
Gibson County Board of Commissioners
Regular Meeting
February 15, 2022

The Gibson County Board of Commissioners met in regular session on February 15, 2022, at 5:00 p.m. at the North Annex Meeting Room.

Prayer was led by President Montgomery followed by the Pledge of Allegiance to the Flag.

Members Present: President Kenneth Montgomery, Vice-President Mary B. Key, and Commissioner Warren Fleetwood

MINUTES - The minutes from the February 1, 2022 meeting were approved as presented. Commissioner Key motioned to approve the minutes, seconded by Commissioner Fleetwood. With no further discussion, the motion carried 3-0.

CLAIMS:

LIT AND WHEEL/SURTAX DISTRIBUTIONS	\$578,324.95
DITCH CLAIMS & FALL '21 EXCESS REFUNDS	\$5,268.25
COUNTY GENERAL	\$107,621.83
COURTS	\$1,174.18
HIGHWAY	\$14,304.49
SHERIFF	\$5,510.17
ACH	\$97,063.67
CAW	\$11,359.20
CAW	\$6,881.49
CAW	\$8,193.95
ADDITIONAL INSURANCE BILLINGS	\$812.20
INSURANCE BILLINGS	\$434,977.53
PAYROLL DEDUCTIONS	\$162,649.25
PAYROLL	\$360,600.12
Total Claims Presented on 02/15/2022	\$1,794,741.28

Commissioner Fleetwood motioned to approve claims presented for payment, seconded by Commissioner Key. With no further discussion, the motion carried 3-0.

Treasurers and Clerks reports were acknowledged by Commissioners.

COMMISSIONERS OLD BUSINESS

Sewer Project Funds for SR 64 & I69 in Excess of \$200,000 – Commissioner Fleetwood explained that the RDC Board had communicated there are approximately \$200,000 remaining in the project fund; the project is complete, except for boring under SR 64. The RDC asked what to do with those funds. Commissioner Fleetwood feels the money should be returned to the General TIF Fund. Commissioner Key feels the project should stay intact so they can bore the line under SR 64. Commissioner Fleetwood has only spoken with one developer and he did not produce any paperwork to prove he had land secured to develop. He does not feel the County should invest any more money in this until there are developers. Engineer Holden has ordered soil borings and feels this is very crucial so they know if the boring is even possible. The cost for soil borings will be approximately \$13,000. The quote to do this bore, at one time, was \$78,000. Commissioner Fleetwood feels if a significant investor comes along, the investor can help pay for this boring. Commissioner Fleetwood motioned to quit spending money until there is an investor,

and return the money to the TIF General Fund. Commissioners Montgomery and Key both feel the soil borings should be done so the County is in position and hope for commitment from a Developer. Commissioner Fleetwood feels the testing and boring can be done quickly. Engineer Holden disagrees with this. Larry Michel is on the RDC and asked if this project was complete. Commissioner Fleetwood told him the RDC is asking if the project needs to keep moving forward to attract developers or if it is finished so the money can be returned to the General TIF Fund. Commissioner Fleetwood wants proof that a developer is locating in this area before any other work is done. Commissioner Montgomery feels a test bore should be done. Commissioner Fleetwood changed his motion to do the bore test and return the rest of the money to the TIF General Fund. Commissioner Fleetwood is going to keep the motion the same, as he wonders if the developer should pay this expense. He feels this redevelopment money should benefit the quality of life and support our existing taxpayers. The motion on the floor is take the remaining \$200,000+ for this project using Union and Patoka TIF money and placing it back into the TIF General Fund. He feels this money could be redesignated if the Commissioners want to help install this sewer line or expand the project. Commissioner Montgomery feels if this is evaluated now, it will help in the future. Commissioner Fleetwood motioned to rescind the original motion. Commissioner Fleetwood motions to utilize up to \$15,000 of the remaining project money for the soil/bore testing and deposit the remaining funds back into the General TIF fund until they find a developer showing true interest. Commissioner Fleetwood feels there is enough money in this TIF fund that the money can be reappropriated for this project, if need be. Commissioner Key feels there are major road concerns, and this redevelopment was originally done to expand the development on SR 64 and I-69. President Montgomery seconded Commissioner Fleetwood's motion to get the testing done. The vote was 2 – 1 with Commissioner Key voting no.

