

HOWARD COUNTY COUNCIL REGULAR MEETING MARCH 23, 2010

The Howard County Council met Tuesday, March 23, 2010 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, Stan Ortman, Joseph Pencek and Jeff Stout. 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 Richard Miller. Vice President Paul Wyman led the Council in prayer.

IN THE MATTER OF APPROVAL OF THE MINUTES:

The minutes of the February 23, 2010 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Papacek and seconded by Mr. Stout.

IN THE MATTER OF COUNCIL COMMENT:

President Miller opened the floor to the Council for comment as follows:

Councilman Papacek: Mr. Papacek reported on the progress of the Small Business Assistance Committee, and distributed copies of Edit Application Criteria. He clarified that this is still a work in progress. Concerning the boundaries being North – Monroe Street, South – Wildcat Creek, East – Apperson Way, and West – Webster Street, Mr. Papacek commented that the committee has received questions and comments that the assistance should also apply to businesses outside of the Downtown area. That issue will be addressed at the next committee meeting.

IN THE MATTER OF ORDINANCE NO. 2010-HCCO-08 – ADDITIONAL APPROPRIATIONS:

Ordinance No. 2010-HCCO-08 – Additional Appropriations was read in full one time and acted upon as follows:

		AMOUNT	
<u>252</u>	<u>Howard County Jail & Juvenile COIT Fund</u>	REQUESTED:	APPROVED:
01521.00	FICA	\$ 150,000.00	\$ 150,000.00
01522.00	PERF	\$ 150,000.00	\$ 150,000.00
01523.00	Insurance	\$ 200,000.00	\$ 200,000.00

Auditor Wells explained that this request is a housekeeping issue from the year 2007 when the COIT was first created. The FICA, PERF and Insurance benefits line items were never moved from County General to the Jail & Juvenile COIT Fund. This request begins for the year 2010 and forward. Ms. Wells did ask the Council if they would like to appropriate funds from the Jail & Juvenile COIT to reimburse County General for the benefit lines paid for the years 2008 and 2009. Discussion ensued concerning reimbursement and exactly what was frozen when this tax was first approved. Mr. Miller expressed appreciation to Sheriff Talbert and his staff and Kinsey Director Brent Kelley and his staff at the Kinsey Youth Center, for their wise use of the Jail & Juvenile COIT money and the appropriations they were able to give back to the County at the end of the year.

At the conclusion of discussion a motion was made by Mr. Papacek, seconded by Mr. Ortman and carried to approve the Additional requests as submitted.

TOTAL JAIL & JUVENILE COIT FUND	\$ 500,000.00	\$ 500,000.00
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<u>500</u>	<u>Howard County CREDIT Fund</u>		
03701.00	New Business Incentive	\$ 15,000.00	\$ 15,000.00

Board of Commissioner President Dave Trine stepped to the podium to submit the Board’s request for \$15,000.00 for New Business Incentives. At the 2010 Budget Hearings last fall, the Board of Commissioners had requested \$100,000.00 from the CREDIT Fund as seed money to assist Economic Development purposes specifically in the downtown area of Kokomo. Even though the request was for the downtown area, since the Board of Commissioners represents the whole county, they would like to entertain requests from outside the downtown area, as well. The request was denied by the Council at that time. Presently the Board of Commissioners has had requests from Angie Myers Design Studio, Da Roux House and Baja

Burrito, for assistance for their business in the downtown area, and a recommendation from the Board has been forwarded to the Council.

Mr. Wyman believes the Council should adopt the Edit Criteria guidelines before approving any assistance request. He made a motion to adopt the Edit Criteria guidelines, subject to amendment at any time. Discussion ensued concerning the guidelines being a work in progress and adopting the guidelines as they stand with the ability to amend the guidelines in the future. Discussion also included the concept of interest free loans. At the conclusion of discussion, questions and comments, the motion to adopt the Edit Criteria guidelines was seconded by Mr. Ortman and carried. Ms. Angie Myers thanked the Council for the assistance from the County, and helping her to realize a dream.

Mr. Wyman commented that there are strategies from many entities in and out of the downtown area, that are working together to revitalize downtown Kokomo. Today, the County executives have just added to the revitalization process, with the approval and guidelines to assist small business.

A motion was made by Mr. Papacek and seconded by Mr. Ortman to approve the request of \$15,000.00 to line item 03701.00, New Business Incentive. Because Mr. Wyman was the realtor who represented Baja Burrito, he abstained from voting. The motion carried.

IN THE MATTER OF MAINTENANCE DEPARTMENT REQUEST TO REPLACE RETIRED EMPLOYEE:

Buildings and Grounds Superintendent Scott Reed submitted a request to replace the position recently vacated by Don Irwin. Mr. Reed commented that since Mr. Irwin's retirement, his five member staff is managing, but is concerned that he has no one to replace an employee who is ill or on vacation. Mr. Wyman thanked Mr. Reed for his management of the Buildings and Grounds Department with fewer employees, and for being forthright in answering questions from the Council members. Mr. Wyman would rather see the Maintenance Department operate without replacing Mr. Irwin's position, then revisit the request at budget time. At the conclusion of ensuing discussion, a motion was made by Mr. Wyman, seconded by Mr. Stout and carried to deny the request to replace retired personnel.

