

COUNTY COUNCIL REGULAR MEETING – APRIL 13, 2009

President, Charlie Canary, called the meeting to order.

I. ROLL CALL

The following members were present: Josh McCarty, Steve Hollenbeck, Beth Boyce, Ron West, Anita Knowles and Brian Walker. Phil Wilson was also present as the Council's attorney.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 4/13/09 AGENDA

Mr. Canary added to move the Sheriff's request to the beginning of the agenda. Also the Highway Director would like to discuss some of the Metropolitan Planning Organization (MPO) Funding. Lastly, the Surveyor would like to request an hourly rate approval for a part-time position.

Mrs. Knowles moved to approve the agenda as amended. Mr. Hollenbeck seconded the motion, which carried unanimously.

V. APPROVAL OF 3/09/09 MINUTES

Mr. McCarty moved to approve the minutes as presented. Mrs. Knowles seconded the motion that unanimously carried.

VI. PUBLIC COMMENTS

There were no public comments.

VII. SALARY ORDINANCE AMENDMENTS, ADDITIONAL APPROPRIATIONS, REDUCTIONS, & TRANSFERS:

SHERIFF – (105)

Terry McLaughlin, Sheriff, appeared to request an additional appropriation in overtime for their participation in the DUI, Big City & County, Fatality Crash Reduction Effort Grants for the month of March.

Mr. McCarty moved to approve the request as presented. Mr. Walker seconded the motion that carried unanimously.

100.19900.000.105 – Overtime \$ 4,584.86

2006 EDWARD BYRNE MEMORIAL JUSTICE (JAG) GRANT- (365)

Sheriff McLaughlin requested an additional appropriation in the amount of \$2,620.72 to purchase eight racks in the deputies' vehicles to support shotguns.

Mr. Hollenbeck moved to approve the additional appropriation as requested. Mrs. Knowles seconded the motion that unanimously carried.

365.44100.000.365 – Misc. Equipment \$ 2,620.72

Restatement of the Johnson County Police Retirement Plan

Sheriff McLaughlin explained the Internal Revenue Service (“IRS”) has established a cycle for restating qualified plans to comply with recent law changes. A description of the required changes in the Johnson County Police Retirement Plan was included in the Council’s packets. The restatement must be adopted by December 31, 2009.

Mrs. Knowles moved to approve the “Restatement of the Johnson County Police Retirement Plan” as submitted. Mrs. Boyce seconded the motion that carried unanimously.

Discussion “COPS” Grant

Sheriff McLaughlin explained they would like to apply for the referenced Grant. This could staff jail personnel for three years; however, one of the stipulations of the Grant is that after three years the county would be responsible for continuing to fund the positions. The application is due before the 23rd of April.

Mr. West asked if the Grant states how long the county must fund the positions after the Grant expires. Sheriff McLaughlin responded “no”.

Mr. Canary asked if the Sheriff needed anything from the Council. Sheriff McLaughlin responded “no”. He would like to apply for the Grant; however, the county does not have to participate.

**CHILDRENS PSYCHIATRIC – (498)
FAMILY & CHILDREN FUND – (218)**

Penny Pitcock, Family & Children’s Director, appeared to request additional appropriations for the two funds. She explained the requests are to use the available cash that is in the funds.

Ms. Pitcock noted the department just received another invoice of approximately \$60,000 and that would result in requesting additional funds for the bond that was discussed at the prior Council meetings. The amount would increase to \$280,000. She has been in contact with Kim Blanchet, Bond Counsel from Barnes & Thornburg. Ms. Pitcock explained they have called vendors to see if they have any additional outstanding invoices for services prior to December 31, 2008.

Ms. Pitcock explained that the State has given her permission if providers send in bills that are over sixty-days old; she may refuse to pay them. She stated they would send letters to the providers asking them to sign-off that no additional funds are due at this point.

Mrs. Knowles moved to approve the following requests as presented. Mrs. Boyce seconded the motion, which unanimously carried.

498.20000.000.498 – Claims	\$ 68,102.51
218.30090.000.218 – Child Welfare Services	\$ 38,016.00
218.32500.000.218 – Out of Home Foster Care	\$ 40,000.00
218.32520.000.218 – Care of Wards-Institutions	\$ 120,000.00
218.32540.000.218 – Preservation Services	\$ 100,000.00

CUMULATIVE CAPITAL DEVELOPMENT – (254)

Steve Duke, President of the Johnson County Fair Board, along with several other Fair Board members, appeared to request an additional appropriation for Fairgrounds Repairs (electrical upgrade lighting on Grandstands). Mr. Duke distributed and reviewed the 4-H Fair & Agricultural Association’s assets, expenses and projects for 2009. He explained the current metal poles are attached to the aluminum Grandstands and have a lot of age and rust, but more importantly their electrician has recommended consider replacing them for safety reasons. The request approved by the Board of Commissioners was for \$15,500. This would include three freestanding 50’ wood poles and attach fourteen 1500w sports lighter fixtures. They are going to try to get the poles donated for the project. They would like to use Davis Electric, which was the highest bidder of \$17,841; however, he is very familiar with the Fairgrounds electricity.

