

VIGO COUNTY COUNCIL
Meeting Minutes
Tuesday, November 9, 2021 at 5:00 P.M.
Council Chambers, Vigo County Annex

Pledge of Allegiance

President Aaron Loudermilk called the meeting to order at 5:00.

Calling of the roll

Present: R. Todd Thacker, Travis Norris, Marie Theisz, Vicki Weger, Brenda Wilson, David Thompson, Aaron Loudermilk.

Correcting of the journal of the preceding meeting if needed

October 5, 2021 Sunshine Meeting

October 12, 2021 Regular Meeting

October 18, 2021 Continuation Meeting

There were no corrections to the minutes of the October 5, 2021 Sunshine Meeting. David Thompson made a motion to approve the minutes of the Sunshine Meeting as presented. Brenda Wilson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

There were no corrections to the minutes of the October 12, 2021 regular meeting. Todd Thacker made a motion to approve the minutes of the regular meeting as presented. Travis Norris seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

There were no corrections to the minutes of the October 18, 2021 Continuation Meeting of the October 12, 2021 Meeting. David Thompson made a motion to approve the minutes of the meeting as presented. Marie Theisz seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

Public Comments

There were none.

Communications from elected officials, other officials or agencies of the County

Commissioner Brendan Kearns was present to give a brief update on the GEERS Project (broadband). The project is progressing nicely. He gave a brief history of the project for the benefit of the newer Council members and then turned the podium over to Josh Zwerner with Joink for an overview of the County portion of the project. Mr. Zwerner noted that the County portion of the project consisted of 44 sites and was 89% complete on the main line construction. He discussed what was left to be done. The biggest source of delay is getting the electronics that go on the very end of the connection due to supply chain issues that are prevalent everywhere right now. Joink has everything ready and waiting to attach the electronics as soon as they arrive. He did note that after

being asked by the Council if they could extend service to single-family homes along the route, they have done so and well over 100 people have now ordered service along the routes that have been constructed. He also announced that Joink has entered into an agreement and made an announcement just prior to this meeting that Joink has attracted the interest of one of the largest infrastructure funds in the world and they will make continued investments in Joink which will allow Joink to continue to increase their investment in West Central Indiana and to extend their network to more and more homes. Discussion continued with questions and answers from the Council.

Dr. Janie Myers then gave a summary to the Council of the duties and role of a coroner.

Reports from standing committee(s)

There were none.

Ordinances relating to appropriations.

i. Final Resolution 2021-20; ROC 2021-052: Declaratory Resolution for the Designation of an Economic Revitalization Area on Application of Great Dane, LLC

This had been discussed at great length at the Sunshine Meeting. After a few brief comments, Brenda Wilson made a motion to approve Final Resolution 2021-20, Declaratory Resolution for the Designation of an Economic Revitalization Area on Application of Great Dane, LLC. David Thompson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

ii. Additional Appropriation 2021-26; ROC 2021-47: Non-Reverting Juvenile Justice Center Care of Prisoners

Norm Loudermilk, Executive Director of the Juvenile Justice Center had given the details of this request at the Sunshine Meeting. Brenda Wilson asked for a clarification. The Council had no further questions. Todd Thacker made a motion to approve Additional Appropriation 2021-26. Vicki Weger seconded the motion. Upon a roll call vote, voting was as follows: Todd Thacker – aye; Travis Norris – aye; Marie Theisz – aye; Vicki Weger – aye; Brenda Wilson – aye; David Thompson – aye; Aaron Loudermilk – nay. The motion passed with a vote of 6-1.

