

## **COUNTY COUNCIL REGULAR MEETING – DECEMBER 1, 2008**

The meeting was called to order by President, Josh McCarty.

### **I. ROLL CALL**

The following members were present: Charlie Canary, Steve Hollenbeck, John Price, Ron West, and Anita Knowles; Beth Boyce was absent. Phil Wilson was present as the Council's attorney.

### **II. PLEDGE OF ALLEGIANCE**

### **III. INVOCATION**

### **IV. APPROVAL OF 12/01/08 AGENDA**

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

### **V. APPROVAL OF 11/10/08 MINUTES**

Mr. Hollenbeck moved to approve the minutes as presented. Mr. Canary seconded the motion, which unanimously carried.

### **VI. PUBLIC COMMENTS**

Mr. McCarty wanted to publicly congratulate the Center Grove High School Football Team on their Class 5A State Championship.

Mr. West also wanted to recognize the Clark-Pleasant Academy for their national award; only three awards were given out nationally.

### **VII. DISCUSSION WITH STATE LEGISLATORS**

Mr. McCarty then welcomed some of the local State Legislators. Those in attendance were State Representative Milo Smith, State Representative Dave Zell, State Senator Greg Walker, Senator Brent Waltz, and State Representative Woody Burton. Mr. McCarty stated that Senator Miller and State Representative Foley called and couldn't make the meeting tonight due to prior commitments.

Some of the key topics that were either discussed or touched upon included:

- Balancing the budget – State not dependent of local government budgets
- Property Taxes – caps
- Kernan-Shepard Report – consolidating services
- Gas Tax – flexibility for the county to use the funds (repeal Wheel Tax)
- State Police - funding
- Innkeepers Tax

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

**1. WHITE RIVER TOWNSHIP ASSESSOR – (113)**

Jesslyn Reynolds, White River Township Assessor First Deputy, appeared to ask for a transfer of funds to help pay for a bill for some office equipment that was purchased.

Mrs. Knowles moved to approve the following transfer as requested. Mr. Price seconded the motion, which carried unanimously.

- a. From: 100.31500.000.113 – Travel & Training (\$ 234.38)
- To: 100.44000.000.113 – Office Equipment \$ 234.38

**2. JUVENILE DETENTION CENTER – (140)**

Mr. McCarty noted that he spoke with Mr. Higdon earlier and he will not be able to attend the meeting during the early hours due to other obligations, but may be available later on if needed. The request is to transfer monies from a full time line item of an employee who is on active military leave to other line items.

Mr. West inquired about the amounts going into the full time line items.

Barb Davis, First Deputy Auditor, responded that the salaries of those full time line items were not being changed because their was not a new form 144 Salary Ordinance submitted; more than likely, it is to cover for shortfalls within those line items due to new employees or paying out accrued time for previous employees.

Mr. Hollenbeck moved to approve the following transfers as requested. Mr. Price seconded the motion that unanimously carried.

- a. From: 100.11753.000.140 – Youth Care Manager (\$ 8,520.00)
- To: 100.11404.000.140 – Part-time Programming \$ 500.00
- To: 100.11405.000.140 – Part-time Cook \$ 1,200.00
- To: 100.11406.000.140 – Part-time Youth Care \$ 5,000.00
- To: 100.11213.000.140 – Youth Care Supervisor \$ 200.00
- To: 100.11721.000.140 – Youth Care Supervisor \$ 400.00
- To: 100.11739.000.140 – Youth Care Manager \$ 150.00
- To: 100.11749.000.140 – Youth Care Manager \$ 550.00
- To: 100.11751.000.140 – Youth Care Manager \$ 520.00

**3. PLANNING & ZONING – (117)**

Dan Batta, Director, appeared before the Council request a transfer of funds to pay down the amount of compensatory (comp) time that the Planning Engineer has accrued since 1998, based on an agreement that was made when he was hired. He currently has 450 hours of comp time and Mr. Batta has been asked to get this amount reduced to be more in line with the personnel manual, which has a maximum limit of 75 hours. Mr. Batta also noted that there was no written agreement, but this has been the practice since day one and when he spoke to the Commissioners and the County Attorney, he was told that

this needs to be addressed and he is working on a proposal to achieve that, including adjusting his work schedule. He also added that this time is based on hour for hour; it was not multiplied by time and half.

