

**WHITLEY COUNTY COUNCIL
NOVEMBER 3, 2010**

The Whitley County Council met on Wednesday, November 3, 2010 due to Tuesday, November 2nd being Election Day. The meeting was held in the Commissioner's Room located on the first floor of the Whitley County Government Center. Members in attendance were Chairman Kim Wheeler, Vice Chairman John Barrett, James Bayman, Glen LaRue, Thomas E. Western, William Overdeer and Paula Reimers. Also in attendance for all or part of the meeting were Auditor Linda Gerig, County Attorney Dan Sigler, County Coordinator Amy Crickmore, Doug Randol, Alan Tio, Roland Fritts, Betty Wilkinson, Galen Wilkinson, County Recorder Rosemary Brown, George Schruppf, EMA Director Cathy Broxon-Ball, Deputy Marcus E. Gatton, Sheriff Mark Hodges, Gene Heckman, Judge James Heuer, Jim Banks, Scott Sowerby, Dick Bagan, Denise Barkdull, Ron Hammand and Post and Mail reporter Laura Richcreek. Chairman Wheeler called the meeting to order at 8:00 a.m.

IN THE MATTER OF PREVIOUS MINUTES: The minutes of October 6 and October 19, 2010 were approved as presented.

IN THE MATTER OF COUNTY ATTORNEY: Dan Sigler was present to explain that a law suit had been filed against county council regarding an alleged illegal meeting. Sigler will respond to the notice.

IN THE MATTER OF TAX ABATEMENT REQUEST: Economic Development President Alan Tio discussed the issue of tax abatement for USSI (UnderSea Sensor Systems, Inc.) and Ultra Electronics, Inc. USSI has purchased the vacant AutoLiv building and would like to assume an existing abatement granted to AutoLiv. USSI was granted abatement in January of 2010 and is requesting that abatement be rescinded and transferred to the AutoLiv building. Resolution No.2010-27, A Resolution to Transfer, Rescind and Approval for Deduction from Assessed Valuation for Real Property Improvements and Personal Property to Be Located within Whitley County Economic Development Area, was presented for consideration. The Resolution recommends: 1) The deduction from assessed valuation approved for AutoLiv ASP, for real property improvements be transferred to Ultra Electronics, Inc. upon the transfer of deed for the AutoLiv building. 2) The deduction from assessed valuation approved for UnderSea Sensor Systems, Inc. on January 5, 2010 for real property improvements and personal property acquisitions at 4578 E Park Drive 30 be rescinded: and 3) The application for deduction from assessed valuation for real property improvements by Ultra Electronics, Inc. and personal property acquisitions by UnderSea Sensor Systems, Inc. at 4848 E. Park Drive 30 and dated November 3, 2010, be granted and approved for a schedule not to exceed ten (10) years, pursuant to the deduction schedules permitted through I.C. 6-1.1-12.1 et seq. After further discussion, Overdeer moved, seconded by Western, to approve Resolution No.2010-27. The motion carried 7/0.

IN THE MATTER OF TRIAD INDIANA HOLDINGS, LLC: Denise Barkdull of Ice Miller, LLP was present to discuss financing of proposed economic development facilities for Triad Indiana Holdings, LLC. The Whitley County Economic Development Commission conducted a public hearing at 7:30 a.m. on November 3, 2010, and found that such financing will be of benefit to Whitley County and its citizens. After further discussion of the matter, Ordinance No. 2010-28, Ordinance Authorizing Whitley County to Issue Its "Economic Development Revenue Bonds, Series 2010 (Triad Metals Project)" and Approving Other Actions in Respect Thereto, was introduced. Overdeer moved, seconded by Bayman, to accept the first reading of the Ordinance and to suspend the second and third readings and to approve Ordinance No. 2010-28. The motion carried 7/0. (See Ordinance No. 2010-28 on file in the auditor's office).