iii. Additional Appropriation 2021-27; ROC 2021-48: Highway

Larry Robbins, County Engineer and Highway Director had explained the need for this additional appropriation at the Sunshine Meeting. The Council had no further questions. David Thompson made a motion to approve Additional Appropriation 2021-27. Brenda Wilson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

iv. Additional Appropriation 2021-28; ROC 2028-49: Cumulative Bridge

Larry Robbins, County Engineer and Highway Director had explained the need for this additional appropriation at the Sunshine Meeting. The Council had no further questions. David Thompson made a motion to approve Additional Appropriation 2021-28. Brenda Wilson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

v. Additional Appropriation 2021-29; ROC 2028-50: LIT/Special Purpose

This request had been discussed at the Sunshine Meeting. Brenda Wilson stated that she wanted to know why the 2020 payment had not been made which had allowed the appropriation to expire which caused the need for this request tonight. Auditor James Bramble responded that no paperwork had been received from the Bank requesting payment and we do not pay bills without paperwork. She then asked if this was also why the 2021 payment had not yet been made and Mr. Bramble replied affirmatively. David Thompson made a motion to approve Additional Appropriation 2021-29. Brenda Wilson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

vi. Resolution of Reallocation of Existing Appropriation 2021-19; ROC 2021-51: Vigo County Council

President Loudermilk stated that this was a request from the Coronavirus Relief Fund to cover payroll, FICA and PERF as it would be related to any potential bonus for full-time employees. He asked the Council members to refer to the handouts that had been given to them tonight which are the same as distributed last Tuesday at the Sunshine Meeting showing bonus calculations with two tables. He then opened the floor for discussion. Todd Thacker asked if the discussion was to decide how to fill in the blanks. President Loudermilk replied in the affirmative and said that he thought they needed to discuss what the bonus level should look like and discuss the eligibility requirements. Once those details had been hashed out, then the blanks in the amendment could be appropriately filled out. President Loudermilk said that this needed to be decided and then the meeting would move on to the 2022 Salary Ordinances and then to the 2021 Salary Ordinance Amendments. Of course, if it was decided not to go forward with bonuses, then there would be no need to amend the 2021 Salary Ordinance. Mr. Thacker agreed with this assessment but also noted that he had been contacted by several county employees stating that during the pandemic, many part time employees had been deemed “essential” and wanted to know why they were not being included in the bonuses. He had told them he didn’t have the answer and would pose the question to the full Council. President Loudermilk asked for clarification of what was being asked. Mr. Thacker stated that to summarize, the question was raised “were the department heads’ input valued in this process” and specifically about the part-time employees who worked as essential workers...did the department heads have any input on that. President Loudermilk said that he had not heard from any department heads about part-time essential workers. He did say he had heard from a lot of people who were supportive of the bonus and liked the idea and were grateful that it was being considered. But he, personally, did not have any department head reach out to him about any essential part-time employees they felt needed to get a bonus. He said that since the beginning of discussions, there was very little talk about part-time employees, though it was brought

up from time to time, but the focus has always been on full-time employees and what the cutoff would look like for eligible full-time employees. David Thompson asked that, in order to move forward, if it would be correct to make a motion on this verbiage. President Loudermilk said he thought a motion could be structured this way. Mr. Thompson noted that he had heard the same question about the part-time employees. He added a few personal comments along those lines. Mr. Thompson then made a motion to amend the 2021 Salary Ordinance for general employees and merit officers....and then asked if that is being stated correctly. President Loudermilk said he thought they needed to agree upon what the amendment will be when we go to amend the 2021 Salary Ordinances. Right now, this is just what we want the amendment to look like and then we'll move on to the 2022 Salary Ordinances and then move on to the 2021 amendments based upon this amendment that is agreed upon here. This will be an agreed upon amendment to be made later in the 2021 Salary Ordinance amendments. Brenda Wilson asked, in clarification, if President Loudermilk wanted the motion to be made with the highlighted areas filled in with actual dates or just the verbiage itself without the specifics. President Loudermilk tried to further clearly explain and stated that this is a template that can be used and you can use whatever language you want, but it ultimately should be the language the Council wants to use for the 2021 Salary Ordinance amendments. Travis Norris asked if it should be specified when this would be paid out. Discussion continued. Travis Norris made a motion to amend the 2021 Salary Ordinance for general employees and merit officers that if a full time employee has been continuously employed by Vigo County from 12/31/2020 through 11/9/2021, the employee shall, in addition to the salary provided above, receive \$1,500 compensation to be paid out by the next pay cycle. It was stated that the time frame could not be met. There was then discussion about when the payout could be accomplished. Council Attorney Robert Effner stated that as he interpreted the statute, the Commissioners determine when employees are paid in Vigo County. That is, they determine the pay date, whether it's weekly, semi-monthly or monthly and they made that determination. He thought the Council determines what the pay is. He felt the Council could make a recommendation or indicate that it should be paid by a date certain. He felt it should be easy enough to be discussed by a Council representative and the Commissioners as to what a reasonable pay date would be. Auditor James Bramble stated that with the timing involved and the work involved, it's not practical that it would be done before December. He recommended that it be a separate pay. After some brief comments, Mr. Bramble stated that December 3 would be a good date. He stated that would be between two pay dates. He also said the main reasoning for it to be paid as two separate checks was that it would not benefit the employees to combine it with a paycheck due to withholding tax ramifications. There was discussion about it being a separate check but paid on the same date as regular payroll. Mr. Bramble noted that the tax regulations would look at it as the same paycheck if both were paid out on the same date. Withholding would have to be collected on the total amount of the payroll no matter how many checks it is divided into. Discussion continued. Travis Norris asked if he should start the motion over or continue. He was directed to start over. Mr. Norris then made a motion to amend to the 2021 Salary Ordinance for general employees and merit officers, that if a full time employee has been continuously employed by Vigo County from 12/31/2020 through 11/9/2021, the employee shall, in addition to the salary provided for above, receive \$1,500

