

HOWARD COUNTY COUNCIL REGULAR MEETING APRIL 25, 2006

The Howard County Council met Tuesday, April 25, 2006 at 7:00 p.m. in Room 338 of the Howard County Administration Center. Those present included Council President Richard H. Miller, Council Vice President James Papacek, Council Members Dwight Singer Jr., Stan Ortman, Jeffrey Stout and Joseph Pencek. Also in attendance were Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Richard Miller.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the March 28, 2006 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Singer and seconded by Mr. Papacek.

IN THE MATTER OF THE CASH BALANCE REPORT:

President Miller asked Auditor Wells for a cash balance report. Auditor Wells reported that the present cash balance for County General is \$300,752.00. The County will be receiving more funds after May 10th, when the taxes have been collected. Mr. Papacek commented that the low cash balance is one of the reasons he is against hiring additional employees, at this time. He would still like to give a salary increase to present employees. Mr. Pencek hopes that those requesting additional monies from the County General Fund would weigh their requests very carefully and be "cognizant of what they are doing". Mr. Miller reminded the Council that some of the additional employee requests will be financed by the fund that holds the appeal money from the creation of the new Superior Court IV, requested by the State Board of Accounts, on behalf of Howard County. That will not adversely affect the County General Fund.

IN THE MATTER OF ORDINANCE NO. 2006-HCC-18 - ADDITIONAL APPROPRIATIONS:

Ordinance No. 2006-HCC-18 was read in full by Auditor Ann Wells and acted upon as follows:

APPROPRIATIONS REQUESTED:

<u>001</u>	<u>Howard County General Fund</u>	<u>REQUESTED:</u>	<u>APPROVED:</u>
<u>005</u>	<u>Howard County Sheriff</u>		
01119.01	Correction Officer	\$ 28,234.00	\$ 28,234.00
01131.00	Civilian Transport	\$ 28,363.00	\$ 28,363.00
01331.00	Uniform - Correction Officer (2 at 400 each)	\$ 800.00	\$ 800.00

Sheriff Talbert informed the Council that the two new positions were created by the new Superior Court IV, budgeted in the increased levy. These amounts need to be allocated by the Council. The requested amounts are for the total year; the actual amounts would be \$18,550.00 for the Correction Officer and \$18,655.00 for the Civilian Transport. The \$800.00 request is for uniforms for those two officers.

A motion was made by Mr. Singer, seconded by Mr. Ortman and carried to approve \$28,234.00 for line item 01119.01, \$28,363.00 in line item 01131.00, and \$800.00 in line item 01331.00.

<u>012</u>	<u>Howard County Prosecutor</u>		
01113.05	Deputy Prosecutor - Circuit Court	\$ 38,054.00	\$ Withdrawn
01113.06	Deputy Prosecutor (2 nd) Superior Court IV	\$ 38,054.00	\$ 38,054.00
01118.00	Criminal Enforcement Clerk	\$ 27,633.00	\$ 27,633.00

Prosecutor James Fleming explained his requests to the Council, stating that he could withdraw his request for an additional Deputy Prosecutor in the new Superior Court IV. The request for the Deputy Prosecutor in Circuit Court and the Criminal Enforcement Clerk is to pick up the two positions not included in the 2006 Drug Task Force Grant. After discussion, Mr. Fleming did decide to move forward with his request for a Deputy Prosecutor in Superior Court IV and withdraw the request for the Circuit Court Deputy Prosecutor.

A motion was made by Mr. Papacek to approve the withdrawal of the Deputy Prosecutor in Circuit Court and to approve the request for funds from the Superior Court IV for one Deputy Prosecutor and the Criminal Enforcement Clerk, as stated above, subject to review at budget time. The motion was seconded by Mr. Singer and carried.

<u>023</u>	<u>Howard County Commissioners</u>		
01512.03	Unemployment	\$ 100,000.00	\$ 50,000.00

Auditor Wells informed the Council that \$35,000.00 was budgeted for 2006 and \$50,000.00 have already been paid out in Unemployment claims. One hundred employees have been terminated, forty-six of them full time, since January of 2005. There are two potential law suits against Howard County. In light of the financial situation for the County, she wants to amend that request to \$50,000.00.