Mr. West inquired about why this wasn't addressed about two years ago when the new personnel manual was implemented.

Tom Kite, Commissioner, was present and explained that he was not aware of this situation, but he is going to make sure that it gets addressed now and feels like the current Commissioners have to deal with this, even though this employee was hired under another set of Commissioners.

Mr. West asked what the hourly rate was for this and then asked if this could be pro-rated and paid out based on the hourly rate he was making when he earned the comp time.

Mr. Price asked how many employees were over the 75-hour maximum limit for comp time.

Jan Richhart, Auditor, responded that there are just a few that have about 80 hours.

Mr. Price commented that it would be nice to just pay this now instead of this reverting back and then re-appropriating the funds later. He also noted that they having pro-rated anyone else's pay, but this may be something that could be incorporated into the new employee manual, which is being updated right now.

Mr. West expressed that comp time should just be done away with; just pay the overtime as it is incurred and then that would also help reflect a better, true budget.

Mr. Batta noted that comp time is a nice thing to give from a management standpoint because the employees can't always flex their time within the same pay week.

Mr. Price added that if you did away with comp time, then all of the departments would be coming in to add increase their overtime line items.

Mr. West moved to table the request. Mr. Hollenbeck seconded the motion.

Barb Davis, First Deputy Auditor, expressed that a transfer couldn't not be tabled at this time; it would just revert back to the General Fund at the end of the year. An additional appropriation would have to be made in January.

The request for a transfer then died for lack of a motion.

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| a. From: 100.10000.000.117 – Director                   | (\$ 4,450.00) |
| From: 100.11206.000.117 – Recording Secretary/Archivist | (\$ 400.00)   |
| From: 100.12200.000.117 – Engineering Assistant         | (\$ 750.00)   |
| From: 100.38500.000.117 – Graduate Assistantship        | (\$ 1,950.00) |

To: 100.12001.000.117 – Planning Engineer

\$ 7,550.00

Mr. Batta also distributed a spreadsheet of the Current Fee Schedule verses the Old Fee Schedule for the Council's information.

Mr. McCarty also wanted to quickly address the Buyout of the Flooded Homes, which was listed under New Business on the agenda, and noted that there would not be any action taken tonight by the Council. The Council and the Commissioners held a special meeting and the Commissioners have moved forward with applying for grants and there really is no action that the Council needs to take tonight.

Mr. Price noted that they have been given a list of 24 homes and 6 alternates.

Mrs. Knowles commented that they were supposed to get more information on how to fund the 25%, which will be the county's portion.

Mr. Batta noted that they are still getting information together relating to the funding and are getting updates daily and it is looking pretty good, but he doesn't have definite information yet.

#### **4. COMMISSIONERS – (122)**

Kathleen Hash, County Coordinator, appeared and asked that the original request be tabled because they have not received the check from the insurance company yet.

Mrs. Hash then gave the Council an update on the flood situation and dispersed a new handout to them.

Mr. Canary moved to table the request until January's meeting. Mrs. Knowles seconded the motion, which unanimously carried.

a. 100.42700.000.122 – Capital Improvements (Furniture) insurance check \$180,000.00

#### **5. VETERANS SERVICE – (120)**

Charles Russell, Interim Director, appeared to request an additional appropriation for Travel & Training. A shortfall has been experienced in the Travel & Training line item due to their current location and the traveling done to conduct county business.

Mr. Price asked if all \$1200 was needed to get through the end of the year.

Mr. Russell responded that he could probably get by with about \$800.

Mrs. Knowles commented that there were some funds left in the Part-time line item.

Mr. Price asked if all of the funds for part-time would be needed for the remainder of the year.

Mr. Russell replied no.

Mr. Price then moved to approve the following transfer:

From: 100.11400.000.120 – Part-time	(\$ 800.00)
To: 100.31500.000.120 – Travel & Training	\$ 800.00

Mrs. Knowles seconded the motion that carried unanimously.