compensation to be paid out on 12/3/2021. Mr. Bramble stated that it should be recommended and he would then go to the Commissioners to formalize it. Mr. Norris then added “as recommended.” Marie Theisz seconded the motion. Mr. Thacker asked if the definition of a general employee included elected officials. It was noted that elected officials would be ineligible. Brenda Wilson asked for clarification that this motion is contingent upon the Commissioners requesting the same thing? President Loudermilk stated that he believed that was not the case, that the payout date was what the Commissioners had to approve. Upon a roll call vote of 7-0, the motion unanimously passed.

vii. 2022 Salary Ordinances

a. General Employees

President Loudermilk stated this had been discussed last week and as was noted at that time, there was some omitted language in there. Travis Norris asked if a motion was needed to transfer the funds for the bonus schedules. President Loudermilk asked if that should wait until the Ordinance amendments were approved, stating that if the amendments don’t go through at the end, it’s irrelevant. Council Administrator Kylissa Miller stated that the motion was to amend the 2021 Salary Ordinance.

[Discussion/explanations continued but microphones were off and it was inaudible.]

Kylissa Miller stated that in the motion, the Salary Ordinance was amended so it covers it now. But now they needed to do a transfer resolution and if they want to amend that to the numbers for the 483, or if they want to reduce that amount, it’s up to them. If they wanted to amend it, they could amend it to transfer \$882,804 to Payroll for \$724,500, FICA for \$55,425, and PERF for \$102,879. Brenda Wilson asked if she was amending the figures of what they have already allocated? Ms. Miller stated that it had not yet been allocated so they still have to approve that resolution...the resolution of transfer of funds. They could either approve it as it’s written or amend it to the reduced amounts.

Discussion continued. Brenda Wilson made a motion to approve the Resolution of Reallocation of Existing Appropriation 2021-19 with the exception of the following amounts with Payroll being \$724,500, FICA for \$55,425, and PERF for \$102,879. There was then discussion asking if Ms. Wilson wanted to amend it? Kylissa Miller stated they would have to amend it first and then if the amendment is accepted, then it would have to be approved. Brenda Wilson continued with her motion: With Payroll of \$724,500, FICA amended to \$55,425, PERF to \$102,879 for a total of \$882,804. David Thompson seconded the motion. Todd Thacker stated that they were amending a resolution but a motion had not been made to pass the resolution; you had to have a motion in place before you can amend it. A discussion then took place. Brenda Wilson withdrew her motion. Todd Thacker noted that a motion cannot be withdrawn once it has been seconded. There was additional discussion. Todd Thacker then challenged the parliamentary procedure on this motion stating that you had to have a something in place in order to amend it. Council Attorney Robert Effner expressed his opinion that it could be amended first. President Loudermilk said that they would proceed using Mr. Effner’s opinion and asked for a roll call vote. Voting was as follows: Todd Thacker – nay; Travis Norris – aye; Marie Theisz – aye; Vicki Weger – nay; Brenda Wilson – aye; David Thompson – aye; Aaron Loudermilk – aye. On a 5-2 vote, motion passes. President Loudermilk called for a vote on the amended language. Brenda Wilson made the motion

