

THE SHELBY COUNTY COUNCIL MET ON TUESDAY JANUARY 19, 2016 AT 6:00 P.M. PRESENT WERE COUNCIL MEMBERS, SMITH, CLAXTON, TITUS, FISCHER, ASHER, SANDERS, LANGKABEL, COUNTY COUNCIL ATTORNEY AND THE COUNTY AUDITOR.

COUNCIL REORGANIZATION/ LIAISON:

PRESIDENT: MOTION TO NOMINATE TONY TITUS FOR PRESIDENT WAS MADE BY ASHER, SECONDED BY LANGKABEL, APPROVED 7-0

VICE PRESIDENT: MOTION TO NOMINATE RYAN CLAXTON FOR VICE PRESIDENT WAS MADE BY ASHER, SECONDED BY LANGKABEL, APPROVED 7-0

MEETING DATES & TIMES: MEETINGS WILL BE LEFT ON THE THIRD TUESDAY OF THE MONTH AT 6:00 P.M.

LIAISON: MOTION TO LEAVE LIAISON AS THEY WERE LAST YEAR AND ADD YOUTH COUNCIL TO LEIGH LANGKABEL, WAS MADE BY CLAXTON, SECONDED BY ASHER, APPROVED 7-0

MINUTES:

MOTION TO APPROVE MINUTES FROM OCTOBER 29, 2015 WAS MADE BY ASHER, SECOND BY FISCHER, APPROVED 7-0

MOTION TO APPROVE MINUTES FROM DECEMBER 15, 2015 WAS MADE BY ASHER, SECONDED BY CLAXTON, APPROVED 6-0-1 (LANGKABEL)

TRANSFERS:

ADULT PROBATION:

ADULT PROBATION IS REQUESTING AN ADDITIONAL APPROPRIATION IN THE FOLLOWING FUNDS:

9168-21100-0000 (OFFICE SUPPLIES) IN THE AMOUNT OF \$42.90

9168-34110-0000 (CONTRACTED LABOR) IN THE AMOUNT OF \$5,390.00

9171-31102-0000 (PROBATION GRANT FUND) IN THE AMOUNT OF \$2,117.00

MOTION TO APPROVE WAS MADE BY LANGKABEL, SECONDED BY ASHER, APPROVED 7-0

ADULT PROBATION IS REQUESTING AN ADDITIONAL APPROPRIATION IN THE FOLLOWING FUNDS:

2100-12193-0000 (PAYROLL) IN THE AMOUNT OF \$363.00

2100-18220-0000 (PERF) IN THE AMOUNT OF \$40.66

2100-18210-0000 (SOCIAL SECURITY) IN THE AMOUNT OF \$27.77

MOTION TO APPROVE WAS MADE BY LANGKABEL, SECONDED BY CLAXTON, APPROVED 7-0

COMMUNITY CORRECTIONS:

REQUEST TO TRANSFER \$500.00 FROM 4208-22200-0000 (GAS-OIL-SERVICE) TO 4208-32300-0000 (POSTAGE), \$1,000.00 FROM 4208-22200-0000 (GAS-OIL-SERVICE) TO 4208-39308-0000 (TRAVEL-TRAINING), \$1,500.00 FROM 1117-31401-0000 (PROF CONTRACTS) TO 1117-31203-0000 (DRUG SCREEN), \$2,738.03 FROM 1117-16001-0000 (ON CALL OVERTIME) TO 1117-15001-0000 (ADM

ASSISTANT), \$726.33 FROM 1117-16001-0000 (ON CALL OVERTIME) TO 1117-14000-0000 (ADULT CASE MANAGER), \$658.59 FROM 1117-16001-0000 (ON CALL OVERTIME) TO 1117-13300-0000 (ADULT CASE MANAGER), \$201.29 FROM 1117-16001-0000 (ON CALL OVERTIME) TO 1117-18010-0000 (FIELD OFFICER), \$635.83 FROM 1117-16002-0000 (ON CALL OVERTIME) TO 1117-13002-0000 (FIELD COORDINATOR) AND \$133.34 FROM 1117-18230-0000 (HEALTH) TO 1117-13300-0000 (FIELD COORDINATOR), MOTION TO APPROVE WAS MADE BY LANGKABEL, SECONDED BY ASHER, APPROVED 7-0

