

COUNTY COUNCIL REGULAR MEETING – MARCH 10, 2003

The meeting was called to order by President, Brent Waltz.

I. ROLL CALL

The following members were present: Charles Canary, Ron West, Paul Reed, Richard Mason, Keith Wright, and R.J. McConnell. John P. Wilson was present as Council's Attorney.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 3/10/03 AGENDA

Mr. Waltz requested the following amendments to the agenda:

- Juvenile Detention Center's Request moved to the beginning of the agenda
- New Business: State of Affairs involving the County Roads and Wheel Tax

Mr. Wright moved to approve the agenda including the amendments. Mr. Canary seconded the motion that carried unanimously.

V. APPROVAL OF 2/10/03 MINUTES

Mr. Wright moved to approve the minutes as presented. Mr. Mason seconded the motion that carried unanimously.

VI. PUBLIC COMMENTS

There were no public comments.

VII. APPOINTMENTS

Family Court Advisory Board

Mr. Reed moved to appoint John Herron, 711 Ramblin Road of Greenwood to serve on the Family Court Advisory Board. He noted that he has known Mr. Herron for many years and has worked with him through the Center Grove School Board and he is a very outstanding citizen.

Mr. Canary seconded the motion that carried unanimously.

Greenwood Economic Development Commission

Mr. West moved to appoint Gerald Sargent to the Greenwood Economic Development Commission for a four-year term. Mr. Wright seconded the motion that carried unanimously.

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

JUVENILE DETENTION CENTER – (140)

Mr. Wright explained James Higdon, Director of the Center, had another engagement this evening, however he spoke to Mr. Wright concerning the requests. Mr. Wright explained the first request is to transfer funds to three positions in the amount of \$1,000.00 each for the individual's accomplishments in receiving their EMT certifications.

Mr. Wright moved to approve the transfers and increase in salaries as requested. Mr. West seconded the motion that carried unanimously.

From: #140-123.8 – Youth Care Manager	(\$ 3,000.00)
To:#140-123.1 – Youth Care Sup.(EMT) \$30,972.00 to \$31,972.00\$	1,000.00
To:#140-124.0 – Youth Care Man.(EMT)\$24,950.00 to \$25,950.00\$	1,000.00
To:#140-122.2 – Youth Care Man.(EMT)\$25,050.00 to \$26,050.00\$	1,000.00

Mr. Wright explained the request of \$15,000.00 into the part-time Youth Care Managers line item is because one employee has been called to military duty and perhaps there maybe more.

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Mr. Canary moved to approve the transfer as requested. Mr. Reed seconded the motion that carried unanimously.

From: #140-123.8 – Youth Care Manager (\$ 15,000.00)
To: #140-121.4 – Part-time Youth Care Manager \$ 15,000.00

Mr. Wright explained the request for an increase in part-time Youth Care Managers from \$8.50 to \$9.50 is because Mr. Higdon has a few ex-employees that are willing to work part-time while the other employees are called for military duty. Mr. Higdon felt with the experienced part-time help, that the increase of \$1.00 was a reasonable request.

Mr. Wright moved to approve the part-time rate increase from \$8.50 to \$9.50 (Youth Care Manager). Mr. Mason seconded the motion that carried six to one, Mr. Waltz voted nay.

ANIMAL SHELTER DONATION FUND – (262)

Julie Hively, Animal Shelter Warden, appeared to request an additional appropriation in the amount of \$2,000.00 for claims. She explained because of horse seizures in October of 2002 the funds are needed to help feed the fostered horses. The Prosecutor has filed charges against the owners but a trial date has not been set yet. She noted that she would need to request an additional \$2,000.00 next month for the same reason.

Mr. Wright questioned if the county will be reimbursed from the owners the incurred expenses.

Ms. Hively explained the funds that have been spent should be recouped from the owners if a settlement is made. If the owners are found guilty the horses are awarded to the county and then could be adopted out.

Mr. Wright moved to approve the request as presented. Mr. McConnell seconded the motion.