to approve. David Thompson seconded the motion. Voting was as follows: Todd Thacker – Mr. Thacker reiterated that under parliamentary procedure, this was out of order and he voted nay; Travis Norris – aye; Marie Theisz – aye; Vicki Weger – nay; Brenda Wilson – aye; David Thompson – aye; Aaron Loudermilk – aye. With a 5-2 vote, motion passes.

President Loudermilk then moved on to the 2022 salary ordinance for general employees and referred to a handout with highlighted information that had been provided to Council members only. Brenda Wilson asked for clarification on item E and read same. The particular language she questioned read: “possession of a valid Indiana driver’s license and a demonstrated safe driving record shall be amended to state ‘possession of a valid driver’s license and a demonstrated safe driving record.’” She wanted to know if it was safe to assume that the verbiage was changed because not all county employees live in Indiana. Council Administrator Kylissa Miller replied in the affirmative. **[There was inaudible discussion that then took place due to microphones not being turned on.]** Brenda Wilson then stated that after talking with the Prosecutor’s Office, their preference regarding additional employees being given this year, their preference is to have two additional deputy prosecutors rather than one deputy prosecutor and one legal secretary. **[Inaudible discussion again due to lack of microphones being on.]** There was discussion about how to amend the motion and the steps that needed to be taken. Kylissa Miller noted that there were other issues that needed to be addressed and referred to various pages of a handout that had been given to Council members as a proposed salary ordinance. Ms. Miller stated that all changes should be factored into the amendments and that it might be easier to amend the changes in blocks so that issues will be clear. There was lengthy discussion during which the order of making a motion and amending the motion was again discussed. Brenda Wilson made a motion to adopt the ordinance with the following amendments for the salary schedule and compensation policies: “S. all full time correctional officers employed by the Vigo County Jail and full time dispatchers employed by E911 are eligible to receive a stipend of \$1,500 in order to aid in the attraction and retention of employees. To be eligible for this stipend, an employee must have continuous service for six months as of January 1, 2022. The stipend shall be paid out as \$750 two times per year, June 30 or thereabouts and December 31 or thereabouts.” The additional amendment would be under the Prosecutor’s Office. She amended removal of the non-exempt legal secretary COMOT C. She also moved to amend that they remove the Assistant Chief Deputy from the Auditor’s budget because protocol required that a Form 1 budget official request be submitted and it was never received. Therefore it should not be honored as a request. She also moved to amend the Deputy Prosecutor from the addition of one to two. There was a short discussion for clarification of the motion. David Thompson seconded the motion. There was a lengthy discussion about how and when an employee position can be requested if it is removed from the salary ordinance and the length of time before it can be requested again. Todd Thacker asked for clarification that if everything else other than the things set out in the motion being made are good. Ms. Wilson replied in the affirmative, that everything else is good. Kylissa Miller asked to go back to Paragraph S before voting. Frequency of payment of stipends was discussed and Ms. Miller suggested that perhaps it should be set up that the stipends are paid out at the same time as the clothing allowance. After consulting with

the Auditor, he stated that was how it had been done in the past. The continuous service language portion was also discussed. Upon a roll call vote, voting was as follows: Todd Thacker – nay; Travis Norris – aye; Marie Theisz – nay; Vicki Weger – nay; Brenda Wilson – aye; David Thompson – aye; Aaron Loudermilk – aye. With a 4-3 vote, motion passes.