REQUEST FOR AN ADDITIONAL APPROPRIATION IN FUND 1117-41010-0000 (VEHICLES) IN THE AMOUNT OF \$28,733.95, MOTION TO APPROVE WAS MADE BY LANGKABEL, SECONDED BY ASHER, APPROVED 7-0

RACINO:

REQUEST FOR AN ADDITIONAL APPROPRIATION IN FUND 4910-33021-0000 (BRIDGES & CULVERTS) IN THE AMOUNT OF \$2,000,000.00, MOTION TO APPROVE WAS MADE BY CLAXTON, SECONDED BY ASHER, APPROVED 7-0

REQUEST FOR AN ADDITIONAL APPROPRIATION IN FUND 4910-38800-0000 (ANIMAL SHELTER) IN THE AMOUNT OF \$98,462.13, MOTION TO APPROVE WAS MADE BY ASHER, SECONDED BY CLAXTON, APPROVED 7-0

MISCELLANEOUS:

PUBLIC SAFETY TAX / DON WICKENS:

DON WICKENS A GREENSBURG ATTORNEY REPRESENTING ROBIN GAHIMER CAME BEFORE THE COUNCIL TO TALK ABOUT THE PUBLIC SAFETY TAX THAT THE COUNCIL ADOPTED BACK ON OCTOBER 29, 2015. THERE HAVE BEEN MANY DISCUSSIONS ON HOW THE PUBLIC SAFETY TAX WAS ADOPTED AND CONCERNS ON WHY THERE WASN'T TWO VOTES TAKEN ON THIS. MR. WICKENS READ AN I.C. CODE THAT SAYS: UNANIMOUS CONSENT OF THE MEMBERS PRESENT IS REQUIRED TO PASS AN ORDINANCE ON THE SAME DAY OR AT THE SAME MEETING AT WHICH IT IS INTRODUCED. THIS WAS NOT DONE ON THIS DAY. THE VOTE WAS 4-3 THIS WAS NOT A UNANIMOUS VOTE, SO THEREFORE A SECOND READING SHOULD HAVE BEEN VOTED ON AGAIN. RANDOLPH COUNTY DID THE SAME THING THEY PASSED IT BUT THEN FOUND BECAUSE IT WASN'T UNANIMOUS THEY NEED TO VOTE AGAIN. THEY DID TWO MORE READINGS AND PASSED IT WITHIN THE TIME PERIOD; UNION COUNTY PASSED IT 5-2 AND FOUND THAT BECAUSE THEY ONLY DID ONE VOTE THEY SET IT ASIDE BECAUSE THE ADOPTION DATE HAD PASSED. MR. WICKENS HAS HEARD THERE IS AN EMAIL GOING AROUND FROM A STATE AGENT SAYING THEY HAD TO DO A SECOND READING. HE HAS NOT SEEN IT. TITUS ADVISED HE HAS NOT SEEN AN EMAIL, DEPUTY AUDITOR ADVISED SHE HAS NOT SEEN THIS EMAIL EITHER AND THAT ON OCTOBER 29, 2015 THIS WAS NOT THE FIRST TIME THE ORDINANCE WAS BROUGHT UP. THIS ORDINANCE WAS ADVERTISED ON OCTOBER 16, 2015 TELLING ABOUT THE TAX AND RATE AND WHEN THE ADOPTION WOULD BE, THE COUNCIL HAD TWO PUBLIC MEETINGS ABOUT THIS FOR THE PUBLIC. THE FIRST ONE WAS HELD ON OCTOBER 20, 2015 AND THEN AGAIN ON OCTOBER 29, 2015. THE COUNCIL LISTENED TO ALL PUBLIC PERSONS WHO WANTED TO TALK. GLACKMAN ADVISED THAT THIS WAS NOT THE FIRST TIME AND THEREFORE THERE WAS NO NEED FOR A SECOND VOTE. THE UNANIMOUS CONSENT REFERRED TO THE CONSENT TO VOTE ON THIS. BRYAN FISCHER SAID HE HAS AN EMAIL FROM THE COUNCIL ATTORNEY ADVISING SHE HAS ADVISED THE COUNTY AUDITOR THAT SHE BELIEVES