Mr. Canary expressed concern on the amount of time it has taken to resolve the issue.

The motion carried six to one, Mr. Canary voted nay.

#262-200.0 – Claims \$ 2,000.00

PROSECUTOR DEFERRAL PROGRAM – (327)

Michelle Murray, Prosecutor's Office Manager, appeared to request an additional appropriation in the amount of \$8,887.50 for the Greenwood Police Department's participation in the program.

Mr. Wright moved to approve the request as presented. Mr. Mason seconded the motion that carried unanimously.

#327-313.0 – Deferral Program Participants \$ 8,887.50

Ms. Murray requested approval to pay in advance for airfare tickets and one night accommodation deposits for three upcoming conferences.

Mr. Wright moved to approve the requests. Mr. Mason seconded the motion that carried unanimously.

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT – (356)

Mr. Wright moved to approve the grant funds as requested. Mr. Canary seconded the motion that carried unanimously.

#356-310.0 – Professional Services \$ 31,470.00

HIGHWAY GENERAL EXPENDITURES – (203)

John Price, Highway Director, appeared to request an additional appropriation in the amount of \$10,905.30 for the disaster relief reimbursements. He explained the funds would be distributed as follows:

Planning & Zoning (General Fund) 75%-- \$568.60
Sheriff's Department (General Fund) 75%-- \$2,852.70
City of Greenwood 100%-- \$7,484.00

The funds were received from the State of Indiana (FEMA) related to the tornado disaster cleanup from the tornado that struck the county in October of 2002.

Mr. Wright moved to approve the request as presented. Mr. Reed seconded the motion that carried unanimously.

#203-343.0 – Disaster Relief Reimbursement \$ 10,905.30

HIGHWAY MAINTENANCE & REPAIR – (204)

Mr. Price requested an additional appropriation in the amount of \$45,812.20 for the vehicle maintenance supplies. He explained the money was also received from the disaster relief reimbursement and felt the funds are needed in the requested line item because they have expended approximately 45% in the first nine weeks of the year.

Mr. Wright asked if the money could be appropriated into any line item. Mr. Price responded only the line items that they used for the cleanup and the said line item was one that they used.

Mr. Canary moved to approve the request as presented. Mr. Wright seconded the motion that carried unanimously.

#204-221.0 – Vehicle Maintenance Supplies \$ 45,812.20

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CUMULATIVE CAPITAL DEVELOPMENT – (254)

Office Equipment

Joseph DeHart, County Commissioner, appeared to request an additional appropriation in the amount of \$2,188.00 to purchase a new printer for the Pleasant Township Assessor's Office. He explained four quotations were received for this purchase, and the lowest amount is the requested amount.

Mr. Wright commented that from the attached Commissioner's minutes submitted he was made to believe the Commissioners were hesitant on this purchase from Cum Cap.

Mr. DeHart responded the Commissioners agree the Cum Cap Fund should be used for major projects.

Mr. Reed moved for this purchase to be paid from the General Fund. Mr. McConnell seconded the motion that carried six to one, Mr. West voted nay. The Pleasant Township Assessor would need to return next month for the request.

Fairgrounds Entrance (see minutes 2/10/03)

Larry Vandenburg, Fair Board Member, and Joseph DeHart, County Commissioner, appeared to request the re-appropriation of \$49,500.00 for the purchase of property for an entrance that was tabled from the February 2003 meeting. The Council members received in the mail a draft of a permanent right of entry and easement between the County and the Methodist Home from the County Attorney, Joseph Pitcher.

Mr. Waltz stated there seems to be three major issues: the permanent easement to the Methodist Home, the access availability to the parking lot, and the ongoing maintenance costs.

Mr. Vandenburg commented he thinks the Methodist Home would only use the parking lot once or twice a month. They would open their gate when they were using the lot and any other time the gate would be locked.

Mr. DeHart stated the Home will pay for the pavement of the lot and the County and Home will jointly keep the lot repaired.