Mr. West moved to approve the request as presented. Mrs. Knowles seconded the motion that carried unanimously.

254.43400.000.254 – Fairgrounds Repairs	\$ 15,500.00
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The Fair Board had requested an additional appropriation of \$10,000 for Fair premiums; however, the Board of Commissioners did not approve the additional funding. The Fair Board currently receives \$10,000 from the General Fund for premiums.

The Council thanked the Fair Board for providing them detailed information. Mr. Duke stated the Fair Board’s Secretary could forward copies to the Council of their Board meetings minutes.

CUMULATIVE BRIDGE – (206)

Gary Vandegriff, Highway Director, appeared to request an additional appropriation in the amount of \$150,000 for Bridge 35. The bridge is located on County Road 800 East south of County Road 650 South in Blue River Township. He explained the bridge has problems with the deck; however, the rest of the structure is in stable condition. The bids were opened earlier in the day at the Board of Commissioners meeting. The amount requested at this time is only a part of the total construction cost. The decision has not been made whether to pursue stimulus money or to use funds from Cumulative Bridge. His concern with using stimulus money for this project is because of the different guidelines and it could take up to a year before construction would begin.

Mr. Hollenbeck moved to approve the request as presented. Mr. McCarty seconded the motion that unanimously carried.

206.49335.000.206 – Bridge 35 \$ 150,000.00

Metropolitan Planning Organization (MPO) Funding

Mr. Vandegriff reported he attended a meeting with the Indianapolis Regional Transportation Committee, which is a part of the MPO, and at that meeting they recommended approval of a draft project list. The list included approximately \$894,000 of paving for Johnson County, but he originally requested approximately \$1.3 million so the balance in the other projects most likely will end up on a reserve list. If other government projects don't meet the required deadlines for bid letting then maybe the County could receive additional money.

He reported a preliminary list of their paving and chip and seal for 2009 was submitted to the Board of Commissioners. When the department rated the county roads, excluding residential, they were 4.9 last year and 5.2 this year according to the paser rating scale. The paving list would cover approximately 37 miles of county roadwork. They have set aside \$300,000 for residential paving. This work is not part of the MPO funding.

Mr. Canary noted he and Mr. Vandegriff met recently and reviewed the damage that has been done by the installation of the Rocky Express Pipeline through the southern part of the County. The company has been billed for overweight vehicles and permit fees. Mr. Vandegriff stated the communication has been good with the contractors and he plans on discussing the repairs with them when they are closer to having the project completed.

**ALTERNATIVE DISPUTE RESOLUTION – (389)
CASA/GUARDIAN AD LITEM – (274)**

K Mark Loyd, Circuit Court Judge, appeared to request additional appropriations to pay parenting coordinators/mediators for low-income participants in the alternative dispute resolution. The funds are generated from the filing fees and participants co-pays.

Mr. Walker moved to approve the requests as presented. Mr. Hollenbeck seconded the motion that unanimously carried.

389.31000.000.389 – Professional Services \$ 10,000.00
274.31000.000.274 – Professional Services \$ 3,000.00
274.31500.000.274 – Travel/Training-new \$ 3,000.00

SUPERIOR COURT NO. 1 – (132)

Kevin Barton, Superior Court No. 1 Judge, appeared to request a transfer of funds from jury expense and office supplies into part-time. Judge Barton explained one of his full time employees would be off work on maternity leave for eight to twelve weeks this summer. He would like to increase the hours of one part-time staff member and hire an additional part-time employee to provide adequate coverage. Also, the court has had

substantial increase in civil collection cases and mortgage foreclosure cases so the part-time help is needed.

Discussion was held if Judge Barton would have sufficient amount of funds for jury expenses if the transfer were granted. Judge Barton noted he also has an appropriation in the Jury Fee Fund for jury expenses in the amount of \$8,500.

Mr. McCarty moved to approve the request as presented. Mr. Walker seconded the motion that carried unanimously.

