

**TIPPECANOE COUNTY COUNCIL
SPECIAL MEETING
JUNE 5, 2002**

The Tippecanoe County Council held a special meeting on Wednesday, June 5, 2002 at 6:30 P.M. in the Tippecanoe Room in the County Office Building. Council members present were: President David S. Byers, Vice President Connie Basham, Jeffrey Kessler, Margaret K. Bell, Kathy Vernon, and Ronald L. Fruitt; Auditor Robert A. Plantenga, Attorney David W. Luhman, and Secretary Pauline E. Rohr.

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

SUPERIOR COURT VI

TRANSFER: \$7,500.00			
From:	01-54-182300	Health Insurance	7,500.00
To:	01-54-350000	Translator	5,000.00
	01-54-321100	Pauper Attorney	2,500.00

Superior Court VI originally requested additional appropriations for these line items but it was determined that, because no one on the Court's staff uses the County's health insurance, funds were available to transfer.

- Councilmember Kessler moved to approve the transfer of \$5,000.00 from Health Insurance to Translator and \$2,500.00 from Health Insurance to Pauper Attorney, seconded by Councilmember Fruitt; motion carried.

BOARD OF ELECTION & REGISTRATION: Registrar Linda Phillips

TRANSFER: \$18,650.00			
From:	01-26-327700	Ballot Prep Services	18,650.00
To:	01-26-323200	Maps	650.00
	01-26-402600	Capital Outlay	18,000.00

Mrs. Phillips requested the transfer to Capital Outlay to purchase an additional Optical Scan Reader and 6 additional voting units. Funds are available from Ballot Prep Services due to the purchase of the new voting equipment.

- Councilmember Basham moved to approve the transfers, seconded by Councilmember Kessler; motion carried.

RESOLUTION 2002-19-CL: Re: COIT Distributions

This Resolution affirms that neither a COIT or CAGIT distribution to the Wildcat Solid Waste District has been approved because a tax levy to fund their activities was established by the County Councils of Tippecanoe County and Clinton County.

(quote)

TIPPECANOE COUNTY COUNCIL

RESOLUTION NO. 2002-19-CL

**RESOLUTION TO REGARDING CAGIT COIT DISTRIBUTIONS
TO WILDCAT SOLID WASTE DISTRICT**

WHEREAS, the County Councils of Tippecanoe County and Clinton County have heretofore approved the imposition of a tax levy for the purpose of funding the activities of the Wildcat Solid Waste District; and

WHEREAS, the Tippecanoe County Council desires to confirm that neither County Adjusted Gross Income Tax nor County Option Income Tax distributions have been approved for Wildcat Solid Waste District.

THEREFORE BE IT RESOLVED that the Tippecanoe County Council hereby confirms that neither County Adjusted Gross Income Tax nor County Option Income Tax distributions have been approved for Wildcat Solid Waste District.

Presented to the County Council of Tippecanoe County, Indiana, and adopted this 24th day of June, 2002, by the following vote:

	VOTE	TIPPECANOE COUNTY COUNCIL
David S. Byers	—	_____ David S. Byers, President
Connie Basham	—	_____ Connie Basham, Vice President
Jeffrey Kessler	—	_____ Jeffrey Kessler
Margaret K. Bell	—	_____ Margaret K. Bell
Jeffrey A. Kemper	—	_____ Jeffrey A. Kemper
Kathy Vernon	—	_____ Kathy Vernon
Ronald L. Fruitt	—	_____ Ronald L. Fruitt

ATTEST:

Robert Plantenga, Tippecanoe County Auditor

(unquote)

- Councilmember Kessler moved to approve Resolution 2002-19-CL, seconded by Councilmember Basham; motion carried.

➔ Councilmember Jeffrey A. Kemper entered the meeting.

FINANCIAL STATEMENT: Auditor Robert Plantenga

Auditor Plantenga reported the 2002 uncommitted County General Funds through May 31, 2002 are \$336,857.11.

RECESSED 6:55 P.M.

RECONVENED: 7:00 P.M.

DISCUSSION: Regarding Establishment of Motor Vehicle Excise Tax & Wheel Tax

President Byers reconvened the meeting and explained that a Wheel Tax will only be imposed on license plates purchased in Tippecanoe County. The proceeds can be used for paving and maintaining local roads but not State or Federal highways. He read portions of letters received from various Tippecanoe County entities.

<p><u>Those in support:</u> City of West Lafayette City of Lafayette Town of Dayton Town of Clarks Hill</p>	<p><u>Those in opposition:</u> Town of Otterbein Town of Shadeland Town of Battleground</p>
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President Byers allotted one (1) hour for public comments and two (2) minutes for each speaker.