b. Merit Officers

President Loudermilk referred Council Members to a handout with a proposed salary ordinance for Merit Officers. This had been discussed at the Sunshine Meeting and the Council had no further questions. David Thompson made a motion to approve the salary ordinance as presented. Brenda Wilson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed.

c. Elected Officials

President Loudermilk referred Council Members to a handout with a proposed salary ordinance for elected officials along with a table that showed the salaries of elected officials with options. It was noted that the pay rate was substantially less than the County Assessor. David Thompson made a motion to approve the elected officials salary ordinance with the amendment to change the salary of the Harrison Township Assessor for 2022 from \$53,203 to \$58,802, an increase of \$5,999. Brenda Wilson seconded the motion. Marie Theisz asked about the duties of the Harrison Township Assessor as compared to the duties of the County Assessor. County Assessor Kevin Gardner advised that although the township assessor did not report directly to him, there was a substantial difference in duties with the Harrison Township Assessor having far fewer duties than the County Assessor. **There were inaudible comments due to no microphone.** Kylissa Miller then noted that the Chief Deputy that was approved in the General Employees Salary Ordinance is based on the pay rate of the Township Assessor so she didn't know if they wanted to go back and amend that or how it would work. **There were inaudible comments due to no microphone.** Council Attorney Robert Effner said that they would need to go back so that there is not a conflict with two ordinances that have been passed and stated they would need to do a motion to reconsider and go back and amend that ordinance. If the Harrison Township Assessor salary is increased, there would then be a conflict with the prior General Employees Ordinance since the Chief Deputy is paid 80% of the Assessor's salary. There should not be a conflict between two ordinances. Marie Theisz then stated that there were a couple of other elected officials salaries that should be addressed as they were recommendations for change from the Budget Committee. Todd Thacker then made a motion to amend the motion to the Coroner to be the same base pay...President Loudermilk stated there was a motion and a second on the floor and Mr. Thacker stated that this was the time to amend that motion. President Loudermilk stated that was incorrect. Council Attorney Robert Effner then stated that Mr. Thacker was correct and could make an amendment to the motion originally proposed. For clarity, Mr. Thacker restated his motion to amend. Mr. Thacker made a motion to amend the Coroner's pay to be comparable to the Auditor, Assessor, Clerk, Treasurer and Recorder at \$58,802. Vicki Weger seconded the motion. Mr. Effner asked for a clarification and there was some inaudible discussion. President Loudermilk stated a synopsis of the motion before the vote. Upon a roll call vote for Mr. Thacker's amended

motion, voting was as follows: Todd Thacker – aye; Travis Norris – nay; Marie Theisz – aye; Vicki Weger – aye; Brenda Wilson – nay; David Thompson – nay; Aaron Loudermilk – nay. With a 4-3 vote, the motion was defeated. The Council then reverted back to the original motion made by David Thompson and seconded by Brenda Wilson. Upon a roll call vote, voting was as follows: Todd Thacker – nay; Travis Norris – aye; Marie Theisz – nay; Vicki Weger – aye; Brenda Wilson – aye; David Thompson – aye; Aaron Loudermilk – aye. With a 5-2 vote, the motion passes. Brenda Wilson made a motion to amend the previously adopted ordinance for general employees to state that the Harrison Township Chief Deputy salary will increase in the amount of \$4,479.20 making the 2022 base rate for the Assistant Chief Deputy to be \$47,042.20. Mr. Effner stated that the proper way to do this would be to make a motion to reconsider and if that passed, then make a motion to amend. Brenda Wilson withdrew her motion. Brenda Wilson then made a motion to reconsider the general employees salary ordinance and to simplify it, she is moving that the Harrison Township Chief Deputy salary be amended to \$47,040 similar to other Chief Deputies. Mr. Effner stated that the proper way would be to do the motion to reconsider and then do a separate motion to amend. Brenda Wilson made a motion to reconsider the general salary ordinance for general employees. David Thompson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed. Brenda Wilson then made a motion to amend the previously adopted ordinance to state that the Harrison Township Chief Deputy salary should increase to \$47,040 commensurate with other Chief Deputies in that category. David Thompson seconded the motion. Upon a roll call vote of 7-0, the motion unanimously passed. Brenda Wilson then made a motion to pass the ordinance for the 2022 salary of general employees as amended. David Thompson seconded the motion. Upon a roll call vote, voting was as follows: Todd Thacker – nay; Travis Norris – aye; Marie Theisz – nay; Vicki Weger – nay; Brenda Wilson – aye; David Thompson – aye; Aaron Loudermilk – aye. With a 4-3 vote, motion passes.