#### **6. EMERGENCY MANAGEMENT – (127)**

Forrest Sutton, Director, appeared to ask for an appropriation of \$2,500.00 to pay for a 24 port phone switch. This money is from flood-related money received from FEMA.

Mr. Price moved to approve the request as submitted. Mr. West seconded the motion that carried unanimously.

a. 100.44000.000.127 – Office Equipment (use of FEMA money)	\$ 2,500.00
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#### **7. MUSEUM – (125)**

Sarah Rogers, Director, appeared to request an additional appropriation to help cover the utility costs and also to appropriate the check, received from the insurance company, so that she can pay outstanding invoices.

Mr. Price moved to approve the requests as submitted. Mr. Hollenbeck seconded the motion which unanimously.

a. 100.32400.000.125 – Utilities	\$ 6,000.00
b. 100.39501.000.125 – Flood Repairs (insurance check)	\$ 21,875.05

#### **8. SHERIFF – (105)**

##### ***Approval to the Johnson County Police Retirement Plan-Fifth Amendment***

Sheriff Terry McLaughlin, appeared to seek approval of the fifth amendment to the Johnson County Police Retirement Plan that was presented at last month's meeting.

Mr. Price moved to approve the execution of the *Johnson County Police Retirement Plan – Fifth Amendment* as requested. Mr. Canary seconded the motion, which carried unanimously.

Mr. Price then moved to approve the request for overtime for work done for the OPO/BCC and DUI for the month of October 2008. Mrs. Knowles seconded the motion that carried unanimously.

a. 100.19900.000.105 – Overtime (OPO/DUI/BCC)	\$ 751.96
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Sheriff McLaughlin withdrew the request for the part-time rate of \$10.00 per hour from the "Commissary Fund".

He then asked for approval for his 2009 Sheriff's Salary Contract.

Mr. Canary moved to approve the request for the Sheriff's Salary Contract of \$113,082.00 annually for 2009. Mr. Price seconded the motion that unanimously carried.

Sheriff McLaughlin also wanted to alert the members that he came before the Council about a year ago to get an hourly rate approved for a reserve deputy (also a contract was made) to fill in the position of normal deputy who was on active military leave for one year and noted that person actually won't be back to work until like the third week in January, and he wanted to extend the contract with the reserve deputy until then. If it were okay with the Council to move forward with that, he would then come back at January's meeting to make the formal request.

The Council expressed that should be fine.

#### **9. FAMILY & CHILDREN – (218)**

Penny Pitcock, Director of Child Services, appeared before the Council to originally request a short-term loan of \$545,996.00 to cover expenses for the children they have in placement, but is now requesting that this request be tabled until next month's meeting where she should have a better amount needed for the loan.

Mr. West moved to table the request until next month's meeting. Mr. Price seconded the motion that unanimously carried.

#### **10. AUDITOR – (102)**

Jan Richhart, Auditor, appeared to request a transfer of funds to help pay for part-time help due to correcting tax statements.

Mr. Hollenbeck moved to approve the request as presented. Mr. Canary seconded the motion, which carried unanimously.

a. From: 100.44000.000.102 – Office Equipment	(\$ 1,000.00)
To: 100.11400.000.102 – Part-time	\$ 1,000.00

Mrs. Richhart also requested that another transfer be made for part-time help due to another project that the Auditor's office has to address – the petitions for the Greenwood City Water Park, which have to be done by next week. She explained that she has some monies left in two full-time items that could be transferred to part-time.

Mr. Canary moved to approve the following transfers as requested. Mr. Price seconded the motion that unanimously carried.

From: 100.11204.000.102 – Secretary	(\$ 795.99)
From: 100.11340.000.102 – Deputy-Deeds	(\$ 786.60)
To: 100.11400.000.102 – Part-time	\$ 1,582.59

**11. PARK – (128)**

Chris Johnston, Superintendent, appeared to request the following transfer of funds:

a. From: 100.11400.000.128 – Part-time	(\$ 10,000.00)
To: 100.21600.000.128 – Professional Services	\$ 1,605.00
To: 100.32400.000.128 – Utilities	\$ 8,395.00

Mr. Price moved to approve the transfer as requested. Mr. Hollenbeck seconded the motion that carried unanimously.