PUBLIC COMMENTS

Speakers in opposition

Bill Shelby, 113 Deems Dr. Ln.	Mike Brown, 9608 Morningside
Larry Clugh, 3912 Monitor Mill Dr.	Matthew Phelps, 758 E 700 S
Randy Griffith, 841 S Newman Rd.	Alan Kemper, 5710 E 700 S
Rick Miller, 234 Stacey Hollow Dr. W	Kevin Underwood, 6915 N 225
Wyatt Poppe, 7701 W Gas Line Rd., Frankfort	Jim Peterson, 1817 Arcadia Dr.
Robert Morgan, 2921 S 9 th St. Normandy Dr.	Robin Vandeventer, 1521
Chris Amos, 3810 N Co. Line Rd.	Jim Buck, 4203 N 900 E

Speakers in Favor

Mark Albers
Susan Smith, 1816 Carlsbad Dr.
Jim Gross, 2 Castellan Dr.

Bill Haan, 8616 S 550 W
KD Benson, 2500 N 600 W

Bill Shelby: We need to fill the pot holes but it is not fair to ask for support of this Ordinance without announcing the amounts of the two taxes. He wondered if there would be a sundown clause in this Ordinance in case the supplemental funds from the State become available again.

President Byers said the Council is considering flat fees of either \$20.00 or \$25.00 for both taxes.

Mike Brown: He owns three (3) vehicles but said he can drive only one at a time. He said he would be charged like those who only own one (1) vehicle.

Larry Clugh: Mr. Clugh said 50% of his trucking business is out-of-County, and he sees no incentive to keep a business in this County if the Wheel Tax is passed. He thinks the Tax is unfair because out-of-county residents won't be paying to use our roads. He pointed out that some companies buy their license plates in other states but operate their businesses in Tippecanoe County. He thinks City, County, church, and other exempted groups should pay the Tax because they also use the roads. Mr. Clugh said this Tax cannot be fair and equitable.

Matt Phelps: Mr. Phelps expressed concern for elderly citizens on fixed incomes who drive an minimal number of miles a week. He knows many out-of-county employees who use our roads but will pay nothing. He said if the gas tax increase is passed, we will be taxed twice for roads.

Randy Griffith: Mr. Griffith said outside contractors will not pay the Tax but will use our roads and tear them up. He said it is an unfair tax because not all users will pay.

Alan Kemper: As President of Farm Bureau and representing its members, Mr. Kemper doesn't think this is the correct way to fund roads and suggested a gas tax increase would be more logical. In his opinion, this is a new property tax on vehicles licensed in the County but, because we are a regional economic hub, many out-of-county vehicles will use our roads but won't be taxed. He thinks this Tax is not logical because the economic situation of the community is not good at the present time.

Mark Albers: As County Highway Executive Director, Mr. Albers said the County has 35 miles of gravel roads that exceed 100 vehicles per day and \$100,000 is spent annually for dust control on those roads. He pointed out that out-of-county employees are using the State roads rather than County roads.

Rick Miller: Mr. Miller asked why the Council wants to impose a permanent tax to replace a short term shortfall and questioned the rush. He would like to see a long term plan for the use of the money that will be collected. He thinks there are solutions that can be found without implementing a tax that is unfair and unpopular.

Kevin Underwood: As Vice President of Farm Bureau, Mr. Underwood said the membership passed a resolution opposing the Wheel Tax. He said farmers and some construction companies will be taxed the same on vehicles that are only used seasonally. A large number of out-of-county grain trucks that come to Staleys and Cargill will not be taxed but grain trucks from local farms will. He asked the Council to vote for the good of all County residents.

Wyatt Poppe: As a representative of Abate of Indiana, he said motorcycles put little stress on a highway system due to their low weight. He thinks it would be unfair to charge \$20 or \$25 for a motorcycle.

Bill Haan: Mr. Haan supports good roads and the only funding source is tax money. He said the Wheel Tax is the only local tax option available to the County. Although the County is currently spending EDIT Funds on roads, that amount is limited. The Wheel Tax, passed by 26 other Indiana counties, has to be passed by July 1, 2002 to be effective for 2003.

Jim Peterson: Mr. Peterson said he is opposed with mixed emotions. He expressed concern about the rush to pass this Tax without much thought on how the revenue will be spent.

Susan Smith: Ms Smith said she attended the presentation on this Tax at the Public Hearing last month and believes there is a plan for spending the revenue. She said elected officials must sometimes do unpopular things.

KD Benson: Commissioner Benson reported that they received many calls concerning the proposed Wheel Tax, but said the Commissioners received daily calls throughout the year from citizens wanting their roads widened and/or resurfaced. She said the Legislators are not doing much to help counties financially, and counties have no control over the amount of gas tax collected. The Wheel Tax is the only tax we can control locally.

