

**TIPPECANOE COUNTY COUNCIL  
SPECIAL MEETING  
JUNE 23, 2004**

The Tippecanoe County Council held a Special Meeting on Wednesday, June 23, 2004 at 3:00 P.M. in the Tippecanoe Room in the County Office Building. Council members present were: President Kathy Vernon, Vice President Ronald L. Fruitt, Connie Basham, David S. Byers Jeffrey A. Kemper, Jeffrey Kessler, and Betty J. Michael. Others present were: Auditor Robert A. Plantenga, Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Vernon called the meeting to order and led the Pledge of Allegiance.

***PUBLIC HEARING: ORDINANCE 2004-16-CL: Establishing Tippecanoe County Motor Vehicle Excise Tax and Wheel Tax: Second Reading (See June 1, 2004 County Council Minutes for first reading.)***

Ordinance 2004-16-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Councilmember Kemper moved to adopt Ordinance 2004-16-CL on second reading, seconded by Councilmember Michael.

Attorney Luhman stated the ordinance was read word for word at the first meeting on June 1 so he would only summarize it today:

- The County Council deems it necessary to impose the County Motor Vehicle Excise Surtax and the Wheel Tax.
- Effective January 1, 2005, all passenger vehicles, motorcycles and trucks with a declared gross weight of less than 11,000 pounds registered in the County, shall be subject to an annual license excise surtax of \$20.00.
- Effective January 1, 2005, the following classes of vehicles, registered in the County, shall be subject to an annual wheel tax as set forth below:

<u>Vehicle Classification</u>	<u>Annual Wheel Tax</u>
a) Buses	\$20.00
b) Recreation Vehicles	\$20.00
c) Semi Trailers	\$25.00
d) Tractors	\$40.00
e) Light Trailers under 12,000 lbs:	\$ 5.00
f) Heavy Trailers more than 12,000 lbs:	\$20.00
g) Light Trucks between 11,000 and 26,000 lbs:	\$25.00
h) Heavy Trucks more than 26,000 lbs:	\$40.00

President Vernon thanked Vice President Fruitt for chairing the June 1 meeting in her absence. She asked all participants to have an open and civil dialogue and to limit their comments to three (3) minutes without repetition of previous remarks. She further asked all speakers to sign their name and address for the record and to please turn off their cell phones.

Speakers

In Favor

Joe Rund, 2916 W 1220 S, Romney  
Mark Albers, 3005 Chinook Ln.  
Jeff Cooke, Buck Creek  
KD Benson, 2500 N 600 W  
Dr.  
Sue Scholer, 807 Essex St.

Against

Gary Wolfelt, 812 Main St.  
Mike Brown, 9514 Morningside Ln.  
Chuck Hunter II, 3240 S. 18<sup>th</sup> St.  
Robin VanDeventer, 1521 Normandy  
  
Jeff Cuppy, 2507 S. Beck Ln.  
Robert Leddon, 373 Woods Edge  
Mark Donahue  
Melissa Balsler, 630 N 11<sup>th</sup> St.  
Terry Masterson, 1115 Central  
Van Marshall, 4451 New Castle Rd.  
Jeff Findlay, 2103 W 550 S  
Roger Maickel  
Malcolm Miller, 1 N 1025 E

Dan Altepeter, 1161 E 430 S  
 Kevin Underwood, 6915 N 225 W  
 George Hooker, 5760 Houston Rd.  
 Jon Held, West Lafayette  
 Bill Hudson, Battle Ground  
 John R. Basham II, 1450 W 500 S  
 David Bridges, 1612 N River Rd.

Joe Rund: It is responsible citizenship to carry through with the tax to keep roads from further deterioration.

Mark Albers, County Highway Executive Director: The County needs additional revenue to perform annual maintenance by resurfacing 37 miles of non-subdivision roads and 4 miles of subdivision roads at a cost of \$2.1 million. Additional funds will also allow the re-establishment of the Dust Control Program at no cost to the taxpayers who live on the County's 220 plus miles of gravel roads. He said the Local Road & Street Budget has a shortfall of over \$1.1 million for 2004 without counting new construction projects. Mr. Albers mentioned that CR100W/CR140W in the Hadley Moors area is a priority for conversion from gravel to paving as well as for the elimination of four (4) 90° curves. This road also fronts on the Purdue Professional Park that provides economic opportunities for West Lafayette and the County.