From: 100.39101.000.132 – Jury Expense	(\$ 8,500.00)
From: 100.21500.000.132 – Office Supplies	(\$ 2,000.00)
To: 100.11400.000.132 – Part-time	\$ 10,500.00

DRAINAGE BOARD – (119)

Doug Lechner, County Surveyor, appeared to request an additional appropriation for the construction of the Southbrook Legal Drain (field tile) in the amount of \$100,000. He explained this would be a loan for the project and the individuals within the watershed would reimburse the county for the costs over a five-year period. The area stays very wet and the property owners requested for some type of relief of the surface water.

Mr. Walker asked if there were any other sources of funding other than using General Fund.

Mr. Lechner responded the law does allow for borrowing from a financial institution.

Discussion was held on whether Cumulative Capital Development Fund could be used.

Mr. Lechner agreed to approach the Board of Commissioners to request the funds from Cum Cap.

Mr. West moved to table the request until the May Council Meeting. Mrs. Knowles seconded the motion that carried unanimously.

Part-time Rate

Mr. Lechner requested an increase of the part-time rate from \$7.50 to \$10.00 per hour. He explained the Secretary for the Surveyor’s Office as well as for the Drainage Board is currently on medical leave. It is estimated she will be off work for two to three months. He has adequate money in both budgets to fund a part-time employee at \$10.00 per hour.

Mr. West moved to approve the request of \$10.00 per hour. Mr. Walker seconded the motion that carried unanimously.

At this time, Mrs. Boyce had to leave the meeting.

HOMELAND-LAW ENFORCEMENT TERR. PROTECTION – (372)

Forrest Sutton, Emergency Management Director, appeared to request approval for an additional appropriation from a grant that they have been awarded. The Indiana Department of Homeland Security awarded the grant and Mr. Sutton would like to purchase equipment for the Johnson County Bomb Squad.

Mr. West moved to approve the request as presented. Mrs. Knowles seconded the motion that carried unanimously.

372.44100.000.372 – Misc. Equipment \$ 82,921.00

JUVENILE ACCOUNTABILITY BLOCK GRANT – (417)

Albert Hessman, Community Corrections Director, appeared to request additional appropriations for a new Block Grant. If approved, this would allow him to move a salary supplement, benefits, and other expenses from the Project Income Account to this Grant.

Mr. West moved to approve the following amounts as presented. Mrs. Knowles seconded the motion, which unanimously carried.

417.11755.000.417 – Casemanager (salary supplement) \$ 14,587.00
417.14200.000.417 – FICA-Social Security \$ 1,116.00
417.14300.000.417 – PERF \$ 1,349.00
417.14400.000.417 – Insurance \$ 500.00
417.36102.000.417 – Contractual Services \$ 3,120.00
417.21601.000.417 – Operating Expenses \$ 7,993.00

ANIMAL SHELTER – (219)

SPAYED/NEUTERED ANIMAL FUND – (416)

ANIMAL SHELTER BUILDING DONATION – (264)

Dawn Phelps, Administrative Assistant, appeared to request additional appropriations for unemployment compensation, office supplies, and professional/operating services for the Shelter. She also requested a transfer from operating supplies to professional services in the amount of \$5,000. The money was appropriated last month in operating supplies for the landscaping at the new shelter and she needs to move the money to pay the contractor for the service. She noted the department plans on moving into the new Animal Shelter in a few weeks.

Mrs. Knowles moved to approve the requests as presented. Mr. Hollenbeck seconded the motion that carried unanimously.

219.14100.000.219 – Unemployment Compensation \$ 3,000.00
416.21500.000.416 – Office Supplies \$ 2,500.00
264.31000.000.264 – Professional Services \$ 160,000.00
264.21600.000.264 – Operating Supplies \$ 15,000.00
From: 264.21600.000.264 – Operating Supplies (\$ 5,000.00)

To: 264.31000.000.264 – Professional Services \$ 5,000.00

BOARD OF COMMISSIONERS – (122)

John Price, County Commissioner, appeared to request approval for an additional appropriation in the amount of \$43,500 for Juvenile Care. He explained the State of Indiana has taken over the responsibility of the payments beginning January 1, 2009. However, the County is still liable for any unpaid balances through the end of 2008. At the budget Hearings in 2008 for 2009 the line item was removed from the Commissioners budget.

Mr. Canary suggested a letter be forwarded to the vendors to make sure all outstanding invoices have been submitted to the County.

Mr. McCarty moved to approve the request as presented. Mr. Hollenbeck seconded the motion that carried unanimously.

