commission: Various Equipment.

Weights & Measures: May 16-June 15, 2013 Monthly Report.

County Treasurer:

May 2013 Monthly Report.
May 31, 2013 Year-to-Date Report.

County Engineer:

TIF Pay Request No. 178: \$16,231.34.
Department Head Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Boscoe Wilhite	Z. Tuley
Susie Kirk	Dave Ballew	John Stoll
Janet Greenwell	Agnes Ellison	Brenda Owens
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 23, 2013**

The Vanderburgh County Board of Commissioners met in session this 23rd day of July, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I want to call to order the July 23, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Kiefer, will you lead us in the Pledge?

Commissioner Kiefer: Yes.

(The Pledge of Allegiance was given.)

**Permission to Open Bids for VC13-06-03:
Old Boonville Highway Bridge No. 1530 Replacement**

President Abell: I would entertain a motion for permission to open bid VC13-06-03, the Old Boonville Highway bridge number 1530 replacement.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Mr. Harrison, will you take care of opening those for us?

Joe Harrison, Jr.: Sure.

President Abell: Thank you.

Bob's Gym: "See Bob Run" Race Road Closure Request

President Abell: Under action items, we have road race requests. Bob's Gym, "See Bob Run", it's an annual event to be held on October 26th between 9:00 a.m. and 10:00 a.m. Appropriate forms have been submitted to our office and the request has been reviewed and approved by the Sheriff. Is there anyone here to address this?

Jim Bush: Hello. Thanks for reviewing this for us. This is our 7th year—

President Abell: Could you give us your name?

Jim Bush: I'm sorry. It's Jim Bush.

President Abell: Okay.

Jim Bush: It's our 7th year. It starts at Bob's Gym North, just an easy route, just an out and back up Baumgart Road, turns around and comes back.

President Abell: The Sheriff has approved it?

Jim Bush: I believe he's reviewed it.

President Abell: Do we know, Marissa?

Marissa Schenk: Yes, he has.

President Abell: He has approved it?

Marissa Schenk: Yes.

President Abell: Okay. I would entertain a motion to accept this.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Jim Bush: Thank you very much.

President Abell: Have a good race.

Jim Bush: Thanks.

West Terrace Elementary PTA Road Race/Road Closure Request

President Abell: West Terrace PTA, West Terrace "4K For Kids" annual event to be held on September 14th between 8:45 a.m. and 11:00 a.m. The appropriate forms have been submitted to our office and the request has been reviewed and approved by the Sheriff. Is there anyone here to address this? I'm assuming this is a race?

Joe Harrison, Jr.: Yes, it is.

President Abell: It doesn't say race, but I'm assuming that's what it is. I'll, there's no one here? I would entertain a motion to approve.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I'm going to go ahead and vote on this, but I really think in the future, if they want it, they need to be here.

President Abell: I agree.

Commissioner Melcher: Just in case we would have had a question or somebody would happen to have a question. So, if it happens next year, I think they should be here. So, I'll vote yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Resolution CO.R-07-13-011:
Exchange of Property to Charitable Organization:
Full Gospel Mission, Inc.**

President Abell: Resolution CO.R-07-13-011, exchange of property to charitable organization. The transfer of 406 and 408 East Tennessee Street to a local church, the Full Gospel Mission, Inc. Is there anyone here from the church? Mr. Harrison, would you just, for the benefit of our audience, why we're allowed to do this?

Joe Harrison, Jr.: These are two tax sale properties. I think both have structures on them. They're right down the street from Full Gospel Mission Church. Charitable organizations can receive, as long as they're organizations in order with the State of Indiana, can receive donations of property from counties by way of parcels like this. So, it's similar to giving properties to Habitat and other local organizations. You have one here in a few minutes that's going to be given to the Levee Authority, which is a governmental entity, which property can be given to them as well. So, this would be a property that's not going to be auctioned, and this organization, this church is going to tear down the two structures on those properties. It's going to cost them a substantial sum, and, I think, they're going to use it for parking.

President Abell: Okay. Commissioners, do you have any questions?

Commissioner Kiefer: It sounds like good use. Do you know, is that contiguous to their—

Joe Harrison, Jr.: It's roughly, it's not right next door, because then it would have been done that way. It's not right adjacent, but it's maybe two—

Commissioner Kiefer: Close enough that they can—

Joe Harrison, Jr.: — addresses down or so.

Commissioner Kiefer: — that their membership can park there if they need to?

Joe Harrison, Jr.: Yeah, I think it says in the resolution, the church, I think is at maybe 400—

Commissioner Kiefer: Oh, okay. Well, no, that's fine. I mean, I was just curious.

Joe Harrison, Jr.: Sure.

Commissioner Kiefer: I'll make the motion to approve.

Joe Harrison, Jr.: It's right down the block from them.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Resolution CO.R-07-13-012:
Regarding Exchange of Property with Levee Authority**

President Abell: Resolution CO.R-07-13-012, regarding exchange of property to the Levee Authority. A resolution conveying a county tax sale parcel off of North U.S. 41 to the Levee Authority District for the sum of \$450.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Any discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: County Auditor and Mr. VanCleave?

Joe Harrison, Jr.: That was approved right?

President Abell: Yes.

Commissioner Melcher: Yes.

Madelyn Grayson: These two voted yes, Marsha, but you didn't vote.

President Abell: Oh, I'm sorry. Mr. Kiefer, said something to me. Yes.

(Motion approved 3-0)

**County Auditor and Tim VanCleave:
IT Issue Regarding Microsoft XP Operating Systems and
Related Licensing Issues**

President Abell: County Auditor and Tim VanCleave, discussion of IT issue regarding Microsoft XP operating systems and related licensing issues.

Joe Gries: Good afternoon. Joe Gries, Vanderburgh County Auditor. Mr. VanCleave is here. Essentially, what we wanted to do today is come before the Commissioners, give you a starting point kicking off the discussion concerning these issues that are facing the county. They're facing the city as well, but we're focusing, obviously, on the county side for the most part here. We've got a slide presentation that we've given you copies of, and we're going to try to explain a little bit of the history of where we've been up till now. Then, hopefully, answer any questions that you might have. Again, the purpose of the presentation is to go through the technology situations

facing the county. There likely in the future might be some items that would come before the Commissioners for contracts, and then we're also maybe coming to the Commissioners for possible funding sources as well. The, essentially, what has happened is Microsoft has, over the years, sent out notices that their XP operating system is going away. That actually is going to happen this coming year, 2014, in April. We have over half of the county desktops currently operating on the Windows XP system. That poses a problem. So, what we've done is start to look at the problem and trying to find ways that we can move through and possibly upgrade our systems throughout the county. Some of the risks that we face, obviously, it's difficult to find software, older software to work with some of the newer operating systems. The older software, you know, they set them up to work with XP or some of the older operating systems, so that becomes an issue once you buy newer computers. So, that becomes more and more costly for the county. The biggest concern is the risk of unauthorized access to the county resources, to our data, through people trying to get into our system. When Microsoft says they're going to stop the XP operating system, they're going to stop patches, they're going to stop putting in security, so it becomes a place that people can, you know, on the outside, try to get into your system through the XP operating system, through the behind the scenes servers and things that we have that are running on that platform. So, what are we looking at here? The major items that fall under the XP dependency, we're talking about CourtView within the courts system, the Clerk's Office, the Prosecutor, things of that nature. Also JuryView, those programs have been looked at, are currently running on the XP. They're also currently in the process of upgrading those. So, it becomes something that the courts are already working on, going through that process. So, that's something that is a good thing, that things are continuing there. Another major system we have is our KRONOS system. That is our timekeeping system. Also, the Digital Recording System within the court rooms, that obviously they record all of the proceedings within the court rooms. So, that system also runs on XP currently and could have to be updated as we move forward to a new system. What was the response as far as the ITAC Board is concerned? The local board formed two committees. One committee was the KRONOS upgrade committee, which I chaired, and then also a Microsoft Version Management committee, which was chaired by Mr. VanCleave. We both kind of sat on each board, we tried to work together. These issues are inter-related, and, so, you know, we tried to pool our resources to try to come to some type of solution for each. The Microsoft committee, what they did, they spent time developing a recommendation on retiring or the "end of life cycle" for the XP system. They identified applications that may not be compatible with the current versions of Microsoft operating systems. So, there may be departments such as, I don't know, maybe the Surveyor or the Coroner may have older software systems that may need, may not run with newer Microsoft operating equipment. So, that may become an issue for us as well. We wanted to try to estimate the cost of upgrading the overall Microsoft platform, and then also determine the risks for these applications if we weren't able to actually do this migration to a new system, or a new operating system. The KRONOS committee did several things as well, similar things. They tried to find alternatives, tried to look for other software solutions. We reviewed the current KRONOS and their new products, and also tried to determine the cost for this upgrade in order to get us off of the XP operating system. Again, this is kind of a connected issue, you have systems, PC's that need to be upgraded because if they run on KRONOS, right now the current version only runs on XP. Things like JuryView, CourtView, again, those, the current version only ran on XP. So, we're looking to connect both of the issues and try to come up with solutions for both. Just looking at some of the initial estimates for costs. We've kind of listed here some of the major items; the KRONOS

timekeeping system, kind of come up with a low and high range; the Digital Recording, again, the Microsoft licensing, trying to get everybody on the same operating system.

Commissioner Kiefer: Joe, just to clarify, are these dollar amounts here?

Joe Gries: Yes, sir.

Commissioner Kiefer: Wow!

Joe Gries: Again, this is a 30,000 foot view. It's a shooting off point with the Commissioners—

Commissioner Kiefer: Right.

Joe Gries: – we want to start the discussion.

Commissioner Kiefer: Sure.

Joe Gries: This may change as even my presentation continues here.

Commissioner Kiefer: Okay.

Joe Gries: But, I agree with you, there's some big numbers here.

President Abell: And, we've got a lot of questions.

Joe Gries: Well, that's great.

Commissioner Melcher: I didn't know whether to cut you off now, or just let you finish.

Joe Gries: However you would like to proceed, I'm okay with.

Commissioner Melcher: Well, just real quick, go back to square one. KRONOS is the timekeeping for everybody?

Joe Gries: Yes, sir, well, not for everybody. There are departments that use it, and there are departments that don't use it.

Commissioner Melcher: Okay, is this just court stuff?

Joe Gries: Some of it is. If you want to look at the Microsoft licensing, that's the biggest portion, I would say. Is that correct, Tim? Am I saying that right?

Tim VanCleave: Correct, about 80 percent is probably the courts.

Joe Gries: Okay, so, as far as the overall scope of the project, the licensing for the courts would be the biggest issue.

Commissioner Melcher: Then the XP is going to be gone?

Joe Gries: Yeah, XP, that's we're trying to do.

Commissioner Melcher: You're going to try to find something to replace it?

Joe Gries: We're trying to move on to a newer, like a Windows 7 version, yes.

Commissioner Melcher: Okay. Has Mark Rolley been involved in any of this?

Joe Gries: He has. Yeah, Mark and John, John sat on both of our committees. They're both on the ITAC Board with us as well. The ITAC Board has approved us coming to the Commissioners to start this discussion.

Commissioner Melcher: Okay, maybe in the future—

President Abell: Why are they not here?

Joe Gries: Well, John, actually, John was going to be here. I'm not sure if Tim got to talk to him. I forgot to send him an e-mail today, so, that was my mistake that he's not here to help answer questions as well. Again, this is kind of a shooting off point, just wanting to bring it to the Commissioners attention, and possibly have other discussions with each of you, and move forward in trying to figure out the best way to move forward.

Commissioner Melcher: Well, I think, when you come before us, make sure Rolley is with you next time.

Joe Gries: Okay.

Commissioner Melcher: Because I think we've all had four and five hour sit downs with him already this year.

Joe Gries: Sure.

Commissioner Melcher: I don't want to start the wheel over again if we've already got it half done.

Joe Gries: Well, and Mark and John, like I said, have been part of it. The ITAC Board has driven us to form these sub-committees and look at these specific problems. So, that's what we've kind of done in this situation. I'm not sure if Mark has worked in other areas to try to—

Commissioner Melcher: Are you talking about John Staples?

Joe Gries: John Staples and Mark Rolley, yes.

Commissioner Melcher: Okay, well, he would be alright too. I'm just saying, okay.

Joe Gries: Like I said, that was my mistake. I forgot to remind John that we were coming tonight.

President Abell: Where do you propose this money is coming from?

Joe Gries: Well, there's different places for different types of things. If you look at the KRONOS project. There are places like the Auditor's Ineligible Homestead Fund that we could pay for the Auditor's timekeeping. The Assessor's Reassessment

Fund. If we look at some other offices like the Highway Department, the Health Department doesn't have KRONOS currently, so, if they would go onto the KRONOS system they would also be able to pitch in some funds there. So, if you look at the KRONOS situation, the other possibility would be maybe the CCD Fund. If you're looking at overall cost, it might be toward the CCD Fund anywhere from, you know, \$58,000 to \$60,000. So, now, if you're looking at the licensing and Microsoft licensing, you might have, you know, a shorter or a smaller range of places where you could take some of that money; Riverboat, CCD.

President Abell: Oh, our money.

Commissioner Melcher: But, the Microsoft licensing, we do that all the time anyway, right?

Joe Gries: There are, a lot of county entities that have licensing already in place. One of the documents I provided you, the one here that shows the different elected offices that have the enterprise agreement or a software assurance agreement, like the Sheriff has, you'll see many county offices are on those. There are some county departments, the courts, Prosecutor, Public Defender, those aren't on enterprise agreements, licensing agreements. So, again, looking at, overall, that's where these committees kind of focused and tried to come up with some possible answers.

President Abell: Well, I'm not getting on you, Joe—

Joe Gries: No, I appreciate you asking the questions.

President Abell: – I appreciate you being here, but I would be remiss if I did not point out that by the courts own directive, they wanted to have nothing to do with the county's IT Department.

Joe Gries: Right.

President Abell: And, now we're hearing that the biggest part of this budget is the courts. They have their own budget. I think this presentation needs to be made over across the hall in the other building to the judges and let them find the money. I am not interested in funding anything for the courts that's not in their budget. If they don't want to participate with the county's own selected IT provided that is a company, an independent company that we contract with, then, I don't know about the other two Commissioners, but I am certainly not interested in....and I certainly wouldn't be interested in anywhere near this kind of figure without Advanced Computer Technology, our provider, being intimately involved in this. This is almost a million dollars.

Joe Gries: Right, and, again, this is one estimate going in one direction of buying up front the, what's it called, the licensing—

Tim VanCleave: Straight purchase.

Joe Gries: – a straight purchase, where you buy everything up front. Then there's the other option where you go through an enterprise agreement. If we look at—

President Abell: Well, I thought the courts were going with the State project, and they weren't going to be attached to us any longer. I thought they were getting rid of

CourtView and going to put in a whole new computer system to run the courts that the State provides.

Joe Gries: That has been discussed. I might let Tim talk a little bit more about that, because I'm not as familiar with that issue.

Commissioner Melcher: I didn't know anything about that one.

Joe Gries: I don't.

President Abell: Well, that's the problem, the Commissioners don't know a lot about a lot of the stuff that we have contracts with Advanced Computer Technology for.

Tim VanCleave: I did meet with Mark and John about two or three weeks ago, about several topics, including getting back to the consolidation of the two entities. That was on progress for last summer, and then there were some change of events, as we're all aware, with the CIO moving on and some other elements such as the McGladrey report. We were all waiting for those elements to unfold before we went back into discussing how to move forward, because we didn't want to jump forward in front of any other steps that any other body was going to be taking. Part of the challenges with the Odyssey is it's only going to be replacing CourtView. We will also be replacing JuryView, hopefully sometime during 2014. My goal is to get a commitment from the State, that by the end of our next support contract, that we would be on the State's case management system, which is called Odyssey. As far as the other elements, such as e-mail, word processing and spreadsheets, those types of items, connecting to the county's financial system to input time for payroll, those are all still elements that will be here at the local level. One of the reasons we had not moved forward is, we have received some guidance from the County Council that they were not sure that they wanted to move forward with the enterprise agreement. Then, Matt Arvay was able to go ahead, after that statement, and then move forward with the enterprise agreement concept for the county, which I believe he had addressed with you, and it made sense for the county side to move forward. Unfortunately, we were not a part of those discussions, and were not aware that they had occurred until afterwards. So, that is where we are at with the Microsoft licensing, at this point, is that we are assuming that now the county is going to move forward with this enterprise agreement, which will cut that Microsoft line item that you saw roughly down to a third of the cost, but it is a re-occurring cost that occurs over a three year period, and then will significantly drop after that. The courts are not the only area, but we are the significant portion that has not been able to address its licensing. Now, on the other side of this, we have been able to get a very good return on investment, because we started in 2006 with the current software that we have, and, normally, Microsoft software licensing is only supported, before the next one comes out, roughly four years. We've been able to get six to seven years. So, we've really been able to get, I won't say double the investment as normal, but there are challenges with the county and the city being able to upgrade their systems, because our licensing is not in sync with theirs at this time. It just became a timing matter, and, then, like I said, with last summer, the changes that occurred, have kind of paused a lot of technology discussions.

Commissioner Melcher: What did you mean by, you said something early in your statement about we were working towards consolidation, what does that mean?

Tim VanCleave: About spring of last year, we had met with Commissioner Abell and discussed about what was needed to move forward. We thought that there was some savings that could be achieved, and efficiencies, by sharing servers and storage resources. Instead of the courts continuing to maintain their own separate hardware, that we could all share a centralized pool of resources. We were starting to discuss how we were going to manage those resources, and what resources were needed and start projecting over five years what would be needed as the courts would increase the demand upon the resources that were already there. So, as we were starting to take those steps, there were some discussions about what the future needs were, and that was when, just before we started to get ready for our next group of discussions was last summer, and then Matt Arvay resigned and we were waiting for the new CIO to take his position.

Commissioner Melcher: It does make sense to me if we had it all under one roof or one person—

President Abell: Me too.

Commissioner Melcher: – that we would get all of the quantity breaks. All of those licenses wouldn't be the problem. They would all be coming in about the same time. Or, if they're staggered, we're the ones that's going to make them staggered, but it's kind of hard to do it if we've got two or three entities all doing their own. I still feel like we need to continue on that consolidation thing myself.

Tim VanCleave: We are certainly open to doing that. Judge D'Amour had met with Commissioner Abell last year, and had indicated that we had started down that path. There is still that small element of making sure that the branches of government maintain their ability to operate, but I believe that several counties have found solutions. I know we can as well.

President Abell: Well, and, Mr. Gries, I'll let you continue with your presentation, you surely have to appreciate the alarm that the three Commissioners have sitting here when we're paying millions of dollars to an IT provider, and we have someone from an appointed board in here telling us....I don't mean to minimize your expertise, but I doubt you are an expert in any of this stuff.

Joe Gries: No, I'm not.

President Abell: Mr. Rolley is definitely an expert in this stuff. I would have expected this type of a presentation to come from the person that we pay millions of dollars to provide IT services in our county.

Joe Gries: I agree with that. That's something that we can definitely, you know, continue to work with Mark. Like we said, we have been working with Mark and John through this whole process. Some of it made sense, as far as like the money side, for the Auditor maybe to come and be a part of that discussion as well to help find ways to work through the solution, because, obviously, cost is a major hurdle.

President Abell: Oh, absolutely. Of course, I appreciate that, I just think it's ironic that every time we're looking for money it always comes out of the Commissioners CCD money or the Commissioners Riverboat funds, and never hear anybody coming up with any other solution. That seems to be an easy place to pull money from. You know, we have machines falling apart at the County Garage, we've got Sheriff's deputies cars that need to be replaced. We have lots of places to spend our money,

and here at the 11th hour to hear about almost a million dollar thing hanging out there and our county's IT provider isn't even in the room, you know, that doesn't sit well.

Joe Gries: Again, the first option in that first slide was the first option to buy everything outright. If you look at the slide currently up on the screen there, the Microsoft licensing costs dramatically drop using the enterprise agreement where you pay this over time. It becomes something that you can budget for yearly, you know the amount that you're going to be paying, and it's something that then will diminish also over time, I believe after the third year. It also can drop in the cost. So, that's, we wanted to give the Commissioners options. Obviously, that first option may not be very palatable because it is so expensive, but if you spread it out over time this may be another option that the Commissioners may want to look at because those licensing issues become less of an up-front cost, but it does get spread out over time. So, that—

President Abell: But, even if you spread it out over time, somebody's got to come up with the money.

Joe Gries: Absolutely.

President Abell: Whether you pay it all today, or over three years, or the next 50 years, somebody's got to pay it.

Joe Gries: It is part of doing business and it is something that we have to address. I agree, we've got to....and, again, find ways and give the Commissioners options to hopefully come through with this process. Going back to, just to finish off, the timekeeping, again, I've given you a little bit of history on a report of the KRONOS history. We've had that system in place since 1997. It's worked very well. About 50 percent of our departments use it. It covers about 75 percent of the county full time employees. It uses, in certain situations, time clocks. You can also enter time directly into the software, you wouldn't have to use the time clocks. That's also a feature in the upgrade, where certain offices, maybe smaller offices would enter time, clock in and out on the PC's on their desk. They do still have the clocks available. So, there's just a little bit of a history there. Also, I provided you a spreadsheet of some of the departments and the numbers of employees within those departments that are currently using or not using the KRONOS timekeeping system. Again, there are options within our current payroll system to not have a timekeeping system. It would not allow for punching in and out or tracking of time. It would just be reporting to the Auditor's office certain 80 hours every pay period and would not track accruals that way either. The KRONOS system allows you to do that, allows you to track employee's time, track accruals, balance those accruals back with the Auditor's office. So, those are the types of issues that you see with the KRONOS side of it. Again, just wanted to bring this to the Commissioners attention, start the discussion and continue to work through the issue and through the problems that everyone sees. Again, continue to work with John Staples and Mark Rolley.

Commissioner Melcher: Does KRONOS also keep track of vacation, sick time?

Joe Gries: It does.

Commissioner Melcher: FMLA?

Joe Gries: FMLA, it can in the new system. In the upgrade, the current system it doesn't.

Commissioner Melcher: Okay, because that's very important.

Joe Gries: Absolutely, it is very important. It's something that we don't really have a personnel office within the county. The Auditor's office kind of handles some of that, the Commissioners office kind of, you guys made decisions on personnel obviously quite a bit every year. You know, that's something that is within the upgrade, the new KRONOS system can definitely handle all of that and would continue to handle what we're handling currently.

Commissioner Melcher: If I can read this right, you're saying that, on this page seven, Windows 2000, they quit checking in 2010, and then the XP is going to go out sometime in 2014?

Tim VanCleave: April of 2014.

Joe Gries: Yes, sir. That's where they would stop creating patches, stop creating security for those operating systems. It's not just the desktops, it's also some of the behind the scenes items, such as the 2003 servers—

Commissioner Melcher: Now, are those the servers that the courts has got? Or, are those the servers that Rolley's got?

Joe Gries: I believe those are the servers within the county's system, within Rolley's, yeah, MRC's that they handle for us.

Commissioner Melcher: Okay.

Joe Gries: So, obviously, the biggest risk is your security. There may be ways to, in certain offices, find ways to not have them connected to the network, where they can continue to use their older software on an XP device, but they wouldn't be connected to the network so that would pose less of a security risk about people trying to get into the network through, you know, a local PC. So, there's some options to help mitigate some of those risks there as well. Again, if any of you would like to meet with us, Tim and I and Mark and John personally, or one on one, would want to continue the discussion, and, obviously, the Commissioners are very concerned about it, and have, I'm sure, quite a few questions and problems with where things are going. I would be happy to try to continue to work through the issues. Again, another reason that I was involved is, we deal with payroll in the KRONOS system and that's why they put us in charge of that.

Commissioner Melcher: I was going to ask that question, how you got to be the....but I always go to you too on money, so, I could understand.

Joe Gries: Everything kind of flows through us as far as payroll and that kind of concerns. So, it made sense that I kind of take a lead there. I think, in the past, in '97 when KRONOS was first implemented, I think Bill Fluty was Chief Deputy and he helped implement that when Suzanne Crouch was Auditor. So, it kind of makes a little bit of sense that we're involved there, but there are other options. Like I said, they may not be the best options, especially if you want to track employee time and accruals and things of that nature.

Commissioner Melcher: Now, is there a reason why everybody in the county is not on it? Is it because of different office holders?

Joe Gries: You know, I wouldn't be able to speak to why they aren't on it.

Commissioner Melcher: I'm just saying if there is a savings, and if there's a way to keep track of FMLA and a lot of that important stuff, overtime—

Joe Gries: Absolutely.

Commissioner Melcher: —that seems to me it would make all, it would make your life easier.

Joe Gries: It definitely would. The current KRONOS system integrates with our payroll system, and we've discussed it with KRONOS, their new upgrade also integrates very well with our payroll system. So, there's no issues there. It would absolutely make our lives in the Auditor's office quite a bit easier if everybody is on the same system and runs through one program.

Commissioner Melcher: Okay.

Joe Gries: But, that's a decision maybe even to be made down the line. There have been some offices, that aren't on the system, that want to come on, and have expressed interest, especially the Health Department, which is, obviously, as you know, a pretty sizable department that would want to come onto to KRONOS, keep track of FMLA, accruals, things of that nature.

Commissioner Melcher: Okay, so what you've got here is a list of who's on it, and the one's that aren't here, are the ones that are off?

Joe Gries: That's correct. We've had KRONOS come and give a presentation to the departments that are on it, some of the departments that aren't on it, to see how, you know, they view it as well. It seemed to go over pretty well. Very new technology, time clocks very reasonable, very cost effective. Like I said, the KRONOS thing we can maybe spread out over several different departments and funds that would help defray some of the cost to, say, the General Fund, the CCD or other places.

Commissioner Melcher: Okay. I know we kind of cut you off. Is there anything else you have?

Joe Gries: I don't, unless, Tim, do you have anything else?

Tim VanCleave: No, but we're here to answer any questions.

President Abell: Well, I think there will be more questions, and I think this is a discussion for another time when we have our IT provider here. I'm, you know, I was counting up the numbers of these that are court related, and it's a big hunk of the percentage. I have no idea why no one in the courts and the Prosecutor's office, Superior Court, Circuit Court, Public Defender, none of those people use the KRONOS system. You know, I think these Commissioners are interested in talking about some concessions before we start opening our pocket book.

Joe Gries: Alright. Thank you.

President Abell: Thank you.

Commissioner Melcher: I've got one more question. On this second KRONOS history—

Joe Gries: Yes, sir.

Commissioner Melcher: —is this a list, you've got here current and future KRONOS users.

Joe Gries: The future is basically the Health Department. I threw them in too, because they don't currently have KRONOS, but they have expressed interest in using KRONOS. So, I put them in the total there, because they have expressed that interest.

Commissioner Melcher: Now, does this count the part time people too?

Joe Gries: It doesn't as far as number of employees—

Commissioner Melcher: Right, okay.

Joe Gries: — but if there are part time people within those departments, they would be included to use the KRONOS in that department. So, yes, when they quoted the price, the KRONOS people only quoted us for, we only have to pay for the full time. That's what we have to base that on.

Commissioner Melcher: Because some of these here are smaller office, that's why I was—

Joe Gries: That's what's nice about the new system too, is because they can maybe not have to buy a time clock, but they could punch in and out and on their PC they would have user name and password, go into the system, clock in in the morning, clock out for lunch, back in and then clock out at the end of the day. So, there's some options there as well.

Commissioner Melcher: Okay.

Tim VanCleave: I might also go ahead and add that, like in the courts, a lot of the courts offices key directly into the payroll system. So, it's not like there's additional steps where actually you're moving some steps from the payroll process, making it a little bit more efficient, but as Joe was explaining, there may be some trade offs in the balancing of other areas.

Commissioner Melcher: So, you send the payroll straight to your payroll system?

Joe Gries: That's the other option. If we didn't use a timekeeping system, our payroll system does allow everybody to input the time for all of their departments, but it doesn't track accruals, it doesn't track an employee's time in and out, things like that. It's just here's what we want to pay that individual into the payroll system.

Commissioner Melcher: I think the city just found that problem out. Okay.

Joe Gries: On the county side they have to sign a voucher for every payroll, every pay period, and that department head is assuring that those hours are based on what was worked.

Commissioner Melcher: Okay.

Joe Gries: Thank you.

Commissioner Melcher: Thank you.

**OCH Lease Agreement with Alex Morgan Imaging, LLC
CPO: Copy Paper Agreement with Altstadt Office City
Circuit Court: Agreement with Jeanene Heldt for Court Reporter Services
Sheriff: Dental Services Agreement with Dr. Barbara Perkins**

President Abell: Okay, with that good news we will go on to the Old Courthouse lease agreement with Alex Morgan Imaging, LLC. It's a one year lease for suite 304 at the rate of \$360 per month for 504 square feet of office space. Mr. Kiefer, does that sound good to you?

Commissioner Kiefer: Yeah, I mean, I think they were leasing it for our higher advertised eight dollars per square foot.

Joe Harrison, Jr.: It's on the third floor, and it's for one year.

Commissioner Kiefer: Yeah.

Joe Harrison, Jr.: I think it would be good to get someone in that space.

President Abell: Sure.

Commissioner Kiefer: Yeah, and it's at the rate we were advertising for. So, I'm good for it. I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Purchasing, copy paper agreement with Altstadt Office City. A one year agreement for next day, desk top delivery of copy paper as requested by departments at a cost of \$28 per case for 8 ½" by 11", \$45 per case for 8 ½" by 14", and \$34 per case for 11" by 17". I don't see anyone from—

Joe Harrison, Jr.: Debbie Spalding, I think is here.

President Abell: Oh, I didn't see her. I'm sorry, Debbie, I didn't see you sitting there.

Debbie Spalding: Good afternoon. You approved this at the last meeting. This is just the agreement that we had drafted to tell us the vendor and also the county what they will do in the agreement. Legal has looked at it.

Joe Harrison, Jr.: I've reviewed it. I'm fine with it. The EVSC has a similar agreement and so does the city with the same vendor.

Debbie Spalding: Yes. We were able to take advantage of the bulk buying of the School Corporation, the city and the county together to get a better price, but each individual entity will have their own contract. So, the contract you're signing is just for county departments.

Commissioner Kiefer: I just curiously wonder, you know, years ago we went to all of this expense for computers to eliminate so much paper. Here we are buying, you know, cases by cases by cases of paper. So, it doesn't sound like we're eliminating any paper.

Debbie Spalding: It does appear that in the last year that the amount that the county has bought has gone down.

Commissioner Kiefer: Has it?

Debbie Spalding: Yes.

Commissioner Kiefer: Good. I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Debbie Spalding: Thank you.

President Abell: Thank you, Debbie. Circuit Court, special court reporter services contract with Jeanene Heldt. Payment is thirty, excuse me, payment is \$25 per hour. The contract is to begin July 23, 2013 and may be terminated, at will, by either party. Sufficient funding is in place in the Vanderburgh Circuit Court budget to handle the cost of the contract. Are you here to—

Karen Angermeier: Karen Angermeier with Circuit Court. This is similar to the treatment court agreement that you approved a few weeks back. We just, we have some lengthy trials coming up, and if we have a court reporter out, we need someone in the office to take minutes as attorneys come in. We won't have anybody to do that. We don't see this happening more than five, six times a year. Nothing on a consistent basis, just as needed when we have lengthy trials.

President Abell: Okay, Commissioners, does anyone have any questions?

Commissioner Melcher: No, I'll make the motion to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you. Sheriff, dental services agreement with Dr. Barbara Perkins for the Vanderburgh County Detention Center. Dr. Perkins has been providing dental services for inmates at the jail in the past, and this agreement is for a term of four more years. Dr. Perkins is to be paid \$800 daily for clinic visits. I don't see anyone from the Sheriff's Department here. Mr. Harrison?

Joe Harrison, Jr.: I worked with the Sheriff on this, and, again, Dr. Perkins has been providing the services for the last couple of years, and this is a similar agreement that they've had. Again, she has to have her own malpractice insurance and other insurance. So, she's an independent contractor.

President Abell: And she actually goes to the jail?

Joe Harrison, Jr.: Yes, yes, yes.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Burdette Park

President Abell: Department head reports, Burdette Park. Army services request for donation of pool passes and the use of a building at the park to host a family day for soldiers returning from combat.

Steve Craig: Good evening, Commissioners. Steve Craig, Manager of Burdette.

Shanna Hatfield: Sergeant Shanna Hatfield, and I've also got Specialist Morgan Weber with me.

Steve Craig: They're here today to request that we help them have their second annual family day at Burdette. Last year we had offered them the Discovery Lodge, and they had their event up there. This year they don't have the same amount of people, what we're offering them was number 12, it's a small building by the pool, but it still has a grill and that. They said that that would be fine. They would be right there in the main part of the park and this would give a chance for these returning soldiers to show their family what Burdette offers them, and to spend the day with their wives and children and husbands as they got back. With this building I had entertained the idea of giving them a wristband that would allow them to play putt-putt and to swim that day.

President Abell: Commissioners?

Commissioner Kiefer: I think it's a great program. I was glad we were able to do that last year. I mean, it's kind of a small token for the service they're providing to us. You know, if we can do it, I'm in favor of it.

Commissioner Melcher: You know I'm in favor of it. So, I'll make the motion that we approve it.

Commissioner Kiefer: Second.

President Abell: Further discussion? Mr. Craig, are you going to do anything beyond that? Or is that, last year you were able to get some food donated. I'm not asking you to go out and do that, I was just wondering.

Steve Craig: They have not requested anything other than that. So, I don't know, you know, if they do, I will help them in any way that I can like I did.

President Abell: Okay.

Steve Craig: I do have some resources that people do it. It's on August 4th, which is kind of a—

President Abell: Oh, right away.

Steve Craig: – yeah, that's a short time for me to go out and solicit.

President Abell: Sure.

Steve Craig: We'll take care of them anyway we can.

President Abell: Okay. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Have a good day at Burdette Park.

Shanna Hamilton: Thank you.

Steve Craig: Thank you very much.

County Engineer

President Abell: I don't have John Stoll on here, but I'm sure John Stoll has a report. He always does.

John Stoll: I've got a few items here this evening. First are to award some contracts. The first contract is a request to award contract number VC13-06-01, repaving of Millersburg Road to J.H. Rudolph for \$136,551.91. Rudolph provided the low bid on that project.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? John, is there any consideration being taken in for the commercial work that's being done? The Mulzer thing, not Mulzer, wrong, wrong, Metzger–

John Stoll: Metzger's and JBI?

President Abell: Yeah, I mean, I was out there looking at another incident, and that road is being torn up.

John Stoll: We added quite a bit of patching in this to try and accommodate the repairs needed to the damages that's already been done, but, like Mike Duckworth has said in the past, the way, and we've talked to Joe Harrison about this, and there's really no way to prevent the trucks from utilizing that site. So, all I can say is we'll put patching in where the problems have occurred so far, and make sure we get the pavement section as strong as we can to help handle the truck traffic.

President Abell: Okay, well, I hate to pave a new road and have it start being torn up. If there's nothing we can do, I guess there's nothing we can do about it. Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Next, I would like to request to award contract number VC13-06-02, repaving of St. Joe Avenue to J.H. Rudolph for \$196,996.15. They also provided the low bid on the project.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Just for clarification, the Millersburg contract runs from Green River east to the county line, and the St. Joe project will run from Diamond Avenue to Mill Road. I'm sorry, not Mill Road, Allen's Lane.

President Abell: Both sides?

John Stoll: Yes. Next, I've got the Baseline Road bridge contract number VC13-06-04. The low bid was provided by Blankenberger Brothers for \$214,562, but due to the on-going, unresolved problems with the Green River Road project that Blankenberger built, I would like to request that the contract be awarded to Ragle, who provided the second lowest bid at \$236,188.65. We do have sufficient funding in the account to cover that project cost.

Commissioner Melcher: Okay, this is going to be lengthy, but I'm going to read this motion. A motion to award the Baseline Road bridge number 201 rehab project to the number second low bidder, Ragle, Inc., for the sum of \$236,188.65 for the reason that the apparent low bidder, Blankenberger Brothers, is not a responsible bidder to be awarded this bridge contract pursuant to I.C. 36-1-12-4-11, due to the current on-going dispute that the county has with Blankenberger Brothers regarding the poor street surface condition and the bridge approaches on North Green River Road, which Blankenberger Brothers constructed as general contractor, under the \$25 million Vanderburgh County contract previously awarded to Blankenberger Brothers under project number VC08-09-01.

President Abell: That's a motion?

Commissioner Melcher: Yes.

Commissioner Kiefer: Okay, I'll second it.

President Abell: Further discussion? Roll call vote.

Commissioner Melcher: And, I just want to make sure that was 9 and 11.

President Abell: Okay.

Commissioner Melcher: I might not have said 9.

President Abell: Okay.

Commissioner Melcher: On the 36-1-12-4-9 & 11.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The final item I have is a contract with Bernardin Lochmueller and Associates for the monitoring of a mitigation site that with built in conjunction with the Millersburg Road reconstruction project. This covers the required reporting that has to be done to the State. This is in the amount of \$32,000. The County Attorney has reviewed it. He found the agreement to be acceptable, so, I would request that you approve it.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: Thank you, John.

John Stoll: Thanks.

County Attorney

President Abell: Mr. Harrison?

Joe Harrison, Jr.: Yes, I have two items, first are the report on the bids on Boonville Highway Bridge replacement. We'll ask that these be taken under advisement. The first bid was from Deig Brothers Lumber and Construction. The base bid was \$86,674, but then there were some alternates. So, I'll read this with all three bidders, similar alternates. Alternate A, \$294,110. Alternate A with base bid, which would have been their base bid, that total amount is \$380,784. Alternate B, \$279,320, and then Alternate B with the base bid is \$365,994. So, those are the bids by Deig Brothers Lumber and Construction. Then we had a bid submitted by Blankenberger Brothers. The base bid is \$74,210. The alternate, Alternate A is \$182,890. Alternate A with base bid, \$257,100. Alternate B is \$166,100, and Alternate B with base bid

is \$240,310. So, those are the Blankenberger bids. Then, finally, Ragle, Inc., they have a base bid of \$80,620. Alternate A, \$191,700. Alternate A with base bid, \$272,320. Alternate B, \$160,000, and Alternate B with base bid, \$240,620.

VC13-06-03: Old Boonville Highway Bridge No. 1530 Replacement

Company Name	Base Bid	Alternate A	Alternate A w/Base Bid	Alternate B	Alternate B w/Base Bid
Deig Brothers Lumber & Construction	\$86,674.00	\$294,110.00	\$380,784.00	\$279,320.00	\$365,994.00
Blankenberger Brothers	\$74,210.00	\$182,890.00	\$257,100.00	\$166,100.00	\$240,310.00
Ragle, Inc.	\$80,620.00	\$191,700.00	\$272,320.00	\$160,000.00	\$240,620.00

Joe Harrison, Jr.: So, I would ask that these bids be taken under advisement, reviewed and come back with a recommendation in the next meeting or two.

Commissioner Melcher: I'll move to take them under advisement.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: Then, I have one other item. I don't know if my....was my mic on?

President Abell: I think so.

Joe Harrison, Jr.: I think it was. Okay. The next item I have relates to the Sheriff training, the old Sheriff training building—

President Abell: Oh, yeah.

Joe Harrison, Jr.: – out on Kansas Road. It's at 5800 Kansas Road, and it's mold infested, and the Sheriff had already obtained approval to tear it down, but they received a, in fact, they can't even really occupy it anymore because of the mold in there. So, they received a proposal by the McCutchanville Volunteer Fire Department to do some training and burn it down. So, in order to do that you have to go through IDEM and get their approval, and they have to go in there and check

for asbestos and some other things. So, I have in front of me a form for approval by the Commissioners which needs to be sent to IDEM. McCutchanville Volunteer Fire Department is going to pay for the cost of the inspection and all of the stuff in order to, hopefully, have a burn here in the next several months, whenever they're going to do it. So, I would ask that this document, that I think Madelyn has a copy of, it's Indiana Department of Environmental Management notification of demolition and renovation operations. I would ask that this document be approved, so it can be submitted so they can try to have the building burned down. By the way, they have two other buildings out there that are not going to be affected by this, but this is just the old one that was there from day one, I guess.

Commissioner Melcher: Okay, I'll make the motion to approve it.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Let it burn.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any other department heads?

Joe Harrison, Jr.: I think that's all I have.

President Abell: That's all you have? Any other department heads?

New Business

President Abell: Any new business? Well, I have something I want to bring up under new business. This is actually for the benefit of our viewing audience at home. The, I have had many, many phone calls this week about this particular subject, and I think that we need to explain that the Vanderburgh County Commissioners have no jurisdiction over the construction at Kansas Road and Oak Hill. That is a project of the Airport Authority. It is paid for by the Airport Authority. We didn't let the bids, we didn't pick the contractor. We have no authority there. The complaints that are being waged on that really need to be sent to the Airport Authority, and the calls should be placed there. There were also some comments about the Oak Hill Road construction, and that is being done in the city. So, that is not a county project either. So, just making that as a note for the record for our viewing audience so they'll know that....I actually had one person say that I was lying. I said, well, I'll give him the County Attorney's phone number, but we don't have anything to do with that project.

Commissioner Kiefer: To go along with that, you know, I was getting calls as well, and even though those aren't our projects, John Stoll, our County Engineer, was nice enough to contact, you know, some of these folks and talk to them about it and help get some information to them. So, you know, even though it's not our project, we still tried to have some customer service by corresponding with them, and I appreciate, John, you helping on that. Thank you.

President Abell: I agree with that. Thank you, John. I know you did go out and try to do some, make some help, but we don't have any authority out there. Any other new business?

Old Business

President Abell: Old business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items.

Madelyn Grayson: The consent items for the July 23rd meeting are as follows; approval of the July 9, 2013 Commission meeting minutes; employment changes for the Commissioners approval, we have one for the Health Department and one for Area Plan Commission. The Commissioners have a transfer request, an appropriation request, the sale of 32 East Blackford, pay application number three for Deig Brothers Lumber and Construction for Old Courthouse corridor restoration and a right-of-way settlement agreement. The Auditor has a Barrett Law lien release for Bohannon Estates Barrett Law, and the statement of salaries and wages. The Human Relations Commission has a request to waive the Centre fees for the annual dinner. The County Clerk has the June 2013 monthly report. The County Engineer has a department head report. The County Ozone Officer has the May and June 2013 monthly reports. The County Treasurer has the June 30, 2013 year-to-date report. Weights and Measures has the June 16th through July 15, 2013 report. The IBAP Gatekeeper has the June 30, 2013 report, and EMA has an Indiana Department of Homeland Security performance grant effective measures for training completed as of June 30, 2013.

Commissioner Melcher: Move to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the Vanderburgh County Commissioners? I'll entertain a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:04 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the July 9, 2013 Commission Meeting Minutes.

Transfer & Appropriation Request.

Letters to Adjoining Owners of County Owned Property: 32 E. Blackford.

Pay Application No. 3: Deig Brothers: OCH First Floor Restoration Project.

Right-of-Way Settlement Agreement: N. Green River Road: Wynnfield Sub.

Human Relations Commission: Waiver of Centre Fee: Annual Dinner.

County Ozone Officer: May & June 2013 Monthly Reports.

IBAP Gatekeeper: June 30 2013 Report.

EMA: IDHS Performance Grant Effective Measures: As of June 30, 2013.

Employment Changes:

Health Department (1)

Area Plan (1)

Sheriff (1)

Coroner (1)

Superior Court (1)

Public Defender (1)

Auditor:

Barrett Law Lien Release: Bohannon Estates Barrett Law.

Statement of Salaries and Wages.

County Clerk: June 2013 Monthly Report.

County Engineer: Department Head Report.

County Treasurer: June 30, 2013 Year-to-Date Report.

Weights & Measures: June 16-July 15, 2013 Monthly Report.

Those in Attendance:

Marsha Abell
Joe Gries
Madelyn Grayson
Debbie Spalding
Shannon Hatfield
Members of Media

Joe Kiefer
Joe Harrison, Jr.
Jim Bush
Karen Angermeier
John Stoll

Stephen Melcher
Marissa Schenk
Tim VanCleave
Steve Craig
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 13, 2013**

The Vanderburgh County Board of Commissioners met in session this 13th day of August, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the August 13, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Joe Gries, would you like to lead us in the Pledge?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

**Permission to Open Quotes & Bids:
VC13-08-01: Old Henderson Road Structure #1543 Removal
Burdette Park Pool Liner Replacement**

President Abell: I'll entertain a motion for permission to open quotes on VC-13-08-01, Old Henderson Road structure 1543 removal, and the bids for the Burdette...should we do these separate?

Joe Harrison, Jr.: No, I think that's fine.

President Abell: Okay, and the bids for the Burdette Park liner replacement.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Mr. Harrison, you'll report back to us?

Joe Harrison, Jr.: Yes, I will, thanks.

President Abell: Thank you.

**Resolution CO.R-08-13-014:
Adopting the Statewide Court Case Management System: Odyssey**

President Abell: Action items, resolution adopting the statewide court case management system. Many Indiana counties are moving to the Odyssey case management system, as the State of Indiana is seeking a uniformity in court case management and the state will pay the cost associated with the Odyssey Case Management System. The proposed resolution is to show that the Board of Commissioners supports the implementation of the statewide Odyssey Case Management System for use by the Vanderburgh Circuit Court, the Vanderburgh Superior Court, and the County Clerk. I think we have Judge D'Amour here this evening.

Rich D'Amour: Good evening, Commissioners. Mr. Gries, Mr. Harrison. I'm Rich D'Amour. I'm one of seven Superior Court judges. I'm here as the IT judge, the Information Technology judge. I don't want you to get nervous, because usually when I come in front of you we want money, and we don't. So, I bring glad tidings this evening to you. As you may or may not know, our court system is run by CourtView, which is our case management system. We've been using CourtView for a number of years here in the county, and it cost plural thousands of dollars each year for the license for CourtView. A number of years ago, from Indianapolis, from JTAC, which is the judicial arm of Information Technology in Indianapolis, they are moving toward a statewide case management system called Odyssey. Odyssey has now been implemented in approximately a third of the county courts throughout the state. We are next in line to have Odyssey brought to Vanderburgh County. For some reason, and I will be very honest with you, I don't know why this resolution has never, I've never seen it before, perhaps they are receiving some pressure from legislators in Indianapolis, but, basically they're asking that the County Commissioners and the judges, there's a separate resolution for judges, sign off on this letter of understanding that Odyssey is coming to Vanderburgh County, that it will be at no cost to the taxpayers of Vanderburgh County. So, where we're spending thousands of dollars each year, there will be no further costs, so we can remove that line item from our IT budget. So, what they're simply asking for is a resolution saying

that you support the implementation of Odyssey as the statewide case management system for both Circuit and Superior Courts. I know a bit about Odyssey, how it works, it's going to be difficult. Anytime you bring in a new system there are going to be glitches. Tim VanCleave is here tonight in case there are technical questions that I can't answer. I'm asking that the Commissioners approve this resolution. They're working in that direction. We hope to have Odyssey up and running by July of 2014, which means that we won't need to allocate that large sum of money for CourtView for the following year. If there are any questions I would be happy to answer them.

Commissioner Melcher: Maybe I missed it, Judge, but who's going to install it?

Rich D'Amour: It's all done by JTAC up in Indianapolis.

Commissioner Melcher: Okay.

Rich D'Amour: Posey County has Odyssey already. We did send Tim and a couple of our people over to see how Odyssey works. They will come down here, they will train all of our people on how to use Odyssey. So, I think it will be a big savings. It is an internet based system, so it will add some activity in the pipeline. Tim very preliminarily has estimated perhaps a two percent, or thereabouts, increase in the amount of bandwidth we're going to be using in the pipeline. There's some talk at some point whether we would need a trunk line, which is like an auxiliary line in case the main line ever went down. Tim and I are discussing that, at that point as to whether it's absolutely necessary or not. There is some expense there, but far less than what we spend in one year for CourtView. So, the judges are all in favor of going to Odyssey. It's coming. It's going to be a statewide system. There will be, like I said, there will be a few glitches. It will be, you know, we'll have to do things differently at first in the courts, as far as managing our cases, but I think it's a good system. I'm respectfully requesting that you grant this resolution.

Commissioner Melcher: I guess, the other question I would have, if you would allow it, we get ours from a company—

Rich D'Amour: Right.

Commissioner Melcher: — our IT, and I think it would be good just to have one of them go to your training. You never know.

Rich D'Amour: Absolutely.

Commissioner Melcher: That way at least they know what's happening. If the other Commissioners agree with me. We need to have somebody there too.

Rich D'Amour: Absolutely, that makes sense.

Commissioner Melcher: Okay.

President Abell: Judge, I have a couple of questions. In reading over this, will the Prosecutor and the PD also be on that system?

Rich D'Amour: Yes, yes. All of the courts, Public Defenders and Prosecutor. Probation will be on that system, is that right, Tim?

Tim VanCleave: Correct.

Rich D'Amour: Probation will be on that system. The whole case management–

President Abell: Everybody that's on CourtView now is going to transition over to Odyssey?

Rich D'Amour: Right.

President Abell: Okay. I did have one more question, now I've forgotten what it was. I guess, that's the important one is who all's going to be using it. Oh, I might have this question for Tim.

Rich D'Amour: Tim, step up please.

President Abell: Will everything be internet based as you're working? Or will you have some you'll be working local with, will any of it be downloaded into locally that you can be working with from time to time, or will all of it be interacting with Indianapolis? Like, if someone is inputting a case, is it immediate, do you have to be on, or could you input a case without being online?

Tim VanCleave: From a general standpoint we would need to be online.

President Abell: So, that's a 24/7 operation then? Okay. That's all the questions I have.

Joe Harrison, Jr.: I have one question.

President Abell: Go ahead.

Joe Harrison, Jr.: It's my understanding that the entry of the data would be solely by the courts or the Clerk. Is that correct? The Prosecutor, Probation, none of them can enter anything into the system, or can they?

Rich D'Amour: Tim, I'll let you answer that.

Tim VanCleave: It would be similar to how they use CourtView today. They do not enter records into CourtView, but they do have the ability to retrieve information.

Joe Harrison, Jr.: And view?

Tim VanCleave: And view.

Joe Harrison, Jr.: But, the entering of the data is strictly the courts or the Clerk?

Tim VanCleave: Correct.

Joe Harrison, Jr.: Is that right? So, it's the same–

Rich D'Amour: Same as CourtView.

Joe Harrison, Jr.: Can the state get into the system and look at it up in Indianapolis?

Tim VanCleave: I would assume yes.

Joe Harrison, Jr.: I mean, it's their system, I guess, but I'm just curious.

Rich D'Amour: Yeah, I would assume they could.

Joe Harrison, Jr.: Will DoxPop work the same as it does now, I guess? That attorneys and what not who have that system will it interact the same with Odyssey?

Tim VanCleave: It is my understanding that DoxPop and JTAC have a working relationship now.

Joe Harrison, Jr.: Okay, personal question on that, but I was just curious.

Commissioner Melcher: I've never heard of DoxPop.

Commissioner Kiefer: So, to clarify, you're endorsing this project then?

Rich D'Amour: All of the judges are endorsing it. We've asked them to come and, as a matter of fact, they're already working on the system, converting our data. It's taken some, we've talked to CourtView and CourtView's given us permission to deal with Odyssey to transfer some of this data without giving up some of their proprietary information.

Commissioner Kiefer: Right.

Rich D'Amour: It was a little delicate at first, but CourtView has been very cooperative with us. I've got to tip my hat to them. They know they are going to be likely losing a contract, but they've been very helpful.

Commissioner Kiefer: Thank you.

President Abell: Any other questions? I'll entertain a motion to support this.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Do we have the original here to sign tonight? Okay, do you want us to sign it and get it to you right now?

Rich D'Amour: If you don't, can you get that to me, Joe?

Joe Harrison, Jr.: Sure.

Rich D'Amour: Okay.

Joe Harrison, Jr.: I can get it to you tomorrow.

Rich D'Amour: That would be fine. I know you have a big agenda. Thank you.

President Abell: Alright, we'll get it to you tomorrow.

Joe Harrison, Jr.: If you could sign a couple of them.

Rich D'Amour: Sign a couple, that will be fine.

President Abell: We'll get them to you tomorrow.

Rich D'Amour: Thank you very much.

President Abell: Thank you, Judge.

Rich D'Amour: Appreciate your time.

**Resolution CO.R-08-13-013:
Transferring Property to the City of Evansville**

President Abell: Resolution to transfer property to the City of Evansville Board of Public Works. This will transfer two county owned parcels at 105 W. Illinois and 107 W. Illinois to the City of Evansville for a total sum of \$900. I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion?

Commissioner Kiefer: What's the city's plans for this? Just probably store up some property for some kind of housing project or something?

President Abell: Just as long as they keep the grass mowed and we don't have to.

Joe Harrison, Jr.: It's theirs.

Commissioner Kiefer: Yeah.

Commissioner Melcher: Well, as long as we have it in their name, and they can write their own ticket.

President Abell: As long as I don't have to mow the yard, I don't care.

Commissioner Kiefer: Alrighty. I'm ready to vote then.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Gladly, yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: They just bought themselves some property.

<p style="text-align: center;">First Reading of Ordinance CO.08-13-008: An Ordinance Amending Health Department Code</p>

President Abell: Amendment to the County Health Department ordinance concerning fees. The proposed amendment to the county code regarding an increase in certain fees charged by the County Health Department for certain services as recommended by the County Health Department Board.

Gary Heck: Gary Heck, Vanderburgh County Health Department. I would happy to answer any questions, if you have any.

Commissioner Kiefer: I think you answered my questions via e-mail. Thanks, appreciate it.

Gary Heck: You're very welcome, Commissioner.

President Abell: Any other questions? Roll call vote.

Madelyn Grayson: We don't have a motion.

Commissioner Melcher: We don't have a motion.

President Abell: I'm sorry.

Commissioner Melcher: I'll make the motion to approve.

Commissioner Kiefer: Second.

President Abell: Now we'll have roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you.

**License Agreement with UE for Tinker Memorial Organ
OCH Lease Agreement: Windstream Communications**

President Abell: Contracts, agreements and leases, under the Commissioners, the license agreement with the University of Evansville regarding the Tinker Memorial organ. Pursuant to the licensing agreement, U of E will remove the organ from the Coliseum, take possession of the organ and re-purpose, maintain and use the organ. UE intends to locate the organ within the Neu Chapel on the UE school campus. Is there anyone here from UE? The initial term of the license agreement is for the term of five years. Thereafter, U of E will have the option to renew the license agreement for four separate 25 year periods, should they give proper notice to the county. Pursuant to the license agreement, U of E shall not dispose or sell the organ to any person or entity without the prior express written approval of the county. Also, UE will be responsible for any damage it might cause to the Coliseum in connection with the removal of the organ from such facility. In addition, UE shall keep the organ properly insured and shall properly maintain and care for the organ while it is in its custody and control. That's a lot for you to agree to do.

Tammy Gieselman: Absolutely.

President Abell: Would you like to tell us your names and what your part is in this?

Tammy Gieselman: Commissioners, thanks for entertaining our agreement. I'm Tammy Gieselman, I'm the university chaplain at the University of Evansville.

Douglas Reed: I'm Douglas Reed, university organist, Professor Emeritus of Music at the University of Evansville.

President Abell: I guess it's going to be a while before there's going to be any music come out of this organ, huh?

Tammy Gieselman: It will be a while.

Douglas Reed: A while, yes.

President Abell: For the benefit of those watching at home, are you having a fund campaign, fund-raising that if anyone wants to contribute to they can get a hold of you at the university?

Tammy Gieselman: Absolutely.

Commissioner Melcher: I guess, I've got a couple of questions probably. Do you know about when you're going to be coming to take it out?

Douglas Reed: We will be, we have tentative plans for the week of September 1. Starting September 2nd.

Commissioner Melcher: Okay, you probably need to get a hold of the veterans. Why don't you e-mail me when you're doing that so that I can make sure that that's going to happen.

Douglas Reed: Okay.

Commissioner Melcher: I'm the representative of the Commissioners for the Coliseum.

Douglas Reed: I've spoken with Sheila--

Commissioner Melcher: Okay.

Douglas Reed: -- and with, with the other gentleman.

Commissioner Melcher: Mark?

Douglas Reed: Yeah, Mark, that's right. I've spoken with them about it, about that schedule.

Commissioner Melcher: Okay.

Douglas Reed: And the need to deliver some pipe trays on two other occasions as well, but, certainly I can contact you.

Commissioner Melcher: Okay, I know we just want to make sure that you're not going there and the building is locked up or whatever. I'm just trying to help here.

Douglas Reed: Right.

Commissioner Melcher: We just want to make sure that the Coliseum, whatever happens, like if you're taking the pipes down, if some of the wall comes apart, you're going to put that back.

Douglas Reed: Yes.

Commissioner Melcher: Okay, you might want this card to e-mail me.

Douglas Reed: Thank you.

President Abell: I hope you'll invite us to your first concert.

Tammy Gieselman: You're on the list, Commissioner.

Commissioner Melcher: We're on a lot of lists.

President Abell: This is a good one.

Tammy Gieselman: We've got big plans.

Commissioner Melcher: I'll make the motion to approve.

Commissioner Kiefer: Second, and I also just want to add a lot of thanks to the both of you. I know it was kind of a lot of extra work, more than maybe you initially thought, but I think long term it's going to be great for the community and great for the University of Evansville and also for the county. So, thank you for what you put into this.

Tammy Gieselman: Thanks, Commissioner.

Douglas Reed: Thank you.

Tammy Gieselman: We would also like to offer thanks to Joe Harrison, who was instrumental in helping us put the agreement together. I know it was a lot of work for him too. So, I appreciate his time and effort.

President Abell: Thank you.

Commissioner Kiefer: Thanks, Joe.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Well, as a UE alum, I have to vote yes. Thank you.

(Motion approved 3-0)

Tammy Gieselman: Would you like to offer the first contribution to this campaign?

President Abell: I think they've got my phone number. They call me very often.

Madelyn Grayson: Excuse me, are either of you two the appropriate person to sign on behalf of U of E?

Tammy Gieselman: No, actually our CFO, Jeff Wolf, would probably want to sign that—

Madelyn Grayson: Okay, I'll send it to him.

Tammy Gieselman: — and probably the university attorney. Thank you.

Douglas Reed: Thank you.

Joe Harrison, Jr.: How do you want to handle—

Tammy Gieselman: Can you send that, Joe, to Jeff Wolf?

Joe Harrison, Jr.: Okay.

Tammy Gieselman: The signed agreement.

Joe Harrison, Jr.: Or, would you like for me to send it to John Goldman, or Jeff Wolf?

Tammy Gieselman: Jeff Wolf, please.

Joe Harrison, Jr.: Just send me his address. Can you e-mail me?

Tammy Gieselman: Absolutely.

Joe Harrison, Jr.: Then I will get it to him.

Tammy Gieselman: Sure will.

Joe Harrison, Jr.: Thank you.

Tammy Gieselman: Thanks a lot.

President Abell: Thank you. Department head reports, Mr. Stoll? Oh, I skipped something, but it won't take but a minute, John. Old Courthouse lease agreement with Windstream Communications. A three year lease of 920 square feet of office space in Suite B8 in the basement of the Old Courthouse at a rate of \$865 per month.

Commissioner Kiefer: I'll make a motion for a do pass.

Commissioner Melcher: I'll second.

President Abell: Further discussion? I don't have any discussion on this particular thing, but to inform my fellow Commissioners that I was at the County Council's meeting last time and Mr. Raben indicated that if we didn't start making some money at the Old Courthouse, he would be in favor of boarding it up. So, just wanted to pass that along to you. Marissa, you probably need to get busy renting that place out.

Commissioner Kiefer: Well, I think we've been doing a lot of new leasing, and we've upped the rates to where they're much higher than what they were before. I think we're now at eight dollars per square foot minimum, you know. I would hate to see it boarded up after we have already just spent—

President Abell: So, would I.

Commissioner Kiefer: — some nice money to renovate the common areas. I think that, you know, this is a treasured piece to our community. My guess is he was joking, but maybe not.

President Abell: No, he wasn't. No, he wasn't joking.

Commissioner Kiefer: Anyway, I think we're even going to do better now that those common areas have been renovated. We'll probably even improve even better on our rent rates.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Engineer

President Abell: Department head reports, John Stoll, the County Engineer.

John Stoll: The first item I have is that I would like to request approval to go to County Council to file a travel request for me to attend INDOT training in Scottsburg, Indiana on November 7th. This training is required certification so that we can continue to receive federal road funds.

President Abell: I would entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, second I've got an assignment letter that will assign our existing contracts with R.W. Armstrong to CHA Consulting, since CHA Consulting has

purchased R.W. Armstrong. We have two pending contracts with R.W. Armstrong, it's the Burkhardt and Virginia contract, and the Maryland Street contract. Joe Harrison has reviewed that, and he said that the assignment letter was acceptable for your signatures.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Is that an American company that bought R.W. Armstrong? Or is that a foreign company, or do you know?

John Stoll: I thought they were based up in New York, but I'm not sure.

President Abell: Are they, Joe, do you know?

Joe Harrison, Jr.: I thought they were as well.

President Abell: Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The third item I have is a street plan approval request for section three of Windham Hills Subdivision. This is located up on Green River Road, the west side of Green River Road, south of Kansas Road. I've reviewed the plans, the consultant made the changes that I had requested. So, I would recommend approval.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: I failed to mention it, but they'll just be standard curb and gutter streets, just like the remainder of the Windham Hill development that's already in progress. The last item I have is a cover sheet for the bridge inspection reports. DLZ has completed our bridge inventory, and in order for this, the final report to be submitted to INDOT, we need a signature page signed by the Commissioners. So, I just need your approval and signatures on that page, then we can finalize the report and get it submitted to INDOT.

President Abell: That doesn't require a motion does it, Mr. Harrison?

Joe Harrison, Jr.: Why don't you go ahead.

President Abell: Okay.

Commissioner Melcher: I'll move for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: We'll sign it tonight and Marissa can get it to you.

John Stoll: Okay. That's all I have, unless you've got any questions.

President Abell: No, thank you.

John Stoll: Thanks.

President Abell: Steve Craig, did you have anything?

Steve Craig: No.

President Abell: Do any other department heads in the audience have a report?

County Attorney

President Abell: Mr. Harrison, do you have a report on your mail?

Joe Harrison, Jr.: Yes, finally. First of all I'll give you the quotes that were received on the Old Henderson Road bridge removal. I guess it's structure number 1543. There were four, I'm sorry, there were five quotes submitted. The first was from Blankenberger Brothers, that amount is \$46,600. The second was from Koberstein Contracting, that amount was \$57,738.25. The third quote was from Allen Relleke Excavating LLC, that amount is \$43,320. The fourth quote is from Deig Brothers Lumber and Construction, that amount is \$71,325. The final quote is from Adler Excavating LLC in the sum of \$68,752. So, those are the five quotes and I would ask that those be taken under advisement.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: Then, last, we've got the Burdette Park pool liner bids that were submitted. The, there were two bids submitted, and the names, I'm going to have to look at these again because they're a little different. The first was from RenoSys Corp. There's a tab sheet here in front of me that you all may have a copy of, but the item number one, removal of pool liner, that amount is \$14,505. The installation, item two, installation of new pool liner, the cost for that is \$151,935. The cost of the extended warranty, that's item three, which is optional, is \$9,0365. So, it's \$14,505 under item one; \$151,935 under item two; and under item three it's \$9,065. The second submission, bid submission was by, it looks like Nature, maybe it's Nature, N-a-t-a-r-e. I'm not French, but N-a-t-a-r-e Corporation. Item number one, the amount is \$7,000. Item number two is \$185,000. Then, for item three, the cost of the extended warranty, which is optional, is no charge. So, the three amounts are \$7,000, \$185,000 and no charge. So, those are the two bids and I would ask that they be taken under advisement for consideration.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

New Business/Old Business

President Abell: Is there any new business to come before the County Commissioners? Any old business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items, Madelyn.

Madelyn Grayson: The consent items for the August 13th meeting are as follows; approval of the prior minutes, we have the July 23, 2013 Commission meeting minutes. Employment changes for the Commissioners approval; there are six for the County Highway, one for the Health Department, one for the County Engineer, six for Burdette Park and four for Legal Aid. The Gatekeeper July 31, 2013 statistical report. County Highway property damage release. County Clerk July 2013 report. The County Treasurer has the June 2013 monthly report and July 31, 2013 year-to-date investments. The Commissioners have an Old Courthouse corridor restoration change order number two; notice to bidders of sale of 305 Mary Street; sale of 32 East Blackford, sale of 212 West Virginia, sale of 1218 South Linwood; a transfer request and Hillcrest Washington Youth Home second quarter fees for services. The County Auditor has the July 2013 A/P vouchers and an Aabels Park Barrett Law lien release. The County Engineer has a department head report; a waiver and partial mortgage release for parcel 73 for North Green River Road widening project, and pay request number 179 for TIF projects in the amount of \$64,557.17.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**First Reading: VC-12-2013
Petitioner: Theresa Chapman
Address: 9420 St. Wendel Road
Request: Change from R-1 to CO-1**

President Abell: Rezoning, first reading of VC-12-2013, Theresa Chapman, 9420 St. Wendel Road, change from R-1 to CO-1. This is first reading. Do you just want to make a motion to move it forward for second reading?

Commissioner Kiefer: I'll make a motion to move this forward.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Final Reading: VC-7-2013
Petitioner: David and Cynthia Altstadt
Address: 2118 Harmony Way
Request: Change from R-1 & C-4 with UDC to R-1
Action: Approved 3-0**

President Abell: Final reading of VC-7-2013, David and Cynthia Altstadt, 2118 Harmony Way, change from R-1 and C-4 with use and development commitment to R-1.

Janet Greenwell: Good evening, Commissioners. Janet Greenwell with the Area Plan Commission. This one is really straight forward. The Altstadt's filed a rezoning back in 1995 to get started with a new plumbing business at this address. They expanded in 2009 with a very restrictive, extremely restrictive use and development commitment that limited the use of the commercial property strictly to the Altstadt's and their lineal descendants. Mr. Bohleber has informed us that the Altstadt's are combining with another plumbing company and they plan to vacate the premises, therefore they are seeking to zone back to the original zoning, as was agreed with the use and development commitment. The Plan Commission unanimously approved, recommends approval with Mr. Melcher abstaining.

President Abell: So, this is a down zoning, correct?

Janet Greenwell: Yes.

Steve Bohleber: Or a re-rezoning.

President Abell: A re-rezoning down.

Steve Bohleber: A return.

President Abell: A return rezoning.

Steve Bohleber: As I said at the Plan Commission meeting, Commissioners. I have nothing to add to this. It is pretty straight forward. We're simply honoring the commitment that was made back in 1995, and reiterated subsequent to that that if they ever stopped using it that it would revert to R-1. They have, in fact, relocated to the old Humane Society property.

President Abell: To the what?

Steve Bohleber: The old Humane Society property on Mt. Auburn.

President Abell: Oh, okay.

Steve Bohleber: By the way, Joe, Natate is a Latin verb. It means "to swim".

Joe Harrison, Jr.: Thank you.

Steve Bohleber: You know, I knew that four years of Latin in high school would come in handy.

Joe Harrison, Jr.: It sure did.

Steve Bohleber: But, I did have to check it on my phone just to make sure.

President Abell: You Googled it.

Steve Bohleber: I Googled it, yeah.

Commissioner Kiefer: I was impressed.

President Abell: Commissioners, do you have any questions?

Commissioner Kiefer: No, but I'm glad to make a motion to approve.

Commissioner Melcher: Second.

Joe Harrison, Jr.: I don't think there's any remonstrators.

President Abell: Oh, are there any remonstrators to this? Anyone against this rezoning? Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Steve Bohleber: Thank you very much. Have a great evening.

President Abell: Thank you, Mr. Bohleber.

<p>Final Reading: VC-8-2013 Petitioner: Tim Rich of Houchens Properties Address: 4910 & 4800 Heckel Road Request: Change from Ag to C-2 with UDC Action: Postponed Until 8/27/2013</p>

President Abell: Final reading of VC-8-2013, Tim and Rich of Houchens Properties, 4910 and 4800 Heckel Road, change from Ag to C-2 with a use and development commitment. Janet?

Janet Greenwell: The Houchens Properties are asking to rezone--

President Abell: Let me interrupt you. Mr., I just, do you want to--

Commissioner Kiefer: I was just going to say, I'm abstaining from this. So, I'm going to recuse myself during the hearing. Thank you.

President Abell: I'm sorry. Go ahead, Janet.

Janet Greenwell: The Houchens have done several things to bring this forward to rezoning. They're asking to rezone a two acre site from agricultural to C-2, and they filed a use and development commitment that eliminates the majority of recreational type uses, a few other uses like; taxidermy, mortuaries. They went to sub review back on July 9th and received preliminary approval for a two lot minor sub to reconfigure, I think it's several, three or four different residential properties that are making it into two lots, it's a two lot minor sub. It did receive preliminary approval.

