

HOWARD COUNTY COUNCIL REGULAR MEETING JUNE 23, 2009

The Howard County Council met Tuesday, June 23, 2009 at 7:00 p.m. in Hearing Room 338 of the Howard County Administration Center. Those present included President Richard Miller, Vice President Paul Wyman, and members James Papacek, Stanley Ortman, Leslie Ellison, Jeff Stout, and Joseph Pencek. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Miller. The Council was led in prayer by Mr. Wyman.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the May 26, 2009 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Pencek.

IN THE MATTER OF OPENING COMMENTS BY THE COUNCIL:

President Miller opened the floor for comment by Council Members as follows:

Councilman Ortman made a public apology to the Board of Commissioners for a "ridiculous comment" made at the previous meeting. He appreciates the work done by the Commissioners and enjoys working with them.

IN THE MATTER OF ORDINANCE NO. 2009-HCCO-20-ADDITIONAL APPROPRIATIONS:

Ordinance No. 2009-HCCO-20 – Additional Appropriations was read in full one time by Auditor Ann Wells and acted upon as follows:

<u>001</u>	<u>Howard County General Fund</u>	AMOUNT	
<u>023</u>	<u>Howard County Commissioners</u>	REQUESTED:	APPROVED
01521.00	FICA	\$ 50,000.00	\$ 50,000.00
01522.00	PERF	\$ 75,000.00	\$ 75,000.00
01523.00	Insurance	\$ 125,000.00	\$ 125,000.00

Chief Deputy Auditor Laurie Roper explained these requests as funds that were approved for appropriation from the EDIT fund that now need to be appropriated in County General.

A motion was made by Mr. Papacek to approve the additional requests for \$50,000.00 to line item 01521.00, FICA, \$75,000.00 to line item 01522.00, PERF, and \$125,000.00 to line item 01523.00, Insurance. The motion was seconded by Mr. Ortman and carried.

Total County General		\$ 250,000.00	\$ 250,000.00
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<u>046</u>	<u>Howard County Auditor – Electronic Data Fund</u>		
04721.00	Equipment	\$ 10,000.00	\$ 10,000.00

<u>108</u>	<u>Howard County Auditor – Plat Book Fund</u>		
04721.00	Equipment	\$ 10,000.00	\$ 10,000.00

Auditor Wells informed the Council that these funds are supported by the fees that are collected in the Auditor's office for deeds, copies, and maps. She would like to appropriate \$10,000.00 into the equipment line of both funds in order to purchase any needed equipment, to try to ease the burden from the Cumulative Capital Fund and County General funds. Ms. Wells has committed to purchase two monitors for the mapping department, as well as equipment for teleconferencing.

The requests to appropriate \$10,000.00 to line item 04721.00, Equipment, for both the Electronic Data and Plat Book funds, were approved on a motion made by Mr. Papacek and seconded by Mr. Ellison.

<u>120</u>	<u>Howard County Drug Free Community Fund</u>		
03100.00	Prevention / Education	\$ 10,000.00	\$ 10,000.00

03200.00	Treatment / Intervention	\$ 10,000.00	\$ 10,000.00
03300.00	Criminal Justice Services	\$ 10,000.00	\$ 10,000.00
03400.00	Discretionary	\$ 10,000.00	\$ 10,000.00

Mr. Don Ridenour, member of the Executive Committee of the Local Coordinating Council submitted requests for appropriation into the Drug Free Fund as listed above. Mr. Ridenour submitted copies of the requests as well as a listing of grants that have been approved so far this year. This request is to allocate more money to these funds to help with education and treatment programs. Mr. Ridenour continued to inform the Council as to current activities to battle drug abuse in Howard County. Sheriff Talbert expressed appreciation to Mr. Ridenour for the \$3,000.00 grant awarded to the Sheriff's Department to help with the program to aid children and strengthen families.

These requests to appropriate were approved as submitted on a motion made by Mr. Wyman and seconded by Mr. Ellison.

