

**WHITLEY COUNTY COUNCIL  
OCTOBER 6, 2009**

The Whitley County Council met in regular session on Tuesday October 6, 2009 in the Commissioner's Room located on the first floor of the Whitley County Government Center. Council members in attendance were Chairman Thomas Western, Vice Chairman Kim Wheeler, James Bayman, Glen LaRue, John Barrett, William Overdeer and James Banks. Also attending for all or part of the meeting was Auditor Linda Gerig, County Attorney Dan Sigler, County Coordinator Amy Crickmore, Alan Tio, Todd Burggrave, Highway Supervisor Michael Barton, Ray Whiting, County Clerk Cindy Doolittle, David Koenig, Terry Shively, Museum Curator Dani Tippman, Karen Friend-Bowman, Dan Stewart, Cindy Barnett, Michael Schrader, Don Amber, Chief Probation Officer Douglas Jones, Meredith Hoffman, Bill Webber, Judge Michael Rush, Duane Ginder, Dave Hazen, Gene Heckman and Chris Myers. Chairman Western called the meeting to order at 8:00 a.m.

**IN THE MATTER OF PREVIOUS MINUTES:** The minutes of September 9, 2009 were approved as presented.

**IN THE MATTER OF HIRING FREEZE:** Clerk Cindy Doolittle and Superior Court Judge Michael Rush were present to request an exception from the hiring freeze implemented by county council. An employee of the clerk's office has left and that takes the number of full-time employees down to four. Judge Rush spoke in support of letting the clerk hire a full-time replacement. After further discussion, Banks moved, seconded by Wheeler, to lift the hiring freeze as a whole. The motion failed with a 5/2 vote. Banks and Wheeler were the only Yes votes. Overdeer moved, seconded by LaRue, to lift the hiring freeze just for the clerk's office at this time. The motion passed 7/0. Highway Supervisor Michael Barton was also present to discuss replacing a truck driver position in that department. After further discussion, LaRue moved, seconded by Wheeler, to allow Barton to hire a replacement for the vacant position. The motion passed 7/0. Dani Tippman, Museum Curator, requested to replace a vacancy in her staff. It is a specialized position and does need replacing. LaRue moved, seconded by Wheeler, to allow Tippman to fill the vacancy. The motion passed 7/0.

**IN THE MATTER OF CREDIT REQUESTS:** Alan Tio, President of the Whitley County Economic Development Corporation, was present as a representative of the Economic Development Corporation Investment Board. The Board reviewed a request from Greg Stalcup to authorize the second phase of a three-phase CREDIT incentive package to support the growth of Sites Medical in Whitley County. As explained to the Investment Board, the project will establish SMed QA/Ops, a subsidiary of Sites Medical, which will provide support services for Site Medical's product development units. The project is expected to create 30 new jobs with a payroll of \$1,250,000 over the next three years. The Investment Board is recommending that the Commissioners and Council move forward with formalizing an agreement for the three-phase CREDIT incentive and award \$100,000 to support this project. Tio also reported on a request from Brian Emerick, Dave Hazen and Greg Stalcup to support their development of the OrthoVation Center at the corner of County Road 600 East and State Road 14. The project will establish a 20,000 sq. ft. expandable facility to house startup medical device product development and support companies. The request for CREDIT funds is to support infrastructure improvements at the site, which will be expandable to approximately 40,000 sq. ft. of tenant space. The Investment Board recommends a two-phase CREDIT incentive package. Phase one would be \$75,000 to be awarded in 2009 toward specified infrastructure improvements and phase two would be \$75,000 to be awarded in 2010 toward specified infrastructure improvements. The OrthoVation Center will initially house five to six companies, including DelPalma Orthopedics, Site Medical and Sound Ideas. Tenant companies now have fifteen fulltime employees and it is anticipated that the tenant companies will add forty-five new fulltime employees. The Investment Board recommends that the partners be required to provide documentation of actual fulltime employment by tenant companies to the Board for review for five calendar years ending December 31, 2014. The Board recommends that the Commissioners and Council formalize this agreement by means of a contract. After further discussion, Overdeer moved, seconded by Wheeler to approve both recommendations of the Investment Board. Western called for discussion and members requested that each proposal be considered separately. Overdeer amended his original motion to accepting the proposal for the OrthoVation Center. Banks seconded the motion and it passed with a 7/0 vote. Overdeer then made the motion to accept the proposal for SMed QA/Ops, a subsidiary of Sites Medical. LaRue seconded the motion which passed with a 6/1 vote. Banks cast the No vote.