The Houchens' plan to develop, if the zoning is successful, they plan to develop the two acre lot at the corner of Green River and Heckel as a neighborhood grocery store with gasoline sales and a small restaurant with a drive thru window. They did submit to site review a preliminary plan, which, of course, at this stage is preliminary, because they still need to go through the zoning and the subdivision needs to be finalized. They were heard at Plan Commission on July 11th, and came forward to you with a no recommendation with three yes, four no and one abstention. I will, I wanted to tell you that we have been asked by the neighbors to put into our Power Point presentation some pictures that they submitted. We do this as a courtesy to both applicants and remonstrators, upon request, as long as we get them in advance. We make no representations as far as Plan Commission as to what they represent. That will be up to the remonstrators, if they are here, we will show their pictures and they will have to explain them. I just wanted to let you know that.

President Abell: Do you want to swear them in?

Joe Harrison, Jr.: All those who wish to speak regarding this rezoning petition, would they please raise their right hand. Do you swear, affirm the testimony you're about to give is true and accurate, so help you God?

All: I do.

Krista Lockyear: I do.

Joe Harrison, Jr.: Thank you very much.

Krista Lockyear: Good afternoon, Madam President, Members of the Commission. My name is Krista Lockyear, I'm representing Houchens Properties, the petitioner on this action. I do have a Power Point to run through for you. Recognizing that some of the print is a little small to read, I printed them out. So, I'll give you the hard packets as well. By way of introduction to my client, Houchens Properties, Houchens Industries was originally formed in 1917 by Ervin Houchens as a food store. Today they have nearly 16,000 employee owners doing business in almost every state in North America, and 30 countries throughout the world. They are a very diversified company, but they began in food sales, and that's really what they are most proud of. Houchens employs approximately 500 employees here in Vanderburgh County currently. This store, obviously, would add additional employees. A very important thing about this employer is that in 1988 the company was purchased by the Employee Stock Ownership Plan. So, they're an ESOP, and the employees that will work at this store and all of the other stores in Vanderburgh County are actually employee owners. So, they're very proud of that aspect, and excited to bring additional employee owners to Vanderburgh County. This particular location Houchens has chosen to be a Crossroads IGA. The plan and the idea behind this concept is that it's a neighborhood grocery store. It's not a large destination grocery store, it's for the benefit of the people that live in the area, that are coming home at the end of the day and realized that they forgot to pick up milk, or meats, or frozen foods, and don't really, it goes above and beyond what the convenience stores have. You can get a few things at the convenience stores, this truly is a neighborhood grocery store. A couple of pictures that illustrate that, there's a lot of fresh produce that you will find within this store. There's a nice frozen section also within the store. They're going to have, again, a small, on a smaller level, but the basic products you would get from any grocery store. Within the store they will also have a restaurant. Subway you'll see in this picture is located in many of their stores. They're not able to actually use Subway because of a franchise, there's already one in the area. So,

it will be another store very similar to Subway. As you saw from the Area Plan Commission's video, the location of this property is right here at the corner of Heckel Road and Green River Road. This is a five lane, really, highway at this point in time. You County Commissioners are well aware of the work and effort that you've put in to improving this intersection. It's now signalized, and it's a very commercial intersection. For this reason, my clients came into town and said this is a perfect location for this neighborhood grocery store. Here's the site plan. The proposed store, roughly 10,000 square feet. It will have two ingress and egress points, here onto Green River and down here onto Heckel as well. This was one of the preliminary site plans, as they went through the process they came up with a more detailed landscaping plan, that actually gets right down to the shrubberies and the plantings and the trees that they are planning on putting on this property. We have agreed, which I'll speak to a little more in the future, but we have agreed with the neighbors to enter into a written agreement, and we'll record it as a covenant on this property, that we will do the plantings substantially in accordance with this planting site plan. So, as you can see, a lot of green. There are also several landscape islands in the parking lot. So, it's not going to be an out of place concrete area in the middle of residential, or there's really a lot of Ag around it, we've got commercial across the street as well. The other thing, when we initially met with the neighbors, what they were very concerned about was that a lot of them do not have sewer out there, especially east along Heckel Road. It ends in Green River, at the intersection there of Green River and Heckel. So, my clients went to the drawing board, if you look at this it's pretty obvious that it would be a lot more cost effective for them to go straight across Green River right here, to their property with that sewer extension. It's also more shallow on this side of the property. So, when they started looking at the plans that was their preferred choice for many reasons. The neighbors came to us and they spoke at Area Plan Commission, their attorney, Crystal Wildeman, actually called me in advance and said, hey, you know, we're concerned about what this may do to our property, but we have a problem because we don't have sewer and we'd really like to have that. If you could help us out with the sewer extensions, that would go a long way to improving our property really. So, my clients had their engineers work on this. This is actual plans. We've got them, the hole here in Green River Road, it will extend to the corner, put in another manhole, and then total here roughly about 305 lineal feet of extension, as opposed to around 100 going straight across. The other cost issue that my client is facing to run it down Heckel Road, is that it's roughly 14 feet deep, so they're really going to have to dig it deep to get that in there. After talking to the neighbors several times and realizing that it really is an issue out there, and that any extension of sewer would help, my clients have agreed and we're working on an agreement, we're real close, that we will do this. So, the commitment that we'll have in the covenant will be that we'll extend the sewer such that it will come to the property line, we're actually going to extend it a little further than this, this was an initial drawing, but we will extend it to the property line of the Wagner's, such that they can tap in with a lateral only on their property line. So, the main extension will go all the way to their property. Another issue that the neighbors had raised with us, preliminarily, that my clients went to bat right away, and they really from a zoning perspective have gone above and beyond with their engineering studies at this stage of the game, an initial meeting we had with the neighbors, even prior to going to Area Plan Commission, the neighbors expressed concern about drainage. You Commissioners are veterans at rezonings, and you know drainage really has nothing to do with land use, but it comes up and it concerns the neighbors, and flooding, we understood, in the area was an issue. So, their engineers did do a study of the area and found that the impact of the development would have less than one tenth of an inch rise over the water levels in the area. Despite that study, the neighbors were still concerned at Area Plan Commission. After Area Plan, my client

said, you know, why don't we go ahead and work on our drainage plans? Get with the County Surveyor and go through the process of actually getting our drainage, make sure that everything, all our ducks are in a row before the final zoning. They have done that, the engineers have submitted the drainage plan. I believe it's on your agenda tonight at Drainage Board for final approval. They've had responses from the County Surveyor, which they have also addressed. So, the drainage plan is in place, and they're actually going to retain more water than what they would be required to retain. Their drainage plan involves using a french drain, rather than your typical drainage system. So, there will be impervious rock surfaces where the water can drain through. So, they've done everything they can, and, again, at substantially additional cost to really improve the situation out there. This is the current zoning map. At the Area Plan Commission one of the members voted against this rezoning, and his comment before he made his vote was that, well, I don't see any commercial on the east side of Green River Road heading north. We just didn't have our map large enough, because we were showing about this distance. This is still way south of Millersburg, but there's a very large C-4 parcel right here and right here, right up on the same side of the street. Obviously, the C-4 directly across the street and then another C-4 with a use commitment on it across the street. So, we're not spot zoning. There's already established commercial zones out here in this area. Another great reason that speaks to commercial development of this intersection, again, the County Commissioners realized that this is in a TIF district, and so any income from taxes that you generate on this property can be utilized to further enhance the infrastructure directly in this area. Additional extension of that sewer line, if the neighbors are interested. Anything else that can help out on, I understand the kind of outlying areas the closer that you get to Pigeon Creek may have some back up issues. This property is only going to benefit improvements that the county can make to this area. I do have, and I'll submit also for the record, we did an analysis, well, Steve Folz did an analysis for me, because I'm not much of a numbers person. Current values of the property are, taking the four existing tax parcels, bring in about \$3,800 in tax revenue annually. The proposed value with the store, the improvements that we're going to make and a little bit of personal property tax income total \$45,869. That's approximately a 12 percent increase over the tax revenue that this property is generating now. Again, all of that money immediately available to improve the area. As you also know, when you do the rezoning you've got to look at the statues and the standards that you're supposed to consider. The Comprehensive Plan, this area has been growing and changing since the Comprehensive Plan that we have now, so, there are a lot of reasons to say the Comprehensive Plan at this point is obsolete. Current conditions and character of the structures and users in each district. Current conditions, I believe speak exactly to, hey, this is a four lane, or five lane highway with a signal at the intersection. The condition of this intersection is not real suitable for future development as residential. The most desirable use the land in the district, again, intersections at this heavy of traffic level really speak to commercial development. Conservation of property values, what my client is promising both in the use commitment and the covenant will really enhance the property values of some of the neighbors out there immediately. Responsible growth and development, again, the County Commissioners have done a lot to improve this area, this type of business is perfect for this area, again, a neighborhood destination location. We're not going to generate a lot more traffic, however, we'll benefit the properties and neighbors that live out there. I do want to speak just briefly, when I talk about most desirable use and the current conditions of the property, Magistrate Hussman is one of the sellers of this property, and I spoke with him prior to the meeting, and he was a little reluctant to get up and speak himself, but he gave me some talking points, and he indicated that this house at 4800 was built in 1903. It's useful life is very short, but

probably cannot be rebuilt because of the flood plain issues and the lot is too small to sustain a new septic system. The only way that development on this corner is going to occur is if it can sustain the infrastructure improvements that are needed to bring sewer to the property and to develop it in a fashion that it will hold the water that's already there, or any additional runoff that it would create. Really, for all of these reasons this is a good rezoning. I think, again, we look at the aerial of this intersection and that speaks worlds to it. It's a busy intersection. I wish we had it at rush hour, but I think you all know the area well enough. For the reasons that I've spoken of then, I would request that you approve this rezoning, and I'll turn it over to you for questions or for anyone else that wants to speak.

Commissioner Melcher: I don't have any.

President Abell: I think we're finished for right now. Thank you. We might want you to answer some questions later.

Krista Lockyear: I'll stay close.

President Abell: Okay. Is there someone, or is there anyone in the audience that would like to speak to this issue? Please come forward and give us your name.

Dan Koch: My name is Dan Koch. My wife Linda and I own the house at 4934 Heckel Road. We have two concerns with this proposed building site. The first concern is flooding. The proposed site sits in a flood plain. It is my understanding that the proposed building is to be approximately two feet above Green River Road. The proposed site at the north end of the property has an elevation of approximately, a minimum of ten feet below Green River Road. This will take considerable fill. This will push the flood waters closer to homes, or worse farther into a home. It is also my understanding the developer will build a holding pond, but it too will be in a flood plain. All it will do is delay the flooding for 24 to 48 hours, and then it also will be under water. The current site is not compatible for a commercial building. That site is entirely encompassed by residential homes. With the current flooding issues, the site's not even suitable for the existing residential houses that sit there. If you will allow me, I've got some pictures I would like to hand out.

President Abell: Is that not the ones we're looking at?

Dan Koch: I'm sorry?

President Abell: Are those the same ones that we're looking at here?

Dan Koch: Yes.

President Abell: Okay. Certainly, if you want to give them to us that's fine. I just wanted you to realize we're looking at them too.

Dan Koch: Okay, this is a picture of the property, the proposed site, this is at the north end of the property looking south. To the right is Green River Road, to the left is the proposed site. I couldn't naturally take a transit out on somebody's property and shoot elevation, but that is at least a ten foot minimum elevation drop from Green River Road. That picture there is on the south end of the property looking north. That is the lowest grade elevation difference. The road to the left is Green River Road. That there, again, is on the south end of the property looking north, Green River Road is to the left. That one is on the north end of the property looking

south, showing the elevation difference between the proposed site and Green River Road. That is the same view, you're on the north end looking south showing the elevation difference. This here is pictures back in 2011 when the flooding occurred out there. To the left of the home is where the proposed site is to be. We are going to be, if they build where they want to be, there will only be one house between us and their property line. Again, this is a picture, the front of the house, you are actually looking north, and as I say, the proposed site that they have is to the left of this flood water. There again, that is looking north, again, that is the flood waters, as I say that would be between us and the proposed site, without them building up at this point in time. That's how close the water got to the house, as the ground lays now. We had sandbagged that night till about 2:00 in the morning to save water from getting to us, not knowing how far it would get to us. That there, you are looking west, that is the house that will be between us and the proposed site. That there you're looking west, we're in the backyard, again, that will be the distance between us and the proposed site. There's only one house that's going to be between us and that proposed site. That is looking northwest from the backyard, and that is looking in the direction of where they're wanting to build as well. There again, you're west-northwest looking at the direction they want to build. This is looking north to the right of the house, the neighbor to the right, where he got flood waters, he couldn't even, his driveway was under water. I believe that's probably all the pictures. The second concern I foresee is with the ball diamonds being built on the west side of Green River Road, is that children from the ball diamonds trying to cross Green River Road to get a drink or a snack. If Houchens truly wants to be a good neighbor, as they tout, and they want to be in that geographic area, why not buy the ground that is for sale on the west side of Green River Road, just due west of where they want to build and then alleviate the addition of more flood waters, as well as the danger of children crossing Green River Road. They would be right there at the ball diamonds. I'm sure Houchens' response will be that it is not on the way home side, but if Houchens is good at what they do that should not matter. Take Cracker Barrel for example, although Cracker Barrel is generally at a highway or interstate intersection, they are always nestled back into some corner, you have to zig zag your way back to find them, and as we all have experienced they always are busy with sometimes long wait lines. In closing, development is good, as long as everyone is a good steward to the property for what use or application it can be used for wisely. Please, we ask you, do not allow more flood waters to develop. One other comment, in listening to, I believe, Ms. Lockyear saying talking to the neighbors, we've never been approached with any information. Now, granted, to be fair, we don't live out there. We currently rent the house, that is where my wife lived. When we met, we moved to my home. We have that rented at this point in time, but they have our address. They've contacted us for the rezonings, they've contacted us for the neighborhood meeting, but we've never heard one word about talking to the neighbors in regards to any accommodations or working with us.

President Abell: Thank you. Is there someone else that would like to address the Commissioners? Come forward.

Crystal Wildeman: Good evening, Commissioners, Madam President. My name is Crystal Wildeman. I'm an attorney at the law firm Kahn Dees Donovan and Kahn, an address of 501 Main Street. I represent the homeowners Rex and Madonna Wagner, that Ms. Lockyear had previously referred to. They live at 4909 Heckel Road, which is across the street from the proposed development. We're here tonight with regard to the use and development provided by Ms. Lockyear and Mr. Rich for the Houchens development. We've been working with Ms. Lockyear with regard to our concerns. We've been concerned about drainage, we've been

concerned about lighting, the traffic, but most importantly property devaluation. Just having this kind of a development, as people have already said, into a primarily and historically residential neighborhood was a big concern. We believe though, we've reached an agreement with Ms. Lockyear, just minutes before we came in here, so we don't have a written agreement that we can rely upon and know that we have all of our terms hammered out, but I wanted to make a record of that agreement and share it with the Commissioners, because so long as that agreement is what we think it is, then we're willing to understand and go forward with the other issues that we had and forego remonstrations on those other issues. So, and we expect to have this agreement in written form probably in the next two weeks. As Ms. Lockyear had indicated, we've agreed that Houchens will run sewer lines from the existing manhole cover that's on the south side of Green River Road, I believe it's the south side. There's an existing manhole cover there right now, and they're going to run the sewer line on the opposite side of the road of where their development is, and across the properties of three property owners there to allow my clients, the Wagner's, to be able to tap in. Those parcel numbers are 6211, 4901 and then my clients are 4909. I specifically wanted to make a record of it because, as Ms. Lockyear pointed out, there's a current plan that she's submitted that's in the Power Point, and that's what you have up there on the screen right now, but that current plan, where the sewer line ends, exactly, right there, that's not quite to my clients yet. So, our agreement is actually to extend that sewer line into either the property line between my clients and the neighbor, or into my clients property, whichever the Water Department determines is necessary, so that all we have to do is pay a tap in fee. In other words, we shouldn't, we're not going to run anymore line at our cost, all we'll have is the tap in fee. So, we understand that Houchens is, at its own cost, going to run sewers across and for the benefit of these three parcels, including the Wagners, so that all of us will be able to tap into the sewer system. As a result of that agreement we'll forego our concerns and remonstrations on the other issues, but we wanted to make sure that there was a record made of that. So, if the Commissioners have any other questions with regard to that, I would be happy to answer them.

President Abell: Could you show us on this Power Point which house is their home?

Crystal Wildeman: Sure. I'm going to point here. They're the third one in.

President Abell: Okay, and their name, the address of that property was what?

Crystal Wildeman: 4909 Heckel Road. That's the Wagner's. The house right to the left of the Wagner's there is Sarchenko, and I would have to look to tell you who the corner property owner is, but the tap in is actually in that corner property owner's yard. So, the sewer is going to run across their property, across Sarchenko, and either at the property line or a little bit into the Wagner's so that we just have to tap in. That's what we've agreed to do.

President Abell: Any questions? Thank you.

Crystal Wildeman: Thank you very much.

President Abell: The next person that would like to come forward?

Debbie Schwent: Hi, I'm Debbie Schwent. I live at 6431 North Green River Road, actually it's now a highway. I was told that this was cancelled or postponed for

tonight, so, I really wasn't prepared until 4:30 I found it was not postponed. So, first of all, in fact, there are signs saying that this was postponed.

President Abell: Where?

Debbie Schwent: On Green River Road and Heckel. It's got "postponed" written on it. So, I'm sure a lot of people besides myself think that this was postponed. Okay?

President Abell: Well, maybe we could get Janet Greenwell to address that. She's with Area Plan.

Commissioner Melcher: The other one is postponed.

Debbie Schwent: Yeah, but see there was two of them going on out there, both of them were supposed to be for this evening.

Commissioner Melcher: Right.

Debbie Schwent: They didn't state apartments postponed, they put "postponed" figuring that, okay, everybody knew it was the apartments. None of my neighbors knew, none of my neighbors have been approached by this company. We're in a flood area. We sandbag every time the rain comes up. They put Green River Road ten feet higher than our home. The home used to be level with Green River Road. So, they raised it, as he showed on the screen. I've had to sandbag too many times. I've had water up to my knees. They put a drainage in, which was supposed to handle the water, but, unfortunately, it erupts like Mt. St. Helen because the water is coming from the creek into the drainage. Okay, I didn't bring my pictures, I found out at 4:28 about this meeting, I ran home, put my dogs away and I apologize for how I look, but it was like I've got to be here. When you raise that property, when you bring all of that dirt, it is going to raise the flood waters higher. Not, no matter what they do, that is still going to flood, from Pigeon Creek around there's a little bitty stream that floods, and it backs up. I'm the second house north of that property. There's three homes that sit there, I'm the middle property. It floods to the point that I have a very small amount that is still dry, we have to move our RV to a different situation, across the street usually. We can't park there because we're flooded, literally. When you figure you've got water up to my knees in my yard, all around, and it gets in the house next door, it fills their basement, okay. They didn't know that when they rented that property. When we were sandbagging this last time, we had lots of volunteers, a lot of people that live around us come and help, and fire departments come and everything, you know, the city sent out people, workers to sandbag the soccer field. Well, you raised the soccer fields and the water is coming even more. Okay? They sandbagged the soccer field. It's a soccer field. These are our homes. It's getting worse and worse. Yeah, it's going to raise it this much, but, you know, it not only raises it this much, it goes this way. It has nowhere to go. So, property that has never been flooded before is now flooding. All I ask is that you think about the people that live there. We don't need a grocery store, we don't need a gas station. We've got a high water table level. You're going to put tanks in the ground and have a gas station. Okay, we're all septic systems. Across the street is going to be lucky to get sewers, but everybody out there is septic system. So, anybody that floods, their septic system is going into that flood, to the flood water. We find all sorts of things in our flood water. Like I said, I didn't get time, I usually know exactly what I'm doing, I usually bring my pictures. There's nothing across the street from us. Nothing, except a soccer field, and now a softball field. So, why can't you put that across the street? If anybody's wanting that they need a gallon of milk,

right now they go to Schnuck's, and we're getting Meijer. So, nobody can walk to it. There's no sidewalks. So, you're not going to have this really convenient little grocery store to run to. You're still going to have to get into your car. So, if you're going to get in your car, go down to Schnuck's or Meijer's, or there's a Huck's down the road. We really don't need it, and we don't need anymore dirt. If anything, you all should try to figure out how to save those three properties, or purchase them, because the more you want to build up out there the more we're going to flood. Even if you think it's only this much, it goes a lot further than that. They used to call it drainage out there, then they changed it to flooding so we could get flood insurance, but it's flooding. It's not drainage, it's flooding. Schnuck's is only 1.6 miles. Some people walk further than that in a day, except you can't because there's no sidewalks on Green River Road. It is impossible to get out of our driveway, in the morning and at night. Trying to get out of the driveway to come here at 4:30 was just barely impossible. It's just ridiculous. The road has gotten so bad. The signal hasn't gotten any better, because then they zoom up and drive way over 45 miles an hour. They race to the next one. Nobody seems to stop and think about the people that live out there. Just not us, the people on Heckel, the people all over, all the way down Heckel to I-164, they're getting flooded. You're not thinking about that. You don't live there. You don't come and sandbag. There's, its' just gotten to be ridiculous. If you're going to bring the softball field in, of which no one has asked us, they didn't ask us about a soccer field either. The only plus of the soccer field is when you turn the lights on at night, the mosquitos all go over there. I mean, so, wow, we got a new mosquito, you don't even need to fog, they just go there. I know there's more I wanted to say, but I could only write so much that is legible because I really was told this was cancelled or postponed. Then when I went by the sign it said "postponed". So, I'm just wondering how many other people that had intentions of coming here did not get to because they saw the sign "postponed". I don't even know the name of the subdivision catty corner across from us, they had "no rezoning" signs everywhere. I noticed yesterday that they were all gone. I thought, well, and so I see that it's been re-scheduled whatever you want to call it. I know I'm not the only one that figured, we're okay, we'll have to find out when it's going to be. So, I know I'm not the only one. I know there's people out here that live in this area. They don't want the water. I don't want to sandbag again, but I have no choice. Nobody is going to purchase our property. They're going to remember from all of the news, Channel 14, 7 and everybody that comes out, that we flood to our knees. It's no fun. It's really no fun, and you've got to think about...they bring all that dirt in, where's the water going to go? It's going to go in our homes, and we're stuck, and it's getting closer and closer to other people's homes. Thank you.

(Applause)

President Abell: Is there someone else who would like to address the Commission? Yes. There's two of you coming up. Could one of you just wait? We're going to have to, we have a certain time we have to leave. So, if you just have something different to add.

Anita Ozette: My name is Anita Ozette. I live at 4245 Pembroke Drive, here in Evansville.

Commissioner Melcher: Excuse me, what was the name of the street again?

Anita Ozette: I beg your pardon?

Commissioner Melcher: What was the name of the street?

President Abell: The name of the street.

Anita Ozette: Pembroke, P-e-m-b-r-o-k-e Drive in Evansville. I really have no idea whether you intend to vote to rezone this or not. I would like to preface with we really don't need another grocery store. They do need one further north, but where we are it really is totally unnecessary. Same for the gas station. If, in fact, though, you decide....well, let me back track, as far as enhancing the property, I am not aware, and I'm pretty old now, I'm not aware of ever a situation where putting in a gas station enhances the property value right around you. It always decreases it. So, I'm not certain about enhancing. If, in fact, you do decide to go ahead with it, then I would suggest, or like to see in the use and development commitment, dark sky friendly lighting. That is that it is concentrated right on the property and not going to light up the sky and not going to light up the area. The ball fields, I believe, have committed to doing that kind of thing, the newest technology that is available they are planning to use. Also, I did not see a picture this evening of the outside of the building, but I seem to recall that it wasn't particularly attractive. If, in fact, you approve it, perhaps it could include a brick facade, which would fit much better in that entire area. Lastly, I would like to see, if, in fact, you're going to approve it, then I honestly think that they should buy those other three houses, so that they have a huge amount of space to put in a huge drainage pond. Because this lady is absolutely correct, if you don't live there and you don't see what it does, you cannot believe it. I understand that all of the engineers are saying it will be taken care of, but I promise you, it will not be. It will create enormous problems for those property owners. I don't happen to live right at that area, but I certainly can commiserate with people who do. So, (a) I really think we don't need it, go further north. I wouldn't even put it on the other corner. I would just go further north because there is nothing further north. So, if you want to have something that's useful, have it where people are going to pass by and use it. People right here, there's Huck's and Schnuck's. Huck's is maybe half a mile by our house, so you don't need it. Then, up north they do need it. So, then it would simply be make it further north, and if you do have to have it here, please include those things in a use and development commitment that gets signed and that cannot be changed by them. Thank you very much.

President Abell: Thank you. There was a gentleman over here, I believe.

(Applause)

Rick Moore: Hi, my name is Rick Moore. I live at 5703 Heckel, right next to the creek. I'm not going to repeat a lot of what all of these people have said, because they're all correct. By living next to the creek I can tell you, when the water comes up there's no way for us to get in and out right now. The last time it flooded Millersburg was closed, we're not supposed to be crossing the bridge, but we all have animals and all back here. The main thing is, I think, what we're all trying to say is if you guys could just, you know, slow down on this rezoning part a little bit. We don't need so much of this, because it just creates more to a flooding problem that we already have. Everybody keeps saying, well, go north, but what good is that going to do us, because all of that water from the north is coming down on us. So, and there's a lot of people that didn't make it to the meeting. My neighbor lady back here has got a lot of texts of people that are wondering if the meeting is even going on. Is there anyway this could be cancelled, postponed? You guys could have time to think about it. I mean, is it something that has to be done today?

President Abell: Could we table it?

Rick Moore: Because there's a lot of people that would probably have been up here speaking yet.

Commissioner Melcher: We can. We can table it till next time. We could table it for two weeks from now.

Rick Moore: I mean, the main thing is I just want you all to, you know, have time to think.

President Abell: Just give us a minute. Ms. Lockyear, would you object to two weeks from tonight?

Krista Lockyear: We would have. It would be quite a hardship for us to extend this. With the construction and engineering costs that they've put in to date, tabling it is tough. I want to say, we sent letters to the County Commissioners office, as you're aware, tabling the other rezoning that's up Heckel Road. It's actually quite a bit away. The only people I notified was Andy Ozette, an attorney at Bamberger that lives in Keystone Subdivision, and Brian Townsend, also an attorney that lives in Keystone Subdivision about that cancellation, and Susan Harp, the neighborhood association. So, everyone that I spoke with knew exactly which one was tabled. I'm not sure how they could possibly have been confused with the different locations that this one was tabled.

Commissioner Melcher: We're not really talking about a month, we're talking about our next meeting, which is two weeks from now. You know a lot of times when we say table, we table to the next meeting.

Krista Lockyear: My client just indicates they don't have the time to postpone.

President Abell: I think he should.

Krista Lockyear: Truly—

President Abell: I guess, one of the reasons that I think that it would be nice if you would consider it is because Mr. Melcher and I have a meeting set up August the 22nd at 6:00 p.m. at the church on Oak Hill Road, that all of the residents are going to be invited to be able to discuss this with us, rather than bringing it to a meeting that doesn't last very long. It might give us an opportunity to hash out some other issues.

Krista Lockyear: Let me speak with my client for just a second. I'll be right back.

President Abell: Please do. Thank you. Jeff?

Commissioner Melcher: Jeff? I was going to call you up here anyway.

President Abell: Yeah.

Jeff Mueller: I wanted to point out something. That the drainage plan was on the agenda tonight—

President Abell: Jeff, you'd better give your name, even though we know who you are.

Jeff Mueller: Oh, I'm sorry. I should have known better. Jeff Mueller, County Surveyor. The drainage plan was on the agenda tonight, it's actually still listed. John and I both went through it last week and submitted to them a number of questions, comments, things further on for them to address. We didn't get those until last night. I have not had a chance to review those. I've kind of glanced through, yeah, it looks like they've addressed some of them, but I'm not prepared to bring to you a final drainage plan tonight for approval. I notified the engineer of that today by an e-mail. Now, in two weeks we should be through it. I'm not telling you there's anything wrong with it, I'm just saying that we've got to go through their comments, our comments that we gave them, their comments back. So, we won't be giving you a request for a drainage plan approval tonight. So, I don't know if that makes any difference in what's being decided or not.

President Abell: It does make a difference, Mr. Mueller. Thank you.

Krista Lockyear: I talked to my client. We will agree to the extension. I want to reiterate, it is difficult. He's not sure where we stand with the sellers and his engineering plans, but we'll go back to the drawing board and accommodate County Commissioners and see what we can get by way of extensions.

Commissioner Melcher: We can go ahead and put them first on the agenda. On the 27th, right?

Joe Harrison, Jr.: You can do whatever you want.

Commissioner Melcher: Okay, I'll make a motion that we move it to the 27th, we'll have it first on the agenda.

Krista Lockyear: That's the 7th?

President Abell: 27th.

Krista Lockyear: 27th?

Joe Harrison, Jr.: Two weeks from today, in this room at 5:00.

Commissioner Melcher: Even though the zoning doesn't address anything about water, we are, we do know about it. We do have a meeting planned. I think it's really more for the other development, but this one could be included.

President Abell: It's for anything they want to talk about.

Krista Lockyear: My client has gone to the effort to get the drainage addressed. So, to the extent that Mr. Mueller still has questions, we want to address those and be sure. The neighbors that are still against this, it appears that it's a drainage issue. So, we want you to be convinced that we've taken care of that.

Commissioner Melcher: Well, when Jeff got up and said that he just got it and that he hasn't had time. It's worth the two weeks to make sure we've got everything done. That gives you an extra two weeks to get your special use development done or whatever you're doing.

Joe Harrison, Jr.: Or your covenant or whatever.

Krista Lockyear: Sure.

Commissioner Melcher: Are you going to address the down lighting?

Krista Lockyear: It's in the use commitment.

Commissioner Melcher: Okay, it's already in there?

Krista Lockyear: Yes, it is.

Commissioner Melcher: Okay.

President Abell: Did you make a motion?

Commissioner Melcher: You've got to second it.

President Abell: In light of only two Commissioners here, I will second that motion.
Roll call vote.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: This issue is postponed, tabled for two more weeks.

Krista Lockyear: Thank you.

President Abell: Thank you. If there's anyone that wants to leave, because we're going to go into a drainage board meeting here in a minute. Wait a minute, there's somebody....Ma'am, we cannot hear you without you coming to the microphone.

Cheryl Hubert: I want to make sure we have the dates--

President Abell: Please give us your name.

Cheryl Hubert: Cheryl Hubert. I live on Heerdink Lane. We want to make sure that we have the dates right. There is a meeting at a church on--

President Abell: I just set it up this evening with Mr. Ozette and--

Cheryl Hubert: What church is that?

President Abell: What's the church at Heckel and Oak Hill?

Cheryl Hubert: Bethlehem Church of Christ.

President Abell: I think that's it.

Cheryl Hubert: Okay, so that is the 22nd at what time?

President Abell: 6:00 p.m.

Cheryl Hubert: And then the meeting here is the 27th at 5:00?

Joe Harrison, Jr.: Yes.

President Abell: That's correct.

Cheryl Hubert: Just wanted to make sure so that everybody stays aware.

President Abell: That's correct.

Cheryl Hubert: Thank you.

President Abell: Krista?

Krista Lockyear: I'm sorry, will we be tabled on the drainage then as well? So, there's no reason—

Commissioner Melcher: Well, he's already said he took it off.

President Abell: He took it off tonight's.

Commissioner Melcher: He took it off because he couldn't give us any answers tonight. That's why I said, when he said that, we might as well wait.

Krista Lockyear: Okay, then we won't even stick around then.

Commissioner Melcher: Because we were going to do this on his okay.

President Abell: Okay. Yes, you do not have to stay.

Commissioner Melcher: That's why I was going to bring him up to tell us it was okay.

Krista Lockyear: I understand. I understand. Thank you.

Commissioner Melcher: Okay.

President Abell: Okay, everyone that wants to leave can. I'll entertain a motion for adjournment.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:26 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the July 23, 2013 Commission Meeting Minutes.
IBAP Gatekeeper: July 31, 2013 Statistical Report.
OCH Corridor Restoration Project: Change Order No. 2.
Notice to Bidders: Sale of 305 Mary Street.
Sale of County Owned Property: 32 E. Blackford, 212 W. Virginia & 1218 S. Linwood
Transfer Request: From Bond & Insurance to Legal Services.
Hillcrest Washington Youth Home: 2nd Quarter 2013 Fees for Services.

Employment Changes:

Health Dept (1)	Burdette Park (6)	Co. Hwy. (6)
Co. Engineer (1)	Legal Aid (4)	Pub. Defender (1)
Co. Assessor (2)	Superior Court (5)	Circuit Court (6)
Prosecutor (2)		

County Highway: Property Damage Release.

County Clerk: July 2013 Monthly Report.

County Treasurer:

June 2013 Monthly Report.
July 31, 2013 Year-to-Date Investments.

County Auditor:

July 2013 A/P Vouchers.
Abels Park Barrett Law Lien Release.

County Engineer:

Department Head Report.
Waiver & Partial Mortgage Release: Parcel 73: GRR Project.
TIF Pay Request No. 179: 64,557.17.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Boscoe Wilhite	Rich D'Amour
Tim VanCleave	Gary Heck	Tammy Gieselman
Douglas Reed	John Stoll	Steve Craig
Janet Greenwell	Steve Bohleber	Krista Lockyear
Dan Koch	Crystal Wildeman	Debbie Schwent
Anita Ozette	Rick Moore	Jeff Mueller
Cheryl Hubert	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 27, 2013**

The Vanderburgh County Board of Commissioners met in session this 27th day of August, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the August 27, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Could I have attendance roll call please?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Harrison, will you lead us in the Pledge?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

**Final Reading of Rezoning Ordinance VC-8-2013
Petitioner: Tim Rich of Houchens Properties
Address: 4910 & 4800 Heckel Road
Request: Change from Ag to C-2 with Amended UDC
Action: Approved 2-0**

President Abell: The next order of business is a rezoning, which was tabled from our August 13, 2013 meeting. This is the final reading of VC-8-2013, Tim Rich of Houchens Properties, 4910 and 4800 Heckel Road, change from Ag to C-2 with an amended use and development commitment.

Commissioner Kiefer: Thank you, Madam President. I'm going to recuse myself from this vote, so I'm going to step out during this hearing. Thank you.

President Abell: Ms. Lockyear?

Krista Lockyear: Thank you, Madam President. If you would humor me just for a minute here, I'm trying to get up some pictures for us.

President Abell: Okay.

Krista Lockyear: Sorry, I need some assistance from somebody that knows something about this. Mr. Mueller?

Jeff Mueller: If you're asking me, you're in trouble.

Krista Lockyear: Maybe it's just a power button perhaps.

Jeff Mueller: Is the power on?

Madelyn Grayson: Yes, when the microphones are on, the power is on to the whole system.

Krista Lockyear: It was on when I walked in and plugged in initially.

Jeff Mueller: If you don't mind, Krista, let me see if I can get you in.

Krista Lockyear: No, go ahead, please.

Jeff Mueller: It won't even take a task manager.

President Abell: Oh, good, Jeff, you went from something to nothing. Now we have no signal. Now we have a blank screen. Marissa, do you know how to run this thing?

Jeff Mueller: There you go, you should be able to pull it up in just a second.

Krista Lockyear: I'm going to try not to touch anything but the mouse. Thank you.

Jeff Mueller: Krista, whenever that stuff comes up, just exit out.

Krista Lockyear: Okay.

Gary Heck: It's still doing its start up synchronization.

Krista Lockyear: Well, I'll go ahead and start speaking anyway. With any luck—

President Abell: Oh, there you go.

Krista Lockyear: Alright. Okay, Madam President, members of the Commission, my name is Krista Lockyear. I'm representing the petitioner, Houchens Properties. Since I've already consumed probably more time than I'm originally allotted trying to get the computer running, in the interest of time I would like to incorporate, for the record, the minutes and the evidence that we presented at the prior two meetings, since a lot of that you've already been presented with. Those two meetings consist of the Area Plan Commission hearing on July 11, 2013 and also the County Commissioners hearing on August 13, 2013. Again, with all of that already in the record, I just want to reiterate a few very important points in favor of this rezoning. As you know, we're asking for rezoning of this corner of Heckel Road and Green River Road for a Crossroads IGA, which is designed to be a neighborhood grocery store. Again, not a destination location, but a grocery store that's there for the

convenience of the folks that already live within the general vicinity. This zoning is about land use. As the Commissioners know, in a lot of the past hearings, in a lot of the evidence that's been presented previously, really went off topic and didn't have anything to do about land use. If you look at your county, this is the map directly off the Area Plan Commission website, this is not a residential, predominantly residential area. The corner that we are seeking to rezone is right here where I'm circling, and directly across the street is a very large block of unrestricted C-4 zoning, and behind it a very large block of C-4 with a use and development commitment. The county approved this several years ago, along with this C-4 zoning that is on north on Green River Road, and the county also approved further north on Green River towards Millersburg, C-4 zoning with a use and development commitment this large block, and this dark purple is unrestricted C-4. Commercial development is coming to this area. Commercial zoning already exists in this area. So, the argument that commercial is not appropriate land use for this area is simply inaccurate when you look at the county zoning maps. The intersection we're talking about that also dictates why commercial development is appropriate for this site is a five lane highway running up and down Green River Road, it's a commercial signalized intersection right here at Heckel. This is where commercial development wants to locate. Future single family residential development is very unlikely at a commercial five lane intersection. This is really already a commercial lot, the final straw is just the rezoning on it. The second really important point why this is proper zoning, is that this property is right smack in the middle of your Burkhardt Road TIF District. As the Commissioners know, a TIF district is only good for the county and for that area if you've got commercial property that can produce property tax income for the county to reuse in this area. The neighbors, I've heard it before, say why do we care about what property tax income is generated in this area? Well, quite a few good reasons. Currently that property is generating the county about \$3,800, with this development, \$45,800 annually. So, the county for this TIF district is going to have \$45,800 in tax revenue annually, twelve times the current value to do what? Well, let's look at this, how about improvements of roads and sidewalks directly in this area. We've heard a lot about the soccer fields and the potential baseball fields and softball fields that the CVB is looking to put into this area. We've also heard a lot of neighbors crying that, well, nobody's going to be able to get to them, because there aren't sidewalks along there. This TIF money gives the county money directly to use for the sidewalks. How about trails and bike paths? We've also heard a lot of people complain, yeah, but we can't get to the grocery store, you call it a neighborhood grocery store, we can't walk there, we don't have sidewalks, we don't have bike paths or trails. This is a perfect opportunity for the county to take advantage of some generated revenue and do these things. Further extension of sewer. Probably more important than the bike paths or trails or sidewalks. This area does not have sewer anywhere east of Heckel. It terminates at the corner of Heckel and Green River Road. The funds generated here would allow that. I think, more importantly, again, we've heard a lot about flooding, what about a solution to the back water flooding? You're going to have some money that you can put into this area and try and come up with a solution. Someone asked at one of the meetings, have you contacted the county? Have you contacted the Corps of Engineers and seen what can be done about flooding? The answer was, well, nobody has the money to fix it. Let's generate some money so we can come up with solutions to the problems. The third reason why this rezoning is absolutely appropriate for this property, is that this land is not suitable for residential development. We've heard from the neighbors the flooding already occurs. The house that's on the corner has very little useful life left in it. It sits in the flood plain, regardless of whether the use and development on this property is commercial or residential. Fill will have to be brought in if anything is built there, and the fill will generate the same problems.

However, a residential development, again, right there on that commercial intersection, and not generating the tax revenue that the county needs to fix the problems in the surrounding area isn't going to do anybody any good. Magistrate Hussman is one of the owners here, and he couldn't be here tonight, or he's on his way back, may be here late, but he provided me some talking points. One of them I would like to read to you. It's just absolutely on point with the problems of this area and why this rezoning could go a long way to fix some of those problems. Magistrate Hussman said:

"Some local residents, several years ago, were contacted by Rex Waggner and I regarding possible sewer extensions on a private basis. None were able to afford the necessary upfront money to get sewers in this area. In fact, they received approximately a \$40,000 estimate just to get the engineering work to prepare it. Without sewers, in a very short time none of these houses will be habitable, because their septic systems are failing. Some development directly on Green River Road, where no one wants to have a home anymore, will go a long way in helping the county finance these sewers."

This property right here at the corner is valuable, but it is not valuable as a residential property. It's not developable any longer as a residential property. It is as a commercial property. So, you find the appropriate and the right commercial property to approve. This one is ideal, because it provides a benefit to the surrounding area only. Again, as a neighborhood grocery, that is identified in the use and development commitment, it's not a traffic generator, it's not going to cause more people to come and utilize Heckel Road, Green River Road or this intersection. What you have right now as this property sits is zero. The problems that the neighbors have identified are already here. They're not going away, but this property and the development of the grocery store can help you fix those problems. The use commitment that our client has developed has a massively extensive landscaping plan. He's committed to this plan, in substantial form, in the use commitment as you've seen it. This plan goes into detail on the plants, the type of plants, how they're planted and how they're maintained. Again, as you look at this property, the surrounding areas are going to see a whole lot of green. The plan incorporates landscape islands, which is something that the county has really been working to get into its development. Ingress and egress, appropriately onto Heckel and Green River Road. Keep in mind, with that signal already there at this property, that's simply ideal for traffic flow. This development, as we went through and met with the neighbors, we were told about the septic system and their failing septic and the need for additional sewer. My client went back to the drawing board, and instead of building their sewer and extending it simply to their property directly across Green River Road, which would have been much more inexpensive for them, they agreed to run this sewer line all the way down Heckel, it will run down to the third property owner, allowing them to tap in, and will be available for extension on down Heckel as county funds become available to do so. Then it runs across Heckel and would be available for extension on this side of the road as well. Clearly a benefit for this area that any residential development would not bring. This property brings the TIF money to the area. It does everything it can to fix problems that are already there. If you look at this property ten years from now and you haven't allowed this zoning, it's going to be sitting exactly as it sits now, with offering zero to the neighborhood. It's still going to have flooding, you're not going to have the TIF money, you're not going to have the sewer extension that the private developer has already jump started for the county. For all of those reasons, this is a very appropriate land use. As you look at what the county has done in the past to support the growth in the area, support the

Keystone residential development, the improvements to Green River Road, the improvements to this intersection, set this property up perfectly for this rezoning. Since this rezoning can bring positives to the area, it's absolutely text book perfect appropriate land use, and we would ask for your approval.

President Abell: Thank you. Mr. Melcher, did you have any questions?

Commissioner Melcher: No.

President Abell: Thank you, Ms. Lockyear. Mr. Bohleber?

Steve Bohleber: Thank you, Madam President. My name is Steve Bohleber. The good news is, I am a west sider and an old guy and I don't have a Power Point, because I don't know how to operate it. But, I've been around a long, long time and I would like to make some observations on behalf of the folks that I represent. Basically, those individuals who I represent are the folks immediately east of this proposed site. One of them owns a parcel of property two houses from this development down Heckel. The rest basically live along Heckel and its intersecting roadways, all the way to the county line. I know there are a lot of other people here interposing objections for other reasons. I'm certainly going to ask them to participate by showing their objections at a later time, but contrary to what Ms. Lockyear says, I believe that there are three county ordinances that the Commissioners need to take a look at in determining whether this is appropriate development for this site at this time. Notwithstanding the map that you have, the Comprehensive Plan for this area still indicates that this is supposed to be agricultural with scattered housing. So, we feel that if you, in fact, approve this zoning you've violated the Comprehensive Plan. Secondly, if you look at the purposes of rezoning, as articulated in your ordinance, they're basically to do no harm. We believe that this rezoning would do significant harm to the people that I represent. Lastly, there's been a lot of talk about this non-issue of flooding, but it's part and parcel of this problem. In fact, it's the driving force behind the concern that most people have. I submit to you that it violates your Flood Hazard Protection ordinance as well. So, three reasons; Comprehensive Plan violation, it violates the concept to do no harm and it violates the Flood Hazard Protection ordinance. Let's look at those for a couple of minutes. If you look at your code, the general purpose of zoning is found in Chapter 17.08.020. The purpose is; "To promote health, safety and the general welfare for the county. To enhance the use and development of property. To provide regulation of land use while preserving the rights of the individual property owner to use and enjoy the property." Now, the latter part, preserving the rights of individual property owners, that's something that's very sacred in this country, and that's always the debate about land use regulation, that somehow removes that right to use your own property. So, that's one person that's protected, you know, Magistrate Hussman and the other owner of the property here have property rights that should be protected by the zoning ordinance, and they should reasonably be allowed to develop their property. We don't dispute that, but there's another side to this. It cuts two ways. This ordinance also says that you need to protect the individual property owners right to use and enjoy their property in the area. So, we think that that's probably not going to happen here, because we have an awfully lot of people who seen their lifestyle deteriorate in years because of development in this area, and their use and enjoyment of their property diminishes with each new critical development in this area. We believe this rezoning will do significant harm to the surrounding owners, and to grant this petition would violate this particular policy provision of the ordinance. I referred to the Comprehensive Plan, Chapter 17.04.030 (A) adopts the Comprehensive Plan as the policy guide for

decision making that affects the physical developments in this county. We believe that this ordinance violates the Comprehensive Plan. The staff field report indicates as much, it points out there have been some nibbling away at the Comprehensive Plan on the east side of Green River Road, but, by and large, if you look at it, it's not commercial development. It's agricultural, it's residential. Thirdly, and lastly, we think that Chapter 18 of your ordinances has applicability here because it deals with flood hazard protection. Section 18.04.020 is entitled "Statement of Purpose", it's quite lengthy, you can look at it, I'm sure you're conversant with it, but I want to point out a couple of things that the policy and purposes of that section talk about. It is your duty "to prevent unwise developments from increasing flood or drainage hazards to others". It's your duty, under that ordinance, "to protect human life and health from hazards of flooding". It's your duty "to lessen the burden of taxpayers for flood control projects". My clients believe that your passage of this rezoning petition would likely violate that section of the county code as well. In summary, we believe that there are three legitimate, legal, statutory reasons, found in your ordinances, to vote no on this petition. It violates the Comprehensive Plan, it does harm and damages the property rights of adjoining property owners, and it violates the Flood Protection ordinance that you have in place. Looking at this another way, it's bad zoning. What these folks are wanting to do is a wonderful concept. I'm sure they're excellent businessmen. They have the money and the ability to do everything to build this project. That's not the issue here. It's just the wrong place, and it's just wrong to rezone it, because if you look at the east side of Green River Road, there is no commercial development on the east side of Green River Road between the Huck's at Lynch Road and Green River and the industrial node just south of Dale, or excuse me, Daylight. Dale would be a heck of a long way, wouldn't it? But, we'll throw that in, if you'll buy it, okay? Daylight.

President Abell: We knew what you meant.

Steve Bohleber: So, it's a very long distance. Now, there are a couple of areas of commercial zoned properties there, but no commercial development. It's just as it's always been, farmlands, scattered housing and some multi-family. That will all change if you grant this rezoning, because from everything that the petitioner says, they are shovel ready. They're going to start this project immediately. Even though some of these areas have been rezoned for a long, long time, nothing's been built there. Maybe nothing ever will, perhaps because of the flooding problems. But, these folks are ready, willing and able to do something that no one else has done in the history of Vanderburgh County, and that's build a commercial property east of Green River Road in that area. We believe that this decision to amend by ordinance, in essence, to violate the Comprehensive Plan would open the flood gates, and there's no pun intended here, to other commercial development at that intersection and up and down Green River Road. Maybe that is inevitable, maybe it's not, but it's not part of the Comprehensive Plan, it's not part of the history of that area. Now, it's been argued and discussed that flooding is not a zoning issue. Now, in the abstract it's not, but it certainly is an important issue in determining whether or not this land should be developed when you look at the impact it could have on others. In the past couple of decades, my clients, who are generally seated back here, who live in what I'm going to call the Pigeon Creek/Bluegrass Creek watershed, have seen themselves increasingly boxed in by construction, by infrastructure, by elevation changes. They now live in a bowl, where they formerly lived in a pretty much flat plane. They have seen elevations all around them. I-164 was constructed to their east and elevated the topography. Keystone Subdivision, the Goebel Soccer Complex and Green River Road have all been elevated. On two sides of them the topography has dramatically changed, and the water runs down

into their homes, onto their properties. It has left my clients in the unenviable position of literally living in a bowl of water that frequently and regularly fills. The watershed has been constricted from east and west, the elevations have been changed, and we all know that water rushes to the lowest point. It's kind of tough. My clients have noticed significant increases in flooding because of the development around them. I know this is anecdotal, but it's my clients perception, I want to read a couple of them in their own words about what these elevation changes to date have meant. First of all, Connie Corbett from 5403 Heckel Road, she says:

“When I purchased my home on Heckel Road in 1990, I inquired about flooding. My home is near Bluegrass Creek, and this is considered the 100 year flood plain. The prior homeowners had not experienced flooding near the home while they lived there. The neighbors said it had been many years since flood waters threatened their homes. In 1997 the spring flood waters came within feet of my house. I placed sandbags just in case, but no water reached my home. The area fields, currently Keystone, currently Goebel, were filled with water. They were catching the water, they weren't developed. As the county has approved further development, it has required these developments to fill in fields that used to hold water. With each development, Keystone, Goebel, other subdivisions along North Green River, the elevation of Green River Road with each of these projects, the flood waters have pushed closer and closer to my home. This proposed rezoning, if approved, will require them—

Steve Bohleber: Meaning the petitioners.

“— to bring in fill to elevate two acres near my home. It will further impact the flood waters. It will further, the bowl will become smaller and smaller if there were to be greater elevations and more water rushing that way.”

Steve Bohleber: Similarly, Christi and Rusty Hubbert on Heerdink Lane, which is one of the intersecting roads off of Heckel, east of the project, says;

“We have lived in the area eight years. When we purchased our home the soccer fields had not been completed. We asked our neighbors about flooding, and they said there had not been any significant flooding since the 90's. However, after the soccer field was completed, we flooded significantly. The roads were blocked for several days, but the water did not raise to the point we felt we had to sandbag anything. I do believe the houses on Green River Road, north of the proposed site, did sandbag at that time, and they have many times since the 90's. When the Green River Road project came on board, I went to all of the meetings and was told at every meeting, the engineers said that we would not be affected, and possibly would help the water situation with the construction and raising of the leveled Green River Road. They explained that the multiple openings under the bridges would allow the water to flow through quicker than it was doing with the current road bridge. I understood the importance of this project and the benefits it would bring, and I believed them. However, after the road was raised and the bridge built, I and many of my neighbors had much, much more significant flooding, to the point that the neighbors on South Heerdink Lane banded together to sandbag our homes. The roads were closed for a much longer time than the first time, and many other

roads that had remained open the first time experienced flooding and were closed. My house is basically an island since the Blue Creek that runs in front of my home is running backwards due to not being able to drain into Pigeon Creek. My husband and I both lost several days work.”

Steve Bohleber: It goes on;

“Each time we were told by developers, their development would not raise the flood waters more than the allowable amount. However, with each new development in the area, this less than allowable amount each time has risen significantly. I’ve received numerous letters from FEMA stating the flood area has been reclassified, and my reclassification has changed and it’s never for the better. It’s gone on and on and on.”

Steve Bohleber: Every person who has hired me has a similar story. Every time there’s been a change in the elevation of the topography east and west of them, they’ve seen more flooding and deeper standing water, with rains, even relatively minor rains have caused increasing problems. We submit to you that any additional changes in elevations in proximity to their home are going to create additional problems. You do not need to be a hydrologic engineer to realize this. You know, I’m sure that you realize that if you approve this zoning, you do have to address water in some respect, because you sit as the Drainage Board for the county as well, and you’re going to receive reports from experts, and I believe their reports are going to tell you that this plan meets the drainage ordinance. The problem is, our drainage ordinance does not address the impact on watersheds such as this small one we see with Bluegrass and Pigeon. It doesn’t address what happens when elevations are changed in those watersheds, and it should. As I said, water is a curious thing, it seeks the path of least resistance, it seeks the lowest area. When my clients are increasingly the lowest area in a smaller and smaller acreage, they’re getting more and more water, it just stands to reason. When it rains, those fields that are now developed don’t catch the water, it comes their way. I-164 sort of dams it, it comes their way from that direction. I submit to you that this Commission should look beyond any Drainage Board reports to determine the effects of this project and any other future development on Green River Road on the watershed that my clients find themselves living in. Again, while my clients experiences are anecdotal, that makes them no less valid as you try to come up with the best possible result in this rezoning request. Every one of them are long term residents. They’ve testified at the Plan Commission meetings, some of them have, and at your previous meeting here, and to the extent that I would incorporate all of the previous comments into this meeting concerning water. I’m not going to ask them to repeat themselves. They’ve experienced increasing flooding with each topographic change to their east and their west. They’re boxed in. They’re in a bowl, and it’s filling with water with increasing frequency and increasing depth, because of the changes around them. So, President Abell, Commissioner Melcher, I submit to you that not only will the passage of this rezoning petition violate the Comprehensive Plan, violate the principle that zoning should do no harm, and violate your own Flood Hazard Protection ordinance, but it could put this county in a position, at some future date, to be forced to buy these properties or seek a federal grant to buy them out, just like was earlier reported in Dogtown area this year. You know, why do we say there’s going to be a topographic change, why is it going to be elevated? Because it has to be. The two acre site is far below the current elevation of Green River Road, as you know, from looking at the plans, 14 or 15 feet is my rough estimate, the difference

between the elevation of Green River Road and the lowest part of the property in its northern reaches. As every one knows, it's in a flood plain. This needs to be elevated. It needs to be built two feet above the flood plain. Dave Ballew can tell you this, and Dave is here tonight, he can certainly verify that. He told me, when I was talking to him earlier about the painful memories he has of walking this area in 2011, and earlier in 2008, and how he observed the neighbor immediately to the north of this site inundated with water because of flooding. He told me that he walked with FEMA officials, he walked with Homeland Security officials to view the flooding. In fact, if you recall, the flooding in this area was so significant in a metropolitan area such as Evansville, it was even reported in USA Today and there was a picture of one of the homeowners in the water. That was in 2011. The problems of water are profound, they're devastating. Again, it can be argued that this is not per se a zoning question, but zoning doesn't exist in a vacuum, it comes with consequences, and the consequences of this zoning are going to require it to be elevated to meet site review, to meet flood requirements and that's going to cause exacerbation of the problem my clients have been experiencing now for several decades. These obvious problems that the zoning will create have not gone unnoticed in the community. As you are well aware, this matter was entertained at the July 11, 2013 meeting of the Area Plan Commission. They're merely a recommending body, a committee of sorts of this legislative body. If you notice, they do not recommend that this zoning be approved. More voted for it than voted against it, the vote was four to three. I think it's significant to look real quickly at the individuals who voted against it. The people who voted against this are experienced developers, planners, surveyors, engineers and public officials. County Councilman, Pete Swaim, voted no. He's had decades of experience in city and county and federal government and law enforcement. Engineer and developer, K.C. Jain, who by his own admission at that meeting says he's always pro-development, voted no. Roger Lehman, another significant member of the Area Plan Commission, for decades was the Building Commissioner in Vanderburgh County, and for decades when I was doing rezonings was the go to guy to talk about water issues. He was the man to talk to about flood plains. All of his experience told him to vote no on this. And your County Surveyor, Jeff Mueller, voted no on it. I don't want to put Jeff on the spot here, but I did talk to him about this, and he has two hats in this rezoning. His first hat was as a member of the Area Plan Commission, and Jeff also said, as Surveyor, he has to report to this Commission about drainage issues and Drainage Board compliance, or drainage ordinance compliance. I think he's going to report to you that this plan meets the drainage ordinance, but he's also told me, as of yesterday, unless he changed his mind, that in his capacity as a member of the Area Plan Commission he would still vote no on this rezoning. Because he doesn't believe that there should be commercial zoning east of Green River Road is what he told me. He doesn't think this is good zoning either. It's not just government officials who make recommendations to you, from the Plan Commission or these various members of the appointed Plan Commission body that are against this rezoning. The folks I represent are also opposed to it, obviously, and a lot of others as well. In fact, I would ask everyone who is opposed to this rezoning to stand up right now, or raise your hand if you can't stand. Most everybody in the room, and I don't know if anybody is out in the hallway or not. Due to the 5:00 hour of these meetings, some folks are still coming from work. So, not only the people that are here are opposed to this, but when I was asked on Saturday to help my clients, I asked them to go in the neighborhoods and see and talk to people about this and see what their neighbors felt, and to get petitions signed. Since Saturday they acquired 366 signatures on petitions opposed to this rezoning from the immediate area. I would make this a part of the record at this time, Madam President.

Commissioner Melcher: Thank you.

Steve Bohleber: These are the people that the petitioner says they want to provide services to. Apparently they don't want those services. They don't want this rezoning. Now, in addition to key government officials on the Area Plan Commission saying no to this, in addition to my clients saying no to this, in addition to this room of people saying no to this, in addition to the 366 that signed the petition saying no to this, the neighborhood association is opposed to this. Now, I'm not going to speak on behalf of their president, and I don't even know if Susan Harp is here. There she is, okay, but she has consistently throughout this entire process said that her constituents, and some of these people aren't even in the Oakhill Neighborhood Association that are affected by this, but she has said her constituents have steadfastly said no. She stated that on July 11th at the Plan Commission meeting, she stated that two weeks ago at your initial consideration of this petition, and I'm not sure, but I think she might say it again tonight. I know they had a meeting last night and were asked in view of the changes made on this petition whether that changed their position. In summary, the clients that I represent and many other people in that area are literally being flooded out of their neighborhood. With topographic changes, infrastructure developments and residential developments to the east and west, they're being inundated by flood waters from Pigeon Creek, Bluegrass Creek micro watershed that have no place to go but on top of them. Elevating this two acre site by 14 feet, or nine feet, or eight feet, or whatever you're going to do can only make matters worse. I ask this Commission to vote no on this rezoning petition, and further consider whether any commercial development or significant multi-family residential development in this area should occur until a thorough, comprehensive examination of the impact of topographic changes in that area are looked at on this Bluegrass/Pigeon Creek watershed area. I thank you for your time. My clients and I, and I think a lot of other people in the community are asking you to vote no on this rezoning. I'm here to answer any questions if I can.

President Abell: Mr. Melcher?

Commissioner Melcher: No.

President Abell: Thank you. We had a public hearing on this two weeks ago. Is there anyone in the audience who has something different that they want to say, or someone who was not here two weeks ago and did not address this body that would like to speak now? I'm assuming that means none of you wish to speak? Okay. Ms. Lockyear, would you like to make your final statements?

Krista Lockyear: Yes, Madam President, Commissioner Melcher, actually I have just two matters that I want to address. One, I have a letter from Samuel Fulton that I would like to read into the record, dated August 27th;

"To Whom It May Concern: As a representative of Fulton Interior Systems, Inc. located in Evansville, Indiana, I would like to note that as a local contractor we have worked with Houchens Industries on several of their stores in town. We have had an excellent working relationship with their company and look forward to working with them on any future projects. We've employed many people to work on their stores, and would utilize this project as a way to keep our people working at a time when it is needed. Thank you for your time, Samuel L. Fulton III, Vice President."

Mr. Fulton's letter, and then I would like to introduce Tim Rich with Houchens Properties to just do the rest of the summary, but Mr. Fulton's letter and what Mr. Rich is going to identify to you and summarize for you go back to the point of what do we do with this property. We can keep it status quo, which gives you zero, and halt all development in this area, which is not good for anyone in this community. Or, we can keep moving forward and seek for positive improvements, those directly brought by Mr. Rich and Houchens Properties as he will identify, and those that are indirectly brought by matter of bringing tax income into the county and providing support to look for future solutions for any of these problems that do need to be remedied. With that, I'll turn it over to Mr. Rich.

Tim Rich: Thank you, Madam President and Commissioner Melcher. My name is Tim Rich. I'm here representing Houchens Properties. I've sat through, this is the fourth meeting now, and I've done a lot of listening. This is the first time I've approached this group to speak. From the beginning, the predominant thing that I've heard is flooding, and, you know, a lot of flooding. Homeowners having to bag their homes, you know, to protect them, sandbag them, and that's an unfortunate situation. I don't disagree one bit, I mean, that is a tough situation to have to live through that, but, whether we develop here or not, that's not going to change. They're still going to be floods, and those folks are still going to be faced with sandbagging their homes. They're all on septics, when the waters get that high, their septic tanks back up, and you can have sewage on top of the ground. I mean, it's a tragic situation. I don't disagree one bit with any of these folks here. The thing that I guess I would like to offer is, with this development, it does improve the value of that property. The remonstrators talked about, you know, rezoning needs to be something that improves the value. This does improve the value of that property. It's on the corner of an intersection, a five lane highway, signalized. No one's really going to put a new home there, have to come in, add the fill dirt, put a new home, and be at that kind of intersection. So, more than likely, the home is going to go downhill, from what I understand it's at the end of it's life now, it's going to get even worse, and the problem is going to continue. We even talked about, someone mentioned earlier about, a remonstrator, about the septic systems in the existing homes that are flooding now, that their septic systems are approaching failure. So, what happens when they approach failure? Do they get condemned, and those people have to leave their homes? You know, so, what we're offering is a new development that pays more taxes. This is a TIF district. A TIF district, in its own design, is for commercial use. It's commercial taxes, you know, that really can keep home. You already know who's residential taxes are there, that in itself will promote more commercial work, more commercial taxes. Not just sewer that we're willing to pay extra so some of the neighboring neighbors can have sewer themselves, and at least take away some of their burden in case they flood again. It will also offer the opportunity for extensions on out Heckel Road. We've already took it so far, and residents further east can get that benefit as well with this TIF tax money. If nothing happens, as far as rezoning, you know, we're in the grocery business, you know, we're not asking to put a pool hall there, a strip club, a tattoo parlor, you know, something of that nature, we're talking about a neighborhood market. If the zoning doesn't fit for this type of property, what does it fit for at some point in the future? What is appropriate? We had a few people stand up, well, not a few, several people, I'll admit there's several people here, no disagreement there. Approximately 300 signed a petition. I checked demographics, in a one mile radius of this site, 2012 residency was 2,280 residents. As we all know, most people that are in favor don't attend the meeting because they don't really have an opposition. So, while they may have 300 people, that's still about ten percent of the folks that are opposing. I would like to add that our company, as the remonstrator mentioned also, we've been

around a long time, our company started in 1917 in the grocery business. We're a 96 year old company that's still in the grocery business. You don't get to that age as a company without doing the right thing and treating your neighbors right. I guess, within our company, some of you may know this, some of you may not, we're an ESOP, Employee Stock Ownership. Every employee of our company is a part owner. We have 460 employee owners in Vanderburgh County that work in our existing stores. The more we can open more jobs on Green River and Heckel at this location, is more employee owners, more people that can have jobs. It's more construction work for the 15 different contractors that we work with in Vanderburgh County. I checked the list of who all we work with, there's 15 of them. If you like, I could name them. I've got a list, I can't name them by heart. The, you know, that's construction jobs for them. Then there's service companies that you have to hire. Someone comes in and does lawn care. Someone does dumpster service, you know, someone does maintenance on the refrigeration, there's still more jobs. I mean, I just, I guess my point is, the jobs are not just a few more employees. I mean, there's a ripple effect. I heard comments about, you know, the, Mr. Mueller didn't want to approve this during the Planning Commission because there was no commercial lots east of Green River. Well, you saw on the map earlier, and he may not have had access to that at the time of that statement, but there are actually two more on Green River directly north of this project. Not to mention the 20 acre commercial site that's directly across the intersection on the northwest corner, and there's actually on the southwest corner there's a commercial site zoned C-2 with multi-family housing that borders Keystone there. I guess, the last thing I want to close with is we're here because we want to be here. We're going to build a building that fits the neighborhood. The neighborhood, it will match the neighborhood, like it. As far as all of the drainage talk, you know, I heard the word "harm". I haven't heard what "harm" we're going to cause, just they used the word "harm". I've been in four meetings and I haven't heard that yet. We see the TIF money as a benefit for these people, otherwise your status quo or you're going downhill as far as what their condition is. Sorry, I lost my train of thought. The, well, it will come to me later, but the, I guess, in closing, I just ask that you consider the benefits, you know, from this project. Granted, I understand that the Commission knows that this is a land use meeting, what's the proper land use. I'll re-say that for the benefit of the remonstrators, so they understand the decision you have to make is based on land use and not necessarily drainage issues, which is another meeting to follow, even though they're tied together. Any questions?

Commissioner Melcher: I don't have any.

President Abell: No, thank you.

Tim Rich: Thank you.

President Abell: I'll offer one more time. Is there anyone who would like to address this? Yes?

Rick Moore: I would like to ask him—

President Abell: Please come to the microphone and give your name, sir.

Rick Moore: My name is Rick Moore. I live at 5703 Heckel. All's I've heard from him and her is about sewer stuff. Us people that are, there's approximately 20 homes that's on the other side of Bluegrass Creek and we can't even get cable t.v. across the creek. How are they going to put sewers out there to us? Thank you.

President Abell: Okay. There was one gentleman here. I don't know that he can answer your question, sir, that's up to the Sewer and Water Department of the City of Evansville.

Doug Titzer: Doug Titzer, I live on Millersburg Road, Chandler, Indiana. I've lived out that way all my life. They was talking about sewer extensions and stuff, about the \$45,000 in taxes that they're going to improve the county budget with. Isn't the county going to have to pay something like \$500 million in the next several years for sewer improvement? Wasn't that just in the paper for Evansville and Vanderburgh County?

President Abell: Well, the City of Evansville owns the utilities. Vanderburgh County does not own the utilities.

Doug Titzer: But, still, isn't that what the estimate cost is, something around \$500 million?

President Abell: I'm not privy to those meetings. I don't know about Mr. Melcher.

Commissioner Melcher: I'm just following the paper and talking to Councilmembers. That's the deal they've struck for the next 30 years, and that's about the fourth time they've struck a deal. So, it's probably going to be a few more times by the time that 30 years is up. I keep asking what are they doing to Chicago and Indianapolis, because they have to be worse than we are. That's the storm water, sewer separation, is what that is.

Doug Titzer: But, what I'm getting at, they're already going to increase the bills for all of the homeowners in Vanderburgh County—

Commissioner Melcher: Yes.

Doug Titzer: – for that reason, probably, by the time that's over with, it will probably quadruple it, just a guess. The other thing, east of this property, Heckel Road, you've got a hundred year old bridge with a metal deck that you can't ride a bicycle over, you've got to push it. It's a one lane bridge, you know, how much extra infrastructure are you going to have to spend to make everything feasible for this store? Plus, you're going to raise the property level for the store above the neighbors, so that means the water is going to run down on the neighbors and probably make their matters worse for septic and all. Like I say, I've lived there all my life, and the largest flood we've ever had was 1961, and we had approximately 12 inches of rain at that time. We're not affected by the Ohio River, unless it's high when we get a big rain, or if it's low it helps the drainage get out, but in 1961 we had a little over 12 inches of rain in a little over 24 hours. Where I lived on Millersburg Road the water, in Warrick County there, was approximately a little over knee deep. That was the biggest flood we ever had. The next flood was in 1964, it got within about a foot of what it was in '61. In '97 it got almost about that same level. In 2011 it got over Millersburg Road. Each time, since '61 they've built bridges at Oak Hill Road, I-164 was put in, the one thing that caused us the most damage is Lynch Road. There's one span, and then when they built Green River Road they put four spans in. Well, the water can't go but about a half a mile and it can't get out. The people east of Pigeon Creek there, that motor, that trailer house park and that neighborhood east of Oak Hill Road that comes down towards the creek, they can't figure out why they're getting flooded. Well, it's because of all of the levees that have been put up. The other thing that we've seen over time is every time they allow a slough along

Pigeon Creek to be filled in, and then used as commercial property and stuff, our drainage problems get worse every time. Now, you can go out on Burkhardt Road and Hirsch Road and you've got a couple of properties there where they're filling all of the flood plain. All you've got to do is think of it as a funnel. You've got a funnel come in like this, and then you've got that little bitty drain that goes down. You keep choking it off, the water don't have nowhere to go. So, I'm just trying to make a point. Thank you.

President Abell: Thank you. There was one other person, I think, that had their hand up. Okay, are you that...there was somebody back there.

Debbie Schwent: I spoke before, but can I get up or not?

President Abell: Well, we, you were here two weeks ago?

Debbie Schwent: Yes, Ma'am.

President Abell: Do you have something different or new other than what you said two weeks ago? I mean, it's on the record, we've got our minutes and we read them before we came to our meeting tonight, so, we know what you said two weeks ago.

Debbie Schwent: Well, I was going to say different things, but that's okay.

President Abell: Okay, one more person, and this is not a public hearing, so, you know, we had it two weeks ago, but I'll let just one other—

Joe Harrison, Jr.: This is. It's a continuation.

President Abell: Well, it's a continuous, that's true.

Susana Lansdale: Susana Lansdale, I'm on 5300 Heckel Road. We have a horse farm there. I just don't understand that there's not another commercial property that's not east on Green River Road that's still in the TIF program that may benefit all of us that they couldn't build this somewhere else. That there's not another commercial area or someplace that they don't have to build up that could possibly cause us more flooding that they couldn't try to get. I mean, even if it's more expensive for them. I mean, if they're just looking for it because it's cheap, and, you know, I just feel like there's got to be another piece of property somewhere in the TIF area that they could do this. If they say they want to benefit us, and it could still benefit us, but it won't change our flood issues. That's all.

(Applause)

President Abell: One more person back here. There's one more person back here. Two more people? Okay.