100.39201.000.122 – Juvenile Care \$ 43,500.00

Request to Terminate the Music Service (West Annex)

Johns Price, County Commissioner, and Kathleen Hash, County Attorney, appeared to request the termination of the contract with Muzak for satellite music in the West Annex. The Indiana Code (IC5-22-17-5) provides a basis for early termination as follows:

- *Funds not appropriated or not available; cancellation of contract Sec. 5. (a) When the fiscal body of the governmental body makes a written determination that funds are not appropriated or otherwise available to support continuation of performance of a contract, the contract is considered cancelled. (b) A determination by the fiscal body that funds are not appropriated or otherwise available to support continuation of performance if final and conclusive.*

Mr. Price noted that in an effort to help with upcoming budgetary challenges this is a service that could be eliminated. The monthly payment of the contract is \$76.18 per month.

Mr. West asked if there was a separate line item just for this service. If not, he felt this could not be terminated until the Council does not appropriate the funds for the specific service.

They determined there was not and the payment was paid in the past from the Courthouse Maintenance Budget. However, currently the amount has not been paid.

Discussion was held on whether the county could terminate the contract or not because monies are currently appropriated, but it is not in a separate line item.

Mrs. Hash stated she feels the Statute allows for termination and Jason Miller, Director of Maintenance expressed concern of his budget being short for 2009. The contract renews

itself for sixty months and that allows a short period of time to terminate. Muzak is not willing to negotiate the contract with the County.

Phil Wilson, Council Attorney, noted the Service Agreement states; *if Muzak is required to bring legal action to enforce the terms of the Agreement, all such fees and related costs incurred in connection with such action shall be borne by the Subscriber.*

No action was taken on the request.

VIII. OLD BUSINESS

There was no old business to discuss.

IX. NEW BUSINESS

Bargersville Fire Protection District-Approval of Financing for a New Fire Station-Resolution #2009-01

Brian Deppe, Bargersville Community Fire Protection District's Attorney, and Eric Reedy, Financial Advisor, James White, Fire Chief, and Phil Rosa, President of the Bargersville Fire District Board, appeared to ask for approval for the financing of a new fire station located at the intersection of SR 135 and Somerset Boulevard.

Mr. Deppe reported the Board of Trustees adopted a resolution finding that in order to provide fire protection and fire prevention functions adequate to provide the proper safety for its residents and taxpayers it is necessary for the District to construct a new fire station and to purchase real estate. The amount requested for the project is \$2,750,000 along with interest over a six-year period. He noted the additional appropriation and notice of hearing has been advertised and there were no remonstrators against the proposal.

Mr. West noted he was approached about the possibility of the merger between Greenwood City and White River Township being approved and the location of the proposed new fire station.

Mr. Deppe responded the location is within an area that Bargersville Town has annexed depending on the lawsuit. Assuming Bargersville Town wins the suit, the merger would not have any impact on this facility. The other issue is the Fire District believes the need is now for the new fire station because of public safety.

Mr. Walker asked if the merger happens what would happen with the fire station.

Mr. Deppe responded first Greenwood would have to win the pending lawsuit, and then if the merger committee agrees to continue, the voters would decide on that issue. This process could take some time.

Mr. Walker noted the point should be public safety first no matter who's station it is but that it is necessary because of all the newly expected development in that area.

Chief White reiterated the main issue is fire protection for the area.

Mrs. Knowles asked if the department plans on hiring additional staff for the new station and has the additional operating cost been included.

Chief White explained their levy excess appeal was partially granted so that will allow for some new staff and plan on doing hiring prior to the building being constructed. The additional operating expense has already been built-in their budget.

Mr. Reedy reviewed the historical, projected developments, and the aerial map in the Bargersville Community Fire District. He noted the debt would not impact the other civil taxing units in the county because new debt service is excluded when County Adjusted Income Tax (CAGIT) is calculated. They have a debt service rate that will be paid off this year and the new debt would just replace the old one resulting in a tax impact neutral.

Mr. Walker moved to approve the Resolution as submitted. Mr. Hollenbeck seconded the motion, which unanimously carried.

Discussion – Councils’ Minutes & Agendas Posted to County Website

Council Members proposed to have the Councils’ Minutes and Agendas posted to the County Website along with the meeting dates and times.

Mr. Price concurred and stated he would have someone from the IT Department do so.

Discussion - Special Meeting with Financial Advisor

A Joint Meeting with the County Council and County Commissioners was set for May 6th from 5:00 pm to 7:00 pm in the Annex Auditorium. The meeting would be a report on the Johnson County Fiscal Plan from Mike Reuter, Financial Advisor.

There being no further business, Mr. McCarty moved to adjourn the meeting. Mr. Walker seconded the motion that carried unanimously.