**IN THE MATTER OF HUMANE SHELTER CONTRACT:** County Attorney Dan Sigler was present to discuss the issue of payment/non-payment of budgeted funding to the Whitley County Humane Society. After searching state statutes stating any obligation to the County to fund such a program, Sigler found none. Sigler noted that with the passing of the 2009 County Budget, which

contained \$10,000 for the contract, an obligation was made. The current contract states that either party may terminate the contract if notification is made by October 31 of the current year. Notification was not given or received by either party. During conversations in early spring, members of the Humane Society made their request for \$36,000 at which time county council voted to give the \$10,000. The Society rejected the \$10,000 and has stopped taking animals from county residents. Sigler states that both parties have negated the contract by not supplying services. Council member Banks suggested forming a committee and further negotiate with the Humane Society. Sigler was also instructed to notify the Society by October 31, 2009 that the current contract will be terminated.

**IN THE MATTER OF TAX ABATEMENT AMENDMENT:** David Koenig of Region III-A and Terry Shively of Farmers Grain & Feed Company, Inc., were present to discuss the need to amend the original tax abatement request made on May 3, 2006. Shively's company was found to be non-compliant by County Council due to not meeting the expected date of completion of improvements and equipment. Resolution No. 2009-11 was introduced amending the original Statement of Benefits. After further discussion Bayman moved to approve the amendment. Overdeer seconded the motion and the vote was 7/0. (See Resolution No. 2009-11 on file in the auditor's office).

**IN THE MATTER OF VOTING MACHINES:** Clerk Cindy Doolittle and Election Board Member Ray Whiting were present to discuss a quote received from MicroVote to program voting machines for 2010. It was noted that the employee who had done this in the past has left the clerk's office. Discussion was held on possible remedies rather than paying the amount of money quoted. Doolittle and Whiting were directed to work with County Commissioners and the County Coordinator on a possible solution regarding this issue.

**IN THE MATTER OF REQUEST TO TRANSFER:** The following transfer request was considered.

**TRANSFER RESOLUTION**

Whereas, certain emergencies have developed since the adoption of the existing annual budget, so that it is necessary to transfer funds that were appropriated to the annual budget; now, therefore to meet such emergencies: Section 1. Be it resolved by the County Council of Whitley County, Indiana, that for the expenses of said Whitley County, sums of money are hereby transferred as follows:

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
County General	County General	\$1,000.00	-7-	-0-	-0-
Petit Jury	Law Books				

Motion: Banks Second: Wheeler

This ordinance adopted on this 6<sup>th</sup> day of October, 2009.

**Whitley County Council**

Thomas Western – signed

John Barrett – signed

Kim Wheeler – signed

William Overdeer – signed

James Bayman – signed

James Banks – signed

Glen LaRue – signed

Attest: Linda J. Gerig, Auditor – signed

**IN THE MATTER OF BUDGET REDUCTION:** The following request was made to reduce the 2009 County General Budget.

**REDUCTION OF APPROPRIATIONS RESOLUTION/ORDINANCE**

Whereas, it has been determined that it is possible to reduce the funds listed from those appropriated in the annual budget; now, therefore: Sec. 1. Be it ordained (resolved) by the Whitley County Council of Whitley County, Indiana, that for the expenses of the taxing unit the following sums of appropriations are hereby reduced from the funds named and for the purposes specified, subject to laws governing the same:

<u>Fund Name</u>	<u>Amt. Requested</u>	<u>Amt Reduced</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
County General	\$10,000.00	\$10,000.00	-7-	-0-	-0-
Sheriff	Motion: Banks	Second: Overdeer			

This ordinance adopted on this 6<sup>th</sup> day of October, 2009.