Randy Schmitt: Good evening, everybody. I'm Randy Schmitt representing Schmitt Refrigeration. We're a local HVAC and refrigeration contractor. We have worked with Houchens for years. Unfortunately, I can't tell you a lot of specifics about this project, but I can attest to Houchens Industries. Through all of the years we've worked with Houchens, all of the projects we've done have been engineered, the goals have been analyzed, they have looked at the problems, came up with solutions and achieved those. Now, have there been challenges? Sure, I mean, we all know there's problems with every job we're doing, but they look at them, analyze them and

fix them. I can't imagine Houchens wouldn't look at all of the issues and come up with the best solution for our community. Now, by building this there we're creating a lot of jobs for, well, the store itself, products in the store, services for, well, our union, my union personnel who've been working for Houchens for years. We all just need to move forward. This is all creating a lot of tax money for the community. I feel it's something we just need to move forward with. I really do hope you vote yes. Thank you.

President Abell: Thank you. Is there one more gentleman over here?

Commissioner Melcher: There was one over here.

Ryan Batchelor: Good evening. I'm Ryan Batchelor with Hinderliter Construction, a local general contractor, petroleum contractor. Hinderliter has a long developed relationship with Houchens Industries through our petroleum construction division. We share a common interest in this project, which is jobs and prosperity, for ourselves, for Houchens and for the local economy, which would include the local trades involved in the development and construction, the added jobs for the staff, and, of course, the tax revenue. We are here to express our support for this project and would like the chance to vouch for their quality of work and dedication to the supporting communities, which is, in fact, their primary customer base. We have no doubt they follow the letter of the engineering law on storm sewer and water design issues, and went to extensive measures to assure a friendly site for the community. Because of their attention to this detail absolutely affects their presence as a business and provider to the neighborhood and future patrons. Thank you.

President Abell: Thank you. I think that was everyone that had their hands up that wanted to speak. I will offer that to the two attorneys. Ms. Lockyear and Mr. Bohleber, do either one of you have anything else you want to say?

Krista Lockyear: No.

Steve Bohleber: No.

President Abell: Okay, I'll entertain a motion.

Commissioner Melcher: Move for a do pass.

President Abell: In view of the fact that I'm the only other Commissioner here, I will second that. Roll call vote please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer recused himself from the vote.)

**Final Reading of Ordinance CO.08-13-008:
Amending Chapters 2.40, 2.41 & 8.20: Health Department Fees**

President Abell: The next order of business, if anyone wants to stay, leave, whatever.

Commissioner Melcher: You might want to wait.

President Abell: I'll wait. We're just going to wait.

(Gavel pounding)

President Abell: We need to continue our meeting. If you plan to stay, please be seated. If you plan to leave, go ahead and exit so we can get started. Final reading of CO.08-13-008, amending chapters 2.40, 2.41 and 8.20 concerning the Vanderburgh County Health Department fees. Mr. Heck?

Gary Heck: Gary Heck, Vanderburgh County Health Department. I don't think anything's changed, unless you have any questions. I'll be happy to address them.

President Abell: I would entertain a motion.

Commissioner Kiefer: Move to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

**Resolution CO.R-08-13-015:
Transferring Property to a Charitable Organization
(Christian Tabernacle Church)**

President Abell: Resolution transferring property to a charitable organization. This is for the transfer of county owned property at 1035 Adams to the Christian Tabernacle Church.

Commissioner Melcher: Move for a do pass.

Commissioner Kiefer: Second.

President Abell: Any further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Commissioner Kiefer: Madam President, I would like to make a comment about this, if you don't mind.

President Abell: Go ahead.

Commissioner Kiefer: It will just take a second. I'm somewhat disappointed in how the Courier & Press handled their article. I think the county does a great job on how they handle these properties when they come back to the county. You know, I think, the media made it play out like, you know, we're landlords, and we're not. So, I think it's important for the citizens to know that we're doing a great service here taking these properties, getting them back on the tax rolls. I know Marissa and Kristin work a lot of long, hard hours dealing with that. I just want to say that I thought it was somewhat unfair the way the paper portrayed that. So, I just wanted to make that comment.

President Abell: Yeah, we don't throw people out of their homes.

Commissioner Melcher: Well, there's a lot of things they don't understand. About three years ago, I got a call from a t.v. station about a house on Riverside, and when I got there, then I found out we just took that house from the city two days before, and the grass was already about five feet high. It wasn't ours, you know, it wasn't even titled in our name yet, but they were beating the county up because of that. Basically, I told them I would have it cut the next day, which we did. The Highway Garage cut it, but we didn't even have the title. So, that's how we get these properties a lot. I've suggested many times that we shouldn't take any property until somebody inspects it and makes sure the grass is cut once anyway, then we should get it.

Commissioner Kiefer: I believe, Marissa, you could probably verify this, but, I mean, don't, we made like \$178,000, or we make some pretty good money selling these properties back into the private sector where people are going to improve these properties and get them back on the tax rolls.

Marissa Schenk: Right, that's correct. This year's total was around \$173,000. I think that was the same as last year's auction. We had a smaller auction in May, I don't recall the total off hand, but it was, you know, in the several thousands as well.

Commissioner Kiefer: So, you know, we're getting them back on the tax rolls, plus we're making money selling them. So, anyway, that's the summary of my comments. Thank you.

President Abell: I think we might also add that we do not have equipment to mow private lots, and we get stuck with maintaining these, and our County Highway Garage has huge equipment that mows big tracts of land and does not fit on small lot. So, it is a big problem for the county. Thank you. Did we vote on that?

Madelyn Grayson: Yes.

President Abell: Okay.

<p style="text-align: center;">OCH Lease Renewal: Krowl Law, LLC Health Dept: ESRI Maintenance Agreement Health Dept: Global Star Satellite Phone Service Agreement</p>
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President Abell: Contracts, agreements and leases. The County Commissioners, the Old Courthouse lease agreement with Krowl Law, LLC. A one year lease renewal for office space in suite 108. The rent is \$373 per month. It runs from 9/1/13 to 8/31/14.

Commissioner Kiefer: I just, before you vote, I just want to say that, I think this is, we're doing good work at the Old Courthouse, we're making a lot of good progress. Marissa did a nice Excel spreadsheet that shows the rent that we're collecting now, the new rent rates that we're collecting are exceeding what we actual pay, you know, as far as utilities, building insurance and things like that. So, we are making progress on that building. We're about 85 percent leased. I really think we're moving in the right direction and getting much better rent rates. So, with that, I'll make a motion to approve this.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Health Department, ESRI, Inc. maintenance agreement. This is to provide continued maintenance support and updates for the Health Department's use of ArcGIS software system. The cost is \$6,972.39.

Gary Heck: Gary Heck, Vanderburgh County Health Department. We were notified by Computer Services that we needed to, if we were going to continue to be able to the GIS system we needed to upgrade our maintenance agreement, and that's what we're asking to do. We have funds in place to do this. We just request that you approve it for us.

President Abell: I'll entertain a motion.

Commissioner Melcher: Move to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Global Star satellite phone service agreement. This is for satellite phone service for use by the Health Department in case of an emergency or disaster in this area. The contract amount is \$1,058.88 and is for one year.

Gary Heck: This is a satellite phone that, it's redundancy, it's used by Homeland Security, Emergency Management Agencies in case all other phone communications is down, this is the phone that continues to work and allows you to be in contact with the emergency operations centers. The public Health Department needs this. We have grant funds in place to pay for this as well.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you.

Health Department

President Abell: Do you have anything further under department head? No?

Gary Heck: Just to say that the Health Department has just about depleted our budget for cleaning up the lots that the county owns inside the city limits. The city no longer uses their Community Development Block Grant funds, like they do for other properties in there, they passed the bill back to the Commissioners to pay for it if the county owns that property. The County Commissioners look to the Health Department to clean it up. We've depleted the funds we have so far. So, if we get anymore requests, we'll have to request from the County Council to either transfer some funds or get an additional appropriation to be able to clean it up.

President Abell: Mr. Harrison, couldn't we use some of the money that we get off of the sale, the sale of the property as a revolving door to clean up the new properties that we end up with?

Joe Harrison, Jr.: Mr. Gries knows how that functions, but I don't think it's a revolving fund. That might be something that we could establish some day.

President Abell: Yeah, it isn't now, but—

Joe Gries: The funds currently go into the General Fund, and that money is considered miscellaneous revenue for the General Fund. It can be appropriated and used for certain things like that though.

Joe Harrison, Jr.: I think that would be a good argument if a request is made, is that, you know—

Gary Heck: Well, traditionally, our funds have been used outside the city limits to clean up properties in the county.

Joe Harrison, Jr.: Right.

Gary Heck: Our understanding was the Commissioners didn't have another revenue source available to them to make sure this got done. We want to make sure that there isn't any unhealthy conditions out there. So, we wanted it cleaned up, but I just wanted to let you know we were at that point. If you can identify some funds that are available to make sure it gets done.

President Abell: Well, I think if you have to go before the Council, any one of the three of us would be happy to go with you and explain the situation to the Council.

Gary Heck: Okay.

Commissioner Melcher: But, I do think we ought to explore the opportunity to take in that money—

President Abell: Right.

Commissioner Melcher: – and go ahead and put it into an account, even if it has to be our account, and the Health Department can come to us to draw it. Then, if the County Council needs it, we could let them have it for some reason, but I think we need to have something going—

Gary Heck: Sure.

President Abell: Yeah.

Commissioner Melcher: – because, I know that we're cutting grass all the time, and we're working ten hour days, and we've got power equipment, small equipment, and these houses we can't get to when they're due.

Gary Heck: I guess, from my point of view, I didn't see the difference using federal funds, whether the county owned it or the city owned it. Federal funds—

President Abell: Right.

Gary Heck: – it's not like it's the city revenue source that's being utilized in this.

Commissioner Melcher: Well, it is what it is. So, we'll try to take, since it's county we'll do what we can.

Gary Heck: Okay.

Commissioner Melcher: So, Joe, is that something you could look into?

Joe Harrison, Jr.: Yes, I will, and I'll speak with Joe Gries as well. Off hand, do you recall, on the earlier auction we had this year, roughly did we make \$90,000 or so out of that? I'm trying to remember. I mean, I'm thinking total this year is going to be close to \$300,000.

Joe Gries: It's, I don't recall the number from the earlier—

Joe Harrison, Jr.: Okay.

Joe Gries: —there were significantly fewer parcels sold, but they did all sell, I believe.

Joe Harrison, Jr.: Yeah.

Joe Gries: We didn't sell every parcel this time around, but we have, over the last several years, sold, you know, quite a bit of property, and brought in quite a bit of money. Checking in to see, you know, that money goes into a special account for the

Commissioners to use for paying to, not only administer the sale, but administer and clean up properties that they–

Commissioner Melcher: Well, even to board them up.

Joe Gries: Sure.

Commissioner Melcher: We used to use the federal money to board them up when people were camping in them.

Joe Gries: I think if we check the statutes and see that we can do that–

Joe Harrison, Jr.: Yes.

Joe Gries: – where the money for sold property doesn't have to go into the General Fund, could go into another account, we definitely can handle that.

Commissioner Melcher: I think that's what we need to do, because you just said we didn't sell all of those properties, so somebody's got to maintain them.

Joe Gries: Right.

Commissioner Melcher: You know, somebody's going to have to have a list of them. Somebody's going to have to drive by them and make sure the grass is cut so we don't get a notice from the city.

Joe Harrison, Jr.: Well, I'll get with Mr. Gries and we'll see what we can do and report back.

President Abell: How much have you spent so far, do you know?

Gary Heck: \$2,000, well, actually, we're, it's a little bit over \$2,000 right now.

President Abell: So, if we set up a fund with even \$10,000, that would probably help you out a lot?

Gary Heck: Based on our last couple of years experience, yes.

Joe Harrison, Jr.: Okay. That's good.

President Abell: That gives you some guidance. Thank you.

County Engineer

President Abell: Department head reports, Mr. Stoll?

John Stoll: I've got one item. I would like to request that the Old Henderson Road structure number 1543 contract be awarded to Allen Relleke Excavating for \$43,320. He provided the low bid on that project.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Thanks, that's all I have.

President Abell: Wait a minute. I, we've been bouncing some e-mails back and forth, and I just want to go on record as saying, I am very, very unhappy with the Area Plan Commission's decision to allow another cut to be added on Peck Road behind North High School. That is a treacherous road, at best. It has deep shoulders, deep ditches on both sides, with very little shoulder, and to start allowing traffic out there, in my opinion, is so short sighted that it is unbelievable. I understand that the developer indicated to the Area Plan Commission that we have improved that road, and that is not only a stretch, it's an out and out lie. We have not improved that road. We paved that road, which is akin to putting wrapping paper on a box that's falling apart. I know that you have discussed this with Mr. Harrison, I just hope that Area Plan Commission is sitting in their offices tonight watching this and realize that this is one Commissioner that's very unhappy with them for allowing something to happen which is a safety hazard at best. We have students out there that are brand new drivers, and we have people coming out of a subdivision that we originally said would not be allowed an entrance onto Peck Road until we improved that road. Mr. Murphy indicated to Area Plan Commission that the road was improved, and that is not an improvement, putting pavement down is not an improvement. To improve that road it's going to cost a lot more than it cost to pave it. You know that, Mr. Stoll, we've talked about that road. It needs to have those ditches, they need to have tile put in there, those ditches need to be covered over, those school buses and those students riding on Peck Road, short sighted of the School Corporation to not fix that road when they put the high school out there, short sighted on Area Plan Commission's position to allow these people to pull on to Peck Road. I am—

Commissioner Melcher: Well, it's even worse than that. There's a bridge to consider too—

President Abell: Yeah.

Commissioner Melcher: – that's going to have to be changed. When they came through the zoning the first time, because I sat on the Area Plan, he agreed to everything that was put down. So, in the meeting, I even asked him—

President Abell: He being the developer?

Commissioner Melcher: Him being the developer, Mr. Murphy. I said, you agreed to all of this. The only reason why we put blacktop on it was because Area Plan sent us a letter saying Peck Road needed to be repaired and fixed up and expanded. They also did it ten years prior. The School Corporation decided they wanted to use our TIF funds to expand the intersection at–

John Stoll: Baseline and 41.

Commissioner Melcher: – Baseline Road and 41. I was against that, but they got it. So, that was the money that I thought we could use on Peck Road to improve it. I was caught off guard by it, because, I think, everybody up to then, the MPO, the Area Plan, and, I think, somebody else, all said it shouldn't happen, but, when the vote came out, it came out to where it is. Supposedly, that's the final vote, but I don't know if it is. Mr. Harrison, would that be the final vote?

Joe Harrison, Jr.: Yeah, unfortunately, with regard to subdivisions, the Area Plan Commission is the final, has the final say.

Commissioner Melcher: On subdivisions, but what about road access and ingress and egress, wouldn't that have to come to a site review?

Joe Harrison, Jr.: Well, one of the conditions was that the, my understanding is that that entrance would not be permitted until the road was improved. That condition was lifted. That was a condition. Now, John and I have discussed some things that can be done to maybe improve safety out there. John, if you want to go over some of those things, but there are some things that can be done, and if the road is ever improved the road may be closed for a long period of time. He and I discussed the possibility of having to prohibit right turns out of there, out of that subdivision, which you could certainly do.

John Stoll: The issue, as you all know, is the section between where this new entrance would go and Baseline Road, because that's the part that wasn't improved as a part of EVSC's project. What Joe and I were discussing was trying to keep traffic off of that section. The only thing we could really come up with was the addition of signs. Unfortunately, signs are only effective if the driver decides they want to follow the signs, or if there's a deputy sitting there. Short of that, it may not work really very well, but the only other option would be similar to what EVSC did, and that's where they put in quite a few islands and concrete medians to try and restrict the turns, to keep the traffic off the narrow section. We don't have that ability because there's no funding available right now to do any improvements to the road, and there were no conditions set by the Plan Commission in conjunction with the approval of this access point. So, it didn't really leave us with a whole lot to work with. As you all know, we've talked about using TIF funds eventually to try and reconstruct that road. A ballpark estimate was a million to a million and a half to finish this project. Those revenues aren't there and probably won't be there until, I don't know the exact year, but I'm guessing it was like 2015-2016 before we would be able to actually construct the project. So, the intent of the restriction was to keep the traffic from increasing until that time, once we had a suitable roadway. Unfortunately, this is what we're left with.

Commissioner Melcher: Well, and, I guess, I just now remembered, you're the one that also said we shouldn't be, it was you and the other two agencies. So, the main agencies said that. I understand we go against agencies, but to me, when a man gives his word and we have it in writing that it's not going to happen until that gets

done, it didn't happen. They also are saying, and I don't know if this is true or not, because I'm not out there when those school buses are running, they're not following the path that they're supposed to be following. They're doing something else out there. So, I don't want to get into that, but maybe somebody ought to find out about the School Corporation and what they're doing that they're not doing right.

John Stoll: I know they're running buses out there, because I've seen that, and I've seen some pictures.

Commissioner Melcher: Well, they're supposed to, but they're running them two different ways or something, and they're only supposed to be running them one way.

John Stoll: I can check on that and let you know.

Commissioner Melcher: Supposedly, that's because of traffic, they're just trying to take a shorter route.

President Abell: I have no idea how you could put a concrete median down that road. It's not wide enough for two cars now.

John Stoll: It wouldn't—

President Abell: I mean, it would have to be that wide.

John Stoll: I was going to say, if we had the money to put the medians in, we would just go ahead and rebuild the road. That's the bad part, there's no money to do anything at this stage.

President Abell: Well, and I'll let you speak in just one minute, Joe, I just want to say, you know, there's one thing that every developer in town needs to remember. This ain't their last rodeo. He's going to want, this developer is going to want something else from this Commission some day. How he treats this issue will be long held in my mind. Thank you. Mr. Kiefer?

Commissioner Kiefer: John, when they had that, that Area Plan meeting, and maybe Commissioner Melcher knows since you're there. Was he committing to spending any money like for turn lanes?

Commissioner Melcher: No, all he said was, he showed a couple of other examples of how other subdivisions had a road smaller than that and they were able to get to, and then what got me was when he said if this is not approved or something like this, I'm not going to get it exact, so nobody quote me, it's a taking. In other words, he could come back and sue us, because we're not allowing him access to that. Well, then, I thought that was a bunch of baloney, but I didn't want to say anything on the floor at that time, but I am now. I don't believe it's a taking when you have a signed agreement already saying that you're going to wait. So, it's not a taking, you've already allowed it to happen.

Commissioner Kiefer: But, we control signage, so, we could put signage up that directs it as left turn only, or whatever you think is appropriate, you know.

John Stoll: The bad part is, for the traffic that would make a left turn off Peck Road into this site, they will have already gone through the narrow portion. So, there's

really nothing we can do that I can think of when Joe and I were discussing this earlier this morning that would really affect the southbound traffic into the site.

Commissioner Kiefer: Who controls the speed limit out there?

John Stoll: The Commissioners would.

Commissioner Kiefer: Okay, so, we could drop the speed limit down something really drastically, ten miles per hour or something. I mean, you know, I'm saying if we're going to have this load of people coming out and that skinny road, you know, maybe we need to reduce the speed limit substantially.

Joe Harrison, Jr.: John and I talked about that too.

John Stoll: Yeah, I forgot about that.

President Abell: Well, I want you to explore everything. We have students out there. If EVSC doesn't want to protect their children, the County Commissioners do. That's just ridiculous that we're going to put more traffic on that road. That road, just a few years ago was still dirt. I mean, it's just a little ol' county back road. I just don't see that we can continue to allow development to funnel into a small road like that. So, if you can find anything that we can do to slow this down, we certainly would be appreciative.

Commissioner Melcher: I would like to look into all of the legal issues that we can do. You know, I understand, but there's got to be something legally we can do.

Joe Harrison, Jr.: Well, there's other things regarding the design of whatever the developer wants to put in to that road intersection that has to comply with what the county wants. So, there are issues that are going to have to be dealt with there. I'll speak with John some more and we'll take a look at it and figure out what we can do to make it a little safer than it is now.

John Stoll: Yeah, I'll do whatever we can, because I agree with your assessment 100 percent that this access shouldn't be there until some time in the future.

President Abell: Not when you have students out there running around.

John Stoll: I'll keep you posted on what I find out. Thanks.

President Abell: Thank you. Any other department heads? Consent items, oh, wait, I jumped ahead.

New Business/Old Business

President Abell: New business? Old business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items?

Madelyn Grayson: The consent items for the August 27th meeting are as follows; approval of the prior meeting minutes, we have the August 13, 2013 Commission meeting minutes. Employment changes for the Commissioners approval, we have one for the County Highway and two for the Health Department. The County Auditor has a Bohannon Estates Barrett Law lien release. The County Treasurer has the July 2013 monthly report. The Commissioners have sale of county owned property at 418-420 Garfield, 422 Garfield and 305 Mary Street. The County Engineer has pay request number 180 for TIF projects in the amount of \$534.26 and a department head report. Evansville ARC has the June and July 2013 report of activities and meeting minutes. Weights and Measures has the July 16th through August 15, 2013 monthly report. The County Ozone Officer has the July 2013 monthly report.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the County Commissioners?

Commissioner Melcher: We have this on our desk, and I think the gentleman, when I came in this afternoon he was there, and I think he thought he was going to speak to us tonight. Marissa, do you know anything? Has he stayed to speak to us tonight?

Marissa Schenk: I don't believe so. I think he was going to sit through the first half, if it wasn't too long.

Commissioner Kiefer: Commissioner Melcher, I asked him to come back another time or to check in with Marissa, or some other time, because, you know, obviously we had a-

Commissioner Melcher: I just didn't want us going out of our meeting and then he walked up during Drainage Board.

President Abell: Yeah.

Commissioner Melcher: I only heard him, I didn't really get to see him too much, so I didn't know what he looked like and I couldn't recognize him out here. Okay.

Commissioner Kiefer: Move to adjourn.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:32 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the August 13, 2013 Commission Meeting Minutes.
Quit Claim Deed: 418-420 & 422 Garfield & 305 Mary Street.
Evansville ARC June & July 2013 Report of Activities and Meeting Minutes.
County Ozone Officer: July 2013 Monthly Report.

Employment Changes:

Health Dept. (2)	County Highway (1)	Circuit Court (1)
Auditor (2)	County Clerk (1)	Sheriff (1)

Auditor: Bohannon Estates Barrett Law Lien Release.

Treasurer: July 2013 Monthly Report.

County Engineer:

TIF Pay Request No. 180: \$534.26.
Department Head Report.

Weights & Measures: July 16-August 15, 2013 Monthly Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Krista Lockyear	Steve Bohleber
Tim Rich	Rick Moore	Doug Titzer
Susana Lansdale	Randy Schmitt	Ryan Batchelor
Debbie Schwent	Gary Heck	John Stoll
Jeff Mueller	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 10, 2013**

The Vanderburgh County Board of Commissioners met in session this 10th day of September, 2013 at 5:08 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the September 10, 2013 meeting of the Vanderburgh County Board of Commissioners.

Pledge of Allegiance

President Abell: Mr. Kiefer, will you lead us in the Pledge? Please rise.

(The Pledge of Allegiance was given.)

President Abell: For those people in the hall, if you can hear me, could you please keep your talking to a minimum, because we can hear you in here and it's going to make it difficult for us. Thank you.

Attendance Roll Call

President Abell: Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Permission to Open RFP's for Banking Services

President Abell: Permission to open the County Treasurer's Office banking services RFP from Susie Kirk. Do you have all of those, Mr. Harrison?

Joe Harrison, Jr.: Yes, I do.

President Abell: And, you're going to open them while we're having the meeting?

Joe Harrison, Jr.: Yes, is there a motion?

President Abell: Okay.

Commissioner Melcher: I'll make a motion that we allow the attorney to open them and hear them later on in the meeting.

Commissioner Kiefer: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Aye.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

<p>Burdette Park: RenoSys Contract for Pool Liner Replacement Recorder: Phoenix Imaging Contract (Deferred) Superior Court: Assessment Agreement w/ USI for Drug Court (Deferred) Superior Court: Recidivism Study with US for Drug Court (Deferred)</p>
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President Abell: Action items, contracts, agreements and leases. Burdette Park, contract with RenoSys for the pool liner replacement. RenoSys Corporation was the low bidder for the new pool liner to be installed at the swimming pool at Burdette Park. The contract amount is \$151,935. The pool liner will not be installed until after September 2, 2014, but no later than October 1, 2014. Please give us your name, sir.

Boscoe Wilhite: Yes, it's Boscoe Wilhite, City-County Purchasing Manager.

President Abell: Okay.

Boscoe Wilhite: You had a contract in front of you, it's been looked at by legal.

President Abell: Mr. Harrison has seen it?

Joe Harrison, Jr.: Yes.

President Abell: You're okay with it?

Joe Harrison, Jr.: Again, the company is going to delay installing the liner, and we do not have to pay anything until after it's installed.

President Abell: Okay, good.

Boscoe Wilhite: Correct.

Joe Harrison, Jr.: Thirty days after or something.

Boscoe Wilhite: Well, they're going to start billing us in August for the materials.

Joe Harrison, Jr.: Oh, okay.

Boscoe Wilhite: Then, they will start billing us after they install it for the installation.

Joe Harrison, Jr.: Later on.

Boscoe Wilhite: Yes.

Joe Harrison, Jr.: Next year.

President Abell: So, we'll get one more season out of the old one?

Boscoe Wilhite: Yes, Ma'am.

President Abell: Mr. Kiefer, did you have a question?

Commissioner Kiefer: Yeah, I was just curious why the delay? I mean, there must be some reason, I guess, because—

Boscoe Wilhite: Because we felt that the pool liner that we currently have was going to last us until next year.

Commissioner Kiefer: Okay, so no reason to rush—

Boscoe Wilhite: If we installed it next year, then we get another 15 years out of the warranty.

Commissioner Kiefer: Okay, makes sense to me.

President Abell: Oh, okay.

Commissioner Melcher: I believe that we, didn't we repair it?

Boscoe Wilhite: Yes.

Commissioner Melcher: The pool liner?

Boscoe Wilhite: Yes, they did.

Commissioner Melcher: After it was repaired he said it would last a season or more. We don't know if we want to take the chance with more.

Boscoe Wilhite: Yeah.

Commissioner Kiefer: Okay, great. I'll make the motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes. Thank you.

(Motion approved 3-0)

President Abell: County Recorder, imaging services agreement with Phoenix Digital Imaging, LLC. The agreement to index the Recorder's Office recorded documents, which were recently scanned by U.S. Imaging. Estimated cost of the agreement is \$375,000 to be paid over the course of three years. The Treasurer is with us. I'm sorry, the Recorder. I've known you too long.

Z. Tuley: Hi, I'm Z. Tuley, Vanderburgh County Recorder. This is something that we don't plan to get started until October the 1st. We don't expect to have the images back, right now they're being gray scaled. These were done with quill pens, and so, you've got really dark writing and really light writing, and so it will all be uniform once we get the image back.

President Abell: Okay, I think you and I spoke briefly before the meeting, and you seem agreeable to tabling this for two more weeks, and we'll vote on it on the 24th?

Z. Tuley: That's not a problem.

President Abell: Okay, do I have a motion to that effect?

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Z. Tuley: Thank you.

President Abell: We'll see you in a couple of weeks. Thank you.

Commissioner Melcher: So, that's the 24th?

President Abell: Yeah, that will be on the 24th. The County Drug Treatment Court. Is there someone here? Assessment agreement with the University of Southern Indiana. Agreement for a recidivism study and quarterly assessment reporting by the USI Social Work Department to assist the Vanderburgh County Treatment Courts in analyzing the effectiveness of Vanderburgh County Treatment Courts programming. The cost is \$15,000 to be paid from the Vanderburgh County Treatment Court user fee funds. There's no one here to address that?

Joe Harrison, Jr.: No, I don't think they're here. There are two agreements, one is for \$15,000 and the other is for \$30,000. I guess, they're having a study done to analyze the effectiveness of the program and they're to get quarterly reports. So, it's the Social Work Department at USI is the entity at USI that will be doing this study.

President Abell: Do you have a question, Mr. Kiefer?

Commissioner Kiefer: No, I'm just very curious and interested to see what the results of this would be, because you hear a lot of talk bantered about on how good some of these programs work. So, I think this looks like it would be a good deal.

President Abell: I'm kind of concerned about whether or not this money is something that the County Council thinks is going to be used for something else, like—

Joe Harrison, Jr.: They've done this before, I think, and, again, it's from User Fee monies. Joe, do you have anything?

President Abell: Yeah, but, I mean, the User Fee in the Treatment Court, does the Council think they are going to be using it for something else?

Joe Gries: Normally, the User Fees are, how they're used comes from the judges themselves. The Council may ask to have a certain program or certain things being paid out of User Fees, but normally it's the judges who design and decide where those monies are spent.

Commissioner Kiefer: So, this is User Fees?

Joe Harrison, Jr.: Yeah, it is User Fees, and some of the contractors that they have for some of their programs, all of them get paid from User Fees. So, it's not county money.

President Abell: Well, their program supplies I know were all taken out of User Fees. I'm just concerned about if they run out of money for program supplies and they come to the General Fund, whether or not the County Council is going to say, well, if you hadn't spent it for this, you could have still had it.

Joe Gries: Obviously, everyone knows where the General Fund is. So, that can be a concern, but, normally, I think, the judges try to watch that User Fee account and know that they have the funds available. I can definitely go back and check into that. I would be happy to ask those questions and make sure there is funds available.

President Abell: Possibly they would find it in their time to come to our next meeting, if we tabled this.

Joe Harrison, Jr.: There are two agreements. Yeah, I don't have a problem, if that's what you want to do.

President Abell: That's up to my fellow Commissioners.

Commissioner Melcher: No, I'm okay with tabling it. Article three is the one that breaks it down from \$15,000 to \$30,000 on the other one.

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: Nobody's here tonight to address this?

President Abell: No one is here.

Joe Harrison, Jr.: No.

Commissioner Melcher: No, so, with that, I'll make the motion that we hold it for two weeks.

Commissioner Kiefer: I'll second it.

President Abell: Further discussion? Are you, we are tabling both?

Joe Harrison, Jr.: Yes.

Commissioner Melcher: Yes.

President Abell: I just wanted to clear that up. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Highway

President Abell: Department head reports. I know Mr. Stoll is here. Is there another department head that has a report. I can't see any. Oh, I'm sorry, Mr. Seib, certainly come ahead.

Patrick Seib: Good evening, Patrick Seib, County Highway Superintendent. I'm coming tonight to request your permission to file with County Council. I've got one request to repeal funds, and five requests to transfer funds. If you would like for me to read them off all at once, or do we want to address them one at a time.

President Abell: Are they the same ones that you sent us in an e-mail?

Patrick Seib: Yes, they are.

President Abell: I've looked at them. What about you two?

Commissioner Kiefer: I looked at them.

Commissioner Melcher: I did too.

President Abell: It's up to you gentlemen, if you want to talk about them.

Commissioner Kiefer: I'm okay with it. I mean, do we need a motion?

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: Okay, I'll make the motion that we approve the transfers and the request that you are making before County Council, per the e-mail you sent earlier today.

Commissioner Melcher: Yeah, I'll second it.

President Abell: Is there anything else you want to discuss about it before we vote on it?

Patrick Seib: That's all I've got on that.

President Abell: Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: You'll have to get this past the County Council though. So, I'll second it.

President Abell: This is the easy one.

Commissioner Melcher: This is the easy one. Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Of course, if you, I know that you are rather new in the job, so, if when you go to County Council, if you want one of us to go with you, we would be happy to do that.

Patrick Seib: I would appreciate that. That's all I've got, unless you have any other questions.

President Abell: Thanks for doing a good job.

Patrick Seib: Thank you.

Commissioner Melcher: Thank you.

County Engineer

President Abell: John, are you the only one left? Okay.

John Stoll: Like Pat, I need to file some repeals with County Council in order to make the Local Road and Street budgets balance. We've been working with the County Auditor, and the repeal that I would like to file is \$195,821.18 from the University Parkway Road and Street line item. The project is finished. Those funds will not be needed any longer. That will help offset the deficits in the Road and Street Fund. Then, the other, it's all Cum Bridge accounts, it's transfers totaling \$640,000 from the Contractual Services, the Bridge Inspection, the Old Boonville Highway account, University Parkway Bridge account, Broadway Avenue Bridge account, and an Old Henderson Road Bridge account. All of those projects, as I've stated in the e-mail were either finished and no more funds are needed, or the bid prices were less than what we had originally had in our budgets. So, none of the funds will be necessary.

President Abell: Mr. Harrison, can we do that in one motion?

Joe Harrison, Jr.: Why don't you separate those out, if you don't mind.

Commissioner Melcher: You mean, separate what, the bridges out?

Joe Harrison, Jr.: Yeah, yeah.

Commissioner Melcher: Each bridge?

Joe Harrison, Jr.: No, I don't think you have to do each, just—

Commissioner Melcher: Like number one and then number two?

Joe Harrison, Jr.: Yeah.

Commissioner Melcher: Okay.

President Abell: Well, then I'll entertain a motion with the amounts, so we'll know which one we're voting on.

Commissioner Melcher: Okay, I'll make the motion that we approve request number one, of the \$195,821.18 to be transferred to other funds.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Mr. Melcher, do you want to continue. You're doing a good job.

Commissioner Melcher: Sure. Okay, number two, I'll make the motion to approve number two, which is a request to file the following repeals in the Cumulative Bridge Fund; Contractual Services is \$50,000; Bridge Inspection is \$100,000; Old Boonville Highway number 1530, \$100,000; University Parkway Bridge is \$75,000; Broadway Avenue number 270, \$40,000; Old Henderson Road number 1543, \$275,000, for a total repeal of \$640,000.

Commissioner Kiefer: I'll second that.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The next item I have is the INDOT agreement for the federal aid in the Burkhardt and Virginia intersection project. This caps the federal participation at \$1.2 million, and it provides a deadline of obligating the funds by June 30, 2014. The County Attorney has reviewed the agreement, and he said it was acceptable for your signatures.

President Abell: Are we continuing that? I mean, the city has annexed that. Where are we, is that our project?

Commissioner Melcher: Yes.

John Stoll: Yeah, we had an interlocal agreement signed several months ago, and we've got some right-of-way offers that were made. I suspect that we'll either have some parcels secured here shortly, or we'll have to proceed to condemnation, but the right-of-way acquisition is in process right now.

President Abell: Okay.

Commissioner Melcher: We decided we were doing it, we're getting the money, so we need to do it our way.

President Abell: I agree.

Commissioner Melcher: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Aye.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Aye.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The last item I have is a proposed revision to the street plans for Poet's Square Subdivision. The revision was, what I e-mailed you earlier today, in that they are proposing to add a boulevard in the street that intersects with Peck Road. This would be the intersection that would result from the Plan Commission's vote from several months ago, as far as removing the restriction that denied this access onto Peck initially. The boulevard that's being proposed will ultimately require an encroachment agreement that will make the homeowner's association responsible for maintaining any landscaping that might be in that boulevard. There's also a light pole that's shown in the initial sketches that we've been provided. The homeowner's association would also be responsible for any street light maintenance. The other part of the proposal is to change the setback of the sidewalks off the back of the curb. This would change that from two feet to four feet. The developer, Brian Murphy, is here. He could help answer any questions you might have about this proposal.

President Abell: Okay. Mr. Murphy?

Brian Murphy: Yeah, Brian Murphy, with New Urban Investments, the real estate developer at Poet's Square. I would entertain any questions in regard to the changes that we're proposing.

President Abell: Mr. Melcher, I think you had some questions.

Commissioner Melcher: I disagree with changing the sidewalk from the two foot to four foot, and the rest of it, I think we just need more time to look at. I don't think we could do it tonight. Basically, you know where I stood on this at Area Plan. You know, you knew up front that we didn't want to open that until we were able to widen it. Some of the Commissioners want to make sure that we take care of the drainage, and we've also got a bridge. I thought it was a done deal. Area Plan was against it,

the MPO was against it and the Engineer was against it. The only thing I think you said wrong that night, was you said it would be a “taking” on our part. Well, it’s not a “taking” when you agreed to it in the beginning, but I didn’t say anything at the Area Plan, I try to wait until I get to this body to do it.

Brian Murphy: So, are we referring to the sidewalk setback change that I’m asking and the boulevard being added to the entrance?

Commissioner Melcher: The only thing I’m saying is–

Brian Murphy: Because I think that was the issue that Mr. Stoll had brought forward.

Commissioner Melcher: Here’s my issue. I don’t want to setback the sidewalk. I want to leave it where it was supposed to be, that we voted on originally. Wasn’t that the two feet?

Brian Murphy: It is.

Commissioner Melcher: Alright, so that’s what was passed the first time, right?

Brian Murphy: That’s correct, that was.

Commissioner Melcher: That’s what I want to do.

Brian Murphy: Okay, so that’s in regard to the sidewalks.

Commissioner Melcher: The other, I just think we need more time to look at that before we start approving something which we don’t agree with to begin with. So, I want to delay on that until we could get our arms around that project. Then we’ll get back with you. Does anybody else have anything?

President Abell: Is that a motion?

Commissioner Melcher: I haven’t made it yet.

Commissioner Kiefer: Is that in the form of a motion?

Commissioner Melcher: Not yet, I didn’t know if you had anything to say.

Commissioner Kiefer: No, I don’t have anything to add.

President Abell: Do you have something you want to say, Mr. Murphy?

Brian Murphy: Well, I mean, to not be informed of what the meeting was actually about, I was under the impression that this conversation was in regard to the boulevard change that we were making, which is going to end up being more or less a traffic calming device, similar to what you see in between Martin Luther King Boulevard out front here. Also, in regard to the sidewalk setback, it’s in proximity to the principle of new urbanism, which provides a better setback between the sidewalk and the street, to provide a green space for people to actually walk along the sidewalk. It doesn’t really have anything to do with an APC removal contingency on being able to access a road.

Commissioner Melcher: Well, then, that's not going to hurt you at all then to leave it at two feet.

Brian Murphy: You're correct, sir, it will not.

Commissioner Melcher: Okay. So, I'll make the motion on that part, that we keep it at the two feet.

President Abell: Do you want to vote on that?

Commissioner Melcher: And, then go ahead and finish the motion by saying we're going to hold this until we can look at it. We might be able to get it done in two weeks, or right after that.

Brian Murphy: Is this, if you don't mind, is this under, with regard to the boulevard being designed and put forth with you, with everything that we've laid forward with you, was there something wrong with the designs or the setbacks that we're doing with that, in conformity with your standards?

John Stoll: No, there's no design standards. Like Commissioner Melcher said, I was still opposed to the fact that that connection exists, but as far as any design standard, I'm not aware of any violation of any county standards.

Commissioner Melcher: We're just not ready to vote on it.

Commissioner Kiefer: Can we postpone the vote on everything until we have a chance to look at it? I'm a little confused on what the difference means between the two foot and the four foot setback, but, I mean—

Brian Murphy: Those are just in regard to a sidewalk change we're wanting to make internally with inside of the subdivision. It doesn't really have anything to do with—

Commissioner Kiefer: Do you have some drawing or something I could see?

Brian Murphy: I don't. If I would have known that this was going to be the topic of conversation, I would have actually brought more material.

Commissioner Kiefer: Yeah.

President Abell: We didn't know it was going to be a topic either. You surprised us when you went to Area Plan and told them that we had already improved the road. That's why we're actually here. We're actually here because we have not improved that road. We just put a thin coat of blacktop over that road, and we have 16 year old drivers on that road, and this has really caused a big burden for the county. We are very, very concerned about the safety of the children that are at North High School.

Brian Murphy: Well, I can understand the safety of children—

President Abell: I'm not finished, sir, and I didn't interrupt you.

Brian Murphy: Excuse me, Ma'am.

President Abell: Yeah, that road that you use, and that you have now said that we've improved and you want a second entrance onto, is in a very dangerous state at this

time. It has huge ditches on both sides. We do not have the money to fix that road, which is exactly why when we approved your development in there, against a lot of people's objections I might add, we approved it with the stipulation that you would not put another entrance into it, or ask for one, until we improved the road. Improved road means we're going to close in those drains with tile and cover over them, we're going to make that road wider so nobody is going to run off that road. So, you've caused us a problem, and we are asking, telling you we're going to take more time and look at this before we vote on it tonight.

Brian Murphy: Okay, if that's your final position, but, I mean, regardless of if they come out of that entrance and exit that I'm proposing to put there, that road can be driven on all day long. So, I mean, the chicken or the egg is that the school brought traffic, not I brought the traffic. Those people can still drive up and down Peck Road whether they come out of my new entrance or not, or whether we postpone for two more weeks whether this is going to happen, whether or not they finish doing the construction work out there, they will still be driving up and down that road.

Commissioner Melcher: And, that's exactly the way it would have been even if you didn't ask for it, right?

Brian Murphy: But, we're not changing the traffic count on that, sir.

Commissioner Melcher: But, we didn't improve the road. The only reason why we improved the road, because the Commissioners decided that we would go ahead and pave it to make it a little better since the School Corporation was paving part of it to try to help, not, and then when we had the funds we were going to go ahead and fix it. Then, later, per your agreement, you would have been able to get on it at that time.

Brian Murphy: But, we all agree that traffic is still traveling up and down an unsafe road.

Commissioner Melcher: It's going to, you know, that's what happens.

Commissioner Kiefer: Okay, I want to understand the motion again, Commissioner.

Commissioner Melcher: If you want me to withdraw the motion, I can.

President Abell: Want to just table the whole thing?

Commissioner Kiefer: Yeah, I just want to table the whole thing, if that's okay.

Commissioner Melcher: Because you said something about making the motion, and I did. Okay, so, I'll withdraw my motion, but I'll make a motion to table it for a later date.

Commissioner Kiefer: Okay, I second that.

President Abell: Roll call vote.

Brian Murphy: So, what was the motion? I'm sorry.

President Abell: We are going to table this.

Commissioner Kiefer: The entire discussion.

Brian Murphy: Even if I was to withdraw my change in the boulevard plans to the design as it exists?

Commissioner Melcher: Exactly.

Brian Murphy: So, I could withdraw the boulevard plans right now and we could still go on with construction?

Commissioner Melcher: No, no.

Brian Murphy: Because the change was taken away at APC.

Commissioner Kiefer: Okay.

Brian Murphy: I mean, that change does not, what Mr. Stoll brought forward was a change to the boulevard, creating an aesthetically pleasing feature as you pull into a neighborhood, and a traffic calming device, not whether or not the entrance is going to be allowable. That's already done at APC.

Commissioner Melcher: You made that clear.

John Stoll: The set of plans that was originally approved for Poet's Square had a note on this access that said there would be no access to Peck Road until Peck Road is improved. So, the plans that were approved by the Commissioners had the stipulation that there wouldn't be an access—

President Abell: That's right.

John Stoll: – point. So, I suspect, I haven't consulted with the County Attorney, but I would suspect that that entrance really hasn't been approved, because it wasn't part of the...even though it was shown in the plans, it wasn't intended to be built.

Madelyn Grayson: Do you want me to take roll call, Commissioner?

President Abell: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

John Stoll: That was all I had, unless you've got any questions on anything else.

President Abell: Thank you, John. Any other department head?

County Attorney

President Abell: Do you want to do your bids?

Joe Harrison, Jr.: Yeah.

President Abell: Okay, Mr. Harrison?

Joe Harrison, Jr.: We had two bids that were submitting on the banking RFP. One was submitted by German American Bank, and the second was from Old National. I would ask that the Commissioners take both RFP responses under advisement, and they'll come back within the next, at the next Commissioner meeting and make a recommendation.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Ms. Kirk, did you want to make any comment about this before we vote on it?

Susie Kirk: No, that's fine. I agree with Joe.

President Abell: Okay, roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: I had one other item, with regard to North Green River Road, I would like to have permission from the County Commissioners to file a lawsuit regarding the unsatisfactory condition of Green River Road.

(Applause)

President Abell: Is this the portion between Lynch and Millersburg?

Joe Harrison, Jr.: Yes, between Lynch and Millersburg Road, and I would like to have that authority and either the suit will be filed by me or another local attorney, Jeff Ahlers.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? I think when you say it will either be filed, we're talking about a resolution soon as to filing it?

Joe Harrison, Jr.: That's correct.

President Abell: Yeah, okay. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any other department head reports?

New Business/Old Business

President Abell: New business? Old business?

Consent Items

President Abell: Consent items?

Madelyn Grayson: The consent items for the September 10th meeting are as follows; approval of prior meeting minutes, we have the August 27, 2013 Commission meeting minutes, and the September 10, 2013 Executive Session summary minutes. Employment changes for the Commissioners approval, there are two for Burdette Park and one for the County Highway. The County Auditor has approval of the August 2013 A/P vouchers. The County Highway has the August 19th through August 22nd department head report. The County Engineer has pay request number 181 for TIF projects in the amount of \$14,643.27 and a department head report.

President Abell: I'll entertain a motion.

Commissioner Melcher: I'll move for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Final Reading of Rezoning Ordinance VC-10-2013
Petitioner: Douglas L. Bays
Address: 16820 Petersburg Road
Request: Change from C-4 to Ag
Action: Approved 3-0

President Abell: Rezoning, final reading of VC-10-2013, Douglas L. Bays, 16820 Petersburg Road, change from C-4 to Ag. I need a motion to approve.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Now, there's discussion. Oh, go ahead, Janet.

Janet Greenwell: Janet Greenwell, with the Area Plan Commission. We are moving on to the rezonings, right?

President Abell: Yes.

Janet Greenwell: VC-10, and I thank you for putting them first on your agenda. It's a very simple rezoning. Douglas Bays is petitioning to zone the 3.65 acres zoned in 2008 back from C-4 with a use commitment back to its original agricultural district. I think there was a lot of remonstrance against it when it was approved, and everyone seems to be really happy that it's going back to Ag. It was approved by Plan Commission with eight yes, zero no, and one abstention.

President Abell: Is Mr. Bays here? Would he like to speak? Is there a remonstrator here that would like to speak to this issue? I have a motion on the floor. Any further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Final Reading of Rezoning Ordinance VC-11-2013
Petitioner: CVB on behalf of James K & Jacqueline L. Johnston &
J.J. Brodi LLC
Address: 4016 Heckel Road
Request: From R-3 and R-4 w/UDC to R-3 and R-4 w/Amended UDC
Action: Approved 2-0

President Abell: Final reading of VC-9-2013, Two Kins Investments....wait a minute. We're going to do the CVB one first. We're going to do VC-11-2013, because we have an attorney that needs to leave.

Janet Greenwell: Okay, that's not a problem. I really don't have a lot to say about any of the Heckel Road rezonings. There's so many people here to speak, I want to keep my comments very brief. VC-11-2013 is a request by James and Jackie Johnston, and J.J. Brodi to add one additional change to their use and development commitment that exists on that property to allow them to go forward to BZA and ask for the ballfields, the recreational facilities. This petition is for 83.6 acres. The overall facility is actually larger than that. They are on the agenda for Board of Zoning Appeals, September 19th for final approval of the recreational facility. Basically, they're keeping the zoning exactly the same as what it was before, but just adding a commitment that they would be allowed to apply for a Special Use number seven to do the recreational facilities. It was recommended for approval by Plan Commission with eight yes, zero no, and one abstention.

President Abell: Thank you.

Commissioner Kiefer: Madam President? I need to recuse myself on this particular item. Thank you.

President Abell: I think Mr. Schopmeyer is here to represent the Convention and Visitors Bureau.

Joe Harrison, Jr.: All of those who wish to speak regarding this rezoning petition please raise their right hands. All those who wish to speak on this one. Do you swear, affirm the testimony you're about to give is true and accurate so help you God?

Mike Schopmeyer: I do.

All others: I do.

Joe Harrison, Jr.: Thank you.

Mike Schopmeyer: Good evening. Mike Schopmeyer here on behalf of the Convention and Visitors Bureau. Many of our Commissioners are here; Rita Bauer,

Donna Leader, John Montrastelle, Mike Roeder, Ward Shaw, Earl Milligan, our Executive Director, Bob Warren, is here as well as many of our staff. I will be happy to answer any questions. As was mentioned this is not the Special Use today. This is just to add to the existing use and development commitment that provides for apartments with all types of limitations, to also allow for this park use. Also, here are the Johnston's, who are the current owners. We're under contract at the CVB to acquire this property, and due diligence is pending. This is one of the conditions for that acquisition of the property for the recreational use that's planned. You've seen the photographs of it, or the plans. Also Sarah Schuler is here from Veazey Parrott and Shoulders, if you have any questions.

President Abell: What did Veazey Parrott and Shoulders do with this, Mr. Schopmeyer?

Mike Schopmeyer: They have done the plans.

President Abell: They did the plans?

Mike Schopmeyer: They've done the plans, as well as Bernardin Lochmueller is doing the engineering. We've met with the neighborhood. Of course, the big issue is the Special Use next week. We were working on a separate use and development commitment for that that will have a lot more restrictions than this, but that's for the Special Use, SU-7, that we have to have for a park.

President Abell: Okay, do you want to have a seat and let me call on some other people?

Mike Schopmeyer: Sure.

President Abell: I have a list of people that are in favor of, and that people are opposed to this rezoning. I'm going to start with a person that is opposed and we will go back and forth so that everyone will get an opportunity to speak. Since Mr. Schopmeyer is in favor of, I will ask for the first person who is against is Andy Ozete.

Andy Ozete: No, I'm in favor.

President Abell: You signed con.

Andy Ozete: I did it wrong.

Commissioner Melcher: So, is that a no vote or a yes vote?

President Abell: Are you a lawyer, Mr. Ozete?

Andy Ozete: I plead the Fifth.

President Abell: Okay, moving right along. Joyce Hendrix?

Joyce Hendrix: I wish to speak on the apartments.

President Abell: Oh, well, that's a different sheet. Oh, that is the apartments. Well, this is the one that you handed me. I'm sorry. Okay, now, Mr. Ozete, I owe you an apology. Okay, well there is no one here to speak against the ballfields. There are several here to speak for it. Donna Leader?

Donna Leader: Do you need for me to come up there?

President Abell: Yes. You will have to come forward and give your name, rank and serial number. No, just your name.

Commissioner Melcher: All of these meetings are recorded, and on t.v. also, and we keep it for our records. That's why you've got to come up to the microphone. If anybody tries to walk away from the microphone, we'll ask you to go back, just so we make sure that we've got it on the record.

Donna Leader: Good evening. My name is Donna Leader. I live at 3600 Park Ridge Drive in Evansville, Indiana. I'm a commissioner on the Convention and Visitors Bureau, and also act as the Marketing Chair for the Convention and Visitors Bureau. I just want to comment, we had a large neighborhood association meeting that we attended and presented the information you're looking at tonight. We did not have one person who spoke against what we're trying to do. The economic benefit of the ballfields will be equal to, if not exceeding, the economic benefits that we're receiving from the Goebel Soccer Fields. So, we can only encourage you to agree with us, and, hopefully, you'll vote in favor. Thank you.

President Abell: Thank you, Ms. Leader.

Donna Leader: Any questions for me? Thank you.

President Abell: Thank you. Paul Jensen?

Paul Jensen: My name is Paul Jensen. I live at 6231 Shoreham Drive in Keystone. I will be directly across from the ballfields, and representing the Keystone Homeowners Association we move for approval of the project.

President Abell: Any questions?

Commissioner Melcher: No, thank you.

President Abell: Thank you, sir.

Paul Jensen: You're welcome.

President Abell: Andy Ozete?

Andy Ozete: My comments are unnecessary.

Commissioner Melcher: He doesn't know what to say?

President Abell: Okay. I'll entertain a motion.

Commissioner Melcher: Move for approval.

President Abell: In lieu of my being the only other Commissioner here, I will second that. Roll call vote please.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer recused himself from the vote.)

Mike Schopmeyer: Thank you.

President Abell: Thank you. If there's anyone that wants to leave that are with the ballpark, this would be a good time, because now we've got another one to go to.

Janet Greenwell: Okay.

President Abell: It might be a little cooler outside than it is in here.

**Final Reading of Rezoning Ordinance VC-9-2013
Petitioner: Two Kins Investments LLC
Address: 2624, 3700, 3708, 3800 Heckel Road, E. Of 3800 Heckel Road &
Behind 3618 Heckel Road
Request: Change from R-1 to R-3 with UDC
Action: Denied 3-0**

President Abell: Final reading of VC-9-2013, Two Kins Investments LLC, 2624, 3700, 3708, 3800 Heckel Road, East of 3800 Heckel Road and behind 3618 Heckel Road, change from R-1 to R-3 with a use and development commitment. Janet?

Janet Greenwell: Thank you. This was heard at Plan Commission two months ago. It was continued once from County Commission. I believe the vote by Plan Commission was two yes, four no and one abstention, which technically is a no recommendation. At that time there was no use and development commitment. There has been a use and development commitment filed with you and it should be in your packets that now limits it to 245 units and addresses a bunch of other things like lighting and screening and things. I really, there's so many people here to speak, I think I'm going to sit down and let them.

President Abell: Okay, thank you, Janet. Alright, now we'll start with the con, and I do have Andy Ozete on here.

Joe Harrison, Jr.: All those who wish to speak in connection with this rezoning, if you would, raise your right hand. Do you swear, affirm the testimony you're about to give is true and accurate so help you God?

All: I do.

Joe Harrison, Jr.: Thank you.

Andy Ozete: I do. Sorry. Before I begin, I would like to submit the signatures of over 800 residents....I will defer to Ms. Lockyear, if she needs to start.

President Abell: Oh, I'm sorry.

Andy Ozete: I will defer. I mean, I think that--

President Abell: I was just going on what, yeah, I guess, she would like to present.

Andy Ozete: That's only fair.

President Abell: Ms. Lockyear, I'm sorry. I am sorry, that's totally out of the course of the way we do things.

Commissioner Melcher: We're just trying to get him up here.

President Abell: Mr. Ozete, I'm really just trying to get you off for the night, I guess.

Krista Lockyear: Thank you, President Abell, Commissioners Melcher and Kiefer. My name, for the record, is Krista Lockyear. I am representing the petitioner, Two Kins Investment LLC. Two Kins is owned by two local individuals, both gentlemen are here with me tonight, Wayne Kinney and Keith Kinney. Both gentlemen grew up in this area and are very dedicated to bringing a strong and supportive development to the neighborhood. What we're asking this property to be rezoned for is an upscale, high dollar apartment complex. I know you have heard—

(Grumbling from the audience.)

President Abell: Please, please don't, and we promise we won't do that to you, okay?

Krista Lockyear: As the audience submitted to me, you've heard otherwise from the neighbors, but as my presentation will show, we've got legal commitments and requirements within our use commitment that will force this development to be very upscale and high income. As I get into the development, I would like to, I know you have a crowd and you have a list of pros and cons, but I would like to ask those in the audience that are in favor of this development to please stand, or if you're already standing at least to raise your hand so the Commissioners can see that we do have a significant amount of support. The reason we have—

Commissioner Melcher: Excuse me, since you asked them to stand, can we see all of the ones that are for it that live in the neighborhood.

(Applause)

(Gavel pounding)

Krista Lockyear: The reason we have a lot of folks that are favor of this development is because it's a benefit for Vanderburgh County as a whole, not simply a "we don't want this in our backyard". This is a positive to bring to Vanderburgh County. We're offering fifteen to eighteen million dollars of private investment money to improve this area in a fashion that will conform with the neighborhood, and will protect their property values. According to the national homebuilder formula, this investment will bring approximately 270 construction jobs over the course of two and half years for full build out of this property. This development will also bring approximately \$300,000 annually in tax revenue to Vanderburgh County. I'll expand upon that point in a little bit. How important are these benefits to Vanderburgh County as a whole? Well, if you ask the city administration about investment and bringing jobs to our community, the Mayor of Evansville believes it's worth \$37.5 million worth of taxpayer investment to get jobs into our community for the downtown convention hotel. The city administration in citing the positives for that public investment in the

public-private partnership cites its number one economic impact being jobs. This development will also bring jobs to Vanderburgh County. The second economic impact that the Mayor cites as being a positive for making a public investment to bring development to our area, is increased revenue to the community. For the downtown convention hotel, one of the big selling points is that the project is not receiving any form of property tax abatement, and once the development has occurred, the property taxes will be assessed and benefit the community as a whole. Likewise, this developer, this local developer is not asking any property tax abatement or assistance, his development will be funded fully fifteen to eighteen million with private investment. I would like to pass out, for the record, the study for our economic impact, or revenue study for the taxes that was prepared by Steven Folz, who is formerly with the Vanderburgh County Assessor's Office. Obviously, this is not a downtown convention hotel, but the economic impact that it will bring to the community and Vanderburgh County as a whole is great, and it's justified by this analysis that Steve Folz prepared for you. If you look at the first layer, this property as it sits consists of six tax parcels. It's completely undeveloped, that's why the neighbors like it the way it sits now. It brings the county \$1,805 annually in tax revenue. As proposed, my clients' investment would bring the county annually, \$303,774 in tax revenue. Our county needs this tax revenue. This article is from the Indiana Economic Digest from the spring of last year, written by, actually it's the spring of 2011. The headlines pretty much blasts "Vanderburgh County Government Sings the Budget Blues". I know you're all very familiar with it, Thomas Langhorne, the author, who is a journalist with the Evansville Courier and Press actually credited Commissioner Abell, who was then on the County Council, for seeing the budget problems that were coming to Vanderburgh County, fueled in part, this is a quote, "fueled in part by the then new State-wide property tax caps". Up in the right hand corner, at a glance, one of the key impacts of this article, and I'll quote Mr. Langhorne is, "But the biggest wallop is packed by reductions in County Option Income Taxes paid by workers. A tax heavily dependent upon employment levels." Mr. Langhorne goes on to cite that the county lost approximately \$3 million in this tax option that came directly from loss of employment, and that there may be more income tax trouble ahead. This county is struggling financially, and there is a solution out there, but construction has to pick up the pace. I travel Indiana pretty extensively, you know, we get picked on because we're at the southern end of the State and nobody wants to acknowledge that we're a part of the State. Well, you drive up to Indianapolis, and there is construction going on everywhere. There is construction going on considerably in Owensboro, Kentucky. Evansville, Indiana does not have to sit here and not have the jobs when the jobs are ready to be paid for by private investors. Construction activity, jobs, fuel economic growth, and you have right here a presentation in front of you offering to give to those to Vanderburgh County residents. The construction starts in Vanderburgh County, and I will say it's a little, 2009 was the only thing I could pull off the internet and had some disconnect with the Commissioners office, but if you look at, we've lost approximately 200 construction starts in the span of 2007 to 2009, and everybody knows that our economy hasn't all of a sudden taken off since then. This rezoning will provide needed county benefits. Keep in mind we've got 180,000 residents in Vanderburgh County, as opposed to, and I'm not diminishing, but there are a single subdivision here tonight that is opposed to this development. Your County Commissioners—

(Grumbling from the audience.)

Krista Lockyear: – for the entire county. This redevelopment and construction will bring new construction jobs for the entire county. They'll bring new supplier jobs by way of concrete, windows, roofing materials, everything that's going to go into this

fifteen to eighteen million dollar project, and new county revenue as indicated by your tax analysis. I understand remonstrators. I've been doing zoning presentations for years and years, and nobody wants something different in their backyard. Most of those concerns are understandable, it's the fear of the unknown. The concerns we hear from all of these neighbors here, I recognize their faces; it's going to be low income housing, this will increase crime in the area, the traffic will be bad, it doesn't fit with our neighborhood, and quality of life issues, we want to be able to walk, we want to hear the birds, etcetera. Those are based on fear, not on fact.

(Laughing from the audience.)

Krista Lockyear: Here's the facts, and these are by way of legally binding use commitments that my client has executed, and if this rezoning would pass, would become, as you know, part of the zoning ordinance. Our use commitment has density restrictions that prohibit anymore than 245 units being built on the property. We have promises that our client will dedicate ingress and egress to the development, and we've spoken with John Stoll about coordinating that with Heckel Road improvements so that we facilitate the county's Heckel Road expansion, not hinder it. My client will provide private investment to extend water and sewer to this area, not asking any county use of funds to do so. He will develop his area. Establish a buffer for adjoining residents. I'm going to go directly to section four of the use commitment that you have, and I'm going to read verbatim from that:

“To provide a buffer between the residential landowners to the west, which abut the real estate, the petitioner agrees to maintain the existing tree line along the property, or replace such trees as may be removed during construction.”

There is a substantial tree line, and I know you're all familiar with it because you've gone and looked at this area considerably. My client further agrees to install a privacy fence, six feet in height along the western property line of the real estate. These commitments are, again, not shallow, they're taking care of the neighbors. The neighbors in the Keystone Subdivision that are worried about what they may look at across the street, if you look at section 8(a) of the use commitment, “Building Orientation”:

“The petitioner shall strive to develop the real estate such that the view from Heckel Road will be dominated by landscape scenery, and the view of the primary or front building facade of the clubhouse.”

If I can go back to this picture, I mean, this is my clients' vision of what this property can look at. The preliminary plans have a pool house out next to this area, but as you drive along Heckel Road, the idea, and it's in the design concepts to require it, is that this will be your front door. Let me go back to the use commitment, provide construction activity controls, so that any construction activity to the area will be minimized to disrupt any traffic or any neighborhoods. We guarantee walking trails and quality of life issues. Section six provides that the development within the real estate shall include walking trails and outdoor seating areas designed to encourage walking and outdoor activity. What a perfect buffer between the residents and the proposed ballparks that you just heard about. Again, in the preliminary plans, we're showing these ideas. The fountain and the pool, walking areas around the lake, children's playgrounds. All will be incorporated into the property. Drainage and lake maintenance in other rezonings associated with the Heckel-Green River Road area, you'll probably hear some about that tonight. There was one comment that I heard

at a meeting a couple of weeks ago, here in front of you all that we shouldn't allow any more development out here in this area, period, because it all floods, it's all flood plain. Well, this area is not in the flood plain. Very few of the acres of this development are, and where the pond and retention will be located is the only area that is. In fact, the other development on to the east along Heckel Road is all lower land than this, and probably will end up taking some fill off of this property for them. This property is not going to need to be filled up to fuel those drainage problems. This property is already set up for development topographically. Section seven of the use commitment goes on to promise that they will provide the detention/retention basin, which as you know is required by ordinance, but also that the lake will be maintained in such a fashion to be a visual asset to the development and will include a fountain or other water feature. Of course, all of the maintenance, paying for the expenses to maintain an aesthetically pleasing manner, making sure that it doesn't silt in, it will be maintained according to the drainage plan that's approved by the County Surveyor, all of those commitments are put in writing by my clients, because they live in Evansville. They grew up in Evansville. They grew up in this area, and they are committed to the quality that they believe the neighbors deserve, but unfortunately the neighbors have dug in their heels and don't want to believe in it. So, all of those are put in writing to be legally binding. Then, maybe, most importantly, and this is kind of a new concept that's come to zoning. I know you Commissioners have seen it before, we have design concepts in this use commitment. Rather than having the infrastructure completely designed at this stage, which is unheard of in a rezoning, we have commitments such as 8 (b) in "Building Appearance". The size and footprint of the individual buildings may vary, however, the buildings shall have pitched roof lines and front facades consisting primarily of brick. All building materials, texture and color of each building's facade should be of high quality and reflect an upscale apartment development. These are not mere promises that my client is making, and, quite frankly, not something that the neighbors should guffaw at, because my clients are local, they continue to do business here, and are guaranteed assuring you that they are going to do it right. These are some pictures from an apartment complex up in the Indianapolis area, maybe Fishers, that my client drove by when he was starting to formulate the vision of what they wanted to do in this area. They gave me the website of this property, I looked it up, these are the vision that my clients want to make this look like. Again, the way you make sure it comes out that nice, is this use and development commitment. You have to take a step back and say, well, what are you going to do with this property if you don't develop it in the apartment complex as my client has proposed and with all of the promises that they're making to make it a good development? The cons are, unfortunately, probably end up being a high density, low income subdivision, low cost subdivision anyway. Versus an upscale apartment complex, you've got lack of central ownership, you've got 150 individual owners that determine, based on their budget or their personalities how well they keep up their lawn, their landscaping, their siding on their home, whether they leave toys and lawnmowers out in the yard, or whether they make the area neat and tidy. You have a lack of accountability. You have the two gentlemen sitting right behind me that are accountable for this apartment complex we're proposing. You have a lack of quality control in the maintenance, a lack of housing control in the density, and, as you know in a subdivision, the streets ultimately get dedicated to the county and goes on to the budget of maintenance that the county has to take care of. This apartment complex will be private streets internally, taken care of by the development itself. Private home ownership you have property tax caps. You're not going to have the increases in property tax as the values goes up and assessments raise that you could take advantage of with this investment as an apartment complex. The pros are really the flip side for the apartment complex. There is a demand for high quality

rental in this area. There is a high cost of infrastructure, which drives the high income rental rate of this property up. The way to get the money out of the property and the infrastructure that has to be put in, is to make it high quality. You have owner accountability, as I've indicated. You've got control of the residents. The neighbors, we have heard them say over and over it's going to bring crime to our area. We don't want people that don't own their own properties. You have two local gentlemen who are going to perform background checks on these residents and have the ability to prevent convicted criminals from renting and living in this complex right across the street from the neighbors who don't want it. If you have 150 homes in a single family residential development, you do not have that guarantee. You've got security, an apartment complex, their tenants have some cars parked outside, some parked inside in garages, you've got tenants you need to take care of, you have the ability to provide on-going security in that area. I know Keystone has complained about some crime in their area, but I don't believe, and I could be wrong, they can answer this here, but they haven't hired an agency to provide on-going security. Neighborhood watch, sure, but we could have professionals in this area to make sure. You know, apartments are an appropriate land use. We keep talking about drainage and we don't want this, and we don't like it, and it's not going to be high quality enough for us, but really when you talk about land use, what is appropriate, and the staff field report that Area Plan generated said, hey, you know, apartments are residential, it conforms with your comprehensive plan. Apartments are a typical buffer between single family residential and commercial, or even recreational development. This is the zoning map of that area right now, you've got, this is the R-1 parcel that we are seeking to rezone, this is the parcel that you just heard with the ballfields, that, again, it's important to point out, it's not changing to a zoning that can only be ballfields. It's going to stay zoned to be used for R-3 and R-4 uses, with the addition of the ability to get the special use for the ballfields. So, this is going to remain R-3 and R-4. Right here you've got C-4 with a use commitment. Right here you've got, the solid purple, is unrestricted C-4. We have C-4 across the street. This is not, by any means, an inconsistent zoning with the area. Despite the fact that we have neighbors that don't want this zoning, this is a positive and a good land use zoning. As I indicated, it conforms with the comprehensive plan. The guarantees are in the use commitment. You don't have any of those guarantees with any other use of this land. This is responsible development and growth, because what this community has done over the last few years is force developers to come out with the promises in the use commitments. The dialogue between the neighbors and the developers usually bring out what can be done to protect the neighborhood. My client, unfortunately we didn't have a whole lot of dialogue, because the neighborhood just told us, unless you do condos, we don't want this. My client has offered up these protections regardless, because he's from this area, they're from this area and they want to be good neighbors. This zoning benefits county residents when we need jobs. It benefits the county with revenue to the tune of \$300,000 a year. Not in my backyard is not a positive for the county, and, ultimately, it's not a positive for the neighbors. We would ask that you would approve this rezoning for all of these reasons. I would be happy to answer any questions, and my clients are both here and can do so as well.

President Abell: Commissioners?

Commissioner Melcher: I have a question, I guess, I just want to get a copy of that up, can you tell me what the date of that newspaper article was?

Krista Lockyear: Yes.

Commissioner Melcher: You said it, and I wasn't writing fast enough.

Krista Lockyear: It was February 28, 2011.

Commissioner Melcher: Thank you.

Krista Lockyear: And, I'll show you on the, because you have a copy of this in your records, I printed that today, so there is a September 10, 2013 date on there. This is the article date.

Commissioner Melcher: Okay, thank you.

Krista Lockyear: You're welcome.

President Abell: Further questions?

Commissioner Melcher: I guess, the other question I might have, and maybe I'm confused, there's a lake on this property already? Is that the lake you're talking about?

Krista Lockyear: No, there is not. There will have to be a detention/retention pond developed on this property.

Commissioner Melcher: So, the lake that was talked about at Area Plan was the property above it?

Krista Lockyear: The property to the west, yes. The neighbors to the west have one.

Commissioner Melcher: Okay, I was just getting confused there, and I wanted to straighten it out.

Krista Lockyear: No, this would be new lakes, a new lake.

President Abell: Anything else? I know you'll stay, we'll be back with you after this.

Krista Lockyear: Alright, thank you.

President Abell: Mr. Ozete?

Andy Ozete: Thank you very much.

President Abell: I might, before you start, because we have a huge crowd here tonight, I would like for everyone to keep their statements around three minutes, if they can. I'm not rude enough to cut you off at three minutes, but I am rude enough to cut you off at five.

Andy Ozete: I have a considerably longer presentation. What I'm hopeful is, is that I will be able to address many of the other concerns that you might hear tonight in that presentation.

President Abell: Okay.

