

**ALLEN COUNTY COUNCIL
MEETING MINUTES
November 16, 2006
8:30 AM**

The Allen County Council met on Thursday, November 16, 2006 at 8:30 am in the County Council/Commissioners Courtroom. The purpose of the meeting was for additional appropriations and transfer of funds in excess of the current budget. Also, grants and any other business to come before Council.

Attending: Paula S. Hughes, President; Cal S. Miller, James M. Ball, Darren E. Vogt, Roy Buskirk.

Also Attending: Lisa Blosser, Auditor; Tera Klutz, Chief Deputy Auditor; Jackie Scheuman, Finance Manager; Becky Butler, Administrative Assistant and Commissioner Nelson Peters.

The meeting was called to order at 8:30 am by President Paula Hughes with the Pledge of Allegiance.

APPROVAL OF MINUTES:

Cal Miller made a motion to approve the minutes of October 26, 2006. Darren Vogt seconded it. Motion passed 5-0-2 (Moss and Kite absent).

FINANCIAL REPORT:

Lisa Blosser, Auditor: There are no requests for additional appropriations today. We have a balance of \$171,408 which will roll over to the 2007 budget year.

Paula Hughes: Any questions about the financial report?

Cal Miller: Move for approval of the financial report.

Darren Vogt: Second

Paula Hughes: All those in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite). We have a request for appropriation from Circuit Court. Is anyone here from Circuit Court? No. Maybe they will join us later.

Roy Buskirk: Tim mentioned the other night that they might not be here. I told Paul that I would take care of that for him.

Paula Hughes: Okay.

Roy Buskirk: I think we have had an opportunity to look at the material that was given to us. Are there any questions on that? It is pretty self-explanatory.

Paula Hughes: It is because they have been spending more in extra deputy hire than they thought they would. It is coming out of one of the funds under their control.

Roy Buskirk: The interpreters' expenses have been higher this year and are a difficult item to try to project.

Cal Miller: Move for approval of item one.

Roy Buskirk: Second.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite). We have in front of us several salary ordinances. I understand all of these except the part time employee have been in front of the Personnel Committee and were approved. Do you want to take these one by one? Do you have any questions about these?

Cal Miller: Move for approval of the salary ordinance for the Prosecutor's Office from the Translation Grant Fund for Extra Deputy Hire for a pay range of \$5 to \$95.

Darren Vogt: Second.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

Cal Miller: Move for approval of the salary ordinance for the APS (Adult Protective Services) Administrative Assistant with annual salary of \$32,000.

Darren Vogt: Second:

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

Cal Miller: Move for approval in NIRCC for a Senior Transportation Planner which is a PAT VI at \$47,186.

Roy Buskirk: Second.

Paula Hughes: We have a motion and a second, is there any further discussion?

Roy Buskirk: This is one of the items where we get an 80% reimbursement.

Darren Vogt: Also, this is part of the 2007 budget request.

Paula Hughes: All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

Cal Miller: Move for approval of the salary ordinance Program Coordinator from the State Grant Fund and the Home Detention Fund for Allen County Community Corrections in the amount of \$40,762. That is for the remainder of 2006 and then for 2007, the amount of \$41,577. That would include the 2% increase.

Darren Vogt: Second

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

Cal Miller: Move for approval for salary ordinance from the Home Detention Fund and the State Grant Fund for a Section Chief for 2006 in the amount of \$37,088 and for 2007 for the amount of \$37,829.

Roy Buskirk: Second.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

Lisa Blosser: We have one additional amended salary ordinance. It was from a data entry error from our department but has been corrected for the 2007 budget. We had forgotten the 2%.

Cal Miller: Move for the approval of the amended salary ordinance for the Allen County Superior Court for various security officers and two law clerks.

Darren Vogt: Second.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite). We have a salary ordinance that was not on the agenda but we were talking to the Auditor about the Highway Director salary. The Council, last month, agreed to not increase the Highway Director's salary for 2006. Currently, the salary ordinance for 2007 holds the salary at approximately \$85,000. This Council can consider an administrative amendment of that for 2007 budget reducing it to the current salary level until the Commissioners amend their actions.

Cal Miller: I think we ought to do that, if we can.

Paula Hughes: Yes we can.

Cal Miller: It was an oversight on our part to not make it for the remainder of 2006 and to be for 2007.

Roy Buskirk: Part of that was the fact that the previous Highway Director was a licensed engineer in which \$20,000 of his wages was reimbursed by the state. That was the reason for the \$80,000 plus.

Tera Klutz: It is currently at \$55,749.

Lisa Blosser: Plus two percent.

Roy Buskirk: Plus two percent.

Tera Klutz: That equals \$56,864.

Cal Miller: Move for approval of a salary ordinance for the Highway Director in the amount of \$56,864.

Roy Buskirk: I believe that is an amended salary ordinance.

Cal Miller: Amended salary ordinance subject to the Commissioners coming back and asking for the increase at a later date.

Darren Vogt: Second.

Paula Hughes: We have a motion and a second, is there any further discussion?