**IX. OLD BUSINESS**

**Presentation Regarding Draft Innkeepers Tax Legislation and Request for Permission to Submit to Legislature**

Roger Young, Attorney for the Park Board, was in attendance and presented the Council Members a draft of the Innkeeper’s Tax Legislation and to seek permission to submit this to the Legislature. He also introduced Karen Arland, attorney with Ice Miller & Assoc., and commented that she helped with the draft and could help answer any questions. Mr. Young first wanted to introduce two special speakers that had traveled a long way to be here tonight.

The first speaker is Dr. Mark Russell, Professor of Animal Science at Purdue University, appeared to talk about the necessity of upgrading the park for the horse industry. He explained the growth of the horse industry and noted that he doesn’t see it slowing down; however, the location of the park is pretty good and if properly upgraded, it could hold a lot of shows that people would attend from all over the country, which could result in increased revenue for the county. This would be a great attraction for Indiana and they would also need some infrastructure to accommodate the visitors.

The second speaker is Mr. Jack Haffling, past President of the Indiana Horse Council and current Board Member, was also in attendance and expressed that the park in Johnson County has great potential to become a great showcase for the horse industry. He also noted that with the multi-day horse shows, the need of RV accommodations and camping areas would be increased; it is a package deal. He added that he spoke with Mr. Sutton (Emergency Management) a few minutes ago and this could be a great location for animals when disasters hit; it could be a multi-use facility.

Mr. Young commented that Mr. McCarty expressed that he did not want anything written in the proposed legislation compelling the Council to allow the County Park to get any of the Innkeeper’s Tax; it only allows the authorization of the Council to disperse whatever monies they saw fit to go to the County Park and to fund debt service.

Mr. McCarty added that he felt like it would be in the best interest for the whole county that the Innkeeper’s Tax revenue is used for the whole county and not in just one or two areas. He also wanted to discuss the one percent (1%) listed within the proposed draft to fund the County Visitor and Tourism Bureau.

First, Mr. Young explained how the figure of \$500,000 annually per year of service will accomplish three things simultaneously; it would decrease ongoing maintenance costs, decrease ongoing operation costs, and increase revenue.

Mr. Price inquired if there were any research done regarding a public/private venture or a stand-alone facility with someone leasing it.

Bill Hart, President of the Park Board, commented that they did have someone show interest in running the facility privately, but the amount that he wanted to charge was about three times the amount that is currently being charged and the Park Board didn't feel like it would attract many visitors or increase revenues.

Mr. West commented that privatizing the horse park would be okay, but it would hurt the rest of the park, so overall, he didn't feel like it would be a good idea.

Mr. McCarty also expressed that the option of privatization of the Horse Park should be researched.

Mr. Price then asked if they had applied for any grants.

Mr. Hart responded that Drew Eggers, Park Assistant Director, has been researching grants, but a lot of them are only matching funds and there is no guarantee.

Mr. Canary asked what figure Mr. Young used for the bond issue.

Mr. Young replied that he used the figure of \$3.8 million, at 125% coverage.

Mr. Canary then wanted to clarify that the overall total of the whole master plan with all of the wanted upgrades was \$22 million.

Mr. Young replied the \$22 million included the total overall costs, that may or may not get done, but it would not to be paid for by the county. The requested amount will go upgrades, such as updating the arenas, adding more stalls, updating the buildings and also implementing a walking trail, which will help tie the park more together. He then stated the next step would be, if Council gives the go ahead, is to have Umbaugh and Associates double-check all of the figures to see how much they could spend on improvements, then they would go back and look at Taylor Brothers master plan and pick one from column A and one from column B and then go through it a-la-carte until they get to the amount allowed and also pick some alternatives and then send out bids.

Mr. Price then asked if enough profits would be made to pay off the bond within the timeframe given by Umbaugh and Associates.