A motion was made by Mr. Papacek, seconded by Mr. Stout and carried to approve the request for \$50,000.00 to line item 01512.03, Unemployment. Mr. Singer reminded any office holder or department head to make sure to properly document every aspect of the termination process.

<u>033</u>	<u>Howard County Superior Court III</u>		
04724.00	Law Books	\$ 114.52	\$ Tabled

Because there was no representative or letter from Superior Court III concerning the additional request, this request was tabled on a motion made by Mr. Papacek and seconded by Mr. Singer.

Total County General Fund		\$ 261,252.52	\$ 173,084.00
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<u>002</u>	<u>Howard County Highway Fund</u>		
14523.00	Insurance	\$ 1,000.00	\$ 1,000.00
24321.00	Gas, Oil & Lube	\$ 15,000.00	\$ 15,000.00
22430.00	Bituminous	\$ 160,000.00	\$ 160,000.00
31220.00	Utilities	\$ 10,000.00	\$ 10,000.00
Total Highway Fund		\$ 189,000.00	\$ 189,000.00

<u>006</u>	<u>Cumulative Bridge Fund</u>		
32250.00	Repair By Contract	\$ 240,000.00	\$ 230,000.00
33705.00	Bridge #55 300 East 405 North	\$ 50,000.00	\$ 50,000.00
Total Cumulative Bridge Fund		\$ 290,000.00	\$ 280,000.00

<u>007</u>	<u>Local Road & Street Fund</u>		
23754.00	Bituminous	\$ 281,000.00	\$ 281,000.00
33759.00	Dixon Rd - Zartman Rd to Judson Rd	\$ 20,000.00	\$ 20,000.00
Total Local Road & Street Fund		\$ 301,000.00	\$ 301,000.00

Highway Engineer/Superintendent Ted Cain informed the Council that these requests are coming from cash and reimbursements from the Dixon Road Project, not the County General Fund. He continued to explain the need for additional funds in the Highway, Cumulative Bridge and Local Road & Street Funds. Mr. Miller informed Mr. Cain that his revenue figures were different than the figures Mr. Cain has, by about \$6,000.00. In light of this new information Mr. Cain amended his request in line item 32250.00, Repair By Contract to \$230,000.00.

A motion was made by Mr. Papacek to approve \$189,000.00 in the Highway Fund, \$280,000.00 in the Cumulative Bridge Fund and \$301,000.00 in the Local Road & Street Fund as listed above. The motion was seconded by Mr. Stout and carried.

<u>011</u>	<u>Howard County Reassessment Fund</u>		
03511.00	Professional Services	\$ 20,000.00	\$ 20,000.00

County Assessor Ann Harrigan informed the Council of the outside legal fees that have been incurred as a result of Petition for Non Tax filed by Vinton Woods. The Reassessment Board denied the petition and it has been appealed to the State. The Assessor's Office has received a Petition for Summary Judgment, bringing with it a need for more legal advice and

fees. Legal fees have totaled \$16,000.00 at present with more representation still needed. Ms. Harrigan stressed that this is a very important case concerning the tax base for Howard County.

A motion was made by Mr. Singer, seconded by Mr. Ortman and carried to approve the request of \$20,000.00 for item 03511.00, Professional Services.

Total Reassessment Fund	\$ 20,000.00	\$ 20,000.00
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144 Howard County Recorder Perpetuation Fund

01114.00	Second Deputy	\$ 10,000.00	\$ 10,000.00
03240.00	Computer Software Maintenance	\$ 51,375.00	\$ 51,375.00

Recorder Linda Koontz presented her request for additional funds to be appropriated, at the March 28, 2006 meeting (*please refer to page 4, "In The Matter Of Replication And Off-Site Storage For Recorder Records And The Digitalizing Of Information", of the Council Meeting minutes dated March 28, 2006*).