Total Drug Free Community Fund	\$ 40,000.00	\$ 40,000.00
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<u>150</u>	<u>Howard County Cumulative Capital Fund</u>		
04725.01	EMA Building	\$ 18,000.00	\$ 18,000.00

Commissioner William Thompson stepped to the podium to explain that this request is for the most expensive possibility for the paving project of the new EMA building. The paving will be done in phases, to be determined at a later date (*please refer to page one, item two, "In The Matter Of Highway Department Issues" of the Regular Commissioner Meeting minutes dated June 1, 2009*).

A motion was made by Mr. Ortman to approve the request of \$18,000.00 to line item 04725.01, EMA Building. The motion was seconded by Mr. Ellison and carried.

IN THE MATTER OF RESOLUTION NO. 2009-HCCR-8-TRANSFERS:

Resolution No. 2009-HCCR-8- Transfers was read in full one time by Auditor Wells and acted upon as follows:

	Transfer From:	To:	Amount Requested:	Allowed:
<u>001</u>	<u>Howard County General Fund</u>			
<u>015</u>	<u>Howard County Veterans Services</u>			
03213.00	Travel & Training	2360.00 Supplies	\$ 700.00	\$ 700.00

Veterans Service Officer Robert Ladd needs to transfer funds into his supply line because of the growing amount of veterans and their needs, especially in light of the present economy. Mrs. Cheek did not attend the IDVA Training Conference, this year, so there were unused funds in the travel line item.

The transfer was approved as submitted on a motion made by Mr. Papacek and seconded by Mr. Pencek. Congratulations were extended to Mr. Ladd for his recent appointment as the State Commander of the Disabled American Veterans.

<u>018</u>	<u>Howard County Maintenance Department</u>		
01115.00	Labor – Maintenance	01118.00 Part Time	\$ 12,000.00 \$ - 0 -

This request is for a portion of funds needed in the part time line item, being transferred from the retired full-time position, as justified by Buildings and Grounds Superintendent Scott Reed. This transfer will support the two part time positions through the end of the year. They are moved from building to building, as needed.

A motion was made by Mr. Papacek to approve the transfer request as submitted. The motion died for lack of a second.

A motion was made by Mr. Wyman to deny the request for transfer as submitted. The motion was seconded by Mr. Pencek and a vote was taken which results as follows:

Mr. Pencek	Aye	
Mr. Papacek		Nay
Mr. Ortman		Nay
Mr. Ellison	Aye	
Mr. Wyman	Aye	

President Miller reminded the Council that in decisions concerning salaries, there needs to be five aye votes to carry a motion. Commissioner Thompson received permission to take the floor, and he spoke in support of the transfer request. Attorney Murrell clarified that this is just a simple transfer request and does not adjust salary; it can be treated as any other transfer request with a simple majority vote. Mr. Murrell later qualified “simple majority” as the majority of “elected” members, not members present. Mr. Miller then cast an Aye vote, carrying the motion.

<u>011</u>	<u>Howard County Reassessment Fund</u>				
04720.00	Computer System	01113.00	Reassessment Dep	\$ 8,000.00	\$ 8,000.00

Because of the State mandated Phase II Certification, County Assessor Jamie Shepherd informed the Council that the Reassessment Fund is purchasing all of the Assessor Offices’ computers. She had hopes to purchase a copier, as well, but with the current status of Chrysler & Delphi tax situation, she would rather insure enough funds to continue paying her staff to get reassessments done in a timely manner. Ms. Shepherd explained her offices’ present staffing positions and needs, and staff funding plans for the 2010 budget. She also reminded the Council that reassessments, since 2006, are done annually, in lieu of every ten years.

The request to transfer \$8,000.00 from line item 04720.00, Computer System, to 01113.00, Reassessment Deputy, was approved on a motion made by Mr. Papacek and seconded by Mr. Pencek.

Ms. Shepherd and Center Township Assessor Sheila Pullen are both attending an IAAO class for their Level III Certification, mandated by the State. They will be two of the first assessors in Indiana to receive the Level III certification.

