

Vermillion County Commissioners

Meeting Minutes

January 02, 2025

Commissioner's Courtroom, 2nd Floor, Courthouse

- I. Call to order
- II. Pledge of Allegiance to the Flag
- III. Roll Call
 - All Present
- IV. Tim Yocum starts the meeting wanting to address an issue to why a special meeting has been called upon. States the ordinance as its written, that the if the public interest requires a special meeting of the executives such as a meeting may be called by a member of the executor or by the County Auditor, Clerk or Recorder. Must give at least a 48-hour notice, under I.C. 5-14-1.5-5. Notice must include a specific statement of purpose of the meeting, an executive may not conduct any unrelated business of the meeting. Meeting was requested and posted by RJ Dunavan, Commissioner. Tim states he was not notified until he seen the posted notice. Tim has questions if the legitimacy of this meeting, and does not see the purpose of this meeting being called. Meeting was called on Dec 30th, 2024, by RJ. Tim does not believe there was an adequate amount of time given to the public. Tim wants to check to make sure this meeting is in fact a legitimate meeting, as it was not an emergency meeting. Tim's concern is that the 48-hour notice does not include holidays.

RJ responds, stating that he posted the meeting on Monday Dec 30th, 2024. RJ states that this notice was posted outside the courthouse, emailed to the appropriate parties, and to the local news.

Jon Spurr, county attorney recites the statute stating the 48-hours does not say anything in it about holidays not counting.

Tim continue to recite the standard produce of meetings in the notifications of all parties. continues to ask, is this a legitimate meeting with the time frame of the notice giving, including the holiday.

Jon reiterates to Tim what the statute states about the time frame with the holiday included. Jon can so more research on this matter to try to find out if there's some other prevision under some other part of the I.C.

RJ states that the meeting was called Monday Dec 30th, 2024 and even with the holiday this meeting still meet the deadline of a 48-hour notice.

Public Comment:

- a. Neil Costello- States he lives in Fairview Park, is also on the County Council. Asks, what was the Indiana Code that Tim cited. He also mentions he is not an attorney and don't pretend to be one. Jon cited the I.C. as 36-2-2-8. The one Neil has looked at in the past is the I.C. Title 5, which was 5-14-1.5-5 section 5, said that public notice, date and time, place of meeting, executive sessions, or any rescheduled/ reconvene meeting shall be given at least 48-hour notice excluding Saturdays/ Sundays and legal holidays. Wanting to make sure he was understanding which one was being cited by law, he has always referred in the past to make sure he was not confused.

- V. Election of Officers: Tim Yocum nominates Misty Hess as President of Commission; Misty respectfully declines this nomination.

Misty Hess then nominates RJ Dunavan as President of Commission, RJ seconds the nomination.

RJ Dunavan makes a motion to nominate Misty Hess as Vice President of Commission; Tim seconds that Motion.

- a. President: RJ Dunavan
- b. Vice President: Misty Hess

- VI. Meeting Schedule for 2025 – Was discussed in late 2024 and there were some discrepancies with the current schedule and meeting every two weeks, alternating morning and night meetings. Misty's schedule is better for evenings. Will need to set a meeting schedule for the rest of the calendar year.

Tim has a recommendation that need to continue for the commissioner mentoring program. If all night meetings are included it eliminates a very good program that has been here for years. Tim is working with the school to find out when is the best time and date to have those meetings. He recommends two in the Spring and two in the Fall, those meetings would have to be day meetings.

RJ asks Jon Spurr the schedule in previous years where one meeting a month and the second meeting was for claims. The evening meetings were the normal meetings, the second meeting was schedule sometime in the month in the daytime and they would not put anything on the agenda other than approving the payroll and claims vouchers. There would be no public comment at this second meeting and no other business would be conducted.

RJ wants to go to one evening meeting a month and one day time second meeting to sign payroll and claim vouchers. This would also benefit the Commissioners Mentoring Program having two day time meetings in the Spring and two day time meetings in the Fall.

