

**VIGO COUNTY COUNCIL**  
**Minutes (As Amended on November 13, 2018)**  
**Tuesday, August 14, 2018 at 6:00 P.M.**  
**Council Chambers, Vigo County Annex**

**Pledge of Allegiance**

President Aaron Loudermilk called the meeting to order and led the Pledge of Allegiance.

**Calling of the roll**

**Present:** James R. Mann II, Mike Morris, Bill Thomas, Vicki Weger, Tim Curley, Brendan Kearns, Aaron Loudermilk.

**Correcting the journal of the preceding meeting if needed**

*June 12, 2018*

**Motion:** to approve, **Action:** Approve, **Moved by** Mike Morris, **Seconded by** Tim Curley.

Motion passed unanimously.

**Public comment**

The following people spoke regarding the Ordinance 2018-03, Ordinance Modifying Local Income Tax Rates Imposed in Vigo County: Kevin Southwood, Pat Goodwin, Brian Bunnett, Mike Gordon, Dave Lotter, David Zaun, Dwayne Malone, Ann Rider, Donald Hyde, Bob Murray, Robert Guell, Leah Myers, Kevin Christ, John Halladay, Liz Brown, Gerri Varner, Jackie Lower, Jerry McGlone, Sister Barbara Battista, Lisa Spence, Debbie Hadley, Jack Meany, Jeff Kohr, Drew Stangle, Chief Derrick Scott, Joe Shackelford, Robert Salmon, Burnadette Finley, Kathy McGuire, Andre Kummerow, Andrew Conner, Mitchell McCord, Sam Martland, Mike Esau, Charlie Williams, Ralph Leck.

**Communications from elected officials, other officials, or agencies of the County**

Council woman Vicki Weger commented that this is a very tough decision and listening to the public, studies and comments over the new jail, there has never been a harder decision to make. She stated that she feels so responsible for leaving these inmates and people who work at the jail in such terrible conditions. She commented lets vote on this tonight and get this process going or not going.

Greg Ewing the Sheriff of Vigo County Indiana stated he has been in a lawsuit since October 13, 2016 about the conditions of the Vigo County jail. He stated if actions are not taken tonight to fund the construction of the new jail, a federal judge will know Friday that we are no closer to constructing a new jail than where we were two years ago when the lawsuit started. He stated he has 268 population cap for the jail and over 300 people in jail now. Sheriff Greg Ewing stated our community is coping with too many people who are under educated, under employed, and under motivated. They are violent and intoxicated by alcohol and drugs, they attack family members

and cause harm. They drive on our streets and put us at risk. They assault our police officers and commit crimes as a way of life. The majority of people in today's count have been in jail multiple times and have a long criminal conviction history. Sheriff Greg Ewing is asking for a jail that meets the needs for the next 25-30 years. Chief Deputy Prosecutor Rob Roberts commented on Criminal Rule 26, adult mental health program and alcohol and drug court program. Councilman Jim Mann questioned the last paragraph of Ordinance 2018-03. Councilman Bill Thomas commented about the Phase II of the study. He spoke with Dr. Ray and questioned what impact Phase II may or may not have on the number of beds.

#### **Reports from standing committees**

There were none.

#### **Reports from select committees**

There were none.

#### **Ordinances**

***a. Ordinance 2018-02 Increasing Inkeepers Tax Second Reading***

County Auditor James Bramble read the second reading. The Innkeepers Tax is currently imposed at the rate of 6.5%. The act authorizes the Council to adopt a rate at which is not to exceed 8% on the gross income derived from lodging income only. The Council determines that it is necessary to increase the Innkeepers Tax to a rate of 8%. The Council hereby finds that pursuant to the Act that there is a need to increase the Innkeepers Tax to a rate of 8% for the promotion and development and growth of the Convention and Visitor industry in Vigo County.

Councilman Jim Mann asked when the first payment towards the CIB would be made. Karrum Nasser, board member of the Convention and Visitors Bureau, stated they will start collecting that revenue October 1, 2018 and this would take care of the 5 million dollar commitment to the Convention Center.

**Motion:** to approve, **Action:** Approve, **Moved by:** Jim Mann, **Seconded by:** Brendan Kearns.

Motion passed unanimously.

***b. Ordinance 2018-03 Modifying Local Income Tax Rates Imposed in Vigo County Second Reading.***

County Auditor James Bramble read the second reading. To finance, construct, acquire, improve, renovate, or equip a county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings and the acquisition of land. To repay bonds issued or leases entered into for constructing, acquiring, improving, renovating, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings and the acquisition of land. The Vigo County Council further finds the revenue

generated by the correctional and rehabilitation facilities rate is necessary to pay for correctional facilities and rehabilitation facilities in the County. The income tax rate proposed will be effective on January 1, 2019. The local income tax rates will remain in effect until they expire pursuant to the enabling statute of the Indiana Code or until the Vigo County Council chooses to modify them.