Andy Ozete: Let me start off by presenting to you over 800 signatures, it's 801, but over 800 signatures of folks who are opposed to this project. I want to clear up

something. This is not solely residents of Keystone Subdivision. The residents of Enslie Subdivision and other subdivisions who are here, it's the Oak Hill Owners Association who is against this project. There's a lot of folks in the hall, there's like more than 50 folks in the hall who just can't get in, because there's no room to address this issue. Alright, I want to also be very clear, that at no time has the neighborhood said, or at least anyone that I've seen said, may have said, but I've certainly never said, "don't make any development here". This is not a case of Not In My Backyard. This is a case about appropriate land use. The land use that is proposed is completely out of character with the surrounding area. It is unfortunate, but true, that higher density equals higher crime. We don't like it, but that's the way it is. Some places like New York City don't face that in very expensive neighborhoods where there's high guardianship. The issue is guardianship, and there will not be guardianship in these apartments, and I'll tell you why in a few more minutes. We do know that there will be negative effects of these parcels on property values. There is no way that you have an apartment at your back window that is not going to drive your property values down. There was testimony before you today that this is going to provide \$300,000 of additional revenue for you as a county. What they don't mention is that Keystone has an assessed value today of over \$1,250,000, excuse me, twelve million, \$126 million, with \$1.26 million each year of taxes. As we recall, this is now market value taxation. You're putting that tax base at risk. That is just Keystone. That's not Enslie Place, that's not the other surrounding subdivisions where you may, in fact, lower property taxes. That was not addressed in the report providing you the rosy picture of the \$300,000 of additional development. I also want to talk about vehicle traffic. The road is not yet improved. Heckel Road may be improved, but it is not yet today. Even if it is improved, it is a quality of life issue for the residents when you put in a density this high. They have talked about this is going to be upscale, and don't worry about it, it's going to be a great property. The density is still eight to ten times more dense than the surrounding area. I think another person is going to talk about that later on. The traffic, that 1,500 cars a day, it's extra noise, extra danger. School, we will have someone testify tonight about school. Oak Hill School is over capacity today. There are externalities when this developer builds. One of those externalities is the fact that the school is over capacity and millions of extra dollars will have to be spent to be able to properly educate our children. That's not something that was mentioned during their presentation. When this property was purchased for \$230,000, which by the way is less than the value of many of the homes in Keystone, and I know this because, since I live at 5700 Creekstone Drive, which is in Keystone Subdivision, as is my mom and my sister and my law partner and one of my other law partners and one of my associates, I'm very familiar with the values of the property in that subdivision. The acquisition price is less than the cost of one of those houses. He wants to force the increased crime rate, the increased traffic, the school problems onto, and then the lower property values for the surrounding owners, on a \$230,000 acquisition, when he knew it was zoned R-1 when he bought it. This isn't a surprise. He knew it was zoned R-1. The issues, we do have some issues with this particular buyer. He is not experienced in this kind of development. He has proposed an extremely high density, and he has said yet no consistently to single family development on this property. He has said no, it's just not economically feasible. Bill Spurling, a very experienced local builder will be here to testify and tell you that other kinds of buildings are eminently buildable on this kind of property, at a profit. When there's that kind of construction, jobs will come. This is not the neighborhood saying no development, no construction, never, never. This is not this development. Not this construction. The Area Plan was a four to two negative. I want to address, when we keep hearing about this is going to be high class, high class, high class, there's nothing in the use and development commitment that will make it be high

class, as a matter of fact. They're talking about three bedroom units at 1,000 square feet, for a three bedroom unit. That is lower square feet for a three bedroom unit than the government subsidized apartments at Delaware Trace. Lower square footage for a three bedroom apartment than government subsidized housing. That is not high class. Super high density. Again, not high class. As my colleague, Allyson Comstock, said at a neighborhood meeting, even the new, revised plans are worse than the Army barracks she lived in growing up. Army barracks in my neighborhood are not high class. Allyson pointed out that this developer is experienced at building storage units, and this is storage units for people, is how she exactly characterized this development. I would also point out that the density of this apartment complex is higher than the density of the government subsidized Delaware Trace apartment complex. We'll hear more about density later. At this point, I would like to go through the criteria for zoning, if I can get through here. Let's see if I can figure out how to run a Power Point. There we go. Ms. Lockyear talked about one of the criteria, the amendment conforms to the Comprehensive Plan. The Comprehensive Plan does call for residential development here, but I would point out that this property is already zoned R-1. We can have proper development already without any touch of the zone. Current conditions and structures, now here is where Ms. Lockyear and I have a huge disagreement. This complex is completely out of character. Again, the density that we have in Keystone is about one and a half houses per acre. Here, this density is up to, and, again, someone will speak to this later, I believe up to 13 houses per acre, or 13 units per acre. So, it's almost ten times. It's a big difference. Let's talk about the existing property. There are use and development commitments that would prevent apartments, and Ms. Lockyear showed adjoining parcels, she said, oh, look, this is R-3, this is R-4, what she failed to mention to you was, there are use and development commitments for each of those parcels which would prevent exactly the kind of development her client is proposing. Her client's development would not be allowed under the adjoining property's UDC's. So, we talk about a buffer, it's not a buffer, it's worse. It's worse than the surrounding area. By the way, remember, this is all single family. We have 500 plus lots in Keystone Subdivision to the south, to the west is Ensle Place, again, all single family, and to the north is agriculture. Again, we have the R-3 and R-4 adjoining, but none of those uses would be allowable under there, they could not build what they want on the current R-3, R-4 zoning. The most desirable use which the land is adapted clearly, clearly single family residential is preferred. How do I know it's preferred? Because there's no multi-family anywhere near this property. There is no multi-family anywhere near this property. That's how I know that single family is preferred. This is not a buffer. It's not a buffer to put this here. It's something worse than is allowed under the currently adjoining UDC's. Conservation of property values throughout the jurisdiction. This will hurt property values. It will not help. There can be no doubt. I can have hundreds of people in this room, if you want to take the time, testify that they believe that this will hurt their property values. I don't think you want to take that time, but they could do that. Responsible development and growth. This is exactly why we have zoning. It's so you don't pick up something that's totally unlike anything that you have there and put it next to someone's house. That's why you have zoning. This development, as proposed, is exactly opposite of responsible growth and zoning. Again, it's incredibly high density. The zoning classification is improper and the amendment would affect the improper classification. The zoning classification is imminently correct. R-1 is there, and this is developable as R-1 today. In fact, this zoning change will make things much worse. Madam President, Commissioners, I've talked to some other things, and I want to be very clear, this is not a Not In My Backyard approach. This is not a don't build at all approach, jobs are bad approach. That is not what we're talking about. This development is irresponsible. I want to be very clear, when they say it's high

quality and all of the pros that Ms. Lockyear developed, and I said this at the Area Plan Commission, the fastest car in the world is a rented Toyota Tercel. The reason it's the fastest car in the world is you drive it like a rented Toyota Tercel. It's not yours. You don't take care of it. You have no ownership, you have no stake. That's what they're asking us to trust an inexperienced developer and his tenants, and that's not good for the neighborhood. Madam President, I would point out tonight that Bill Spurling, an experienced developer is here to testify about the fact that there are many other economically viable uses for this property, other than high density apartments that will affect, which will provide the jobs and other benefits that were discussed by Ms. Lockyear. Laura Scott will address the arguments of folks who don't live anywhere near this development, but also want to talk about jobs. Remember, construction jobs are femoral. She will get into that, but when we talked about the hotel, it was all of those hundreds and hundreds of long term jobs to staff the hotel. This isn't a hotel. This isn't long term jobs. Ms. Scott will address that. Deb Chandler is a member of the Oak Hill Parent Teacher Association, who will address the issues of overcrowding at Oak Hill School. Lastly, Anita Ozete, who I must confess to know, will address the property density and tax issues that were raised by Ms. Lockyear. Now, Ms. Abell, I know there are a lot of people here who are ready to testify and would like to testify, but I have spoken to each one of those individuals who have very short and confined testimony which I think is relevant to the Commissioners, and you might want to call them out of turn. I think it would help expedite the process. Thank you.

President Abell: Okay, thank you.

(Applause)

(Gavel pounding.)

President Abell: We're going to a pro, Justin Shofstall.

Justin Shofstall: Justin Shofstall with Easley Engineering, representing the clients of Two Kins on this. My testimony is mainly as far as support to what Krista had stated earlier in regards to this development, and also as far as some of the concerns you're going to hear here from the other residents as far as drainage concerns, the typical comments that you would hear from those people who are remonstrating against a project such as this. As far as with, again, with the development that we discussed, and we had a conceptual drainage plan, which we discussed with the County Surveyor and County Engineer, and with that, as far as those concerns that both the county has and overall development, and that's with regards from the upstream watershed, it would be coming through, again, whatever we present it has to be reviewed and approved to this Drainage Board/Commission. It has to meet minimum requirements. As far as with the density itself of the project, right now, as far as with, I know Mr. Ozete had stated as far as a typical subdivision has a density of about one and a half homes per acre. That's not typical of what we do with anything from a typical subdivision development to a Jagoe home development, you're closer to having about four homes per acre. Because a minimum lot size is 6,000 square feet. As far as the development that we have, we would have to provide the storm water detention, we have to channel that off stream water, as per the drainage requirement, and, again, this is more for land use. The drainage is something that still has to be reviewed and approved by the Drainage Board/Commissioners at a later date, and still would have to meet those requirements before they could even go forward with building. Again, I would just say we need to focus on as far as with the land use itself, and that the drainage is

something that, again, County Commissioners, County Surveyor, County Engineer's office would still have input on at a later date, if the rezoning was passed. If you have any questions, I would be happy to answer those.

President Abell: Commissioners? Thank you.

Justin Shofstall: Thank you.

President Abell: Mr. Ozete, I'm not sure I got everybody's names as you were giving them, but I think Bill Spurling was one of those names you wanted me to take out of order.

Andy Ozete: Bill Spurling, Laura Scott, Deb Chandler and Anita Ozete, Madam President.

Bill Spurling: Good evening. My name is Bill Spurling. I live at 6125 Oak Hill Road. I'm a local developer. We've built almost two million square feet on the east side and north side of Evansville. We're very familiar with what the land use is in the area we're talking about here. You know, I'm, of course, in favor of development 100 percent, but I feel like it needs to be in the right place. If you go a mile in every direction from this property, there are no apartments, and there's no commercial. I don't feel like this is the right place for these apartments. As far as jobs and tax base, you know, it doesn't matter where you build these apartments, you're going to increase the tax base and you're going to provide jobs. There are many places that would be more suitable around town to build an apartment complex like this. As far as the use of this particular property, it's zoned R-1 now. In the 5000 block of Oak Hill Road there was a property just about this same size, it was just over 20 acres, they built small, single family homes there. They're very nice. If you drive through that neighborhood today, they sold very well, good demand for them. There were, it just turned out to be a nice little community. I feel like that would be more appropriate for this property than to put apartments here. I think that, I won't go into all of the other things that Andy has already spoken about, but one other thing I would like to touch on, I've had a lot of rezonings, and some use and development commitments, and the ones that we had always had specific things. In other words, you committed to a certain number of parking spaces, or the height of the building, or lighting or something. This use and development commitment here is very open ended and vague. For example, the building design is going to be of high quality. In whose eyes? Who's going to be the one that judges whether it's a good quality, a bad quality, or, you know, if it's satisfactory? This is, I hope that you'll turn this down, and I hope the developer does something else with it and it's a good deal for everyone. Thank you.

President Abell: Thank you.

(Applause)

President Abell: I would ask that you not applaud. We're listening without applause and it just takes more time. The next pro is Josh Wongler.

Josh Wongler: Hi, I'm Josh Wongler with Elite Concrete Services. A couple of things that I wanted to touch on was, really all we're hearing, and I'm not meaning to be rude towards Keystone is, it sounds real prejudice. We don't want anybody to come here if you don't fit this shape, you don't fit this size. There's crime everywhere. There's crime in that neighborhood. There's houses that the yards are high. I drove

through it today, fences that need to be fixed. Not to be rude to Mr. Spurling, I don't know Mr. Spurling, but if you were around any of his developments, they're vinyl siding developments. His retirement homes that he built on North Green River Road are not of any high quality whatsoever. So, to say that the Two Kins Development is going to come in and build this multi-million dollar development and say who's judging whether it's a high development or not, I definitely would say that Bill Spurling would not be one to judge that. Thirdly, we need this. It is known that the economy revolves around housing, it revolves around construction, bottom line. Am I in construction? Yes. Do I have a chance to get the job? Absolutely. That has nothing to do with it. I'm not the only one. There's thousands of people that's going to benefit from this. Why would we not want to say certain people can't live here? I mean, that just don't make any sense. No, there may not be any apartments within a mile, but there is an apartment within about 1.3 miles on the left that they talked about that is on the east hand side of Green River Road, right after Lynch, heading towards this development. There is a housing development that they put, an apartment complex that they put there about five or six years ago. So, I cannot remember the name of that apartment development, but I'm sure you all know which one I'm talking about. So, yes, we need this. Evansville needs it. Vanderburgh County needs it. We need the taxes. No, there's not going to be one point, what was it two point six million coming from this, but there is going to be \$300,000. The boom is over and Keystone was built during the boom. That's why the subdivision kept on growing and growing and growing and growing. You could build anything back then and it would sell. So, we need this very badly. That's all I have to say.

President Abell: Thank you.

Commissioner Melcher: I need to say this now, I think. For anybody else that's coming up, we don't want to attack anybody that's talking. All we have to say is we disagree with this person. I don't want to attack anybody's character.

Josh Wongler: Okay, I'm sorry about that. I was just saying—

Commissioner Melcher: That way we keep everything even. Nobody's attacking nobody personally. You kind of hedged on it, and I wanted to cut you off, and I said, no, I'll let you finish, but everybody else coming up from now on, if you don't agree with somebody, just say I disagree with them. Okay, I think that's fair to everybody. Thank you.

Josh Wongler: Thank you.

President Abell: Joan Scott?

Andy Ozete: Laura Scott?

President Abell: Who did you say, Mr. Ozete? I'm sorry.

Andy Ozete: Laura Scott?

President Abell: I don't think I've got Laura Scott on my list.

Laura Scott: Hi, Laura Scott, 3717 Rolling Rock Drive. I just wanted to make a couple of quick comments. The neighbors are in favor of job creation, the neighbors are in favor of development, we're just not in favor of this particular development in this particular location. The only other comment that I wanted to make that I don't

think has been pointed out thus far, there are a lot of people that walk in this area, particularly on Heckel Road, and nothing that I've seen so far in what's been proposed would help with that safety issue. So, that's an additional concern that I've heard from neighbors that hasn't been addressed thus far. Thank you.

President Abell: Thank you. Jerry Marx?

Commissioner Melcher: He's out in the hall.

Jerry Marx: Good evening. Thank you for the opportunity to speak. I'm Jerry Marx with Concrete Supply, here in Evansville. I want to speak in relation to the economic impact that this project will have for jobs here in Evansville. We, as others have spoke about, we've been through the downturn of the economy, and the job market here in Evansville has not recovered yet. We look at the construction industry in Evansville, in really two different sectors, the commercial side and the residential side. The residential side has come back a little bit. It's got a long way to go to get there. The commercial market is continuing to falter. It's not doing nearly as well as what it needs to be. As others have said, we need this. We need the jobs. As Ms. Lockyear talked about, and talking about the Kinney's and the project, I've been involved with them in projects here in Evansville, and I know the quality that they can put in a project, and how detailed they are, and how much they care about how things turn out. So, I would like to voice my support for the project, and I thank you for letting me speak this evening.

President Abell: Thank you.

Andy Ozete: Deb Chandler.

President Abell: Debra Chandler?

Deb Chandler: Hi, I'm Deb Chandler, and I live at 6421 Colonial Avenue. I'm the mother of three. I have a son at Oak Hill Elementary currently. I'm a very active parent there, and I'm a member of the Oak Hill PTA. According to EVSC, the safe enrollment for our school at Oak Hill is currently 750 students. As of May of this year we had 768 students. At the PTA meeting last Thursday, we have 807 students currently enrolled. So, we are very overcrowded already, at a school that we just opened two years ago to remedy the overcrowding. If this apartment complex goes through, we've just spent millions of dollars building a new North High School complex and Junior High complex and splitting the Scott district into Oak Hill. We're overcrowded at Oak Hill currently. What's EVSC going to do? They don't have any remedy for this. They're not prepared for this. Two Kins has not talked to EVSC about this, to my knowledge. They're not aware of any of this going on. I'm concerned about the safety of our children at the school. You know, like I said, I have three children, we were at Scott when we were in the learning cottages there, you know, we went through that. We went through the split, my kids got split from their friends and came to Oak Hill. Yes, we will go back to North, but it's just been a nightmare for my kids, the school situation on the north side of town. I know that doesn't really have anything to do with you all, but it does have to do with you all looking at this as an overall. When you look at bringing 245 apartments in, and how many children you're looking to bring in, talking three bedroom apartments, the schools have to be taken into consideration, and the safety of our children in an overcrowded school already needs to be looked at and addressed. Not only am I looking at the schools, but I have three kids that play in my own backyard, you know, this is going to be right in my backyard, and, you know, yes, they're talking about Not

In My Backyard, but it is in my backyard and when you put residential housing, R-1, that's different than putting an apartment complex in my backyard, as far as density and what we've talked about. I'm not going to address that, because that's already been talked about, but I would hope that you all would look at it from a school aspect as well, as to how the impact of this is going to be on our schools.

President Abell: Mr. Kiefer, did you have a question?

Commissioner Kiefer: Yes, are you speaking on behalf of EVSC?

Deb Chandler: No, I am not speaking on behalf of EVSC. As far as what has been said as to what a safe population is and what our population is currently. We have 807 students.

Commissioner Kiefer: Okay, well, I just wanted to make sure and clarify that—

Deb Chandler: No, I am not speaking on behalf of EVSC. I'm speaking on behalf, as a concerned parent.

Commissioner Kiefer: I've heard this stated before, and I, you know, I think the School Corporation does a good job of how they handle students, and, you know, I don't want to say no growth, you know, because in that case there would be no residential single family out there. Because if you say they can't handle any more students.

Deb Chandler: Single family versus apartments, I think, are two different things.

Commissioner Kiefer: I just wanted to clarify that and make sure I understood.

Deb Chandler: No, I am not speaking on behalf of EVSC.

Commissioner Kiefer: Okay, thank you.

President Abell: Mr. Melcher? Thank you. Jimmy Schiff?

Jimmy Schiff: Hello, I'm Jimmy Schiff. I live at 2601 Woodstone Lane. I'm the owner of Schiff Air Conditioning. I would just like to say that it's nice to see that local investors are willing to reinvest in Evansville and not some place else. With construction being as down as it has been since 2007, it's a much needed project. It's a long project, it's not something that's you know a three, six months deal. It's a two and a half three years. The Kinneys are quality people. I've been in a lot of their properties and seen how they manage them and how they maintain them. I think it would be a good thing for the community. So, I hope we can get it worked out.

President Abell: Thank you.

Jimmy Schiff: Thank you.

Commissioner Melcher: Thank you.

President Abell: Joyce Hendrix?

Andy Ozete: Madam Chair, one more, Anita Ozete. Then, that's done with my list, Madam President. Anita Ozete.

President Abell: Oh, okay. Anita Ozete? Just a coincidence the names are spelled alike. It's just a common name.

Andy Ozete: It's very common, in Cuba.

Anita Ozete: Good evening. I do not envy your job at all.

President Abell: We don't either.

Anita Ozete: I am Anita Ozete, and I live at 4245 Pembroke Drive in Evansville, and it happens to be in Keystone. I took a lot of time to look up a lot of information, and one of the issues that has been spoken about, in fact, someone just a moment ago talked about no, I can't remember the gentleman who said, actually the density is a lot higher than he thought of the homes. Ensle Place, which is the area that backs up to this apartment, I looked up all of those areas, and they're approximately an acre per dwelling. Not every one, but most of them, it averages out. Ashley Heights, which is just north of Bethlehem Church is .65 acres per dwelling. Keystone is .64 acres per dwelling. Lakeland, which is just across the street from Heckel, on Heckel, and a little going towards Oak Hill, is .53 dwellings per acre. Oakview, which is across the street from Oak Hill, on the other side of Oak Hill is .47 dwellings per acre, and on and on and on. Whereas, even Ashton Park, which is the Jagoe construction up just a little north, is .33 dwellings, I mean, there's, an acre has .33 of the houses. There's not nearly the kind of information that's been told. I think it's not quite accurate. This apartment complex actually has 13 units per acre. I checked with Delaware Trace Apartments, which is the apartment complex that another gentleman referred to and he said he couldn't remember the name of that. It's on Green River Road just kind of south of Greenbriar Animal Hospital and north of Lynch. I checked with that, and they're in phase one and they will build a phase two. I believe that they have approximately 42 acres, versus 18 or 19 acres that the Kinney's have. They currently have 112 apartments, which is, and there are eight buildings in those 112 apartments. They, ultimately, when everything is said and done, whenever phase two gets done, they're going to have 248. That ends up being six units per acre, not the proposed 13 that we're talking about. The reason that I'm saying that this is something to consider is, we do not live in New York City. We give up things to not live in New York City. We don't have as many museums or as many restaurants or as many....well, we have a lot of restaurants, as much to do, but we chose to live in an area that does not have the kind of high density that this is being proposed as, or as a big, big city does have. That was a choice. That certainly affects the quality of your life, my life, my grandchildren's lives, my children's lives, and all the people back here. So, that's just one thing. The other thing is that the sizes of the apartments, a three bedroom apartment at Delaware Trace is over 1,300 square feet and has two bathrooms. I believe, now they may have changed the square footage here, I don't know, but originally, certainly it was going to be 1,000 or maybe a little over, and they're one and half bathrooms for three bedroom apartments. You know, when we were little kids that was okay, we all lived in kind of cramped, that's not particularly okay today. It makes it a little tricky to get ready and get out. The rent for the, and by the way, somebody told me at one of these meetings that if you have a pool on the property that that cannot then be a Section 42 Tax Credit. That is not true. They have a pool at Delaware Trace and they are a Section 42 Tax Credit. The difference between the rent for a tax credit person on three bedrooms is \$346 to \$890. So, that's a pretty big difference it seems to me. I think, we've talked about money, everybody kind of likes to make money, and that's good. Me too. The money that we're talking about in terms of assessments, the actual assessed value of Keystone is just shy of \$126 million. That's just Keystone.

That's about 524 homes, and I am telling you that I looked all of this up, within six tenths of a mile of these apartments, there are well over three hundred more homes that means a lot more assessed value. The amount of property tax that Keystone pays is \$1,300,000. Not \$300,000, \$1,300,000. That, again, does not include all of the other extra three hundred plus homes that are right there. I think, one of the things that upsets me about this particular plan, is that I keep hearing that, oh, there's a lot of care put into this. Well, that may be now, I'm not sure, I certainly am not going to say that somebody doesn't care about what they would like to put up as a project, however, I will say, that at the very first meeting that was held at Bethlehem Church for the area, and, again, I do want to say that people have just really downed Keystone Subdivision, that it just is too persnickety and just doesn't want all this stuff. There are many other subdivisions, and I've got them written down and I can tell you how many homes are in each one. There's a lot of people that are not interested in this. When we first had the meeting, I asked one of the Mr. Kinney's if he had even thought about what kind of effect it would have on the overpopulation of the schools. No, I didn't. Well, you know what, if you're a developer and you're a serious, conscientious developer and you want to be a good neighbor, it would seem to me that that would be one of the things that should come up in your mind. Maybe not, maybe that's just me, maybe I used to teach, so maybe I tend to think of a lot of details, but it seems to me that that would come up. I'm almost done. You were going to go, yea! It was pointed out by one of the Mr. Kinney's that this is kind of a retirement project for him and his brother, thinking that presumably that, oh, gee, we're going to build this, we will have lots of income from all of the rentals and that can take care of us in retirement and how wonderful. That's nice. However, there are many people in that neighborhood, not just Keystone, but that entire area, their home is their retirement project. If something happens to me, in terms of my health, and I have to go to an assisted living or to a nursing home, you bet that I will need every penny out of my home that I can get. And, guess what, I will not be able to get as much with apartments there. Especially, that number of them, as without apartments there. I think that you will find that your income is going to go down for the county, simply because a lot of homes are going to be affected negatively. I'm trying to see, there was something else that I wanted to say, let me find it really quickly. Okay, again, just simply that I don't want to see all of these people have their retirement or their homes, if they choose to stay in the neighborhood or go on to another neighborhood, theirs is going to be affected. I think that I would feel differently if it were zoned for this, for an apartment, but when you buy a property and it's already zoned R-3, or, I mean, R-1, and when we bought our property, guess what, those other zonings over to the right, they weren't even, it was all not to be anything except R-1. We checked into it, and now, there are couple of uses over here, but R-1 is what we intended to buy, and I'm sure that I'm not the only person that checked into what is that property above, over on the other side of Heckel Road. We thought it was R-1, we bought it as R-1. I think if you buy a property that's R-1 and then you say, oh, gosh, I hope we can get that rezoned, it's kind of a risk that maybe, I guess, that it's a bigger, it's a very big risk to all of us, and we're talking many, many people. Not just houses, but families. I've over spoken my time. Thank you so much for your time.

President Abell: Thank you. Kenny Reinbrecht?

Kenny Reinbrecht: My name is Kenny Reinbrecht, I'm with Reinbrecht Homes and Construction. I will be the general contractor on this job. First of all, I would like to speak to the character of the Kinney's. I've worked for the Kinney's for the last six or seven years, in every situation, in every job we've ever done, they've always wanted to do it right. No cutting corners, doing things the way it should be done. So,

I think some of the concern of the residents, I understand that totally, I would probably be the same way if I was in their shoes. I also want to speak to something that Commissioner Kiefer mentioned, talking about the schools, they keep saying they would like to see single family residences in there, if we can put 90 to 110 single family residences in there, how is that going to affect the school? So, I think that's somewhat not of a, not much of a comparison. Also, and I know I'm going to get hit hard for this, but if you go to other areas in the State, other communities, the Louisville's, the Indianapolis', the Clarksville's, you see mixed use all of the time. You see half million to million dollar homes next to apartment complexes. I'm pretty confident that those Commissioners in those counties didn't seem to think it was going to hurt property values if they allowed that kind of thing. So, that's all I have to say. Thank you.

President Abell: Thank you. Joyce Hendrix?

Joyce Hendrix: Hi. My name is Joyce Hendrix, and I live at 6600 Colonial Avenue. My subdivision shares the western boundary with the proposed apartments. Or, I live in Enslie Subdivision. I have several concerns to share, and the first is that, you know, the purpose of posting county signage is to inform individuals of proposed changes affecting property nearby. The Vanderburgh County ordinance, 17.26.070, for On Premise Signs, clearly stipulates that a two foot distance from the side lot line, a two foot distance from the right-of-way line, with one street sign per frontage with indirect illumination. Why then, if there was no intent to deceive homeowners about the rezoning from an R-1 to an R-3 with the proposed apartment land, was the on premise sign information no larger than 20 inches by 16 inches, stuck in the middle of a muddy cornfield in early 2013, so far from Heckel, a road without sidewalks, that virtually all people passing by remained unaware of the potential development, despite the strict codes ensuring information was readable and accessible. Was it to have less remonstrators and thus gain approval for an R-3, which essentially sealed the fate for over 800 homeowners, many of whom live in Keystone, some in Enslie, but all within a half mile of this potential development? Was this considered proper, fair or transparent? Next, I feel that it is a huge conflict of interest for three of you to be working as Realtors in your day job and as County Commissioners in your night job. You are selling property and then making decisions about how that property will be rezoned. I'm not sure then who you represent. Your constituents? The county? Or your Realtor firms? Third, what guarantees do the homeowners have the developer will adhere to brick facade, lighting facing downward, sewer and water improvements, installation of a six foot fence, or that the existing trees on the western property line will be left alone, or that the drainage lake serving as a detention/retention basin will be maintained? My fourth concern is that if this development goes forward there will be an increase in crime, traffic, noise and flooding, and we are interested in protecting the value of our property, but the value of our property will decrease with this proposed development. My question is, who has our best interests? Lastly, the land use for Center Township, the fastest growing township, calls for an increase of 30 percent or more new housing to meet the housing needs by 2025. Are you confident that this development best meets those needs? Or, is it about generating tax money to improve Heckel? 800 homeowners will not forget your decision if this apartment is approved. All we can do is vote no when the democratic process invites us to express our opinion. If you are a member of Enslie or any of the other subdivisions and you are against this proposed apartment complex, would you just raise your hand. Thank you.

President Abell: Commissioners?

Commissioner Melcher: Yes, I have to make a statement again.

Joyce Hendrix: Okay.

Commissioner Melcher: I don't mean to really do this, but, basically, all three Commissioners aren't Realtors, because I'm not.

Joyce Hendrix: Okay.

Commissioner Melcher: So, somebody told you wrong.

Joyce Hendrix: Okay.

Commissioner Melcher: I'm semi-retired, my Commissioner job is my full time job, along with the VA, Lakeview Optimist, the Lion's Club and a whole bunch of others. So, you know, my wife wants to know why I'm not working. Secondly, I have worked with Marsha Abell for four years when she was City Clerk and I was a City Councilman. I worked with Joe for eight years as a City Councilman, before I became a Commissioner, and they're both qualified. Just because they're Realtors, you seen Joe step out already tonight—

Joyce Hendrix: Yes.

Commissioner Melcher: – that's what he does. All of us could have different types of jobs, but they just happen to be Realtors. One is a commercial Realtor, and one is a housing Realtor, but that has nothing to affect with this. If it was going to affect a house they were selling or something, then they would step back away from it. So, I think both of them don't have a problem here voting tonight. I don't really think anybody in this audience would think that, because we've all been elected, so, when you elect somebody, you're putting your trust and hope in them that they're going to do what's good for the whole, the whole community. At least that's the way I've looked at it in my span of my career as being a public servant. So, I just want to make sure that everybody understands that Joe and Marsha are great Commissioners. I'm in the minority here and I've got it better now than I've ever had. If you look at the City Council today, I'm glad I'm not there. So, I really had to make that, because it wouldn't be fair for them to make it.

Joyce Hendrix: But, sir, you would agree that they are privy to some information that would help someone who was looking into a perspective property to purchase?

Commissioner Melcher: They could be, but so could any other, they could get a hold of anybody else to do the same thing. Another Realtor could do the same thing.

Joyce Hendrix: But, anybody else isn't sitting on the County Commissioners.

Commissioner Melcher: But, we have to vote, you know, we don't have a choice of not to vote. I abstain in the other meetings, because a lot of things change in between times. We didn't even have a special use development on this project at that one. So, that would have been another good reason I would have abstained at that time, but, maybe they would, but you've got to understand, you've got to trust them enough to understand that they wouldn't do that. I don't believe they would do that. I just don't believe they would do that, and I've never seen Joe do it in the eight years and the couple years he's been on the Commissioners, and I've never seen Marsha do it yet. So, I just had to say that.

Joyce Hendrix: And, maybe it won't happen tonight.

President Abell: It hasn't happened. It has nothing to do with what we're doing here tonight.

Joyce Hendrix: Thank you.

President Abell: Wayne Kinney?

Wayne Kinney: I'm Wayne Kinney, and I'm one of the, I'm half of the Two Kins. I don't know whether it's the better half or the other half. I'm opening up tonight to just address questions, but I would like to say a couple of things, as we do live in the neighborhood. I did buy the first lot in Ensle Place, so, I'm very familiar with that. We eventually sold that lot, because the roads didn't get put in as quickly as my wife and I wanted to build. The question is, I think it might be of benefit to say, well, why are you wanting to build these apartments there? I'm glad Bill was here to talk about, Bill Spurling, to talk about his apartments. He's done an excellent job of building apartments over by Schnuck's, which are low level, one level housing that people can get in and out of, it's in a community environment, and that need has been served. If you go out to, right beyond Lynch Road, coming out Oak Hill Road, you do have the apartment complex that the lady brought up, there is Section 8 housing in there. Quality houses, they've got a pool, I do believe, they've got, it's a good neighborhood. If you go all the way out to Kansas Road and you turn left on Kansas off of Highway 57, you've got patio homes there. It's right where the new Huck's is at, you turn left, there's a good row of probably 100 patio homes out there. So, that need has been served. So, I think, as I looked at what we would do with this property, there was, you know, different type housing, the only thing that's missing out there is quality apartments. So, if you think of anything farther out than Green River Road out that way, there is nothing like them. That is exactly what a developer looks for, something that's not there and builds it. So, that is what, that is the due diligence that has gone into what should we use this property for. Did we know when we bought it that it was R-1? Most definitely. We definitely knew it was R-1. We knew it was right next to the TIF zone that the Commissioners had put in place. We do know that there's substantial commercial real estate that's going to be developed there. You just approved an action in the last couple of weeks to continue that, to start that, and once that starts that will continue. So, whether we build single family housing, or upscale apartments, and let me address the upscale, low scale, no scale apartments. What I would address there is, if we build lower income, and that's not the right word, if we build cheaper apartments, one bathroom, two bathroom, half bathrooms, whatever, our ability to rent those is going to be very, very low. If we put aluminum siding on it, the idea of getting higher rent is very, very low. So, if you build something, you'd better build it of quality or you're going to end up with 245 apartments and 50 of them are going to be empty. So, the idea that we can show the neighbors, or we can even show ourselves exactly what those are going to look like, is exactly why I'm here tonight asking for a rezoning, because that next step is about \$150,000 to get detailed drawings done of what will be built. The design and engineering of this project will be several hundred thousand dollars, again, at this stage you wouldn't have that to show the neighbors to say, okay, we feel comfortable, we don't feel comfortable. That's why we started with the use permit letter that we put together to start defining them. I would be glad to talk to the neighbors, the neighbors are not approachable. Krista has tried repeatedly to try to get with them to say, what would you settle for, and the answer is no apartments. So, those conversations have just gone totally dark. So, you know, the attempt has been made to reach out to the neighbors. The letter that you have is me negotiating

against myself to put together what I think the concerns are. The idea of the sign being out in the cornfield, the sign is this big. As you guys know, we invited all of the neighbors, that was our meeting that Krista initiated to invite the neighbors to Bethlehem to understand what their concerns were, and they voiced the. We think we understand what their concerns are, but I can't address the issue of no apartments, because that's what we would like to build. So, I will open myself up for your thoughts, comments.

Commissioner Kiefer: Mr. Kinney, I think you said it would be like \$150,000 to do drawings, and I would agree with you, it would be if you did a complete set of plans, but, I mean, a lot of times developers will do some renderings and things like that at a lower cost so they can show the neighbors to say, hey....I mean, I saw the picture of a photograph of what it potentially could look like—

Wayne Kinney: Right.

Commissioner Kiefer: – but, you know, I do think a lot of times people like to see pictures to say, hey, here's how it could be laid out on the site, and here's what the buildings would look like. You know, we recently went through some rezonings on the west side where the petitioner had like, I mean, it was unbelievable the amount of use and development commitments he gave, I forget how many pages, it was like 25 pages worth of use and development commitments, which Krista is intimately familiar with, having represented them. There are such things as like, trash containers, you know, they're enclosed and you don't see them, because they have brick enclosures around them. So, I do think there's, while you did an effort here on your own without having a chance to talk to the neighbors, I do think there's more that could be done as far as showing them, you know, why the development is going to be, have a good appearance to it.

Wayne Kinney: Joe, I don't disagree with you at all, what I said, what, and the other thing is that the reference that was made that the apartments would be like 1,000 square feet, the neighbors are exactly correct and that was our early rendition to your point. Now having decreased the amount of homes from roughly 300 to 245, that size can increase and then rents can increase. But, you know, I think the neighbors need to understand that there is a phenomenal amount of cost in infrastructure to build a complex like this. You know, we have to put turn lanes out there because the road is not widened yet. We have to run sewer all the way up Heckel Road pretty well. Water is an issue. So, our guess is, right now, we're about a million and a half dollars of infrastructure costs to bring that up there to the property. So, you have that sunk cost, you know, the property value of \$230,000 or \$240,000 for the property, that is nothing compared to the infrastructure costs. So, when you take that two million dollars, let's just call it two million dollars, you have to have enough units to divide that infrastructure cost over, or the project would never be affordable. Then, if you want to make it affordable, that's where you're going to be signing up for aluminum siding and cheaper built apartments, because you've got to recoup that cost somewhere. I don't think I'm saying anything you guys don't understand, but that's exactly what the offset would be.

Commissioner Melcher: I guess, I have a question or so, since you brought it up again. Under your use and development, under, I guess, 8(b), you're saying that it's going to be "shall have pitched rooflines and front facade consisting primarily of brick". What else is going to be there besides brick?

Wayne Kinney: Sometimes, Mr. Melcher, in the insets, when you have apartments, you would have all brick on the outside, and the idea that I had there is all the brick that would face the street or would face Ensle Place or whatever, if you've seen the new developments, the outside of these buildings are all brick. If you have the second or third floor of these, sometimes they put non-brick, whatever, it can be stucco—

Commissioner Melcher: Aluminum siding?

Wayne Kinney: It could be aluminum siding, whatever, on the inside. That could be an option.

Commissioner Melcher: Okay, because I just caught that when you were saying that. So, I underlined it when Krista was talking about it, I thought, well, I'll get back to that eventually.

Wayne Kinney: Right, but I would not want to be handcuffed to say that they would be 100 percent brick, because the first time you build—

Commissioner Melcher: No, I didn't ask that.

Wayne Kinney: I understand you didn't say that, but, again, substantial, pick a number 75-80 percent? The idea again, is quality is going to drive up rents, and that is what we have to have to pay this project off.

Commissioner Melcher: Aren't you going to have 700 square foot, two bedroom apartments, or something? Wasn't that said at one time?

Wayne Kinney: It was said at one time, and that was at the density of 290 or 295.

Commissioner Melcher: Okay.

Wayne Kinney: At that higher density.

Commissioner Kiefer: Did you say that you never did meet with the neighbors?

Wayne Kinney: We did. I personally did not. Keith did, Krista did, they did meet at Bethlehem Church. We did meet with the neighbors.

Commissioner Kiefer: Okay.

Wayne Kinney: If I'm not mistaken, their legal counsel was, you were in for them at those meetings, right?

Andy Ozete: I'm not the legal counsel for the neighborhood, but I did go to the meetings, and I was at one.

Wayne Kinney: Okay.

Unidentified: It was at last minute notice though. I'm sorry to speak out, but I'm a neighbor that lives there, and it was last minute.

Wayne Kinney: She is correct that it was last minute, because you guys had a meeting, if you'll remember we were trying to get the neighborhood's input before we

came to the first meeting of that. So, it probably was in less than a week. The notice and the meeting was probably held within a week. You are correct. Any other questions?

President Abell: Thank you. Marilyn Earley?

Marilyn Earley: I'm Marilyn Earley. I live at 6524 Colonial Avenue in Enslie Place. It's the first street west of the proposed development. The first thing I would like to address is Not In My Backyard. I would ask each and every one of you, if this was your community, would you allow this apartment building to be built within one half mile of your home, without any of the effects that they are talking about? I would ask you to honestly look at our part of this and think of it as a homeowner yourself about what you would allow in your community. Mr. Keith, is this your home?

Keith Kinney: It is.

Marilyn Earley: This is a lovely home. Mr. Keith Kinney's home. It could be in Enslie Place. It looks just like this. There's a commercial property for sale fourth tenths of a mile from your home?

President Abell: Ma'am, you need to speak into the microphone.

Marilyn Earley: Oh, there's a commercial property for sale four tenths of a mile from your home. If a developer brought that and chose to rezone it to R-3, would you be comfortable having this apartment complex four tenths of a mile from your home/

Keith Kinney: We have looked at that property, and we think that--

President Abell: Ma'am, please address your comments to us.

Marilyn Earley: I'm sorry. Okay, and, Mr. Wayne Kinney is this your home?

President Abell: Ma'am, please address your comments to us.

Marilyn Earley: This is Mr. Wayne Kinney's home--

President Abell: We are not here to address their homes, Ma'am, I'm sorry.

Marilyn Earley: We're talking about neighborhoods.

President Abell: We are not going to attack people.

Marilyn Earley: I'm not attacking him.

President Abell: Well, you don't need to show us a picture of their home then.

Marilyn Earley: Okay, well, what I would ask is if they were there, would they be comfortable having this apartment building a half a mile from their home? We realize that they want to make money, but there are 800 homeowners here. We care about the invasion of our property by this. The cost of investments to maintain our properties, the quality of our life and our safety. We believe that the two Mr. Kinney's would look at this and be honest and hopefully re-evaluate their proposal. Regarding the 2004 to 2025 Comprehensive Plan for Evansville and Vanderburgh County, I researched Section Seven, which is residential. Under current and future dwelling

unit distribution it says, that the portion of occupied single dwelling homes to the total number of housing units will remain the same. The housing program's comprehensive and neighbor are tied to neighborhood dynamics. Policies should encourage preservation of current stock and general neighborhood character. Under future housing and development efforts; advantages of a neighbor planning and development program are, it emphasizes that neighborhoods are an integral part of the community where the quality of life in the city and county. That it should provide an opportunity for involvement by neighborhood residents, which they are doing, and it allows residents to best know their neighborhood and identify the actions required for solving it's needs. Under the development location factors, it quotes, accessibility of the area that is the capacity of water and sewer utilities must be investigated. Proximity of quality of life factors; employment, schools, recreation and shopping must be considered in the physical site factors. Of course, there was much discussion about water and sewer, but we all know about that. As far as growth areas, the objective states that it is to preserve the neighborhood environment by minimizing negative impacts on residential areas. Ensured residential growth occurs to meet the future demands of the area transportation networks, community facilities and services that create a favorable environment in the living neighborhood. Policies, in residential neighborhoods to exclude incompatible uses that would alter the character of the area, or would not primarily serve the neighborhood residents. As far as plan implementation, the following criteria should be used to evaluate proposals. The suitability of the property for the uses allowed under the current zoning ordinance. The existing zoning ordinance and use of surrounding properties should be considered. The existing and future character of the adjacent areas, and the type and extent of positive or detrimental impacts to the adjacent property, or of the community at large. Zoning should be used as a guide to development activities into appropriate locations. Rezoning should be evaluated thoroughly using the criteria listed, especially the plans goals, objectives and policies. I believe that this proposal is in direct opposition to the 2004-2025 Comprehensive Plan for Evansville and Vanderburgh County, and I request that you deny this proposal. Thank you.

President Abell: Thank you.

Marilyn Earley: Are there any questions?

President Abell: No.

Marilyn Earley: No?

President Abell: I would have to ask that if, not of you, Ma'am, the rest of these are all cons, no pros, if you don't have something new, and, please, we've read the zoning codes, we don't need them recited to us. We're trying to get everybody to have their opportunity to speak, but to waste time is not beneficial to any of us. Joan Scott?

Joan Scott: I'll be really quick.

President Abell: Okay.

Commissioner Melcher: And something new.

President Abell: Yes, something new.

Joan Scott: The only thing that I have, my name is Joan Scott, I live at 6126 Flagstone Drive. I've lived there for 14 ½ years. Love the neighborhood, love the area, worked hard to finally get a really nice home, after being a single parent for many, many years. So, I really am worried about the depreciation of property, but I also walk at 5:30 almost every morning, 2.2 miles around the neighborhood, and I worry about the safety in the wee hours of the morning. We have lots of families that do walk in the afternoons and early evenings, but there are some of us that walk in the early morning hours before work. So, please take that into consideration. I really want you and urge you to vote no.

President Abell: Thank you. Terry Lutz?

Terry Lutz: It's already been said.

President Abell: Okay, Paul Jensen?

Paul Jensen: I've been here before. My name is Paul Jensen. I'm the Vice President of the Keystone Homeowners Association, and represent the Keystone Homeowners Association. I live at 6231 Shoreham Drive. First, I would like to thank the Frazier's for their active participation in this endeavor. They did a lot to help get the word out, which was very difficult to get information. The actual homes per acre is 1.5. That's not a projected, that is an actual. One gentlemen had said something about there were four homes per acre, but I think he was referring to a Jagoe reference, as I remember. The Fisher's pic. that was available, if it's the same picture that's been used in the last two presentations, that is actually a, that is not an apartment building. I was sitting next to someone who had said, well, you know, I just signed a, co-signed a loan for my daughter who lives in an apartment house in that area, and it was for \$250,000. That was the picture that was represented, if that's the same picture that was up before. Also, a facade of having the front of the building be brick, and the sides and the rest of it being, probably vinyl, is not the quality that I'm thinking of when I think of a quality building. The new apartment buildings that have been on, that have been built on Green River Road, the people that live in those apartments, many times, are walking to the Huck's, and that seems to be what is going to be happening, at least on Heckel Road, if these apartments are going to be a reality. That people will be walking to the new IGA, and that presents a fairly dangerous situation. So, again, for all of the other reasons that have been brought up, the Keystone Homeowners Association would propose that this not be approved.

President Abell: Thank you.

Paul Jensen: Any questions?

President Abell: No, thank you. Vaneta Becker?

Vaneta Becker: It's all been said.

President Abell: Okay. Rick Johnson?

Rick Johnson: My name is Richard Johnson. I live at 6437 Colonial Avenue. I'm the guy that's got the lake. You know, Not In My Backyard, yes, it is. It's 30 feet from my backyard. Good, bad, I don't know, but, I guess the bottom line that's going to happen here is money. You know, we've got a lot of contractors here, they're going to make some money, no doubt about it. I'm in construction myself. It's been mostly single family. These guys are going to make \$25,000-\$30,000, the employees,

they're fleeting, they're here, they're gone. My property is probably going to go down 25 percent. You guys are Realtors, you know. Undesirable, you know, I can't say it's going to happen immediately, but a property with apartments is going to be less desirable than one with a house. You know it, I know it, we all know it. Is my taxes going to drop? Doubt it, not for a while. So, they come in and make a year's salary, they go on back to Newburgh, where they live, everybody, nobody in particular, I'm not naming anybody, just construction guys. You make \$30,000 for a year, you destroyed my property for 50, for the rest of my life, however long that might be, ten years, 20 years, 30 years. I know everybody is quoting money that's going to go to the State, going to go to the county, going to go to the city. Ours isn't going to, it's going to go down. You know, like she said, a million something a month, if that drops 25 percent, 20 percent, ten percent, is there a payoff here to destroy a neighborhood with an apartment complex? I don't think there is. I hope that you guys agree. You know, we go to security, yeah, I've got a lake, I've got a helluva liability here when they build a whole bunch of apartments behind me, as I do with houses. Are they going to maintain security? Are they going to maintain, or am I going to wear the Sheriff's Department out every time there's somebody in my lake? You know, they'll probably have me on speed dial, because, you know, I can't allow that to happen behind me. You guys know as well as any, with Burdette, Hartke a fence ain't going to keep the kids and people out of your lake. You know, what's my liability? They make a lot of money, I get sued a million or two million dollars because somebody drowns in my lake. I just don't feel this is the place for these apartments. We've all talked about it, I don't know what else there is to say. Thank you guys.

President Abell: Questions?

Commissioner Melcher: No, thank you.

Rick Johnson: Questions?

President Abell: No. Cathy Johnson?

Cathy Johnson: Hi, Cathy Johnson, 6437 Colonial, Ensle Place. Again, the owners of the lake. Rick mentioned the liability concerns, that is a very strong concern for us. Also, we talk about upper end apartments, in earlier meetings it was referenced to the size and the cost. I did some research, upper end apartments are over \$1,000 a month, and these will definitely not be that. Rick and I have worked our entire life to have a nice house, a lake and all of that, and I plane to retire soon. I plan to use part of the house and the property as our security for retirement. I'm not sure that will be able to happen now. Another thing that concerned me was there was a lot of reference to outdated material in the earlier discussions. I've worked in business for 35 years, and if I was to walk in and give my boss information from four or six years ago, it has no relevance to today. So, I didn't really get the point of that. We were also told in an earlier meeting at the church, that this was the first investment, this retirement project for this company, but then I heard tonight they have many other investments and properties. So, I'm confused. If they are in the business or not in the business, and what the knowledge base is there. Then, what's the guarantee that these jobs will really be for people in Vanderburgh County? Are we not going to bring in union employees from outside this area to handle this large of a project? I'm not sure about that either. What is the apartment capacity in Evansville and the current occupancy rate? Is this really needed? I don't know that either. So, just some of my questions and concerns. Thank you.

President Abell: Thank you. Kelly Chandler?

Commissioner Melcher: When you come up, try to get something different. That way we can kind of keep moving.

President Abell: We have another meeting, and we have people waiting for that.

Kelly Chandler: And, we're waiting to eat supper.

President Abell: We've been here that many hours also.

Kelly Chandler: I'm Kelly Chandler. My wife and I live on 6421 Colonial Avenue. We're at the end of Colonial, Rick Johnson is our neighbor, we share the lake with him. When we first came to Evansville, of course, my wife and I, we came from two different territories, both were close to apartment complexes, housing close to apartment complexes, and we all know the problems that come with apartment housing close to you. Raising crime, there were drug problems, and this was in high end cities, Lexington, Kentucky is one of them. When we bought our house, we asked the Realtors, we didn't want to be around apartments. We didn't want apartments nowhere around us. We bought our house, before we bought our house we asked the Realtors and several other Realtors what this property behind us would eventually be used for. The same answer kept on coming up, was, well, it's just not really suitable for a whole lot. It's suitable for farm land, because it retains water, a whole lot of water. So, we thought, okay, well, let's make a bid on this house. We bought it. Well, we've since three children later, paid off our home mortgage, which we've worked out tails off for, we, basically, a week after we paid off our home mortgage we found out about these apartments. We were basically disgusted. We were sick at our stomach to hear this news. I have a question for the Kinney's, and I will not put down anyone, but it seems like we've been given an ultimatum that if you don't let us build these high end apartments, so called high end apartments, we're going to build some real cheap housing there, on little bitty lots. Well, my question for them is if we don't do apartments, of course, the cheap housing, we all know that will lower property values and everybody suffers for that. What's wrong with high end homes behind us? Raise some property values. It seems like a pretty good idea to me. Let's build some high end homes behind us, on larger lots, like what we have, and raise some property values. That seems like a pretty good idea. I don't, I probably won't find many people here that's opposed to that. Everybody still gets to work. There's a lot of folks here that are employees of contractors, they want the work, they want the temporary work. One fella said, it's work for three years. Yeah, it will be work for two or three years. Well, having a business of my own, I know what it's like to keep employees working. Sometimes you just find work for your employees. You know, build me a fence at my house, when you don't have something else going. I feel their pain, I really do. You know, I've heard a lot of negativity out of some of the members of the audience. When Bill Spurling sat down somebody jeered him. That's totally disrespectful. We feel like we've been really disrespected in the fact that we feel like this whole project has been shoved down our throats. The little sign that they put out there is about, I know a good 12 to 15 foot away from the road. The property was grown up so you couldn't see it. I never saw it until they had the property sprayed, or somebody had it sprayed to kill the weeds, and then I saw, going up Heckel Road, I thought, well, there's a little sign right there. I had to get out of my car, had to stop, get out of my car and go over to read it. That's not appropriate. That's kind of disrespectful. That's kind of short handed, is what I'm trying to say. Our property is our retirement. They said that this is their retirement. When we asked how they came up with so many apartments, the

comment was, well, we asked the architect for maximum profitability per acre, or whatever he said, it meant the same thing. You know, we're at maximum profitability on our property. We don't want our property values to drop. Apartments will make our property value drop. You guys, as Realtors, know that, other Realtors that I know and deal with, they've said that. I don't think the Kinney's are going to write us a check for our property devaluation. If they are, then they would be the first. I ask you as a homeowner and a father, and owner of our retirement property, to vote no on this. It's not needed. There are several other things this property could be used for other than apartments. That's all I've got.

President Abell: Thank you. Deb Kuykendall?

Deb Kuykendall: Dr. Deb Kuykendall, 4030 Marshfield Drive in Keystone. Just one statement, you've got a proposal in front of you that affects 800 homes for the profit of two men. Please vote no.

President Abell: Thank you. Jason Smith? Jason Smith?

Unidentified: He left.

Commissioner Melcher: He was in the back.

Unidentified: He left already.

President Abell: I am probably going to butcher the last name on this one, but Dale Fiatland.

Dale Fatland: Fatland.

President Abell: Okay.

Dale Fatland: 5615 Flagstone Drive. I'm not going to make comments about everything you've heard here. I want to ask some questions. I'm an engineer. I've been in the oil business, and I've been in marketing/sales and product development. I've done a lot of presentations, Power Points, etcetera, and I had to watch that with very strong interest. First of all, all we saw was a clubhouse. We've heard about brick facade, well, a jail can have brick facade in front of it, and look like, you know, not what we want. 245 upscale, 700 to 1,000 square feet, that's not upscale by anybody's stretch of the imagination. I'm not an architect, and you guys, three of you are in real estate, that's no definition or description of upscale by any stretch of the imagination. I think this should be voted down. If Mr. Kinney wants to go back and put in maybe 180 upscale and put some condos in there. Look at, he showed a picture of Mt. Carmel. What did he show a picture of? Downtown. He didn't show pictures of the condos that are out around there. It's beautiful up there, absolutely beautiful. If you go down to Panama City, there's a development that our community could really benefit from by putting stores, little stores, make it a community, not just throw up these 245 apartments. Please vote no.

President Abell: Thank you. That is everyone who originally signed that they wished to speak. I am assuming, I do see a gentleman holding his hand up, and another lady over here. I will allow that for a little while. I cannot allow it for very long. We actually have a Drainage Board meeting that is waiting on us right now. So, you can come up.

Tom Pfender: My name is Tom Pfender, 3625 Rolling Rock Drive. I, my wife, our two daughters and their families all live in Keystone. We moved there with the idea that we weren't going to be in any kind of a different environment than what we saw all around us. That's one of the big reasons I'm opposed, but there are other reasons. I'm going to address the density, even though it's been talked about extensively, only to correct what I think was misstated. By my figures, \$245,000, I mean, 245 units on 17 acres figures out to about 15 units per acre. I think the only way you could possibly get any higher density than this is to go to a high rise complex. I would, I don't know, but I would guess that this represents some of the highest density in the State of Indiana for the type of units that they're talking about building. The, I think too that they say they can't say what they're going to do, because of the cost of drawing the plans, but they could say what the size of the unit, each unit was going to be. They could tell you whether it was going to be all brick or only 50 percent brick. You know, whatever they have not presented a very good case at all as to what is going to be done there. I just would ask that you take all of this into consideration. Thank you for your time.

President Abell: Thank you.

Tom Pfender: Do you have any questions?

President Abell: Questions?

Commissioner Melcher: No, thank you.

President Abell: Thank you.

Susan Harp: Susan Harp, 2515 Glenn Avenue, President of Oak Hill Neighborhood Association, which our boundaries are from Morgan Avenue to Highway 57 for which Oak Hill Road is the nearest north-south thoroughfare, which encompasses this area. It was unanimously voted for at our neighborhood meeting that we were in opposition to this. We had two meetings since we first met at Bethlehem Church. The precedent that our neighborhood association objected to this on was that from Morgan Avenue to Highway 57 you have one area, which Mr. Kiefer is familiar with, Mr. Melcher is familiar with, and I'm sure Mrs. Abell is familiar with, that, right there by Pigeon Creek bridge that many years ago was voted to possibly be apartments. At this time we've had many homes built back there, condos and everybody's pretty happy. There's still some parcels left. There is one other residence from that bridge to Highway 57, that is the intersection of Oak Hill and Lake which was a duplex. Everything else was R-1, with exceptions of the condos of how they had to get different, and also Amherst because he made the yards a little bit smaller, but residential, no apartments. So, we respectfully ask that you reject this proposal on that premise that we have maintained the residential area, and we have always been opposed to having apartments, and it does affect many facets as they have spoken for. So, thank you so much for your time, because I know a lot of these neighbors this may be their first time, but you have gone way above and beyond in listening to these neighbors as did Area Plan, and we do appreciate it.

President Abell: Thank you.

(Applause)

President Abell: Ms. Lockyear, would you like to wrap up your testimony?

Krista Lockyear: Thank you, Madam President, Commissioners. It's hard, after listening to so many comments to decipher through what are the pertinent ones and what are the ones that we just all acknowledge is somebody is so against something that they're going to throw out a thousand comments. So, I could respond to a thousand comments, I'm going to try and pare it down. One of the easiest ones, I want to say, because I started to talk about it earlier, the Johnson's expressed their fear that an apartment complex is going to cause a child to drown in their lake. This particular development has promised a six foot fence, and will have rules and regulations preventing that type of thing. Whereas, a single family development right next door is probably not going to have that fencing as well. So, the fearmongering of, because it's an apartment a child is going to drown next door, doesn't really get us anywhere. I mean, I get the root of it, they don't want apartments there. The Wikipedia definition of NIMBY is not we don't want anything to be developed there, it's we don't a particular use to be developed there. That's exactly what you have heard tonight. We don't want apartments. Not because they truly will increase crime, not because they won't be upscale, not because they won't have walking trails, because all of those things are in a binding, legal commitment that we have provided. The brick facades, the walking trails, the buffer of trees, the six foot fence and, with all due respect, Commissioner Kiefer, even the trash buffers that you mentioned are in the use commitment. The neighbors have consistently refused to listen to the promises my client has been making, because they don't want apartments. That's Not In My Backyard. That's not how can we work together to make this development better. It's I don't want that development in my backyard. My client and I sat here and talked a little bit during the presentation, you know, if we thought that we could meet with the neighbors, develop some more plans, some more photos that we could tie to this is what it will look like, and they would come around and have input and we could back and forth and come to something that's more agreeable to them, we would be happy to postpone this vote and get with the neighbors—

(Grumbling from the audience.)

Krista Lockyear: – that's the response we've had consistently. That's a Not In My Backyard response. The signage, as you know, was posted per regulations. The neighbors all got the letters, per regulations.

(Grumbling from the audience.)

Krista Lockyear: The abutting neighbors get certified mail. We sent letters to the abutting neighbors as well, asking them to advise your other neighbors that might be interested in this to come to the meeting. Yes, it was on short notice, but we've told them consistently about all of the other meetings. I've been in contact with the Homeowners Association, President of the Neighborhood Association, with Mr. Ozete and other neighbors that live in the subdivision. So, it's not fair for them to act like they haven't had the ability to have input on what we're asking. The bottom line is, Not In My Backyard. That's not in this backyard, in detriment to the entire benefit that Vanderburgh County could gain from this development. Vanderburgh County, a no vote on this, is a no vote to fifteen to eighteen million dollars of private investment in development, that ultimately benefits everyone in the county and benefits many workers in the county, as you've heard. Again, if we think we can have any movement moving forward with the neighbors, we would offer that. I don't believe that's the case, and I would ask for your yes recommendation, or your yes vote on the ordinance.

President Abell: Thank you.

Commissioner Kiefer: Mr. Ozete, are you opposed to having further discussions with her regarding—

Andy Ozete: Mr. Kiefer, here's what my response is, we have been very diligent in trying to talk to them about a substitute development, but the attitude of the developer is always, no, I'm going to shove apartments down your throat. So, Mr. Kiefer, they act like this is a one way street where we're being so incredibly unreasonable. I don't believe that's the case, we're saying, yes, development. We're saying don't put in incredibly high density apartment complexes. So, I think that's the issue we're facing, Mr. Kiefer, we want responsible development in that location. That's what zoning demands. So, no, frankly, Mr. Kiefer, if you're telling me that to go back and talk to them about a better trash surround, that's not going to move the needle for me.

Commissioner Kiefer: What about less density? Or, what about higher square footage units, or higher price point?

Andy Ozete: I will tell you that those things do help, but the problem is you can't, and the square footage in particular is very helpful, in my opinion, but when they took out, you know, they said, gee, we can put in higher units now, they took out a lot of building space to put in the trails and the walking parks and all the things that they talked about, which are good things, but the design of the units didn't change. It's still the same small size unit, to achieve even the density that they've talked about after removing that area. So, I have very big concerns about that. If we were talking about, you know, a 50 unit development, a 100 unit development, I think that is something that I say with some trepidation, it's something that would be much more appealing to me. The density that they're putting on is incredibly out of character with everything else around it. That's the problem. You know, we're talking about is it in character with the neighborhood, and anything that they've talked about is way out of character. So, that's what I'm facing.

Commissioner Kiefer: Thank you.

Commissioner Melcher: I don't have any questions. Are you ready for a motion?

President Abell: What's your pleasure?

Commissioner Melcher: I'll move for a do pass. We have to make motions in the positive.

President Abell: Yes.

Commissioner Melcher: Roberts Rules of Order.

Commissioner Kiefer: I mean, I guess I'll second it, but I just hate that, you know, because I remember all of my years on the City Council people always got together and talked. I mean, and if they came back and still couldn't agree, well, then we voted and we did that and we made the decision, but I hate when people don't talk. With that said, I guess I'll second the motion.

(Grumbling from the audience.)

Andy Ozete: It's just a motion to take a vote. They have to have the motion to take a vote.

President Abell: Before we vote, I saw Ms. Lockyear stand up.

Krista Lockyear: With my apologies, do you mind if I speak with Mr. Ozete just a second for purposes of adding discussion before you vote?

President Abell: Certainly.

Krista Lockyear: Commissioners, I have nothing further to add.

President Abell: Okay, thank you. She said that she had nothing further to add. Okay. I have a motion and a second. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: This is a difficult vote for me, because I do see a lot of benefits of apartments. I would like to have seen the neighbors and the developer get together and have more discussion. That's very disappointing that people don't have civil conversation and that it becomes anger, people being angry against each other, but, I also understand the arguments of this with the density concerns and some of the other concerns. I would have preferred to see more conversation, but, with that, under the circumstances presented to me, I'll vote nay.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: No.

Madelyn Grayson: President Abell?

President Abell: No.

(Motion denied 3-0)

(Applause)

(Gavel pounding.)

President Abell: I'll entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 7:46 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the August 27, 2013 Commission Meeting Minutes.
Approval of the September 10, 2013 Executive Session Summary Minutes.

Employment Changes:

County Highway (1)	Burdette Park (2)	Sheriff (5)
Superior Court (3)	Prosecutor (1)	Circuit Court (3)
County Clerk (8)	Assessor (2)	

County Auditor: Approval of the August 2013 A/P Vouchers.

County Highway: August 19th-August 22nd Department Head Report.

County Engineer:

TIF Pay Request No. 181: \$14,643.27
Department Head Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Marissa Schenk
Madelyn Grayson	Boscoe Wilhite	Z. Tuley
John Stoll	Patrick Seib	Brian Murphy
Janet Greenwell	Mike Schopmeyer	Paul Jensen
Andy Ozete	Donna Leader	Krista Lockyear
Justin Shofstall	Bill Spurling	Josh Wongler
Laura Scott	Jerry Marx	Deb Chandler
Jimmy Schiff	Anita Ozete	Kenny Reinbrecht
Joyce Hendrix	Wayne Kinney	Marilyn Earley
Joan Scott	Vaneta Becker	Rick Johnson
Cathy Johnson	Kelly Chandler	Deb Kuykendall
Dale Fatland	Tom Pfender	Susan Harp
Terry Lutz	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 24, 2013**

The Vanderburgh County Board of Commissioners met in session this 24th day of September, 2013 at 5:02 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the meeting of September 24, 2013 of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Could I have attendance roll call please?

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: We have a guest in the audience, Morgan Shively Osborne. Would you like to lead us in the Pledge?

Morgan Shively: Yes. Would you like for me to come up there?

President Abell: You can come right up here and face the flag for us.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Morgan Shively: You're very welcome.

West River 5K Monster Dash Run/Walk Road Closure Request

President Abell: Under action items, we have the West River 5K Monster Dash run/walk request. Is Heather Goergen here?

Heather Goergen: Yes.

President Abell: Would you like to come forward?

Heather Goergen: Yes.

President Abell: Could you give us your name and a little bit about what you are having done?

Heather Goergen: Yes, my name is Heather Goergen, and I am from West River. We are hosting a 5K Monster Dash Run/Walk on October 26th. West River is through Trilogy, we have a Trilogy Foundation, we're a not-for-profit bi-annual fundraiser. We're raising money for Perry Township Fire Department.

President Abell: Oh.

Heather Goergen: It will be held at USI. The race is to start, we're going to have a kid run, and that will start at 9:00, and the actual run itself will run at 9:30.

President Abell: Have you gotten, are all of the clearances in with the Sheriff's Department?

Heather Goergen: I have clearances in with the Sheriff's Department, I also have liability insurance for USI, INDOT and Vanderburgh County.

Joe Harrison, Jr.: I've reviewed it all, and it's fine.

President Abell: Okay.

Joe Harrison, Jr.: It's in order.

President Abell: Okay. Gentlemen, any questions?

Commissioner Melcher: I make a motion for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck.

Heather Goergen: Thank you so much.

President Abell: Thank you.

County Assessor: PetroMan Licensing Contract

President Abell: I'm going to go out of order. Mr. Fluty, are you here? I heard that Mr. Fluty needs to leave. PetroMan licensing contract to provide an oil and gas management software assessment package for the sum of \$4,500. The contract covers the purchase, installation, data conversion and training. Annual maintenance fee is \$2,500 commencing in the second year. The need for this software package system is due to a new reporting requirement by counties to the State of Indiana. Funds will come from the Assessor's Reassessment budget.

Bill Fluty: That's correct. That's the reason I'm here.

President Abell: Well, for the purposes of our viewing audience, why does the County Assessor need gasoline?

Bill Fluty: It's gas and oil, it's actually not gas so much, but actually oil pumped from oil wells, which is assessed. It moves through the assessing. This is a program, it was actually done differently in the past, but we can't do it that way anymore. As you can see, they're talking about compliance. This is going to be entered into a software package data and uploaded to the State. So, as their requirements change, the way we do business changes. It will be a better system than we've had in the past.

President Abell: Okay. Any questions?

Commissioner Kiefer: I'll make a motion for a do pass.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Bill Fluty: I appreciate that. Thank you.

President Abell: You're welcome. Thank you.

County Treasurer: Permission to Award Banking Services RFP

President Abell: Now, let's go back to the agenda. County Treasurer, permission to award banking services. Susie Kirk is here to discuss this.

Susie Kirk: Hello. After doing some negotiating, we have gotten the bank fees down to, we've decided to go with German American.

President Abell: Oh.

Susie Kirk: We are going to save the county a little over \$30,000. The way the bank fees has gone down, I'm going to give you, Joe, and the Commissioners, if you just want me to give them to Madelyn to hand out, or do you want one now?

Joe Harrison, Jr.: What are you talking about, the contract or what? The fees?

Susie Kirk: The bids, the last ones. Do you want that?

Joe Harrison, Jr.: Yes.

Susie Kirk: Okay.

Joe Harrison, Jr.: Is this, so, after you received the RFP, you're saying that they were lowered even more?

Susie Kirk: Yes.

Joe Harrison, Jr.: Okay.

President Abell: Oh.

Susie Kirk: Both banks, two times, the first one and the second one, and that was the final, this was the final one.

Joe Harrison, Jr.: And, the proposed contract that I initially saw, is that still the format?

Susie Kirk: It will be the format. Do you want me to—

Joe Harrison, Jr.: Bring it to the next meeting.

Susie Kirk: — tell German American to—

Joe Harrison, Jr.: Sign it first.

Susie Kirk: —sign their, bring their own, I'll just tell them to give me the contract, and then I'll send it to you—

Joe Harrison, Jr.: Right.

Susie Kirk: — you read it over, and then it can be signed at the next meeting, if that's okay with you.

Joe Harrison, Jr.: Yeah, have them just prepare a draft for me to review.

Susie Kirk: Okay.

Joe Harrison, Jr.: Have it sent to you, and then you can send it to me and then we can look at it and make sure it conforms with this.

Susie Kirk: Okay. Is everybody okay with that?

Joe Harrison, Jr.: So, I guess, your request is to go with the proposal, revised proposal of German American Bank?

Susie Kirk: Yes. It's the cheapest. They can meet all of our needs. They've got, you know, we've been through everything. So, other than we'll notify, it will be on the tax bills also this time, where it wasn't before as to where you can pay. We're going to put, they never did that before, but we're going to do that this time. So, it will be on the tax bills saying that you can also pay at German American.

Joe Harrison, Jr.: Now, let me ask you this, their initial proposal was still lower than the other bank?

Susie Kirk: Yes.

Joe Harrison, Jr.: So, had you not negotiated it even more, they still would have been lower than the other bank that submitted a proposal, is that correct?

Susie Kirk: Yes, that's correct.

Joe Harrison, Jr.: Okay.

President Abell: Do we need a motion? Or, do we wait until the contract comes?

Joe Harrison, Jr.: Yes, motion to....no, I would go ahead and go with her recommendation to approve the proposal with German American Bank, and we'll wait for the next meeting to enter into a formal contract.

Susie Kirk: I just wanted to get your approval—

Commissioner Kiefer: I'll make a motion to approve as stated by counsel.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Susie Kirk: Okay, I'll give Madelyn these to pass out to you.

President Abell: Okay, thanks for the good work.

Susie Kirk: Thank you very much.

**First Reading of Ordinance CO.09-13-009:
Amending Ch. 17.20.090, 17.28.050, 17.28.070 & 17.24.080(B) of the
Vanderburgh County Zoning Code**

President Abell: First reading of CO.09-13-009, amending the zoning ordinance. The proposed amendment will require that residential re-entry facilities located in Vanderburgh County obtain a special use permit. Is there anyone here to address this?

Joe Harrison, Jr.: Yeah, Blaine Oliver.

President Abell: I didn't see you, Blaine. I'm sorry.

