

HOWARD COUNTY COUNCIL REGULAR MEETING JULY 24, 2007

The Howard County Council met Tuesday, July 24, 2007, at 7:00 p.m. in Room 338 of the Howard County Administration Center. Those present included Council President Richard Miller, Vice President James Papacek, and Members Stanley Ortman, Leslie Ellison, Joseph Pencek and Paul Wyman. Council Member Jeff Stout was able to attend the second half of the meeting. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was opened by Sheriff Marshall Talbert and conducted by President Richard Miller.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the June 26, 2007 meeting, having been previously submitted and reviewed, were approved by a motion made by Mr. Papacek and seconded by Mr. Pencek.

IN THE MATTER OF OPENING COMMENTS:

President Miller extended a welcome to City Councilman Greg Sheline and Councilman Napoleon Leal, thanking them for their attendance and interest in the County Council meeting.

Councilman Wyman informed the Council that the Kokomo Symphony will be holding their Concert In The Park at Foster Park on August 15, 2007. The performance is free of charge and will conclude with a fireworks display.

*On the agenda for this meeting is an Additional Appropriation request submitted by the Auditor's office for \$35,000.00, to underwrite the costs to be incurred by the Homestead Rebate Project. Let it be noted for the record that this \$35,000.00 request is only a partial listing of expenses incurred by Howard County, for the distribution of the homestead rebate check project, and does not take into account expenses incurred due to the extra man-hours involved to write and post the checks, or any fees resulting from possible lawsuits resulting from this project. A motion was made by Mr. Wyman to include these comments in the "Opening Comment" portion of these minutes. The motion was seconded by Mr. Pencek and carried.

IN THE MATTER OF THE SHERIFF'S PENSION REPORT:

Mr. Miller introduced Mr. Craig Dunn and Ms. Elaine Beatty, from McCready and Keene. Mr. Dunn and Ms. Beatty reported on the investment performance of the Howard County Police Retirement Benefit Plan. Mr. Dunn reported that returns have been better than market average, at 14.5%. The current portfolio is 70% stocks invested and 30% bonds and cash. In order to not exceed approved portfolio ratios, some adjustments will occur to take money from the stocks and move them to bonds and cash. Ms. Beatty informed the Council that because of the good performance of the plan, there has been some discussion concerning improvements to the plan, such as a Cost Of Living Adjustment (COLA) as a post retirement increase. Sheriff Talbert informed the Council that this adjustment would not require additional funds from the County. It would be figured on the performance of the fund at a rate approved by the State. Discussion ensued. Further discussion will occur at the 2008 Budget meetings.

IN THE MATTER OF REPEALING PROPERTY TAXES:

Councilman Joseph Pencek introduced Mr. Eric Miller, an attorney and founder of Advance America. Mr. Miller spoke to the Council of taxing options to replace the Indiana Property Tax. Mr. Miller distributed copies of a Press Release of his testimony before the Legislative Tax Commission on Property Taxes. He then presented information to the Council concerning the present Property Tax Crisis and ways to replace property taxes. He is also calling for a Constitutional Amendment to repeal property taxes, allowing Indiana voters to have a voice in the decision. At the conclusion of the presentation, discussion ensued and questions were posed concerning the increases of the income and sales taxes as being enough to replace the funds generated by the property tax. Mr. Miller thanked the Council for the invitation and opportunity to address them concerning this issue.

IN THE MATTER OF ORDINANCE NO. 2007-HCCO-32 - ADDITIONAL APPROPRIATIONS:

Ordinance No. 2007-HCCO-32 - Additional Appropriations was read in full by Auditor Ann Wells and acted upon as follows:

		REQUESTED:	APPROVED:
001	<u>Howard County General Fund</u>		
<u>002</u>	<u>Howard County Auditor</u>		
02360.00	Office Supplies (<i>State Property Rebate</i>)	\$ 20,000.00	\$ 20,000.00
03212.00	Postage (<i>State Property Rebate</i>)	\$ 15,000.00	\$ 15,000.00

Auditor Wells informed the Council that in anticipation of the State ordered property rebate, Howard County will be sending 22,805 homestead rebate checks, requiring more checks, envelopes and postage. Although no checks will be written in 2007, they will be in the preparation process.

At this time, Representative Ron Herrell's arrival was recognized, and Councilman Wyman addressed a question to him concerning the Legislature's decision to issue rebate checks in lieu of posting a credit. Mr. Herrell took the floor to respond to the question posed to him. He clarified that the funds used for the proposed homestead rebate were to be taken from the licensing fees (\$250,000,000.00 due from each of the two tracks) required for the installation of slot machines. That money is not due until November. Councilman Wyman also asked Representative Herrell to explain why the State did not offer to subsidize the processing of the proposed homestead rebate checks. Although that is a fair question, Mr. Herrell could not answer it at this time.

Because the citizens of Howard County are due this rebate, a motion was made by Mr. Papacek to approve the additional request of \$20,000.00 in line item 02360.00, Office Supplies, and \$15,000.00 in line item 03212.00, Postage. The motion was seconded by Mr. Ortman and carried with four Aye votes from Mr. Papacek, Mr. Ortman, Mr. Ellison and Mr. Miller. Mr. Wyman and Mr. Pencek voted nay.