A SECOND READING SHOULD BE DONE. ULTIMATELY IT IS UP TO THE DEPT OF REVENUE ON THIS. ALSO HE RECEIVED AN EMAIL SAYING THE DLGF HAS FOUND THE DEPT OF REVENUE HAS FOUND THE ORDINANCE ACCEPTABLE. MR. WICKENS SAID HE IS AWARE THAT THE OTHER TWO COUNTIES DID DISCUSS THE ORDINANCE BEFORE THEY PASSED IT, BUT DECIDED TO BACK DOWN. TITUS ASKED IF THERE WERE ANY OTHER COUNTIES THAT DID WHAT SHELBY COUNTY DID AND BACKED DOWN? NUMBER ONE THEY WOULD NEVER DO ANYTHING OR PERCEIVE ANYTHING OR DO ANYTHING UNDER THE TABLE AND NUMBER TWO ONCE THEY FOUND OUT THERE MAY BE A PROBLEM THE NEXT DAY, THEY HAVE GONE ABOVE AND BEYOND TO MAKE SURE THINGS ARE OK. MR. WICKENS ADVISED HE KNEW THEY WOULDN'T DO ANYTHING WRONG AND HE ADVISED THIS CAUGHT YOU BY SURPRISE, BUT THE STATUE IS VERY CLEAR, IT SAYS YOU CAN'T DO THIS ON THE SAME DAY YOU INTRODUCED IT. THE PRACTICAL PROBLEM IS THAT IF WE GO TO COURT YOU WILL FIND OUT A YEAR FROM NOW IF YOU ARE RIGHT OR WRONG, AND HAVE THE PROBLEM OF PAYING THE MONEY BACK, IT WOULD BE VERY SIMPLE IF YOU WOULD JUST ADOPT IT AGAIN AND LEAVE NO QUESTION ABOUT IT. AT THIS TIME TITUS ASKED IF ANYONE HAD ANY QUESTIONS AND ADVISED THEY WILL TAKE IT UNDER ADVISEMENT.

SHERIFF RETIREMENT:

SHERIFF PARKS AND MERIT BOARD MEMBER ROBBIE STONEBRAKER PRESENTED THE COUNCIL WITH AN AMENDMENT TO THE SHELBY COUNTY POLICE RETIREMENT PLAN. THERE WERE JUST A FEW CHANGES BUT ONE OF THEM IS YOU MUST WORK AT LEAST 10 YEARS AND BE 50 YEARS OF AGE IN ORDER TO BE ELIGIBLE FOR THE RETIREMENT. THE OTHER ONE HAS TO DO WITH THE DEATH BENEFITS AND HOW THEY ARE HANDLED. MOTION TO APPROVE WAS MADE BY ASHER, SECONDED BY LANGKABEL, APPROVED 7-0

2016 MILEAGE RATE:

THE IRS HAS LOWERED THE MILEAGE RATE FROM 57.5 CENTS TO .54 CENTS FOR THE CALENDAR YEAR 2016, MOTION TO APPROVE WAS MADE BY FISCHER, SECONDED BY SANDERS, APPROVED 7-0

COUNTY RECORDER:

TAWNIA ADVISED THAT HER OFFICE IS IN NEED OF A NEW SERVER AND HAS RECEIVED TWO QUOTES ON IN THE AMOUNT OF \$13,787.00 PLUS \$3,000.00 FOR CSI TO LOAD ALL FILES ON IT. THE OTHER QUOTE IS FROM ROB NOLLEY AND IS IN THE AMOUNT OF \$10,410.31 PLUS THE \$3,000.00 FOR CSI TO LOAD ALL FILES, SHE IS ASKING THIS BE PAID OUT OF RACINO. USUALLY ALL THINGS ARE PAID OUT OF THE PERPETUATION FUND, BUT MONIES ARE DOWN. LANGKABEL MADE A MOTION TO BE PAID OUT OF RACINO, SMITH ASKED THAT HE RESCIND HIS MOTION AND HAVE IT TO BE PAID OUT OF CUM CAP. AT THIS TIME LANGKABEL MADE A MOTION TO HAVE \$13,410.31 BE ADVERTISED OUT OF CUM CAP, SECONDED BY ASHER, APPROVED 7-0

MOTION TO ADJOURN WAS MADE BY ASHER SECONDED BY CLAXTON
APPROVED 7-0

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ATTEST:

MARY JO PHARES
SHELBY COUNTY AUDITOR