Gary Wolfelt: After reading an extensive list of current taxes, Mr. Wolfelt said we don't need a new tax, except possibly a "criminal" tax, to fund roads. He advocated imposing an impact fee for developers who are building large subdivisions on roads that are inadequate to carry the additional traffic.

Mike Brown: As the only driver of the three vehicles he owns, he said owners with multiple vehicles will pay a disproportionate amount. In his opinion, the tax on a motorcycle should not be the same as on a large truck.

Councilmember Fruitt asked for a clarification of the law for taxing motorcycles. Attorney Luhman responded the Council is required to treat cars, motorcycles, and trucks under 11,000 lbs. the same.

Chuck Hunter: He said he carried a petition against the tax and expressed concern that bonds will be issued against the tax. Until the bonds are retired, he said the tax cannot be eliminated. Mr. Hunter said he also supports impact fees because of developers like those south of CR 350 S who are not being held responsible for widening and making narrow roads safer for the additional traffic.

Attorney Luhman explained the imposing of an impact fee will require an economic study to determine the impact of a certain project to determine the cost of the development.

Robin VanDeventer: She said she has a petition with over 2,000 signatures of residents who are opposed to the tax. She thinks citizens have been taxed enough and cited property tax increases due to the last reassessment as an example. If the Council passes this today, she encouraged voters to express their displeasure at the polls in November.

Jeff Cuppy: He owns seven (7) vehicles but said four or five are toys and are not driven on a regular basis. He suggested imposing a fee for obtaining a driver's license as a more fair way to get money than imposing a blanket tax on all vehicles. Mr. Cuppy said he has spoken to no one in favor and thinks people may move out of the County to avoid the tax but still use our roads to take advantage of what Tippecanoe County has to offer.

Robert Leddon: Mr. Leddon owns a truck but mostly rides his motorcycle that he said doesn't tear up the roads. He thinks this is an unfair tax.

Mark Donahue: If the Wheel Tax is necessary, he asked how we survived this long without it.

Melissa Balser: Ms Balser asked the Council to think about the citizens who are on welfare and food stamps and questioned how they are supposed to come up with the extra money to pay the tax.

Terry Masterson: Citizens responsible for creating the bills don't want to pay for them but are getting the small people to pay. He cited the Trolley Tax as an example. He said this is a regressive tax and not his bill to pay. He blamed the need for additional road money on

developers who are getting rich from new subdivisions but are not paying for the roads those residents will use. He endorsed impact fees for developers.

Van Marshall: Since we don't have a Frost law, large trucks are allowed to travel on wet roads which hastens their deterioration. He said school buses run multiple routes by his house.

Jeff Findlay: As a member of the Shadeland Town Council, Mr. Findlay reported they are opposed to the tax as well as the Towns of Battle Ground and Otterbein. He said there is waste in government but he has worked with the County Highway Department and he saw no waste there. He blames tax money spent on empty city buses and upkeep on the amphitheater as inefficient government. Mr. Findlay thinks we need good roads more than new parks.

Roger Maickel: Mr. Michael said he can't disagree with 90% of what has been said. He is concerned we will be giving a blank check to entities without details of how the money will be spent and called for a specific proposal for multiple years.

Jeff Cooke: Mr. Cooke said we have a \$1 million shortfall of road funds for 2004, and he is convinced the money will be well spent. He said the money is necessary to provide safe roads. He urged the Council to do what their consciences and intellects tell them to do. Mr. Cooke pointed out that out-of-county people do come to Tippecanoe County and spend money.

Malcolm Miller: Mr. Miller said he owns several antique cars that will be taxed but are driven very little. He thinks it is unfair that he will pay as much as someone who drives a lot and said he may change his residency to Florida.

