

**ALLEN COUNTY COUNCIL
MEETING MINUTES
MARCH 18, 2010
8:30 AM**

The Allen County Council met on Thursday, March 18, 2010 at 8:30 a.m. in the County Council/Commissioners Courtroom. The purpose of the meeting was for additional appropriations, transfer of funds in excess of the current budget, grants and any other business to come before Council.

Attending: Paula S. Hughes, President; Darren Vogt, Vice President; Roy A. Buskirk; Maye Johnson; Paul G. Moss; Larry Brown and Bob Armstrong.

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

The meeting was called to order by President Paula Hughes with the Pledge of Allegiance and a moment of silence.

Paula Hughes: First on the agenda is the Consent Agenda. I look for a motion to approve the Consent Agenda.

Maye Johnson: Motion to approve.

Darren Vogt: Second.

Paula Hughes: All those in favor please signify by saying aye. All those opposed same sign. The motion carries 6-0-1 (Moss absent). Moving on, we have a couple of salary ordinances up for discussion. First we have the Sheriff's Department. Sheriff Fries and Commissioner Peters, come on up.

Ken Fries: Good morning, Kenny Fries, Sheriff of Allen County.

Nelson Peters: Nelson Peters, Allen County Commissioner.

Ken Fries: We are here for the Foreclosure Clerk's position. As you may or may not know, we are giving up a position in IDAC, as of March 31, 2010. It was an OSS 4 and we replaced it with an OSS 3.

Nelson Peters: The savings on that is about \$5,480.

Paula Hughes: Excellent, we love to hear that. Council, do you have any questions or discussion for the Sheriff or Commissioner Peters?

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Roy Buskirk: The one reason why I wanted that left on the agenda was the fact that I wanted to emphasize that about five years ago the Sheriff's sale fees were increased to \$100 and the State allowed that we have to show what our expenses are. I had asked the Commissioners, for the last couple of years, to please reference that and see if there should be any adjustment. They have made the adjustment and it has been increased to \$200 which actually the mortgage companies pay. That is the main reason, President, that I wanted it brought on.

Ken Fries: Just for clarification, that was voted on and approved by the Commissioners last week however, it won't take affect until May 1st.

Paula Hughes: Okay, anyone else? I will look for someone to read the salary ordinance.

Maye Johnson: Consideration of a salary ordinance establishing the pay for an employee within the budget of the Allen County Sheriff's Department 100-0501-421, Foreclosure Clerk, OSS 3 with an annual salary of \$26,198.

Darren Vogt: Second.

Paula Hughes: I would ask Council members to move your phones away from the microphone system. I think that might be what is causing the buzzing. We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion carries 7-0. Also, your grant application was approved. If you don't mind waiting a second, this is going to be a pretty quick meeting and then we can talk about 9-1-1.

Ken Fries: Okay.

Paula Hughes: Commissioner Peters, do you want to talk about the salary ordinance request for the Commissioners Office?

Nelson Peters: I do, thank you. We are asking for a temporary salary ordinance for the Controller position. A position that Judy Heck has held for quite a number of years and Judy will be leaving us a week from Friday. She will be basking in the air of retirement. We have told her that she can run but she can't hide. Her replacement is Jolie. In an effort to get Jolie a little bit up to speed, we found that we could not one pay her out of the Part-Time account because the level was not high enough and two put her in the same salary ordinance as Judy Heck. We are asking for the opportunity to create that temporary salary ordinance which would indeed go away once Judy Heck's vacation and everything else has been paid out. We are not asking for dollars. In fact, there will be a reduction in that salary line item when all is said and done.

Paula Hughes: Councilman Buskirk?

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Roy Buskirk: A question on that line item. Judy's line item will be removed from the Commissioners? Is that how it works?

Nelson Peters: It will be removed or Jolie will move into Judy's line item and the temporary line item will be removed.

Roy Buskirk: Which way is it?

Tera Klutz: The latter.

Roy Buskirk: Okay, thank you.

Paula Hughes: Are there any further questions for Commissioner Peters?

Darren Vogt: Move for approval of consideration of a temporary salary ordinance for a new employee for the purpose of training and establishing pay within the budget of the Allen County Commissioners Office, 100-4001-411, Controller 13-81, PAT 4 with an annual salary of \$38,402.