RJ motions to have a regular business meeting the third Wednesday of each month, and have a second meeting as needed. RJ asks the question, if a resolution or an ordinance needs to be in place for this second meeting for payroll/claims. Jon Spurr states that they can authorize certain routine things like payroll to be paid, if it's the same thing every month. May be able to put one of the two in place for payroll.

Tim cannot respond to this schedule at this time without look at a schedule. Tim makes the recommendation for the schedule tonight and make a vote next meeting. Misty agrees to take the recommendation and make a vote next meeting.

Tim cannot make the next scheduled meeting, Jan 14th, 2025 due to work. RJ asks if the meeting date needs to moved, and asks Penny Carpenter, Area Plan Director if this messed with the public hearing. Penny states that she has advertised that they will be having their public hearing on the proposed UDO on Jan 9th, 2025. At that point she waits for the APC to certify that and pass it on to the Commissioners, they advertise that it would be on Jan 14th, 2025 at 6pm.

Misty proposes the meeting be moved to the 15th to accommodate Tim, he is unavailable on this date as well. Commissioners will just leave the meeting on Jan 14th, 2025 at 6pm.

- VII. EDC- RJ wants to say a few things about the Economic Development and how it's been. Prior to this administration the majority of the Commissioners changed Economic Development with the County Council and took it from a commission that over saw Economic Development in our county. When they done this, they changed it to where a coalition oversees it, prior it doing this the Economic Development Commission had done everything from helping our small towns with water projects, parks department and especially supporting small business loans. Since the Coalition has been developed, zero small business loans have been given out. The majority of the Commissioners and Council said that the Economic Development in this County will be overseen by the Coalition and it will be a department of the Commissioners. Since then we have lost three employees in Economic Development; one director, one secretary, and one assistant/ director. So, for starters Economic Development has had a rapid turnover of employees since the Commissioners and Council have created the Coalition, the dept of Commissioners. At a very brief minimum under the Commissioners leadership we cannot retain any employees and in RJ's opinion has been a failure, this dept of the Coalition. RJ will paraphrase some things Amanda Hebrew's letter stated when she left. She was promised this job by commissioner Yocum in text and phone, and RJ as well has given the support to Amanda in this job. Since the commissioners at that time did not act, we lost yet another employee to Economic Development.

We have multiple projects going on in this county, whether it's the I74 Corridor, where it's 163, whether it's housing developments; we have nobody leading Economic Development. In December we did sign a contract with a company to help oversee some things, but the bottom line is ever since this change we have not improved Economic Development Vermillion County.

RJ's recommendation before the board of Commissioners is very simple, delegate our authority as county commissioners back to the Economic Development Commission, like it was before for 20 years. The Commissioners and Economic Development as the minimum should be separate. As you can see when we oversee the Economic Development nothing good comes from it. We are micromanaging this department, running off good employees for no good reason. This county has lacked vision for the last four years and beyond that. It is RJ's belief that the one of the Commission Members term is not up until the 29th of January. The previous administration has made some appointments in December. RJ asks Jon Spurr, and would like to know on those how that would work if the majority believes that that appointment was not made correctly on that.

Tim asks which appointment RJ is referring too. RJ replies, stating it is the appointment to his dad, Ron Dunavan.

Jon Spurr replies to RJ's question, there are provisions of that statute that allows for judicial review upon removing an officer. Jon's thought would be, if you're undoing an appointment that would effectively be the removal of an officer so that person didn't think that was fair, they could file something upstairs in the court house and ask the judge to review and make a decision on whether it's a legal removal or not.

