

January 12, 2001

Leon Ridenour, Vice Chairman, called a special meeting to order with all members present. Leon shared a prayer. Gary Nose reports the Town of LaFontaine wants to designate the former Clark's grocery area as an economic development area, and need to set up an Economic Development Commission. Handy Andy's representatives want to construct a gas station/convenience store at the location, and want tax incentives as part of the agreement. Gary suggested Dan Guenin as the Council appointment to the board for a one year term, second by Ted Little, and passed. Ted agreed to substitute for Leon at the next four monthly meetings of the County Plan Commission. Leon will be unable to attend, and he's the Council's appointed member to this board.

Council adjourned to an executive meeting to discuss litigation of Plummer vs Co. Council et al. asking for wage increases for three investigators and Co. General funds to balance his over spent Pre-trial Diversion fund. Attorney, Richard Fisher, says Prosecutor is not part of the judiciary, but carved from the Attorney General's office, and governed by the legislature. The standard for a complaint in this issue is a decision as to whether the Council was arbitrary or capricious in their wage decision, and Fisher doesn't think a judge would find either. Terry Weaver is a secretary, maybe a low level paralegal, and Deb Tiffany and Karen Cole work upstairs in the Prosecutor's office with child support collections, and have minimal contact with the public. Fisher says the office isn't over staffed, and he has found a statute that prevents the Council from eliminating investigators, once they have been hired. Pre-trial Diversion is an option for infraction and misdemeanor offenders. They pay a fee, and if they stay out of trouble for six months, the case is dismissed, and they have no criminal record. He has a copy of the statute provided by the State Board of Accounts, indicating how a loan from county general to the Pre-trial Diversion program can be accomplished, however, Plummer wants a transfer, not a loan, and Fisher hasn't found any statute that says it can't be transferred rather than loaned. As of 1/1/01 the account is \$9,447.79 in the red, even though there are sufficient funds in the total User Fee account, made up of various fees paid. Since the county's computer bookkeeping program can't separate these various user fee programs, there have been some calculation errors. The Prosecutor's office may also have been lax in keeping track of the balance. There hasn't been any response to Fisher's filing on 12/7/00, and Plummer has the next move. He could file for a summary judgement to short cut a trial, but Fisher thinks the case will probably go to trial. Fisher has suggested to both the Council and the Prosecutor that they let the fund sit for a year, and build up, before they go back to using it as a means of saving tax dollars.

Council also met with Mayor Arvin Copeland, City Attorney, Robert McCallen III, and Bill Bradley, with WEDCOR, to discuss a threatened lawsuit from R & B Properties LLP, against the city and county for allegedly reneging on a tax abatement agreement for the "spec" building they put up in the Wabash North Industrial Park. The city granted the abatement but the Co. Auditor denied the abatement, as the required paper work wasn't timely filed. The group would like to come to a consensus, and direct the Auditor to grant the abatement retroactively, and strengthen future abatement agreements. Bradley says R & B has turned down two purchase offers and one lease offer, but the final objective is to get the building sold, and that won't happen if it's tied up in litigation. Copeland suggests everyone make a good business decision, learn from our experiences, and do better with future abatements. McCallen thinks from a legal standpoint we haven't done anything wrong, and R & B were reminded by both Bradley and Don Metz that they needed to file annually for the abatement. He thinks there should be changes in future abatement agreements, based on what we've learned. Rich thinks for public relation purposes, we have no choice but to grant the abatement retroactively. Ted suggested the delinquent taxes of about \$25,000. be split in thirds between the county, the city and R & B Properties, rather than the county taking the total loss for the unpaid taxes. Mr. Roebel of R & B has indicated he'd rather spend the money on a lawsuit than pay the taxes due. Paul pointed out the ground for the building was donated, the city and county each agreed to pay \$50,000. per year for a maximum of three years, towards the loan interest, and he'd like to wait until the interest payments end in June, and then see what happens. Leon doesn't accept ignorance as an excuse. Commissioner, Darle Dawes, asked if going to court might not cost more than taking the \$25,000. loss. Commissioner, Brian Haupert, thinks it's a no win situation from any angle. Council consensus is that Rich, Gary, Gene and Ted are for granting the abatement retroactively, while Paul and Leon are opposed. Majority of the entire group want the abatement granted however, McCallen will get some concessions from R & B Properties before we proceed. With no further business the meeting adjourned.

/s/ Leon Ridenour
/s/ Gary Nose

/s/ Richard Pepple
/s/ Eugene Schenkel

/s/ Ted Little
/s/ Paul Sites

ATTEST: _____
Carol Stefanatos, Auditor