Paul Moss: Second.

Paula Hughes: **We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion carries 7-0.** Thank you very much and moving right along, Special COIT/Flood Control.

Nelson Peters: In October or so of last year, a number of people in the subdivision of Imperial Gardens contacted me and said that their flood insurance rates were going up. As I began to investigate what was going on, it turns out that FEMA redrew flood maps effect in August of last year. A number of people who had previously not been in a flood plain all of a sudden were brought into a flood plan by virtue of their proximity to the Gerke Ditch. It goes through Arlington Park and Imperial Gardens. I looked a little further to see what could be done and went to Rod Renkenberger from the Maumee River Basin Commission. Rod said that this does seem a little odd that so many people were taken into this. He said that we could have the Feds restudy the flood map and have them rescind what they had originally drawn and perhaps come up with a different plan. This is all at a cost of \$5,500. I said "Great, where do we get the money?" Rod said he was allowed to put \$3,000 into the pot and there are provisions that do allow him to do that. Unfortunately, the total study was going to cost about \$5,500. In an effort to help these forty some people who have been brought into the flood plain, I am requesting \$2,500 out of the Flood Control Fund to make up the difference of what the Maumee River Basin has and what the study will cost.

Paula Hughes: It seems very appropriate for something concerning flood control to come right out of the Flood Control Fund. Remind me how this Special COIT Fund was established. We are no longer funding it, right?

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Nelson Peters: The Auditor can probably tell it better than I but my recollection is that it was established a long time ago. In about 2004 or 2005, the State came back and said that everything is good and you can use that COIT Flood Control Fund like you would for General Fund expenditures. We have really held that in abeyance and have not used it for anything else, to this point. To my knowledge, this is the first request that has come out of here.

Darren Vogt: Do you know if there have been any other communities that have been adversely affected? I do insurance on a regular basis.

Nelson Peters: I talked with Kim Bowman yesterday and found out, for the first time, there have been others. I don't know that there is a significant number of others but to this point, nobody else has come forward.

Roy Buskirk: I know that as far as the dike system along the rivers, I don't know what happened but the Corps of Engineers moved the flood line behind the dikes and put some residents that had previously not been in now are required to have flood insurance. It sounds to me like they really messed up. It is basically based on elevation of the property.

Nelson Peters: Right. These people are saying what is the Gerke Ditch? They have never seen the Gerke Ditch, there have never been any floods and they have never had any problems in that area and now they are required to pay for flood insurance.

Paula Hughes: Councilman Moss?

Paul Moss: What specifically is this \$5,500 going to? Who is the check payable to and then what do they do?

Nelson Peters: I would have to defer to Rod Renkenberger. He employs people who come in and it may be the Federal government that will come back in and look at what they have done. I honestly don't know.

Roy Buskirk: Basically what it is, they check elevations and compare it with other maps as to where the elevations were established before. Obviously your elevation does not change from one year to the next. That is what the study will mainly be. The reason that I know is that Rod serves on a couple of other committees that I do.

Paul Moss: It is essentially the Federal government that will be redoing its own work. Do we have to pay them for that?

Roy Buskirk: More than likely it will be a private company, surveyors and engineers.

Paul Moss: Hired by the Federal government.

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Roy Buskirk: Hired locally. They will be able to question their work and show them that they made a mistake.

Paul Moss: So the appeal process is fairly common, to your knowledge?

Roy Buskirk: I don't know of it happening before.

Darren Vogt: You can appeal. There is a thing called a Loma Letter and it is a long process.

Roy Buskirk: Individuals can.

Darren Vogt: I have never seen it done this way.

Nelson Peters: I really had to follow Rod's lead because I had never been through the process either.

Paul Moss: You are saying that he has had this occur before?

Nelson Peters: Apparently so.

Paula Hughes: Any further discussion?

Darren Vogt: Move for approval of \$2,500 out of the COIT/Flood Control Fund 273.

Larry Brown: Second.

Paula Hughes: **We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion carries 7-0.** Now is 9-1-1.