Contract for Project Owner's Representative – George Ballard – His current contract expires March 31, 2022. The new contract will run April 1 – August 31, 2022, which will take him up to groundbreaking. The Council recently approved a couple of resolutions. This project is progressing along. He asked the Commissioners to approve the new contract. Commissioner Fleetwood motioned to approve the new contract, seconded by Commissioner Key. The vote was 3-0.

Southern Hills Crossing Subdivision – Attorney John Moore, from Indianapolis, was present on behalf of the Developer Phil Reinbrecht along with his engineering firm Cash Waggner. He gave a presentation on the proposed development. The first slide was an aerial of the plot measuring slightly under thirty-one acres of land. The plat shows a 40-lot subdivision with lots ranging from ½ acre to a little bit more than one acre. The homes will average 1600 square feet. He presented the covenants of the subdivision. They are seeking primary plat approval tonight. He stated that Gibson County does not have a plan commission nor a zoning ordinance, but they do have a Subdivision Control Ordinance. Under Indiana Code, with respect to primary plat approval, the county executive (County Commissioners) may approve or disapprove the primary plat based upon whether the plat complies with the standards for development of subdivisions. The standards shall be set by the county executive, shall be reasonable and may include a minimum lot size. According to Attorney Moore, review of a primary plat is a Ministerial Act. He feels this means that if the requirements in the ordinance have been met, the plat must be approved, and the Commissioners have no discretion to deny an application that meets the requirements of the applicable subdivision control ordinance. According to the Subdivision Control Committee, everything was submitted in accordance with the ordinance. Mr. Moore has researched the cluster system the developer intends to install for the subdivision. The cluster system can be found on IDEM's list of ten of the most common types of septic systems. He went on to explain how the cluster system works stating that Indiana Code names the cluster system as an allowable sewage system. The subdivision ordinance also allows a cluster system. Attorney Moore stated that last year, the Commissioners allowed the developer to go to IDOH to get the cluster system approved; IDOH did approve the onsite sewage system. They have an email from Gibson County Health Department approving the system as well. Last month, there were questions about maintaining the system. The developer has a plan for routine inspections and maintenance as needed, approved by IDOH. The HOA will be assessed \$50 per home per year to go into a reserve fund for the maintenance of this sewer system. At the last meeting, there was a question about

Haubstadt zoning; Mr. Moore showed the Commissioners a letter stating this property is not in the Haubstadt zoned area, it sits in Union Township. Attorney Moore stated that the law says if this plat complies with the subdivision ordinance, it is a mandatory deed for Commissioners to approve and it cannot be rejected; the ministerial act is not discretionary.