Ron Dunavan approaches the podium to make a statement on this matter. He is the Auditor of Vermillion County and also the current president of the Economic Development Commission. He addresses Tim with I.C. state statutes, not Vermillion County rules they go by, by the end of December. It finely states in the statute that the position does not end until January 31st and at that time can be reappointed. This has to be done with in 10 days. The Commissioners in December took upon themselves to go and appoint someone, already had them sworn in which isn't even fair, doesn't even count or doesn't make you difference that they did. He reiterates that the reappointment has to be done with 10 days of the appointment. He states that the appointment is not even up yet. These are not Vermillion County Laws, these are State Statue Laws. Ron states, he can't change them or make them up. Tim states he needs clarification on this matter and will seek on his own the information he needs on this matter. Ron states he has sent clarification to all commissioners before they appointed the person in December and the commissioners went ahead and done this anyway. Ron reiterates to Tim that even though county does most of their appointments at the end of the year, this appointment is done by state statue, that he can't change that, neither can himself. That his term is not over until January 31st. Ron states that the way the state statue is set up you have to assume the office in February. He has to stay with this by law, until someone is appointed. Jon Spurr adds, that the term runs from February 1st, four years to January 31st.

RJ then recites the question again, since there was an appointment in Dec can you preemptively make an appointment that when it's not up by state code or can we say we find that that appointment was not made correctly?

Ron then adds, that once the appointment is made you have 10 days to be sworn in to take the seat. The new appointed person has already been sworn in and that 10 days has come and gone and the appointment is not even here yet.

Tim states beings that Ron is now the County Auditor that there is another problem. He does not think that Ron can no longer serve in the EDC without having a conflict. RJ speaks out stating people previously, like Randy Dreer, Ashley James, has served on that Economic Development Commission and they were both elected officials as well. He continues to say that unless Tim is saying there is a discrimination from office holders then Ron can continue to stay.

Jon Spurr is checking the Dual Office holder guide and he don't think that the Economic Development Commission member has a salary that goes with it. So, he doesn't think it meets the definition of a lucrative office which is what creates the prohibition dual office holder.

RJ asks, so any elected office holder in Vermillion County could serve on the commission? Jon replies with yes, but he states he would check the guide because, there are different definitions.

RJ, after hearing the state statute definition of the appointed position, does not think this appointment done in December was made in the correct terms of the law and asks to vacate the appointment or can they just say it's not being honored because it wasn't done correctly? Jon replies, they would just make that finding and put it in a vote, and then if the person who was previously appointed feels like that was not correct then they can go upstairs and ask the judge to review the decision and say whether or not that was legally done.

RJ asks if the Commissioners have any comments on the possibility of an appointment that was made in December, when the I.C. specifically states that the appointment is not up until February 1st, and once that person is sworn in they have 10 days to assume the office. The person was appointed, got sworn in, they were supposed to take the office within those 10 days, in which they cannot because the current appointment is not up until February. Therefore, RJ believes there is findings to say that the appointment was done inaccurately and not according to the law. Is there any opinion or debate on the matter before the board? The appointment will become available again in February 1st, and at the point the Commissioners could reconsider a new appointment for that position.

Misty states in her opinion, if he held the office, you serve until your time is up. The Auditor's office is now to notify the appointment that the Board of Commissioners have found an opinion that the appointment was done incorrectly not according to law and they are not serving on the Economic Development Commission as of today, and that that appointment will come up for reappointment on February 1st and they are interested to email the Board of Commissioners or the Auditor's office.

With the comment RJ made about the EDC, he would like to follow up with the board, is there any opinion about leaving it currently how it is with the Coalition with no director, a rapid turnover within a year and a half and RJ's recommendation of moving it back to the commission. Is there any comments, opinions, before the board? Misty would say that micromanaging anyone does not produce creativity, it does not produce good outcomes. If she was to ever be put under a thumb, she would not do well; so, she thinks that having a micromanagement in place right now, she believes that obviously there is nothing happening, so what we were doing, she knows that there was things happening. Another thing she believes is we hire good people, we hire them to run a department and micromanaging them is unacceptable in her opinion.