Robert Morgan: Mr. Morgan said senior citizens on fixed incomes aren't being taken into account when considering this tax. He said the County seems to be able to find money to add recreation but can't find money for roads. He thinks some of the problems on gravel roads are caused by excessive speed of drivers.

Robin Vandeventer: Ms Vandeventer thinks this is an unfair tax that will hurt small businesses. She is also concerned about the effect this Tax will have on senior citizens.

Jim Gross: Mr. Gross supports the Tax because he said there are limited options available to fund roads. He would rather spend money for good roads than to pay for repairs for his vehicles.

Chris Amos: Mr. Amos said he pays a heavy use tax already for his vehicle and doesn't want to pay another tax.

Jim Buck: Mr. Buck thinks there are other ways to fund roads, and the State should give us other options. He thinks this is another property tax.

COUNCILMEMBER'S COMMENTS

Jeffrey Kessler: Councilmember Kessler thinks this is the wrong tax at the wrong time. He said a Gas Tax is more equitable and a proven and reliable source of highway funding. He thinks the State needs a Business Plan.

Connie Basham: Councilmember Basham agrees there is a need for road funding but said not every tax is good for every county. A large out-of-county workforce and Purdue University make Tippecanoe County unique because so many of their drivers don't license their cars in Tippecanoe County and therefore would not pay the Wheel Tax. Councilmember Basham suggested implementing Impact Fees and/or imposing an increase in local Income Tax.

Jeffrey Kemper: Councilmember Kemper said the Wheel Tax is a user fee and this Council has been a strong advocate of user fees. He doesn't feel comfortable with waiting for the State to increase the Gas Tax, but thinks we need to improve our roads now. As a hub county, we should be a leader and insure ourselves against further road problems. Councilmember Kemper knows that no one wants another tax but thinks it would probably cost only \$20.00 per vehicle.

Ronald Fruitt: Councilmember Fruitt understands the dilemma of State controlling the Gas Tax and only giving us the limited option of the Wheel Tax to fund our roads. Although he doesn't feel strongly about the Wheel Tax one way or the other, he speculated that if State surplus money becomes available for roads at a later date it may not be passed our way because we have already taken care of the problem by implementing the Wheel Tax. He would like this issue to move to a second reading to give the Council time to gather more information.

Margaret Bell: Councilmember Bell said the County should look at other funding options before adding a tax.

Kathy Vernon: Councilmember Vernon stated we all agree the roads need fixed but she questioned if the Wheel Tax is the right vehicle for road funding. She agreed with some of the speakers tonight that the cost of the Tax was not well defined and the issue has been rushed. Councilmember Vernon thinks the County needs a long term plan for funding specific roads and, no matter how the vote goes tonight, she said discussion for funding roads needs to continue.

Dave Byers: Councilmember Byers said, as the only representative for rural citizens on the Council, he understands the pain of living on a gravel road. It costs him \$100.00 annually for dust control but he said he would be willing to put that toward roads. He would like a second reading on this issue to see if the State passes a Gas Tax increase and, if they do, he will vote against it on second reading.

ORDINANCE 2002-23-CL: Establishing a Motor Vehicle Excise Tax and Wheel Tax

- Councilmember Kemper moved to approve Ordinance 2002-23-CL establishing a flat fee of \$20.00 for the County Motor Vehicle Excise Surtax per vehicle and a fat fee of \$20.00 for the Wheel Tax per vehicle on first reading, seconded by Councilmember Fruitt.

Attorney Luhman read the Ordinance:

(quote)

ORDINANCE NO. 2002-23-CL

ESTABLISHING TIPPECANOE COUNTY MOTOR VEHICLE EXCISE TAX AND WHEEL TAX

WHEREAS, Indiana Code 6-3.5-4 *et seq.* (the Excise Tax Act) authorizes the county council of any county to impose, by ordinance, an annual license excise surtax (the County Motor Vehicle Excise Surtax) at a rate of not less than 2% nor more than 10% or at a specific amount of at least \$7.50 and not more than \$25.00 on certain vehicles registered in the county; and

WHEREAS, Indiana Code 6-3.5-5 *et seq.* (the Wheel Tax Act) authorizes the county council of any county to impose by ordinance, an annual wheel tax (the Wheel Tax) at a rate of not less than \$5.00 nor more than \$40.00 on certain classifications of vehicles not exempted from the wheel tax and registered in the county; and

WHEREAS, the Excise Tax Act and the Wheel Tax Act (collectively, the Act) each require that the County Motor Vehicle Excise Surtax and the Wheel Tax be imposed concurrently; and

WHEREAS, Tippecanoe County (the County) and the municipalities within the County have experienced a decline in revenue necessary to support the safe, all-weather operation of the road and street system in the County; and

WHEREAS, the County Council of the County deems it necessary to now impose the County Motor Vehicle Excise Surtax and the Wheel Tax.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF TIPPECANOE COUNTY, INDIANA THAT:

1. Effective December 31, 2002, 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 per vehicle], all in accordance with the provisions of the Excise Tax Act. The County Treasurer shall deposit revenue received from the annual license excise surtax into a fund to be known as the Tippecanoe County Surtax Fund and shall allocate and distribute the fund in accordance with the Act.