Mr. Young replied that big horse shows normally get booked in two or three years in advance, and once word gets out that there are major improvements going on, they will start calling and booking shows for 2011 or 2012.

Mr. West expressed that if the county does get a Visitor's Bureau, what attraction would they market to someone out of state to bring them to Johnson County? There really isn't too much. The updated Horse Park would be a huge attraction and would be a good start to market tourism to Johnson County; this would then lead to other things, such as increased business for the hotel/motel industry.

Mr. Young added that there are several other smaller places that are worth visiting, such as AppleWorks, the Edinburgh Outlet Mall, Franklin College, Mallow Run Winery, but they alone are probably not going to attract someone from out of state to come in here. However, if someone were here for a three-day horse show, they would probably venture out and visit these places.

Mr. Price noted that as far as improving the hotel/motel business in Franklin and Greenwood, it is possible, but most of the hotel/motel business will be benefited in the southern part of Johnson County and into Bartholomew County. He also mentioned that a lot of soldiers and their families stay in those areas as well.

Mr. McCarty inquired about the possibility of the County Park and the County Fairgrounds co-existing more and in some light may be seen as if they were competing with each other.

Mr. Eggers expressed that he felt like they do co-exist to a point; there is no competition. He refers a lot of shows to the Fairgrounds and the Park hosts a lot of 4-H camps. As far as the Park moving up to the Fairgrounds, that won't work; the Park is over 200 acres and the Fairgrounds is only about 5 acres. As far as the Fairgrounds moving to the Park, that is a possibility, but it probably won't happen either.

Some discussion regarding how the tax would be implemented and disbursed was held. Mr. McCarty then opened the floor for public comments. The following people spoke:

Craig Wells – Franklin City Council Member

Fred Paris – Franklin City Mayor

Tricia Bechman – Franklin City Chamber of Commerce Executive Director

Christian Maslowski - Greenwood City Chamber of Commerce Executive Director

Cheryl Morpew – Executive Director for Johnson County Development Corp

Overall, they were all in favor of the Innkeepers Tax and the Tourism Bureau and felt like if it was implemented properly, the whole county would benefit from it. They expressed that they are not as concerned with attracting visitors from different states, they are fine with attracting visitors from neighboring counties; it doesn't really matter as long as the money is being spent within Johnson County. Their only concern is they don't want the Innkeepers Tax specifically associated with the Horse Park only; however, they do agree that the Horse Park needs improvements. They all felt like that if the Visitor's Bureau was properly funded, at more than the 1%, it would benefit all of Johnson County

and not just one particular project and the bureau could help market all of the county's attractions.

Discussion was then held regarding how the verbiage should be written properly in the proposed legislation, what percentage should be allowed for the County Park if bonds are issued and whether or not they should just collect the money for a year and then decide how to disburse it.

Mr. West then made a motion to approve the legislation as proposed, striking out the 1% to the county agricultural fairgrounds. Mrs. Knowles seconded the motion, which failed two to four. Mr. Price, Mr. McCarty, Mr. Canary, and Mr. Hollenbeck all voted nay.

Mr. Price then moved to approve the uniform legislation with the 5% cap for the Innkeepers Tax.

Mrs. Arland stated that in order to do that, it would have to be approved as an ordinance.

The motion died due to lack of a second.

Bob Swinehammer, taxpayer and member of the Park Board, expressed his opinions on the matter. He first noted that funds have already been expended to prepare a master plan and if bonds are not issued then those funds will not get reimbursed. As far as the Park Board doing their due diligence, he feels that has been done and is included within the Master Plan.

Mr. McCarty asked Mrs. Arland if the legislation is approved and passed, could they change the percentage later.

Mrs. Arland replied that it could change up until it is actually read before the Conference Committee. She also noted that the language, as proposed by Mr. Young, allows for the seven member board to be appointed as follows: five from the County Council, one from the Mayor of Franklin, and one from the Mayor of Greenwood. Under the uniform language, the board would be appointed as follows: six by the County Commissioners and one from the Mayor of Greenwood.

More discussion was held regarding the percentage allocated to the Visitor's Bureau and the County Park.