Tim comments that over the years Economic Development is something that has been looked at as far as it has been produced, it has not produced large amounts of change that he thinks was to be expected, talking about micromanagement, he knows when one of the former heads of the Economic Development worked there he was being micromanaged and it was not a good thing. So, that's why they changed it, because they wanted the Economic Director to have free will to make their own decisions. He agrees the micromanaging don't work and when they did that, he thought they were given the Economic Development director freedom to go and produce and he still agrees to that. They have given the Economic Directors the freedom to make their own schedules, to work on their own. RJ- Would the Commissioners be in favor or apposed to delegating the authority of Economic Development back to the three-member Commission instead of the Coalition currently? How would we go about doing that? Jon Spurr advises that we would go back to the 2023 ordinance or the County Resolution 2023-5 the Joint Ordinance creating the

Vermillion County Economic Development Authority, the Council signed a mirror version of the resolution. The Council could leave this resolution in place if they wanted to, but if the commissioners don't want to run a Development Authority then it would just sit there. And if they were to repeal anything, they would lose the EDIT tax Funding as well because that's the Economic Development EDIT tax. The resolution would have to opted out on Again, the commissioners for or against delegating the authority back to the Economic Development Commission.

Before Misty votes on this, she has a few questions. If they were to go back to the way it was, then the current people that they have managing the EDC or the Economic Development, like the corridor or is that a contract that they have? RJ replies, the contract was passed in December not to exceed amount of \$20,000.00, that contract can be terminated at any time. If they delegate this back to the commission they will probably work with that agency. But, the contract could be terminated if they wanted.

If the delegate is passed then this would put control back into the hands of Ron Dunavan, Randy Dreer, and Bill Reynolds. Misty agrees to put back into place the way it was before. RJ asks Jon Spurr for guidance on the resolution, leaving it place and delegate our authority or would we repeal or opt out? Jon replies with the simplest thing would to just repeal the resolution.

With Misty being in favor; RJ makes a motion to repeal County Resolution 2023-5 by title Joint Resolution creating Vermillion County Economic Development Coalition and by doing so, the Commissioners are giving the authority back to the three-member Economic Development Commission.

Second in the motion, Misty seconds the motion.

Any discussion, Tim thinks anything like this needs to be looked at. It's all about result and if we fund something that does not produce results, we should not be funding it. He is willing to give it a six month and the only way he would agree to this is it need to become an evaluation orientated if it don't produce. He knows the Council will look at it and eventually if it's producing or not. In the past it hasn't produced. He goes on to say the importance of improved in jobs, the other things are important top but the number one thing should always be in Economic Development is bringing jobs and Economic Development into the County.

RJ replies, the biggest thing that this county is failed on lack of vision in this county by the Board of Commissioners and moving forward is going to set out a clear vision for the county when they do that, Tim's opinion may me measured by jobs but I think the Board of Commissioners need to measure what that is and if we believe it job's then we'll say it jobs. If we believe its small business growth, it's small business growth. RJ thinks the Commissioners need to set out a vision, a clear vision because only then will we succeed as a county. Not going 25 different directions and not fighting each other left, right, and middle.

Vote 2-1 Motion carries

- VIII. Vermillion Rise- Nothing much to address tonight, this is more of a vision thing and RJ would like to welcome both Commissioners to add their two cents and opinion here at the end of this. RJ has a something he'd like to say in general to the community. This is one of our counties biggest resources, is the Vermillion Rise Mega Park; has 7,000 acres out there and it has been in the county' possession for years. Other than a spec building and two or three small businesses which are great; but, mainly it is an untapped resource for the county and if we don't set a vision for our boards and our counties, we fail. We set everybody up to fail. We want to set a clear vision and gives every board guidance on what we want and what we envision things going forward. Tonight, RJ wants to challenge his fellow commissioners to come up with ideas in the next 30 days, not only for the Rise but for anything in this County. Let's discuss them as a whole entity and then we can vote and decide on what we believe is the best vision and best step forward for Vermillion County. RJ would like to share a few of his ideas; would like to pursue public hunting, he thinks there is a way to get public hunting in the Rise. To open up to mushroom hunt, public hunting in Vermillion County, and let our youth our young people that have nowhere to go get out there and to chance to hunt these

animals that are more or less domesticated. It is poised for housing, we have water, sewage, and gas; we have everything out at the Rise. Thinks there is so much potential out there. Possibly building a lake or an oversized pond; having cabins. Being a recreational destination between two casinos. Let's add something of value when people traveling to Terre Haute, Lafayette; let's be a destination for somebody. Then we can come together with the Rise and say, "what do you think about this?". Looks forward to mainly elevating Vermillion County. Let's elevate this county to the next level.