Ken Fries: Good morning Council, Kenny Fries, Sheriff of Allen County. I am here to discuss the interlocal agreement with the City of Fort Wayne and 9-1-1. Councilman Brown found an error in the form on page two, paragraph one. The bottom line says Section 9 and should say Section 10. Before you sign that, please make that change. I have already spoken to Nelson Peters and I will make the change on their copies and initial it. Do you have any questions? You have had a copy of this agreement. We have been working on this for eons, it seems. Hopefully we have come to a final agreement that is workable for all of us.

Nelson Peters: The Commissioners did approve the agreement about three weeks ago. My understanding is that City Council will take up the matter next Tuesday and the Mayor is likely to sign it after City Council signs it.

Paula Hughes: For the audience, could you walk through the area of utmost concern for County Council, of how the funding follows through this agreement?

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Ken Fries: It stays at basically 70% to 30%. The City pays 70% and we pay 30% and that is based on the number of calls that dispatch runs. The formula can change depending on the amount of calls coming in and will be reevaluated every year. The one thing that is not in here and I want to make sure to let you know is when we hire a Director, I would like the County to pay 50% as opposed to 30%. I want to make sure that the Director is both the City and County and we are equal partners in this. We will pay half the salary and the City will pay half the salary. I don't want a Director that feels as though their bread is buttered more on one side than the other. I will come to you eventually and once the salary is determined, I will want us to pay 50% of that.

Nelson Peters: The increases are supposed to be picked up by any increase in 9-1-1 funding, either through the State or any action by this body.

Darren Vogt: I want to clarify your thought of paying half. How would that work? If you set an agreement at 70%-30%, how would we pay more?

Ken Fries: It talks about the operations at 70%-30% but nothing about the Director. I don't know if we need to do an amendment or what we need to do but I think it is vitally important that we pay 50%. The Commissioner and I won't agree on this but I would expect any savings throughout all of this. We will have a new communications system that we will have to purchase whether we combine or not. As we go down this road, we will see but I do not anticipate ten years down the road that we are going to see a savings.

Roy Buskirk: Currently, we are at the max on the 9-1-1 fee?

Nelson Peters: No, we are at seventy cents. We could go up to ninety cents right now. What we would need to fund the entire 9-1-1 would be \$2.10. We are not asking anyone for \$2.10 right now. We have been lobbying the Legislature to allow more flexibility to deal with 9-1-1 funding at the local level as well as giving us the ability to put aside some for the infrastructure and radio needs that would be necessary over the next couple of years.

Roy Buskirk: But isn't part of the problem that it's on land lines and when it comes to cell phones and voice-over, as far as any fees...

Nelson Peters: Land lines have been established at seventy cents. We could take land lines to ninety cents. The General Assembly just passed a bill that allowed twenty-five cents on the prepaid deals. There are voice-over internet providers, not all of them pitch in, that put in fifty cents like Vonage and Comcast has stepped to the plate. The idea is to get the 9-1-1 fund on an equal basis across the line and then allow local jurisdictions to make the decision as to how much they need to fund whatever it is that they need to fund.

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Larry Brown: Nelson, while we are talking about it, didn't our investigation and discussion a couple of months ago reveal that a particular County, or there may be more, that are exceeding the ninety cents?

Nelson Peters: The ninety cents is based on, any County that has a second-class city can only go up to three percent of what they term the access fee. That gets us ninety cents. You have other counties that don't have second class cities and can fund up to ten percent of the access fee. The idea being that the bigger counties, because of the sheer number of people, help to make up those differences. You have counties like Hamilton County that, at the time that they went up to ten percent, didn't have any second class city. Of course they now have Noblesville and Carmel and here they sit still with the ten percent. Their fee is between \$2.30 and \$3.00. What the General Assembly is trying to do is to equalize the playing field and make sure that all of the counties have the same dollar figured affixed to all of the lines. A dollar is the number that has been thrown out. At the end of the day, I think where they want to go is that they want Allen County to potentially subsidize Hamilton County. Bring us up and Hamilton County down and have all of the counties throughout the State of Indiana paying a dollar for voice-over internet, land lines and all of that stuff.

Ken Fries: Which we certainly should be opposed to.

Nelson Peters: And we are.

Darren Vogt: And I assume that our position has been to let the County decide what the cost should be and what the tax rate should be and not the State. I think that I know the answer to this but I will ask it anyway. Does the State, Sheriff, do a 9-1-1 service?