Dan Altepeter: Mr. Altepeter thinks the roads are in decent shape but urged the Council to find alternate funding that he thinks will provide more money than the Wheel Tax. He referred to Area Plan's Transportation Plan that he said lists nineteen (19) sources for road funding. If we have roads with dangerous curves, he urged the use of the Hazard Elimination Fund as a funding source.

Kevin Underwood: As President of Tippecanoe County Farm Bureau, Mr. Underwood explained they are a grass roots organization and their local policy prevails over state policy. He urged the Council to do what is best for Tippecanoe County. He said it is time to lead rather than follow what the State tells us.

Sue Scholer: As one of our local State Representatives, Mrs. Scholer apologized for her inability to convince the Legislature to raise the Gas Tax to 10¢ per gallon to keep the County from being put in this position.

George Hooker: Mr. Hooker said he can only drive one of his four vehicles at a time so he will sell three and the County will get less money.

Jon Held: Lafayette is "town" to other communities when they think of shopping, eating, or a variety of other activities but they don't drive State roads to get there. He said imposing this tax is asking Tippecanoe County residents to maintain County roads for out-of-county drivers.

KD Benson: As one of the County Commissioners, Mrs. Benson said the County needs the money and LOHUT (Local Option Highway User Tax) is restricted to road funding. If other funding becomes available, she said the County Council has promised to revisit the tax. Commissioner Benson said there is a road schedule that does not include paving all the gravel roads, but we do need to maintain what we have.

Bill Hutchison: He is moving. He won't pay the tax.

John R. Basham II: Mr. Basham thinks the people in Tippecanoe County don't want this tax. He knows the roads are bad but said this is not a fair tax.

David Bridges: Local politicians keep talking about raising taxes.

#### Council Comments

Councilmember Basham asked Mr. Albers if there is a breakdown of the tax by governmental entities. Mr. Albers responded that LTAP (Local Technical Assistance Program) provided the numbers and determined that \$2.28 million will be generated for all of Tippecanoe County. Of that amount, \$1.2 million will go to the County Highway Department and the remainder will

divided among the cities and towns. Councilmember Basham asked if there is a specific spending plan for the County Highway's portion of the tax dollars. Mr. Albers responded that 90% will be used to satisfy maintenance needs, but a portion will be allocated to work on much needed projects such as CR 100W/140W. He said all projects take time to develop with special attention paid to drainage needs. Mr. Albers said 10% will be used for much needed dust control for gravel roads.

Councilmember Basham asked if there is a list of specific projects for the targeted funds. Mr. Albers responded that projects are already in the Transportation Improvement Program for reconstruction projects except the Cumberland Avenue and McCarty Lane extension projects. As the County grows, he said they need to keep a handle on developing needs to be able to offer expanded capacity in addition to improved condition. He noted the need for perspective of the growing demand on County streets and roads that will tie into new major projects such as the Hoosier Heartland off SR 25 and US 231 to the west.

Councilmember Basham asked if the tax money will be used for the projects listed on the "Paving Needs Assessment-2004" handout distributed at the June 1<sup>st</sup> meeting. Mr. Albers said they will primarily focus on maintenance needs and address those first. Such projects will include resurfacing, pro-active crack sealing, and sealing before surface needs arise.

Councilmember Basham asked if there is a written plan for spending the Wheel Tax money. Mr. Albers said if roads in the worst condition are looked at, the County clearly has over 50 miles of paving needs today. He thinks that clearly demonstrates a \$1.1 million shortfall in Local Road & Street Budget.

Councilmember Basham asked if the Local Road & Street Budget will be exhausted by the end of the year. Mr. Albers responded that putting the entire Local Road & Street Budget into maintenance will result in no new projects such as South River road and CR 200 N. If something isn't done, he said there will be no way to consider the rehabbing of those projects in the future. Councilmember Basham again asked if all the Local Road & Street money will be used this year and, if so, is that a shortfall. Mr. Albers said the 2004 Local Road & Street Budget is not entirely used for maintenance. He said he is only demonstrating they will be short of funds if all is used. He said the existing Local Road & Street Budget covers new projects, pavement marking programs, and overruns the Motor Vehicle Highway Fund doesn't cover such as maintenance and materials for adding gravel and filling pot holes. He pointed out that we are located in an area with excessive freeze-thaw cycles.

