

**HOWARD COUNTY BOARD OF COMMISSIONERS - SPECIAL CALLED MEETING –  
JANUARY 27, 2004**

The Howard County Board of Commissioners met in Special Session on Tuesday, January 27<sup>th</sup>, 2004, at 11:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. President John B. Harbaugh, Vice President Paul J. Raver, and Member Bradley J. Bagwell were in attendance. Also present were County Attorney Larry Murrell and Auditor Martha Lake.

The meeting was called in order to discuss financial matters and proposed projects for the year –2004. Approval of the minutes of the previous meeting held on January 20<sup>th</sup>, 2003 was deferred until the next regular meeting scheduled for February 2<sup>nd</sup>, 2004.

Sheriff Marshall Talbert called the meeting to order and President John B. Harbaugh conducted the meeting.

**IN THE MATTER OF RESOLUTION HONORING JAMES K. SHEARER:**

Council Member James K. Shearer passed away on December 27, 2003. Auditor Martha Lake read in full, Resolution BCC-2004-02 a joint resolution of the Howard County Board of Commissioners and Howard County Council recognizing the commitment and many contributions made by James K. Shearer to Howard County and the community.

Mr. Raver made a motion to approve Resolution BCC-2004-02. Mr. Bagwell seconded the motion, and it carried.

**IN THE MATTER OF PLAN COMMISSION ISSUES:**

Plan Commission Director Glen Boise presented the following issues for Commissioner information and approval:

1. **Flood Mitigation Issues:** *(See page 2, January 20<sup>th</sup>, 2004 minutes, “In the Matter of Plan Commission Issues and Properties for Approval”, Item 3, for related discussion)* Mr. Boise requested an allocation of funds to buy out and demolish six (6) flood damaged homes as discussed during previous meetings. For an investment of \$197,000 the county can receive in excess of three times of that amount. Three houses are already unoccupied and three have families living in their homes that should not be.

Following the Commissioner meeting on January 20<sup>th</sup>, Mr. Boise placed a phone call S.E.M.A. concerning information on in-kind contributions from the homeowners for the local match. The state has not responded at this point in time. Mr. Bagwell commented it needs to be determined whether the homeowners would be receptive to contribute a percentage toward the match. In addition, Mr. Boise stated that he did not recall any information about receiving a discount when buying properties. According to state law a property is purchased at a price based on an average of two separate appraisals. One condition of the grant is that the appraisal values are based on the original condition of the home before it became damaged. Mr. Bagwell stated that the county needs to make the matching funds available so Mr. Boise can proceed with the buy out process. Currently there is about \$750,000 in the EDIT Fund that is non-committed. Auditor Lake said a request for \$10,000 is going to be considered at the next Council meeting. Once spending starts, the fund depletes pretty quickly.

The Commissioners discussed the fact that the money would be helping only six families rather than numerous homeowners, such as the ones who have failing septic systems. However, even though it is difficult to justify the high costs involved, the Commissioners felt that something needs to be done about the flood damaged homes.

Mr. Bagwell made a motion that the Commissioners request an appropriation from the Council for \$200,000 from the EDIT Fund to proceed with the buy out of the six (6) flood damaged homes. Mr. Raver seconded the motion, and it carried.

2. **New London Conservancy District:** *(See page 5, January 20<sup>th</sup>, 2004 minutes, “In the Matter of Grant Activity”, Item 1 for related discussion)* New London is still in need of \$30,000 for the local match by the April 2<sup>nd</sup> deadline. There was discussion at the last meeting regarding whether the County would be able to provide a loan out of EDIT Funds. Mr. Steve Brock, CPA from Therber, Brach, and Kramer, is currently working on crunching numbers on loan terms regarding repayment to the County. Attorney Murrell advised the appropriate way to provide the loan would be by an interlocal resolution. The terms of the payback would be included in the agreement.

Mr. Bagwell made a motion to request an appropriation from the Council for \$30,000 from the EDIT Fund to be used as a loan to the New London Conservancy District as defined by an Interlocal Agreement to be approved at a later date. Seconded by Mr. Raver, the motion carried.

**IN THE MATTER OF CITY OF FIRSTS AUTOMOTIVE HERITAGE MUSEUM, INC.:**

Mr. Jerry Jenkins, General Manager of the City of Firsts Automotive Heritage Museum, Inc., thanked the Commissioners for their support in the year-2003 and invited the Commissioners to attend the Coca-Cola Show scheduled for the upcoming weekend. Mr. Jenkins also informed the Board of the contribution made by the Howard County Community Foundation which made it possible to finish the renovations in the Haynes Apperson Room. He stated that improvements throughout the facility have opened opportunities to increase the sale of rental space.

Mr. Jenkins reported that many activities occurred at the facility in 2003, which brought in an additional \$52,000. This amount was not entirely profit, but it was a good gross amount. The facility was able to save at least \$5,000 last year in electricity costs resulting from their cost reduction program. This included closing on Monday and Tuesday of each week, closing an hour earlier every other day, and turning the lights off until needed. January 2004 has been very successful, doubling gross dollars.

The Civic Center Board held a meeting in January 2004 and assumed that the existing 2004 \$35,000 EDIT appropriation could be used for operating expenses. At this time, Mr. Jenkins asked approval to use EDIT money for operating expenditures and requested the remaining \$30,000 appropriation. Auditor Lake explained that currently the Civic Center \$35,000, appropriated on line item 04722, is for Capital Outlay. There is a second line item set up in the EDIT Fund 3220.01, which is for Operating Expenses, but has zero dollars. She believed this line item was set up in 2003 to enable using money for either operating or capital purposes. *(In 2003 the original appropriation was for \$65,000 in Capital Outlay. The money was transferred to an operating line item, and the facility was allowed to reimburse itself for operating expenses with the funding provided by the County).*

Mr. Raver explained that during budget time last year the Commissioners put \$65,000 in the Civic Center budget for the year-2004 for Capital Outlay, but the Council cut back the amount to \$35,000. Mr. Raver suggested leaving the \$35,000 in Capital Outlay and requesting an additional appropriation of \$30,000 in the Operating line item.