Mr. Wright remarked the Council still does not have a copy of the purchase agreement. The Council approved the funds ten months ago and could not understand why a purchase agreement has not been signed.

Mr. West stated the Council approved the purchase of the property last year with no conditions attached and was told there was no agreement with the Home. He feels the reason the Council does not have a purchase agreement at this time is because there was some type of deal being made concerning the Home wanting a parking lot.

Discussion was held on the gating of the parking lot and when it should be locked and where gates should be located.

Mr. Reed asked if the County will be utilizing the parking lot or is it mainly for the Home and how often would a new entrance be used. Mr. Vandenburg responded "yes" they would be using the parking lot and the entrance during the fair and horse events.

Mr. Canary noted what the Fairground needs is a good exit. Mr. Vandenburg explained the entrance is designed to have four lanes, two lanes in and two lanes out, sidewalks, and a small gatehouse.

Mr. Wright remarked with a permanent easement things could change in the future and the County may have other plans for the property. Also the usage by the Home could increase since there is nothing provided for the usage in writing. He suggested the County could charge a fair market value for the easement.

Mr. West commented he is in favor of purchasing the property, however he is against any contingencies unless the Home is willing to make some concessions on their portion of the sell.

Mr. Waltz noted with a permanent easement they are entitled to use the property forever. He suggested instead of an easement, perhaps some type of an agreement or lease with the Home be made with a time limit included.

Mr. Canary stated the Johnson County Fair Board does not have a contract with the Board of Commissioners to host a fair.

Mr. Mason remarked the easement issue is the Board of Commissioners' decision.

Mr. McConnell remarked the Council does not have the authority to dictate contractual terms. He moved to approve the purchase of the property and leave the decision to the Commissioners on the easement. He commented that several Council members are not in favor of a permanent easement.

Mr. Canary seconded the motion.

Mr. Waltz reported according to I.C. 36-2-2-20 (County Property Sell or Acquisition) the Council has the legal responsibility to assist in the purchase.

"However a conveyance or purchase by a county of land having a value of \$1,000.00 or more must be authorized by an ordinance of the county fiscal body fixing the terms and conditions of the transaction as added by acts of 1980".

Mr. Waltz explained the motion is to approve the \$49,500.00 for the purchase of property for a fairgrounds entrance with no provisos or conditions included.

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Mr. Wright asked what are the estimated costs on the building of the entrance. Mr. Vandenburg responded approximately \$100,000.00. The fair board has \$10,000.00 to remove the house from the property. Mr. Wright noted the county's responsibility would exceed \$150,000.00.

The motion carried four to three, Mr. Wright, Mr. Reed, and Mr. Waltz voted nay.

Mr. DeHart and Mr. Vandenburg stated they would work on the conditions and report them to the Council.

#254-430.2 – Fairgrounds (entrance)-tabled from Feb. \$ 49,500.00

BOARD OF COMMISSIONERS (122)

John Price, Highway Director, appeared to request a transfer of funds for overtime from the vehicle maintenance supplies line item because of the extra hours worked by the mechanic due to the bad weather conditions.

Mr. Mason moved to approve the request as presented. Mr. Canary seconded the motion that carried unanimously.

From: #122-221.0 – Vehicle Maintenance Supplies (\$ 1,500.00)
To: #122-199.0 – Overtime \$ 1,500.00

Mr. DeHart appeared to request an additional appropriation in the amount of \$245,350.00 for the care of patients and inmates.

Mr. Waltz noted the Council tabled the requests for this line item in the past pending a lawsuit that now has been withdrawn. He suggested the Board of Commissioners' budget for 2004 be based upon the last twelve months of invoices. Mr. Reed moved to approve the request as presented. Mr. Mason seconded the motion that carried unanimously.

#122-392.0 – Care of Patients & Inmates \$245,350.00

SHERIFF – (105) (tabled from Feb.)

Mr. Mason moved to table the request for a new merit deputy indefinitely. Mr. Reed seconded the motion that carried unanimously.

IX. OLD BUSINESS

There was no old business to discuss.

