

## **SULLIVAN COUNTY COUNCIL MINUTES**

**JULY 22, 2019**

### **PLEDGE**

Duane Wampler asked all to stand and recite the Pledge of Allegiance.

### **ROLL CALL**

Duane called the meeting to order and called roll, all members present.

### **MINUTES**

Duane asked if all the members had read the minutes of the last meeting, he asked if there were any additions or corrections, there being none, he asked for a motion to accept the minutes. Nick made motion to accept the minutes, Jerry seconded, all in favor motion passed.

### **SHELLY**

I have a letter from Allison McKain, with Sullivan County Soil and Water Conservation District. She is just wanting the Council's support as she is seeking funding in the form of an IDEM 319 Planning and Implementation Grant for the Mariah Creek watershed. She needs the Council President's signature on the letter. Tim Abrams made a motion to allow Duane to sign the letter of support, seconded by Nick Cullison. Duane asked if there was any more discussion, There being none, he called for a vote. All in favor, motion passed.

### **OLD BUSINESS**

Logan asked if the Solar Farm fell under old business. Duane said we just received the Complaint today. Josh had looked it over and his recommendation was for the Council

to have an executive meeting to discuss their response. After discussion, Logan made a motion to have an executive meeting in order to discuss the litigation filed for July 30, 2019 at 4:30 pm Jerry seconded the motion.

## **NEW BUSINESS**

Jerry said he wanted to discuss the innkeeper's tax. He looked up the statute, he said anyone staying thirty days or more, cannot be charged an innkeeper's fee. Anything under 30 days is subject to the innkeeper's fee, the ~~Park and Lake~~ <sup>Tourism Board - Per Jerry - SAP</sup> was wanting to raise the fee on the innkeeper's fee.

Duane said, we have Greg Martz, here to tell us how some of the other counties that he is working with are funding their jail.

## **GREG MARTZ**

He handed out information, discussing the Local Income Tax in general. He had asked to attend after attending the Commissioner's meeting.

He began with what body adopts a new LIT. In Sullivan County the County Council would adopt the LIT since they were a former CEDIT county. Former CEDIT counties can choose to have the county council adopt or have a local income tax council and you don't have a local income tax council; it is up to you as the County Council.

The next question I get asked about a lot is concerns the Correctional Rehabilitation Facilities (CRF) portion of LIT that you can look at. The Economic Development Tax (EDT), is shared by the county and the municipalities. And with the CRF the County is the only recipient and the CRF has a maximum of twenty (20) years.

The maximum you can pass on the CRF is .02% and it does count against your maximum 2.5% expenditure rate and it is passed in increments of 1 and 1/100 %.

I can give you answers on about any scenario you talk about. The LIT rate needs to be done by ordinance and not by resolution. The new LIT rates become effective on the adoption date, if

Adopted between January 1 and August 31, 2019, it would actually become effective on August 1 of this year.

If between September 1 and October 31, 2019, it would come into effect January 1, 2020

If between November 1 and December 31, 2019, it would begin October 1, of next year.

it does not mean you have to wait to do financing until October 1, but it would have to be approved by the DLGF before you can proceed with the financing, they would want to see that the first payment was happening after October 1.

The process to adjust the LIT rate, there are four steps and all of this is copy and pasted from the DLGF. Which are, the Council would decide:

The new rate; Type of rate; Date of public hearing via motion and by a vote.

This would give Josh the figures to fill out the templates provided by the DLGF.

DLGF could take as long as thirty (30) days to get back to either the County Attorney or

The Auditor of any changes that might need to be made. Then you would hold the public

hearing and go through normal ordinance rules, with voted being counted and recorded and

Sent to DLGF.

Step 1 could happen at any Council meeting. Then when the templates are filled out, they

Would be sent to Fred Van Dorp at DLGF. Josh said step two is discretionary isn't it? Greg

Said yes, assuming you do step two, that is when the ordinance process begins.

Greg has a software package that he can run any scenarios for the Council and can tell the

exactly what the rate would generate for them and the city and towns, would amortize what

the annual payment would be and what would be left over.

The architect at the Commissioners meeting in their pamphlet recommended a 180-bed jail and

The amount set up was \$17,750,000.00, as the construction price, soft costs of 32% more and

Greg included an additional \$300,000.00 bringing the total to around \$23,730,000.00.

Greg said their jail in Delaware County was fixed at 3.53% for 20 years. Nick asked Greg what

percentage would be needed for our jail, he said roughly .75 to .8 percent. Discussion

continued concerning these figures. Duane said in their conversation earlier with Greg that

The city and towns could pay a portion back to help with the jail costs Greg said yes.

Nick asked what the state average was, Greg said take all of the numbers and divide by 92 and it comes to 1.72%, Nick went on to say that they did not know about the jail issues until

January.