IN THE MATTER OF DELPHI AND CHRYSLER TAXING ISSUE REIMBURSEMENT REQUEST:

For the last several years Howard County has been in negotiations with legal representation concerning unpaid taxes of Delphi and Chrysler, as a result of bankruptcy and reassessment matters. On behalf of all taxing entities the County and its litigators have reached an agreement outside of bankruptcy court, for \$37 million dollars of back taxes (including Delphi tax matters). The County has incurred costs greater than \$533,000.00 for outside legal help, and President Miller now asks for discussion concerning sharing these costs with the other taxing entities. Mr. Miller gave a brief history of the County's action as a result of the bankruptcy filings, including the fact that this last legal invoice has been received and prepared for payment. It empties the Commissioner's Contract Services line item and an Additional Appropriation request will be submitted to the Council. Because it is the responsibility of the County to seek the back taxes, Mr. Wyman suggested that the Council have meetings with the taxing entities involved, "...putting it on the table for discussion..." as opposed to just submitting an invoice. Treasurer Lake informed the Council that to date, the County has received \$12 million of the \$37 million settlement and it has been disbursed to the taxing units. According to Assessor Jamie Shepherd, representatives from other taxing units affected by the situation were brought into the discussions. Some positive feedback was received concerning sharing the litigation costs, so the request to share litigation costs would not be a surprise. Discussion ensued concerning how to allocate the shared costs.

PUBLIC COMMENT:

Clee Oliver, 768 West County Road 00 North South: Mr. Oliver asked how the Abatement to Delphi, from the City of Kokomo, affects the non-payment of taxes. President Miller, Assessor Shepherd, and Treasurer Lake responded to the question.

Councilman Stan Ortman commented that comparing the amount of money spent in litigation fees, to the amount of tax dollars that Howard County will receive, the return is about 60 to 1. That is "...fantastic in any legal line of work..." On behalf of the Council and the tax payers of Howard County, Mr. Ortman thanked the team for their hours and years of work on this issue.

The Chair recognized the suggestion of Vice President Wyman to meet with all the Taxing Units.

IN THE MATTER OF RESOLUTION NO. 2010-HCCR-11:

Attorney Larry Murrell submitted Resolution No. 2010-HCCR-11, amending the listing of designated organizations for which dues and subscriptions may be paid from county funds. This resolution is Exhibit A to Ordinance No. 2005-BCC-60. At the conclusion of discussion, a motion was made by Mr. Wyman to approve Resolution No. 2010-HCCR-11. The motion was seconded by Mr. Ortman and carried.

IN THE MATTER OF ORDINANCE NO. 2010-HCCO-10:

This is a joint Ordinance with the Board of Commissioners' Ordinance No. 2010-BCCO-09, amending Joint Ordinance 2005-BCC-32 and 2005-HCC-33, to adopt a modified **Request For Electronic Data Form**. Mr. Murrell explained that it is a constant balancing act to comply with public access laws and still offer protection to the tax payer concerning information that should not be exposed. This modified Request For Electronic Data Form allows county officials the right to "...review, validate and reject the certification that the data requested will not be used for commercial purposes". All information that Howard County is required by law to make available to the public, *is available* to the public. At the conclusion of ensuing discussion a motion was made by Mr. Ortman, seconded by Mr. Papacek and carried to approve Ordinance No. 2010-HCCO-10 as submitted.

IN THE MATTER OF CONTINUED DISCUSSION PERTAINING TO EDIT GRANT CRITERIA:

Mr. Wyman continued Edit Grant Criteria discussion by informing the Council that the committee has met with the Greater Kokomo Economic Development Alliance and they have agreed to administer the EDIT Fund's Small Business Assistance grants / loans, using a Memorandum of Understanding Form with Howard County.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **New Reserve Deputy:** Sheriff Talbert introduced Mr. Brian Meacham to the Councilmen. Mr. Meacham is the sixth Reserve Deputy added to Howard County Sheriff's Department. He addressed the Council saying that he is happy to be in this program. Mr. Meacham graduated from Northwestern High School and Purdue University. He was a member of the National Guard for six years and his law enforcement experience consists of three years in the Sheridan Police Department and two years on the Greentown force. He is currently a small business owner here in Kokomo and is proud to wear the uniform of a Reserve Deputy. Mr. Meacham was welcomed by the Council. Sheriff Talbert stated that the Reserve Deputy program is successful due, in part, by the support given by the County Council, and cited several instances where Reserve Deputies are an integral part of the whole law enforcement system. He hopes that the next Sheriff will continue this program.
2. **Thank You To Councilman Stout:** Sheriff Talbert thanked Councilman Stout and the employees of his business for the new carpet installed in the Criminal Justice Center. He also thanked him for working with the Inmate Work Crew in installing the carpet.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:57 p.m. on a motion made by Mr. Papacek and seconded by Mr. Stout.

HOWARD COUNTY COUNCIL:

RICHARD A. MILLER, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

JAMES T. PAPACEK, COUNCILMAN

LESLIE ELLISON, COUNCILMAN

STANLEY ORTMAN, COUNCILMAN

JEFFREY STOUT, COUNCILMAN

JOSEPH PENCEK, COUNCILMAN

ATTEST:

ANN WELLS
Howard County Council Meeting March 23, 2010