Attorney Spindler requested that Attorney Clayborne presented his case; he is representing the opposing homeowners in the area. He feels Attorney Moore is telling the Commissioners they must approve this plat, but Attorney Clayborne does not feel all the guidelines have been met. Attorney Clayborne told the audience there will be eighty-four bedrooms built on phase II and forty-eight bedrooms built in phase I bringing a minimum of forty cars per day. The traffic and roads are a major concern as the road has sharp inclines/declines, it is narrow and has no passing areas. This dangerous situation only gets worse with the addition of a subdivision. The road would require significant signage, widening, and repaving. Attorney Clayborne reminded everyone that the Developers had requested a TIF area be created to provide significant improvements to this area but were denied. There is low lying land in this area that has flooding issues now; he feels it needs more study. They need to be 100% ensured the subdivision will not cause negative effects to neighbors. Attorney Clayborne feels the sewage treatment system being proposed is a #10 on a list of ten, and the system has never been approved/used in Gibson County. After some research, he has found this system has never been used/approved in Dubois County either, which he feels was falsely reported at the last meeting. IDOH approvals are very much "check the box system" with one of those items being the local health department checking a box. He wonders if this has been studied enough for this county. He also feels that some of the developer's homes are under investigation by the health department. One of the items in the subdivision control ordinance is design principals and standards. Attorney Clayborne feels the Commissioners can deny this preliminary plat based on this portion of the ordinance stating that consideration can be given to sewer and stream pollution and the inadequate vehicular patterns. Attorney Clayborne feels the Commissioners should consider the additional traffic; he feels they know these roads cannot manage this increased traffic. Attorney Clayborne gave Attorney Spindler verification of other counties denying subdivisions based on the very same reasons he has stated. He does not feel all boxes are checked and he feels the Commissioner have the authority to deny this subdivision, as there are road issues; flooding concerns; the cluster system is not proven; and there are integrity issues. Attorney Spindler asked if Attorney Clayborne's main concern was roads and asked him to summarize if this body can mandate road improvements. Attorney Moore does not see the same concern as Attorney Clayborne's concerns for roads. Attorney Moore feels a developer could be required to get right of way from the homeowners for mandated, onsite improvements. He also feels there could be impact fees imposed for the county road improvement, but this language is not found in this subdivision control ordinance, therefore, he does not feel the developer would be required to pay for these road improvements. Attorney Clayborne says his people are reasonable people, but the developer is not willing to sit down and work with his neighbors. There must be significant improvements to the road, and he feels the Commissioners could make this happen before approving the subdivision. President Montgomery told everyone that he had called Dubois County and Spencer County and was told they do not have clusters systems in their counties. Commissioner Fleetwood called Warrick and Knox County and neither county has this type of system, nor would they want to implement one. President Montgomery is concerned with 10-13 houses being one cluster. He does not feel these systems are proven. President Montgomery and Commissioner Fleetwood say they are in favor of the subdivision; they know the road needs attention, but if the sewer system fails, they fear this problem will fall back on the county. Commissioner Fleetwood contacted the Town of Haubstadt, they are willing to take on new sewer customers. He wonders why not give the homes their own septic system with a distribution box with 3 or 4 fingers, as this is a system they know works. He does not feel the County wants to get into a trend of hooking four houses into one field bed on two acres. An example would be that one house has five kids that stocks the sewage system shared with a household of two, who does not feel the need to help pay for the repairs because they do not feel they contributed as much as the family of five. Commissioner Fleetwood asked Mr. Moore if he was familiar with Tulip Tree Drive with thousands of people using this drive daily, the county tries to keep this road in good shape. He feels the state would approve a gravel road for Tulip Tree drive, but he would not think about installing a gravel road in this area. He wants to substantiate the fact that even though the State has approved the cluster system, it