Mr. Bagwell said the money from the County represents an investment in the facility. If the money were put into capital expenses, the County would eventually get it back. When the current financing situation expires, the building goes to the County. If the money were spent on operating costs such as the electric bill, then the money would be gone. Mr. Bagwell said, "But the rationale is if you don't pay their electric bill with it, the facility shuts down and you don't generate the income." Because of the cash flow situation, the only way the Civic Center would survive is to use EDIT money for operating expenses. There was discussion whether the money could be made available in a fund that could be used for either capital or operating expenditures.

Mr. Bagwell made a motion to request the Howard County Council to transfer to line item 3220.01 from line item 4722.00 the \$35,000 that previously was appropriated to the Civic Center. Mr. Raver seconded the motion, which carried.

Mr. Bagwell made a motion to make request to the Howard County Council for an additional appropriation of \$30,000 for the Johannning Civic Center contingent on the facility's ability to generate a certain amount of revenue to be decided upon later. With the exception that in the case of emergency (as defined by the Johannning Civic Center Board), payments can be made, and the Commissioner Representative on that Board can request the special exception payment from the County Auditor's Office pending approved of the claim by the Board of Commissioners. Mr. Raver seconded the motion, and it carried.

#### **IN THE MATTER OF EMERGENCY MANAGEMENT AGENCY ISSUE:**

For Commissioner information only: EMA Director Larry Smith had spoken with Mr. Raver about the need for a building to store emergency headquarters equipment, specifically to protect a semi-trailer and new generator to be paid for out of the Cumulative Capital Development Fund. Mr. Smith obtained three estimates in the range from \$35,000 to \$75,000.

#### **IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:**

Sheriff Marshall Talbert presented the following issues for Commissioner information and approval:

1. **Inappropriate Use of Radio Transmissions:** Sheriff Talbert requested the Commissioners to take action after he heard someone use a radio to dispatch snowplows to businesses in Greentown on this Tuesday morning. Mr. Talbert said it is the county's radio system and should not be used for private business enterprise. The 800-megahertz system is used for official police and emergency communications. The Sheriff spoke to David Stedry, former Chief of the Greentown Special Police, who claimed private use of the radio system was a mistake; they have their own FM radios to dispatch snowplow trucks and the dispatcher picked up the incorrect radio. Sheriff Talbert advised the Greentown Specials were deputized by the previous administration. The Sheriff does not use them nor has he deputized them. Sheriff Talbert requested permission to shut off their radios and retrieve them. Since the Greentown Special Police have not been deputized by the current Sheriff, they no longer serve the public safety and do not have authority to use the radios. There was also discussion whether a truck titled to the Commissioners and the Greentown Special Police purchased with Build Indiana Funds should be relinquished to the Howard County Sheriff's Department.

Mr. Bagwell made a motion to authorize the Sheriff to retrieve the radios and remove them from the system. Mr. Raver seconded the motion, and it carried. Attorney Larry Murrell will notify Mr. Stedry by letter of the action.

2. **Retain Special Council:** Corporal Rod Lynch has been brought before the Merit Board regarding charges for misconduct. Sheriff Legal Services Attorney A. Howard Williams, recommended Attorney Jim Austin from Logansport who is experienced with these types of situations to prosecute the charges. County Attorney Murrell together with Sheriff Talbert requested approval to employ Attorney Jim Austin as Special Council for a fee of \$110 per hour (the standard hourly fee) to be paid out of the Commissary Fund.

Mr. Bagwell made a motion to authorize Sheriff Talbert to utilize Mr. Jim Austin as the attorney for the case regarding Corporal Rod Lynch to be paid by the Commissary Fund as defined by the Sheriff. Seconded by Mr. Raver, the motion carried.

**IN MATTER OF SURPLUS MONEY:**

The surplus money from the County Option Income Tax (COIT) and Economic Development Income Tax (EDIT) was received from the State in the amount of approximately \$572,000. The directive is to set up a Rainy Day Fund and make a recommendation to the County Council as to how the money is to be spent.

Mr. Bagwell made a motion to recommend to the Howard County Council to establish a Rainy Day Fund for such uses that both the Board of Commissioners and County Council deem appropriate. Mr. Raver seconded the motion, and it carried.

**IN MATTER OF EDIT PLAN FOR YEAR-2004:**

With a current un-appropriated balance of approximately \$500,000 in the EDIT Fund, the Board needs to develop a Plan for the 2004-2005 Edit Monies. In past years a precedent has been set that the President of the Board of Commissioners and the President of the County Council meet to discuss plans for the fund.

Commissioner President Jack Harbaugh, Council President James Miller, County Attorney Larry Murell, and Auditor Martha Lake will meet at **2:00 p.m. on Thursday, January 29<sup>th</sup>, 2004** to assess and discuss plans for the fund.

There being no further business before the Board at this time, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion and it carried. The meeting closed at 12:54 p.m.

**THE HOWARD COUNTY BOARD OF COMMISSIONERS**

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JOHN B. HARBAUGH, PRESIDENT

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PAUL J. RAVEN, VICE PRESIDENT

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BRADLEY J. BAGWELL, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Commissioner Special Meeting Minutes, January 27<sup>th</sup>, 2004