Roy Buskirk: I would like to amend that to be once they retain the services of a licensed engineer.

Paula Hughes: So you want to require that the Highway Director is a licensed engineer?

Roy Buskirk: No. That when they come back for the additional salary ordinance that they also have the services of a licensed engineer.

Paula Hughes: Okay. I don't know that we want to include...

Lisa Blosser: That is separate from the salary ordinance.

Paula Hughes: That should be a separate suggestion to the Commissioners. Since Commissioner Peters is in the audience, I presume that he has received that message. We can clarify that message if we need to.

Nelson Peters: I just walked in and I apologize.

Cal Miller: Commissioner, we are in our discussions last time about Mr. Hartman serving as Highway Director and Commissioner Bloom's participation in the vote. I know we share different views on that and will continue to have those views. What we didn't do was to address the salary ordinance for 2007. There is a motion on the table to establish that at his current salary level plus two percent, it would be \$56,864. This is subject to the Commissioners deciding to revisit the vote given the concerns of Council.

Paula Hughes: We have a motion and a second and are in the middle of the process on that. Councilman Buskirk suggested that he wanted to amend the motion to...

Cal Miller: I think he withdrew that.

Roy Buskirk: We have discussed that I would like to see them retain the services of a licensed engineer at the same time. My suggestion was that we put that in the motion.

Paula Hughes: But that is separate from the motion that is on the table.

Roy Buskirk: I will withdraw that and ask for the question.

Nelson Peters: Can I speak or not?

Roy Buskirk: Yes, go ahead.

Paula Hughes: Okay. So do you withdraw your question?

Roy Buskirk: Yes.

Paula Hughes: Commissioner Peters, if you could introduce yourself for the record, please.

Nelson Peters: Nelson Peters, Allen County Commissioner. I respectfully have to disagree with the motion. What is occurring is patently unfair to the individual who is in the job. You are requiring and have certain expectations for the duties to be performed. While we have those expectations, we are telling him that we don't want to pay him for that. I don't know whether there are any other legal claims he could have under ADEA and I don't know what actions he has got. If we are talking about equal pay for equal work, to put that salary that he has been receiving as an engineer, it is patently unfair. As I mentioned last time, the type of action that occurred last time and is occurring today is the type of action that forces department heads to play the games that you don't want to have played. What precludes the Commissioners next time, for instance in January when the new commissioner comes in, from rescinding the vote and voting again to make Mr. Hartman the Highway Director? We talk about efficiencies in government and moving these things ahead and frankly, that is what could happen in January. You get the vote that you wanted and we move on down the line. In the meantime, we are being terribly unfair to this individual.

Paula Hughes: We talked about this...Councilman Miller?

Cal Miller: The roadmap that Council felt was appropriate under the circumstances was that Commissioner Bloom should not have participated in the vote. I don't know if we ever heard from you but the last time, you said the only issue in front of Council is the salary ordinance and not the vote. I don't know if we heard from you whether you think it was appropriate for Commissioner Bloom to participate in the vote and I am not going to ask you. If you want to offer that, I would be happy to hear. The salary ordinance, we told the Commissioners to go back and revote with Commissioner Bloom abstaining, that we owe it to the taxpayers to have a vote that doesn't include her. It would send a message throughout county government that if there is an appearance of a conflict of interest, whether there is one or not, only Commissioner Bloom and Mr. Hartman can only know that. This is the opportunity for County Council, when there is an appearance of impropriety, to step in and not approve the request for the salary ordinance. If you would go back and do the vote without her participating, the salary ordinance would be reinstated at the level that the Commissioners asked for and retroactive to

the date of his hire. As I said last time, if not County Council then who should because apparently Commissioner Bloom wasn't policing if there was a conflict of interest, in that regard. There is the appearance of one and if there is an appearance, then the safest road to take is to not participate in a vote. I stand firmly behind my position in that regard as it sounds like you do in how you believe.

Nelson Peters: Councilman you suggested that only Mr. Hartman and Ms. Bloom can truly know what is going on. I believe that is probably the case. If that is indeed the case, why are we creating salary ordinances based on speculation, rumors and innuendoes? Their relationship is no business of mine. I believe the vote she took is appropriate if she believes the vote she took is appropriate. I don't have any reason to question that based on the things I see. How do you govern county government based on speculation, rumor and innuendo?

Cal Miller: It appears that there might be a potential for a conflict of interest and the prudent thing would be to not vote, period. I have done that with every single tax abatement that has come before this Council that I may have represented in the past, I may represent in the future or am currently representing. If a client comes before Council, I stay away from that with a ten-foot pole. I would expect any other elected official to do the exact same thing. We owe it to the people that we represent to be above any appearance so that there is no question. That is the standard that I am operating as a County Councilman and perhaps a higher standard than what is expected.

Nelson Peters: I think that perspectives are in the eye of the beholder. If Ms. Bloom didn't believe there was a conflict of interest, then it was appropriate for her to vote and I have to respect that.

Cal Miller: I understand your position and as I said, we will agree to disagree.