might compare to the gravel road. He really likes the project and supports it, if done responsibly.⁴ Attorney Spindler asks both Attorneys about the community approved the cluster system. Attorney Moore feels the subdivision control ordinance permits a cluster system; it was suggested by the county health department. He explained that the sanitary sewer does not have easements to get to the system. Attorney Clayborne responds that the Commissioners are not required to approve the cluster system, they are only required to study it. He also noted that each lot is supposed to have its own system and they all need adequate space. Commissioner Key told Attorney Moore that she feels the EPA is listing ten types of septic systems and the cluster systems is one of the ten; she does not feel it is listing them in any sort of order. She has talked to a few people about the cluster system and feels that because it is not in southwest Indiana yet, does not mean it is not right. An audience member asked where they were, and Commissioner Key responded Dubois County. She feels they must rely on the experts and just because Gibson County does not have a cluster system does not mean it is a bad thing. She feels the developer has provided everything required. An audience member wants to know what the county is going to do with traffic, as the road is a bigger problem, but feels it will be the county's problem, not the developer's problem. Audience members asked what the county can do to fix this problem as they feel the road needs fixed before the subdivision is developed. Gary Seibert a Soil/Water District member says a cluster system failed miserably in Indian Hills Subdivision in Ft. Branch, and it failed right away. He feels these systems are notorious for leaking. SWCD is not in favor of these systems. He also feels the engineer has recommended a different system, but the developer did not want to look at it as they want to put forty homes on one-acre plots instead of twenty homes on two-acre plots. President Montgomery feels the professionals are not here in Gibson County, they are in Indianapolis, looking at paperwork only. Mr. Hasenour is more concerned with potholes as there is no possible way the road base will hold up; he feels there are much better places to put houses in Gibson County, and why must they go here. Commissioner Key says there is always road maintenance, and a part of the Commissioner's duty is to move forward. Attorney Spindler says cluster systems are out there. Gene Kiesel asked where, so someone can check it out. He also wonders if there is storm drainage set up in this ordinance. Gibson County does not have a storm drainage ordinance, but the developer did have the storm drainage engineered. Glen Meritt of Cash Wagner submitted a drainage plan to IDEM to address the 50-year flood. There are internal storm drains with retention ponds. The surface area is 6/10 of an acre. INDOT requires a plan for a 50-year storm. They could not release any more water to Highway 41 than what is going there now. The drainage report is large with significant analysis; it will carry 50-year stormwater with room remaining. The field bed cluster system has eleven individual beds, four of them catch fifteen lots on the northern section with an average of 3.5 houses per bed. There are not forty lots draining to one bed on that site. There is no flood plain on this property and ditches have the capacity to hold the 50-year storm. Commissioner Fleetwood asked if IDEM approved the Rule Five Plan. Mr. Merrett says it has been approved. Commissioner Fleetwood says there is a new Rule 5 coming down and you cannot discharge more water post construction. Mr. Meritt says that is the current standard. Vanderburgh County calculates the flow rate as undeveloped and then when developed, you put it to a collection basin and then slow release as it was before developed. There are no flood plains in this area, the entire system cannot be designed for the short flood system. Mr. Meritt told Mr. Kiesel the plans are on file with the county. Engineer Holden said a 10-year storm event design is sufficient. This road has been chip sealed; any widening would need additional easements. The biggest problem with cutting the hill would require a water line relocation. There are several roads in the county that are worse than this one. This road is not on INDOT's radar to cut down the hill. Engineer Holden does not feel eighty cars are going to spark INDOT's attention. Attorney Spindler asked if Cash Wagner had input on adding an entrance and exit lane to Highway 41; they have not been asked to do any traffic studies for this area. A forty-lot subdivision would not trigger a traffic study. Attorney Spindler told Commissioners they can table; approve the primary plat; approve subject to provisions; refer to the Subdivision Review Committee for review or study on a specific technical matter; or disapprove. Commissioner Fleetwood motioned to send back to Subdivision Review Committee especially for further review on the sewage treatment system and ask them to weigh in on it this time, especially regarding getting each private lot their own septic system. He asked that they look closely at that and make a recommendation. He has reached out to the state, and they will be favorable of this. He feels this is the way the County has been developed up to this point.

Attorney Moore respectively requests a yeah or nay on this matter tonight as deadlines are in jeopardy. President Montgomery asked Mr. Moore if this is for the preliminary plat, and not the final. Commissioner Fleetwood feels concrete issues need worked out before giving approval and his motion stands. Commissioner Key says the Subdivision Committee has made their review and it will not change, the Health Department has already approved the cluster system, as has the State. She does not feel going back will change those facts. An audience member asked if she would feel the same if someone is killed on this road. Another audience member says they have an opportunity to make this better. Commissioner Key would certainly hate it, with everything in her for something bad to happen to anyone, but she does not feel the Commissioners can stop this. Commissioner Fleetwood feels it is pertinent to make sure all the standards have been met. The developer knows what the County wants, the County needs housing, and if it goes back to the Committee, the developer has an opportunity to make things right. Commissioner Fleetwood's motion stands to send it back to the Subdivision Review Committee to get this done right and work with the developer in moving in the right direction. It is not for the Commissioners to dictate what is done but follow the standards and provide the best development for Gibson County. President Montgomery made a second to the motion to send this back to the Subdivision Review Committee. The vote was 2-1 with Commissioner Key casting the nay vote.

Courthouse Upgrade Bid Award –Bids were opened at the last meeting with low bid of \$289,000; Mr. Stallings and Attorney Spindler recommend awarding the low bid contingent upon Council funding. Commissioner Key motioned to approve the low bid, seconded by President Montgomery. The vote was 3-0.

EMS Lease – Gibson Deaconess Hospital – The Hospital counter-offered with a 6-month lease with an annualized increase of \$10,875. After the first 6-months, the lease will increase to \$2,080 per month. Attorney Spindler recommends approving the lease agreement. Commissioner Key motioned to approve the lease agreement, seconded by Commissioner Fleetwood. The vote was 3-0.