IN THE MATTER OF FUND TRANSFERS: The following requests for fund transfers were 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>
Circuit Court – Exams	Circuit Court – Law Books	\$800.00	-7-	-0-	-0-
Circuit Court – Exams	Circuit Court-Pauper Atty	\$700.00	-7-	-0-	-0-
	Motion: LaRue Second: Bayman				
Title IV-D Legal	Title IV-D Supplies	\$1,400.00	-7-	-0-	-0-
	Motion: Western Second: Overdeer				
Superior Court – Petit Jury Lawbooks		\$1,300.00	-7-	-0-	-0-
	Motion: Western Second: Overdeer				

This ordinance adopted on this 3rd day of November, 2010.

Whitley County Council

Kim Wheeler – signed	Thomas Western – signed
John Barrett – signed	William Overdeer – signed
James Bayman – signed	Paula G. Reimers – signed
Glen LaRue – signed	Attest: Linda J. Gerig, Auditor - signed

IN THE MATTER OF ADDITIONAL APPROPRIATIONS: The following requests for additional appropriation requests were submitted.

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>
Rainy Day	\$5,000.00	\$5,000.00	-7-	-0-	-0-
	Motion: Overdeer	Second: Barrett			
County General	\$2,725.93	\$2,735.93			
	Motion: Bayman	Second: LaRue			
Co Identification Recorder	\$14,000.00	\$14,000.00	-7-	-0-	-0-
	Motion: Bayman	Second: Barrett			

This ordinance adopted on this 3rd day of November, 2010.

Whitley County Council

Kim Wheeler – signed	Thomas Western – signed
John Barrett – signed	William Overdeer – signed
James Bayman – signed	Paula G. Reimers – signed
Glen LaRue – signed	Attest: Linda J. Gerig, Auditor – signed

IN THE MATTER OF SOUTH LIBRARY BOARD APPOINTMENT: This appointment was tabled and will be considered on December 7, 2010.

IN THE MATTER OF INCENTIVE AWARD: Alan Tio spoke on behalf of the Whitley County Economic Development Corporation. In September of 2009 a multi-year incentive award was approved by the Whitley County Commissioners and County Council to support the expansion of Richard J. Bagan, Inc. The incentive award was set up in three phases and Tio stated that the Phase 2 is now ready for release of funds. The company has created and staffed eight new full-time positions. After further discussion of the matter, Overdeer moved, seconded by LaRue, to release \$30,000 of CEDIT Funds for Phase 2. The motion passed 6/0. Reimers abstained from the vote.

IN THE MATTER OF SHERIFF VEHICLES PURCHASE: Sheriff Mark Hodges and Deputy Marcus Gatton were present to request \$65,954.48 from cum cap funds to purchase two Ford Crown Victoria's and one Chevrolet pickup truck. Hodges stated that if they would be allowed to trade in the current Drug Task Force truck, the request for \$65,954.48 would be sufficient. If not allowed, the cost would be \$81,220.74. All vehicles are being purchased locally. Western moved, seconded by Reimers, to purchase three vehicles at a cost of \$64,954.48. The motion passed 4/3. Wheeler, Bayman and LaRue cast the No votes. Sheriff Hodges went on to ask permission to hire a full-time (replacement) Confinement Officer. Permission was granted.

IN THE MATTER OF COMMISSIONER'S REPORT: Michael Schrader was present and told the council about the County's intentions of using toll free numbers. Not all numbers are in service at this time. The Burn Ban is still in place with the exception of cleaning up storm damage with the assistance of local fire departments. The Veteran Services Office is now located in the County Assessor's office in the Government Center.

There being no further notice or public comment, the meeting was adjourned.

WHITLEY COUNTY COUNCIL

Kim Wheeler, Chairman

John Barrett, Vice Chairman

James Bayman

Glen LaRue

Thomas E. Western

William N. Overdeer

Paula G. Reimers

Attest:

Linda J. Gerig, Auditor