2. Effective December 31, 2002, the following classes of vehicles, registered in the County, shall be subject to an annual wheel tax as set forth below, in accordance with the provisions of the Wheel Tax Act. The County Treasurer shall deposit revenue received from the wheel tax into a fund to be known as the Tippecanoe County Wheel Tax Fund and shall allocate and distribute the fund in accordance with the Act.

Vehicle Classification	Annual Wheel Tax
a) Buses	<u>\$20.00</u>
b) Recreation Vehicles	<u>\$20.00</u>
c) Semi Trailers	<u>\$20.00</u>
d) Tractors	<u>\$20.00</u>
e) Trailers	<u>\$20.00</u>
f) Trucks	<u>\$20.00</u>

3. The definitions set forth in the Act shall apply to this Ordinance.

4. This Ordinance may be rescinded and the rates set forth herein may be decreased or increased only in accordance with the Act.

5. The County Auditor is hereby directed to send a copy of this Ordinance to the commissioner of the Bureau of Motor Vehicles as required by the Act.

This Ordinance shall be effective upon passage.

Presented to the County Council of Tippecanoe County, Indiana, and read in full for the first time, and approved this 5th day of June, 2002, by the following vote:

VOTE	TIPPECANOE COUNTY COUNCIL
David S. Byers	<hr/> David S. Byers, President
Connie Basham	<hr/> Connie Basham, Vice President
Jeffrey Kessler	<hr/> Jeffrey Kessler
Jeffrey A. Kemper	<hr/> Jeffrey A. Kemper
Kathy Vernon	<hr/> Kathy Vernon
Margaret K. Bell	<hr/> Margaret K. Bell
Ronald L. Fruitt	<hr/> Ronald L. Fruitt

ATTEST:

Robert A. Plantenga, Auditor

Presented to the County Council of Tippecanoe County, Indiana, and read in full for the second time, and adopted this ____ day of _____, 2002, by the following vote:

VOTE	TIPPECANOE COUNTY COUNCIL
David S. Byers	<hr/> David S. Byers, President
Connie Basham	<hr/> Connie Basham, Vice President
Jeffrey Kessler	<hr/> Jeffrey Kessler
Jeffrey A. Kemper	<hr/> Jeffrey A. Kemper
Kathy Vernon	<hr/> Kathy Vernon
Margaret K. Bell	<hr/> Margaret K. Bell
Ronald L. Fruitt	<hr/> Ronald L. Fruitt

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Attorney Luhman clarified that the Ordinance can be amended before second reading if it passes on first reading tonight. If there is not a majority vote tonight, there will be no second reading.

Auditor Plantenga recorded the vote:

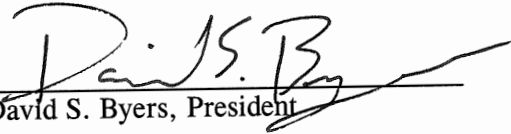
Ronald Fruitt	Yes
Margaret Bell	No
Kathy Vernon	No
Jeffrey Kemper	Yes
Jeffrey Kessler	No
Connie Basham	No
David Byers	Yes

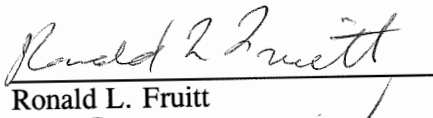
- The motion to approve Ordinance 2002-23-CL on first reading failed 3 – 4 on first reading.


ADJOURNMENT

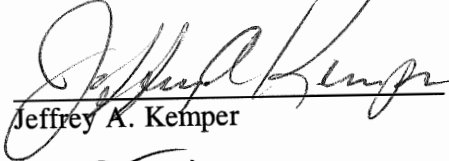
- Councilmember Fruitt moved to adjourn, seconded by Councilmember Basham; motion carried.


TIPPECANOE COUNTY COUNCIL


 David S. Byers, President



 Ronald L. Fruitt

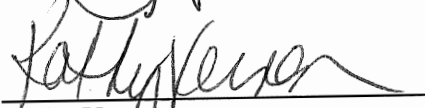

 Connie Basham, Vice President


 Jeffrey A. Kemper


 Margaret K. Bell


 Jeffrey Kessler

Attest: 
 Robert A. Plantenga, Auditor


 Kathy Vernon