Nelson Peters: Can I just ask before you vote, so that I am clear, what the Commissioners should do if you vote to lower the salary ordinance?

Cal Miller: As I think we said the last time, we invite the Commissioners to reconsider at the next meeting to vacate the appointment of Mr. Hartman, have Commissioner Bloom abstain and revote so that there is a majority voting to support his appointment. Then come back to Council and ask to have the salary ordinance increased to the \$75,000 that you thought was the appropriate amount for the responsibilities of the Highway Director.

Nelson Peters: So you are requiring Ms. Bloom's abstention, correct?

Cal Miller: Right.

Nelson Peters: Is there the possibility, should we come back, that we can reinstate retroactively?

Paula Hughes: Yes, we have always stated that we would do it retroactively.

Cal Miller: Yes, from the day of his appointment.

Paula Hughes: Councilman Ball?

James Ball: Commissioner Peters, I would like to add that the Commissioners should seriously consider who will be the liaison to the Highway Department for next year. It falls along the same lines in my view.

Nelson Peters: Councilman Ball, as I suggested, the functionality of the Commissioners' Office will change in 2007. All of the Commissioners will have their hands in all of the pieces of the pie. Whether there will be a specific liaison, I don't know. I can tell you that Ms. Bloom's designation will not specifically be as the liaison to the Highway Department.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

Cal Miller: Thanks Commissioner.

Paula Hughes: I want to formally notify that the County Assessor has withdrawn the discussion of the Township Trustee Deputy Hire money and the Market Analyst. Our last item on our agenda is the consideration of a letter of support for the Fort Wayne-Allen County Airport Authority Shovel Ready Site Application. Mr. Royse is here to talk to us about this. I want to say a little bit first. Could you introduce yourself for the record?

Mark Royse: Mark Royse, Deputy Director Economic Development.

Paula Hughes: I have mentioned in the past that we have been working on a version of a local shovel ready site program to dovetail with the state's shovel ready program. What is before you right now is a letter of support from Allen County toward the Airport Authority for submission of a site to be considered by the state. This is in addition to the site on Silverado Drive. The County is not submitting another site to be considered. We want to show our solidarity with the other entities in the county. We believe that we have a good site and

we want to do everything we can to start the trend of cooperative operations in these economic development projects. We think that will go further in our economic development for us than anything else. Mr. Royse has been very actively helping them to put together their application. Have I left anything for you to say, Mark?

Mark Royse: What has happened over the last ten years is that the Airport Authority, the City and County through various boards and commissions have entered in to a memorandum of understanding to fund infrastructure in the airport area. That area goes from the airport and all the way out to General Motors. It included \$7,000,000 worth of water and sewer extensions, the airport expressway extension and the Ardmore Avenue extension. The site that they are submitting the application for is one of the three or four sites that were looked at in the first round submittals. We were far enough along on the Silverado site that we said we would look at one of the other sites on the next round. We think the Airport Authority can put together a very competitive application and meet the requirements. There have been a few changes since the first application. They were going to only choose ten sites and they would geographically spread them throughout the state. There are three levels and if you are the only application in three counties, it is fifteen points. If there are two, then it is ten points. If you are the only one, it is five points. With the Airport Authority being a joint venture, I think the City Council, the County Council, the Mayor and the Commissioners should send letters of support.

Paula Hughes: Councilman Buskirk?

Roy Buskirk: So this is kind of a second round?

Mark Royse: The state came out on October 16th for the second round and those applications will be through December 16th and those sites will be chosen on or about the middle of February.

Roy Buskirk: Since it is in my back yard, I make a motion.

Mark Royse: In addition to that, Councilwoman Hughes has formed a committee of representatives from the City and County and the Alliance to look at other sites. What we are doing at the County level is to have the staff going through the County sites and plugging in the template items to see if we do or don't have it. We can compare which sites are more ready and which sites we should pay attention to as far as getting them completed for at least the local shovel ready designation.

Darren Vogt: I second the motion.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite). This local committee that was formed is working with the Regional Marketing Partnership and it looks like our local Shovel Ready Site Program will be echoed throughout the nine-county regional marketing area. We are sharing all of our sweat equity in developing a program for local shovel ready sites with the other outlying counties. This will give them the opportunity to promote their economic development sites as well. It is a good joint program and will give Allen County the opportunity to take the lead and do so in a way that gives a hand back to the other counties. Councilman Buskirk?

Roy Buskirk: Mark, while you are here. Do you know anything about the new airlines that is coming in to Fort Wayne?

Mark Royse: All I know is what I have read in the paper.

Paula Hughes: We need a motion to waive...

Darren Vogt: I make a motion to waive the second reading on any matter approved today for which it may be deemed necessary for the County Council meeting of November 16, 2006.

Cal Miller: Second.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

Cal Miller: Motion to adjourn.

James Ball: Second.

Paula Hughes: We have a motion and a second, is there any further discussion? All in favor signify by saying aye. All opposed same sign. The motion has passed 5-0-2 (Moss and Kite).

The next meeting will be held on December 21, 2006 at 8:30 am.

There being no further business the meeting was adjourned at 8:55 am.