Ken Fries: No.

Darren Vogt: Thank you, that's what I thought.

Roy Buskirk: There is some of the proposed legislation that you were just talking about where all of the funding would go to the State and they would disburse it back.

Ken Fries: Right.

Nelson Peters: Right.

Roy Buskirk: And it seems like when it comes back it isn't quite what went in.

Darren Vogt: Similar to Highway.

Ken Fries: That is our biggest concern with the proposed legislation that has now died for this year and hopefully if it is written next year, it won't be that way. I don't want the residents of Allen County paying a dollar and we continue to get seventy

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cents and thirty cents goes down to Hamilton County to help pay for their 9-1-1 system. If we are paying a dollar, the dollar should stay here.

Roy Buskirk: That is basically what happens when the 9-1-1 fee does not cover the expenses, then it is on the property tax roll.

Nelson Peters: This is obviously what we are trying to steer clear of and obviously a part of what the request to approve this agreement is about.

Roy Buskirk: The important thing is that cell phones and voice-over and the others should be paying their fair share. The number of land lines is being reduced because there are less and less of them and that revenue stream is going to go down.

Nelson Peters: And it has.

Ken Fries: The good thing about this agreement is that it puts the Public Safety officials in charge of the Dispatch Center. No ill feeling but it takes the Commissioners and the Mayor out of the mix. Public Safety should be in charge of Public Safety Dispatch.

Paula Hughes: I am looking for a motion to approve.

Larry Brown: I offer a motion to approve the interlocal agreement between the City and the County for 9-1-1.

Bob Armstrong: Second.

Maye Johnson: Does that include the change?

Larry Brown: I'm sorry, with the change on page two, paragraph one, changing the number nine to the number ten.

Paula Hughes: **We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion carries 7-0.**

Larry Brown: Thank you, Kenny, for getting this done.

Paula Hughes: Okay, we have a grant that was a little late and didn't make it on the Consent Agenda. Councilman Vogt?

Darren Vogt: You should all have a copy of it in front of you. This is an interpreter grant that has come before us for at least six years. The reason that it is coming before you late is because they got news of it between when Becky had everything ready and it has to be applied for by April 9th. We don't meet between now and then. It is a continuation grant and would be something that would generally go on the Consent Agenda. I will instruct the Superior Court and Jerry Noble to get us a copy

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of the completed application but I wanted to make you aware of it. It is my preference that we vote on it and it would have been a Consent Agenda item. I will make a motion that we allow the Court to apply for the grant.

Paula Hughes: We have a motion, is there a second?

Maye Johnson: Second.

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

Roy Buskirk: Yes, I wanted to point out the fact that this is a tremendous expense that we have in this County, of the necessity of hiring interpreters. This grant is possibly for \$140,000? It costs much more than that.

Darren Vogt: We won't know how much we will get until everybody applies for it. When we had the Rios case, we were given more and so it depends on what the situation is.

Paula Hughes: **Is there any further discussion? All those in favor please signify by saying aye. All those opposed same sign. The motion carries 7-0.** Before we finish with the agenda, I should have made a comment before but I didn't. Judy, I want to thank you for your service to the County. You have been with us a long time and you are officially an employee of the Commissioners but you have worked hand-in-hand with the Council too. I just wanted to take a moment thank Judy for her service. Thank you very much, you will be missed.

(Applause)

Paula Hughes: Moving on to Liaison Reports, anybody?

Roy Buskirk: Yes, sometimes on some of the different departments, we wonder how much good they do and this is something with the Soil and Water. It is amazing how they get involved with the County functions and they are in charge of making the landfill inspections. At last month's meeting, they showed these and I thought, wow. They design these charts because of Federal requirements that we have to have and this is for Spill Response, in case we have a spill along a county road or something. These are the steps that you have to go through. This one is for Road Repair. This is our Federal Government at work, requiring us to do these things. Soil and Water is the one that ended up doing it. There is one here for Ground Maintenance and any contamination with soil. I am sure that all of you are glad to hear this but the last one is Vehicle Maintenance of County vehicles and how they need to be maintained because of pollution. This is just one of the things that the Soil and Water District gets dumped in their lap. I will let Bob handle the Highway Department. I was going to say something on that. That's it, I'm done.