Blaine Oliver: Good evening. Blaine Oliver, the Assistant Director of the Area Plan Commission. What this ordinance basically does, it establishes a special use for these residential re-entry programs for former prisoners. Our code right now does not specifically list this as a use. They would just be thrown in to a general group home category. We had several calls, going back to a couple of months ago, from entities that wanted to, that were chasing grant funding to establish such facilities in Evansville or Vanderburgh County. We realized that they could go in any zoning district the way our code was written, pretty much any zoning district without any public hearing or notification of abutting property owners. So, what we've done is we've established this as a special use in the zones for C-4 and above. Basically, the manufacturing zones one, two and three and C-4 is our most intense commercial district. So, in those districts, if someone wanted to establish such a facility, they would come in and apply for a special use. If they already had property that was zoned right, they would still have to go before the Board of Zoning Appeals, have a public hearing and notify abutting property owners, none of which might happen under the current ordinance now. Certainly the special use wouldn't happen. So, it's basically requiring a public hearing for these type uses before it could be established.

President Abell: These re-entry housing, these are people who are incarcerated?

Blaine Oliver: Yes.

President Abell: And are coming back in?

Blaine Oliver: Or former prisoners, they are coming back into the community. Usually what they do is they'll come back into the community in a facility like this for awhile before being totally released so that they can live anywhere they wanted to at that point.

Commissioner Melcher: We have one now.

Joe Harrison, Jr.: Yes.

Commissioner Melcher: I think we have one over in an industrial park.

Joe Harrison, Jr.: Franklin, off Franklin somewhere.

Blaine Oliver: Yes.

Commissioner Melcher: American something, I think.

Blaine Oliver: We do, and that one, I think the contract was set to expire at the end of this year. So, somehow Evansville got on this list for grant money for these type facilities. So, we started getting these calls, and we thought, well–

Commissioner Melcher: That's kind of what happened with that one. It started out in the 6th Ward, the 5th Ward and ended up in the 3rd, because we wanted it in an industrial type area.

Joe Harrison, Jr.: The good thing about this proposal, as he said, there's at least some guidance on what will have to be followed to establish one. There will have to be a public hearing.

Commissioner Melcher: We should have already done this.

Joe Harrison, Jr.: So, from now on you'll need a special use what? Who knows what the number is?

Blaine Oliver: Special Use number 46.

Joe Harrison, Jr.: Okay, that's the next number in line?

Blaine Oliver: Yes.

Joe Harrison, Jr.: Okay, again, this is first reading, there will be a second reading in two weeks.

President Abell: The industrial zoning area, that would never, then they would never be building or occupying a place near a church or a school?

Blaine Oliver: Yeah, you're usually not going to see churches or schools in an industrial zoning type area. So, there's not specific spacing requirements that these type uses would have to meet to be so many feet away from a school or a church, but I can't think of any schools that we have that are in an industrial zone anywhere in the city or the county.

Commissioner Melcher: Well, CAPE had the Enterprise Zone on Virginia, which is about four blocks from the last one, from the other one. It was industrial over there.

Blaine Oliver: That's what we're trying to do is direct these type uses into more intense land use districts like manufacturing and C-4, our most intense commercial district.

Commissioner Melcher: Also, we were told it might not have to be people from our city or county too. It could be other people coming, but it's also supposed to be what they call some kind of crime, white crime, easier crime, it's not felons, murderers and that. It's people that did–

President Abell: Embezzling.

Commissioner Melcher: –embezzling and stuff like that.

President Abell: I guess, my only other question is, as you were drafting this, or, I guess, maybe you haven't finished drafting it entirely, have you talked to the police? Have they had any input into where they think these areas would be good?

Blaine Oliver: We did check with the Police Department. They agreed that they thought these types of facilities should be in more intense land use zones. This was drafted with Dirck Stahl's help—

President Abell: Okay.

Blaine Oliver: — our attorney, and he's signed off on it. Area Plan Commission passed it September 12th, eight to nothing.

President Abell: Oh, okay. Okay, any further questions? I'll entertain a motion.

Commissioner Melcher: I'll move for a do pass.

President Abell: Do I hear a second?

Commissioner Kiefer: I'll second it. I just want to make sure, I mean, this is not zoning, some carte blanche zoning some area with this category? They have to come in and rezone it, go through the public hearings and do all of that? So, I guess, in that case it wouldn't matter, I mean, if it was close to a school we could, you know, at the time say, hey, look it's too close to a school we don't want to rezone it.

Blaine Oliver: Right, if they had to rezone and they were going in the county somewhere, they would have to come before the Area Plan Commission and then this Body to get approval of the zoning first. Then, they would have to go to the Board of Zoning Appeals.

Commissioner Kiefer: Because, like, if you look in the city, like over at Bosse Field, I mean, that whole park area is very close to that industrial park. I mean, you're surrounded by an industrial park, just, you know, so, I could see somebody wanting to go into that industrial area and it's very close to a city park. So, but, anyway, as long as they've got to go through the public process I think we're safe.

Blaine Oliver: Right.

Commissioner Melcher: But, if it's already C-4, isn't that right?

Commissioner Kiefer: No, it would have to have this special use.

Joe Harrison, Jr.: They've still got to get a special use.

Commissioner Melcher: No, they've still got to go, I'm just saying you might not do rezoning.

Blaine Oliver: Right.

Commissioner Melcher: You would just have to go in front of BZA.

Joe Harrison, Jr.: That's correct.

Commissioner Melcher: You said rezoning, and I was just—

Commissioner Kiefer: Oh, so, they could avoid the whole rezoning if they just want to get–

Joe Harrison, Jr.: If they're already going into a zoned area–

Blaine Oliver: Right, right.

Joe Harrison, Jr.: – that's appropriate.

Commissioner Melcher: If they're going into a zoned area, just like the one that's there now–

Joe Harrison, Jr.: Which is the way it is right now as we sit here today.

Commissioner Melcher: –the way it is right now, that's the way it is today.

Commissioner Kiefer: Well, then, maybe we need to add some kind of distances from–

Joe Harrison, Jr.: Well, I don't think you're going to have, I just don't think, I think at the Board of Zoning Appeals is where you're going to deal with a lot of this stuff.

Commissioner Kiefer: Yeah, but that's not an elected body though.

President Abell: That's true.

Blaine Oliver: They can put, BZA can put any condition they want on it, and if they think it's too close to a school or park, they could deny it, turn it down. So, I think we have the controls in there. Primarily we didn't want these going in, these type facilities going in to, say a residential zoned area without any public hearing at all.

President Abell: Right.

Blaine Oliver: So, that's really what we were trying to do was to establish that. Probably most often, once people see that we have this in our city and county code, they're going to try to focus in probably on those areas that are already zoned. If they come with an area that's already zoned correctly, they would just have to go to the Board of Zoning Appeals. If they are looking at a residential area, or one of our lower commercial intensity districts, then they would have to come to this Board to get your approval of the zoning first before they went to BZA.

Commissioner Kiefer: Okay, so, I think I had seconded it.

President Abell: Roll call, this is just first reading.

Joe Harrison, Jr.: Right.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I'll vote yes so we can move it on to next reading for further discussion.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Blaine Oliver: Thank you.

Purchasing: Permission to Advertise for Commercial Fuel

President Abell: Purchasing, permission to advertise commercial fuel. Debbie Spalding? I knew I didn't see Debbie, I was looking around and I didn't see Debbie.

Boscoe Wilhite: Yeah, she scheduled this and then scheduled vacation.

President Abell: Okay.

Boscoe Wilhite: Boscoe Wilhite, Purchasing Manager. As it says, we're just requesting to advertise for commercial fuel for an RFP. The advertisement dates are going to be October the 7th and 14th, with bid openings being October 24th at the Board of Public Works, and then, of course, we'll bring any contracts back to the Commissioners.

Commissioner Kiefer: Move to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Boscoe Wilhite: Thank you.

President Abell: Thank you.

County Surveyor: Precinct Revisions Discussion

President Abell: County Surveyor, precinct revisions discussion. Jeff Mueller is here.

Jeff Mueller: Good afternoon. Jeff Mueller, County Surveyor. The reason I'm here today is just to come before you before we do anything.

President Abell: Good thought, Jeff.

Jeff Mueller: I did not want to do anything yet. As you're aware, I've got these handouts I'll give to you.

President Abell: Okay.

Commissioner Melcher: That was a good call.

Jeff Mueller: There's quite a bit of rules on the size of precincts, and as you know, as we have, we go and count the population every ten years and we find out that some of our precincts are bigger than what they're supposed to be. In the past, the County Surveyor's office, and I'm assuming it's because, you know, we've had the mapping people and everything have done a lot of this work. What Linda put together is a list there is kind of the ones that are either oversized right now, or kind of getting close to size on the first page. On the second page are some ones in which the names don't actually, if you remember, the city there were some precincts moved, so you've got like a Ward One, Precinct Ten that's actually in the Third Ward now or something, I don't remember exactly which ones. But, you've got some names that don't make sense, so, there might be a request to change the names, because when they moved those in the city, the City Council can't change the names, only the County Commissioners can. We're not suggesting you do anything right now, all we're doing is we're saying if you don't have a problem we'll go ahead and start working on, for example, looking at the map, and the map's got to be like, for example, Precinct C-5 and C-11 and C-14 on your list, you can see they are all above 1,200 active voters. Those are areas out in Center Township where all of the subdivisions are being built and that. So, we would look at, you know, how can we, we're probably going to have to create at least one new precinct, carve it out of those three, there would be four instead of three. So, we would do the map work and that and then bring it back to you with some suggestions on, you know, here's some things that you'll want to look at. But, I didn't want to do that without you all saying, yeah, go ahead, would you work on that for us? It's actually the County Commissioners' duty, we're going to do the map work for you and come back and you guys tell us, yeah, we like that, or can you change the line here, or however you want to do that. But, I didn't want to start doing that work without you telling us, yeah, we would like you to do that, Jeff, or dig into it initially.

Commissioner Melcher: I think what would help me, if, when we get to do this, if you brought maps.

Jeff Mueller: Yes, we would. I can show you—

Commissioner Melcher: Because the numbers have changed so many times, even in the Third Ward that I know, you know.

Jeff Mueller: Yes.

Commissioner Melcher: So, because what they did, when they moved things, they would drop off one, and one wouldn't be there anymore, and then two, and the numbers are not in order. Because if they did put it in order, then they would have to send out all new cards and that costs money. So, that's why they never did it.

Jeff Mueller: Right.

Commissioner Melcher: But, I guess, the question I have, and only because we've got early voting and we've got vote centers now, the idea of the 1,200 was, most of them voted in a certain precinct.

Jeff Mueller: That brings up a good subject, especially in Vanderburgh County, of is there any magic to 1,200 anymore? But, it's the State law right now.

Commissioner Melcher: I don't think there is. Not anymore.

Jeff Mueller: The only, I mean, the thing about precincts right now is the big thing is just the precinct committeemen and the issue of, you know, sometimes when you have an open office the precinct committeemen vote for those, or they vote for the County Chairman. You're exactly right, Mr. Melcher, as far as, you know, with the voting centers.

Commissioner Melcher: Voting centers kind of made that obsolete.

Jeff Mueller: Yes, yes.

President Abell: I have a question, I don't think I know how to read this second page.

Commissioner Melcher: I don't neither, that's why I was asking for maps.

President Abell: Okay, good. Like I'm going all the way to the bottom—

Jeff Mueller: Okay, on the second page, I'm sorry, what essentially it's saying, like the very first one where it says Ward Three, Precinct One?

President Abell: Uh-huh.

Jeff Mueller: That precinct, even though it's labeled Ward Three, Precinct One, it's one of those that actually got moved to Ward One when the city redistricted. So, what Linda is suggesting on that particular one is we would just rename the precinct to match what's actually going on.

Joe Harrison, Jr.: Especially since you don't go to your precinct to vote anymore.

Commissioner Melcher: No, these are just named wrong.

Jeff Mueller: Yeah, on the second page they're just name changes.

Joe Harrison, Jr.: Okay.

Commissioner Melcher: Yeah, these are name changes.

President Abell: I know, but how do you re-change the name of something in the Third Ward to the Sixth Ward. I mean, they're like across town from each other.

Commissioner Melcher: Not really. First Avenue–

President Abell: Well, then somebody really messed around with the map.

Commissioner Melcher: – it's First Avenue.

Jeff Mueller: Yeah.

Commissioner Melcher: You know, First Avenue, part of First Avenue is Third, and another part is Sixth and the top part is Fifth.

Jeff Mueller: These were already redistricted. It's just, like I said, now you've got, for the issue of trying to eliminate the confusion, well, I'm in the Third Ward, well, but yeah, I vote for First Ward people now. That's a matter of if you'd want to do that or not.

President Abell: Okay.

Jeff Mueller: So, we'll just bring that suggested list to you.

Commissioner Kiefer: So, Jeff, on this first one, it says rename Ward One, Ward Three, Precinct One. So, I guess, is there no precinct–

Jeff Mueller: Ward Three, Precinct One was actually moved to the First Ward as far as voting for the First Ward Councilman.

Commissioner Kiefer: So, now it's Ward One, Precinct One?

Jeff Mueller: Right now it's still Ward Three, Precinct One.

Commissioner Kiefer: But, it should be Ward One, Precinct One?

Jeff Mueller: Right.

Commissioner Kiefer: Okay.

Jeff Mueller: But, when they changed the, when they moved those precincts around, the City Council did to meet the requirements that, you know, that it was properly divvied up, you know, you had the right amount of people for each precinct, the City Council couldn't actually rename that precinct. They're not allowed to. Only the County Commissioners are allowed to rename it. So, in that process of, when we look at creating new precincts, we would also bring to you a list that says, here's some precincts you may want to rename. It would be up to you on whether you would want to or not, or just keep the same names.

Commissioner Melcher: Well, in the past, if I remember right, and I was involved in a couple of these in my lifetime, they would go ahead and rename them and just get the Commissioners to approve it. Do you see what I'm trying to say?

Jeff Mueller: Yeah.

Commissioner Melcher: It's just, so, that one would be, you can't have two Three Precinct's in the First Ward, so you have to see what number is open.

President Abell: Yeah.

Jeff Mueller: Right, that's correct.

President Abell: Yeah, because Ward One, Precinct One may not be open. It probably isn't.

Jeff Mueller: Right, it may become Ward One, Precinct–

President Abell: Seventeen.

Jeff Mueller: Yeah, whatever, yes.

President Abell: Right, okay. I'm more understanding it now.

Jeff Mueller: Sorry for that confusion. But, we're not voting on doing anything tonight–

President Abell: Right.

Jeff Mueller: – other than you telling me that, Jeff, we would like you to work on this for us. That's all.

Commissioner Melcher: We really need to get this done, because their election...you've got to do this like a year ahead of the election.

Jeff Mueller: Right, our goal would be to get it finished this year–

President Abell: Yeah.

Jeff Mueller: – and bring it back to you.

President Abell: I think we want you to work on it. Gentlemen?

Commissioner Kiefer: Yeah.

Commissioner Melcher: Yes.

Jeff Mueller: I just didn't want to start without you all saying, yes, Jeff, we would like you to do it. We've done it before, but I just wanted to make sure that's what you wanted again tonight for us to continue to do that.

Commissioner Kiefer: Okay, I'll make a motion to approve that the County Surveyor begin working on this as he's requesting.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Jeff Mueller: Okay.

Commissioner Melcher: But, I think, at this time, I wouldn't worry about being over 1,200. We can cross that bridge at another time.

Jeff Mueller: Well, I mean, do you want us to at least take a look?

Commissioner Melcher: You can take a look.

President Abell: Yeah.

Jeff Mueller: Okay.

President Abell: But, if it gets that it's, sometimes they're so hard to do you can't do them.

Jeff Mueller: That's true, because you've got to look at the Senate District and the House District and the population thing—

Joe Harrison, Jr.: Right.

Jeff Mueller: – and everything else.

Commissioner Melcher: You can split a precinct, but that's tougher.

Jeff Mueller: Yeah, and, so, yeah, but, like I said, I think a lot of it's going to be mainly in Center Township. Up in that area of Green River Road, Oak Hill, all through that area where it's grown and continued to grow. You know, that's where a lot of the new homes are being built right now, and a little bit on the west side in Seven and Eight. Those are the, that's where we're seeing all of the homes being built. Okay? Alright, thank you.

President Abell: Alright, thank you.

<p style="text-align: center;">Resolution CO.R-09-13-016: Pledging Funds in Support of Downtown Convention Hotel Project</p>

President Abell: Resolution regarding financial support for the downtown hotel project. Mr. Harrison is going to tell us about this. We've got a copy of this resolution, I think. Does everyone have a copy?

Joe Harrison, Jr.: Madelyn, did you get it?

Madelyn Grayson: Yes.

President Abell: I did not get a revised one.

Madelyn Grayson: I've got three here that I'm going to have you all sign.

President Abell: Okay.

Joe Harrison, Jr.: I'll go ahead and read the proposed resolution:

“Resolution of the Board of Commissioners of Vanderburgh County pledging funds in support of the proposed downtown convention hotel project. Whereas, the City of Evansville, Indiana is seeking to have a new convention center hotel constructed in downtown Evansville, Indiana. The plans for the new hotel include an overhead skywalk, which will connect the new hotel to a parking garage, the Ford Center, and to the Evansville Auditorium and Convention Centre, which is leased to Vanderburgh County and managed by SMG. Whereas, on May 14, 2013 the Board of Commissioners of Vanderburgh County passed a resolution in support of a new hotel to be located adjacent to the Centre. Whereas, a new hotel will be a significant economic development boost to the Evansville community and will enhance the prospect of increased convention and trade show business at the Centre in the future. Whereas, on July 25, 2013 bonds relating to the Centre were refinanced, resulting in an interest savings amount totaling the sum of \$1,200,000, which must be used for capital related expenses with respect to the Centre, such as the proposed reconstructed skywalk to be connected to the Centre with respect to the new hotel project and/or other capital improvements to the Centre proposed by the City of Evansville. Whereas, the \$1,200,000 interest savings amount, from the refinancing of the Centre bonds, will be available on February 1, 2014 for contribution to the City of Evansville for Centre related improvements associated with the new hotel project. Whereas, Vanderburgh County hereby agrees to contribute the sum of \$1,200,000 from the refinancing of the Centre bonds towards the new hotel project for the cost of capital related improvements to the Centre. Whereas, Vanderburgh County also agrees to contribute an additional \$300,000 in economic development related funds to assist with the new hotel project. Whereas, the Board of Commissioners of Vanderburgh County further encourages the Vanderburgh County Council to approve the two million dollar request by the Evansville Convention and Visitors Bureau for contribution to the City of Evansville for application towards the new hotel project. Now, therefore, be it resolved by the Board of Commissioners of Vanderburgh County as follows; that the Board of Commissioners of Vanderburgh County agrees to contribute a total of \$1,500,000 to the City of Evansville to be used for Centre related capital improvements proposed by the City of Evansville in connection with the new hotel project. That the Board of Commissioners encourages the Vanderburgh County Council to approve the two million dollar request by the Evansville Convention and Visitors Bureau for contribution to the City of Evansville for application towards the new hotel project. This resolution shall be in full force and effect from and after its adoption. Duly adopted this 24th day of September, 2013.”

President Abell: I have a question.

Commissioner Melcher: I do too.

Joe Harrison, Jr.: Okay.

President Abell: What's the significance of the money being available February 1st. Is that when we'll have it? Do we not have it yet?

Joe Harrison, Jr.: Yeah, it's not going to be submitted to us until sometime in January.

President Abell: Okay.

Joe Harrison, Jr.: It's done. It's sitting somewhere. It's just not in the county's coffers yet.

President Abell: Okay.

Commissioner Melcher: We pretty much agreed to all of this when we refinanced.

Joe Harrison, Jr.: Yes.

Commissioner Melcher: The only question I have, and I don't know how you word this, I know what it's supposed to be, I don't know what it's going to be. The skywalk is all supposed to hook up to a hub where everybody could go anywhere. I think that's what we're trying to say here, that the new hotel parking garage, connect to the new hotel to a parking garage, alright, and then the Ford Center and the auditorium and center and the Vanderburgh County Centre. So, to me, I'm envisioning like a plus or something out there. When I talked to Redevelopment a couple of years ago, it was going to be like a hub in the middle like Indianapolis. Everybody says we need to be like the big cities and be multi-faceted here. So, what we need to do is make sure that we've got something pretty nice that when the walkway comes out of the Centre it goes into a hub and you've got your choice of the hotel, the parking garage or the Ford Center, and vice versa.

Joe Harrison, Jr.: Sure.

Commissioner Melcher: Everybody has that. The rumor I'm hearing is it's going to be hooked to the hotel, and you have to go through the hotel to get to it. I don't think that's what we're saying here, unless I'm wrong.

Joe Harrison, Jr.: Well, I, what's intended is generally it's going to be used for the skywalk to connect to the Centre, but also those funds will probably be used to enhance the entrance to the Centre, you know, up in the top level where it hooks into the skywalk, there's going to be some improvements made to that entrance area, which will, that these funds will be used for as well. So, it's going to make it a lot more enticing.

Commissioner Melcher: No, no, and I understand that, but that wouldn't have happened if they would have closed it off.

Joe Harrison, Jr.: Oh, that's right, we wouldn't have had anything.

Commissioner Melcher: You know, they left it hanging forever.

President Abell: I might be able to answer the question.

Joe Harrison, Jr.: I don't know about the dimensions.

President Abell: Well, the connector has been taken off the table. That connector was going to be the retail center with the storage underneath—

Commissioner Kiefer: Right.

President Abell: – and that has been removed from the project.

Commissioner Kiefer: Right.

President Abell: So, I don't know that they have a direct design of where they're going to put our skywalk now.

Commissioner Melcher: Well, the, my understanding, of the few times I was in front of the Redevelopment Commission and the past Mayor and Mr. Kisch was that someday we would build a garage. It was going to go right back there in the back. So, if we had the hub thing we would already be hooking up to the Ford Center. The Ford Center and the Centre should have been hooked up right now. You know, right when it got done. The idea was to have it hooked up then. Then, whenever they built the hotel they would be able to scoot it across the street to the hotel, and then if the garage ever came, which was going to be down the road, it was going to go straight into the garage.

President Abell: Well, I just know that the connector building was a seven million dollar deduction, I think they said, and they were taking it off the table so, to get the cost down. So, it was going to be, that was where the skywalks were all going to come into and there would be a food court and some retail space. I'm not an engineer, I would suspect they will probably try to design it where if in the future they can put that in, they would, but I don't know that. I don't think anyone knows where our skywalk will go now. I don't think, because this was just taken off the table this week.

Commissioner Kiefer: But, for the purposes of this resolution, we're saying we're supporting with these funds to get the skywalk and also to help do these funds toward the project. So, I think, with that said, you know, I think we will be connected to the new hotel.

Joe Harrison, Jr.: The bottom line is the funds can only be used for Centre related improvements.

Commissioner Kiefer: Right.

Commissioner Melcher: I understand that.

Joe Harrison, Jr.: It's got to benefit the Centre.

Commissioner Melcher: I'm just trying to make sure that it's hooked up—

Joe Harrison, Jr.: Sure.

Commissioner Melcher: – where everybody gets equal use.

Joe Harrison, Jr.: I hope that's the intent.

Commissioner Kiefer: Yeah, I think that's the intent. With that, I'll make a motion to approve this resolution.

Commissioner Melcher: I'll second it.

President Abell: Further discussion? Anyone in the audience have any discussion about this? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I'm just going to state, for the record then, that I believe that it should have four separate entrances, there should be a hub, because we keep talking about the big cities and we should act like one and be ahead of the game. It should be there. If they want to build another building or something somewhere else and try to figure out a way to hook that up, we could do that too. So, I mean, there's all kinds of possibilities. So, I'll vote yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I will attend the County Council meeting in the morning to present this resolution to the County Council. Madelyn, will you make sure I have a proper copy to take with me to the Council meeting? We are signing them now, actually.

**Recorder: Phoenix Digital Imaging Agreement
Superior Court: Drug Court Assessment Agreements with USI
Second Amended MOU with EVCBA: Centre Depreciation Funds
2013 Kraftwerks OCH Event Lease Agreement**

President Abell: Contracts, agreements and leases, the County Recorder agreement with Phoenix Digital Imaging. Agreement to index the Recorder's Office recorded documents, which were recently scanned by U.S. Imaging. The estimated cost of this agreement is \$375,000 to be paid over the course of three years. The Recorder is not here this evening. She has talked to me. We all talked to her at the last meeting and asked her to move this forward to this meeting. She's out of town, but it was with our permission that this is still on the agenda without her here. I'll try to answer any questions anyone might have.

Commissioner Kiefer: I'll make a motion to approve. I mean, this has been something we've talked about over and over. I think we delayed it, but I'm ready to move it forward and I make a motion to approve.

Commissioner Melcher: No, I agree. I was ready to move it the last meeting. So, with that, I'll second it.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Treatment Court assessment and recidivism, I cannot pronounce that word, study agreements with USI. Two agreements with USI, one year agreement for the recidivism study and quarterly assessment reporting. The USI Social Work Department to assist the Vanderburgh County Treatment Courts in analyzing the effectiveness of Vanderburgh County Treatment Courts programming. The cost is \$15,000 to be paid from the Vanderburgh County Treatment Court Fee funds.

Regene Newman: Hi, I'm Regene Newman for the Treatment Courts. You had some questions about the contracts?

Joe Harrison, Jr.: Well, technically you have two agreements.

Regene Newman: Yes.

Joe Harrison, Jr.: One is \$30,000.

Regene Newman: Yes.

Joe Harrison, Jr.: One is \$15,000, and you did change the dates, right?

Regene Newman: Yes.

Joe Harrison, Jr.: The dates are correct now. I know the last time they had some questions, and I think they may have had some questions about whether or not you thought you had sufficient User Fee funds on hand to handle the cost of the contracts.

Regene Newman: Yes, we do.

Joe Harrison, Jr.: And, go ahead.

President Abell: Okay, that's close.

Joe Harrison, Jr.: That's not all.

President Abell: That's close. My concern is you're going to use actually \$45,000 of your User Fee money—

Regene Newman: Correct.

President Abell: – I just want to make sure that you're not going to spend this \$45,000 and come back later for something else that you could have spent this \$45,000 from and take it out of the General Fund.

Regene Newman: No. No, the Treatment Court is funded strictly with federal and state grants, along with the User Fees. So, it doesn't use any money from the General Fund.

President Abell: But, I mean, let's say you needed a new printer and you could have bought that out of this, but you spent all of your money on this and then you would have to get the printer out of the General Fund.

Regene Newman: No. That won't happen.

President Abell: Okay, I just want you on record saying that, because the Council does not want to spend any money.

Regene Newman: Right, I will go on record saying that we will not go to County Council and ask for any money for this.

Commissioner Abell: Okay, then I'm okay with it.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Now, this is the—

Joe Harrison, Jr.: This is on both contracts.

Commissioner Kiefer: This is on both. Yeah, I'll make a motion to approve both contracts, one for \$15,000 and the other for \$30,000.

Commissioner Melcher: I'll second the same motion.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I'll be really interested to see the results of this.

Regene Newman: Oh, okay.

Commissioner Kiefer: So, whenever you get finished, you know, if you don't mind passing that along to us.

Regene Newman: Not at all. I'll let Judge Trockman know.

Commissioner Kiefer: Okay, I vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Regene Newman: Thank you.

President Abell: Thank you. The Commissioners, second amended memorandum of understanding with the Evansville Vanderburgh County Building Authority. This revises the amount of Depreciation Reserves on hand by the Building Authority for the future improvements at the Centre from three million to two million seven hundred. The Depreciation Fund currently totals the sum of \$3,200,000 due to interest earnings since 1997. Pursuant to the second amended memorandum of understanding, the county intends to use \$500,000 toward application toward its rental obligation to be paid to the Building Authority in connection with the amount budgeted for 2014. Gentlemen? I think Mr. Harrison can answer any questions.

Commissioner Kiefer: Yeah, I mean, if you wouldn't mind could you put this in—

Joe Harrison, Jr.: Layman's terms?

Commissioner Kiefer: – layman's terms, yeah. Thanks.

Joe Harrison, Jr.: Essentially, when the Centre was opened, or before it was opened, there were, there was a memorandum of understanding between the Building Authority and the county, and there was as schedule of money the county was to pay each year, through the budget, for Depreciation Reserves for capital improvements at the Centre. That particular agreement said when it gets up to three million dollars, that's it, you don't have to keep replenishing the amount. Well, with interest, interest used to be a little higher at the bank, and it's up to \$3.2 million. So, they've made a little money over the years, and the County Council has requested that this amount be reduced down to \$2.7 million, and \$500,000 would be applied toward their rental obligation to the Building Authority, the county's rental obligation.

Commissioner Kiefer: Yeah, that's exactly what I thought it was. In essence, it's a way for us to help the county balance their budget that they're trying to work on.

Joe Harrison, Jr.: We were fortunate that we had \$200,000 more than the \$300,000. So, really it's being knocked down \$300,000 and maybe if interest rates ever go up, which they probably won't, you know, we might make a little interest money and it will bounce back up.

President Abell: It will be back up then.

Joe Harrison, Jr.: But, the one thing to keep in mind, they have not used any of that money for any capital improvements since it's been put in there. So, it's not like any of the money since 2000 has been used.

Commissioner Kiefer: Right.

President Abell: But, the building is 12 years old.

Joe Harrison, Jr.: The building is, I think, 13 years, I think it's 13 years.

Commissioner Kiefer: So, at some point we're going to need to use it.

President Abell: We're going to need it at some point, yeah.

Commissioner Kiefer: Okay, so I'll make a motion to approve, because I understand the critical need the County Council is having right now, and this is probably a reasonable way for the County Commissioners to help. So, I'll vote yes. I mean, I'll make the motion to approve.

Commissioner Melcher: I'll second the motion.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Now I vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Harrison, Jr.: You might want to take that to the Council too.

President Abell: Can you get me a copy of this, Madelyn, to take to the Council?

Joe Harrison, Jr.: The Building Authority still has to approve it, but, obviously, it had to come here first.

President Abell: Okay, under the Commissioners budget, Old Courthouse event lease agreement with Kraftwerks. This is for the annual Fall Craft Show at the Old Courthouse. The event will take place November the 9th and November the 10th. As in past years the county is to receive 40 percent of the booth rentals, 50 percent of all admission fees, after the first 1,000 admissions, 100 percent of any required electrical and table fees, and reimbursement for all county overtime. I don't think there's anyone here, but you've seen the contract, Mr. Harrison?

Joe Harrison, Jr.: Right, yes.

Commissioner Kiefer: I think this is a good deal for the Old Courthouse, because it's something that's been done over the years, and it's a good use for the courthouse, it brings people into the building. I support this, and I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

New Business/Old Business

President Abell: Any new business to come before the County Commissioners? Any old business?

Public Comment

President Abell: Public comment?

County Engineer

Madelyn Grayson: You skipped department head reports.

President Abell: Oh, I skipped the department heads. Oh, I can't do that, because I know John Stoll is here. I don't have department heads written on mine. Oh, at the end of the paper. Sorry, I turned the page too quickly. Department head reports, where's John Stoll? I saw him here earlier.

John Stoll: I've got three items for this evening's meeting. First is a street acceptance request for Interstate Crossing Subdivision. This is the subdivision that's located up near the southwest corner of Highway 41 and I-64. The request is to accept 310 feet of Elpers Road and 354 feet of Rexing Drive.

President Abell: Do you recommend this?

John Stoll: I would recommend approval. The roads were inspected throughout the construction.

President Abell: Okay.

Commissioner Kiefer: I'm abstaining from this. So, I'm not going to make a motion or vote on it.

Commissioner Melcher: Well, I thought that, that's why I was trying to get the motion out.

Madelyn Grayson: Commissioners? John, I think you transposed those. It's 310 feet of Rexing Drive and 354 feet of Elpers Road.

John Stoll: I'm sorry.

Madelyn Grayson: Is that right on here?

John Stoll: Yes.

Madelyn Grayson: Okay.

John Stoll: Thanks.

Commissioner Melcher: I'll make the motion to approve it.

President Abell: I'll second it since Mr. Kiefer cannot. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

John Stoll: Next, I have a change order on the repair and repaving of Millersburg Road contract. This was contract number VC-13-06-01. The increase was \$3,602. That made the final project cost \$140,153.91. That would be paid out of the Burkhardt TIF district, TIF funds. The reason for the increase was the milling limits were increased where the new pavement was tied into the existing pavement on both ends on Millersburg Road, as well as the Heerdink Lane approach.

President Abell: As well as what?

John Stoll: Heerdink Lane.

President Abell: Oh, okay.

John Stoll: It's the road that runs parallel to 164.

President Abell: Yeah, okay. Commissioners?

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then last I have a time extension request that was submitted by Ragle, Incorporated for the Baseline Road bridge project. This is a request that would extend the completion date from October 4th to October 8th. The reason they're requesting the increased time was that there was delays associated with getting the beam manufactured.

Commissioner Kiefer: Sounds like an easy one. I'll make a motion to approve.

Commissioner Melcher: Have we already given them an extension on this once?

John Stoll: No, I had sent you an e-mail probably last week.

Commissioner Melcher: Maybe that's what it was. Okay.

Commissioner Kiefer: Yeah, I think so, four days.

Commissioner Melcher: I'll second it.

President Abell: Which one is this?

John Stoll: It's on Baseline Road. It's out towards Highway 65.

President Abell: Oh, okay. I have a motion and a second?

Madelyn Grayson: Yes.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have unless you've got any questions on anything.

President Abell: Does anybody have anything for the County Engineer. Thank you, John.

John Stoll: Thanks.

President Abell: Any other department heads? Mr. Mueller, I assume you're staying here for the Drainage Board meeting?

Jeff Mueller: Yes.

Consent Items

President Abell: Consent items, Madelyn?

Madelyn Grayson: The consent items for the September 24th meeting are as follows; approval of the prior minutes, we have the September 10, 2013 Commission meeting minutes. Employment changes for the Commissioners approval, we have eight for the Health Department and one for DADS. Circuit Court has a request to surplus ten chairs. The Commissioners have the Harding and Shymanski 2012 financial report of the Centre. The Auditor has a Bohannon Estates Barrett Law lien release. We have monthly reports for August of 2013 for the IBAP Gatekeeper, the County Clerk and the County Ozone Officer, as well as the County Highway Department's September 9th-12th, 2013 report, County Treasurer August 31, 2013 year-to-date investments, and Weights and Measures August 16-September 15, 2013 report. The County Engineer has a department head report and pay request number 182 in the amount of \$131,999.02 for TIF projects.

President Abell: I would entertain a motion to accept the consent items.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I would like to make a comment on something in the consent items. I would like to call my fellow Commissioners attention to page five of the report from Harding and Shymanski regarding the financial status of the Centre. As you can see, we do have an operating deficit. I think what we need to certainly be aware of

is this accumulated deficit of \$8,251,281. I just want to call that to your attention. There's a lot of discussion on what benefit we could get from the hotel, and I think that's the reason we made the resolution tonight is because we are operating that facility at a loss.

Rezoning Ordinance VC-13-2013
Petitioner: George McCool
Address: 3065 Grove
Request: Change from Ag to M-1

President Abell: Rezoning, first reading of VC-13-2013, petitioner, George McCool, 3065 Grove. It's a change from Ag to M-1.

Commissioner Kiefer: This is only first reading. So, in that case I'll make a motion to approve and move it on to the next reading.

Commissioner Melcher: I'll second it.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Rezoning Ordinance VC-14-2013
Petitioner: DMFS, LLC
Address: 2100 Tekoppel Avenue
Request: Change from R-1 to M-3 with UDC

President Abell: First reading of VC-14-2013, petitioner, DMFS, LLC, 2100 Tekoppel. Move from R-1 to M-3 with a use and development commitment.

Commissioner Kiefer: Just like the last one, I'll make a motion to approve to move it on to the next reading.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the County Commissioners?

Commissioner Kiefer: I make a motion to adjourn.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 5:52 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the September 10, 2013 Commission Meeting Minutes.

Harding & Shymanski 2012 Financial Report for the Centre.

IBAP Gatekeeper: August 31, 2013 Report.

Employment Changes:

Health Dept. (8)

DADS (1)

Circuit Court (1)

Sheriff (1)

County Clerk (3)

Public Defender (1)

Surplus Requests: Circuit Court: Ten Office Chairs.

Auditor: Bohannon Estates Barrett Law Lien Release.

County Highway: September 9-12, 2013 Report.

County Treasurer: August 31, 2013 Year-to-Date Investments.

Weights & Measures: August 16-September 15, 2013 Report.

County Clerk: August 2013 Monthly Report.

County Ozone Officer: August 2013 Monthly Report.

County Engineer:

Department Head Report.

Pay Request No. 182 for TIF Projects: \$131,999.02.

Those in Attendance:

Marsha Abell

Brian Gerth

Madelyn Grayson

Blaine Oliver

Jeff Mueller

Others Unidentified

Joe Kiefer

Joe Harrison, Jr.

Heather Goergen

Boscoe Wilhite

Regene Newman

Members of Media

Stephen Melcher

Marissa Schenk

Susie Kirk

Bill Fluty

John Stoll

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 8, 2013**

The Vanderburgh County Board of Commissioners met in session this 8th day of October, 2013 at 5:03 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the meeting of the Vanderburgh County Board of Commissioners for October 8, 2013.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Madelyn, would you like to lead us in the Pledge?

Madelyn Grayson: Sure.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Old Courthouse Clock Update

President Abell: Under action items we have the Old Courthouse clock update. A gentleman, Mr. Joe DeVoy is here to give us an update on the clock.

Joe DeVoy: Alright. Good afternoon, everybody. It's been a long time since I've been here. I'm very excited to be here today. I'm here to do just that, to give you an update and talk about where we were, where we are, and where we're going. Having said that, I haven't been here in a long time. I haven't met any of you. So, the first item is who are you? I just want to introduce myself to you all.

Joe Harrison, Jr.: Well, I'm simply the County Attorney, Joe Harrison.

Commissioner Kiefer: Joe Kiefer.

President Abell: I'm Marsha Abell, and our third County Commissioner, Steve Melcher, is not here this evening.

Madelyn Grayson: I was here the last time you were here. I'm Madelyn Grayson.

Joe DeVoy: Yes, you were. I remember you, Madelyn.

Joe Gries: Joe Gries, County Auditor.

Joe DeVoy: I know Marissa. We work together. Well, nice to meet you all. My name is Joe DeVoy. I'm a west sider. I'll put my hand back over my heart when I say that. I'm the clock keeper down at the Old Courthouse. Just a little background on me, I was the apprentice, so to speak, for five years under Bill Harrison. Then I say I'm the self-appointed chief clock keeper, because it's just me, so I can appoint myself that if I want to, and I have. A gentlemen back here said that I should appoint myself the CEO. So, I think I might do that the next time I talk to you. I've been doing that for 15 years on my own, five years with Mr. Harrison, for 20 years total. Why is it that I'm, why is it that I do it? I believe the building is a unique treasure and a gift, and I love it to pieces and I think it's my responsibility and all of our responsibilities to pass it on to future generations. Having said that, today's purpose and agenda, I'll be brief and I'll be gone, introductions we've done, I appreciate that. I want to talk about the progress made, the recent, that's year-to-date, that's really over the last 15, 17-18 years to date, that's not really year-to-date. Highlights and recent improvements that I'm really excited about, they're visual and you'll be able to see the difference. I want to share the future vision of the tower. I'm really only talking about the clock tower and the clock itself here, not the fourth floor and down, and conclude with questions. If you'll hold your uproarious applause until the end it would be appreciated. Okay, I work at Alcoa, and we just recently did, with Marissa's help, last week we did a community event, and this is the team. I believe it takes a team to do anything that's worth doing. This was us last week. This is the picture up inside the bell tower. Here's a picture of the group inside the pagoda, but the point here is it takes a commitment to do anything. Over the last 15 years, this is really the crux of everything here, 15-17 years it's been thousands, and that's not an exaggeration, thousands of trips up and down removing trash, wood, wire, cable, glass, contractor mess and about 1,000 pigeons, if I had to give you a round number. At least 100 bags of dirt from the floor, and that's also not an exaggeration. Once again, this is from, when you walk out of the elevator on the fourth floor, the first step that you take up that ladder, that's the area that I'm talking about. I'm not referring to the attic or the levels below. So, just in the tower is what you see. I've also taken down desk, chairs, tables, basically anything that you can think of was up in the tower and left. It's a hundred years of people taking stuff up, it's really, really hard to take it down. That's been my experience. I am pleased to tell you that all of the upper levels are swept out and empty. You can see the floor. That is huge progress. So, I understand that one of the Commissioners was up there awhile back, it may not have been anything evident to you that anything was out of the ordinary—

Commissioner Kiefer: I could tell that it had been cleaned up.

Joe DeVoy: Great, I hope that you noticed that it was just empty. That's the first step. This is a picture, it's kind of bad here because of the lighting, but anyway, that was just one of the piles, a pile about, if I took a line like this and put that trash right there, probably 15 of those, if not more, up in the tower of just large everything. It's all gone now. It's not easy work. It's not easy work, because everything that you need to do is up there. It's kind of like living in the country and you need milk, it's a 20 minute drive back to town. It's the same thing. It's about a thousand steps to the top, but it's worth doing is the point I'm here to make. This is the clock house itself. It was ugly and busted up, and now it's bright red and improving. One of the biggest problems we had down there was pigeons. This is the opening of the bell. What

happens is, they come in those openings and then they go up. Pigeons will go up and they can't come down. So, they'll go up, up, up and then they get trapped and then they die. That process takes weeks and they leave a mess like you wouldn't believe. Take that times a hundred, times a month and you can understand. So, we evicted the pigeons. This is last week, this past Monday. We put heavy wood framing around the outside and heavy fencing in the middle. You really can't see it from the road, it's black, it's easy to see through and it's kind of invisible from the road. So, I'm very pleased that that work is completed. The clock itself, it's just been me for the last 15 years, but I have increased the maintenance staff by 100 percent. I've now recruited a person to help me. He's a retired reliability mechanic from Alcoa. One of the best mechanics I've ever met. He's getting ready to retire, he needs a project. He couldn't be here tonight, but I'm going to bring him in here to introduce him sometime. I'm very excited to have him on staff. He and two other mechanics the other day spent a full day cleaning and trouble shooting and, basically, telling me what I've been doing wrong all these years, but I'm glad to have them. The clock is healthy and it's working properly and it's also improving. Now, I want to share the vision as to what's coming up. Keep in mind everything here is volunteer and low budget. I will be talking about some things as we go forward. It's kind of like when you go to your house and you replace the carpet, all of a sudden the furniture looks bad, you know. So, if you get all of the trash out, well, all of a sudden you start thinking about improvement ideas. Rather than just clean up, we started thinking about improvement. So, the lighting is terrible. There's one light switch at the bottom of the, when you come out of the elevator, you flip the light switch on. If you get to the top and you forgot to flip the light switch on, guess what? All the way to the bottom. Anyway, I would like to add switches and sensors so you don't have to flip switches, at all levels, so each level, as you go up through would have it's own lighting and ability to turn lights off and on. It's a pretty low cost improvement actually. In the past I've had visitors come from the press and anyone that would want to come and I had nowhere for them to set their purse or their boxes or their personal belongings, their umbrellas and things like that. So, it was very gracious of Marissa and Otis, down there they gave me an office in the basement. So, I'm cleaning it out and painting it and making it the world headquarters, so to speak, of the clock in the tower. Anyway we're cleaning that up and that effort is underway. One thing I would like to talk about, I've got them highlighted by year, I'm just going to highlight it today and move on, but for 2014 would like to open up the conversation about getting some help from the outside for cleaning up the attic and the mess that is in there. Also, one of the things that I would like get the idea out and discuss next year sometime, is help from the Commissioners to make it a line item that when a contractor comes to do work they are responsible for cleaning up their mess, right down to a cigarette butt. Because, even then since I've gotten this cleaned, I had to go back up and take another armload of stuff down, that I was cleaning up behind people, and that doesn't feel good. So, we'll have that conversation later, but I wanted to plant that seed in your mind. The one thing I do want to talk today about is the cupola, the glass itself. I'm going to flash to this next slide, if you go into the building and you walk to the middle and you look up, the glass that you see, that is the glass. The dome shape, the little cone shape there, and then some flashing that's hanging off, but those are actually glass panels. The enclosure here is made of temporary two by fours that have been temporary since I've been told back in the 80's. It's just an enclosure someone put up there to protect the glass, but it is far from up to code, and it is also far from nice looking. Having said that, I got with a local fabricator and I've actually given Marissa a copy of the proposal to fabricate an enclosure. That's a twelve sided shape. The high level explanation would be there's a post at every point, and there's solid enclosures around the bottom to give it stability and safety, there's chains around the top that are removable to allow

cleaning. The thing is filthy. So, the proposal is to remove the wood and put the enclosure around it, fix that flashing that's hanging off, clean it up and paint the area. That will in itself lead to more improvements, which I believe it would be a nice improvement, to have a nice light up on top of it to make it glow, but that's another idea. But, anyway, you have the proposal in front of you, I believe, okay, so, Marissa and I talked about how this all goes, as far as do we have to get competitive bids? Can it just be purchased as is? The person that has drew, or the CAD drawing, that produced the CAD drawing that you're holding, they have also, they are going to be volunteering quite a bit of their time and labor. So, the price that is behind that project is very low, but I won't advertise what that is right here. That's my biggest order of business today.

President Abell: We would have to, I think we do have to—

Joe Harrison, Jr.: You would need quotes or bids, depending on what (Inaudible. Microphone not on.)

President Abell: Do you have a ballpark? I mean, is it like between \$10,000 and \$20,000? \$20,000 and \$100,000?

Joe DeVoy: It's not anywhere near that. It's very cheap.

President Abell: Half a million? Oh, cheaper, okay.

Joe DeVoy: How much can I have?

President Abell: Can you give me some ballpark?

Joe DeVoy: Well, if I say that, then I'm going to tell all of the other contractors what to bid.

President Abell: Well, surely they're going to know they can't bid \$50,000 if it's a \$200 job.

Commissioner Kiefer: Perhaps you can just say what you would want to budget to do the project.

Joe Harrison, Jr.: Well, it's going to be under \$10,000.

Joe DeVoy: It will be under \$10,000.

President Abell: We could take that out of CCD.

Joe DeVoy: We can safely say that.

President Abell: Okay, we could take that out of CCD.

Commissioner Kiefer: Yeah.

Joe DeVoy: That CAD drawing that you hold, I've already talked to him about this. I explained to him that there will probably be a competitive bid process. I asked him if it was okay for him to do all of the work on CAD and have other people bid on it? He said, yes. He understands the dynamic that's in play here. So, this is not a surprise, and I'm willing to—

President Abell: We have the money.

Joe DeVoy: Okay, great. That is great. In that case, I also want–

President Abell: But, we're going to need some quotes.

Joe Harrison, Jr.: Yeah, probably the best thing to do, once you figure out what specs exactly, if this is it, I mean, you're going to have to spec it out as to what exactly you want. You can either get with Purchasing or maybe the County Engineer to help you work on a proposal that you would send out for quotes to get this done. When, you might say when you want it done, how long, you know, you anticipate it to be done in a week, or a couple days, or you want it done by winter or next year.

Joe DeVoy: I would like it done by the year's end.

Joe Harrison, Jr.: Yeah.

Joe DeVoy: I would like it done before Christmas.

Joe Harrison, Jr.: So, but, again, you can get quotes on this, and the Commissioners, I think, can have the proper amount. The quotes would have to come in in sealed bids to a certain location.

Joe DeVoy: Right.

Joe Harrison, Jr.: Probably to the Commissioners by 5:00, maybe on October 22nd or November 5th, or whenever our next meeting is in November, and then the bids would come in, the quotes would come in, we would take them under advisement and then one would be selected and the project would start after that.

Joe DeVoy: Okay.

Joe Harrison, Jr.: There might be a need for a bid, you know, some sort of bond, you know, obviously a performance bond–

Joe DeVoy: Sure.

Joe Harrison, Jr.: – to make sure the work gets done.

Joe DeVoy: Okay, thank you, sir.

President Abell: Marissa can help you with that.

Joe DeVoy: Okay. So, Marissa will be my contact on this?

Joe Harrison, Jr.: Yeah, for right now, and then we'll determine if, it may be that we either get Purchasing involved or maybe the County Engineer. We'll just have to see which way to go.

President Abell: Do we need a motion to seek bids?

Joe Harrison, Jr.: Yeah, I don't see a problem with that. You can make a motion to proceed ahead with the process.

Joe DeVoy: Okay.

Joe Harrison, Jr.: Then, as far as the quotes are concerned, and that would even include obtaining quotes, after you have a legitimate proposal to send out. Then those quotes would come in to the Commissioners, to be opened up in a formal meeting, along with maybe a copy of the proposal that they were sent. Whoever the potential bidders might be.

Joe DeVoy: Okay.

Joe Harrison, Jr.: You would send out, and try to ask for, at least send out to three potential contractors or whatever.

Joe DeVoy: Okay. Very good.

Joe Harrison, Jr.: That process can be assisted by Marissa or someone else from the county.

Joe DeVoy: That is great. You taught me a lot here.

Commissioner Kiefer: Okay, I'll make a motion that Mr. DeVoy, working with Marissa and others, either the Purchasing Department or John Stoll, the Engineer, to seek these bids as we just specified. I'll make that motion. Or quotes, as we discussed.

President Abell: I'll second that. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Good luck.

Commissioner Kiefer: Hey, and thanks for all the good work you've done on that clock.

President Abell: Thanks, yeah.

Commissioner Kiefer: That's really something to be proud of, and appreciate your volunteerism on that. Thank you.

Joe DeVoy: I appreciate that. Very good. Thank you, sir. In closing, the building itself is covered with statutes and lots of ornate carvings and so forth. So, I've included these last pictures just to remind us exactly what we're dealing with here, and why it's such a significant building. Why you see it all over the hallways and on the front of the phone books and everything. It's pictures like this, and to you, sir, I appreciate what you said, but I consider it an honor to be involved with it. It won't be long I'm going to be old enough to pass it on to somebody else. So, that's the hope to pass it on, and I appreciate meeting all of you. I appreciate your time today. Thank you.

President Abell: Thank you.

Commissioner Kiefer: Thanks for the work, Joe, appreciate it.

President Abell: Thanks so much.

Joe DeVoy: Thank you.

President Abell: It is a beautiful building.

Joe DeVoy: So, my stick is in the computer here.

Jeff Mueller: Just pull it out and don't do anything else with it.

President Abell: Jeff's going to use it later and he's challenged.

Joe DeVoy: Okay. If sparks fly out of it, it's not, don't blame me.

President Abell: He's computer challenged.

Joe Harrison, Jr.: Can you leave your, Marissa's got all of your contact info, cell number and all of that kind of stuff?

Joe DeVoy: Yes, sir. Thank you.

Grow Southwest Indiana Workforce Update

President Abell: Grow Southwest Indiana Workforce update. Jim Heck is here. Good evening.

Jim Heck: Good evening. Thank you for letting me come. I'll give you an update on what we've been doing with the Work One. The last time I was here I talked to you about our new, forming our new WIB. We expanded from a 15 person board to a 32 person board. Part of the things that you see here is the roster for that board. You'll see who's on our new board—

President Abell: Oh, yeah.

Jim Heck: – and where they're from. We've split those up among all nine counties. You can see that the majority of those are business people, but we have representatives as well from economic development and community based organizations, as well labor and education. So, all of those are representative on our board. Just a quick update on, you had asked me for financial reports. We sent those to you, and I hope you got them electronically. In case you didn't, we included just a smaller version of that, or a printed off version so you can see. I would be glad to answer any questions about that. Our finances are in good shape. Our funding, with the exception of the shutdown, should be solid for the next year. I think even if this shutdown continues for, longer than October we'll have to be concerned, but right now we've got sufficient funds to run through October without any problems.

President Abell: Good.

Jim Heck: One of the things that we did get in funding was additional money to run our Jobs for America's Graduates program, which takes our most at risk youths in the high schools. You anticipate a graduation rate of about 50 percent, and our programs now, we have three of them, before this year we were graduating those at 92 percent rate. So, it really improves their graduation rate. We got enough funding to expand into five additional schools, and three of those are right here in Vanderburgh County. You'll see a list of those schools. I provided you a list there. You'll see where it's Central, Bosse and Harrison, in addition to two in Gibson County. So, we have a total of eight now in our region, which we consider a real progress. I tell you what, it's one of the cheapest programs we run for the outcomes that we get. So, we would love to have enough money to run even more of those. Those are really nice programs, and we would really love for the Commissioners to come over and sit through one of our classes at some point, whenever you have the time and the inclination. They run everyday at each one of these schools, starting in January.

President Abell: At what time of the day are they? Do you have a schedule?

Jim Heck: I do not have a schedule for the EVSC yet, because those classes, we're recruiting the students now, and we'll start the classes in January. I'll be glad to provide you with a schedule whenever they're running.

President Abell: If you would get a schedule to us, I think we could all make at least one of them—

Jim Heck: Good deal. Thank you.

President Abell: – and sit through it. We would like to do that.

Jim Heck: I would appreciate that. The last thing I wanted to mention was our annual meeting is coming up. You probably got a save the date, and I hope you are able to attend. Don Schulte from the, he's the Executive Director of WestGate Academy. You're probably familiar with it, it's right outside of Crane. There's a lot of nice innovations coming out of that WestGate Academy. We've been a partner with them through a CELL grant. Don is going to come down and talk about the possibilities of partnering and the things that we can do with WestGate Academy.

President Abell: It's on the 25th?

Jim Heck: Yes, it's October 25th. It's at Vincennes University in Ft. Branch. It starts at 8:30 in the morning. If you come, we'll serve you breakfast.

President Abell: Okay. We're checking our calendars.

Jim Heck: Okay.

President Abell: October 25th? Okay, alright, I can do it. Do we need to RSVP to....yes, I see we do. Okay, we will do that.

Angie Sheppard: I can put you down right now.

President Abell: Well, you can put me down. I will be there.

Commissioner Kiefer: I'm checking my calendar right now. Yeah, I should be good on that day.

Jim Heck: Okay, good. I believe the Commissioner from Work Force Development will be there as well. He's always able to answer any questions that anybody has for what's going on at the State.

Commissioner Kiefer: It's at Vincennes University right there on 41?

Jim Heck: Right on 41. It's in the, it will be in the big auditorium. If you've been in that building, they've got a nice auditorium there that we use.

President Abell: Okay, we've got it down. Thank you.

Jim Heck: That's all I have. Thank you.

President Abell: We'll be there.

Jim Heck: Alright, look forward to it. Thank you.

Permission to Seek Proposals for Vehicle & Large Equipment Batteries

President Abell: Purchasing Department, Debbie Spalding?

Debbie Spalding: Good afternoon. Debbie Spalding with the Purchasing Department. The first item that I'm here for is to seek your approval to seek proposals for vehicle and large equipment batteries. We've sent out feelers to all the county and city departments asking what type of batteries that they would need to be purchased. So, we would like to have your permission to seek those proposals.

President Abell: I'll entertain a motion.

Commissioner Kiefer: I would like to make a motion for you to seek proposals for your vehicle and large equipment batteries. Are we doing both of these then at the same time?

Joe Harrison, Jr.: I would do them separate.

President Abell: Do them separate?

Commissioner Kiefer: Separate? Okay, then I'll do that first one. I'll make a motion to move ahead on that.

President Abell: I'll second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Award Bid for Bulk Fuel Deliveries: RFP-CPO-22-2013

President Abell: The next one.

Debbie Spalding: The next item I'm here for is to seek your approval for awarding the bulk fuel award. You will recall that we asked permission to seek proposals on this awhile back. We sent it out to eight vendors and we received responses from four. We sent you the results of those proposals that we received and the evaluation process that we went through. On those proposals we looked at cost at 65 percent of the weight of why we chose certain vendors was the cost, the mark up per gallon of gas. But, then we also looked at the number of days it would take after an order to have delivery. We looked at the responsiveness to the RFP requirements, the previous clients that these vendors had had, the corporate clients was ten percent, and then the MWBE participation. So, the information that I sent you, we would just be asking for your approval to award a contract with Heritage Petroleum, who provided the lowest mark up cost for the diesel. The price that we were given in the information was just the mark up per gallon for each of these contracts. Then, we also have a recommendation for Synergy Partners to be awarded the bulk fuel for unleaded and off-road diesel.

Commissioner Kiefer: Okay, I'll make a motion to approve as requested by Debbie Spalding here.

President Abell: I'll second, but I have a question. The Synergy one was also the same mark up, just the mark up and not the cost of the fuel?

Debbie Spalding: Yes.

President Abell: Okay.

Debbie Spalding: Then, the second part of the request is that you would provide me the opportunity to enter into negotiations to look at the market daily. We expect to get updates three times daily on the market of what the price is, and then we would like to fix the price for the entire year.

President Abell: When you see it's about as low as you think it's going to go you'll just kind of block it in?

Debbie Spalding: Yes, Ma'am.

President Abell: Okay, I think that's the way you've always done it, isn't it?

Debbie Spalding: Yes.

President Abell: Okay.

Joe Harrison, Jr.: And you're making this same recommendation to the City Board of Public Works as well?

Debbie Spalding: Yes, this was a proposal that was done with the School Corporation as well. They awarded last night to the same vendors. Thursday we'll be going to the Board of Public Works to seek their approval.

Commissioner Kiefer: Okay, I think we already made a motion.

President Abell: You made a motion and I seconded it. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Debbie Spalding: Thank you.

President Abell: Thank you.

**Building Commission: IDHS Hazard Mitigation Grant Agreement
OCH Lease Agreement Renewal: Artwork Unlimited
Superior Court: Drug Treatment Court Agreement with Lisa Seif
County Assessor: Amendment to PetroMan Agreement
Health Dept: Bioterrorism Preparedness Grant Agreement
Health Dept: WIC Grant Agreement**

President Abell: Contracts, agreements and leases, Building Commission hazard mitigation grant EDS #C44P-3-327B. The grant agreement with the Indiana Department of Homeland Security regarding the properties in the flood plain area which the county is acquiring pursuant to the Indiana Housing and Community Development agreement approved and signed by the county on July 9, 2013. Is there anyone here?

Joe Harrison, Jr.: I think Dave Ballew is, but this is just—

President Abell: This is the one that we've been working on through this summer.

Joe Harrison, Jr.: This is something just to get the funds released. I think Dave is in the process. I think there might be some people in the audience that, I don't know is that any of the homeowners?

Dave Ballew: No.

Joe Harrison, Jr.: No? Okay, but anyway you're in the process of working on acquiring the properties and we need the money to be able to go forward.

Dave Ballew: That's correct.

Joe Harrison, Jr.: The State has indicated that as soon as we get this signed they'll be able to start the process to get the money to us.

Commissioner Kiefer: Well, I think this was a good opportunity for everybody, especially since the city got involved and helped us with some of the issues we had. So, with that, I would like to make a motion to approve.

President Abell: I'll second the motion.

Dave Ballew: Thanks.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Joe Harrison, Jr.: Do you have two copies of that? Or, do you just have one?

Madelyn Grayson: There's two.

Joe Harrison, Jr.: Good. As far as, after that's done, can you get with Dave and get that to him and maybe you can get it sent up to them. They'll probably want a scanned copy as well.

Dave Ballew: Yeah, that's correct.

Joe Harrison, Jr.: And you'll deal with Carol Junk?

Dave Ballew: Right away.

Joe Harrison, Jr.: Okay.

Dave Ballew: Thank you.

Joe Harrison, Jr.: Thank you.

President Abell: The next one is a grant for \$148,898 in federal funding, the remaining funding will come from—

Joe Harrison, Jr.: Oh, that's the same thing.

President Abell: Oh, that's the same one?

Joe Harrison, Jr.: I'm sorry.

President Abell: I'm sorry. That's the one we just did. Commissioners, Old Courthouse lease agreement with Artwork Unlimited. This is a renewal lease for the sub-basement of the Old Courthouse for three years for the operation of the haunted house. It runs from January 1, 2014 to December 31, 2016. The rent will be \$8,000

per year. This increased from \$7,500 from the current lease. Marissa, anything, this is the same thing we do every year?

Commissioner Kiefer: Yeah, and this is good too, because they did give us a rent increase. I mean, so that helps out a little bit. I think, you know, as, even the people in the basement, everybody's working to increase those rents on all of those leases. So, I think we've been doing a much better job. So, with that I would like to make a motion to approve this lease agreement with Artwork Unlimited.

President Abell: I'll second. I have a question, is the haunted house open yet?

Marissa Schenk: I believe it opened this past weekend. They run about 26 days in October. So, I think the end is like the first of November.

President Abell: Okay. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Treatment Court, independent contractor agreement with Lisa Seif for operations consultant. The cost is \$65 per hour for approximately eight hours a week. The funds to cover the agreement will come from the User Fees derived from the Vanderburgh County Treatment Court program. I think we discussed this at the last meeting, as I recall.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: I'll second it. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Assessor amendment to the PetroMan agreement. This amendment is being requested by AS2, Inc. and County Assessor, Bill Fluty. The amendment, excuse me, deletes the requirement that AS2 provide a performance bond regarding the work in question in that the work by AS2 has essentially been completed. The deletion of the performance bond requirement seems appropriate. Mr. Harrison?

Joe Harrison, Jr.: Yes, apparently the work is done, I think. This is an agreement with the State and the county. This same thing was done back in '09, I think the

Auditor's Office recalls. There really isn't a need for the performance bond, because the performance bond, I mean, the work is done. The State says they don't care about the performance bond, so long as we don't care about the performance bond. If the work was going to be performed next month or next year, it might be different.

President Abell: And this isn't work that has a finished product that could fail? This was actually just work that once it's done, it's done, correct?

Joe Harrison, Jr.: Yes, and they had to install, I guess, this PetroMan system. Now, there's continued updates and things like that, but the performance bond essentially was to get it in the system, and it's apparently done already.

President Abell: Okay.

Joe Harrison, Jr.: The County Assessor recommends this and I don't see a problem with it. The county, there's precedent for it, they've done it before with the same company—

President Abell: Oh, okay.

Joe Harrison, Jr.: — for a similar type product that they gave to the county a few years ago, back in '09.

President Abell: Okay.

Joe Harrison, Jr.: Is that your understanding?

Joe Gries: Yes.

Commissioner Kiefer: Out of curiosity, how did they come about doing the work before, I mean—

Joe Gries: Yeah, the agreement was passed and then this is something that the DLGF, when there's a contract with the Assessor's Office that the Commissioners approve, there's a portion of it, a requirement.

Commissioner Kiefer: Oh, it wasn't a part of the original contract?

Joe Gries: Exactly.

Commissioner Kiefer: Okay.

Joe Gries: And the DLGF gives the Commissioners the right to—

Joe Harrison, Jr.: Waive that.

Joe Gries: —waive that.

Commissioner Kiefer: Okay, so, it's not something unusual or something that was just slipped by—

Joe Gries: No.

Commissioner Kiefer: — and missed? This was just—

Joe Gries: It's the way it's been done in the past, and it was kind of handled the same way.

Commissioner Kiefer: Well, with that said, then I'll make a motion to approve.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Health Department, bioterrorism preparedness grant, A70-4-0532244 BPRS 194-70. This is for the amount of \$15,000 for use by the County Health Department to implement services to complete a medical counter measure dispensing plan and related training and exercise plans as detailed in the grant agreement. The grant runs from July 1, 2013 through June 30, 2014. Mr. Heck?

Gary Heck: Gary Heck from the Vanderburgh County Health Department. This is basically a deliverables grant where we have to perform or do certain planning, produce a document or an event, and then we get reimbursed for doing those. It's worth \$15,000 to the Health Department, and we'd appreciate it if you could approve it for us.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: Second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: WIC grant agreement A70-4-070539, an agreement with the Indiana State Department of Health whereby the County Health Department will administer the WIC program for Women, Infants and Children in Vanderburgh County for the sum of \$645,705. The term is October 1, 2013 through September 30, 2014.

Gary Heck: This is a continuation of the Women, Infants and Children's nutrition supplemental grant that we've been the only local sponsoring agency that Vanderburgh County has ever known for the program for 37 years. This continues that. It provides nutritional supplements in the form of vouchers for pregnant women and infants and children to help them with fresh fruits, vegetables, grains, milk,

formula, things of those natures to make sure they develop healthy and get strong bones and do all the things that are important. It also promotes breast feeding.

President Abell: Does this cover your entire cost of operation?

Gary Heck: This is the entire cost of operation.

President Abell: Okay, and not this particular grant, but are you under, are you having any problems with the shut down?

Gary Heck: This particular program, there's enough money through October, similar to what Mr. Heck said previously in his grant. The State of Indiana, the Budget Director, Mr. Adkins, I believe it is, said that they have enough resources that if the shut down doesn't last longer than a month, they shouldn't have an issue with it operating. Should it last longer than a month, this would be one of the programs that would be affected, I'm sure. At this point in time, it's not.

President Abell: Well, let's hope it is.

Gary Heck: Yes.

President Abell: I'll entertain a motion.

Commissioner Kiefer: I'll just, Gary, you'll be happy to know I won't dig into all of these questions.

President Abell: He's just going to move.

Gary Heck: Oh, that's quite alright, sir.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Gary Heck: Thank you.

President Abell: Thank you.

County Engineer

President Abell: Department head reports. Does anyone other than John Stoll have a report? Okay, Mr. Stoll, it's all yours.

John Stoll: The first item I have is an encroachment agreement request for the end of Glenview Drive. This runs east off of St. Joe Avenue. The request is for installing a gate that would encroach across the right-of-way. I've had the County Attorney review it. He found the agreement to be acceptable. So, I request that the encroachment agreement be signed and then I'll return it to the applicant. They can get it recorded and it will be valid.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: I'll second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Then, next I have a sidewalk waiver request for the south side of Windham Drive in Wynnfield Subdivision. The developer originally thought that when he had obtained a waiver for section six and seven it would cover the south side of Windham Drive, but since that right-of-way was actually platted in sections three and section five in Wynnfield, it didn't really cover it. So, this waiver just makes the official approval conform to what we all thought the intent was in the first place, and that would be to have sidewalks just on the north side of Windham Drive.

President Abell: Okay.

Commissioner Kiefer: Okay, I'll make a motion to approve then.

President Abell: Second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Next I have a change order on the Keystone Subdivision paving contract. This is for an increase of \$7,525.24. The primary reason for this increase was that we added some additional milling on Aspen Drive. Aspen is not part of this subdivision, but since it was in the vicinity of Keystone, the contractor would do the milling at the same unit price that was in the Keystone contract. That price was \$8,200. So, that's the reason for the increase. Otherwise we would have had a net decrease in the contract, but by milling Aspen it allowed the County Highway Department to go out and patch and pave Aspen Drive. So, I would request approval of the increase of \$7,525.24.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: I'll second. I'm assuming you have that money available?

John Stoll: Yes.

President Abell: Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Next, I would like to request the approval of some installation, the installation of some signs on Peck Road. We had discussion several weeks ago regarding the new access point that will be constructed on Peck. In conjunction with that, I would like to request your approval to have a "No Right Turn" sign installed at that new subdivision street's intersection with Peck Road. So, that way we would hope to keep the traffic off the narrowest section of Peck. I would like to add "No Trucks" signs on each end of Peck, and then we would like to change the speed limit between the North High School access and Baseline Road to 20 miles an hour.

Commissioner Kiefer: I totally agree with that.

President Abell: I do too.

Commissioner Kiefer: So, I'm going to make a motion to approve.

President Abell: I'll second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Next, I've got a street acceptance request. On the initial e-mail I sent you I omitted a bunch of these, but I've got five of them to deal with now.

President Abell: Oh.

John Stoll: The first one is in Creekside Meadows Subdivision. This is Section Three, Phase Two, and it will cover an acceptance of 281 feet of Wildflower Drive and 366 feet of Halle Drive. We've had inspectors out throughout the duration of the

construction and they said everything was built according to plan. So, I would recommend approval.

Commissioner Kiefer: Okay, so, we're not going to get a call six months from now that it's failing?

John Stoll: If it is and it's within a year we'll be calling the contractor's and letting them know that they get to fix it.

Commissioner Kiefer: Oh, okay.

John Stoll: We shouldn't have to deal with that.

Commissioner Kiefer: Alright, I'll make a motion to approve.

President Abell: I'll second that. You know, these road approvals, we're real touchy on these.

John Stoll: I understand.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Then, in that same subdivision, Creekside Meadows, Section Three, Phase Two, I also have a storm sewer acceptance request. This would cover 144 feet of 12 inch pipe that's located outside of the street right-of-way. Again, I would recommend acceptance. The developer will pay the two dollar a foot fee.

Commissioner Kiefer: And, it's the appropriate size pipe?

John Stoll: It conforms to the drainage plan, yes.

Commissioner Kiefer: Okay, the County Surveyor is not going to come back later at Drainage Board and say we need to do improvements to it? Okay, I make a motion to approve.

President Abell: I'll second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Commissioner Kiefer: I say those things in jest, but really it's half serious.

President Abell: Yeah, we want everybody to know we said them.

John Stoll: Next I have a street acceptance request for Fawn Creek Subdivision, Section A. This will cover a portion of the streets in Section A. This is for 646 feet of Buck Ridge Trail, 176 feet of Antler Court, and 223 feet of Alyssum Drive. Again, we've had inspectors out there. There was some deterioration of those streets. We had areas marked up where they had to be repaired before we would be willing to recommend acceptance. The inspectors from my office were out there throughout the repairs, and I would recommend acceptance.