**Whitley County Council**

Thomas Western – signed

John Barrett – signed\*

Kim Wheeler – signed

William Overdeer – signed

James Bayman – signed

James Banks – signed

Glen LaRue – signed

Attest: Linda J. Gerig, Auditor – signed

**IN THE MATTER OF ADDITIONAL APPROPRIATION REQUESTS:**

**ADDITIONAL APPROPRIATION RESOLUTION/ORDINANCE**

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore: Sec. 1. Be it ordained (resolved) by the Whitley County Council of Whitley County, Indiana that for the expenses of the taxing unit the following additional sums of money

are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<u>Fund Name</u>	<u>Amt Requested</u>	<u>Amt Approved</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Assessor Sales	\$11,500.00	\$11,500.00	-7-	-0-	-0-
Disclosure Fund		Motion: Bayman	Second: Wheeler		
County General – Jail	\$10,000.00	\$10,000.00	-6-	-0-	-1-*
		Motion: Banks	Second Overdeer		
Supplement Adult	\$22,000.00	\$22,000.00	-7-	-0-	-0-
Probation User Fee		Motion: Banks	Second: Bayman		
Supplement Juvenile	\$ 5,000.00	\$ 5,000.00	-7-	-0-	-0-
User Fee		Motion: Banks	Second: Bayman		

This ordinance adopted on this 6<sup>th</sup> day of October, 2009.

**Whitley County Council**

Thomas Western – signed

John Barrett – signed\*

Kim Wheeler – signed

William Overdeer – signed

James Bayman – signed

James Banks – signed

Glen LaRue – signed

Attest: Linda J. Gerig, Auditor – signed

**IN THE MATTER OF PURDUE EXTENSION:** District Director Dan Stewart was present to explain and discuss the funding mechanism for Extension Agents. Stewart explained that Whitley County has always funded three positions. The Agricultural and Consumer Science Agents are fully funded and the Youth Agent is partially funded. Discussion was held on decisions that would need to be made to programs if the vacant educator position is not funded. Mr. Stewart was asked how to keep the option for the third educator open and he stated that full funding would need to be restored. Cindy Barnett spoke on the option of Whitley County funding two full time educators and one program assistant. Council will make their final determination during their discussion of the 2010 budget.

**IN THE MATTER OF COMMISSIONER REPORT:** Michael Schrader was present to report on the October 5<sup>th</sup> Commissioner's meeting.

- Humane Shelter Contract Committee will be formed. James Banks and Kim Wheeler will represent county council.
- The Commissioner's meeting was held at the Churubusco Town Hall with a good attendance.
- The Fuel Facility Agreement should be signed by the WCCS School Board on October 6.
- Demolition Orders were put on two homes in Dunfee.
- Just Energy gave a presentation on their discounted delivery of natural gas.
- WIC's request for a panic button could be resolved with reprogramming one of the portable units that was used in the courthouse.
- Whitley County is working with Region III-A on a Brownsfield Grant.
- A quote of \$6600 has been received to update county computers.
- Dome repairs have started at the courthouse.
- The tile has been ordered for the interior steps of the courthouse.
- Quotes for window repairs and replacement of blinds are being obtained.
- The Health Department and Emergency Management will be hosting public meetings on H1N1.
- Commissioner Don Amber is working on a Dog Noise Ordinance

**IN THE MATTER OF THE 2010 PROPOSED BUDGET:** James Bayman moved, seconded by William Overdeer, to suspend with the reading of the 2010 budget. The motion passed with a 7/0 vote. In discussion of the Extension Educators, council will fund \$39,060 and \$20,000 for a Program Assistant. The Program Assistant will be part of the Council's budget. Auditor Gerig reported that the State Mileage Rate was decreased to \$.40 effective October 1, 2009. Bayman moved, seconded by Overdeer, to decrease the County's rate to \$.40 effective October 1, 2009. The motion passed 7/0. Ordinance No. 2009-06, Whitley County Salary Ordinance For 2010, was introduced. Bayman moved, seconded by Banks, to approve Ordinance No. 2009-06. The motion carried 7/0. (See Ordinance No. 2009-06 on file in the Auditor's Office)

There being no further business or public comment, the meeting was adjourned. County Council will meet October 20, 2009 at 8:00 a.m. for the second reading and final adoption of the 2010 budget.

**WHITLEY COUNTY COUNCIL**

\_\_\_\_\_  
Thomas Western, Chairman

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Kim Wheeler, Vice Chairman

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James Bayman

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Glen LaRue

Attest:

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Linda J. Gerig, Auditor

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John Barrett

\_\_\_\_\_  
William Overdeer

\_\_\_\_\_  
James Banks