Bob Armstrong: I have nothing.

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Larry Brown: Likewise.

Darren Vogt: One really quick thing, the Courts are in the process of transferring all of the data over in the JTAC system. It has been moving forward with less interruption than they thought would happen. They have moved some 800,000 files over and are continuing to do that.

Maye Johnson: I don't have anything.

Roy Buskirk: Excuse me. I thought Bob would say something about the Highway Department in the fact that the County Highway Department received in several different programs, one being in the Urban Fund and one is Rural, but a total of just over \$7 million in stimulus money for road repairs. That has really extended out considerably farther than just the \$7 million. All of the bids are in now and they averaged around 60% of what the engineers' estimates were. There will be a lot of activity this year. The other thing that it does is the fact that the Highway Department budget, they budget so much every year for these road projects, and this is about a five-year funding. I guess, in essence, we need to watch the Highway's budget. We need to see which projects they are going to be using this on and which bridges and everything.

Larry Brown: The bulk of it is repaving.

Roy Buskirk: The bulk is repaving and there is some replacement and installing of new guardrails. Some of this is for bike and jogging trails. A small portion of it is for that too. There are several different types of projects that this is going to be used on.

Larry Brown: Just to clarify, I don't think any of it can be used on heavy structure like bridges.

Roy Buskirk: Some of the guardrails is being used around bridges, which would have come out of the Bridge Fund.

Larry Brown: Accessory items.

Roy Buskirk: Right but the timeframe that this money has to be spent and the projects done pretty much restricted it to resurfacing. That was interesting in the fact that if you have done any maintenance on the road, there was one road that needed work but they had patched potholes three years ago and so it doesn't qualify for it. You couldn't have done any maintenance on a road for four years for it to qualify.

Paula Hughes: Okay, is there anything else from Council members? Are there any recent or upcoming meetings that you want to mention?

Larry Brown: What is the date for the Task Force?

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Paula Hughes: The next Co-location Task Force meeting is March 26th at 11:30 in the Omni Room. That will include the presentation of the revised architectural estimates as well as a discussion with the Sheriff and the Chief of Police regarding how they feel about co-location of the two police departments.

Larry Brown: So the committee is going to be receiving information and not making a decision or recommendation.

Paula Hughes: I just serve as a member of that committee and I would hope that there would be some discussion. I think it would be wildly optimistic to hope for some consensus coming out of this meeting.

Paul Moss: I think Mr. Stafford indicated that he would like to have an additional meeting after this one. We will be getting information in this meeting and decisions would be in the follow-up meeting.

Larry Brown: I only bring it up as a clarification point because as I have an opportunity to get around to more and more places and meet people, there are a lot of people that feel very strongly about this and I just wanted to use the opportunity to make people aware of when the discussion will take place and when or if a consensus might come before the committee.

Paula Hughes: Really, we don't have any new information for this body to discuss. Nothing has changed since the last time we discussed it. We are waiting for the estimates from the architects. I presume that we will have that for our April meeting.

Roy Buskirk: That is one thing that I am concerned about is the fact that they keep talking as if the Task Force Committee can make a thumbs-up or thumbs-down on the total project. Paul, Paula and I are only three of seven and any final decision has to come back to the full Council.

Larry Brown: Likewise with City Council.

Roy Buskirk: Yes.

Maye Johnson: I think people understand that.

Paula Hughes: Are there any comments from the public? I see that we have Wayne Township Trustee Rick Stevenson here with us. You just decided to grace us with your presence and there is nothing to bring up?

Darren Vogt: Approval to waive the second reading on any matter approved today for which it may be deemed necessary for the County Council meeting of February 18, 2010.

Bob Armstrong: Second.

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Paula Hughes: All in favor please signify by saying aye. Opposed like sign. Motion carries. The next meeting is April 15th. I look for a motion to adjourn so that we can go to our next meeting which is a joint meeting of the County Council and Commissioners.

Roy Buskirk: Move to adjourn.

Darren Vogt: Second.

Paula Hughes: All in favor please signify by saying aye. Opposed like sign. The motion carries.

There being no further business the meeting was adjourned at 9:05 a.m.