IN THE MATTER OF US 31 CORRIDORS PLANS:

Plan Commission Director Glen Boise informed the Council that because of the US 31 Freeway project, the County has had to address both the new US 31 and present US 31 land use issues along the corridors. Mr. Boise introduced Mr. Shane Burkhardt from American Structurepoint and asked him to step to the podium to brief the Council concerning the planning process. Mr. Boise distributed copies of the presentation. Mr. Burkhardt reviewed the presentation concerning the corridors of the existing US 31 and the New US 31, in order to make land use recommendations. We are currently in the planning stage of the process and a Steering Committee has been formed consisting of representatives of the City of Kokomo, Howard County, and the Economic Development Council. July 7th is the proposed meeting date for that Committee. Future stages include:

Analysis and Information Gathering: Review of past plans & studies, site & contextual issues, traffic counting

Land Use Planning: Must be linked with transportation planning, understanding potential build-out scenarios of the new corridor, developing guidelines to enhance the look and feel of the existing corridor, redevelopment opportunities, growth management with compatible regulations, development district modifications, overlay zoning, redevelopment opportunities, architectural and development guidelines

Transportation Planning: Review existing studies & transportation plans, analysis of transportation system compatibility with transportation modes, current land use, and future land use Traffic Operations, access control, intersection treatments, pedestrian crossings, complete streets

Development Regulations Recommendations: gateways, wayfinding, public art, district identification, commercial development, cultural development

At the conclusion of the presentation, Mr. Burkhardt thanked the Council for their time.

IN THE MATTER OF RESOLUTION NO. 2009-HCCR-09:

County Attorney Larry Murrell submitted Resolution No. 2009-HCCR-09, a resolution of the Council approving the first amended Interlocal Agreement between the City of Kokomo and Howard County concerning the County’s utilization of the City’s Weights and Measures Inspector. An Ad Hoc committee including Councilman Miller, Councilman Papacek, Commissioner Thompson and Mr. Murrell, has been meeting with the City concerning the Plan Commission Interlocal Agreement, and are now working on the Weights and Measures agreement. The copies distributed reflect the current agreement from the committee. When taken to the Board of Commissioners, the Board submitted concerns as follows:

- a) Under Section 5, the County agrees to pay 45% of what the City Council budgets. The County Council should have input on the budget process, being able to approve the proposed budget. Presently, it is written that the County Council has to approve the cost allocation; it could also be included that the County Council must approve the budget.
- b) Under Section 7, the disposition of property – Because the County contributes 45% of the budget, as pertains to property, the County should be reimbursed for 45% of disposed property, once the Agreement is terminated.
- c) For future purposes, consider the provision that City of Kokomo residents pay County taxes.

The Board of Commissioners has not yet passed this agreement and the City has not reviewed the proposed changes. Mr. Murrell recommended that the Council allow this resolution to first be approved by the Board of Commissioners, then the City Council, before coming back to the County Council. A motion was made by Mr. Ortman to table Resolution No. 2009-HCCR-09 for further review. The motion was seconded by Mr. Wyman. A Point of Order was called by Mr. Papacek, who proceeded to comment that he thought the provision contained in Section 5A(3) (listed as c) above) is unnecessary, even though it was included in the former agreement. There being no further comment, the motion previously made and seconded, is carried.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert submitted the following issues for the Council's information and approval:

1. **Jail Population:** The current inmate population is three hundred sixty-four (364) with sixty-two (62) being females. He reminded the Council that the facility's capacity is three hundred twenty-four (324). This Thursday, Judge Menges has one hundred thirty-five hearings in Superior Court I.
2. **EMA Building:** Sheriff Talbert commended the Board of Commissioners and the County Council for the new EMA building. He commented that it was a great facility, and he appreciates the west end storage area dedicated to the Sheriff's Department, and the meeting room that is made available and has already been used by the Sheriff's Department.
3. **Inmate Phone Cards:** The Criminal Justice Facility has already sold its first batch of phone cards for the inmates. In this current age when there is a decrease in land line usage and an increase in cell phone usage, a phone card for the inmate is necessary because a cell phone cannot receive collect calls. Sheriff Talbert commends Captain Vincent and Officer Sokol for their work on this project. The phone cards can be used after an inmate has been released.
4. **Budget Line Item Decreases:** Sheriff Talbert reported that expenses in Deputy Overtime and Gas, Oil & Lube line items have decreased so far this year. He attributes the decreases, in part, to the Video Conferencing hook-up between the Criminal Justice Center and the Courthouse, and thanked Mr. Tribby and the Information Systems Department for all their work with this project. The Inmate food and medical line items have also experienced a decrease. Sheriff Talbert attributes the decrease in the inmate medical line, in large part, to the change in pharmaceutical services because the budget could no longer afford the local pharmacy to do the bulk of the prescription services and supplies. The State Legislature has just passed legislation to require medical providers to bill at Medicare rates, beginning July 1st, 2009. A decrease in Corrections Overtime line item is due, in part, to the changes Captain Vincent has instituted for Correction workers, and Sheriff Talbert commended Captain Vincent. We keep doing more with less.
5. **Commissary Reports:** Sheriff Talbert submitted Commissary reports for the months of April and May, 2009. The Commissary is down but Sheriff Talbert expects funds to increase with the sales of the phone cards. Sheriff Talbert called attention to an expense on the May report, of \$18.00 to Rhino Taxi, for the transport of a handicapped prisoner and his scooter.

Councilman Papacek thanked Sheriff Talbert and staff, and the Indiana State Police for increased patrol of County Road 100 South.

6. **Request For Dryer Replacement:** Sheriff Talbert has received quotes for four new dryers for the Criminal Justice Center. He will submit an Additional Appropriation from the Misdemeanor Fund at July's meeting, but would like permission to order the dryers, now, from the lowest quote, as the need is immediate. The Council gave its approval by consensus.

IN THE MATTER OF THE ANNUAL LOIT RATE DISCUSSION:

President Miller submitted copies of a memo received from the Association of Indiana Counties, quoting section 331(q) of House Bills 1478 and 1001 as follows:

"A county council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased."

The following two options are provided by LOIT:

Option A: Increase LOIT to pay for budget increases (instead of increasing levies). Amount of LOIT increase determined by the state.

Option B: Increase LOIT up to 1% to provide dollar for dollar property tax relief

- Can make a decision each year to reallocate among homesteads, qualified residential property, and broad based property tax relief.
- Relief can be provided to one or more of these classes of property.
- The Board adopting the LOIT must make a public statement that if they provide PTRC, they understand some property owners will benefit from property tax relief without paying LOIT.

"If either of these options or a combination thereof is adopted by at least a .25% rate, then the county council can adopt an additional LOIT up to .25% for public safety."

Mr. Miller would like Council members to consider the effect of the .5% rate, possibly be ready to offer a recommendation, and place this issue on the agenda for the July 28th meeting. The Council agreed by consensus.

IN THE MATTER OF POSSIBLE TRIP TO ITALY BY COMMISSIONER MOORE:

Commissioner Moore reminded the Council that members of the City of Kokomo are planning a trip to Italy to meet with the executives of Fiat. The City approached the Board of Commissioners and asked if they'd be interested in joining with the City in representing Howard County. At the time the Board did not believe it was in the best interest of the County, and that the deal had been accomplished. Upon further consideration by the Board, it was felt that going to Italy to represent the County would be a goodwill gesture with the City and with Fiat. Mr. Moore is seeking the Council's discussion and possible involvement in this trip. The date of the trip would be July 12 – 17 and the cost for a county representative would be around \$2,000.00 with arrangements being made through the Indiana Economic Development Corporation. Discussion then ensued showing support for the trip, and possible funding from the EDIT Fund. Mr. Randy Morris, from the City, confirmed that, if the County would support the trip, the City would cover the costs, and look for a reimbursement from the County, when funds can be arranged.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:20 p.m. on a motion made by Mr. Papacek and seconded by Mr. Wyman.

HOWARD COUNTY COUNCIL:

RICHARD H. MILLER, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

JAMES T. PAPACEK, COUNCILMAN

LESLIE ELLISON, COUNCILMAN

STAN ORTMAN, COUNCILMAN

JEFF STOUT, COUNCILMAN

JOSEPH PENCEK, COUNCILMAN

ATTEST:

ANN WELLS, AUDITOR

Howard County Council Meeting June 23, 2009