<u>018</u>	<u>Howard County Maintenance Department</u>		
02253.00	Equipment Repair	\$ 8,120.00	\$ - Tabled -

Buildings and Grounds Supervisor Art Fross stated that this request is to reimburse this line item for funds used in repairs but was not clear on what repairs were being reimbursed. A motion was made by Mr. Wyman, seconded by Mr. Pencek and carried to table this request.

<u>020</u>	<u>Howard County Howard Haven</u>		
01117.00	Part Time	\$ 10,000.00	\$ 10,000.00
01118.00	Overtime	\$ 5,000.00	\$ 5,000.00
03241.00	Printing	\$ 200.00	\$ 200.00

Howard Haven Superintendent Kelley Spidell and Assistant Superintendent Linda Erb were in attendance and introduced to the Council. Due to part-time worker overstaffing issues in effect before her tenure began, Ms. Spidell does not have enough part-time funds to carry them through to the end of 2007. Also lacking are overtime funds to pay for part time workers who have to work the holidays at time-and-a-half. Ms. Spidell proceeded to answer staffing questions posed by Council members.

A motion was made by Mr. Wyman, seconded by Mr. Papacek and carried to approve the Additional requests as previously listed.

TOTAL COUNTY GENERAL FUND		\$ 58,320.00	\$ 50,200.00
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150	<u>Howard County Cumulative Capital Fund</u>		
04018.00	Equipment - Maintenance	\$ 30,000.00	\$ 30,000.00

At the June 26th Council Meeting, Mr. Fross had submitted a request of \$30,000.00 for line item 04018.00, Equipment - Maintenance for needed equipment replacement. As most of the money had to be used for an emergency hot water heater replacement at Kinsey Youth Center before the funds were granted, he informed the Council that another request would be forthcoming (*please refer to page three of the Regular Meeting minutes dated June 26, 2007*). He is now making the request to have funds available for equipment replacement for any department from now through the end of the year.

A motion was made by Mr. Ortman, seconded by Mr. Pencek and carried to approve the additional request of \$30,000.00 in line item 04018.00, Equipment - Maintenance.

182	<u>Howard County Sheriff Law Enforcement Education Fund</u>			
03213.00	Travel & Training	\$	896.00	\$ 896.00

Sheriff Talbert reminded the Council that this money is collected from the issuance of warrants in the amount of \$3.00 for each moving violation, as well as amounts for lesser violations.

A motion was made by Mr. Papacek to approve the additional request of \$896.00 to line item 03213.00, Travel & Training. The motion was seconded by Mr. Pencek and carried.

TOTAL ADDITIONALS ALL FUNDS		\$89,216.00		\$ 81,096.00
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At this time, Sheriff Talbert informed all in attendance of the traffic accident that took the life of Mr. Ken Grimme, son of County Surveyor Jake Grimme. Councilman Jeff Stout and Major Steve Rogers were at the hospital with Jake and his family as they were informed of the accident, and Mr. Stout is on his way to the Hearing Room for the remainder of the Council Meeting. Mr. Grimme and his family will be in the thoughts and prayers of the Council members.

IN THE MATTER OF RESOLUTION NO. 2007-HCCR-16 - TRANSFERS:

Resolution No. 2007-HCCR-16 - Transfers was read in full by Auditor Ann Wells and President Richard Miller, and acted upon as follows:

	TRANSFER FROM:	TO:	AMOUNT REQUESTED	ALLOWED
011	<u>Howard County Reassessment Fund</u>			
01113.00	Reassessment Deputy	01114.00 Part-Time Clerical	\$ 2,500.00	\$ 2,500.00
01113.00	Reassessment Deputy	01114.00 Part-Time Clerical	\$ 2,000.00	\$ 2,000.00
03511.00	Professional Services	01114.00 Part-Time Clerical	\$ 132.00	\$ 132.00

In the absence of County Assessor Jamie Shepherd, who is attending Assessor Training and Testing, a letter was distributed explaining the need for the requested transfers. Center Township Assessor Sheila Pullen submitted the requests on Ms. Shepherd's behalf, explaining to the Council that she and Ms. Shepherd are bringing in part-time people to complete sales disclosures to be in compliance with the State and begin trending, having it completed in a timely manner.

Ms. Pullen took this opportunity to inform the Council members that Howard County does **not need to be reassessed**. The reassessment figures show that Commercial properties increased 7.58% and residential properties increased 13.42%, which is way below the percentages the legislature was considering reassessing. Mr. Miller commended Ms. Pullen on the information that was given to Senator Kenley's Commission, and thanked her for the time she took to attend those meetings and inform the Commission of the facts for Howard County.

Ms. Pullen introduced and recognized Mr. Brian Thomas and Mr. Jay Morris, the field workers for the trending and ratio studies during the reassessment process for Howard County. They were commended for their expertise and independent observations.

Mr. Papacek thanked Mr. Thomas and Mr. Morris for their fine job performance. He then made a motion to approve the transfers as submitted. The motion was seconded by Mr. Ortman and carried.