Councilman Jim Mann made an offer for an amendment to the Ordinance. Mike Morris seconded the motion to allow for discussion. Proposed Amendment:

Local Income Tax Type	Existing Rate	Proposed Rate	Amended Rate per Councilman Jim Mann
Expenditure Rate			
- Certified Shares	0.75%	0.75%	0.75%
- Economic Development	0.50%	0.50%	0.50%
- Income Tax	= <b>1.25%</b>	0.20%	0.10%
- Public Safety		0.10%	0.07%
- Public Safety Access Point Rate (PSAP)		= <b>1.55%</b>	= <b>1.42%</b>
Special Purpose Rate pursuant to Indiana Code 6-3.6-7-25	0.00%	0.25%	0.10%
Correctional Facilities and Rehabilitation Facilities Rate Authorized by Indiana Code 6-3.6-6-2.7	0.00%	0.20%	0.20%

Tim Berry suggested that what we could anticipate here is roughly for the two purpose special rates that have been changed would bring in \$6.3 million based upon next year's estimate from the department of local government and finance. Currently as the facility is proposed the estimated debt services is at \$6.2 million annually. There would not be enough coverage with levels acceptable to the bond market to actually sell the bonds, without other money coming in for this project. The bond market requires 150% coverage. A little over \$7 million is necessary commitment for bond financing. The special purpose rate and correctional facilities and rehabilitation facilities rate cannot be increased once it's been established. There is an ability to decrease a tax rate at any time. The special purpose rate and correctional facilities and rehabilitation facilities rate cannot be increased once it's been adopted.

Councilman Bill Thomas questioned the public safety access point rate and the current population of the jail.

President Councilman Aaron Loudermilk's concern was being able to fund the understaffing at the correctional facility.

Eric Ratz, principal architect with DLZ, commented on the cost per bed. He stated you don't want to downsize any spaces in the construction because it could be of use in the future.

Councilman Jim Mann asked if this jail would be out for bid and County Attorney Mike Wright assured him yes.

Vigo County Sheriff Greg Ewing stated let's not repeat history again of facing a dilemma of overcrowding a jail.

Councilman Jim Mann rescinded his motion on this amendment.

Councilman Jim Mann then proposed the following amendments to the ordinance which included the same above amendments except changing the special purpose rate from .10% to .15%.

Local Income Tax Type	Existing Rate	Proposed Rate	Amended Rate per Councilman Jim Mann
Expenditure Rate			
- Certified Shares	0.75%	0.75%	0.75%
- Economic Development Income Tax	0.50%	0.50%	0.50%
	= <b>1.25%</b>	0.20%	0.10%
- Public Safety Access Point Rate		0.10%	0-.07%
- (PSAP)		= <b>1.55%</b>	= <b>1.42%</b>
Special Purpose Rate pursuant to Indiana Code 6-3.6-7-25	0.00%	0.25%	0.15%
Correctional Facilities and Rehabilitation Facilities Rate Authorized by Indiana Code 6-3.6-6-2.7	0.00%	0.20%	0.20%

**Motion:** to approve amendments to the ordinance 2018-03 as presented by Councilman Jim Mann. **Action:** Denied, **Moved by:** Jim Mann, **Seconded by:** Mike Morris.

**Yes:** Jim Mann, Mike Morris

**No:** Bill Thomas, Vicki Weger, Tim Curley, Brendan Kearns, Aaron Loudermilk. (Yes=2, No=5)

Councilman Brendan Kearns asked two economic specialists, Bob Guell (ISU) and Kevin Christ (RHIT), what Vigo County could afford in a jail. They have stated they have done a study and as a County we can build the \$67 million 527 bed jail but there are other projects needed in the County such as high schools.

**Motion:** to approve Ordinance 2018-03 as presented, **Action:** Approve, **Moved by:** Vicki Weger, **Seconded by:** Aaron Loudermilk.

President Aaron Loudermilk passed the gavel to Councilman Brendan Kearns to remove himself from presiding over the meeting and to allow himself to second the motion.

**Yes:** Mike Morris, Bill Thomas, Vicki Weger, Tim Curley, Aaron Loudermilk

**No:** Jim Mann, Brendan Kearns

(Yes=5, No=2)

President pro tempore Brendan Kearns passed the gavel back to President Aaron Loudermilk to finish presiding over the meeting.

**c. Annual Budget Committee**

**i. First Reading of the 2019 Annual Budget-** Vigo County Auditor James Bramble read the first reading of the 2019 Annual Budget.

**ii. Review Max Levy and Property Tax Caps of all Non-Binding Units-** Vigo County Council reviewed the levies and tax cap impact for all units.

**Honorary resolutions**

There are none.

**Resolutions relating to fiscal policies of the Council**

There are none.

**First reading by summary reference of proposed ordinances and resolutions**

Councilman Aaron Loudermilk stated there will not be anything assigned for the September meeting.

**Appointments**

There were none.

**Adjournment**

**Motion:** to adjourn, **Action:** Adjourn, **Moved by** Bill Thomas, **Seconded by** Tim Curley.

Motion passed unanimously.