X. NEW BUSINESS

Johnson County Highway Funds & Wheel/Surtax

John Price, Highway Director, appeared and gave a presentation on the highway funds, revenue sources, distributions, county growth, assessed values, road maintenance, road projects, county road conditions, and perhaps a wheel/surtax on vehicles. He distributed a copy of the presentation to all the members.

Each Council member expressed his comments on the presentation.

R.J. McConnell: He felt the first thing that needs to be determined is the amount of funds that are needed in the future years for paving and matching major road projects. Then see if there is any other option of funding the roads if it is determined the county will be in a deficit.

Price: He reported the county should be paving approximately \$2.5 million a year and the amount generated is approximately \$1 million a year.

Keith Wright: He questioned if certain types of vehicles could be excluded from the wheel tax. He expressed concern for the small farm operations and having to pay the additional tax on their tractors, trailers, and trucks. He remarked that Mr. Price said he could attend the cities and towns boards meetings to receive their input on imposing a wheel tax. Why wouldn't the cities and towns be interested since they would receive over 50% of the revenue? He asked if the gasoline tax was one of the largest revenue sources for the roads.

Price: He explained only certain type of vehicles could be exempt such as government owned and religious or nonprofit vehicles. He noted the County Council would establish the wheel tax rate, however the Council may impose different rates for different classes of vehicles. He explained he would want the support of the cities and towns to be present if it was brought before the Council for a vote. He reported there is proposed legislation on increasing the gasoline tax to generate additional revenue.

Richard Mason: He commented he is not a big fan of wheel tax, however is willing to listen and assess the possibility.

Paul Reed: He stated he is not in favor of a county wheel tax. He noted that the unemployment rate in December of 2002 was 3.6%. He does not feel comfortable in asking the taxpayers to pay more taxes when some are struggling to make ends meet now.

He would be more receptive to an innkeeper's tax or an increase in the gasoline tax.

Charlie Canary: He feels a coalition needs to be accomplished with the cities and towns. He feels a wheel tax is a user fee and the individuals using the roads should pay for them. He noted at this time he could not say if he was 100% for the tax or 100% against the tax.

Ron West: He noted the county's local road & street fund received an additional \$2.8 million dollars from 1997 through 2001 from Public Law 260-1997 and Pubic Law 273-1999 over and above the regular distributions. He reported a county wheel rate is a minimum of \$5.00 and a maximum rate may not exceed \$40.00 per vehicle. The surtax is at least 2%, but not **COUNTY COUNCIL REGULAR MEETING – MARCH 10, 2003 – (cont.)**

more than 10% of the state motor vehicle excise tax, but a minimum fee of \$7.50. The surtax must be enacted in conjunction with the county wheel tax. If Johnson County would adopt the taxes the maximum amount generated for county and cities/towns would be \$2.9 million dollars and the minimum amount would be \$807,000. The county would receive \$1.4 million on the maximum and \$399,000 on the minimum. He noted currently the county already has an excise tax on trucks and trailers. He feels perhaps the EDIT (Economic Development Income Tax) tax would be more of an equitability tax.

Price: He explained during 1997 through 2001 the county maintained more of the roads and worked on several major projects.

Brent Waltz: On behalf of the Council he commended Mr. Price and his employees on maintaining the roads through the harsh winter and for the maintenance of them for the last several years. He commented he was opposed to the wheel/surtax on vehicles. He noted that 50% of the funds received from the said tax would go to the entities other than Johnson County government. After receiving the information on the conditions of the current roads and the financial issues in the county he wanders if the appropriation of one million dollars that was approved from the Cum Cap Fund for road realignments was a prudent decision. He mentioned the Council might need to establish an EDIT tax to offset the lost revenue when the personal property inventory tax is phased out.

Price: He thinks the road realignments are a project the county needs to accomplish.

Mr. McConnell noted he suggested a few months ago that perhaps the Council have a special meeting to discuss alternative revenue sources.

After some discussion the Council concurred that a County-Wide Summit be held in the future to discuss various issues.

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