Commissioner Kiefer: I make a motion to approve.

President Abell: Second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Then I've also got an acceptance request for Section B of Fawn Creek. This covers 654 feet of Eickhoff Road and 622 feet of Buck Ridge Trail. Again, this is just a portion of Section B, and the repairs have been made, the inspectors were present, so, I would request approval.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

John Stoll: Then one more that I had to add late was Wynnfield, Section Seven. This acceptance request is for 352 of Wynnfield Drive, 711 feet of Hartwell Drive, , 680 feet of Hedgewood Court, and 261 feet of Hedgewood Lane. Again, we've had inspectors out during construction and would request approval.

Commissioner Kiefer: So moved.

President Abell: Second. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

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

President Abell: I think that's enough.

Commissioner Kiefer: Thank you.

John Stoll: Thanks.

President Abell: Thank you.

New Business

President Abell: New business? Under new business we will be changing the December meeting from December the 3rd to December the 10th, due to the fact that the County Commissioners will be at a State County Commissioner meeting.

Commissioner Kiefer: I'll make a motion to approve.

President Abell: Second.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

Commissioner Kiefer: I would just request, Marissa, you send an Outlook request to me please so I don't forget it. Thank you.

President Abell: And, make sure that Mr. Melcher is notified.

Joe Harrison, Jr.: You might also want to make sure you notify the media ahead of time again.

President Abell: Yeah, let everybody know. Okay.

Old Business

President Abell: Old business?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items, Madelyn?

Madelyn Grayson: The consent items for the October 8th meeting are as follows; approval of the September 24, 2013 Commission meeting minutes. Approval changes for the Commissioners, or employment changes for the Commissioners approval, we have one for the Co-Op Extension and two for the County Highway. The Commissioners have a letter to the Evansville Department of Metropolitan Development regarding the November 17, 2009 interlocal agreement for provision of services, and the 2014 HRI renewal. The County Treasurer has the August 2013 monthly report. The Auditor has the September 2013 A/P vouchers. The County Clerk has a request to surplus various office furniture. The County Highway has the September 13th through 19th and September 20th through 26th department head reports. Evansville ARC has the August 2013 meeting minutes and report of activities. The County Engineer has pay request number 183 for TIF projects in the amount of \$26,735.83 and a department head report.

President Abell: I would entertain a motion to accept the consent agenda.

Commissioner Kiefer: I'll make that motion.

President Abell: I'll second. I do have, before we take a vote, I know the County Clerk is here, you need to send a note to all of the county and city offices if anyone wants that and once you've given seven to ten days if no one wants it, you are free to get rid of whatever you have. Do you have any room dividers?

Debbie Stucki: No, well, we had one, but that was the first stuff we surplused, and actually Mr. Rector found somebody else that needed—

President Abell: Okay, because I think they may need some when they make some moves in the building, so I didn't know if you had any of those.

Debbie Stucki: We have partition dividers about this high.

President Abell: Yeah, that—

Debbie Stucki: We don't have all of the hardware.

President Abell: You might talk to Mr. Rector and see if he thinks he's going to want those.

Debbie Stucki: Okay.

President Abell: But, give the staff in the building 7-10 days, if they don't want the stuff, you can get rid of it.

Debbie Stucki: Okay, then how should I get rid of that, Marsha? Bennie came up to the office today and told me that it couldn't stay down in the place I have it stored.

President Abell: Yeah, right.

Debbie Stucki: He said he could move it down the hall. I didn't think the county—

President Abell: Yeah, we don't want it down the hallway either.

Debbie Stucki: I didn't think so.

President Abell: Get it out of here. I don't care what you do with it. If nobody wants it, just get it out of the building.

Debbie Stucki: Okay.

President Abell: Because Mr. Rector does not want it in the basement.

Debbie Stucki: Okay. Thank you very much.

President Abell: Thank you.

Joe Harrison, Jr.: I have one more item.

President Abell: Okay.

Joe Harrison, Jr.: On one of the consent items, I think it was the Dental Health Options—

President Abell: Uh-huh.

Joe Harrison, Jr.: — and there's, it's a renewal of that for the employees.

President Abell: I didn't even see that.

Joe Harrison, Jr.: One option is one year, the other option is two years.

President Abell: Is that on there?

Madelyn Grayson: It's listed as 2014 HRI renewal.

President Abell: Oh, sorry. Okay.

Joe Harrison, Jr.: As far as the selection, election is concerned, if you go the three year renewal, the employee amount is \$19.70, if you go one year it's \$28.90. If it's an employee plus one, it's \$49.90 for three years, but \$59.40 for one year. If it's a family it's \$101.30 for one year, but if we go three years it's \$85.10.

President Abell: What did we approve? The three years?

Joe Harrison, Jr.: Well, the box needs to be selected. I would think you may want to do the three since it would save the employees.

President Abell: I would think we would. Do we need a motion to do that?

Joe Harrison, Jr.: Yes, just include that with the motion that we're going, that you would like to go with the three year option.

President Abell: Okay.

Commissioner Kiefer: Okay, I'll make a motion under the 2014 HRI renewal that we look at, that we do option 3.

President Abell: I'll second that. Do you want to roll call vote that? Well, we haven't voted on the consent agenda yet.

Joe Harrison, Jr.: No, that was just part of the—

President Abell: That's part of the consent agenda.

Commissioner Kiefer: So, that's an amendment to the consent agenda.

President Abell: Okay, roll call vote now.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0)

President Abell: Any other business to come before the County Commissioners? We are adjourned.

(The meeting was adjourned at 5:49 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the September 24, 2013 Commission Meeting Minutes.
Letter to Evansville DMD: Intent to Terminate 11/17/09 Interlocal Agreement.
2014 HRI Renewal.
Evansville ARC August 2013 Meeting Minutes & Report of Activities.

Employment Changes:

County Highway (2)	Co-Op Ext. (1)	County Clerk (2)
DADS (1)	Sheriff (3)	Circuit Court (1)
Superior Court (2)	County Assessor (2)	Prosecutor (2)

County Treasurer: August 2013 Monthly Report.

County Auditor: Approval of September 2013 A/P Vouchers.

County Clerk: Request to Surplus Various Office Furniture.

County Highway: 9/13-9/19/13 & 9/20-9/26/2013 Department Head Reports.

County Engineer:

Pay Request No. 183: TIF Projects: \$26,735.83.
Department Head Report.

Those in Attendance:

Marsha Abell	Joe Kiefer	Joe Gries
Joe Harrison, Jr.	Marissa Schenk	Madelyn Grayson
Joe DeVoy	Jim Heck	Angie Sheppard
Debbie Spalding	Dave Ballew	Gary Heck
John Stoll	Debbie Stucki	Jeff Mueller
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 22, 2013**

The Vanderburgh County Board of Commissioners met in session this 22nd day of October, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex with Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the October 22, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here..

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Commissioner Melcher, would you lead us in the Pledge?

Commissioner Melcher: If we could all rise.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

County Treasurer: Banking Services RFP

President Abell: On the action items, the first item is the County Treasurer banking services RFP.

Susie Kirk: Hello. Do you want me to—

President Abell: State your name for the record.

Susie Kirk: Susan Kirk, County Treasurer.

President Abell: Gentlemen, any questions?

Commissioner Kiefer: No, I think this has been, I think, bantered about.

Joe Harrison, Jr.: Do you want me to say something? Susie Kirk and I have had some discussion on the previous recommendation by the County Commissioners. Based upon, I think it was the meeting on September 24th, where it was recommended by the, I think by you and your committee that the banking services for the county be given to German American Bank–

Susie Kirk: Yes, that's the–

Joe Harrison, Jr.: – for the next two years.

Susie Kirk: Yes, that's where it was awarded and approved at that time.

Joe Harrison, Jr.: And, since that time I had an opportunity to review the RFP, and it was determined that German American did not meet one of the mandatory requirements. Ms. Kirk and I have discussed the matter. The mandatory requirement in question was the fact that the responders, all of the responders to the RFP, had to have a banking location within one mile of the Civic Center Complex, and German American does not have a banking location located within one mile from the Civic Center. So, it would be my recommendation then that the previous recommendation that was made by this Board to award the contract to German American be rescinded, and that the banking services agreement for the next two years go to Old National Bank. Old National Bank is currently providing such services for the county, and it's my understanding that the charges to the county for the fees associated with retaining those funds would be either \$15,806.81 or \$19,106.28, depending on the services that would be provided each year, based upon the documentation provided by Old National. Ms. Kirk, I'm sure you may have some comments.

Susie Kirk: Well, I regret that we didn't really following the purchasing agreement, Purchasing Department's recommendation of beginning the bids again. I realize there's some underlying circumstances that have, that occurred during that time. The thing of it is I just want to be sure that this contract is only for the 24 months, according to the RFP, because I do request a copy of the contract when it is signed. Okay? Yes?

Joe Harrison, Jr.: Oh, sure.

Susie Kirk: Okay, because I want to be sure that that is followed. I do have one request from the Commissioners, being as that you guys are so good at negotiating, at this particular time Old National is charging approximately \$60,000 a year for banking fees, and the only thing, the past Treasurer had put \$45,000 in the budget for that, and I was wondering if there was any way that any of you could negotiate with Old National, and maybe see, being as all of sudden they had these credits that didn't appear before they had competition, if they could maybe apply some of those credits for this year so that I don't have to go back to Council and ask for another \$25,000. Would anybody be willing to try to negotiate that?

Commissioner Kiefer: Yeah, if I think I understand you correctly, the credits which they would apply next year, per their proposal that they submitted, to see if they could also apply those credits for the remainder of this year, or for the whole year?

Susie Kirk: Well, being as they've already gotten \$45,000 already this year, that's what was in the budget.

Commissioner Kiefer: Yeah.

Susie Kirk: We're already about \$7,000 short now in the budget.

Commissioner Kiefer: Okay.

Susie Kirk: To finish out the year they will charge another \$20,000-\$25,000. I was just wondering if one of you could, or whatever, could negotiate with them, because I had sent them an e-mail asking them why we had not been able to have these credits in the past. The response, and I have the e-mail, that it was the timing, when actually it was the competition, but, nevertheless, I'll skip that part. I just wondered, being as it, the timing, I mean, we're only a few months out of next year, if maybe they would be so kind as to apply, say \$25,000 credit to where I don't have to go back to Council and ask for anymore money for these, and I can't help but say it, exorbitant bank fees.

Commissioner Kiefer: Yeah, I'm glad to call Old National Bank and discuss that with them.

Susie Kirk: I would appreciate that very much. Believe me, the next time that little stupid clause in there will be out of there so that we can actually get the best thing. If you decide to reconsider and redo it again to where we can get it down to \$10,000 instead of \$20,000, just let me know.

Commissioner Melcher: Okay, so it's my understanding we want them to waive the fee probably for the rest of the year?

President Abell: Yeah, that's what I think.

Commissioner Melcher: Which would be a total of \$15,000.

Joe Harrison, Jr.: Well, that was—

Commissioner Melcher: If it was \$60,000.

Susie Kirk: No, what we're paying, nobody has done an RFP for over 12 years, okay. This is the first time, and as the years have passed, the bank fees keep going up, to where by the end of this year we will be owing Old National Bank right at \$60,000 in bank fees. We've already paid them \$45,000.

Commissioner Melcher: You're saying another \$60,000?

Joe Harrison, Jr.: No.

Susie Kirk: No, I'm saying if they can just waive the rest of the fees for this year—

Commissioner Kiefer: That's \$15,000.

President Abell: Just take the \$45,000 that you've got budgeted and say we're done, we're finished?

Susie Kirk: Yeah, ask them if that would be, if they would settle for that and maybe give us whatever—

Joe Harrison, Jr.: But, again, that's separate from this agreement. That's something that we're going to have to see if that's something that can be worked out.

Susie Kirk: That's something if you see what you can do, being as they have these credits now because of the timing. I will forward that e-mail to all of you so that, and you too, so that you will have that e-mail. If they can do that, of which I don't know why they couldn't being as the timing is here, that would be nice if we could save another, you know, \$20,000.

Commissioner Melcher: So, basically, Joe, you'll be asking them for the \$15,000 waiver.

Commissioner Kiefer: \$15,000 credit, yeah, for the remainder of this year. Okay, I got it.

Susie Kirk: Well, it would be more than \$15,000, Joe.

Commissioner Kiefer: Well, I thought you said it was \$60,000 and they paid \$45,000.

Susie Kirk: Well, it will, we'll probably end up owing another \$20,000. If you can just say, stop the fees. You've got your \$45,000, don't ask for anymore.

Commissioner Melcher: So, you're saying it's going to be \$80,000 then?

Susie Kirk: Well, it's, I don't, when you start adding up \$20,000-\$25,000 I'm not too sure at the end of the year.

Joe Harrison, Jr.: Go on and send us the e-mail, okay.

Susie Kirk: I'll send you the e-mail, and if you would do that I would appreciate it immensely.

Joe Harrison, Jr.: We'll see what we can work out for the rest of the year, but as far as this RFP's concerned, we've got the proposals and we'll go from there.

Susie Kirk: Okay, so we're not going to—

Commissioner Kiefer: Sounds good.

Susie Kirk: —that's what we're going to do.

President Abell: I have, not a suggestion, just a comment—

Susie Kirk: Okay.

President Abell: — that you might want to think about. When we do write an RFP, you know, for the next time, and we leave that out, and I certainly understand leaving that out. I don't even know, I wasn't around, so I don't know—

Susie Kirk: Well, I know why it's in there, but—

President Abell: You might want to think about having something in there to make sure that it goes to a Vanderburgh County bank.

Susie Kirk: I have no problem with that too.

President Abell: Yeah, because we wouldn't want it going to our friends in Warrick County. We love them, but we don't want them to get all of our money.

Susie Kirk: That's a good idea. I will--

President Abell: So, you might want to rewrite it along those lines.

Susie Kirk: -- certainly add that in there, yes. Yes, I will certainly do that.

President Abell: That's the only--

Susie Kirk: I tell you what I'll do, I will redo the RFP. I will send it to you all, plus Joe, and you guys can look it over, because, you know, in two years we'll be doing it again. As long as I'm the Treasurer it will be done every two years. I wish the contract was actually for only a year, so that we could, you know, get a little bit more competition going here. In the long run we will, we're going to be saving money. So, it's going down from what normally would have been \$60,000 down to at least \$20,000. So, at least we're saving some money there. If you can get that other money waived, that would be great.

President Abell: I would suspect Mr. Kiefer can do that. I have faith in him.

Commissioner Kiefer: I'll do my best.

Susie Kirk: Okay, magic man, that's up to you then. Alright.

Commissioner Kiefer: Thanks.

President Abell: I have faith in him. He has more pull there than I do.

Susie Kirk: Okay, thank you very much.

Joe Harrison, Jr.: So, with that I would ask that a motion be made to rescind the County Commissioners' previous acceptance of the County Treasurer's recommendation that German American Bank be awarded the county banking services contract starting on January 1, 2014, pursuant to the RFP concerning such services, for the reason that German American Bank did not meet one of the mandatory requirements sent forth in the RFP that it have a banking center or branch located within one mile of the Civic Center Complex.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Further discussion? One more little comment, leaving that out you'll also probably be able to pick up Commerce Bank and Bank of Evansville, I mean, there should probably be some more people interested in it.

Susie Kirk: It will. I'll shoot you an e-mail on why that was in there. It's kind of a rather little oddball thing that was put in by a past County Treasurer.

President Abell: Okay.

Susie Kirk: So, that you kind of understand why.

President Abell: Okay, roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Ms. Kirk.

Susie Kirk: Thank you.

Joe Harrison, Jr.: Then, the second motion would be, also ask that a motion be made to award the County Treasurer Banking Services contract to Old National Bank, the current provider, and the only other responder to the RFP.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Commissioner Kiefer: Thank you.

Commonwealth Engineers Presentation

President Abell: Commonwealth Engineers has a presentation. Dan Rininger?

Dan Rininger: Close.

President Abell: Rininger.

Dan Rininger: Close enough. I'm going to go ahead and give you our paperwork here, a flyer.

President Abell: Okay.

Commissioner Melcher: Do you got an extra one?

Dan Rininger: Maybe not.

Commissioner Melcher: Okay.

Dan Rininger: But, I can get you one. For the record, my name is Dan Rininger. It's spelled R-i-n-i-n-g-e-r. I'm just now starting with Commonwealth Engineers. You're probably familiar with Commonwealth Engineers. They've been around for about 40 years, and in town for I'm not certain how many years, but they've got a pretty good reputation in the area. Basically, what we do is strictly water type projects, whether it's waste water, fresh water, combined sewer, drainage, all of those things. We have very expert people that are in our Evansville office that are, they can do just about anything, really work miracles with water. Some of them have worked miracles, so some say. Really, all I'm doing is introducing myself as the Rep. Theresa used to be the Rep. for this area and she's moved on to greener pastures. She's a hard act to follow. Really, that's really about all I have. As you see, if you want to go to our website, there's a lot of testimonials in there that shows who we are and what we do and what we have done. I realize that under the circumstances that I would certainly love to see Commonwealth Engineers whenever we have a project come rolling out of the Engineer's Office, have an opportunity to be on the list for an RFQ.

President Abell: Okay.

Dan Rininger: That's really all I have, unless you have some questions.

President Abell: Have you also met the County Surveyor?

Dan Rininger: I have not met the County Surveyor.

President Abell: He's sitting right there and you might need to meet Mr. Mueller, because he makes his presentation to us as the Drainage Board.

Dan Rininger: Okay. Well, see, learn and learn. That's really, this is my first jaunt into this type of engineering. I worked for another company before, but it's all the same doing service for the community and for the county or for whomever. I really appreciate it if you would look on us favorably in the future.

President Abell: Okay, well, we appreciate you coming.

Commissioner Melcher: Do you have any business cards?

Dan Rininger: I do, in my jacket.

Commissioner Melcher: We could use four.

Dan Rininger: I do have four. You'll see just how new I am.

Commissioner Melcher: It's written in?

Dan Ringer: Yes. Yep, they're on the way, according to (Inaudible. Not at microphone.)

Commissioner Melcher: Well, it's not in pencil. It's in ink.

Dan Ringer: Well, hopefully they're not going to get rid of me just yet.

Commissioner Melcher: Thanks, Dan.

Dan Ringer: Thank you. Anything else?

President Abell: We will share this flyer with Mr. Mueller. He's going to be here for our Drainage Board meeting.

Dan Ringer: Okay, I'll also drop by and visit him in the next few days.

President Abell: Okay, thank you for coming tonight.

Dan Ringer: Appreciate the time.

President Abell: Thank you.

Resolution CO.R-10-13-007: Regarding Centre Operating Fund

President Abell: Resolution CO.R-10-13-007 regarding the Centre Operating Fund. Do we need to read this resolution?

Joe Harrison, Jr.: I think it would probably be a good idea. Do you want me to, quickly?

President Abell: Yeah. I don't want to. Go right ahead.

Joe Harrison, Jr.: Well, it's only—

Commissioner Kiefer: Three pages?

Joe Harrison, Jr.: No, it's just one and a half. I would mention that the County Council recently passed a similar resolution. It's a resolution of the Board of Commissioners of Vanderburgh County, Indiana requesting the continuation of the two percent Convention Center Operating Fund beyond December 31, 2014. The first paragraph;

“Whereas, the Board of Commissioners of Vanderburgh County is the lessee of the Evansville Auditorium and Convention Center, known as the Centre, located at 715 Locust Street in Evansville, Indiana. Whereas, pursuant to I.C. 6-9-2.5 et seq., the Indiana General Assembly established the Vanderburgh County Innkeeper's Tax; and, Whereas, pursuant to I.C. 6-9-2.5-7.7, the Indiana General Assembly established the Convention Center Operating Fund to assist Vanderburgh County with operation expenses relating to the Centre; and, Whereas, pursuant to I.C. 6-9-2.5-7.7(b), the Convention Center

Operating Fund is currently supplemented each year by two percent of the eight percent tax on lodgings imposed on hotels and motels located within Vanderburgh County pursuant to the Vanderburgh County Innkeeper's Tax; and, Whereas, pursuant to I.C. 6-9-2.5-7.7(C), commencing on January 1, 2015, the annual Convention Center Operating Fund is to be reduced from two percent to one percent from the eight percent tax on lodgings imposed on hotels and motels located within Vanderburgh County pursuant to the Vanderburgh County Innkeeper's Tax; and, Whereas, up until November of 2009, the Centre was connected by a skywalk to the Executive Inn Hotel located just to the west of the Centre; and, Whereas, since the closing of the Executive Inn Hotel in 2009 and subsequent demolishing of the facility by the City of Evansville, the Centre's convention business has diminished substantially; and, Whereas, since the closing of the Executive Inn Hotel, Vanderburgh County continues to lose approximately five hundred thousand dollars a year in revenue regarding its operation of the Centre; and, Whereas, the City of Evansville and Vanderburgh County will be providing financial assistance in connection with the proposed development of a new downtown convention hotel to be constructed and located adjacent to the Centre, but it is unknown at this time when such a hotel will be constructed and open for business; and, Whereas, Vanderburgh County seeks the Indiana General Assembly's assistance in extending the two percent amount it receives for the Convention Center Operating Fund, under I.C. 6-9-2.5-7.7(b) for an additional five years, , up through December 31, 2019, in order to assist Vanderburgh County in its operation of the Centre until a new downtown convention hotel is constructed, in operation, and booking future convention and trade show guests. Now, therefore, be it resolved by the Board of Commissioners of Vanderburgh County that (1) Vanderburgh County encourages the Indiana General Assembly to amend I.C. 6-9-2.5-7.7 so that the current two percent Innkeeper's Tax amount that Vanderburgh County receives for the Convention Center Operating Fund continue until December 31, 2019, as opposed to being reduced to one percent on January 1, 2015. (2) This resolution shall be in full force and effect from and after its adoption."

So, that's the proposed resolution.

President Abell: That's good for us and we need to do this. I'll accept a motion to accept.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yeah, I happily will vote yes on this.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Will we have Madelyn get a copy of that up to the State House?

Joe Harrison, Jr.: Yes, probably what we ought to do is send that one, as well as the one passed by the County Council to our local delegation, our local legislators and let them move forward with it from there. I think one of them is going to introduce legislation extending the—

President Abell: Do we know they are? I mean, we need to make sure this doesn't fall through the cracks.

Joe Harrison, Jr.: No, they're waiting on the resolution.

President Abell: Okay.

Joe Harrison, Jr.: I don't know exactly which one, if it's Representative Crouch or one of the others, but it's my understanding they're waiting on the resolution.

President Abell: Okay.

**Second/Final Reading of Ordinance CO.09-13-009:
Amending the County Zoning Code**

President Abell: Second and final reading of CO.09-13-009, amended zoning ordinance. I think, Ron, do you want to...I think we've got some minor little changes that need to be made to that on the floor tonight too.

Ron London: Yes, we just got a, we had a few scrivener errors that we needed corrected. I've given those to Madelyn. Do I need to read those off?

President Abell: One of you should. One of you need to read them into the record.

Madelyn Grayson: The scrivener errors are as follows; in 17.28.070 C (1) in that first sentence, they're deleting SU43. Under the same section, 17.28.070 F, in the second sentence, they're deleting C-3. On the next page, at the end of the table, there is a second sentence to be added to the footnote number two that will read, "Wireless telecommunication facilities, cellular towers and similar uses shall be permitted with Site Review approval subject to the provisions of 17.28.30 (I), (J) and (M)." ¹ That currently is in our current ordinance, it was just left off of this amendment.

President Abell: Is that the way you see it?

¹Incorrect Code section referenced. Minutes were amended at the 11/5/2013 meeting.

Ron London: Yes.

President Abell: Okay.

Ron London: That's correct.

Commissioner Melcher: Do we need separate motions then? One to accept this?

Joe Harrison, Jr.: Yes, why don't we go ahead and just include that with the main motion.

Commissioner Melcher: Okay.

Joe Harrison, Jr.: I guess, Ron, the main change from the first reading on September 24th is the requirement that residential re-entry centers and similar correction programs, halfway houses, etcetera be located no less than 1,000 feet from a school, pre-school, or child care facility. Is that basically the change?

Ron London: That's correct. That's the only thing that we changed.

Joe Harrison, Jr.: So, that is now added to this second and final reading, as well as the changes read into the record by Madelyn.

Ron London: Correct.

Joe Harrison, Jr.: Okay. So, if there's a motion to that effect.

Commissioner Melcher: Yeah, I'll make the motion to accept the scrivener errors and the amendment.

Commissioner Kiefer: Second.

President Abell: Is this, Mr. Melcher, this is in accordance with the ones that you wanted. Is it okay?

Commissioner Melcher: Yes.

President Abell: Okay. Mr. Kiefer, are you okay with it? Mr. London, you're okay with it?

Ron London: Yes, Ma'am.

President Abell: Alright. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**County Assessor: IncomeWorks Software License Agreement
Health Dept: Emerson Network Power Service Renewal
County Clerk: Professional Services Agreement with RBM (Deferred)
OCH Lease Renewal: Steven Land Photography
OCH Lease Renewal: Cultural Resource Analysts, Inc.**

President Abell: Contracts, agreements and leases; County Assessor, IncomeWorks software license agreement. This is a one year renewal of software licensing agreement with Assessment Advisors. The cost is at \$35,000. The funding is in place in the County Assessor's budget.

Joe Harrison, Jr.: I think Mr. Fluty is here, isn't he?

President Abell: Mr. Fluty?

Bill Fluty: Bill Fluty, County Assessor.

President Abell: Is this a piece of software you currently use?

Bill Fluty: No, this is something new.

President Abell: Something new?

Bill Fluty: We have, there's three approaches to value; cost, sales and income. This is going to give us added information about income, income analysis for commercial properties and assistance with appeals for commercial properties. So, this is added value. It's something we've been lacking and need to get up to speed on.

President Abell: Okay.

Joe Harrison, Jr.: Does this come out of your Reassessment budget?

Bill Fluty: Yes, sir.

Joe Harrison, Jr.: Okay.

President Abell: Commissioners, do you have any questions of Mr. Fluty? I need a motion to accept.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Bill Fluty: Thank you. Appreciate it.

President Abell: Thank you, Mr. Fluty. Health Department, Emerson Network Power service renewal. It's a one year renewal. The cost is \$5,912. The funding is in place in the Health Department's budget to cover this request. Mr. Heck is here this evening.

Gary Heck: Gary Heck, Vanderburgh County Health Department. This is the, it's a battery back up power system that backs up all of the laboratory refrigerators, freezers. There's not a full service generator that backs up the power supply at the Health Department. This has been in place since we've moved into the building in 2004, and this is just the annual maintenance agreement to make sure that it functions as it's supposed to.

President Abell: How long will that thing back up?

Gary Heck: We've had one power outage that lasted, that the power was interrupted, the three phase service that came in was interrupted at 1:00 a.m., because I got the call, and the battery back up system lasted until 9:00 a.m. the next morning.

President Abell: That's pretty good.

Gary Heck: Yeah, in fairness, we didn't have people there opening and closing doors and doing a lot of stuff, but it still did what it was supposed to do, which is important.

President Abell: For a battery I think that's a long time.

Gary Heck: Well, it's a 1,600 pound unit that has 48 batteries in it. So, it's a huge piece of equipment.

Commissioner Melcher: I think we talked about this before. We own this, right?

Gary Heck: Well, yes, we do own it and this is an on-going maintenance.

Commissioner Melcher: That's what I thought.

President Abell: Any other questions, Commissioners? I would entertain a motion.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you, Mr. Heck. County Clerk, professional services agreement with RBM. This is a three year agreement for election equipment support services. RBM is to receive \$231,575 in 2014; \$201,800 in 2015; and \$220,840 in 2016. The funding is in place in the County Election Board budget for 2014 to cover the cost of this agreement. I do not see the County Clerk here, and I have some questions.

Joe Harrison, Jr.: I don't see her here either. She got a copy of my e-mail.

Commissioner Kiefer: When—

President Abell: I want to know if we've bid this out.

Joe Harrison, Jr.: It's the current provider.

President Abell: I understand that. The current provider used to be ES&S, I want to know if they've bid, if they're comparing prices. It was never this expensive when I was County Clerk.

Commissioner Kiefer: This is for 2014. I think we would have time to postpone this if we need to. I mean, it's not like we've got an election in November.

Commissioner Melcher: Well, we don't have the Clerk here.

Joe Harrison, Jr.: No, I think we need to wait. She needs to be here.

Commissioner Kiefer: Yeah, that's what I said. I mean, it's not like we have an election in November.

President Abell: Yeah, right.

Commissioner Kiefer: So, we might as well postpone it. I'll move that we table this until we can get the County Clerk.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Commissioner Kiefer: Marissa, will you see to it that she's notified?

Marissa Schenk: Yes.

Commissioner Kiefer: Thanks.

President Abell: County Commissioners, Old Courthouse lease renewal with Steven Land Photography. This is a two year lease agreement for space in suite 113 of the Old Courthouse. Rent is currently \$325 per month. Under the lease, rent will increase to \$350 per month on November 1, 2013, and \$375 per month on November 1, 2014.

Commissioner Kiefer: This is another example where they originally came in and wanted to just renew their lease at the same price. We just stood our ground and said, no. I mean, we've got to have increases. So, this is reflective of that. With that, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Commissioners, Old Courthouse lease renewal with Cultural Resource Analysts, Inc. This is a three year lease for space in suites 204, 209 and 209A of the Old Courthouse. Initial rent payments will be \$1,099 per month beginning November 1, 2013, increasing to \$1,138.25 on November 1, 2014, and \$1,177.50 beginning November 1, 2015.

Commissioner Kiefer: Same type situation, we're just trying to pump rents up every year, and that's what we're trying to do to help the Old Courthouse pay for itself. I think we're doing a lot better job. Again, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Engineer

President Abell: Department head reports. I see Mr. Stoll in the audience.

John Stoll: The first thing I have this evening is a change order on the Bohannon Estates sanitary sewer project. This is for an increase of \$34,651.90. This will provide the sewer clean outs at each property line, as a part of this sewer project is being funded with grant funds. The change order will be totally covered by the grant funds. So, this does not increase the county's cost whatsoever. So, I would request approval.

Commissioner Melcher: Well, this is easy. So, because we don't need to send it back. So, I'll go ahead and make the motion to approve it.

Commissioner Kiefer: Yeah, not increasing costs.

Commissioner Melcher: And, the saving the taxpayer.

Commissioner Kiefer: Yes. So, I will second that.

President Abell: And, this has been a big improvement for the people out there.

John Stoll: Yeah, the project is winding down. So, hopefully they'll be able to tap in here shortly.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The next item I have is several forms associated with IDEM's storm water regulations. It's Rule 13 notice of intent letter and the Part A, which is the Storm Water Quality Management Plan, and a legal ad all have to be signed by the Commissioners or advertised through the legal ad as far as complying with the regulations. We have to submit all of this paperwork by November 2nd. The notice of intent letter just basically says that the county intends to discharge storm water into several waterways here in the county. The Part A of the master storm water quality management plan just outlines some very vague time tables and milestones associated with trying to comply with the regulations. This paperwork is required every five years. We've got to submit it along with a \$50 check and the proof of publication of the legal ad in order to comply. So, I'm requesting your approval on the paperwork and the legal ad.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Next I have a change order on the U.S. 41-I-64 utility project. This is for an increase of \$2,600. This covers the cost of painting the pipes that were in the lift station itself. This was a requirement of the Sewer Department as part of the final okay on the project. We do have a final inspection scheduled later this week. This was just meeting one of the requirements.

President Abell: I'll entertain a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: I abstain on this particular one.

President Abell: Roll call vote.

Commissioner Melcher: You second?

President Abell: Oh, I second.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

John Stoll: Next I have a contract with United Consulting for the design of Peck Road. This would cover the design of the reconstruction between North High School and Baseline Road. This covers the survey and the design. The fee is \$267,100. As it stands right now the design would provide an open ditch along the east side of Peck Road. However, the plan is to meet with the Corps of Engineers to see whether or not they would allow the piping of that ditch. If so, then what requirements the county would have to follow. We would then see if we could afford to meet their requirements or whether or not we'll have to leave it as an open ditch, but that could lead to a supplemental agreement on the design later. In the meantime, this will get the design started. So, I would request your approval of the contract.

President Abell: Mr. Kiefer and Mr. Melcher, I've been talking to Mr. Stoll on this project. I am, have been continually concerned about those open ditches with the young drivers that drive on that road. So, I think, Mr. Stoll and I sort of came to an agreement that once we start this project, the design project, he's going to contact the Army Corps of Engineers and might just go out there and stand around with him about 3:00 in the afternoon and let them see the traffic that leaves there and see if they still feel like open ditches are a good idea. I know it's going to cost us more money to close those ditches, but I don't think these Commissioners, nor the people of Vanderburgh County think that that's exorbitant for the cost of the life of a child that might get killed on that road. It's just a very dangerous situation. The school is there. We can't do anything about that, but we can do something about the road. So, I will keep you both abreast of what's going on with that, as will Mr. Stoll.

Commissioner Melcher: We've been talking about those ditches, and you brought it up a long time ago. It's come up in every meeting we've had.

Commissioner Kiefer: John, I mean, in the future if, at some point if we ended up widening and improving those roads, those would have to be, you know, closed in anyway at some point, correct?

John Stoll: Not necessarily.

President Abell: Not necessarily.

Commissioner Kiefer: I mean, but if we widen that road, I mean, add two lanes to it or something?

John Stoll: The way the proposal is written up, they would actually shift the alignment of the road to the west slightly in order to try and minimize the impact on the ditch, if the ditch is left in place.

Commissioner Kiefer: If we did this work, then they wouldn't have to shift the road—

John Stoll: Correct.

Commissioner Kiefer: — you know, in a different direction. It would probably require right-of-way, you know, there's a lot of things involved in shifting a road to the west side. Do we, so, we need a motion on this then?

Joe Harrison, Jr.: Yes, just to accept the contract.

President Abell: To accept this contract.

Commissioner Kiefer: Yeah.

John Stoll: Then we can get the design started. Like Commissioner Abell said, we would then set up a meeting with the consultant and the Corps of Engineers, see what requirements we would have to meet if we want to pipe the ditch.

Commissioner Kiefer: Right.

John Stoll: They would provides us costs, the consultant, United Consulting would provide us cost estimates associate with whatever the Corps of Engineers would mandate, and then we would see whether or not the county could afford it, or whether or not that would require TIF revenues to accumulate for another year in order to be able to afford it. So, we'll have some options, it's just a matter of—

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I'm just glad we're starting to do something again on Peck Road. So, I'll vote yes.

Madelyn Grayson: President Abell?

President Abell: Yes. I echo Mr. Melcher's comments. I'm glad we're going to start working on this.

John Stoll: It needs it, definitely.

(Motion approved 3-0)

John Stoll: The last item I have is a request to award the Old Boonville Highway bridge replacement contract, which was contract number VC13-06-03 to Ragle, Incorporated for the amount of \$240,620. We had, when we bid this we had alternate bids, and this would be the base bid plus alternate B. This is not the low bid. The low bid was provided by Blankenberger Brothers. This bid is actually \$310 higher than the actual low bid provided by Blankenberger.

Joe Harrison, Jr.: We currently have litigation against Blankenberger. Is that correct?

John Stoll: Yes.

Joe Harrison, Jr.: You're aware of that?

John Stoll: Right.

Joe Harrison, Jr.: Filed in Vanderburgh Circuit Court.

John Stoll: Right.

Joe Harrison, Jr.: Okay.

Commissioner Melcher: I'm prepared to make a motion. I'm going to read it. I'm making a motion to award the Old Boonville Highway bridge number 1530 replacement contract to the second low bidder, Ragle, Inc. for the sum of \$240,620, which is \$310 higher than the bid of Blankenberger, for the reason that the apparent low bidder, Blankenberger Brothers, is not a responsible bidder to be awarded this bridge contract pursuant to I.C. 36-1-12-4(11) due to the current litigation the county has pending against Blankenberger Brothers in the Vanderburgh Circuit Court regarding the poor street surface condition and bridge approaches of North Green River Road, which Blankenberger Brothers constructed as the general contractor under the \$25 million Vanderburgh County contract previously awarded to Blankenberger Brothers under project number VC08-09-01.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: I will have to come back with some modified time tables on this project. The completion date will need to be modified, but I'll bring paperwork back on that at a later date.

President Abell: Okay.

John Stoll: That's all I have.

President Abell: Thank you, Mr. Stoll.

John Stoll: Thanks.

President Abell: Any other department head? The only other department head I see who hasn't spoken is Mr. Mueller, and I assume you're here for the Drainage Board meeting?

Jeff Mueller: Yes, Ma'am.

New Business/Old Business

President Abell: Any new business to come before the County Commissioners? Any old business to come before the County Commissioners?

Public Comment

President Abell: Public comment?

Consent Items

President Abell: Consent items, Madelyn?

Madelyn Grayson: The consent items for the October 22nd meeting are as follows; approval of prior minutes, we have the October 8, 2013 Commission meeting minutes. Employment changes for the Commissioners approval, we have two for Burdette Park, two for the County Highway, and one for the Health Department. The Sheriff has a request to surplus and dispose of a 2003 Ford Crown Victoria. The County Clerk has a request to surplus various office furniture, a three month leave of absence request for employee, and the September 2013 monthly report. Hillcrest Washington Youth Home third quarter service fee in the amount of \$355,292.66. The County Commissioners have two appropriation requests, a transfer request, a letter to David Rector, the VPS change order number three for first floor corridor renovation, the rotunda lighting, and department head reports from the County Engineer, the County Highway weeks of September 27th through October 3rd and October 4th through October 10th, the County Ozone Officer's of September 2013, and Weights and Measures, September 16th through October 15th.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the County Commissioners? The only thing I would like to say is congratulations to the city on the new residents at the zoo. I hope all of our county people will get out and meet the three new dragons that are now at the new zoo.

Introduction of Teen Advisory Council Students

President Abell: We do have some students. Would you like to come up to the microphone and give us your name for the record? Your name, and tell us what school you go to and what year you are.

Hannah Apuan: My name is Hannah Apuan. I'm a Senior at Signature School.

Morgan Welp: Morgan Welp, and I'm a Junior at Memorial.

President Abell: Well, welcome. Thank you for coming this evening. If you would like, Madelyn can get your address, she could send you a copy of the minutes that show where you were here tonight. Thank you. Any other business to come before the County Commissioners.

Commissioner Kiefer: Move to adjourn.

Commissioner Melcher: Second.

President Abell: We stand adjourned.

(The meeting was adjourned at 5:40 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the October 8, 2013 Commission Meeting Minutes.
Hillcrest Washington Youth Home 3rd Quarter Service Fee: \$355,292.66.
Appropriation Request (2) and Transfer Request (1).
Letter to EVCBA: Build Out of Novia Care Clinic.
VPS Change Order No. 3: OCH First Floor Corridor Renovation Project.

Employment Changes:

County Highway (2)	Health Department (1)	Burdette Park (2)
Coroner (1)	Circuit Court (1)	County Clerk (2)
Sheriff (1)		

Sheriff: Request to Surplus and Dispose of 2003 Ford Crown Victoria.

County Clerk:

Request to Surplus Various Office Furniture.
Three Month Leave of Absence Request for Employee.
September 2013 Monthly Report.

Department Head Reports:

County Engineer
County Highway: 9/27-10/3/13 & 10/4-10/10/13.
County Ozone Officer.
Weights & Measures: 9/16-10/15/13.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Harrison, Jr.	Marissa Schenk	Madelyn Grayson
Susie Kirk	Dan Rininger	Ron London
Bill Fluty	Gary Heck	John Stoll
Jeff Mueller	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 5, 2013**

The Vanderburgh County Board of Commissioners met in session this 5th day of November, 2013 at 5:02 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the November 5, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Melcher, would you like to lead us in the Pledge?

Commissioner Melcher: Yes.

(The Pledge of Allegiance was given.)

President Abell: Thank you.

County Surveyor: Precinct Renaming Petition

President Abell: Under action items this evening, the County Surveyor, precinct renaming petition. I think Mr. Mueller is here, as well as Linda.

Jeff Mueller: Yes, I'm going to let Linda do this presentation. She's been the one that's done all of the work on this. So, if you've got any questions, I'll let her answer them.

President Abell: You're going to let Linda do all the work, is that what you're saying?

Jeff Mueller: Well, I mean, I'm going to give her credit for what she did. Alright?

Commissioner Melcher: Well, Linda's been doing it her whole career. So, she already knows—

President Abell: Linda could do it in her sleep.

Linda Freeman: Yeah, sometimes I wonder, yeah, definitely. So, any questions on that? Basically, the City Council was able to redraw their Ward lines to balance the population, and we just need to rename 12 precincts to get them in the conventional naming system that everyone is used to looking at. There's, like I said, 12 precincts.

Commissioner Melcher: So, all we did was renumber the 12 precincts?

Linda Freeman: Yeah, that's what the renaming order is, that Madelyn has a copy for you to sign. Joe Harrison's looked it over. It's been, it's actually a template that was sent to me from the Indiana Election Division folks up in Indianapolis. We just have the table there from what the old precinct name currently is and the new name that I was suggesting it needed to be. The Ward numbering definitely needs to be changed, and I went through the list to pick out numbers that were not used as precincts, so we didn't have a confusing thing going on there.

President Abell: Yeah.

Linda Freeman: Where we had to maybe rename some this month, and rename some next month type of thing, like we did in 2002, maybe.

Commissioner Melcher: Well, just so the public knows, the viewing audience knows, we didn't do the redistricting, the City Council did.

Linda Freeman: The City Council did, redrew the Ward lines—

Commissioner Melcher: All we're doing is renumbering it.

Linda Freeman: Renaming them.

Commissioner Melcher: Because that's, by law, that's us.

Linda Freeman: That's you, right. The City Council had the statute, or the Indiana Code that says that they need to re-balance their Wards by population, which, if you'll look over in the corner, you'll see that everything is balanced within five percent of the target of 20,013 people per Ward.

President Abell: I don't have any problem with it.

Commissioner Melcher: Me neither.

Commissioner Kiefer: No, I think it's self explanatory. Thanks for the work.

Commissioner Melcher: I'll make a motion to approve it.

Commissioner Kiefer: Second.

President Abell: Further discussion? Anyone in the audience have any discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I echo Mr. Mueller's comments, Linda, you do a good job. Thanks.

Linda Freeman: Thank you.

<p style="text-align: center;">First Reading of Vacation Ordinance CO.V-11-13-002: Vacation of 6' PUE at 4910 Heckel Road</p>
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President Abell: First reading of vacation ordinance CO.V-11-13-002, a vacation of a six foot public utility easement at 4910 Heckel Road. Is there anyone here to address that?

Joe Harrison, Jr.: I think Krista Lockyear is at least familiar with this. I believe this is hers. This is a petition that was filed, and it's the first reading of the ordinance. You might explain just briefly what it is, and then the final reading will be on the 19th.

Krista Lockyear: Certainly. This is a six foot public utility easement that was reserved beginning in some deeds on the property that you formally rezoned for the Houchens grocery store there at the corner of Heckel and Green River. When the title work got processed on that property we found this reservation. It was created back some time, going from memory roughly in the 60's and then just perpetuated moving forward. There aren't any utilities in this easement, and it just runs through the middle of the property that Houchens are purchasing. So, in order to build over that, we just want to clean the title up and vacate this easement.

President Abell: Questions, Commissioners? I need a motion to approve.

Commissioner Melcher: So moved.

Commissioner Kiefer: I'm abstaining on this.

President Abell: Okay.

Commissioner Kiefer: I represent Houchens.

President Abell: I'll second. The final reading will be on the 19th?

Joe Harrison, Jr.: Yes.

President Abell: Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

Krista Lockyear: Thank you.

President Abell: Thank you.

**Permission to Advertise Notice of Public Hearing for Vacation
CO.V-11-13-002: 6' PUE at 4910 Heckel Road**

President Abell: Permission to advertise notice of the public hearing of the vacation ordinance CO.V-11-13-002.

Commissioner Kiefer: I'll abstain on this.

President Abell: Do we need a motion? Mr. Melcher, can you make the motion?

Commissioner Melcher: Yes, I make the motion.

President Abell: I'll second it. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

Acceptance of 2014 County Employee Health Insurance Proposal

President Abell: Acceptance of the health insurance contract for 2014. We three Commissioners have in front of us the plan that has been presented to us by Torian Hofmann Dillow and Flittner, our insurance agents, for a renewal of our health insurance plan with Anthem Blue Cross Blue Shield. The plan has changed. The three of us have all got copies of it. I need a motion to approve.

Commissioner Kiefer: I'll make the motion to approve.

Commissioner Melcher: I'll second.

President Abell: Would, do any of the Commissioners have any questions or comments about this?

Commissioner Kiefer: The only discussion I want to say is, you know, I did meet with Tony Flittner about this, and I think this is a well-balanced plan that helps us meet the criteria that the County Council has laid upon us on, you know, making sure we can get this done in a cost effective way. It doesn't seem to be anything that's too painful, as long as people utilize the health clinic that we're planning to have. So, with that I'm going to support this.

President Abell: I, we, I've worked on this for months, and I think this is the best we can come up with. We did get some quotes from other insurance companies, and none of them were even this low. They were all higher. Some even up to \$20,000, or twenty million dollars. So, this is going to keep us down to where we've got to be to balance the budget.

Commissioner Melcher: Marsha deserves a lot of credit for all the time she's put in on it. Joe and I put a lot of time in on it too, but not near what Marsha did.

Commissioner Kiefer: No. Marsha, thank you for your work on that.

President Abell: Thanks.

Commissioner Melcher: We try and do everything to make everything palatable, and with the clinic, hopefully, if everybody uses the clinic that will really help us. What would happen, our insurance ought to go down next year.

President Abell: Yeah.

Commissioner Melcher: Because, what keeps our rate going up is that we use it a lot. Hopefully, with the way we've got it set up now that we'll be able to move in a little cheaper next year and save some money next year. That's what we're hoping on.

Commissioner Kiefer: This is still a far cry better than what people would find in the private sector. I'm sure much better than what they can get from the federal government.

President Abell: Oh, yeah. It's a good policy. It's a good policy. Well, I have a motion on the floor. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**County Clerk: Professional Services Agreement with RBM
Auditor: Maintenance/Support: Manatron/Thomson Reuters
Superior Court: Treatment Court Grant Amendment
Co-Op Extension: Agreement with Purdue (Deferred)
Sheriff: Klenck Construction Demolition Agreement
Sheriff: IDOC Grant Amendment**

President Abell: Contracts, agreements and leases, the County Clerk, professional services agreement with RBM. This is a three year agreement for election equipment support services. RBM is to receive \$231,575 in the year 2014; \$201,800 in 2015; and \$2,020, \$220,840 in 2006. Funding is in place....in 2016, I'm sorry. Yeah, we've already passed 2006. Funding is in place in the County Election Board budget for 2014 to cover the cost of this agreement. I think the County Clerk is here this evening. I guess, one of the questions that we had...for the record you are?

Debbie Stucki: Debbie Stucki, County Clerk.

President Abell: Thank you. I guess, one of the questions that we had is, is this a good deal? Are we, I mean, are we not overpaying? Are we, is this in line with what we should be paying?

Debbie Stucki: Yes, and actually it's only up \$5,175 from the three previous years' contract for '10, '11 and '12. I think you all received an e-mail from Susie Kirk on why she chose RBM over ES&S.

Commissioner Melcher: It was on the agenda last time, but there wasn't anybody representing you.

Debbie Stucki: Yes, and I apologize. I was sick for two days.

Commissioner Melcher: One thing we're not going to do is pass something like this without you or your representative being here.

Debbie Stucki: Sure.

Commissioner Melcher: If you wouldn't have been here tonight, we would be holding it again.

Debbie Stucki: Yes, sir.

Commissioner Melcher: You're the one that's elected, you're the one that's going to catch the heat.

Debbie Stucki: Yes, sir. I apologize. I was sick.

Commissioner Melcher: No, we're fine.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Debbie Stucki: Thank you.

President Abell: Thank you.

Madelyn Grayson: Debbie, is there a representative from RBM here to sign this tonight?

Debbie Stucki: Yes, they are.

President Abell: County Auditor, maintenance and support services agreement with Manatron for MVP Tax and Collect Max. A three year renewal maintenance and software support services agreement between Manatron, Inc. and the county regarding the county's property tax system utilized by the County Auditor's Office and the County Treasurer's Office. The cost is \$81,847.80 per year from 1/1/14 to 12/31/16. The County Auditor is here.

Joe Gries: Good evening. Joe Gries, County Auditor. This is the maintenance and support agreement that we have for our property tax and billing system. Every property tax bill that is calculated and sent out and then the money that is collected by the Treasurer's Office, all of it runs through this system. Then we also use that system to distribute all of the money to the other taxing units. This is a three percent increase from the last contract, which was three years ago. It holds it for the next three years, there's no increase each year, just the initial three percent increase.

President Abell: You have this in your budget?

Joe Gries: It is in the budget. It's actually in Computer Services budget, their line item, and they have put that in for 2014 yes.

President Abell: Okay. Commissioners?

Commissioner Melcher: No, I think it's a pretty good deal myself.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Joe, good job keeping that down. I'll vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Joe Gries: Thanks.

President Abell: Treatment Court, amended grant agreement between the Indiana Department of Corrections and Vanderburgh Problem Solving Court. This amendment increases the needed funding by an additional \$248,772. The grant agreement runs through 12/31/14. Is there someone from the Courts here?

Joe Harrison, Jr.: I don't know if anybody is here. The Sheriff is here. He's familiar with this, but this is additional money that they are receiving, pursuant to this amendment. There was some discussion about the amounts when this was approved the last time. The Sheriff may have some additional information on this.

Eric Williams: I would just add that this is part of the grant amendment that comes later on your agenda. There was an error in calculations, and they put this money in our grant, as opposed to that grant, because we split them between the entities and separated them. So, they put the money in twice. My bookkeeping caught it and asked them to change it.

President Abell: Okay.

Commissioner Kiefer: Thank you, Sheriff.

Commissioner Melcher: Yeah, because we were about ready to hold it again.

Commissioner Kiefer: The Sheriff does a good job. Appreciate that.

Commissioner Melcher: I'll make a motion to approve it.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Cooperative Extension Services agreement with Purdue University for Extension Services for 2014. The cost is \$76,095 to be paid to Purdue University to cover the county's contractual services amount for 2013¹. This is the same as 2013. I think I said that twice, but this amount is the same as 2013. I don't see anyone here.

Joe Harrison, Jr.: I don't know, it's really with Purdue, I guess, so, I don't know if they—

President Abell: Well, we have local people here that work out there.

Joe Harrison, Jr.: Yeah.

President Abell: Yeah, Marissa, would you make sure they know to be at the next meeting? Unless my fellow Commissioners want to vote on it with no one here.

Commissioner Kiefer: Are you okay with that? I mean, I'm okay voting on it, but we can wait too. Whatever you guys want to do. I mean, I know standard practice is we want somebody here.

Commissioner Melcher: Well, then that's it.

Commissioner Kiefer: Yeah.

Commissioner Melcher: I'll make a motion to hold it till the next meeting.

Commissioner Kiefer: Okay, I'll second that.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

¹Should be 2014.

(Motion approved 3-0)

President Abell: Sheriff, agreement with Klenck Construction for demolition of 5900 Kansas Road. This is for demolition of the old Vanderburgh County Sheriff Training Center building located off Kansas Road. The cost is \$12,000 to be paid from the Sheriff's budget. This is the lowest of the four quotes that were obtained.

Eric Williams: Basically, this is a quote to bulldoze it, haul it off and clean the dirt up. This is the building that used to be the, that formerly was the Winchester Gun Club out on Kansas Road that the Sheriff's Office obtained back in the early 80's. We rehabbed it a little bit and we used it for a training facility. The last flooding even that we occurred, it got well into that building and pretty much destroyed the inside. The value and cost of rehabbing that building versus the cost of the building itself, it doesn't make any sense to spend any money on it. We've got alternative plans for our training needs out there. It doesn't affect the firing range.

Commissioner Kiefer: So, what will be done with that particular site? It's just—

Eric Williams: The quote calls for them to demolish the building, clean up all the debris and make it seed ready for grass. So, we're going to plant grass.

Commissioner Kiefer: Oh, okay. So, you're not—

Eric Williams: We're not in a financial position to replace it or build anything new, but it is a cost to keep it there and it's a danger, because it's not habitable. It's not useful at this point in time. We had tried to get an arrangement with one of the suburban fire departments to burn it, as a practice, but the permitting process, there were a lot of issues with that. It just became too cumbersome. It's easier just to do it this way.

Commissioner Kiefer: Great, thanks.

Commissioner Melcher: That was going to be my question. What happened to the fire burn?

Eric Williams: There were too many hurdles to get through to let that happen. So, you know, part of the EMA reconfiguration up in the jail, the space that's left over there, the fitness center that's out there will relocate up to the jail. The fitness center that's out there, which is a relatively new building will be converted over to a training facility that we'll begin using that building for training needs for the office.

President Abell: Maybe we could plant crops on it.

Eric Williams: You know, I'm not opposed. That just means we don't have to cut it.

President Abell: You might find...how much land do you got out there?

Eric Williams: There's roughly 80 acres.

President Abell: Oh, my gosh. You ought to find somebody that will farm that.

Eric Williams: Well, we do. You signed an agreement.

President Abell: I thought we did have.

Commissioner Melcher: Yes.

Eric Williams: There's a farmer planting all but the front yard right now, and where the septic system is we can't plant, but he's planting everything that I can get him close enough to plant.

President Abell: Good.

Joe Harrison, Jr.: Get a little money out of it.

President Abell: Make a little money on this deal.

Eric Williams: That was the hope.

President Abell: I'll entertain a motion.

Commissioner Melcher: Move for approval.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Eric Williams: Thank you very much.

President Abell: Amended agreement EDS #D25-14-058, amendment number one to the previous grant agreement with the Indiana Department of Corrections regarding a reduction of \$248,784 in the Community Corrections grant agreement. This is the same one that you just told us about, so, I don't think we have any further questions. I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Sheriff.

County Engineer

President Abell: Department head reports. Mr. Stoll?

John Stoll: The first item I have is a storm sewer acceptance request for Sections 1, 2 and 3 of Kingsmont Subdivision. This covers 4,554 feet of storm sewer pipe that's located outside of street rights-of-way. The developer has completed all of the punch list items that our inspectors came back with. So, I would request that the pipes be accepted, subject to receipt of the two dollar a foot fee, which will be a total of \$9,108.

Commissioner Kiefer: It meets all the specs, and next year Jeff's not going to be here talking about how it's not holding up?

John Stoll: I certainly hope not.

Commissioner Kiefer: Okay.

President Abell: Where is Kingsmont exactly?

John Stoll: It's right next to Scott School, right off Old State Road.

President Abell: That's where I thought it was. That's not a brand new subdivision.

John Stoll: No, this has been ongoing for awhile. There's been an outstanding letter of credit. The developer completed the punch list items, and that's why I'm bringing it to you now.

Commissioner Kiefer: I'll move to approve.

Commissioner Melcher: I'll second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The second item I have is an agreement with AT&T for the relocation of their phone lines located on Green River Road, on the section between Millersburg and Kansas. This is the section that's been under design for awhile. AT&T has a number of their phone lines in easements where we have to pay for their relocation costs. The total agreement amount is \$136,580.17. The County Attorney has reviewed the agreement, the format was acceptable, so, I would recommend approval of the agreement.

President Abell: I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

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

President Abell: Thank you, Mr. Stoll.

John Stoll: Thanks.

President Abell: Any other department heads have a report?

Old Business/New Business

President Abell: Seeing none, is there any old business to come before the County Commissioners?

Public Comment

President Abell: Any public comment before the County Commissioners?

Commissioner Kiefer: Yeah, I would like to make a public comment.

President Abell: Okay.

Commissioner Kiefer: I just want to thank Susie Kirk for helping with Old National Bank in saving roughly \$25,000 they waived in fees for the remainder of the year. I thought it was good for Old National Bank, that was something they were not obligated to do by contract, but they did it in the form of goodwill to the county. So, I think it was a real win for Vanderburgh County and the citizens and saved us \$25,000. Thank you.

President Abell: Thank you, Ms. Kirk. Any other comments?

Consent Items

President Abell: Madelyn, the consent items.

Madelyn Grayson: The consent items for the November 5th meeting are as follows; approval of prior meeting minutes, from the October 22nd meeting we had a reference to a section of the Vanderburgh Code made in those minutes that was in error. The correct code section reference is section 17.27.070 (D), (E) and (F). With this notation these minutes will now be ready for approval. The employment changes for the Commissioners approval, we have one for the County Highway, two for the Health Department and one for the Superintendent of County Buildings. The Commissioners have a letter to Teamster's regarding employee grievance. There's a letter to Evansville Water and Sewer Utility regarding Earl Avenue water main. The Sheriff has a request to waive the Centre fees, not overtime on November 12, 2013. Area Plan Commission has the 2013 annual multi-hazard mitigation plan progress report. The Auditor has approval of October 2013 A/P vouchers. Evansville ARC has the September 2013 report of activities and meeting minutes. The County Highway week in review for October 11th through October 17th and October 18th through October 24, 2013. The County Treasurer has the ONB banking services depository agreement, the September 2013 monthly report and the September 2013 year-to-date investments. SWCD has the October 2013 monthly report, and the County Engineer has a department head report and pay request number 184 for TIF projects in the amount of \$18,982.49.

President Abell: I'll entertain a motion to accept the consent items.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Final Reading of Rezoning Ordinance VC-14-2013
Petitioner: DMFS, LLC
Address: 2100 Tekoppel Avenue
Request: Change from R-1 to M-3 with UDC
Action: Approved 3-0**

President Abell: Rezoning, final reading of rezoning ordinance VC-14-2013, petitioner DMFS, LLC, 2100 Tekoppel Avenue, change from R-1 to M-3 with a use and development commitment.

Janet Greenwell: Janet Greenwell with the Area Plan Commission. We did hear, this is, I'm sorry, they're in the opposite order from what I'm looking at. You're looking at the one on South Tekoppel. This is a kind of interesting one, because the majority of the land lies in the city. The city hasn't heard it yet. They will hear it next month, on November 18th, I believe. The southern 3.54 acres lies in the county. It's a petition to rezone the land. The land in the county is actually zoned R-1, and they're petitioning to rezone it to M-3 with a use and development commitment. The companion petition for the city is a petition to rezone the remainder of the parcel from R-2 to M-3 with the same use and development commitment. It was unanimously approved by the members present at the October 10th meeting. The county portion of it...the overall site is 13.9 acres, and what we're asking you to vote on tonight is the southern 3.54 acres.

President Abell: What are they going to do with it?

Joe Harrison, Jr.: I think Krista is here, Ms. Lockyear is here.

President Abell: Okay.

Joe Harrison, Jr.: All those who wish to also speak regarding this petition for rezoning for the portion of the petition in the county please raise your right hand. Do you swear, affirm the testimony that you're about to give is true and accurate so help you God.

Krista Lockyear: I do.

Joe Harrison, Jr.: Thank you.

Krista Lockyear: Madam President, Commissioners, my name is Krista Lockyear. I'm here representing the petitioner on this rezoning request for the county parcel of this. The petitioner, DMFS, LLC, is a limited liability company that's owned by the principals that own Jerry David Enterprises. This property, if you've driven by, you'll see right now it consists basically of a pile of debris. It's being used for raw fill removal and depositing in the property, which could be done, according to the current rezoning. What Jerry David would like to be able to do really is to do asphalt processing and recycling on this property. As you're familiar with, the process we went through on some other property, in order to be able to grind that product up on

the property and to recycle it, we have to have this commercial rezoning. Actually industrial rezoning. This property, if you're also familiar with the Jerry David current processing on Carpentier Creek, this will remove the asphalt that's been deposited there on Carpentier Creek over the years and it's been the source of some anxiety with the West Side Improvement Association and neighbors, allow that asphalt material to be moved over to this location and processed and recycled. It's really a win-win, again, the land right now, and although the majority of it is in the city limits, I'm just going to speak about it globally, it's really kind of non-productive, except for raw material fill and removal at this point. What Jerry David anticipates as a conservative figure is that they will recycle up to 1,000 tons of asphalt in the very beginning. Once they really get going, should be a couple thousand tons of asphalt being recycled there at the property. They will also accept clean fill material for the property. They have gone through the permitting process, Three I Engineering is working on a storm water plan for them, to make sure that they've got everything permitted through the State of Indiana that is necessary for the property. For example, tree debris, they'll take tree debris on the property and place it around the perimeter, with the anticipation that that will help both deter folks from trying to illegally dump on the property, as well as support wildlife in the area. They are going to and have committed to, in the use commitment, maintain a six foot block retaining wall along Tekoppel Avenue, to really mitigate the visual impact of having fill material there as you drive down the road. They've also committed that there will be no commercial activity on the property between the hours of 6:00 p.m. and 6:00 a.m., just to make sure that any of the neighbors in the area that may be impacted by the traffic of the vehicles coming up and down Tekoppel won't suffer the noise from those kind of in the wee hours of the night. The, as Ms. Greenwell indicated, the Area Plan Commission voted unanimously in favor of this. We did have Surveyor Mueller ask how tall the material piles are going to be on the property. Right now it's pretty large as you go by. I talked to my client about it, and the material will actually be going into a pit, as time goes on, and that big, tall pile that you see now will shrink as they begin to recycle the property. Jerry David doesn't have a large amount of equipment to make the really tall piles. So, the visual impact, from what it looks like now should get better as time goes by and more recycling occurs. I would be happy to answer any other questions you may have, but would appreciate an approval.

President Abell: Are all of the roadways around that city roads? No county roads?

Krista Lockyear: Tekoppel Avenue would be, I don't know. I really don't know the answer to that.

President Abell: Mr. Stoll?

Krista Lockyear: John?

President Abell: Is this a county, is Tekoppel a county maintained road or a city maintained road?

John Stoll: It should be both. I don't remember exactly where the city limits line is, but everything south of the city limits line would be the county's. The bridge is definitely the county's on out to Old Henderson Road. Yeah, that blue line that's there in the photo, everything south of that should be the county's to maintain.

President Abell: Will he be bringing a lot of heavy trucks in and out of there?

Krista Lockyear: It shouldn't be anything more than really what is happening now. It's already being used as a clean fill and removal location. So, the material is coming in and going out now. This just allows us to do the recycling process on there as well.

President Abell: Okay.

Krista Lockyear: So, I can't tell you with 100 percent certainty, but I know it's being utilized already with heavy trucks and there shouldn't be a whole lot of difference.

Commissioner Kiefer: So, the use and development commitment pretty clearly states it's only to be used for this purpose and no other manufacturing purpose?

Krista Lockyear: That is correct. It limits it specifically to clean fill and the asphalt recycling.

Commissioner Kiefer: Has the city approved their zoning?

President Abell: No.

Krista Lockyear: The city zoning hearing, following the Area Plan Commission, is in two weeks. I believe it's the 18th of the month, whatever Monday is.

Commissioner Kiefer: What was the vote on Area Plan?

Krista Lockyear: It was unanimous.

Commissioner Kiefer: Okay.

Commissioner Melcher: I wasn't at that meeting.

Janet Greenwell: The vote actually, we barely had a quorum, the vote was 7-0.

President Abell: Are there any remonstrators in the audience? I don't think there are. Have you had any opposition?

Krista Lockyear: We have not. If you look at the surrounding properties there, to the north of the city parcel there is a subdivision, that subdivision is separated by the levee, as well as a pretty significant area of trees that....yeah, right there where Janet is pointing out. My client, in the city use commitment, committed to maintain those trees. They were actually, it's kind of interesting, they're not really on our property, but the Riverbend Society, I believe, or Riverbend Private Club owned this property previously, and they planted those rows of trees. So, my client has agreed to maintain those as a buffer. The rest of the property you've got railroad tracks, and some pretty industrial stuff around.

President Abell: Yeah, I thought it was. Okay, Commissioners?

Commissioner Kiefer: I'm okay with it. There's no remonstrators.

President Abell: No remonstrators.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Krista Lockyear: Thank you.

President Abell: Thank you.

**Final Reading of Rezoning Ordinance VC-13-2013 as Amended
Petitioner: George McCool
Address: 3065 Grove Street
Request: Change from Ag to M-1 with UDC
Action: Approved 3-0**

President Abell: Final reading, excuse me, of rezoning ordinance VC-13-2013 as amended, petitioner, George McCool, address 3065 Grove Street, change from Ag to M-1 with a use and development commitment.

Janet Greenwell: At the October 10th Plan Commission meeting there was a lot of discussion about why is there not a use and development commitment on this. Mr. McCool took advantage of the ordinance in place and did indeed file a use and development commitment, after Plan Commission heard it. He's limited it, in his use and development commitment, to auto graphics and paint shop only. He's petitioning to rezone about two tenths of an acre. It's like two thirds of his lot. The front part of the lot has a small rental house on it. He didn't want to make it legal non-conforming, so he's leaving it zoned agricultural. The paint shop would be just in the back two thirds of the lot. Plan Commission voted, I think there might be an error on our thing, because I had written down that there was one abstention, that it was six affirmative and one abstention. Our meeting went really, really long and we had more members, but we were down to only seven, in which we had to have in order to hold our meeting.

Joe Harrison, Jr.: If it's six and one abstention.

Janet Greenwell: It's still a no action.

Joe Harrison, Jr.: It's a no action, yeah.

Janet Greenwell: Because there—

Joe Harrison, Jr.: You need seven.

Janet Greenwell: You need seven to have an affirmative. I believe a comment was made that, I don't remember who abstained. Our note to you says that there was a no vote, but I think it was an abstention, because they said they wanted to see a use and development commitment. Mr. McCool listened and he did exactly what they asked and he did put a use and development commitment on it. So, that's really about all I can say about it. It was a long meeting that night.

Commissioner Melcher: So, it was a good one for me to miss then?

Janet Greenwell: It was like nobody else better leave. One more person leaves and the meeting is over.

President Abell: Is there anyone here to speak in favor of this ordinance?

George McCool: George McCool.

Joe Harrison, Jr.: Please raise your right hand, sir. Anybody else in the audience wishing to speak regarding this petition? Do you swear, affirm the testimony you're about to give is true and accurate so help you God?

George McCool: Yes, sir.

Joe Harrison, Jr.: Thank you.

Commissioner Kiefer: Can you say your name again.

George McCool: George McCool. I'm just trying to start my business and work with what I've got.

Joe Harrison, Jr.: Now, what's your address, sir? Your residence?

George McCool: 2927 Mesker Park Drive.

Joe Harrison, Jr.: And the address of this property again is where?

George McCool: 3065 Grove.

President Abell: Are you controlling this? Go to, yeah, stop right there. Let us look at that a minute. Allens Lane, he's going to have a paint shop back in there. So, you're going to have like an auto shop behind a rental house, is that—

George McCool: Yeah, the house is vacant. I'm really not interested in renting. So, I need to make some use of the property anyway.

President Abell: Okay.

George McCool: I'm not an auto body shop.

President Abell: Do you have adequate parking to run this business there?

George McCool: Yeah.

President Abell: Were there any objections to anything, Janet?

Janet Greenwell: No, the only concerns that were raised were the wide open M-1 would allow so many things that neighbors could really find objectionable. I think Mr. McCool heard what was said—

President Abell: That's when he came with the use and development commitment?

Janet Greenwell: Filed the use and development commitment to—

President Abell: Okay.

Commissioner Kiefer: So, there's no body shop work going on, it's just painting?

George McCool: It's just paint work, yeah.

Commissioner Kiefer: Paint work, okay.

President Abell: Commissioners?

Commissioner Kiefer: Are there remonstrators out there?

President Abell: None.

Commissioner Kiefer: If there's no remonstrators, I'll make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: I saw no remonstrators, no one raised their hand. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: This is the same problem that I said we were going to have when we passed that ordinance. It's going to get more and more. I think we ought to just, sometimes we ought to just send it back to Area Plan and let them hear it with the....but, I know the law says they don't have to. I think something has to be done somewhere about this. It should be filed with it, or at least filed by the time they go to Area Plan. My understanding of that law was that only if something was going to get changed to make it stronger. That was the intent, but that's not what, and it's not your fault, you probably didn't know, but the attorneys know, and the attorneys are doing the same thing. So, I really think something has to be done about maybe even us changing it again, saying to have it, it has to be heard there first with a development commitment.

President Abell: With a UDC?

Commissioner Melcher: Yeah, because if you don't, we're going to get more of this coming. So, I'll vote yes tonight.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck with your business.

George McCool: Thank you.

President Abell: Any further business to come before the County Commissioners?
I would entertain a motion to adjourn.

Commissioner Kiefer: Move to adjourn.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 5:41 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the October 22, 2013 Commission Meeting Minutes.
Letter to Teamster's Regarding Employee Grievance.
Letter to EWSU Regarding Earl Avenue Water Main.
Evansville ARC: September 2013 Report of Activities and Meeting Minutes.
SWCD: October 2013 Monthly Report.

Employment Changes:

County Highway (1)	Supt. Of Bldgs. (1)	Health Dept (2)
County Clerk (3)	Prosecutor (2)	Superior Court (1)
Sheriff (1)		

Sheriff: Centre Fee Waiver Request/Not OT: November 12, 2013.

Area Plan Commission: 2013 Annual Multi-Hazard Mitigation Plan Progress Report.

Auditor: Approval of October 2013 A/P Vouchers.