Discussion was had concerning a Public Safety Tax and an EDT both in the same vote. Greg said yes that can be done, .02 would PST would still be part of the maximum allowed of 2.50%. Duane said with the PST the .02% would go strictly to the jail. They discussed the rates for the county, city and towns, they are as follows:

County 57%; City 20%; Carlisle 3%; Dugger 4%; Farmersburg 5%; Hymera 4%; Merom 1% and Shelburn 4%.

Greg said, everything that I've said today, you need to discuss with your attorney, and make sure that he agrees with everything said. Not trying to replace your county attorney or financial advisor. This is just information only; your attorney should be telling you this.

Greg ran the figures on the 1.72% for the Council. They discussed the other units paying back on their entire amount, Duane said, they already have their money spoke for, it needs to be done on the new money only if they pay back anything. Merom can't be expected to pay the same as the others.

Clark said, the best to do would be the .02% that goes strictly for the jail. Nick said the city and towns should have some payback responsibility too.

Nick made a motion to raise the LIT to 1.70%, have a public hearing and raise it to 1.70% and .02% jail tax be in effect and then the council will start talking to community leaders To chime in and help cover the costs of the jail.

Josh asked is that 1.70% total, Nick said yes sir, 1.70 and .02 public safety. Josh said the rest is EDT. Greg said he would run the figures.

Clark had a question concerning the public safety and jail tax, if you do public safety, it will not be earmarked for the jail. Tim asked, we have a motion on the floor, right? There discussion concerning the .02% and Josh asked you were talking about the jail tax? Nick said yes and Greg said it's for Correctional Rehabilitation Facility (CRF), yes because public safety is different.

Greg said, so, with the .02% that means the EDT would only go up .09. That would mean that the county's addition share would be roughly 2.7 million. And the following units would receive roughly the following amounts:

City	\$680,000.00
Carlisle	\$110,000.00
Dugger	\$150,000.00
Farmersburg	\$180,000.00

Hymera	\$125,000.00
Merom	\$35,000.00
Shelburn	\$200,000.00

Taking the numbers, the architect gave you of \$23,730,000.00 at 3.53% for twenty (20) years, the projected annual payment would a little under 1.7 million, you generate roughly an extra \$1,000,000.00 that could be used.

Duane was concerning about raising more than they needed to build a jail, your way above.

Nick said other things may come up, Duane said that would be built into the price. They said they don't know yet what the commissioners are planning, don' know if were even in the ballpark.

There was more discussion, concerning the communities giving money back, Nick said no doubt in his mind they would help. **Motion was seconded by Tim.** Mike Dugan, a gentleman, in the audience asked If the Council understood how this would affect everyone not on social security.

Nick said he stands behind his motion.

Duane said we have a motion and second, all in favor of the motion. Those in favor of the motion were Tim, Nick, Curt and Logan. Those opposing the motion were, Duane, Jerry and Larry. Motion passed.

Discussion concerning the public meeting and Josh said you have to give the DLGF 30 days and they will let us know if we need to make changes.

Clark asked to speak on the record. He directed to Nick about not knowing about the jail problem. He said when built it was a 34-bed facility, John Waterman, Sr., added 20 beds bringing it up to 54 beds. The number has fluctuated during the years. Johnny Waterman was running 120 in a 54-bed facility, why wasn't a problem then? At that time, you do that, all sheriff's around was doing the same thing. Then came a violation policy, Sullivan County did not get sued but, Vigo did, Brian Kinnett ran high numbers, and he had a jail study done, but nothing was done with it. Clark said it is not humane to have four people in a one-person cell.

More talk about a hearing date, Logan made a motion to set the public hearing date for August 5, 2019 at 4:30 pm. Curt seconded. Duane asked if there was any discussion. Those in favor Logan, Tim, Curt, Nick and Larry, those opposed Duane and Jerry. Motion passed.

**CLARK COTTOM**



Clark has a transfer of funds due to large medical bills this year.

Tim made a motion to approve the transfer pending proper paperwork. Logan seconded. All in favor, motion passed.



**JOSH RESHEY**

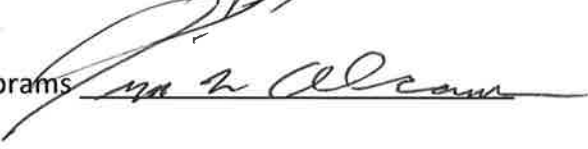
Josh brought up about Clark's salary not being correct his year and needing an ordinance Amending the salary ordinance. Jerry made the motion to have Josh prepare a letter amending Clark's salary. Larry seconded. All in favor Motion passed.

**SULLIVAN COUNTY COUNCIL**

Duane Wampler  Nick Cullison 

Jerry Payne  Logan Pearson 

Larry Kinnett  Curt Bedwell 

Tim Abrams 

Attest:

Shelly Hiatt Parris, Auditor



July 22, 2019