IN THE MATTER OF THE PAC COMMITTEE RECOMMENDATION FOR SHERIFF'S DEPARTMENT EMPLOYEE:

At the July 16th Commissioner Meeting the Board of Commissioners voted to approve the PAC Committee recommendation allowing one Matron position to be changed to Jail Lieutenant - Assistant Jail Commander, with a salary of \$36,000.00, retro-active to April 26, 2007 (*please refer to page three, item one, "In The Matter Of Personnel Department Issues" of the Regular Commissioner Meeting minutes dated July 16, 2007*). Sheriff Talbert explained the request and the PAC Committee's recommendation, and informed the Council that the State's requirement for two matrons has been decreased to one Matron position. The death of Matron Sheila Wyrick leaves an opening and this is the opportune time to make the change. Officer Robin Byers filled in this position during the long illness of Ms. Wyrick and she will be assuming that new position of Jail Lieutenant - Assistant Jail Commander. A motion was made by Mr. Papacek, seconded by Mr. Ortman and carried to approve the PAC Committee recommendation. An amended Salary Ordinance will be presented at the August Council Meeting.

IN THE MATTER OF THE SMALL BUSINESS DEVELOPMENT CENTER:

Director of the Small Business Development Center, Mary Giangordano, was in attendance to present statistics of the year 2006 and first quarter 2007. She reminded the Council of the new focus on the entrepreneur. In 2006 thirty-one (31) new jobs were created and forty-four (44) were retained, with a change in sales at \$20 million, and investment at \$540,000.00. The first quarter 2007 figures show a change in sales at \$3 million with investments over \$1.1 million. People are supporting and investing in the small businesses of Howard County.

Mr. Wyman reminded the Council that there will be a meeting on August 16, 2007, 7:30 a.m. at the Inventrek Building, concerning the Economic Development Study and its results. Council members are invited to attend.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Department Of Corrections Checks:** Sheriff Talbert submitted DOC Reimbursement checks for March, 2007, in the amount of \$20,370.00 and April, 2007, in the amount of \$20,895.00.
2. **Cass County Return Of Fugitive:** In April of 2007, Cass County and Howard County split the costs of extraditing fugitives in Oklahoma and Kansas in one trip. Sheriff Talbert submitted the check received from Cass County Treasurer, in the amount of \$496.69, the Cass County's portion of the extradition expense.
3. **J-Pay:** JPay, the on-line source of adding funds to an inmates Commissary account, is operational and has already received several hits. This can be done at a Wal-Mart store or on-line from anywhere in the world.

IN THE MATTER OF THE BOARD OF COMMISSIONER'S RECOMMENDATION TO AMEND THE LOCAL TRAVEL POLICY'S MILEAGE RATE:

At the July 16, 2007 Regular Commissioner Meeting, the Howard County Board of Commissioners approved a PAC Committee Recommendation to increase the Local Travel Policy's mileage rate from \$.34 per mile to \$.40 per mile (*please refer to page four, item three, "In The Matter Of Personnel Department Issues" of the Regular Meeting minutes dated July 16, 2007*). Personnel Department Wanda McKillip explained the request for Council clarification, as an amendment to Resolution No. 1998-HCC-21, effective August 1, 2007. A motion was made by Mr. Papacek to amend Resolution No. 1998-HCC-21 to reflect a mileage reimbursement of \$.40 per mile. The motion was seconded by Mr. Stout and carried. Ms. McKillip informed the Council that the PAC Committee will be addressing the lodging reimbursement rates at their next meeting.

IN THE MATTER OF THE AMENDED 2007 BUDGET FOR THE MAYOR'S COMMUNITY BASED COUNCIL ON SUBSTANCE ABUSE PREVENTION:

Ms. Cheryl Sears, Facilitator for the Mayor's Community Based Council on Substance Abuse Prevention submitted an amended 2007 Budget, increasing the total budget from \$80,000.00 to \$120,000.00. The Local Coordinating Council has approved the increase to change the Coordinator's position from part-time to full-time. Mr. Murrell clarified a point-of-order in that this issue was submitted to the Board of Commissioners at their July 16th meeting and they took the matter under advisement (*please refer to page four, "In The Matter Of The Mayor's Community Based Council On Substance Abuse Prevention Budgets", of the Regular Meeting minutes dated July 16, 2007*). The Commissioners must act on the allocation before the Council can act, and they are expected to do so at the August 6, 2007 meeting.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:50 p.m. on a motion made by Mr. Papacek and seconded by Mr. Pencek.

HOWARD COUNTY COUNCIL:

RICHARD A. MILLER, PRESIDENT

JAMES T. PAPACEK, VICE PRESIDENT

PAUL G. WYMAN, COUNCILMAN

STANLEY E. ORTMAN, COUNCILMAN

LESLIE ELLISON, COUNCILMAN

JEFFREY A. STOUT, COUNCILMAN

JOSEPH A. PENCEK, COUNCILMAN

ATTEST:

ANN WELLS, AUDITOR
Howard County Council Meeting July 24, 2007