County Highway: Week in Review: 10/11-10/17/13 & 10/18-10/24/13.

County Treasurer:

ONB Banking Services Depository Agreement.
September 2013 Monthly Report.
September 2013 YTD Investments.

County Engineer:

Department Head Report.
TIF Pay Request No. 184: \$18,982.49.

Those in Attendance:

Marsha Abell
Joe Gries
Madelyn Grayson
Krista Lockyear
Janet Greenwell
Members of Media

Joe Kiefer
Joe Harrison, Jr.
Jeff Mueller
Debbie Stucki
George McCool

Stephen Melcher
Marissa Schenk
Linda Freeman
Eric Williams
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 19, 2013**

The Vanderburgh County Board of Commissioners met in session this 19th day of November, 2013 at 5:03 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: Good afternoon. I would like to call to order the November 19, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Mr. Harrison, would you lead us in the Pledge?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

Introduction of Teen Advisory Council Students

President Abell: I would like to recognize Kristin with us this evening. You're used to seeing Marissa here, but Marissa is off, and will not be back with us for awhile. She's having a baby, and so she's taking maternity leave. So, Kristin welcome, we look forward to having you for the next few months with us. I think we have some students in the audience. Would you like to come up to the microphone, give us your name and school, and we can see that you get a copy of the minutes for your class. You can use the microphone here. Do they have to turn it on, or is it already on?

Madelyn Grayson: No, it's already on.

President Abell: It's already on. Just give us your name and school.

Audrey Vincent: Hi, I'm Audrey Vincent. I'm a Junior at Memorial.

Hayley Cobbs: I'm Hayley Cobbs. I'm a Junior at Harrison.

Sam Sleziak: Hi, my name is Sam Sleziak. I'm a Senior and I'm home schooled.

Quentavian Stewart: My name is Quentavian Stewart. I'm at Bosse High School.

President Abell: Welcome. Appreciate having you here this evening.

Permission to Open Quotes: Old Courthouse Guardrail

President Abell: I would entertain a motion to open quotes for the Old Courthouse guardrail.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Mr. Harrison, would you like to do that while we're having the meeting?

Joe Harrison, Jr.: Yes, I'll go ahead and open them, and then report back later.

President Abell: Okay, thank you.

Swift Athletics: "Run This Whey": Road Race Road Closure Request

President Abell: Under action items, we have a road race request. "Run This Whey", which is scheduled for December 15, 2013. Rebecca Paxton with Swift Athletics is here to speak on this.

Rebecca Paxton: Hi, I'm Rebecca Paxton. My husband and I own Swift Athletics. We put on a road race called, "Run This Whey", it's a ten mile event. This is the fourth year, and the money raised goes to the Galactosemia Foundation, which is a genetic disorder that our oldest daughter has.

President Abell: Okay, and I understand that the Sheriff has reviewed this and has no problem with it. Looking back there, yes, he's shaking his head yes. I think Mr. Harrison has indicated that it's alright. Anyone have any questions? Commissioners? I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck.

Rebecca Paxton: Thank you very much.

President Abell: I hope you have good weather.

Rebecca Paxton: Thank you. We did last year.

River Run: Road Race Road Closure Request
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President Abell: The next one is the River Run. This event is scheduled for May 17, 2014. Jim Bush is here to speak about it.

Jim Bush: Hello, we're bringing back the River Run. We're going from Henderson to Evansville. We're actually going to be going down 41 to Veterans Parkway. So, we have our permits for INDOT and Kentucky and working with the City of Evansville and the City of Henderson. The Sheriff's Office asked, since they're going to be covering the 41 section, if we would cut off Waterworks Road traffic from the high water gates, just to keep people coming that way and traffic going the other way. Just to try and help with traffic flow while we're putting on the run.

President Abell: Okay. Sheriff?

Eric Williams: That's accurate.

President Abell: Okay.

Commissioner Melcher: Is this basically the race that we used, that we started with?

Jim Bush: It used to be a 12K, we're bringing it back as a ten miler. The goal is to go from Henderson to Evansville in 2014, and then from Evansville to Henderson in 2015.

Commissioner Melcher: So, will it start at the riverfront?

Jim Bush: Correct.

Commissioner Melcher: Okay.

President Abell: Well, as I recall, that was a very well attended event.

Jim Bush: It's off to a good start. There's a lot of good buzz about it. So, we're collecting our permits. We have a few more to go, and we'll put on a nice race for everybody.

President Abell: Mr. Harrison, do we need to wait till everything is in order? Or, can we go ahead tonight?

Joe Harrison, Jr.: No, I think you're fine to go ahead.

President Abell: Okay. I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Any further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Jim Bush: Thank you very much.

President Abell: You'll probably have good weather on May 17th.

Jim Bush: We hope. Thank you very much.

Presentation Regarding Moving of Old Courthouse War Monuments

President Abell: Veterans Council presentation regarding the Old Courthouse war monuments. Mark Acker, the Commander of the Veterans Council is here. Then, I think, you'll make your presentation, then I understand Mr. Au has a presentation he wants to make. So, we're happy to hear both sides of this.

Mark Acker: Yes, I'm Mark Acker. I'm the Veterans Council Commander this year. We have been working on this project for two years, trying to culminate all of our war memorials in a centralized location. We have provided a diagram for you to review. This has been what we have been working on. We have a contractor that's going to do all of the aesthetics that you see, and all of the installation for free for the veterans of Vanderburgh County. This will centralize all of the memorials to include the Revolutionary piece that's sitting at the Post Office now. The idea behind it was that so much is lost in our community that no one knows where they're all at, and they walk past them and don't even realize what they are. We felt the Four Freedoms Monument would be an absolute wonderful location to put these memorials, so as you walk around this radius you get to see all of the pieces, not just one or two. Right now we have the Vietnam Veteran piece that was placed there. A couple of years ago we had the Purple Heart, the only Purple Heart in the State of Indiana at our location here in the city. We have the largest contingency of veterans who volunteered and went to war. We feel the community would be better served if these memorials were in a centralized location so people can appreciate them, and the walkway and the upgrades that have been done at the Four Freedoms Monument has drawn more public interest to that area, not excluding any of the events that are held down there. So, we think this is a wonderful idea, and certainly it's a well earned support for this community to show what they think of the veterans. I have Jerry Blake here who can, who is the Chairman of the program, and he could answer any questions you may have relevant to the design or how we're going to do it.

President Abell: Just one minute, Mr. Acker. Do either of you have questions for Mr. Acker?

Mark Acker: I do want to apologize on one thing. I had dropped a courtesy letter off for the Commissioners. It was not related to the Commissioners, but it was something we felt you needed to see and understand where we're at and what we're trying to accomplish in this program.

President Abell: Did you have something that you wanted to ask Mr. Blake?

Commissioner Kiefer: I just wanted...yeah, I can ask him, if that's okay. I just want to clarify this and make sure I understand. All these monuments you're proposing to move at your expense?

Mark Acker: Yes. Nothing is out of the city or the county is being used whatsoever. This is private funding to move the entire program by one company here in the city.

Commissioner Kiefer: Have you thought about, and this is just a curiosity question on this, if you move the pieces from the Old Courthouse, what will be left in its place? Is it just like exposed foundation?

Mark Acker: We'll try to remove all of the piece so that the only thing that is there is the concrete that will be left. My understanding was that there was some other ideas that were floating around about the property and what things were going to be done differently than what they are now. That's what we were working with. That's the information we've received.

Commissioner Melcher: And, if you remember, Joe, you and I've talked about this before, about you wanted pictures. If I remember right. We talked about maybe doing something out there saying when it was moved to downtown.

Commissioner Kiefer: I think, well, I guess, we'll let the, we'll let Dennis Au talk, but, I mean, I think the question was, like in these pictures it shows there's all this work that goes around where the monument was. Is it just going to be left there like that? Then it looks like we've got, it just doesn't look right. I mean, is the work going to be removed? Is it going to be filled in with grass? What's going to be put in its place?

Commissioner Melcher: What I thought you were saying, Joe, was to put a sign or something there in its place. So, why would we tear out all of that concrete, or anybody tear out all of that concrete? If you want something there we could maybe put some kind of a blue rock down or something with a sign saying where the monument went.

Commissioner Kiefer: Yeah, okay. I mean, I was just, that was just a question, but, you know, obviously, there's other people out there that want to comment.

Mark Acker: I think Jerry might be able to bring some light to that.

President Abell: Okay.

Mark Acker: He's been in those conversations. Jerry?

President Abell: Jerry, give us your name for the record please.

Jerry Blake: Jerry Blake. Thank you for allowing me to be here tonight. What we've done on that, we've already talked with the Post Office, that was federal property. I went to the Congressman's office first, they told me they were renting from that. When that gets moved we're actually going to put a tree back in there, that's what they've requested. We've worked with the Parks Board, and they're actually looking for green space to put trees and stuff. So, there's going to be a tree going back in there, then there will be a sign saying where that monument was re-located to. Same thing, talking to Dave Rector, he wants to know what we're going to do. We're going to draw it up for him, we're going to actually leave that there. We're actually going to put trees, or we're going to put a bench in there. Then another sign is going to go up there to let them know where that monument went for Desert Shield and Desert Storm. At the Old Courthouse, if we take the whole thing out, there's going to be two more trees put there with signs. If not, Ron Scherer, with Scherer Monuments is going to work Dan Felker from Sterling Boiler, and we're going to shave those off and make benches out of them. Or if we put them all out, there's going to be two more trees put there. So, that's our objective right now.

Commissioner Kiefer: Okay, alrighty, thank you.

Jerry Blake: You're welcome.

President Abell: Mr. Blake, I have a couple questions.

Jerry Blake: Yes, Ma'am?

President Abell: Where the monuments are going down on the riverfront, how many, excuse me, how many people, you may not know the answer to this, but I'm just, do you know about how big that area, I mean, I know how big it is from going there, but I don't know how many people might, what 300-400 people could gather at that, do you think?

Jerry Blake: Oh, easily. Yeah, actually, we do, Rolling Thunder puts on a memorial there every year–

President Abell: Uh-huh.

Jerry Blake: – and we get, maybe even more than that, if you count the Four Freedoms Monument and at the top, easily 300-400, probably more than that though. We get 200-300 just at our memorials, and it's a lot of space there.

President Abell: Okay, that's good. I wanted to know that. I have two others things that I want to know, what about keeping them clean? That's the kindest way I can say it. Are you all going to be in charge?

Jerry Blake: We would like to do it ourselves, but that's up to somebody else to give us that, but we would like to do it. We've already had Rolling Thunder volunteer to come down there. If you know here, a couple months ago we went down to clean up and kind of got our hands smacked a little bit, but it got worked out and everything. We would love to take control of that area and do it. That whole area is going to be leveled out. Right now it's got pits in the back–

President Abell: Uh-huh.

Jerry Blake: – if you noticed, sometimes the grass isn't cut. We would be more than happy to take all of that over. Because it is, it is going to be a beautiful sight down there. We want to keep it that way.

President Abell: Yeah, and I think that would be nice to have a monument area that is well kept by the veterans.

Jerry Blake. Definitely.

President Abell: Because it is your property.

Jerry Blake: Yeah, we would be more than happy to do it.

President Abell: I mean, it's not your property, but certainly your monument. The other thing is, have you thought about maybe putting together some kind of brochure that we could put like at the Convention and Visitors Bureau, or here in the Civic Center and things so people could, that want to see them, will know where to go to be able to view them?

Jerry Blake: Well, we have somebody working on a brochure right now.

President Abell: Good, good.

Jerry Blake: We also have, USI has put a brick–

Commissioner Melcher: Information–

Jerry Blake: – information booth.

Commissioner Melcher: – I call it a squat box.

Jerry Blake: Yeah, what's going to happen with that, there's going to be a marble top put on it, and we're going to put equipment in there, and then I made up a synopsis of all of the monuments. Mayor Winnecke is going to actually annotate that, and all you've got to do is hit any of them, it will tell you about that monument, where it was at, how it got started. So, it's going to be a history thing too for schools and things like that too.

President Abell: That's great. Anyone else, questions?

Commissioner Kiefer: Yeah, I have another question. Who's going to own these monuments when they're moved? Are they still owned, are we retaining ownership of the monuments?

Jerry Blake: Yes, sir. Yeah, all we want to do is move them down there.

Commissioner Kiefer: Okay.

Jerry Blake: I mean, we'll be more than glad to take of them if you give us that permission, but, yeah, we have no ownership. They'll still be county.

Commissioner Kiefer: Okay. Do you have any renderings or drawings yet of what the property will look like? Specifically I'm talking about county owned property. What it might look like once it's moved. I know you had some good ideas there, but I'm just curious. I want to get a vision of what it's going to look like.

Jerry Blake: May I come forward?

Commissioner Kiefer: Sure. Yeah, thank you.

Jerry Blake: The Desert Storm, when we first did this, now we're going to move it back. So, it's going to be here, but this kind of gives you a rendering of the front, how it's going to look. Then the overview is the one that you have on the desk with you.

Commissioner Melcher: This is the one we had to take to the Parks Board about three years ago.

Jerry Blake: Right.

Commissioner Melcher: Three or four years ago to get the approval. So, this is pretty much, the only thing you don't see here is the Civil War, which is in front of the Pagoda. The Pagoda was a Civil War camp, it's got an historic sign now. It's got a cannon. We have a bench in the Old Courthouse. So, we're going to take that Civil War bench over, and then we're going to try and put up some kind of a sign directing people to see the Civil War to go that way.

President Abell: To the Pagoda?

Jerry Blake: There's actually a sign there already denoting the encampment of the Civil War thing. We just kind of walked past it and saw it. So, that's where we want the bench to go.

Commissioner Kiefer: Yeah, no, this, I guess, my question, I apologize, I didn't clarify it very well. My question is, what will the abandoned monument sights look like? That's what I'm trying to get an idea of.

Jerry Blake: That's what we just talked about, I thought. I'm sorry.

Commissioner Kiefer: Well, I mean, I heard you say—

Jerry Blake: At the Post Office—

Commissioner Kiefer: I just didn't know if you had any renderings.

Jerry Blake: No, the only renderings we need is for Dave Rector. The Post Office, we've already got that worked out with them. It's concrete all around it. It's just round. We're going to put a tree there. That's what they want.

Commissioner Kiefer: Yeah.

Jerry Blake: So, they're taken care of. Dave wants a rendering of what we're going to do with that concrete abutment.

Commissioner Kiefer: Yeah, I guess, my concern is, and I don't want to make this too difficult, but I just, I would like to get a better idea of what the vacated sites are going to look like. What I'm afraid of, through no ill intent, but what I'm afraid of is, you know, we're going to create some unsightly, you know, spaces at the Old Courthouse. You know, I mean, we just spent, you know, a couple hundred thousand dollars renovating. You know, we put the new, before that we put the new roof on it. I guess, what I'm worried is, when the site gets vacated, how is, what's the appearance going to look like? I want to make sure—

Jerry Blake: Actually the appearance is going to be almost the same, except you just won't see the two there. The bottom of the monuments, if we leave that, Mr. Scherer is going to come in, and we're actually going to turn those into benches. So, the site stays exactly like it is. We're not busting up any concrete. We're not going to take the base or anything. We're building brand new bases. It's either that or we talk to the Parks Board, and if they want that out of there, then we'll take those out, we're going to ask to put a tree on each end.

Commissioner Kiefer: Right, which, I mean—

Jerry Blake: For green space.

Commissioner Kiefer: — I like the idea of trees. I just, I would love to be able to kind of have a picture like you did of this, you know, to kind of be able to visualize that.

Jerry Blake: We can do that, if you need it.

Commissioner Kiefer: If you wouldn't mind. I would love it. That would really help.

Jerry Blake: Sure.

Commissioner Kiefer: I just want to assure—

Jerry Blake: You just need to tell us what you want first. Do you want the benches, do you want trees, and we'll lay it out.

Commissioner Kiefer: I mean, I don't know.

Jerry Blake: Okay.

Commissioner Kiefer: I mean, I want to do whatever is most attractive.

Jerry Blake: Okay.

Commissioner Kiefer: Whatever is most attractive to the vacated sites.

Jerry Blake: We know a lot of people eat lunch down there. So, we thought the benches would be nice, just to leave those there.

Commissioner Kiefer: Right, that might be a good idea.

President Abell: I like the bench area.

Jerry Blake: That would be the easiest, because all we would do is clean them off the top, and then they are converted to benches. That way nothing gets changed.

Commissioner Kiefer: Yeah, I mean, I guess, I mean, we'll hear from the Old Courthouse Foundation too.

President Abell: Sure.

Commissioner Kiefer: I mean, because if we did vacate, if this body chooses to vacate these monuments from the Old Courthouse and the Coliseum, I would like to get an opinion on what the appearance should look like from them as well.

Jerry Blake: Sure.

President Abell: One of those monuments, in looking at this, there's only two monuments that actually have a concrete border around them.

Jerry Blake: That's it.

President Abell: The other one just kind of sits on the edge.

Jerry Blake: The other ones are easy. We just pick them up, put trees back down, and those are easy. The two hardest ones are the ones at the Courthouse.

Commissioner Kiefer: But, what you're saying is there would be some type of bronze plaque or—

Jerry Blake: Yes.

Commissioner Kiefer: — some kind of plaque that, you know—

Jerry Blake: That says that this monument has been moved to the riverfront. At each one of the locations there's going to be a sign there stating where the monument is being re-located to.

Commissioner Kiefer: Yeah, I would like, I would love to have dates on there of how, when they sat there. I mean, if it's possible to know that, you know, hey, this Civil War monument sat at this location from, you know, 1880 whatever to—

Jerry Blake: 2013, or whatever.

Commissioner Kiefer: Yeah, I mean—

Jerry Blake: Sure.

Commissioner Kiefer: – that would be something included in on that.

Jerry Blake: That's no problem.

Commissioner Kiefer: Okay, I don't have any more questions.

Jerry Blake: Thank you for your time.

President Abell: Thank you. Mr. Au? State your name for the record please.

Dennis Au: Hello, I'm Dennis Au. I am the President of the Old Courthouse Foundation. At the Old Courthouse Foundation board meeting on October 23, 2013, one of our members asked that we discuss this proposal that was going around the community that the veterans monuments at the Old Courthouse be moved. We discussed it, and the board was very adamant, and asked me to represent them to the Commissioners. That it was their opinion that the monuments should not be moved, for several reasons. You have my letter in front of you, plus some photographs, etcetera. I'll just go over the points as succinctly as I can. First, they felt that monuments are located in specific places for reasons. I don't know how many of you know about the two Civil War veterans statues in Evansville. Two very important veterans monuments. One is to the Civil War dead, and the other is to the Union dead. They're at Oak Hill Cemetery. The first one to go in was the monument to the Confederate dead. There's a wonderful statue of a Confederate soldier there. Not to be outdone, the Union, the GAR, a few years later, erected another one. They belong there. They shouldn't be moved. Of course, I've heard no discussion about these monuments, because they're in the proper place. That's what the board felt about these monuments at the Old Courthouse. That these have had a long association with the Old Courthouse. That architecturally they're associated and blended in to the Courthouse historic landscape. As you can see, there's special niches for them. So, it's integral to the historical landscape at that location. That's a very important point that, you know, we're concerned about what happens when these leave. We don't want to give the impression that the Old Courthouse is abandoned. It's anything but abandoned. Through your generosity, we're doing marvelous things to bring it back step by step. So, we're hoping that they stay, because they give the feeling of continuity, and that this is a vital place. Third, there's a synergy here of veterans monuments. Of course, we're talking about the World War I veterans, a beautiful piece of work. It was done by George Honig, a local sculptor. If you take a look at it, it's a wonderful piece of art displaying images of World War I soldiers, and, of course, the list of names. It's quite impressive. The World War II roster of names, and then there is the bench of the daughters of the GAR, that they erected in honor of their fathers. That's an interesting monument, and it's in good association to the biggest, and probably the most important veterans monument in Vanderburgh County, the Veterans Memorial Coliseum. It's right there, dedicated to the veterans. There are two wonderful statues, I don't know how many of you have stopped and gazed at the bronze sculptures there. They're dedicated to the Union soldiers. One, the Spirit of 1863, of course, shows the Union soldiers fighting in the war. The other, the Spirit of 1916, shows the GAR veterans at that time. Both were done again by the local sculptor, George Honig. Of course, inside

the Old Courthouse there's some wonderful plaques honoring men who served in the first and second World Wars. Also inside the Veterans Memorial Coliseum there are more memorials inside to the GAR, that's their former office, and to the veterans of the Spanish American War, another group of veterans that has sadly been forgotten. So, that's our opinion. We respectfully present it. One of our members, Judge Heldt, is here too, if you have some questions for Judge Heldt. Of course, I'm available also. In fact, I believe Judge Heldt has a few comments.

President Abell: Questions?

Commissioner Melcher: No, the Coliseum, we're not moving the Coliseum?

Dennis Au: That would be quite a proposal.

Commissioner Melcher: That's right. All the monuments in it, in fact, the first Vietnam memorial is down on Main Street. Some of the names are wrong on it. So, that's one of the reasons why the veterans raised a lot of money to put the new Vietnam memorial in. We're going to move that one and set it over there, over here in the grass, so it will be at the Coliseum.

Dennis Au: I heard that one on Main Street was one of the first, if not the first in the country.

Commissioner Melcher: It's the oldest in the country, but somebody, when they started putting names on there, they started putting who's who's names on there that really wasn't in Vietnam. They might have been in the service. So, I think, that kind of answers that part. There's also a couple of small farragut stones over there that we thought we would put, because they used to be in the Coliseum over there. Then the rest were going to go down the Walkway. So, you know, to me, I thought that would be a good thing, that way we've still got some memorials there, and the rest would all be downtown where thousands of people go by, instead of the 15 or 20 that go by this every week.

President Abell: Anybody else with questions? Mr. Kiefer? I have a question, Mr. Au.

Dennis Au: Sure.

President Abell: How many members, how many board members were present at that meeting where you—

Dennis Au: There was a quorum, so there was, I believe seven.

President Abell: Seven were present?

Dennis Au: Uh-huh.

President Abell: And you have, and that board is 13?

Dennis Au: Yes.

President Abell: Do you know what the vote was?

Dennis Au: No, I don't have the minutes with me.

President Abell: Was it unanimous?

Dennis Au: It was, by acclamation. So, it was unanimous that—

President Abell: You didn't vote on it?

Dennis Au: No, it was just a discussion. We didn't think we needed a resolution. Everyone chimed in, and they were quite adamant, in fact.

President Abell: Okay.

Dennis Au: I can provide the minutes.

President Abell: Okay.

Dennis Au: Marissa had them. I believe she has them. They're in the office.

Commissioner Kiefer: What is the time line for moving, I mean, what—

Commissioner Melcher: We're way past the time line. The gentleman that wants to do it is spending his own money, and if we don't say, if we don't get it done in the last couple, the next week or two, we might not get it.

Commissioner Kiefer: Well, I guess, I don't understand—

Commissioner Melcher: Until we find somebody that will spend \$35,000 or \$40,000.

Commissioner Kiefer: Well, I mean, this our first meeting that we've had.

Commissioner Melcher: Well, this is our first meeting, but the Commissioners passed this back years ago already. Already gave it to them, but then since they couldn't find, we tried to find it in the minutes—

Commissioner Kiefer: Well, if the Commissioners already passed it, then why is this—

Commissioner Melcher: We're doing it as a courtesy to refer them to what's happening, and to do it. We were trying to keep everything up front, so nobody says we did anything behind the scenes.

Commissioner Kiefer: The only thing I would like to see done, and this is just one person's opinion, is that maybe, that maybe the veterans get with the Foundation and talk about it. I guess, the concern I have is, you know, I want the space being vacated to look appropriate after it's vacated. I would like for the Foundation to have some input on that. I would like to see some drawings of what it might look like.

Commissioner Melcher: You know, we could still do that, but afterwards. We've got a gentleman ready to do this.

Commissioner Kiefer: Yeah, but we'll, then, I mean, I understand that.

Commissioner Melcher: I mean, I think you should trust your veterans enough that we're going to work with whoever you want us to work with to do that. I thought we were just talking about putting signs or benches up.

Commissioner Kiefer: Well, and I'm not disagreeing with that either. I just, I mean, it's like a rezoning vote almost. I mean, giving people a chance to talk. I know, maybe in conversation they may be able to address some of the concerns that Dennis has, and they could solve those problems. I mean, is there any reason why we couldn't vote on this at our next meeting? Or, what exactly, I mean, what would we require of this, an ordinance or a resolution, or what do we need from this, Joe?

Joe Harrison, Jr.: Just a vote. Just a vote of this Body to allow removal of—

Commissioner Kiefer: We don't need an agreement? A contract or anything that talks about the care of the monuments and how it's going to be moved?

Joe Harrison, Jr.: I think that's up to you all.

Commissioner Kiefer: Who takes, if somebody should get injured while they're doing it. I mean, I think there's various—

Commissioner Melcher: We have that covered, because the City and the County, I believe the County, but the City and the Building Authority all want to be added on to the insurance for anybody doing any work on this. So, that's something that we are working on.

Dennis Au: If I may, Madam Chair, Judge Heldt has a few comments too.

President Abell: Sure.

Commissioner Kiefer: The only thing is, you know, it's kind of like U of E. I mean, they moved the organ, and we went through great detail with that to make sure that we had a contract drafted up. We went through some detail on that. I see this as a very similar thing. You know, what if that thing is being transported and it gets dropped and it's broken into a million pieces. You know, I mean, I'm not saying that they won't be careful and it won't be good for the community and what they are doing is not all well intended for a good cause, but just like the University of Evansville when they moved that organ, we had a contract drawn up. I mean, didn't we, Joe? Okay, so, I just don't see why this is different, but, again, I'm one person.

President Abell: Anybody else? Judge Heldt can speak.

Carl Heldt: President, Members of the Commission. My name is Carl Heldt. I'm a member of the Old Courthouse Foundation Board. A relatively new member, and I've really come to appreciate how much time and work and effort that this board, the Foundation Board puts into preserving that Old Courthouse. I also think that the veterans idea of putting a memorial site down at the river is a wonderful idea. However, and if they would want to create a memorial to the first and second World War veterans down there, I think that's a wonderful idea. It's something that we should all support, financially and otherwise. However, to do so at the expense of the Old Courthouse, I think is a mistake. These monuments are part of the Old Courthouse. They are part of the architecture, they are part of the history. The people that put them there 50 and 75 years ago wanted them there. No matter what you do, if you take them away, there's going to be scar left on that property. I can also assure you that at the board meeting everybody was unanimous in their opinion of this. I've seen a couple of e-mails since then where board members that weren't there have affirmed that they would feel the same way. So, a great idea for the river,

but in my judgement it's a real mistake to take this away from this Courthouse where it belongs. So, take that into consideration, and I'll leave it with you. Thank you.

President Abell: Questions?

Commissioner Kiefer: Again, I mean, this is a tough thing because I think both sides have very valid things they care about deeply. Obviously, it's important to the veterans, you know, but I also understand the Old Courthouse concerns too. That's why I'm so interested in knowing, if they are moved, what it's going to look like. I mean, I would like to see something, some kind of drawing and stuff. I also feel like we need to have, if it is allowed to be moved, just like the organ that was moved to U of E, you know, we probably need to have an agreement on that. If it's not being cared for in future years, how is that handled? You know, there's a lot, there's things, I mean, these monuments have been around a long time, and I'm not saying they'll get neglected, but I would like to have some assurances.

Commissioner Melcher: Let me ask this, can you tell us, Joe's worried about how they're going to be taken care of in future years, how much money and how much man hours and all of that that the Foundation has done on these monuments?

Dennis Au: These monuments are made of limestone with brass attached to them. They are relatively maintenance free. Yes, the brass does acquire a patina after so many years, but they need to just make sure they're not vandalized. Vandalism would be the biggest problem, and so far we've done very well. So, they're very, very low maintenance.

Commissioner Melcher: So, when was the last time you cleaned the bronze?

Dennis Au: The bronze on the veterans, the World War II veterans was cleaned by a passerby, and that's a little dangerous. After I found out it was happening, this really takes a conservator if you're going to take that patina off. There's a fine line between damage and cleaning on this stuff. A patina is just fine, that's the green that's on there. There's nothing wrong with that. Every now and then they do need to be examined to make sure it doesn't go deeper, and there isn't some other oxides coming to the surface. I haven't noticed anything like. That's the only thing that happens with bronze. That's why the bronze was used, cast bronze, in these monuments, because it is relatively maintenance-free.

Commissioner Melcher: So, you're saying a passerby thought it needed cleaning, so he cleaned it. When was the last time the Courthouse, with the Foundation, got involved and actually cleaned it?

Dennis Au: I don't believe that while the county was there it was ever cleaned. I don't believe while the Conrad Baker Foundation was there that they were ever cleaned. I don't believe that while the Old Courthouse Preservation Society, they were deep cleaned or we have not either. They may take occasional cleaning with a soft brush, a bristle brush and detergent, but that's just for surface grime.

Commissioner Melcher: Okay.

Commissioner Kiefer: Steve, are you, it sounds like to me you're wanting to pass something tonight.

Commissioner Melcher: I understand the urgency of it.

Commissioner Kiefer: Yeah.

Commissioner Melcher: I understand the man is trying to do it. We thought we were going to do it two years ago when we had everybody on board.

Commissioner Kiefer: I mean, will the—

Commissioner Melcher: And then when—

Commissioner Kiefer: – project fall apart, I guess, I'll have to ask the gentleman in the audience, will this project fall apart if we vote on this at the next meeting instead of tonight's meeting?

President Abell: Which is not two weeks from now, it's three.

Commissioner Kiefer: Three weeks from now.

President Abell: December 10th is our next meeting.

Commissioner Kiefer: Is it a dead deal if we don't vote on it tonight?

Mark Acker: We are at a critical point, at this point. The contractor feels as though he has tried to battle this or has been involved in this for almost two years. He felt that if it's not going to go he has to move on, and that could render us financially unable to do it.

Commissioner Kiefer: Yeah.

Jerry Blake: I would like to bring one other thing up.

Commissioner Melcher: Excuse me, the Mayor had some of the same concerns, and so did Rector, but they went ahead and said, you know, as long as we show them, which we're doing, but they didn't say they had to do it before we did it.

Commissioner Kiefer: Okay, let me ask this question, how many monuments in total are there at the Old Courthouse that are being moved?

Mark Acker: Three.

Commissioner Kiefer: Three?

Mark Acker: I would like to point out though, I want to give some credit to your County Garage people. There was a name that has been missing from that memorial for almost three years, that was broken off of it. They found it and retrieved it and brought it to me when I was County Service Officer. I maintained that piece to determine who was going to fix it. At that point, no one was interested in repairing that within the Conrad Baker Foundation or anyone else within the courts system that was in that building at that time. That piece is still now, with your County Service Officer, and it will be redone and replaced onto the memorial of World War II. So, the memorials have not been addressed, they have not been cleaned, nor have they been occupied. We put the wreaths on them every year, and we remove them. So, we're simply asking that you allow us to bring some honor to this and get these things moved. I understand—

Commissioner Kiefer: I mean, I'm not sitting here saying that I'm against the project.

Mark Acker: I understand your concerns.

Commissioner Kiefer: I guess, what I'm saying is, I just want to do, I just want to have an agreement in place that says here's how we're going to move it, here's when we're moving it, here's how we're going to replace the spots that have been done, you know, here's how we're going to, you know, basically indemnify and protect the county and so on and so forth and care for the monuments to the future. You know, if that's, if we got some kind of agreement worked out with Joe Harrison and you guys over the next few weeks, then we could vote on it at the next meeting. That's all I'm asking for, you know, I just, I would think that the, who's the people, is it Sterling Boiler? Who's doing the work?

Mark Acker: Sterling Boiler.

Commissioner Kiefer: Yeah, and whoever is funding that.

Mark Acker: The Mayor gave his blessings at the Veterans Day program.

Commissioner Kiefer: Yeah, I would think that, you know, we've done this stuff before where we say okay, you know, it looks like we're moving ahead.

Mark Acker: To bring up your concerns with what happened with the University issue, they have not moved all of it. They only took pieces of it. That organ has not been completely moved. It is still, it has now been rendered piecemealed. They did not take it all. It is still there. They only took the pipes. All of the big pieces are still inside the building.

Commissioner Kiefer: See, that's to my point, because I think having an agreement in place helps us, because what if you get one of the monuments moved and all of a sudden you're person that's financing this says, I changed my mind, or I don't have the money, or it was more difficult than I thought. If something goes wrong, now, all of a sudden we've got one monument moved, who's going to pay to move the other two? Or, who's going to pay to move it back? I mean, I just think there's some questions that could be easily resolved with our County Attorney just drafting up a simple agreement, but if the other two Commissioners, you know, disagree with me, then, obviously, we can still vote on this tonight.

President Abell: Do you have anything, Mr. Melcher?

Mark Acker: Any other questions?

Commissioner Melcher: No.

President Abell: I don't have any questions.

Mark Acker: Thank you.

President Abell: I do know how I intend to vote on this. I want to make a couple of comments about it, because I've heard both sides here, and, obviously, I think I'm going to be the deciding vote. So, I might as well put out there exactly why I'm going to vote the way I do. There probably isn't, of the three of us that are sitting up here, and I happen to know where both of these gentlemen live, and neither one of them

live where I do. I live in a house that's celebrating it's 100th year this year. So, nobody cares for old things anymore than I do. We have, my husband and I have put more money in that house than we'll ever hope to get out of it. With that said, I love the Old Courthouse, and I love the things that are there, but I was at the Old Courthouse just this year because, through Mr. Melcher's efforts we were able to get a flag put back on the top of that Old Courthouse. The day that we were there, I went over to one of these monuments and it had, the pigeons had enjoyed themselves there. That's what I meant when I asked who's going to maintain these things.

Mark Acker: That's us.

President Abell: I went over and knocked it off with my hand just because my father was a veteran and I just couldn't stand to see it there. I think that not only am I going to be in favor of your moving them, I'm going to be in favor of your taking care of them and making this a place of honor. I cannot imagine that we would think that pigeons roosting on our monuments is okay. You can't keep them off day in and day out, but certainly you can clean it up after they've been there. You know, I know taking care of the Old Courthouse is a monumental task, and I'm sure taking care of the monuments comes way down on Bennie's list of things to do over there, but I would think that those of you who have served this country and that these things honor would make sure that it's at the top of your list to make sure that these monuments are cared for. That's the reason that I support your efforts, because I think that you will take good care of them. I would like to see you get with the Old Courthouse Foundation and talk about what this is going to look like afterward. I think some benches there where people can sit and enjoy our beautiful downtown would be wonderful. I actually think that would probably be a little bit better than a tree, because Mr. Melcher and I have had comments about trees around the Old Courthouse before.

Mark Acker: I might point out, Commissioner Abell or President Abell, I have discussed some things with the Mayor, previous to this meeting, and it was brought up that some of the benches that were used at Roberts Stadium in the atrium there are still available. We had requested two now that are sitting in front of the Coliseum to give places for people to sit. These benches are huge. They're very big, they're beautiful pieces, and certainly could enhance that area, even if a tree is added to it, a bench could be placed. We're not going to take the memorials off and just forget them, nor are we arranging that anybody's responsible or liable for what is happening. This has all been condensed into the information. Sterling Boiler will be issuing an insurance rider to cover the Commissioners, the City, everybody is going to be on that list to be protected while we move those. I would like to point out, the veterans have been here and formed the Veterans Coliseum Council in 1971. We have not been disbanded, we have not moved. We are the caretakers of the Coliseum. It is a very large, 66,000 foot, square foot facility, and we have maintained it. We will continue to maintain it as long as we're alive. Also, those memorials will be cared for in the order they should be, and respected as they should be at the riverfront. I thank you for your time.

Commissioner Kiefer: I just want to make a comment, Mark. First of all, I am not against what Steve Melcher is saying. You said, you know, when you said that, it made it sound like I was against the veterans and this project.

Mark Acker: No, I apologize if that sounded like that. It wasn't.

Commissioner Kiefer: I am not against you guys having a project. All I'm asking for, and all I've requested is that we have an agreement in place on how it's all to transpire. That's what I'm asking for.

Mark Acker: I'm not disrespecting you in any way, shape or form. I don't want you to think that, because that's not what I'm saying. I'm saying we're here, we've been here, we don't change people, we don't change the program. We live with what we say.

Commissioner Kiefer: Right.

Mark Acker: Our word is our bond.

Commissioner Kiefer: I appreciate that. Obviously, I would love to see us vote on this at our next meeting with an agreement in place, but, you know, I'm not sure the other two Commissioners may want to go ahead and move.

President Abell: Mr. Harrison, could you put an agreement together in the next couple of days? I don't suspect this guy is going to be out there tomorrow, is he?

Mark Acker: No, no, we're just going to start getting things in line so we can do it.

President Abell: Yeah, could you get us an agreement together? I mean, it doesn't have to be—

Joe Harrison, Jr.: Sure.

President Abell: — you know, a 25 page document. Just something quick that would cover the things that Mr. Kiefer has talked about.

Joe Harrison, Jr.: Sure.

President Abell: Would you all be in an agreement to signing such a document?

Mark Acker: Sure. No problem whatsoever.

President Abell: Okay, I believe there are times you follow your heart. I think this is one of them. I'll call for the motion.

Mark Acker: Thank you.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Okay, before I vote, I'm going to do this with the understanding, as you said Mr. Acker, that you're a man of your word and you're going to follow your word. I'm going to do this, I'm going to vote with the knowledge that you're going to work with the County Attorney so we can have a contract in

place. So, that way you're protected and the county's protected. Because very well, you know, you yourself could have protections in this. So, with that, I'll vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I do think we ought to have it on the record in our board meeting tomorrow that we're going to work on this contract. That way you'll have the board of directors of the veterans just happen to have a meeting tomorrow. We'll do that. The one thing that I did get calls on, I wasn't going to bring it up, but I am, the Tucker sign is right in front of one of the memorials. I never understood that. I don't think either one of you were Commissioners when I used to complain about signs over there at the thing. I know that at one time Mourdock suggested the same thing and said no signs. Well, Ted Ziemer was the attorney, he couldn't find what Mourdock did. So, I know records get lost, because I know we did it, because I was renting over there at the time, wearing another hat. I think the Tucker people could have put that sign somewhere else, you know, instead of in front of a memorial.

President Abell: Don't look at me.

Commissioner Melcher: No, no. I'm not meaning it that way. I'm just saying, and I'm surprised the Foundation didn't pick up on that neither, you know, if you're wanting, you know, that kind of looks abandoned to me when you have a sign in front of one of our oldest memorials. I went over my minute, so I apologize. So, I vote yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Commissioner Kiefer: Well, while we're still on the subject, I would like to add something, Steve, about that sign. I know there's some companies out there that require signs, like out at Cross Pointe, you know, Regency will require a sign to be built in a way that blends into the community. There's no reason why our, whoever our Realtor is, Tucker or anybody else, couldn't recreate a sign that blends in more appropriately, and then also have it spell out "Space for Lease" and not look like building is for sale. So, that's something perhaps we can-

Mark Acker: I'll bid a dollar.

Commissioner Kiefer: Yeah, be careful, the County Council may sell it to you.

President Abell: Kristin, could you get a hold of Kyle at Tucker and express to him our concern about the appearance of that sign, and that we would like to have something that looks a little better.

Kristin Comer: Absolutely.

President Abell: Okay, thank you. Thank you, gentlemen.

Mark Acker: Thank you. Have a good evening.

President Abell: You too.

**First Reading of Ordinance CO.11-13-012:
2014 Commissioner Meeting Dates**

President Abell: First reading of CO.11-13-012, 2014 Commissioners meeting date ordinance. You have the meeting dates in your packets. I think we, the three Commissioners have looked at them and they are scheduling us for meetings around other things that we have going on, such as Commissioner meetings in Indianapolis. I would entertain a motion to accept these meeting dates.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Further discussion?

Joe Harrison, Jr.: Again, this is first reading.

President Abell: This is first reading. Any public comment? Have the department heads, the Sheriff, have they all been given a copy of these? Do you know? It might be good to e-mail this to all of the department heads. Maybe, Madelyn, even maybe you can take care of that. One of the two of you. Make sure everybody in the building knows. They may have some problem with it, and we need to know that before we vote on it in final reading next time. Okay. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

**Public Hearing and Final Reading of Vacation Ordinance:
CO.V-11-13-002: Vacation of 6' PUE @ 4910 Heckel Road**

President Abell: Public hearing and final reading of vacation ordinance CO.V-11-13-002, vacation of six foot PUE at 4910 Heckel Road. This is a public hearing. Ms. Lockyear?

Krista Lockyear: Yes, President Abell, Commissioners Melcher and Kiefer, Krista Lockyear on behalf of Houchens Properties, and the property owners Michael and Pamela Arvin. As I indicated a couple of weeks ago when I was here, sometime in the 60's when this property was divided up into a bunch of smaller parcels, there was a six foot public utility easement reserved. It happens to run right through the middle of where Houchens is, has planned on putting their new grocery store there on that

corner of Heckel and Green River. There are no utilities in that easement, and, in fact, when Houchens replats the property there with the Arvin's they'll relocate the utility line like we normally see it in a subdivision. So, there will be a ten foot utility easement around the perimeter, just not running right through the middle of the Arvin's property, and what's soon to be Houchens' property. We'd ask that you approve the vacation. All of the utilities have approved it, as well as the County Engineer has given his approval. I would be happy to answer any questions that you may have.

President Abell: Commissioners?

Commissioner Kiefer: I'm abstaining on this vote.

President Abell: Anyone in the audience want to speak in favor of or against this?

Commissioner Melcher: I make a motion for a do pass.

President Abell: I'll second. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Abstain.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Kiefer abstained.)

Krista Lockyear: Thank you.

President Abell: Thank you, Ms. Lockyear.

**Dental Clinic Lease Agreement Termination
Juvenile Court: Agreement with SECO
Assessor: Manatron/Thomson Ruetters Letter of Authorization
2014 Co-Op Extension Lease Agreement
Sheriff: Aramark Agreement Amendment
Sheriff: ICJI STOP Grant Agreement**

President Abell: Dental Clinic lease agreement termination. This will terminate the remaining two and one half months of the County Health Department Dental Clinic lease agreement, effective November 30, 2013. Mr. Heck?

Gary Heck: Gary Heck with the Vanderburgh County Health Department. This will actually save us money. We don't have the operation of the Dental Clinic anymore, and this will allow the landlord to offer the property to a new tenant, which is what they would like to do, and they are offering to let us out of our lease early. I would request that you approve it. I would be happy to answer any questions.

President Abell: I have a question. Are they going to lease it to someone as a dental clinic? Or, are they just going to lease it as something else?

Gary Heck: No, they're not leasing it to anybody as a dental clinic. I'm not, I don't know exactly who the tenant is, other than I'm supposed to find out here real soon.

President Abell: Okay, I was on the Health Department Board when we started this, and I remember a lot of that equipment was donated.

Gary Heck: Oh, you were on the Advisory Council, yes, Ma'am.

President Abell: Yeah, what happened to, what's going to happen to all of the equipment that was over there? Is it being given to another not-for-profit?

Gary Heck: We're working through, with our board right now, to go either to the most appropriate location here in the county where it still sees service, to serve this population. Whether that's with, and I say that in that we've had requests from ECHO Community Healthcare—

President Abell: Oh, okay.

Gary Heck: – for some of the digital imaging equipment to continue to serve this population in the future. We've had some requests from the University of Southern Indiana nursing professional and their dental hygiene program for some of the same equipment. So, we're trying to do, and we've contacted the Impact Ministry, they have a healthcare program that has a dental clinic program as well to see if they have need of any of it. So, our hope is to get it to places where it will still serve the adult population that needs the services, and so that it can continue to be used.

President Abell: Good, good. Okay.

Commissioner Melcher: Well, that's what....I agree, and that's what I think Marsha meant by non-profit. We just didn't think it ought to go to a profit company—

President Abell: Yeah.

Commissioner Melcher: – you know, free of charge. So, I would rather see it go to USI or ECHO. ECHO's already doing part of it.

Gary Heck: That's what the, or that's what we're trying to do. Between now and December 1st, the landlord has agreed to store it in some of their storage facilities that's right next door to this building, so that it won't, it will be out of this space, and they'll keep it for us while we work through those final hurdles to get it at a new home.

Commissioner Melcher: Okay.

President Abell: Good. I appreciate your efforts along those lines, Mr. Heck.

Gary Heck: Thank you.

President Abell: I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: You're welcome. Juvenile Court, independent contractor agreement with South Evansville Community Outreach. It runs from October 1, 2013 to September 30, 2014. The cost is \$5,200, and there is sufficient funding in place to cover the agreement.

Bernie Faraone: Yes, I'm Bernie Faraone with Juvenile Court. We're here to ask that the Commissioners approve changing the contract with the vendor. The money comes from federal money that goes through the Indiana State Court and Indiana Judicial Center. They administer a grant that our Judge Niemeier applies for. He's been successful the last several years. He's a pioneer in a program called the Parents CHINS Drug Court. It's been in operation here since 2002, the model program. I think it was just renewed for about \$30,000. That helps with our drug court program. The \$30,000 is used to help pay for a couple therapists, and the child care, meals and rental space that allows us to run the program. The program actually involves, Juvenile Court gets about 500 referrals on abused and neglected families, kids, kids that get removed, and this program helps us put families on the fast track position to help get kids that are removed from their families, because one or both of their parents have drug issues, it helps them get involved in treatment right away. Then they are required to attend individual, family and weekly support groups. To get back on track with SECO, South Evansville Community Outreach, it actually is the Line Street Baptist Church is where they meet, and while the family members, actually the parents are attending individual, family and weekly support group meetings. It allows them to attend by, they're allowed to bring their one, or multiple children to the program, in which, through this money here there's child care/babysitting that allows them to get their treatment needs met, while the kids are being watched for, cared for and fed. Fortunately we had an increase of \$400 for this program with SECO. No money goes from the county or from the General Fund, again, it's all federal money.

President Abell: A very worthwhile project.

Bernie Faraone: Pardon?

President Abell: A very worthwhile project.

Bernie Faraone: Oh, yes, yes.

President Abell: It is.

Bernie Faraone: I wish we had, you know, a hundred times that amount of money.

President Abell: Yeah. Commissioners?

Commissioner Melcher: I move for a do pass.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Bernie Faraone: Thank you very much.

President Abell: Thank you. The County Assessor, Manatron, Inc. letter of authorization. It's a letter of authorization contract for maintenance and software support services for the next three years at the annual rate of \$50,400.36 per year. The contract with Manatron will expire December 31 of '16. This is to be paid for out of the County Reassessment budget.

Joe Gries: President Abell? Mr. Fluty asked that I provide some information to the Commissioners.

President Abell: Please do.

Joe Gries: This is similar to the letter that was passed for the Auditor's support software, or software support, last meeting. The ProVal system that the Assessor has is their assessment software. It's also support for their Pictometry. I don't have the previous amount, but I believe this is similar to the increase, it was only a three percent increase, but this price will be held for three years. Both of our systems are connected, as per State statute, we have to pass information between our two systems and we get checked on that also. This is to allow us to have that support for that type of thing as well.

President Abell: Commissioners? I would entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Mr. Gries. Commissioners, the Purdue Cooperative Extension Services 2014 agreement. The annual agreement with Purdue University for the sum of \$76,095 to be paid to Purdue University to cover the county's contractual services amount for 2014. This is the same contract amount as 2013. Welcome.

Susan Plassmeier: Good evening. Susan Plassmeier with Purdue Extension here in Vanderburgh County.

President Abell: This is the same thing that we do every year, isn't it?

Susan Plassmeier: Yes, it is.

President Abell: Susan, do you have anything that you wanted to comment about it?

Susan Plassmeier: I'd appreciate it if you would pass it.

President Abell: Pretty standard, the same thing we do every year.

Susan Plassmeier: Yeah.

President Abell: I'll entertain a do pass motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Susan Plassmeier: Thank you very much.

President Abell: Thank you, Susan. Sheriff, the amendment to Aramark agreement, one year renewal for management of food service operations at the Vanderburgh County detention facilities. This runs from January 16, 2014 through January 15, 2015. A new contract will save approximately \$35,000 from the current food service contract with Aramark.

Eric Williams: Sheriff Williams, I'm prepared to answer any questions if you have any.

Commissioner Melcher: Saving money. Move for a do pass.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: If you're going to save money, we're all in favor of that. Yes.

(Motion approved 3-0)

Eric Williams: I figured you might be favorable to that one.

President Abell: We always like those, yes.

Commissioner Melcher: That's why I said that. The County Council likes it too.

President Abell: Thank you.

Commissioner Melcher: He's still up.

President Abell: Oh, yeah. You do have one more. ICJI STOP Domestic Violence grant agreement. The grant amount is \$29,991. It runs from July the 1st, '13 through June 30th of '14. The county's required match is \$9,997, which is funded through the Sheriff's Department budget, the Sheriff's Department Forfeiture Bonds. Are those dates correct? July of—

Eric Williams: The State's here, it's the STOP Domestic Violence grant, and it is the grant that funds the Domestic Violence Investigator within our office. We've had that grant now for 12 plus years. It's remained fairly flat, if not reduced. The match that's listed in there is the match that's required by the State. There's still a more significant match on our part to fund that position, but that position is factored into our office, we figured we ought to take what money we can get from the State.

President Abell: Sure, I just wanted to make sure we had the correct dates.

Eric Williams: Yes, that is the correct dates.

President Abell: I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Eric Williams: Thank you.

President Abell: Thank you, Sheriff.

County Engineer

President Abell: Department head reports, Mr. Stoll?

John Stoll: First I've got an agreement with Alt and Witzig. This is to do four pavement cores out at the intersection of Burkhardt and Virginia. We need to get the pavement cores to determine what's out there now so they can finalize the pavement design for the intersection project. The fee is \$1,750. I would request approval. This will be then coordinated with CHA Consulting, formerly R.W. Armstrong, and they'll follow up and make sure it all gets taken care of.

President Abell: Commissioners? I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, next I've got an agreement with David Matthews Associates for two appraisals on the Broadway and Johnson bridge project. This fee is \$950, and this will provide appraisals on two temporary rights-of-way and one permanent right-of-way for that bridge and culvert project.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, last I've got a request to go to County Council to make some transfers. The first one is to transfer \$1,500 from University Parkway Bridges, and \$3,000 from Bridge Inspection to the Engineering Equipment Account. This would provide some more storage cabinets for our plans. Then, also I've got a number of transfers for the Franklin Street Bridge project. This would be \$35,000 from Bridge Inspection; \$15,000 from Broadway Avenue Bridge 270; \$60,000 from Old Boonville Highway Bridge; \$14,000 from Baseline Bridge; \$50,000 from Boehne Camp; \$16,000 from Marx Road; \$30,000 from Old Henderson, all would go to the Franklin Street Bridge Account. The total of all of these transfers would be \$220,000, and this money will be needed to fund the steel repairs that are currently being designed by Bernardin Lochmueller. Bernardin Lochmueller is still working on the final cost estimates associated with the steel repairs, so this, combined with our existing funds will put us in the neighborhood of three to \$350,000. That still may not be enough,

so we may still have to do an appropriation, but this will get us a lot closer to the amount needed to fund those repairs.

President Abell: You have enough money there now?

John Stoll: Yes, these projects are all finished, so that's why the transfers are being requested. The funds aren't needed in these accounts any longer.

Commissioner Kiefer: In that case, I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: I was reading over it. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

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

President Abell: Thank you, Mr. Stoll.

John Stoll: Thanks.

President Abell: Mr. Mueller, I assume you're here for the Drainage Board meeting?

County Attorney

Joe Harrison, Jr.: And, I've got something else. The bids, do you want me to read those?

President Abell: Yes, let me see if there's another department head. Sheriff, did you have anything else? Nope? Did Dr. Nicholson leave? I mean, he was here a minute ago.

Gary Heck: He did. He had a meeting he had to go to.

President Abell: Oh, I was going to recognize him and mention his retirement party.

Gary Heck: Well, it will be a surprise then.

President Abell: Mr. Harrison?

Joe Harrison, Jr.: With regard to the Old Courthouse guardrail repair project. There were five quotes, I'm sorry, four quotes that were received by the Commissioners. I'll just read those out and ask that they be taken under advisement. The first is from Happe and Sons Construction, that bid amount is, or quote amount is \$8,818. The second quote was from Midwest Contracting, Inc., that quote amount is \$13,130. The third quote is from DeWeese Construction, Inc., that quote amount is \$4,966. The final quote was from Deig Brothers Lumber and Construction, that quote amount is \$17,350. I would ask that these four quotes be taken under advisement, have them reviewed by Purchasing and returned in a couple of weeks with the recommendation.

Commissioner Kiefer: I make a motion to approve to take it under advisement.

Commissioner Melcher: I just want to say there's a big—

President Abell: I was going to say the same thing.

Commissioner Melcher: — \$17,000; \$13,000; eight and four, now somebody's not going by the same specs.

Joe Harrison, Jr.: Yeah, we'll have to take a look at that.

Commissioner Melcher: Hopefully, we would want to see—

President Abell: I was going to ask, would somebody other than Purchasing that's going to look at this. Someone other than Purchasing?

Joe Harrison, Jr.: Yeah, we're all going to take a look at it.

President Abell: Like an engineer?

Joe Harrison, Jr.: Yes.

President Abell: Yeah, cause that's a big difference.

Commissioner Melcher: Yeah, cause I don't want to go with the lowest bid and find out there's going to be 29 changes.

Commissioner Kiefer: That's the reason to take it under advisement.

Joe Harrison, Jr.: Exactly.

Commissioner Melcher: I'll second it.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, Mr. Harrison.

Joe Harrison, Jr.: You're welcome.

New Business

President Abell: New business? There is a reminder that there will be an employee benefits meeting tomorrow evening at 5:00 p.m. in the Centre Locust Room. I think all three Commissioners are going to be there. Is that correct, Mr. Kiefer, Mr. Melcher? We will be releasing the information on our health insurance for 2014.

Old Business

President Abell: Is there any old business to come...any other new business? Any old business to come before the County Commissioners?

Public Comment

President Abell: Any public comment?

Consent Items

President Abell: Consent items, Madelyn?

Madelyn Grayson: The consent items for the November 19th meeting are as follows; approval of prior minutes, we have the November 5, 2013 Commission meeting minutes; employment changes for the Commissioners approval, there are five for the Health Department, one for Burdette Park and one for Area Plan Commission. The Commissioners have transfer requests. The Building Authority has permission to repair the Centre elevator. There's an Early Retiree Reinsurance Program notice. The County Engineer has pay request number 185 for \$300 for TIF projects. The County Assessor has a request to surplus various computer equipment. The Coroner has a request to surplus various equipment. The County Highway work review from November 1st through November 7th. The County Engineer has a department head report, and the County Clerk has the October 2013 monthly report.

Commissioner Melcher: I move to approve the consent agenda as stated.

Commissioner Kiefer: Second.

President Abell: Further comment? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the County Commissioners?
I'll entertain a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 6:14 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the November 5, 2013 Commission Meeting Minutes.

Transfer Requests (2).

EVCBA: Permission to Repair Centre Elevator.

HHS: Early Retiree Reinsurance Program Notice.

Employment Changes:

Supt. of County Bldgs. (1)

Health Dept (5)

Coroner (1)

County Clerk (1)

Area Plan (1)

Commissioners (1)

Prosecutor (4)

Superior Court (4)

Burdette Park (1)

Assessor (3)

Auditor (1)

Sheriff (4)

County Engineer:

TIF Pay Request No. 185: \$300.

Department Head Report.

Surplus Request Letters: County Assessor and Coroner.

County Highway: Work Review: November 1st through November 7, 2013.

County Clerk: October 2013 Monthly Report.

Those in Attendance:

Marsha Abell

Joe Gries

Madelyn Grayson

Haley Cobbs

Jim Bush

Dennis Au

Gary Heck

John Stoll

Joe Kiefer

Joe Harrison, Jr.

Audrey Vincent

Quentavian Stewart

Mark Acker

Carl Heldt

Bernie Faraone

Others Unidentified

Stephen Melcher

Kristin Comer

Sam Sleziak

Rebecca Paxton

Jerry Blake

Krista Lockyear

Susan Plassmeier

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 10, 2013**

The Vanderburgh County Commissioners met in session this 10th day of December, 2013 at 5:00 p.m. in room 301 of the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: While we are a little bit late, I will call to order the December 10, 2013 of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Attendance roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

Pledge of Allegiance

President Abell: Would our two students like to rise and lead us in the Pledge?

(The Pledge of Allegiance was given.)

Introduction of Teen Advisory Council Students

President Abell: Thank you. Would you like to turn on your microphones and give us your names and the school you represent?

Tim Stansbury: My name is Tim Stansbury, and I'm a Sophomore at Reitz High School.

Rachel Clevidence: My name is Rachel Clevidence, and I'm a Sophomore at North High School.

President Abell: Welcome.

**Permission to Open Quotes for VC-13-11-01:
Slate Road Structure #1990 Rehabilitation**

President Abell: I would entertain a motion to open quotes for VC-13-11-01, Slate Road structure 1990 rehabilitation.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: All in favor.

All Commissioners: Aye.

(Motion approved 3-0)

President Abell: Mr. Harrison, will you open those while we're having our meeting?

Joe Harrison, Jr.: Sure, and I'll get back with you later on with the amount.

Dr. Nicholson Proclamation

President Abell: Under the action items, I'm having a hard time talking this evening. Unless you want me to read this, I can't seem to call my words properly tonight. We have a proclamation, and I wonder if Gary, Mr. Heck, if you and Dr. Nicholson would come up to the podium please. I'm going to read a proclamation from the Vanderburgh County Commissioners. I have to add a little personal note, that Dr. Nick and I have known each other an awfully long time, and I've enjoyed working with and watching the things that he has done. We have a proclamation for you, Doctor.

"Whereas, Raymond W. Nicholson, Jr., M.D. has served this community during the past twenty one years, from January 1, 1992 through March 14, 2006 as a member of the Board of Health and March 15, 2006 through December 31, 2013 as Health Officer; and, Whereas, Dr. Nick was appointed by the Vanderburgh County Board of Commissioners to the Vanderburgh County Board of Health beginning January 1, 1992. He served for fourteen years until his appointment as interim Health Office on March 15, 2006; and, Whereas, the Board of Health worked with the Vanderburgh County Council to change the Health Officer from part time to full time in 2006. Dr. Nick was appointed full time Health Officer on August 6, 2007; and, Whereas, Dr. Nicholson graduated from Indiana University School of Medicine in 1955 and during his fifty eight year career served in a Rotating Internship at the Indiana University Medical Center, served two years as a pediatrician in the United States Army, Fort Leavenworth, Kansas holding the rank of Captain, entered private practice in Evansville, Indiana on August 4, 1958 as family medicine physician specializing in geriatrics, he directed the Family Practice Residency Program at St. Mary's Medical Center from 1970 to 2001; and, Whereas, Dr. Nicholson has been active in numerous philanthropic and professional organizations, including the Board of Directors of the IU Medical School Alumni Association for twenty seven years, beginning in 1974 and serving as President in 1978-79 and 1988-89; IU Medical School clinical professor for the past twenty two years; Board Member of the State Association of County and City Health Officials since September of 2007; a Member of the Dean's Council, Board of Directors, IU Medical School since 1990; and a Member of the Executive Committee-Dean's Council, IU Medical School since 2006; and, Whereas, Dr.

Nicholson has been the recipient of numerous civic and professional awards during his career; and, Whereas Dr. Nicholson will retire as Health Officer for the Vanderburgh County Health Department on December 31, 2013. Now, Therefore, be it known that we, the Vanderburgh County Commissioners honor "Dr. Nick" and thank him for his leadership and service to the citizens of Vanderburgh County. Dated this 10th day of December, 2013. Signed by the Board of Commissioners of Vanderburgh County; Marsha Abell, Joe Kiefer and Stephen Melcher, and attested to by County Auditor, Joe Gries."

We could not be honored more as we were to have you as our Health Officer.

(Applause)

Ray Nicholson: Marsha, can I say just a few words? I feel, I truly feel blessed that I was given the opportunity to work with the city and the county officers of this city, and that I was able to serve the city in the capacity that you put me in. I really have enjoyed every bit of it. I know I'm going to miss it, but it's been wonderful learning all about city and county government and being the Health Officer for the city. Thank you all so much.

(Applause)

Commissioner Kiefer: I would like to make a couple of comments. Dr. Nicholson, I just want to say thank you for your service. Personally, I mean, you've been very, very good to me every time I've ever asked anything, you've always been very responsive, very good. I don't know if you remember this, but I first met you when you were building your home. I worked at what was called SIGECO at the time, you know, and I came out and helped you hook up your gas and electric service to your new home. But, that's when I first met you, and could tell then that you were a true gentleman. I hope that all of the young people in this audience today look to you as an example, because as an individual, as a doctor, you didn't have to service your community the way you have. You've made a good income and a good living in your medical profession, but you gave back to your community. I think that's an attestation to who you are, and I think young people need to look to you as a role model, as I do, and I know everybody here, up here at the Commissioners do as well. So, I just want to say thank you. I appreciate your service, and we're going to miss you.

Ray Nicholson: Thank you so much.

Commissioner Melcher: I would just like to say, Joe said most of it, I just want to thank you for your service in the military. There's not a lot of people that do that anymore, and I appreciate you stepping up to the plate to do that. So, I want to thank you on top of that.

Ray Nicholson: Appreciate that. Thank you very much.

President Abell: Have a great retirement with Cynthia.

Ray Nicholson: I've flunked retirement four times before. Thank you all so much. Appreciate it.

President Abell: Thank you, Doctor.

Madelyn Grayson: Do we need a motion to accept the proclamation?

President Abell: Do we need a motion?

Joe Harrison, Jr.: Go ahead.

President Abell: I'll entertain a motion to accept and pass the proclamation for the Doctor.

Commissioner Melcher: So moved.

Commissioner Kiefer: I'll gladly second that.

President Abell: Let's have a roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Evansville ARC Bi-Annual Update

President Abell: Evansville ARC update. Deidra Conner is here.

Deidra Conner: Thank you so much. As a community agency, I will say, and I had a minute to talk to Dr. Nicholson, he has been an amazing resource for community organizations like Evansville ARC. As you know, we have a child care facility, an industrial facility, and an adult program, and we have called on him many times to come over and visit and consult with us, and he has always been accessible, willing to work with us, no matter what the time of day or night. It is a huge, huge resource that we're losing in the community. So, we appreciate you making him available to us. As you've said, my name is Deidra Conner. I'm the President of Evansville ARC. I know that you guys know what we do. For those that might be listening or seeing us on t.v. tonight, just a brief history. Evansville ARC is a non-profit organization that was founded almost 60 years ago. Actually, I brought with me tonight some pictures from our very early days. We're going to be celebrating our 60th anniversary next year, and we hope that you guys will participate in those celebrations. But, ARC was founded in 1954 by a group of parents who had children with disabilities. In 1954 parents had two choices; keep their children at home, they were not able to go to school in the school system because special education did not come about until the 1970's, or families could send their children to a state institution, which was two or three hundred miles away. Many of those children stayed institutionalized for many years. So, these parents started a school in the basement of the Eastside Christian Church. There's where those photos were taken. There were 12-15 children, and

they really considered it to be an experiment to see if these children could learn, and they absolutely did. So, as those children grew, the services of Evansville ARC grew and expanded to meet their needs. Today we serve 750 individuals, many receive services on a daily basis. Our youngest client is six weeks old, our oldest client is 83. So, we provide a breadth of services to support individuals with disabilities and their families. Our motto simply is, "Independent lives for people with disabilities", and what that means is we want people with disabilities to be able to live in their home community. They shouldn't have to move away, they shouldn't need institutional care. We should be able to give them the supports they need to live as independently as possible. So, we've been doing that for almost 60 years, and with your support for 50 of those 60 years. I always try to bring someone with me who really has a personal connection to the agency. I'm really excited that Katie Tieken is with us today. Katie became a volunteer this past year at Evansville ARC. She's joining us as a board member in January. Her sister-in-law, Andrea, receives services from Evansville ARC. So, we thought it might be helpful and very informative to hear a little bit about Katie's connection to Evansville ARC. She is at Vectren, no longer SIGECO, we chuckled at that, as a Senior Regulatory Analyst. So, she's a member of the local community, and we're really excited to have her here tonight.

Katie Tieken: Thank you, Deidra. Thank you, Commissioners, for having me this evening to speak to you on behalf of a family member that does receive services through Evansville ARC. Like Deidra said, my sister-in-law, Andrea Tieken, receives services. She has a twin brother, Nick, who is my husband. When they were born, their mother wasn't expecting twins. So, it came as a shock to have two premature children, one diagnosed with Cerebral Palsy and Epilepsy. Recently, a committee that I serve on, has developed a new parents packet with questions and answers to provide resources within the community for new families to have when they go home from the hospital. It's going to be piloted in 2014, and it's going to help direct them to resources that are available, especially those that have been diagnosed with a birth defect, or developmental delay, kind of reach out into the community and see what kind of resources are available for them. During the school years that Nick and Andrea started, they started at Easter Seals Rehab Center, and then they began their elementary school years at Cynthia Heights. My in-laws are lifelong Vanderburgh County residents, and they're proud to be that. Andrea, they decided to switch her to Stockwell Elementary School, and she continued on through Glenwood Middle School, and Central High School. She graduated from there in 1998. Once she graduated, she immediately started working at ARC Industries. So, she's been there 15 years receiving services. One of the programs that I think is very beneficial that Evansville ARC does is the Successful Transition Programs. It smooths the transition between high school special education programs and their involvement in the community as an adult. Like I said, Andrea has worked at ARC Industries, currently she works three days a week; Mondays, Wednesdays and Thursdays, and she works in the plant. She usually works on putting plastic handles on buckets, and she also works in the liquor packaging line as well. Other services that she receives through Evansville ARC include; Connections for Life, and that's a very important one because they take their clients out into the community to give back. I think that's so important these days. She has volunteered within the community through the Tri-State Food Bank, the Vanderburgh Humane Society, Holiday Nursing Home, the Wesselman Park Recycling Center, and she's shredded paper for several non-profits through the area. She's also very involved in our community and goes to the zoo and the museum. Another program that they've recently started at Evansville ARC is the Participant Assistance and Care Services, PAC. It through the family support waiver. What that does is it provides in-home

support to assist with daily activities. Recently her coach went out to their home in northwest Vanderburgh County and helped her make a meal for her family. They made meatloaf, steamed vegetables and macaroni and cheese. Just the look of accomplishment that she had on her face, you know, something that she could do independently in her own home, it's just priceless. The other aspect of PAC is it's for social and recreational activities. Her coach takes her swimming once a week. That's something that she has enjoyed doing for several years. It gets her out, mobile, gets some physical education, and just getting involved in the community and doing activities that she really enjoys. Evansville ARC's mission is to be a recognized leader in creating a community in which individuals with disabilities are valued for their contributions as citizens. I'm going to close with a quote from Mother Teresa. "I alone cannot change the world, but I can cast a stone to the waters to create many ripples." It's my hope that Evansville ARC's vision continues and thrives and grows into new programs. That can be done with support from individuals and community organizations and especially the County Commissioners. Thank you so much.

President Abell: Thank you.

Commissioner Kiefer: Thank you.

Deidra Conner: Do you have any questions for Katie, or anything that you might want to know about Andrea or her family? No? Obviously, Katie's story and Andrea's story is really what ARC is all about, keeping families together and helping individuals with disabilities live as independently as possible. Andrea is a great example of that. For those of us who may be watching at home, if you would like information about Evansville ARC, you can find us online at evansvillearc.org. You can contact me directly at 812-428-4500 extension 304. As I mentioned earlier, Vanderburgh County has been a partner with Evansville ARC for 50 years, since 1964. That is one of our longest standing partnerships, and a partnership that we greatly value. I know you have tremendous budget constraints and continue to provide supports to us. We do not take that for granted. Our staff, our clients, our families, our board sincerely appreciate that support. I hope that we can continue that partnership for a long time. I say this every time that I am here, and I'm sincere in saying this, we could not do our work without you. We are Medicaid funded, and as most of you know, Medicaid pays an arbitrary rate, it is not based on cost. We are able to do quality programs and continue to build programs because we have great partnerships like the County Commissioners. Our successes truly are your successes, and I hope that you acknowledge that and are proud of that, because we are certainly very proud of our partnership with you.

President Abell: Commissioners? Well, you know, one thing that I think people at home need to understand is that the money that you do receive from us is our discretionary money and not property tax money. You know, we owe a great deal of that thanks to the gaming industry that has the riverboat here. If it weren't for those funds that we have at our discretion, we would be hard pressed to assist in such wonderful things as this. So, you know, when we all look at our community, I think we need to realize that a lot of our community benefits from the companies that are in this community and that are making money and that are helping us support these kinds of things. We are thrilled that you came tonight. I feel like I should ask Deidra for her autograph now that I see her on television so much.

Deidra Conner: It is a bit annoying when it gets on there quite a bit, but hopefully people have heard a little bit about ARC. Some people call me the Vectren lady now,

but I've had plenty of people ask me about it and inquire a little bit about ARC, which is great.

President Abell: I was going to suggest that you might want to talk to Kristin about the possibility of putting a link to you on our county webpage—

Deidra Conner: That would be awesome.

President Abell: – because people moving in here would get on the county webpage looking for things, and if they had a link where they could go right over to there from that, it might be a help for you.