Opens up to commissioners for comments: Tim would like to address one thing he thinks that over the years of time the rise board has been good, the thing we fail to realize is these people that serve on boards they're not lucrative and make a lot of money. They donate a lot of their time and he respects what they do, they have had problems in the past with the rise board as far as communication wise. He has talked to them as he recommended commissioner, there would be one person from the commissioners that are assigned to communicate with the rise board. For the Rise to work better, there needs to be one commissioner assigned to the Rise board to the communication, any decision we make would be made by the majority of the commissioners, not by one commissioner. He has talked to the Rise and think that is something they'd recommend and he believes so as well. RJ replies to Tim's comment: Wants clarification on what he meant by ordering somebody to do something. There needs to be someone on our board of commissioners that is the one that communicates with the Rise board. Misty has no comment on the Rise. Tim touches a little on his opinion of micromanaging.

IX. Public Comment:

- a. Jeff Maholic, resident of Vermillion County and The Rise Board President. First, he would like state, water under the bridge of the issue in the past. We all need to do a better job communicating better with each other, working together. Wants to address the youth hunt, does have a youth hunt going on next year; a lot of current renters and tenants have volunteered to put up their land to cover the insurance to get a bunch of those kids out there. Talked about opening up the bid process more, and agrees to that. Economic Development is also very important to the Rise, and losing an employee that was instrumental. They help greatly with the Rise. Jeff wants to state who the employees are and that they do a fantastic job out at the Rise. They are Cindy Wilson, works all hours of the night, keeps the Rise organized; Chad Harris, is part time but puts in those full-time hours; Jim Hale, Jeff Kelsheimer, and Bob Matthis, they spend their own money on the equipment, they love the Rise and take pride in it. There are people out there that care about the Rise. If any extended office would need office supplies, filing cabinet, chairs, desks, etc. to contact Jeff or any board member; they would be glad to let them have it. Jeff would like to the Rise and the county to Rise Up. Ron Dunavan, President of EDC, comes up to podium to state that the first EDC board meeting is being held Jan 15th, 2025 and would like to invite all the Rise Board members to the meeting. To start discussing and going over bringing back the agreement that Ron had at one time in front of the Council with the Rise over using the Economic Development Director and he would also oversee the Rise. There was an agreement in place the council agreed and then backed out of it and at that point is when the Council formed the Coalition for the EDC. Jeff suggested that the Board of Commissioners, the County Council, The Rise board and the EDC board meet quarterly so all can be on the same page.
- b. Neil Cosetllo County Council approaches for public comment: Wants a copy of the plan for the Rise, he has never seen one. Would like to ask questions of, what it's for, what space is needed, what's the goal? He would like to definitely be in the loop on that plan.
- c. Ron Mack, County Surveyor, has turned in a binder for Board of Commissioners to review. Wants to talk about micromanagement over the last four years, and believes he has been a victim. So, he has turned in a synopsis of all the laws that he has to follow. Last year he had a proposal from an engineering firm to consolidate all our water management plan into one and that got run over by other people. Since then he has found in those statues, he does have the complete authority to do that so he will be revisiting that in 2025. He has vacated four drains and will vacate two more hopefully by

the end of the month. Cleaning up all those 40 or 50 years of mismanagement. RJ replies and on behalf of the Board of Commissioners, he appreciates everything Ron has done as a surveyor. The drainage board is another board that you do not want to serve on, you go to a meeting and landowners come and yell at you and they don't know what their assessment is. But, working together on the I-74 project and the EDC looping everybody on to where an agency isn't left out at the last minute. Let address things before it becomes an issue.