Councilmember Kessler asked if the software purchased to identify road needs is being used. Mr. Albers said they have worked on the data base but parameters still need to be set. Councilmember Kessler asked who concentrates on making sure as much money as possible gets to the local entities. Mr. Albers said the Metropolitan Planning Organization helps allocate funding. The Technical Highway Committee prioritizes how funds are spent. The Hazard Elimination Fund is available to eliminate hazardous conditions on roads but other funds are needed for maintenance. Mr. Albers said he has an experienced staff and thinks they do a good job.

Councilmember Basham asked about the match of Wheel Tax dollars for participating counties. Representative Scholer explained that the State gave counties the tool to fund roads by passing the Wheel Tax. However, since it is such an unpopular tax, approximately two years ago the State began matching Wheel Tax dollars when extra funds are available to counties that have the tax.

President Vernon asked Attorney Luhman to clarify about bonding and a sunset provision. Attorney Luhman explained that, if bonds are issued in the future with the promise to pay back with Wheel Tax revenue, the Wheel Tax could not be eliminated by a sunset provision until the funds are paid back.

Councilmember Byers asked how many school buses have to slide off the roads because they are too narrow or how many teen age drivers have to die because of unsafe roads. He implored those in opposition to the Wheel Tax to "keep the fire going" to those at the State level who control our road dollars. He pointed out the County has to fund a \$15 million mandate for a federal storm water program and repay a substantial debt to the Indiana Department of Corrections for juvenile detention. Councilmember Byers said we have to maintain the roads, and he will willing to pay \$20 to save a child's life.

President Vernon thanked everyone for coming today.

Councilmember Kessler said he is going to vote against the tax, but he is excited that so many are here today to discuss the issue in a civil manner.

Since there were no further comments, Auditor Plantenga recorded the vote on Ordinance 2004-16-CL on second reading:

Kathy Vernon	No
Ron Fruitt	Yes*
Connie Basham	No
Dave Byers	Yes
Jeff Kessler	No
Jeff Kemper	Yes
Betty Michael	Yes

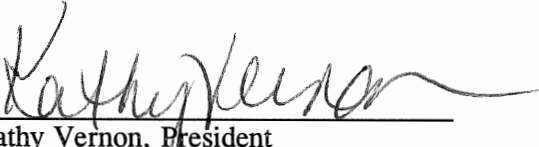
- Ordinance 2004-16-CL passed 4 – 3 on second and final reading.

\*Councilmember Fruitt prefaced his vote by saying that he has two years left in his term and, if things change at the State level, this tax will be revisited.

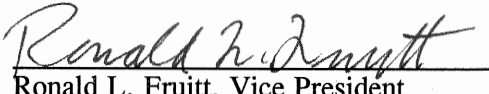
**ADJOURNMENT**

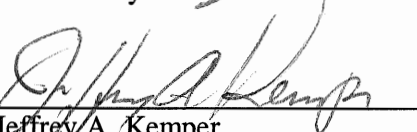
- There being no further business, the meeting adjourned.


**TIPPECANOE COUNTY COUNCIL**

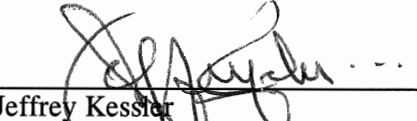
  
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 Kathy Vernon, President


  
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 David S. Byers

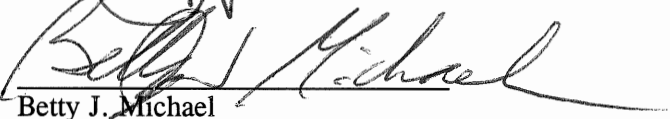
  
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 Ronald L. Fruitt, Vice President

  
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 Jeffrey A. Kemper

  
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 Jeffrey Kessler

Attest:   
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 Robert A. Plantenga, Auditor

  
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 Betty J. Michael