Deidra Conner: It absolutely would. Thank you so much.

President Abell: Thank you.

Commissioner Kiefer: Thanks for your passion. I always appreciate it. Thanks for your testimonial.

Deidra Conner: We do hope that you, you know, next year is a big year for us, 60 years. So, we hope that you will join us in that celebration. We'll be doing a lot of different activities and would like to be able to recognize our partnership during this next year. So, we look forward to that.

President Abell: Have them on non-snow days.

Deidra Conner: Got it.

President Abell: Thank you.

St. Jude "Give Hope Run": Road Race Road Closure Request

President Abell: Road closure request, St. Jude "Give Hope" 5K run/walk. This event is scheduled for April 26, 2014 from 8:00 a.m. to 11:00 a.m. at Burdette Park, and will affect the intersections of Nurrenbern and Graff, Nurrenbern and Lyle, and Nurrenbern and South Red Bank. The Sheriff has reviewed this request and he is okay with it. Steve, are you here to address that? Would you like to? Give us your names please.

Ara Hertel: My name is Ara Hertel. I'm a St. Jude mom.

Steve Craig: I'm Steve Craig, the Park Manager, and I'm just here for moral support.

Ara Hertel: Well, first of all I didn't know this was televised, so I'm a little freaked out about that. But, my name is Ara Hertel, and I am a St. Jude mom. I'm here seeking approval for the 2014 " Give Hope" Run at Burdette Park, and the road closure that would go along with that. This is the fourth year for the event, and there are no changes from the previous events. I believe St. Jude has filed all of the necessary paperwork for that.

Joe Harrison, Jr.: Legally everything is in line?

Ara Hertel: As far as I know, yes.

Joe Harrison, Jr.: Yep, I agree.

President Abell: Sheriff, do you agree? I see the Deputy Sheriff out here. Okay. It sounds like you've done everything you need to do. I'll entertain a motion.

Commissioner Melcher: Motion to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Good luck.

Ava Hertel: Thank you very much.

President Abell: Have a good run. It won't be snowing on April 26th.

Permission to Award Commercial Fuel Bid: Heritage Petroleum

President Abell: Purchasing, permission to award several things here. The commercial fuel to Heritage Petroleum, the Old Courthouse guardrail renovations to Dewese Construction, Inc., and vehicle and large equipment batteries to East Penn Manufacturing. Debbie?

Debbie Spalding: Good afternoon. I'm Debbie Spalding with the Purchasing Department. The first item, the commercial fuel to Heritage Petroleum, we sent out a request for proposal to 11 companies that provide fuel, that had expressed interest in the past. We received one response to that RFP from Heritage Petroleum. They've had this contract for several years, and we felt like their RFP response was in order. We have enjoyed their business over the last few years, and they've always been very good at helping us fix our price for commercial fuel. So, we're here to ask your permission to award this RFP to Heritage Petroleum.

President Abell: Are we setting this in tonight at the figure of—

Debbie Spalding: No.

President Abell: Okay.

Debbie Spalding: I did check the price today and it is up from what we've paid this past year. This past year we received our unleaded fuel for \$3.03 a gallon. They keep telling us they expect it to go down this month. So, also with this request I'm asking for permission to allow myself to set that price when it become feasible to do so.

President Abell: Does everyone understand what that motion will be, we'll also be giving our permission for her to set it in?

Commissioner Melcher: You're going to let us know that too, right?

Debbie Spalding: Yes, sir.

Commissioner Melcher: And, Joe, you're okay with the contract? I mean, everything is covered?

Joe Harrison, Jr.: Yes, everything is in line.

Debbie Spalding: It's basically a bid offer and proposal form that I've provided for you to sign. It basically just says that he would be supplying commercial fuel. It doesn't have the price listed yet, but the price will be fixed when the market dictates.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Debbie Spalding: Thank you.

<p>Permission to Award the Old Courthouse Guardrail Renovations: Deweese Construction, Inc.</p>
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Debbie Spalding: The next item is our Old Courthouse guardrail renovations. We opened these quotes at the last meeting, I believe, and you'll remember there were four people that responded, and there was a big difference in the prices. We did check with the Building Commission, we had one of their inspectors look at the specs. He felt like they were written to code, and he looked at all four responders, felt like they were all, they had all been licensed, they all had the proper bonding and

insurance requirements. So, they did not have a problem with awarding this to Deweese. So, that's what I'm here to request is that you award it...the agreement has been sent to legal. He's looked at it and approved the agreement.

Joe Harrison, Jr.: And they were, what was it \$4,000 something?

Debbie Spalding: Close to \$5,000, \$8,000 and then two other companies that were larger firms and had higher overhead, you know—

Commissioner Melcher: They were the lowest bidder?

Debbie Spalding: They were the low bidder.

Joe Harrison, Jr.: Yes, they were the low bidder by several thousand.

Commissioner Melcher: By a ton.

Joe Harrison, Jr.: As far as the contract, that will be coming back later? Or, do you have that?

Debbie Spalding: It's here.

Joe Harrison, Jr.: Oh, it is here?

Debbie Spalding: It's the one that you approved.

Debbie Spalding: I made the changes.

Joe Harrison, Jr.: When did you say that they were going to complete the job by?

Debbie Spalding: They would be starting it in January, the very beginning of January, and it would be completed by March, the beginning of March.

Joe Harrison, Jr.: Okay, thank you.

Commissioner Melcher: I'll make the motion to approve it.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Debbie Spalding: Thank you.

President Abell: Thank you.

**Permission to Award the Vehicle and Large Equipment Battery Bid:
East Penn Manufacturing**

Boscoe Wilhite: Hello, Boscoe Wilhite, Purchasing. For the vehicle batteries and large equipment, we had sent out this proposal back in October. Opened it up in November at the Board of Public Works. We had a committee review it, of four persons. Some departments from the county and city. After reviewing the, we sent it out to eight vendors. We had three vendors respond, for a total of six responses, because one of the vendors, Busler's, sent in four different proposals for four different types of batteries. After review, we looked at East Penn to be the most responsive and responsible vendor that we have. We would like to award them at this time. We'll come back at your next meeting with the contract.

President Abell: Has the city voted on this yet?

Boscoe Wilhite: The city has voted and they have awarded to East Penn.

Commissioner Melcher: East Penn is not from around here is it?

Boscoe Wilhite: East Penn is, originally, well, they're manufacturing is located in Pennsylvania.

Commissioner Melcher: Okay.

Boscoe Wilhite: However, they operate out of, off of O'Hara Drive, over by Lynch Road. They do have a company. They don't advertise. They're not a, you know, someone off the street can't come in. They do have a large warehouse that has around, I think, 16,000 batteries in store at all times.

Joe Harrison, Jr.: Again, the city and county is not obligated to purchase any batteries.

Boscoe Wilhite: Correct.

Joe Harrison, Jr.: It's just when we need them we will go through them.

Boscoe Wilhite: We're not obligated to meet any amount of batteries purchased. They will just supply the batteries as needed.

President Abell: Further questions? I would entertain a motion to approve.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Boscoe Wilhite: Thank you.

President Abell: Thank you.

**Second/Final Reading of Ordinance CO.11-13-012:
2014 Commission Meeting Date Ordinance**

President Abell: The second and final reading of Co.11-13-012, 2014 Commissioner meeting dates ordinance. Which you have in your packets. It was passed out last meeting when we had first reading. Before we vote on it, if it's in order, Mr. Harrison, I would like to make a correction to it, a change. Do the fellow Commissioners have your calendars with you?

Commissioner Kiefer: Yeah.

President Abell: I have looked at these dates, and I noticed that in August we have August the 12th and August the 26th, and I am not going to be available on August the 26th. So, I wondered if we could move the 12th to the 5th and the 26th to the 19th, if that does not conflict with anything you two have.

Commissioner Melcher: August 5th, is that the first Tuesday?

President Abell: Yes.

Commissioner Melcher: That would be the National Night Out.

President Abell: Well, how about the 12th and the 19th then?

Commissioner Melcher: The 12th and the 19th.

President Abell: Can we change August 26th to August 19th?

Commissioner Kiefer: Yeah, that's okay with me. I would like to, in addition to that move the September 9th meeting, if that's possible.

President Abell: To?

Commissioner Kiefer: Whatever the next following date that we could do it.

President Abell: September 16th, Mr. Melcher?

Commissioner Melcher: That's, I don't know. I didn't bring a calendar, but if that's what you want to do, go ahead.

President Abell: We can always reschedule it in September, can't we, Mr. Harrison?

Joe Harrison, Jr.: Sure, sure, we've done that before.

President Abell: Well, let's change them, for tonight let's change August 26th to the August 19th, and change September 9th–

Commissioner Kiefer: 6th, or yeah, 9th, September 9th.

President Abell: –to what?

Commissioner Kiefer: Whatever the next–

Joe Harrison, Jr.: The 16th?

Commissioner Kiefer: The 16th, yeah.

Joe Harrison, Jr.: The following week.

President Abell: Okay, okay.

Joe Harrison, Jr.: I would assume, I'm just guessing, I don't have my calendar, that the 2nd must be the day after Labor Day. Is that possible?

President Abell: Oh, anything is possible.

Commissioner Kiefer: We don't have a meeting on that date?

Joe Harrison, Jr.: No, we don't, that's why I was wondering. That would have been a week before.

Commissioner Kiefer: No, I'm just going to be gone that week.

President Abell: So, we're moving the 9th to the 16th–

Joe Harrison, Jr.: Okay.

President Abell: –do you want to move the 23rd also down to the 30th? Because, actually at that point we have three weeks without a meeting, because the next one is not until October 14th.

Commissioner Kiefer: Maybe we can leave it–

President Abell: Leave it for now and maybe change it later?

Commissioner Melcher: Leave it for now.

President Abell: Okay. So, the only two changes we're going to make now are August 26th becomes August 19th, and September 9th becomes September 16th.

Commissioner Melcher: Yeah, because we're always going to have three weeks every now and then.

Joe Harrison, Jr.: Right.

President Abell: Okay. Madelyn, did you get those changes?

Madelyn Grayson: Yes.

President Abell: Okay. I would entertain a motion to accept as changed.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second, as amended.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: So, it is approved as amended.

**First Amendment to SMG Management Agreement for the Centre
2014 WNIN Agreement
2014 Evansville ARC Grant Agreement
2014 Youth Resources Agreement
2014 County Engineer OCH Lease Agreement
YCC Detention Services Agreement
Memorandum of Agreement with nFlow
Superior Court: Home Verification Agreement: Troy Hardin
Superior Court: Home Verification Agreement: John Helfrich
Superior Court: Home Verification Agreement: Dion Wingerter**

President Abell: Contracts, agreements and leases. The Commissioners first amendment to the SMG contract regarding the Centre. A two year extension of the current management agreement, which will extend the contract through 12/31/17. The amendment provides that the county has the option to terminate the amended management agreement at the end of 2016 should we notify SMG by 7/1/16. I see Mr. Stearns is here.

Darren Stearns: Good evening. Darren Stearns, General Manager of the Centre and SMG.

President Abell: Questions? I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Further discussion?

Commissioner Kiefer: I just want to say that I think SMG is doing a really good job. They've been very attentive to their duties, and, you know, I've been very pleased with the work they've done, and always responsive. So, I'm very satisfied.

Darren Stearns: Thank you.

President Abell: I agree. You've done a great job. It's tough over there without a hotel.

Darren Stearns: Yes.

President Abell: We understand.

Darren Stearns: Yes, it is.

President Abell: But, we're looking for really great things out of you as soon as the hotel opens.

Darren Stearns: Understood, so are we. So are we.

Commissioner Melcher: I'll ask something after we vote.

President Abell: Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Commissioner Melcher: Is there a, and I don't know this, I should know it, the hotel, do we know about when it should be completed?

Darren Stearns: I don't have a set in stone date. I've heard the fall of 2016, '15, is it '15?

President Abell: Yeah, '15. Fifteen months after the last pillar is put in the ground.

Darren Stearns: Right.

Commissioner Melcher: The reason why I'm asking is I know a lot of these conventions and everything, you've got to get them years ahead.

Darren Stearns: Uh-huh.

Commissioner Melcher: So, I think we should be working on that. Maybe you already are, but I think that's something we need to say we do have a hotel coming.

Darren Stearns: Actually, we're going to Indianapolis on Thursday to attend an event up there for the Indiana Society of Association Executives, to basically let them know that it is coming, you know, and like you said, we have a ballpark time frame so we can start getting in on their list and start making some sales calls.

Commissioner Melcher: Yeah, because now we should be getting all of those conferences that go around the State, like the Treasurers, the Auditors and Clerks.

Darren Stearns: Right, there's quite a few that will go north, south, Indy. It usually goes Indy, north, Indy south, but, yeah. That's what we're looking forward to.

Commissioner Melcher: Thank you.

President Abell: Actually, when we were at the meeting, when the hotel people were here, I mean, there was some indication from the Convention and Visitors Bureau that there's already interest of people calling us about coming here.

Darren Stearns: Yeah.

President Abell: So, I think we're going to be back in the convention business as soon as we have a hotel.

Darren Stearns: I think we will. Like I said, we've had them before, it's just, like you said, for the size of meetings we would have, they're used to staying in a hotel onsite or at least across the street, not going city-wide.

President Abell: Okay.

Darren Stearns: Okay? Thank you. Appreciate it.

Commissioner Kiefer: Thanks.

President Abell: WNIN 2014 agreement. The cost is \$100 per half hour to televise county government meetings. The County Commissioners have funds budgeted to cover this cost. It's us. I'll entertain a motion.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Commissioner Kiefer: Just a comment, I don't think the price was, I mean, we didn't, they've kept their prices flat.

President Abell: Yeah.

Commissioner Kiefer: So, I mean, we didn't get hit with any increases.

Commissioner Melcher: No, basically they started out at \$200 an hour, and after three years of fighting them, they decided to charge us \$100 for a half hour. So, they still kept their rate, but cut in half.

President Abell: But, if we're out of here on the half hour, we save \$100.

Commissioner Melcher: Yeah.

Commissioner Kiefer: But, I mean, I think it's still a good deal for us, and they flatlined their, you know, they haven't increased us. So, I'm pleased with it.

President Abell: It makes us hurry our meetings a little bit more. Evansville ARC, Inc. grant agreement for 2014 for the sum of \$250,000. This is \$29,000 less than last year's grant.

Commissioner Melcher: Move to approve.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Youth Resources of Southwestern Indiana 2014 agreement. The contract amount is \$15,000 for the services to be provided by Youth Resources for Vanderburgh County teens. The Commissioners have funds budgeted to cover this cost.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Vanderburgh County Engineer lease agreement 2014 for the office space in suites 305, 206 and 307 of the Old Courthouse. It runs from 1/1/14 through 12/13/14¹. The rent is \$15,957 per month, which is a three percent increase over last year's monthly rental payment. I might add that we're actually renting from ourselves.

Commissioner Kiefer: That's nice that we're not paying somebody else.

Joe Harrison, Jr.: I actually think gave you a typo. It's 305, 306 and 307.

President Abell: Good, I was wondering if they were on two floors.

Joe Harrison, Jr.: No, no, that's my fault.

Commissioner Kiefer: I'll make a motion to approve, and also would like to add that anybody that hasn't had a chance to go over to the Old Courthouse, the first floor really looks good. I mean, they did a great job on it. It looks fantastic.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

¹Should be 12/31/14.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Youth Care Center Detention Services agreement 2014. It's a three year agreement, it runs from 1/1/14 through 12/31/16. The cost is \$1,500,000, which is approximately \$300,000 per year less than the amount the county is currently paying for such services.

Commissioner Kiefer: I would like to make a motion to approve.

Commissioner Melcher: Second.

Joe Harrison, Jr.: I think—

Commissioner Kiefer: Under discussion.

President Abell: It's under discussion.

Joe Harrison, Jr.: Tracy is here. Tracy Gorman.

Tracy Gorman: Hello, I'm Tracy Gorman, President and CEO of the Evansville Rescue Mission. I feel like we've come to a really good agreement this year. A lot of hard work, a lot of negotiation, but I think we have a good document.

President Abell: Commissioners?

Commissioner Kiefer: I just want to add too, I appreciate your effort on this, and I know the judicial, the judges and the County Council and the Commissioners and the County Attorney and a lot of people have been involved in these negotiations. I think, ultimately, it works great for the benefit of Vanderburgh County, because we're keeping these kids in Vanderburgh County, and we're going to have a positive effect on a lot of young lives. Appreciate the work you do. Thank you.

Tracy Gorman: Thanks very much.

President Abell: I agree. I know this has been a long process.

Tracy Gorman: It has been.

President Abell: I'm glad we got through it.

Tracy Gorman: Yeah, me too.

President Abell: That's why they call it negotiation.

Tracy Gorman: Exactly.

Commissioner Melcher: I think it's negotiation on everything, the County Council and everybody.

Tracy Gorman: Right, everybody's been involved.

Commissioner Melcher: Yes.

President Abell: As money gets tighter, I imagine we're going to see more of it.

Commissioner Melcher: I'll make a motion to approve it.

Commissioner Kiefer: Yeah, I think we already did.

Commissioner Melcher: We already did?

President Abell: We have a motion. I need a roll call vote.

Commissioner Melcher: Okay.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Tracy Gorman: Thank you.

President Abell: Thank you, Mr. Gorman.

Commissioner Melcher: See I was in my mode of asking questions before we made the motion.

Commissioner Kiefer: Sorry I threw you out of sync.

President Abell: He'll recover here. A memorandum of agreement with nFlow, LLC. This is regarding the real estate and personal property tax phase in granted by nFlow, granted to nFlow by the County Council regarding nFlow's building redevelopment and their installation of new manufacturing equipment at its facility located at 2212 Glenwood, Glenview Drive in the county. The County Commissioners have been made a party to this agreement in case it is necessary for the county to go back against nFlow in order to recover tax phase in savings and liquidated damages as detailed in the agreement. Does everyone understand that? Or, does Mr. Harrison want to—

Commissioner Melcher: Oh, I understand it. I'm not going to say that I agree all the way with it. I didn't think we was going to be involved at all with this, because I

thought this was the County Council's decision on tax abatement. I think there should be a way to, I know the State does have something into the tax abatement laws, an ordinance or something, stating that that could happen. Because if we disagree with something they're saying, it doesn't matter. Because I disagreed with the three free years. I don't think that's fair to the taxpayers or the businesses. I don't know what kind of precedent that sets for the future. I'm going to abstain on this tonight, instead of voting for it, because I don't want it to be said that I was even part of that three years of free taxes.

President Abell: Would you like to put it off? Would you like to table it, or do you think that won't do any good?

Commissioner Melcher: It won't do any good.

President Abell: Okay.

Commissioner Kiefer: Joe, do you want to give—

Joe Harrison, Jr.: No, basically, the summary was correct. The tax abatement has been granted by the County Council on December 4th. That's done. It's just that this is a tool for the county in case the company does not comply with the terms of the agreement in staying in town and having jobs, etcetera, including the investment, that the county can go back against them and the County Council really would not be doing that. It would essentially be the county as a whole, whether it's the Treasurer, the Auditor, etcetera, but by the county signing off it does give, it's just more teeth, a bigger hammer should it be necessary to institute some sort of proceedings, legal proceedings to try to recoup those monies.

Commissioner Melcher: So, what I'm saying, basically, I think, basically what we need to do is on claw backs we ought to do it on every one of them. Every one of them, because we don't want them to say, well, we only did it with them somewhere down the road. We should have, if we would have had claw backs before, we would have been able to recoup a lot of money.

Joe Harrison, Jr.: Yeah.

Commissioner Melcher: When Whirlpool left we didn't get any recouped, but the State did. That's when we found out then that the State allowed the claw backs, where they didn't in the past. So, we need to be looking into that for all future tax abatements.

Joe Harrison, Jr.: You know, you might want to, obviously, the County Council might be hearing it tonight, but it would be nice if you, you know, would communicate that to them as well, that anytime that's on their agenda that should be something that they look at.

President Abell: Can we do the claw back? Can we write a local ordinance?

Joe Harrison, Jr.: Well, they have to approve the tax abatement, you know, the County Council does the abatement.

President Abell: Yeah.

Joe Harrison, Jr.: That can be a part of the abatement agreement, which is what happened here. It very well could be that, in the future, that's what they decide to do. It may be that we want to pass a resolution, or the Commissioners consider something that would encourage them to do that in all instances. Maybe that's what you would like to do.

Commissioner Melcher: Well, I just think that's fair to the taxes, to the people in here, because we've had a lot of people leave, because what some of these companies do, they jump from one community to another to get the best tax breaks. I think that's the best way we can protect ourselves. I know, at one time, when they didn't live up to what they were saying, they would walk away, we added to the, just to the paperwork that they have to sign a thing saying if they don't, a paper, excuse me, that if they don't live up to it they can't have their tax abatement, they could lose it. So, that's something, so, I think we could just add something to the tax abatement itself so it's part of the process from now on.

Joe Harrison, Jr.: I'll speak to the County Council about the matter, but maybe you want me to draft a resolution to that effect. I'll be glad to do that, and we can put that on the agenda here in the next meeting or two.

Commissioner Melcher: That's fine, whatever the Commissioners—

President Abell: I think that would be fine, and we'll give it to the Council and see if we can encourage them. I think it's a good way—

Commissioner Melcher: I think with all of the tight money and everything going on, we need to protect ourselves and our taxpayers better.

President Abell: I agree. We do know that companies have taken advantage of it.

Commissioner Melcher: Uh-huh.

President Abell: I have a motion and a second on the floor. Is that correct?

Madelyn Grayson: No.

President Abell: No? I need a motion.

Commissioner Kiefer: Okay, I'll make a motion to approve.

Commissioner Melcher: You second.

President Abell: I'll second it. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I'm abstaining.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 2-0. Commissioner Melcher abstained.)

President Abell: Superior Court, home verification officer agreements with Sheriff Deputies Dion Wingerter, John Helfrich and Troy Hardin. Each will be paid at a rate of \$32 per hour, funded from the Byrne Grant and additional budgeted county funds. The term for each agreement is 1/1/14 through 12/13/14². Does anyone from the Sheriff's Office want to address this?

Dave Wedding: It's just a continuation.

President Abell: Why don't you come to the microphone and say that. I thought you dressed up tonight for some reason.

Commissioner Melcher: Yeah. We need to change chairs.

Dave Wedding: Dave Wedding, Chief Deputy for the Sheriff's Office. The home verification is something they do annually, and they work through the courts for that. They're basically being paid at 1 ½ times per their normal salary to do those verifications.

Joe Harrison, Jr.: Off duty as independent contractors.

Dave Wedding: Yes.

President Abell: But, they are trained Sheriff's Deputies?

Dave Wedding: Yes, they are Deputy Sheriff's for the Vanderburgh County Sheriff's Office.

President Abell: Okay, and this works?

Joe Harrison, Jr.: And, it's been done for—

Dave Wedding: We've done it for several years.

Joe Harrison, Jr.: Many years.

President Abell: Okay.

Joe Harrison, Jr.: Don't we usually have about 15 of these a year it seems like. Is that about how many you have, ten or 15 of these contracts, it seems, a year?

Dave Wedding: Yeah, I don't know the exact number without looking up something.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

²Should be 12/31/14.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I just wanted to verify it for the audience at home that might not understand what we're doing.

Dave Wedding: Okay. Thanks.

President Abell: Thank you. Health Department, annual WIC Peer Counselor grant agreement. The grant is for \$17,468.87 to assist the Health Department's Breastfeeding Peer Counseling program. It runs from 10/1/13 through 9/30/14. Mr. Heck is here.

Gary Heck: I would be happy to answer any questions. This is just a continuation of a grant that we've had for several years.

President Abell: Commissioners?

Commissioner Melcher: No questions.

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Gary Heck: Thank you.

President Abell: Thank you, Mr. Heck.

County Engineer

President Abell: Department head reports. County Engineer?

John Stoll: I've got three things for this evening's meeting. The first is a request to go to County Council to file three travel requests. It's for Valerie Harry to attend the Purdue bridge conference on January 22nd and 23rd, for me to attend the storm water conference at Purdue on February 13th, and then for me and for Valerie to attend Purdue Road School on March 11th and 12th.

President Abell: I'll entertain a motion.

Commissioner Kiefer: I make a motion to approve.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The second item is an IDEM Notice of Intent letter that has to be filed in conjunction with the erosion control plans for the next phase of the Green River Road project. That phase runs between Millersburg and Kansas. The consultant is finalizing all of the plans and specs and this is just part of the paperwork that has to be submitted in order to be ready for bidding.

President Abell: I would entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: The final item is also on that phase of the Green River Road project. It's a subordination agreement with AT&T. This agreement basically says that AT&T is somewhat foregoing their easement rights on the easements they purchased out there. They will relocate their lines towards the east right-of-way line of the project. In conjunction with that they're asking the county to be responsible for future relocation costs of those areas where they had easements, which would have been in effect if they would have been in the easements anyway. Given the fact we're going to a five lane road section, I don't anticipate any changes to that road any time in the future that would necessitate any future payments. So, I had the County Attorney review the contract, and he found it acceptable, so I would request approval.

Commissioner Melcher: That was the question that I was going to ask was how much do you think this is going to change later?

John Stoll: At this time, Vanderburgh County has no roads that have in excess of four lanes, five lanes I should say.

Commissioner Melcher: Okay.

John Stoll: I can't see that, I know you can never say never, but I don't see any traffic forecasts that would justify widening that road again. I can't imagine it would be in our lifetime.

President Abell: And, they're going to relocate some lines now?

John Stoll: Yes.

President Abell: So, are they going to pull some heavy equipment out on our newly paved road?

John Stoll: No, this is on the section between Millersburg and Kansas, the next phase.

President Abell: Oh, okay.

Commissioner Melcher: This is an early start.

President Abell: That is really something that I don't like. Okay, well, as long as they're not going to tear up our roads. Okay, I'll entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: Thank you, Mr. Stoll.

County Surveyor

President Abell: Any other department heads in the audience? I thought you were here for Drainage Board.

Jeff Mueller: I am, but I just had another comment under the County Surveyor. In case you didn't get my e-mail, I just wanted to make you aware that we lost a county employee. Jerry Oschner died yesterday.

President Abell: Oh, I didn't know that.

Jeff Mueller: A lot of people thought highly of him. He was a good person. Everybody kept saying, you know, he's a great guy. So, I just wanted to make the Commissioners aware of that, and let you know that.

President Abell: Was he ill?

Jeff Mueller: Yeah, he had some problems and he went in the hospital last week. I just wanted to let you all know that and put it on the record or whatever.

President Abell: Sorry to hear it.

Jeff Mueller: People are, you know, I've only been in there for a year, but there's a lot of people that have been there for a long time, and he's been a close friend to a lot of people. Just wanted to make you aware of that.

Commissioner Kiefer: Thank you, Jeff.

Jeff Mueller: Thank you.

President Abell: Thank you. Sorry to hear when we lose an employee.

County Attorney

Joe Harrison, Jr.: Do you want me to report on the quotes?

President Abell: County Attorney?

Joe Harrison, Jr.: Yes, on the quote for Slate Road structure number 1990 rehabilitation. We only had one quote, and that quote was submitted by Deig Brothers Lumber and Construction. That quote amount was \$71,372. So, I would ask that you take this under advisement, and we can review it and get back with you.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

New Business

President Abell: Any new business to come before the County Commissioners?

Old Business

President Abell: Any old business to come before the County Commissioners? Well, under old business, I have something I want to say, and the reason it's old is because it's already happened. We couldn't have been more proud of anyone than we were our County Garage employees this last week. Some of those gentlemen worked without sleep for many, many hours to clean off our county roads. My understanding, in talking to the Superintendent, Mr. Pat Seib, this afternoon is all the county roads on which we can get our equipment have been cleaned off. All the major roads and all of the secondary roads. There are roads in the subdivisions, but there are cars parked on the roadway, which certainly would be a big help if when we're anticipating this kind of snow if people would put their cars in the garage. We might be able to get our plows down the road. We can't get our plows into many of the subdivisions. Kudos to those men who worked all night long last Thursday night, and all weekend. They were even out there Sunday afternoon, making sure that the roads were passable for Monday morning. I certainly didn't want to go without mentioning them.

Commissioner Kiefer: Job well done.

President Abell: Absolutely.

Commissioner Melcher: I didn't get any phone calls. So, I know it's a good job. I will say they do a good job. I know, I also talked to some people around us, some other

counties, they weren't out as long as our guys were out. You know, they kind of sent them home early and everything, and our guys stayed there through the whole thing and didn't get any rest until what, Saturday afternoon?

President Abell: It was late Saturday afternoon.

Commissioner Melcher: So, we kind of shuffled it around and did the best we could do. I want to thank Marsha for heading all of that up. Thank you.

President Abell: We have a good group of guys. We're very fortunate with our work force out there.

Commissioner Kiefer: I don't think people realize, there was a lot of work, and I know, Marsha, you did the lion's share, you know, with working with the Sheriff, working with other groups. You know, having conference calls trying to discuss what to do, when to do, when to close the Civic Center, there's a lot of stuff that goes on behind the scenes that people aren't aware of that, you know, people dedicating a lot of time and effort to public safety.

President Abell: I did, I will tell both of you that on behalf of all three Commissioners I sent a note to Mr. Voyles at the Teamster's and told him how proud he should be of his membership. What a good job they did for us.

Public Comment

President Abell: Any public comment?

Consent Items

President Abell: Consent items, Madelyn?

Madelyn Grayson: The consent items for the December 10th meeting are as follows; approval of the November 19, 2013 Commission meeting minutes. The employment changes for the Commissioners approval, we have five for the County Highway, two for the Health Department, and one for the Commissioners. The Commissioners have the Old Courthouse first floor corridor renovation certificate of substantial completion. The County Assessor has a request to surplus various office equipment. The County Auditor has the November A/P vouchers. The County Clerk has a request to release employee from leave of absence. The County Engineer has a department head report and pay request number 186 for TIF projects in the amount of \$11,862.50. The County Highway has work reports for the weeks of November 8th through 14th; November 15th through 21st; and November 22nd through the 28th. Evansville ARC has the October 2013 report. Legal Aid has the September 2013 statistics. Weights and Measures has a monthly report for October 16 through November 15th. The Ozone Officer has the October 2013 monthly report.

President Abell: I would entertain a motion to accept the consent items.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

First Reading of Rezoning Ordinance VC-1-2014

Petitioner: NEEMA, LLC

Address: Part of 6608 Marx Road

Request: Change from Ag to C-4 with UDC

President Abell: Under rezonings, first reading of rezoning ordinance VC-1-2014. Petitioner, NEEMA, N-e-e-m-a, LLC, part of 6608 Marx Road. The change is from Ag to C-4 with a use and development commitment. I'll entertain a motion to approve on first reading to send to Area Plan Commission for their January meeting.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Any further business to come before the County Commissioners?

Commissioner Kiefer: Move to adjourn.

Commissioner Melcher: Second.

President Abell: Meeting is adjourned.

(The meeting was adjourned at 6:03 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the November 19, 2013 Commission Meeting Minutes.
Old Courthouse 1st Floor Renovations: Certificate of Substantial Completion.
Evansville ARC October 2013 Report.
Legal Aid: September 2013 Statistics.
Ozone Officer: October 2013 Monthly Report.

Employment Changes:

Health Dept. (2)	Commissioners (1)	Co. Hwy. (5)
Prosecutor (3)	Sheriff (2)	Superior Court (1)
Public Defender (2)	Recorder (1)	County Clerk (5)

County Assessor: Surplus Request Letter.

County Auditor: November 2013 A/P Vouchers.

County Clerk: Request to Release Employee from Leave of Absence.

County Engineer:

Department Head Report.
Pay Request No. 186: TIF Projects: \$11,862.50

County Highway: Work Reports: 11/8-11/14; 11/15-11/21 & 11/22-11/28/13.

Weights & Measures: Monthly Report: 10/16-11/15/13.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Kristin Comer
Madelyn Grayson	Rachel Clevidence	Tim Stansbury
Gary Heck	Ray Nicholson	Deidra Conner
Katie Tieken	Steve Craig	Ara Hertel
Debbie Spalding	Boscoe Wilhite	Darren Stearns
Tracy Gorman	Dave Wedding	Jeff Mueller
John Stoll	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 17, 2013**

The Vanderburgh County Board of Commissioners met in session this 17th day of December, 2013 at 5:02 p.m. in the Civic Center Complex with President Marsha Abell presiding.

Call to Order

President Abell: I would like to call to order the December 17, 2013 meeting of the Vanderburgh County Board of Commissioners.

Attendance Roll Call

President Abell: Roll call attendance please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Here.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Here.

Madelyn Grayson: President Abell?

President Abell: Here.

Pledge of Allegiance

President Abell: Would you stand and join me in the Pledge?

(The Pledge of Allegiance was given.)

President Abell: Thank you.

GAGE Update & 2014 GAGE Service Agreement

President Abell: Under action items tonight we have a GAGE update. I think Ms. Dewey is here. Welcome, Debbie.

Debbie Dewey: For the record, I'm Debbie Dewey, President of the Growth Alliance for Greater Evansville. I'm here tonight to report on 2013 activities for the Growth Alliance in line with the service contract that we have with Vanderburgh County. I'm just going to give some highlights, because we will be issuing an annual report that everybody will be getting a copy of in January. 2013 has been a slower year for new project leads and inquiries. In fact, we still hear from some of our local companies that the economy is still struggling and that things are tough. Our national economic growth is less than two percent, and it's predicted to stay at that level for the first half of 2014. We saw four or five attraction projects come in through our normal channels every month last year. This year we have only seen about one or two of those leads come through. We did work on two attraction projects this year that got all the way to the finish line, and they had chosen Evansville as the site, and then the

companies turned around and cancelled the projects, but, it's not all negative, we do have a lot of positive to report. We've seen an increase in requests from local entrepreneurs, and we see a lot of continued expansion with our existing companies. For example, we worked a rail infrastructure project for Berry Plastics to retain hundreds of jobs. We had a vacant building declared as an industrial recovery site for Uniseal in order to save over 150 jobs and add some new jobs. We aided the start up Involve Engineering, which was started by a group of product design engineers who were ex Whirlpool employees, and we attracted nFlow into a county location. It's a young company moving to Vanderburgh County, and they're going to grow employment from nine to 40. We also supported a number of start ups, including companies like a resin supply and plastic compound development company; an innovative medical supply procurement start up, as well as a start up for photonic communication development. So, even though some of those leads coming from outside the community for big attraction projects were lower this year, we've seen a lot of increase in activity with innovators and entrepreneurs. We've handled nearly 200 requests for assistance in 2013. Year to date we've closed projects that will add 122 new jobs, and retain 653 existing jobs, with nearly \$110 million per year in positive economic impact. We have over 20 open projects at any given time. Currently we have eight of those projects that we consider active. One of them is, I'll call it very hot, in fact, we're expecting a decision on this project any day now. So, we have our fingers crossed that will be before the end of the year. Since redefining our mission three years ago, we've handled 960 requests for assistance, we've closed projects that are adding 1,520 new jobs with a positive economic impact of over \$300 million per year. This year, as you know, we executed the RFP process for a shell building at the Vanderburgh Industrial Park. As you know, we see a lot of projects that come in looking for existing buildings and that 100,000 to 150,000 square foot size range with 32 foot ceilings, and we just don't have an inventory of those modern buildings in Vanderburgh County. So, this shell building should make us competitive for a lot of the projects we haven't been able to offer something for. We've held pitch practices and workshops that have helped 16 entrepreneurs develop communication for potential investors and customers. The Tech on Tap series of meet ups has nearly 260 registered members. This is a networking event for innovators and entrepreneurs. We try to network them with mentors, as well as potential Angel Investors. The feedback that we get from our entrepreneurial community is they need more of these networking events, because the thing they continue to tell us is that we don't know what we don't know about starting up a business. So, these kind of networking events are helping them connect with people who can answer their questions. In fact, the Tech on Tap series has now spun off a series of four other meet ups. Just last week alone there were four different meet ups for entrepreneurs. One was on social media, another one was talking about lessons learned, another was looking at the emerging tech community in Evansville. So, these are things that have all really been spun off and started in the last year. We sponsored and provided mentor services to the second Start Up weekend in Evansville, and with 107 attendees, this Start Up weekend is the largest one that the State of Indiana has seen so far. We also produced the online Start Up Digest for Southwest Indiana, letting people know what's going on in the Start Up community. We're a member of the executive committee of the I-69 Innovation Corridor Initiative. This is where over 300 volunteers from government, economic development, business and industry and academia have come together to try and develop a plan to raise the regions innovation index and to improve our technology based economic growth. This initiative has spun off five different task forces, and we are the chair of the Innovation and Entrepreneurship Networks Task Force of this I-69 corridor. As part of that we developed an asset map for our entrepreneurial ecosystem in Southwest Indiana. We developed and maintain an

I-69 ignite Facebook page and Twitter account, and we're using this to help connect entrepreneurs from throughout Southwest Indiana with mentors, potential investors and other entrepreneurs. In fact, we just set these in motion about a month or two ago, and we already have a hundred followers. We're actually seeing the entrepreneurs start to communicate with each other on the Facebook page to share ideas and information and point people in the right direction to get their questions answered. We provide the Kauffman FastTrac GrowthVenture Program to another ten existing businesses this year, bringing the total to 43. This Growth Venture Program is kind of a mini 30 hour MBA. It's provided to existing businesses to help them grow. Also this year, we've obtained certification to provide FastTrac NewVenture. The NewVenture is similar to GrowthVenture, about 30 hours, it's kind of a mini MBA, but it's targeted for start ups, to really help start ups be successful. We also applied for and received grants from Vectren Foundation and Fifth Third Bank, so we're going to be able to offer scholarships to 30 entrepreneurs over the next two years to go through this 30 hour start up program. That should improve their chances of success with starting up a business in our community. A number of those scholarships have also been set aside for minority and women entrepreneurs. We're converting some space at Innovation Pointe into co-working space. What we've heard from the entrepreneurs is they may not be able to afford or want a private office in an incubator, they like co-working spaces where they can collaborate with each other and maybe save some money. It's kind of like a gym membership. So, what we've been doing is studying other co-working spaces in Indianapolis and other communities to see what's been successful about that, and we now have some space in Innovation Pointe that we're going to open up in January. It's a small space to start, but we already have 12 people waiting to sign up to be members. We think we're going to outgrow that space very quickly. We're an active participant in a Southern Indiana Optics and Photonics Consortium. It's investigating the potential to develop a cluster of optics and photonics companies and businesses in Southern Indiana. It's in the very early stage, but what we're trying to do is search out different technical domains to see if we can find one that could create an opportunity for us so we could have kind of our own silicone valley like reputation. Maybe it's optics and photonics, maybe it's something else, but we're searching those different avenues. We were a sponsor of Latino Summit, and we've launched a Globalization Committee. The first initiative of that committee is to develop a guide that will help us attract and facilitate foreign direct investment in our community. We serve on the Regional Workforce Investment Board and chair its Human Resources Committee. This year we redesigned our website. We found that the website was not really providing information to site selectors that they needed. So, we did an overhaul of the website to make sure we can provide the information that they need. We also sponsor and provide mentoring services at USI's second Technology Commercialization Academy. This is where engineering and business students are coming together in a fellowship program and they're looking at Crane patents and coming up with new commercial ideas for those. As a result of the last two Commercialization Academies, two of these ideas have actually been picked up by some regional innovators who are taking them further down the product development line, the ideas that the students came up with. So we're beginning to see an impact, we're beginning to see an entrepreneurial network in Southwest Indiana and Vanderburgh County. I can give you one example, we had a couple of entrepreneurs come in who have an idea for a new Cloud based software product, but they had some technical questions. So, by reaching out to the Task Force that we have on Innovation Entrepreneurship Networks, we were able to say, hey, here are a couple people who have questions. Right away we had one person from the Crane area, another person from this area that were ready to answer questions and help these entrepreneurs. As a result of that, they actually connected us with some business

brokers in another state who have a business that's available to acquire and it could be moved to Indiana. So, we connected that with another local business here to see if they would want to acquire that. So, these are the kind of things that are happening with building these networks, and we're really excited about the different connections that are being made. In fact, we have three inventors now that we're working with on trying to help them with their commercialization activities. We developed a Cold Call Marketing Package for small arms industry, hoping to build on our Crane relationship. We're in the process of developing a Cold Call Marketing Package for optics and photonics companies, and we're researching a third marketing package. What we find is if we're not getting those leads in from the traditional sources, then we're going to have to develop our own leads. So, we're trying to target some very specific industries and specific companies, and develop marketing packages for them to have them come and take a look at Evansville and Vanderburgh County. So, again, in summary, we did do the Fourth of July fireworks again, helped the Downtown Farmers Market, and we also have been working with downtown merchants, Franklin Street merchants and on a possible revitalization project for another commercial corridor in Vanderburgh County. So, in summary, we continue to see job growth from our existing companies, and we see a lot more activity in the innovation/entrepreneurship category in the area. We're trying new approaches to develop some leads where some of the leads are not coming through the traditional channels. So, that's a summary. It may not seem brief to you, but it was brief in terms of highlights for 2013. You do have our contract for 2014. I hope you'll support it at the same level. Do you have any questions?

President Abell: Commissioners?

Commissioner Kiefer: Hi, Debbie. I just want to say thanks. I really appreciate your office. I feel like I've had a good working relationship with you guys the last year.

Debbie Dewey: Thank you.

Commissioner Kiefer: I think you've got a pretty good staff there. Just, I don't know if, are you, I guess, one thing I would be curious to know, obviously, I think probably one of the biggest economic development things happening in our community right now is the IU School of Medicine.

Debbie Dewey: Yes.

Commissioner Kiefer: Are you actively involved working on that?

Debbie Dewey: We were involved early on. We've put together a number of things that will help sell Evansville as that site. We will continue to work with the Department of Metropolitan Development, the City and County in terms of putting together what we need to. We've done some research on other communities that have started med schools since 2007, to see what they've done right and what things we can build on. We also recognize that the Med School is really just kind of the anchor store, that the growth beyond the Med School in terms of clinics and research opportunities is really what's going to make it (Inaudible).

Commissioner Kiefer: Yeah, I went to a presentation last week that was really good talking about it.

Debbie Dewey: Yeah, I was there.

Commissioner Kiefer: Yeah, it talked about that. So, that was really good. Has GAGE taken a position on a favored location inside Vanderburgh County?

Debbie Dewey: We want it in the county, wherever it lands, that's going to be good for our community.

Commissioner Kiefer: Well, I am a County Commissioner, but I do favor the downtown area, personally. I would like to see it go downtown. I think it's the right location. It would be good for the whole community if it was downtown. I would love to see that happen. I just didn't know if you guys were working toward that end, or if you were doing something different.

Debbie Dewey: We've been pulling together information that will help support that site, as well as Vanderburgh County in total.

Commissioner Kiefer: Okay. Thanks. Great, appreciate it.

Debbie Dewey: Other questions?

Commissioner Melcher: Do you got any?

President Abell: No.

Commissioner Melcher: Do you want to go ahead and vote on the contract while she's there?

President Abell: I would entertain a motion.

Commissioner Kiefer: Oh, wait a second, we have their contract.

Joe Harrison, Jr.: Yeah.

Commissioner Kiefer: Is it with the changes? Has Debbie seen the changes?

Debbie Dewey: The changes that Joe—

Joe Harrison, Jr.: Sure.

Commissioner Kiefer: Okay, well, if you've seen those changes, then I'll make a motion to approve the 2014 contract.

Debbie Dewey: Thank you.

Commissioner Melcher: I'll second it.

President Abell: Any further discussion? I actually have it further down the agenda, under contracts, leases and agreements, but we can go ahead and do it now. Okay, roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Debbie Dewey: Thank you.

President Abell: Thank you, Debbie.

Debbie Dewey: Thanks very much.

President Abell: Thanks for promoting our community. We appreciate it.

Commissioner Melcher: I just wanted to add, I think it's GAGE's responsibility, as your Board member on GAGE, that wherever it goes, it needs to go in Vanderburgh County.

Commissioner Kiefer: Right, and both locations are in the city. Both locations that are vying for it are in the city.

Commissioner Melcher: Exactly.

Commissioner Kiefer: So, I was just expressing my preference.

Commissioner Melcher: I brought it up two or three times.

President Abell: There's a third one you don't know about.

Commissioner Melcher: USI might be thinking about it too.

President Abell: Yes.

Commissioner Melcher: So, if they do, that's in the county, but I think, wherever it goes, it needs to be in our county.

President Abell: Yeah.

Commissioner Melcher: So, I think that's GAGE's responsibility.

Commissioner Kiefer: I agree with that, wholeheartedly.

Commissioner Melcher: Everybody try and get it, then we'll see who gets it.

Commissioner Kiefer: When she mentioned anchor, I think we are the anchor of this whole tri-state community, you know, Vanderburgh County-City of Evansville.

**First Reading of Ordinance CO.12-13-013:
Amending Section 17.24.040 of Title 17: Zoning Code**

President Abell: Next is the first reading of CO.12-13-013, amending section 17.24.040 of Title 17. I see Mr. London coming forward from Area Plan Commission.

Ron London: Good evening, Commissioners. I'll keep this brief, but what we've put together is what we call the Gravel Ordinance. Basically, what this does is, as of now, any commercial development that comes into the city or the county is required for their parking area to be paved. There's no exceptions for that. If they decide that they would like to they could go in front of the Board of Zoning Appeals and request a variance to put down gravel, as of today. With this ordinance here we've tried to pick out several commercial exceptions to allow gravel to be placed instead of the hard and sealed surface, so that they can afford, they don't need to go in front of the Board of Zoning Appeals to do that. We put a committee together of myself, the County Engineer, the County Surveyor, Commissioner Melcher and the local EPA, and this is the language and ordinance that we basically all came to a conclusion to, and an agreement to come up with. So, I'll be more than happy to go through it any more if you would like, or if you've got any questions, I'll be more than happy to answer it.

Commissioner Melcher: At this time it's just a county ordinance?

Ron London: That is correct.

Commissioner Kiefer: Ron, I would like it if you would give me a call afterwards. There may be a little bit of things I would like to suggest on this.

Ron London: Sure.

Commissioner Kiefer: Nothing major, but, you know, just a little tinkering.

Ron London: Sure.

Commissioner Kiefer: I know you've been through a long process with this, but, you know, I'm one of three Commissioners to get to vote on it, so I would like to have an opportunity to talk to you about it, if you don't mind.

Ron London: Not a problem.

Commissioner Kiefer: Thank you.

Commissioner Melcher: I'm the guilty one. I went to him when he started saying that we've lost a lot of business because the small, even non-profits can't do concrete driveways and that. If we could get something like 53 rock, and I'm glad it's spelled out in here, that's just like concrete practically.

Commissioner Kiefer: No, I agree with you, and I think overall this is a very good move to allow this, because I agree with you, Commissioner Melcher.

Commissioner Melcher: Well, since we done it, since we done that other one, the way it is right now, we're getting more and more flooding than we ever have, and

that's because of the concrete or blacktop. So, now with some rock, hopefully, we won't have some of them problems.

Commissioner Kiefer: Right. No, I'm not saying I have any major heartaches. I've just got a few things I either have questions on, or would like to tinker with it a little bit.

Ron London: Not a problem.

Commissioner Kiefer: So, if you don't mind, Ron, maybe you can give me a call later—

Ron London: Sure.

Commissioner Kiefer: — and we can get together.

Ron London: Yeah, not a problem.

Commissioner Kiefer: Thanks. I guess, we need to pass this for first reading though.

Commissioner Melcher: Yes.

President Abell: We can amend it after first reading?

Joe Harrison, Jr.: Sure.

Commissioner Kiefer: Right, so, I'll make a motion to approve.

Commissioner Melcher: I'll second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Ron London: Alright, thank you.

President Abell: Thank you.

Joe Harrison, Jr.: Hey, Ron, can I ask you one thing?

Ron London: Sure.

Joe Harrison, Jr.: I don't know if my, I looked at the signs on 17.24.040 (B), and it's different from what's currently in the code, that provision. I don't know if that's a mistake, or if you intended that sign, which has nothing to do with gravel parking, to be different language.

Ron London: I don't, if I'm not mistaken, I don't remember off the top of my head, but I don't think that we modified that very much, if any at all.

Joe Harrison, Jr.: Well, you did. I'll just tell you what it says.

Ron London: Okay.

Joe Harrison, Jr.: The current ordinance says, "Signs", and it says: "One exit sign and one entrance sign not more than three square feet in size each." Okay?

Ron London: Uh-huh.

Joe Harrison, Jr.: Now, the revised, proposed amendment says, Exit and entrance signs may not be more than three square feet in size each, and may not display the business name or logo."

Ron London: I think what we were trying to do was since it's an entrance and exit sign, it's just for to make sure that they understand that it is for an exit and entrance only.

Joe Harrison, Jr.: Well, the other that says that the amendment doesn't limit the number. Whereas, the current code says one exit sign and one entrance sign.

Ron London: Well, if they have that, I think that's the reason why we may have modified that, was that if they have two different entrances in two different locations—

Joe Harrison, Jr.: Okay.

Ron London: – so that they could put it at each one.

Joe Harrison, Jr.: Then you're saying you can't display your business name or logo.

Ron London: Correct, it's just exit and enter.

Commissioner Kiefer: Well, I guess, that's where, that's one of the questions I was going to ask you, because three foot by three foot, I mean, crying out loud, I mean, that's pretty small.

Ron London: Basically, all that sign is for, because they can still use temporary signage, they still have permanent signage that they can still do, this was only just to exempt so that they understand that this is an enter and exit. That's all that was for. So, they still have the ability to get other signage.

Joe Harrison, Jr.: My only thought was that this was only a gravel type amendment. Parking lot, gravel issue, as opposed to signs.

Ron London: I think we had just seen that and wanted to tweak it slightly on that.

Joe Harrison, Jr.: That was my only comment.

Ron London: Sure.

Commissioner Kiefer: I'll just look forward to talking to you later.

Ron London: Not a problem.

Commissioner Melcher: Well, and then, he'll be bringing it back, with changes, and that will be an amended version then. We could pass it then. Does the city have any plans on looking at this?

Ron London: I've not heard anything from anyone. I was just trying to concentrate on the county portion, but if the city would like to we would be more than happy to look at it.

Commissioner Melcher: Alright. Thank you.

Ron London: Okay.

President Abell: Thank you, Ron.

**Award Contract for VC13-11-01: Slate Rd. Structure #1990 Rehab:
Deig Brothers Lumber & Construction**

President Abell: Award project VC13-11-01, Slate Road structure number 1990 rehabilitation to Deig Brothers Lumber and Construction Company, Inc. John Stoll, County Engineer? As I recall, that was the only bid we got. That made it easy.

John Stoll: Yes, that was the only quote we received. Valerie Harry in my office took a look at it, and it seemed everything was in order. So, I would request that you go ahead and award it.

President Abell: I would entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you, John. See you after while.

**2014 Mulberry Center EAP Agreement
First Amendment to SMG Management Agreement: Burdette Park
Hillcrest Washington Youth Home Management Agreement
The Centre Naming Rights Agreement: Old National Events Plaza
2014 CASA Agreement: Juvenile Court
East Penn Manufacturing Contract: Vehicle/Large Equipment Batteries**

President Abell: Contracts, agreements and leases; County Commissioners, employee assistance services agreement with Mulberry Center. This is an annual agreement that runs from January 1, 2014 to December 31, 2014. The fees for services has increased \$75 per session, from \$75 per session to \$77 per session. There's no one here to discuss this, I don't guess? I don't think there's much to talk about.

Commissioner Kiefer: I'll make a motion to approve, even with the two dollar increase.

Commissioner Melcher: Second.

President Abell: Further discussion? Do either of the Commissioners have any questions?

Commissioner Kiefer: No.

Commissioner Melcher: No.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: First amendment to the SMG Burdette Park management agreement. This amendment extends the current management agreement by two years to December 31, 2017. I see Darren Stearns is here, but, or was here. Oh, there he is, yeah, he's here. I would entertain a motion.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Abell: Do either one of you Commissioners have any questions of Mr. Stearns?

Commissioner Melcher: No.

Commissioner Kiefer: Just look forward to all the new activity going on over there once the new hotel is built. No pressure.

Darren Stearns: No pressure. Thank you.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: 2014 Hillcrest Washington Youth Home. This contract replaces the current agreement that expires December 31, 2014, and will run from January 1, 2014 to December 31, 2015. The cost is \$500,000 per year. The funds are in place in the Commissioners budget. I think you're here to speak to that. Correct, yes? I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Further discussion?

Commissioner Kiefer: I have a question.

President Abell: I thought they would.

Commissioner Kiefer: When I was out there and I had a walk through of the property, I was told that there was going to be some new construction going on out there, some improvements, and I just want to get an update on those plans after we vote on this tonight.

Michael Carroll: After? Well, I can give you an update right now.

Commissioner Kiefer: Well, no, I meant I want to know what's going to happen, you know, after the vote is passed tonight.

Michael Carroll: Oh, I see. We just put in security cameras. That was something we did in the last few months. We put in about 35 security cameras throughout the

premises. We also have put in a new roof, at a cost of about \$90,000. We're looking at between eight and nine hundred thousand dollars of other potential improvements; the interior is pretty outdated, some of the furniture, the bedding for the kids is very outdated and in poor condition, as you saw when you went out there.

Commissioner Kiefer: Right.

Michael Carroll: We wanted to see, make sure the contract got approved, and then we're going to sit down and evaluate each one of those items.

Commissioner Kiefer: When will those projects get started?

Michael Carroll: That's something we haven't determined yet. Something our board will have to look at in the next 30 to 60 days and then go from there.

Commissioner Kiefer: Well, I hope you get started sooner rather than later, because I do think, you know, I mean, you guys have done a great job with what conditions have been out there, but, you know I saw the need for it and hope that it's high on their priority list to get accomplished.

Mark Owen: Our initial intention—

President Abell: Mark, would you give your name for the record.

Mark Owen: Mark Owen.

President Abell: Thank you.

Mark Owen: Chairman of Southwestern Healthcare. The initial intention was that the contract would be a bit longer, and so that we would do all of those renovations rather quickly. Because of the length of the contract, we'll probably spread those out a little longer.

Commissioner Kiefer: When you guys get a chance and you have talked to your board, can you give us a time line? I would be really interested to follow that. I would like to see those improvements get started.

Mark Owen: We already have started.

Commissioner Kiefer: Yeah, with the roof and stuff. So, that's good, but, anyway, I appreciate it. Thank you very much. That's all I really wanted to ask about was those improvements.

President Abell: Mr. Melcher?

Commissioner Melcher: All you have to do is e-mail it to our office and they can e-mail it to us three. That way you can keep adding on to it.

Michael Carroll: Okay.

Commissioner Melcher: That will make the time line easier.

Michael Carroll: Alright.

President Abell: Mr. Owen, I did try to return your phone call, but we were playing phone tag I'm afraid.

Mark Owen: Okay, alright.

President Abell: I have no further questions. I have a motion on the floor? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: Thank you.

Michael Carroll: Thank you very much.

Commissioner Kiefer: Thanks, guys.

President Abell: The next order of business is the Centre naming rights agreement. It's a 30 year naming rights agreement with Old National Bank. In addition to Old National Bank's \$14 million financial contribution to the....it's hard for me to say that amount, more money than I've ever known about, financial contribution to the downtown hotel project, which includes the walkway to be connected to the Centre. Old National Bank will be providing the Centre with new outside and inside signage and also an outside electronic message sign under the terms of this agreement. I have a couple questions, a couple comments. I'll entertain a motion to put this on the floor.

Commissioner Kiefer: I think we're going to make the motion with the only change being from the word "Centre" to "Plaza".

President Abell: Well, I think, we're going to let Mr. Jones make the announcement of the name.

Commissioner Kiefer: Oh, sorry.

Bob Jones: Come on, Joe.

Commissioner Kiefer: I'm reading ahead. Okay, I'll make the motion.

Commissioner Melcher: Second.

President Abell: Okay, we now have it on the floor. Under discussion, we, for a couple of years now we've been trying to find a suitable company for the naming

rights to the Centre, and SMG has been actively working on this project. However, with a building that's 13 years old, we have been unable to find a suitable match. Suitable would, of course, there are some companies that would not be suitable for naming a public building. Had it not been for Old National Bank being such a wonderful corporate citizen and stepping up to the plate, it might have been a devastating time for the Centre. We have operated at a huge deficit every year, and we need a convention hotel to keep that convention center open. You can't have a convention center that doesn't have a convention hotel attached to it. Each Commissioner here has met individually with the officials at Old National Bank to discuss this project. Our attorney, Mr. Harrison, met with Old National Bank's legal staff and constructed an agreement. Over and above the commitment to the hotel, Old National's involvement will have all of us, the signage that we've mentioned and also we look forward to Old National having many of their meetings there, since it will now bear their name. Before we take a vote on this, I would like to invite Mr. Bob Jones of Old National Bank to come to the podium to make a few remarks and announce the new name of the Centre. For the benefit of the media that's here, there will be a small press conference following this meeting. Mr. Jones will be able to answer your questions.

Bob Jones: Thank you. Joe, do you want to go ahead and tell everybody. For the record, I'm Bob Jones, President and CEO of Old National Bank. President Abell, Vice President Kiefer, Commissioner Melcher, thank you for allowing me a few minutes to discuss the hotel and convention center. First, before we do that, I need to really start by commending each of you, for your leadership that you've shown during this critically important project. You, along with your peers in City Council, along with Mayor Winnecke, have demonstrated what true public servants do for their constituents. Your diligence, your leadership has resulted in a terrific, one of a kind public and private partnership that will result in a state of the art facility, but more importantly one that is economically viable and without placing additional burden on our taxpayers. For that you are all to be commended. Tonight, with your vote, Old National will be proud to become the naming entity of the Centre. With your vote, it will be with great pride that all of us at Old National know that the Centre will become the Old National Events Plaza. Evansville has been our home for almost 180 years, and tonight we truly celebrate that legacy with great pride. Again, I thank you so much for leadership. This is truly a very exciting time for this area, and, again, it wouldn't happen without your leadership. So, thank you very much.

President Abell: Thank you, Mr. Jones. Commissioners?

Commissioner Kiefer: It wouldn't happen without Old National's commitment—

President Abell: Absolutely.

Commissioner Kiefer: —leadership and, you know, everything that you've done to be involved in the \$14 million. We're excited about it, and we think this is, really, really could have done a lot more, but this is about all we can offer back to you. We wish we could have done more. Thank you.

Bob Jones: This is home for us, we're happy to do it.

Commissioner Melcher: I think this is good for everybody, because we've been trying to look at another name. I didn't like the name Centre. We've got too many centers right there in the same spot. People are always getting confused. Sometimes people, the Centre was kind of a negative at first. Now, we've got something positive

for it. SMG told me a year ago they couldn't get anybody to buy that old of a building, or put their name on it, if we didn't have a hotel hooked to it. So, I'm going to be glad to see everything all hooked up the way it's supposed to be. So, nobody will have to go outside, it's all going to be fixed. We thank Old National Bank for coming, again, to the community service. Thank you.

Bob Jones: Thank you.

President Abell: Thank you, Mr. Jones and to your other two.

Bob Jones: They actually did all the work.

Commissioner Kiefer: Thank you.

President Abell: Thank you so much. Roll call vote please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: I'm very proud to be able to vote yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: I agree with Joe. I think it's great for the three Commissioners here to be able to vote on this, and be able to get a name. Back in 2009, I think it was, when this kind of got started, somebody said, well, you'll never get anybody to buy a building and put their name on it. So, it looks like they were wrong. So, I'm going to vote yes.

Madelyn Grayson: President Abell?

President Abell: I also am voting yes to bring this entire corner connected, and with a great deal of humility and appreciation to Old National Bank. Thank you.

(Motion approved 3-0)

Commissioner Kiefer: Thank you Old National.

President Abell: Juvenile Court, 2014 agreement with CASA. This is an annual agreement. The cost is \$96,000. The funding is in place for this contract.

Bernie Faraone: Hi, Bernie Faraone with Juvenile Court. I get to follow all of that. My request pales in comparison. The county has supported the non-profit agency CASA for almost, since 1984, what's that 30 years? We're just asking for a simple, I think a logistic change is, the way it's funded is it's allocated January 1 and the agency submits an invoice at the end of the month. Then come this time of year then we're usually forced to submit an encumbrance request, or for December's funding to be paid out in January. This will just make it simple for everybody, simpler, is if we can change it to where they can submit their bills in the beginning of the month, and then at this time of the year then everything will be, everybody will be paid up, and we'll be looking forward to January's funding again.

President Abell: CASA is a great organization. I'm happy to support it.

Bernie Faraone: It is.

Commissioner Kiefer: Nice article in the paper the other day too.

President Abell: Yeah, I would entertain a motion.

Bernie Faraone: It was yesterday.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

Bernie Faraone: Good timing, I guess.

Commissioner Kiefer: Yeah, that was a good article.

President Abell: Yes, it was. Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Again, I'm very happy to vote yes. Great organization.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Bernie Faraone: Thank you, Commissioners.

President Abell: Thank you. Department head reports. Mr. Stoll, I think you're—

Madelyn Grayson: There's one more contract.

President Abell: Oh, I missed one, yeah. Purchasing, contract with East Penn Manufacturing for vehicle and large equipment batteries. Concerning the recent vehicle battery contract awarded to East Penn, it runs from January 1, 2014 to December 31, 2014.

Commissioner Kiefer: I saw this earlier from Joe Harrison, and I'll make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

County Engineer

President Abell: Moving right along, department head reports. I think, Mr. Stoll, you're the only one here.

John Stoll: The first item I have is to request approval to file a travel request with County Council for me to attend the annual storm water meeting that IDEM holds up in Indianapolis. This will be on May 13th.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, next I've got a street acceptance request for Oak Hill Road. This is for the section of Oak Hill Road that was constructed in conjunction with the airport project. The county's portion of Oak Hill Road would be from the bridge over Furlick Creek, approximately, that's not the exact dividing line, but approximately that location up to Kansas Road. It covers a half a mile of new road. We've been out there and inspected it, they've got a few minor punch list items that are still being taken care of, but overall there were no reasons not to proceed with the acceptance. So, I would recommend acceptance of the road.

President Abell: You know we don't accept these roads lightly.

John Stoll: Yes.

President Abell: Okay, just wanted to remind you.

Commissioner Melcher: Don't tell them we've already done it until they send us the whole punch list.

President Abell: You know how particular we are. Okay.

Commissioner Kiefer: So moved.

President Abell: I'll entertain a motion.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: Then, the last item is a contract for the design and right-of-way acquisition on Green River Road between Kansas and Boonville-New Harmony. This contract is with Structurepoint. The contract amount is for an amount not to exceed \$1,213,600. Like I said, this covers the design work, the survey work, the right-of-way engineering and acquisition services. It will be a federal aid project. Other than that, unless you've got any questions.

Commissioner Kiefer: I think this is important for us to get Green River Road finished. I think there's already activity occurring from what we've done already. So, I think it's really important that we do this. As everybody knows, roads are key to economic development. You have to have good roads. Just like we need I-69, I think this is also important as well locally. So, with that I'm going to make a motion to approve.

Commissioner Melcher: Second.

President Abell: Further discussion? Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

John Stoll: That's all I have.

President Abell: Thank you, Mr. Stoll.

John Stoll: Thanks.

New Business

President Abell: Is there any new business? We have a few board appointments. I'm going to, can I read all of these board appointments and we can take them all at once?

Commissioner Melcher: Yes.

President Abell: Do we have to vote on them one at a time?

Commissioner Melcher: We've done that before.

President Abell: Mr. Harrison, is that okay? Okay. Mr. Harrison, wake up. Okay. Board appointments that we know we're going to make to the, and I will give these to you, Madelyn. Alcoholic Beverage Commission, Kurt Kiefer; Area Plan Commission, Stephen Melcher; Central Dispatch, JoAnn Smith; Community Corrections Complex, Stephen Melcher; Convention and Visitors Bureau, Shane Weaver. Shane is with Pillar, which is the company that is going to be managing the new hotel. Criminal Justice Planning Committee, Joe Kiefer; Economic Development Coalition, Marsha Abell; Electrical Board, Mark Schnur, Jerry Goedde and Don Beavin; GAGE, Stephen Melcher; Homeless Commission, Joe Kiefer; HVAC, Lon Walters—

Commissioner Melcher: And the other two, I think.

President Abell: We're just taking, those other two haven't been placed yet. Have we?

Commissioner Melcher: Where's HVAC?

President Abell: Right here.

Commissioner Melcher: Yeah, but you've got to do Bob Crow and—

President Abell: Oh, I'm sorry, yeah, we have two that are staying on. One person is going off and Lon Walters will be the new appointee, John Wright and Bob Crow are both being re-appointed. Mayor's Education Roundtable, Joe Kiefer; MPO, Stephen Melcher; MWBE, Anna Melcher; Old Courthouse Foundation Board, Joe Kiefer. There's some other people on here, but I've got to clear up with them if they want to be back on. Parks Commission, Kenneth Overton; Pigeon Creek Greenway, Jeff Mueller, Steve Craig, Fred Padget, Blaine Oliver, not returning will be Lester

Steinmetz, I understand he has poor health. Public Defender Commission, Marsha Abell; Redevelopment, we aren't sure about two and Matt Meadors is on there and he has left town. So, we will be making some more appointments at our next meeting. I'll entertain a motion to accept those.

Commissioner Kiefer: I'll make a motion to approve. I would like to comment if anybody wonders about County Commissioners and what they're doing, just look at the number of boards they're appointed to.

Commissioner Melcher: I'll second it.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

Old Business

President Abell: Any old business to come before the Commissioners?

Public Comment

President Abell: Any public comment?

Consent Items

President Abell: Consent agenda?

Madelyn Grayson: The consent items for the December 17th meeting are as follows; approval of prior minutes, we have the December 10, 2013 Commission meeting minutes. Employment changes for the Commissioners approval, we have two for the Health Department, one for the Commissioners and one for the Centre. The Sheriff has a request to surplus and dispose of 2003 Crown Victoria. The Commissioners have a semi-annual OCRA grant report for Bohannon sewer project, an addendum to union contracts for health insurance, participation agreement, pension fund/health and welfare fund. The County Assessor has a Centre fees waiver request for IAAO course on January 6-10, 2014. The County Treasurer has the October 2013 monthly report. The County Engineer has pay request number 187 in the amount of \$5,868.95 for TIF projects. The County Highway has week in review for November 29th through December 5th.

President Abell: I'll entertain a motion to accept the consent items.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: I would like to make one comment. On the consent items, the union contract health insurance, our Teamster employees have elected to take their insurance through their local and it was a great agreement that we worked out with them and saved the county about \$200,000. So, that's always a good thing. Roll call vote.

Commissioner Melcher: I was going—

President Abell: I'm sorry.

Commissioner Melcher: I was going to bring that up too. Yeah, I think it was around \$214,000. So, that pretty much finishes our health for this year. I've got to thank Marsha Abell for doing a lot of this. She did a lot of work on her own, and even going in with the city with Novia Clinics, which is hopefully going to reduce ours down the road, if people use the clinic. That should reduce our insurance for next year. With the Teamsters doing what they did, that is great. What also helps is Warrick County went with Novia, so that's just more people in it, which should make it a lot better.

President Abell: Yeah, I hope so.

Commissioner Melcher: Too bad the School Corporation didn't go with them. You know, if would have been probably better for everybody, but that's their deal. Thank you.

President Abell: Roll call vote.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Abell?

President Abell: Yes.

(Motion approved 3-0)

President Abell: I'll entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Before we adjourn—

President Abell: I'm sorry.

Commissioner Kiefer: – I just want to say, wish everybody a Merry Christmas and Happy Holidays. Excited, you know, for this time of the season, and hope people remember, you know, at holiday time that there's a lot more than just local government and business. Thank you.

President Abell: You know, we might also mention that tonight is the night that they're remembering the homeless. So, we ought to keep them on our minds too, the people that will not have a warm home to sleep in on Christmas Day like those of us that are so fortunate. Merry Christmas to everyone. Happy Holidays, we'll see you in 2014. I'll entertain a motion to adjourn.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Abell: We are adjourned.

(The meeting was adjourned at 5:46 p.m.)

CONSENT ITEMS:

Commissioners:

Approval of the December 10, 2013 Commission Meeting Minutes.
Semi-Annual OCRA Report: Bohannon Estates Sewer Project.
Addendum to Union Contracts: Health Insurance.
Participation Agreement: Central States (Union Health Insurance).

Employment Changes:

Health Dept. (2)	County Clerk (1)	Circuit Court (2)
Prosecutor (4)	Superior Court (3)	Assessor (1)
Recorder (2)	The Centre (1)	Commissioners (1)

Sheriff: Request to Surplus Vehicle.

Assessor: Centre Fee Waiver: IAAO Course: Jan 6-10, 2014.

Treasurer: October 2013 Monthly Report.

County Engineer: Pay Request No. 187: TIF Projects: \$5,868.95.

County Highway: Week in Review: 11/29-12/5/13.

Those in Attendance:

Marsha Abell	Joe Kiefer	Stephen Melcher
Joe Gries	Joe Harrison, Jr.	Kristin Comer
Madelyn Grayson	Debbie Dewey	Ron London
John Stoll	Michael Carroll	Mark Owen
Bob Jones	Bernie Faraone	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen Melcher, Member

(Recorded and transcribed by Madelyn Grayson.)