- d. Tim would like to have an executive meeting or special meeting with the council in regard to the North Vermillion School and the new ambulance facility. RJ states that Misty Hess is not informed enough to move forward yet. Hasn't had time to digest all the possible ambulance things and is not sure if it's fair to Misty to have an executive meeting quite yet. Misty has had some discussion with people in what they want and what they don't want. She would like to dive into it and learn it on her own, instead of listening to what everyone else has to say. She could like to formulate her own opinion in this project. RJ suggests that Mark O'Hare or anyone else from the ambulance project give Misty the information she needs to conduct this opinion. Then she could have that discussion at the executive meeting and then at the regular meeting discuss what's best and vote what's best for Vermillion County.

Rick Weir comes to the podium, he is on the Ambulance Committee, and has been working on this project for 3 years and we basically we no longer have a Vermillion County ambulance service other than co-working with Parke County. We've made promises to them, we've spent money and this meeting would be to inform Misty Hess of what's going on, not to make any decisions. The sooner this meeting, the better. Neil Costello also approached the podium, and also on the ambulance committee. Is asking what are the questions, what are the issues? He's heard \$700,000 for the building, and he's not heard of anyone ever agreed to that. Has never even received a price on the building. RJ then asks Neil, if our goal is to provide the best ambulance coverage for Vermillion County, then we should be looking at a third ambulance. We shouldn't be looking at two stations. The response time with the ambulances were about 10 to 11 minutes; for every citizen in the county and that's what you want. We currently cannot obtain this time with the two ambulances Vermillion County has. So, the county is looking at building one, why would we build North Vermillion and Fairview or where ever. Why would we do that when we have two agreements with fire departments. Why we would not invest into another ambulance, look at county-owned service because right now it's costing the county money, more money with Parke County. But, if we invest in a third ambulance then the county wins, Vermillion County wins. That third ambulance, everyone is getting covered with in the 10 to 11 minutes of response time. There's a building for possibilities in Hillsdale, another at Joan Wilson Learning Center; there's multiple buildings around 36 area that could hold an ambulance. If our goal is to provide that best coverage for Vermillion County, why would we just build one new station when we could take that money and put it somewhere else and now we have three ambulances. Neil asks, the rise is set up with the farm or what not, because they went in and did three years' worth of work and then the Commissioners shut it down. Why did the commissioners have the ambulance service do three years' worth of work and then turn around and say we need to relook at everything again. The Commissioners were always invited to these meetings only now are we getting this input. To start over just seems like a slap in the face and looks forward to the meeting.

The meeting will be discussion only, sharing information. RJ prefers joint public meeting. Will email the council president, create an email chain and we will coordinate that way we can try to all 10 members in attendance for this joint public meeting. The Rise, EDC, Fire Depts Chiefs, all members of the public can attend.

Tim wants to give an update on the ambulance facility, they've had appointed people to a board that were professionals that have experience of the recommendation they made is above, Tim thinks, any commission here to make that decision. They are well

versed in those decisions, doesn't believe in overriding the board that is very knowledgeable. What has been started here is very positive we are all the way down now where we can bid out the project. The Council asked for two different sets of bids; one, for a pole barn and, one for metal construction. The Clinton facility is a 10-year contract at \$1,500, and is a great savings. The other ambulance facility at North Vermillion we have the prints for that on finalizing the water source, that will have to tap on before the meter, the rest of it is practically done and ready to be bid. Looking at a grant process of 90/10, we will only have to provide 10% of the money to build. The dead line for that grant is June 2nd.

Will coordinate with the Council for a joint public meeting regarding ambulance information, public is invited, any fire department, and EMS.

- X. Adorn
RJ makes motions to adjourn the meeting

Tim seconds the motion. All in favor, motion carried.

AYE:

NYE:

RJ Dunavan

RJ Dunavan

Misty Hess

Misty Hess

William R Peebles

~~Tim Yocum~~

William Peebles