Mr. Canary moved to approve the proposed legislation with the tax rate set at 7% and 4% go to the County Horse Park and 3% to the Visitor's Bureau and strike the 1% to the County Fairgrounds. Mr. West seconded the motion.

Mr. Paris expressed that he would not support that; the percentages need to be more equitable and asked if the Council was willing to put a cap on their side.

Mr. McCarty suggested splitting the percentages equally.

Mr. Canary then moved to amend his motion to change the percentage from 4% to 3.5 % for the County Horse Park and from 3% to 3.5 % for the Visitor's Bureau. Mr. West also seconded the amendment.

Mr. Hart asked that if they split the percentage equally, then would they allow the Park to keep the funds from their Non-Reverting Funds for the next three years to proceed with their upgrades.

Mr. Canary stated that he would not make that part of his motion.

Commissioner Kite also inquired if anyone did their due diligence to see how much it would cost to operate a Convention Center.

Mrs. Knowles asked for the motion to be restated before the vote was taken.

Mr. McCarty stated the motion was to approve the language as presented with the 7% cap and having 3.5 % going to the Visitor's Center and 3.5 % going to the County Park and to strike the 1% going to the County Fairgrounds.

The motion carried unanimously.

## **X. NEW BUSINESS**

### **Discussion-Transition of Township Assessor Duties to County Assessor**

Mark Alexander, County Assessor, appeared before the Council to give them an update regarding the process of transitioning the other two townships, Pleasant and Whiter River, to under the County Assessor.

Mrs. Knowles asked if he planned to keep any satellite offices.

Mr. Alexander replied that he is going to close the White River Township's office, but he is going to keep the Pleasant Township office and there may be more space available for other county offices. He plans to run the personal property out of that office as well as some mapping.

Mr. Price asked when the lease for the office space at Pleasant Township expires.

Mr. Alexander replied that there is one year left of a five-year lease; it expires at the end of 2009. That lease will need to be re-negotiated sometime next year; the alternative is to move everyone into this building, but his office space is limited.

Mr. Price questioned where the savings is going to come from by bringing the township assessors all under the County Assessor especially if there are satellite offices and all of the personnel are kept.

Mr. Alexander responded that the main savings in Johnson County would show once their work is up to date; they are over three hundred days behind right now. The only way to get caught up is with labor and labor requires housing. He commented that he has interviewed all of the full time employees and wants to make sure they are all properly trained and he has a plan in place to get the workload back on schedule, which includes inputting the backlog of over 800 sales disclosures (inputting those average four per hour per person).

Mr. Price then asked what the timeline looks like for tax statements in 2009.

Mr. Alexander replied that right now, he is thirty days behind schedule from last year. He added that the 2007 taxes payable 2008 are still not certified by the State. They allowed us to go ahead with our tax billing, but they are still checking our data and have sent some rejection notices basically letting us know that they were going to let us get by this time, but they will not accept this next year. We are only compliant in one of five areas.

Mr. Price then asked what it would take to help make us get compliant with the State.

Mr. Alexander answered that an integrated software system between the data from the Assessor to the tax billing system from the Auditor and Treasurer. We have the software purchased and will begin the conversion process in 2009 and he noted that he has been meeting weekly with Jan Richhart, Rita Sievertson, and Rob Norris to assess the situation and how to implement the training for this conversion. He also wants to keep the Council updated monthly as well.

Mr. Price also inquired how much it would cost us in overtime pay verses what we lost in interest and possible penalties.

Mr. Alexander stated that he has utilized some overtime and will continue to do so and have the employees work during non-business hours to get the backlog of the sales disclosures. He has also contracted an outside source to help with the trending. With all that said, he recommended that the Council look at alternative billing for next year, such as provisional billing.

Rita Sievertson, Treasurer, spoke and noted that she would be more in favor of provisional billing and does not recommend the installment plans or having one due date.

#### **Discussion-Buyout of Flooded Homes**

This was discussed earlier in the meeting.

There being no further business, Mr. West moved to adjourn the meeting. Mr. Price seconded the meeting, which carried unanimously.