Debbie Bennett Stearsman – ARPA Funding – Mrs. Stearsman discussed ARPA funding; the Commissioners need to designate persons and descriptions for the ARPA reporting.
Account Administrator: Auditor Mike Watkins, Commissioner Warren Fleetwood and 1st Deputy to Auditor, Kristy York
Point of Contact for Reporting: Auditor Mike Watkins, and Debbie Bennett Stearsman
Authorized Representative for Reporting: President Kenneth Montgomery, Auditor Mike Watkins, Commissioner Mary Key
Commissioner Key motioned to approve the above designations, seconded by President Montgomery. The vote was 3-0.

Mrs. Stearsman told Commissioners the final rule was issued in January 2022, it remained the same four categories as before. Each category is then broken down into different projects. Recipients with populations under 50,000 can declare lost revenue up to \$10,000,000 without calculation; the County will receive approximately \$6,500,000. Lost revenue is the most flexible of all categories and relaxed the spending guidelines. The Treasury will not let you spend the money on construction of a jail, living facilities, or stadiums, etc. Ms. Stearsman recommends the entire \$6.5 million be declared as lost revenue, Commissioner Key wonders if this could be used for assisting small businesses, and the answer was that a program could be designed for that. A survey will be collected via an online link to gather public opinion. Ms. Stearsman suggested the Commissioners motion to declare the \$6.5 million as lost revenue; the motion came from Commissioner Fleetwood second by President Montgomery. The vote was 3-0.

Lastly, Commissioners set the next public hearing. It will be held in Princeton at the Toyota Events Center at no cost. Commissioners agreed on Thursday, March 10, 2022 from 5-7 at the Toyota Events Center.

COMMISSIONERS NEW BUSINESS

Public Hearing on the new Storm Water Ordinance – Gary Seibert requested a public hearing on the new storm water ordinance. He would like the public hearing to be held on March 15, 2022. Commissioner Fleetwood motioned to hold this public hearing.


School Liaison Grant thru the Health Department – Health Department Director Hornby would like to hire staff to help at the school systems with routine vaccines, vision, and hearing screening. They are approved for \$440,000. They are looking at hiring a full-time nurse, to work at the different schools. She asked if all Commissioners were okay with this; this would fund the position for 5 years. It is happening quick, some schools are asking for help now, she will send some of her staff out to help. The Commissioners are all okay with this new grant and position. She will move forward with hiring someone new for the school liaison position; it will be completely funded by the State. Commissioner Key said it is contingent upon the grant funds Director Hornby should be aware that the position is not a permanent position and will only exist if the grant is awarded. Commissioner Key motioned to approve, seconded by Commissioner Montgomery. The vote was 3-0.

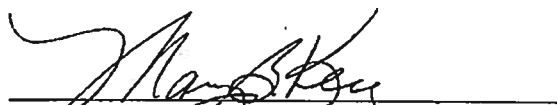
Director Pond – EMS lost another paramedic, and Director Pond is unable to fill this position. If the County would pay for every hour worked, he might have more interest in the position. He has been to the Council and told them the scenario. He is advising Commissioners of a meltdown of the entire service. They are only getting paid for 16 of the 24 hours they work. He does not see things getting better until the pay is changed. Commissioner Fleetwood feels EMS is one of the most valuable services in the County. He asked for clarification on the Council plans. Director Pond has asked the Council to do what Warrick County has done; they enacted a new local income tax, which is distributed between all emergency services in the County. EMS needs another \$500,000 to pay their employees for all the hours they work. He is losing employees to places that are paying more money. The Council is going to ask Baker Tilly to do a study on this new tax. Commissioner Fleetwood asked if this study would define taxpayer costs. Director Pond wonders if there is \$400,000 remaining of the CARES money that could be utilized. He feels this needs addressed immediately.

Major Medical Leave – Commissioners feel everything is in order to approve this leave. Commissioner Fleetwood motioned to approve the leave, seconded by Commissioner Key. The vote was 3-0.

With no further discussions, the Commissioners adjourned the meeting.

Minutes from the February 15, 2022, Meeting.


Kenneth Montgomery, President


Mary B. Key, Vice President


Warren Fleetwood, Commissioner


ATTEST: Mike Watkins, Auditor