viii. 2021 Salary Ordinance Amendments

a. General Employees

b. Merit Officers

President Loudermilk noted that there had been a vote earlier regarding employee bonuses and this 2021 ordinance will need to be amended to provide for that. Kylissa Miller asked if that had not been previously adopted as amended. Mr. Effner didn't know. Ms. Miller thought that it had been. When asked what the question was, Mr. Effner stated that they were discussing whether those had been adopted as amended or just amended. He thought they were just amended. That was confirmed. Mr. Thacker stated that was what he was trying to explain earlier. There had never been a motion and they were amending something that had not been passed. It was his opinion that the prior motion was improper. Mr. Effner stated that at this point, they should make a motion to adopt as amended. Brenda Wilson made a motion to adopt the amendment to the salary ordinance for general employees and merit officers where a full time employee has been continuously employed by Vigo County from 12/31/202 through 11/9/2021. The employee shall in addition to the salary provided for above receive \$1,500 compensation to be paid out on December 3, 2021. Mr. Effner stated that he believed that had already been done. He stated they had to adopt the ordinance as amended. His recollection is

that they went through and were discussing these for the purpose of amending it so it could be determined what to do in regard to the appropriation. He did not recall actually adopting the salary ordinance for 2021 as amended. Brenda Wilson withdrew her motion. She then made a motion to adopt the 2021 salary ordinance as amended. There was then a discussion with Mr. Effner as to what had been done. After discussion, he determined that Ms. Wilson should go ahead with her motion to amend the salary ordinance the way she originally did it. Brenda Wilson withdrew the motion. Brenda Wilson then made a motion to adopt the amendment to the 2021 salary ordinance for general employees and merit officers in that if a full time employee has been continuously employed by Vigo County from 12/31/20 through 11/9/2021, the employee shall, in addition to the salary provided for above, receive \$1,500 compensation to be paid out on December 3, 2021. David Thompson seconded the motion. Upon a roll call vote, voting was as follows: Todd Thacker – stating that he doesn't believe this was done properly and will vote nay; Travis Norris – aye; Marie Theisz – aye; Vicki Weger – aye, Brenda Wilson – aye; David Thompson – aye; Aaron Loudermilk – aye. With a 6-1 vote, motion passes.

President Loudermilk stated that there had been discussion at the Sunshine Meeting regarding the employee compensation plan. This was not on tonight's agenda but he wanted to add it. The resounding support as presented last week was for Baker Tilly. The funds have already been appropriated for the study. The only thing left to do is to approve a vendor to allow this project to move forward. He felt if action were not taken tonight, nothing would get done until February. It was the goal of many to get this started during this calendar year. Brenda Wilson stated that she personally felt that it should be someone other than Baker Tilly. Todd Thacker made a motion to approve Baker Tilly as the vendor to do the employee compensation study. Vicki Weger seconded the motion. Upon a roll call vote, voting was as follows: Todd Thacker – aye; Travis Norris – aye; Marie Theisz – aye; Vicki Weger – aye; Brenda Wilson – nay; David Thompson – aye; Aaron Loudermilk – aye. With a vote of 6-1, motion passes.

Honorary Resolutions

There were none.

Resolutions relating to fiscal policies of the Council

There were none.

Appointments

Camille Wallace was appointed to the Vigo County Public Library Board to fulfill the term of a former appointee who had resigned.

Adjournment

Brenda Wilson made a motion to adjourn. David Thompson seconded the motion. By a unanimous voice vote, the meeting was adjourned at 7:25 p.m.