On a motion made by Mr. Papacek and seconded by Mr. Singer, the Council approved the requests for the Howard County Recorder Perpetuation Fund as listed above.

Total Howard County Recorder Perpetuation Fund	\$ 61,375.00	\$ 61,375.00
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120 Howard County Community Drug Free Fund

03100.00	Prevention & Education (<i>unallocated</i>)	\$ 6,104.00	\$ 6,104.00
03101.00	Salary (<i>1/4 of yearly</i>)	\$ 7,446.00	\$ *7,446.00
03102.00	Turnaround Breakfast	\$ 2,500.00	\$ 2,500.00
03103.00	Red Ribbon Week	\$ 750.00	\$ 750.00
03104.00	Youth Representative Fund	\$ 700.00	\$ 700.00
03105.00	Youth Programs	\$ 1,500.00	\$ *1,500.00
03106.00	Taxi Sign Project	\$ 1,000.00	\$ *1,000.00
03200.00	Intervention & Treatment (<i>unallocated</i>)	\$ 2,221.00	\$ 2,221.00
03201.00	Salary (<i>1/4 of yearly</i>)	\$ 7,446.00	\$ *7,446.00
03202.00	Jail Treatment Program	\$ 5,000.00	\$ *5,000.00
03203.00	Drug court Program (<i>1/3 of payment</i>)	\$ 5,333.00	\$ *5,333.00
03300.00	Discretionary (<i>unallocated</i>)	\$ 7,221.00	\$ 7,221.00
03301.00	Salary (<i>1/4 of yearly</i>)	\$ 7,446.00	\$ *7,446.00
03303.00	Drug Court Program (<i>1/3 of payment</i>)	\$ 5,333.00	\$ *5,333.00
03400.00	Discretionary (<i>unallocated</i>)	\$ 4,720.00	\$ 4,720.00
03401.00	Salary (<i>1/4 of yearly</i>)	\$ 7,446.00	\$ *7,446.00
03402.00	Mileage	\$ 1,000.00	\$ 1,000.00
03403.00	Drug Court Program (<i>1/3 of payment</i>)	\$ 5,334.00	\$ *5,334.00
03404.00	Conference Registration	\$ 1,000.00	\$ 1,000.00
03405.00	Office Supplies	\$ 500.00	\$ 500.00
Total Appropriation Request		\$ 80,000.00	
Appropriated 2006 Unallocated Budget		\$ 65,000.00	
Additional Appropriation Total Request		\$ 15,000.00	\$ 15,000.00

The asterisk (*) indicates estimated Grant Amounts: Applications must be presented to the LCC and be processed for final approval. Unallocated line items cannot be spent until a grant application is approved through the internal LCC process for approval, followed by approval and allocation by the County Council.

Local Community Corrections Board Member and Chair of the Criminal Justice Committee, Don Travis, submitted the copy of the Community Drug Free Fund Budget for allocation by the County Council. Mr. Travis explained the budget to the Council and assured the Council that this budget had been approved by the Board of Commissioners at their May 1st Regular Meeting. The Local Community Corrections Board approved the salary at their meeting, this morning.

A motion was made by Mr. Papacek, seconded by Mr. Ortman and carried to approve the appropriated budget as listed above.

Total Howard County Community Drug Free Fund	\$ 15,000.00	\$ 15,000.00
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150 Howard County Cumulative Capital Funds

04018.00	Maintenance & Grounds Department	\$ 28,000.00	\$ 28,000.00
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Buildings and Grounds Supervisor Art Fross presented the request for funds appropriated to the Cumulative Capital Fund for equipment for Maintenance and Grounds, as directed at the 2005/2006 budget hearings last September.

The request for \$28,000.00 in line item 04018.00, Maintenance & Grounds Department, was approved on a motion made by Mr. Singer and seconded by Mr. Ortman.

Mr. Fross informed the Council of an Additional Request for funds to be submitted at the May Council meeting, for the Courthouse Drive and Sidewalk Project.

Mr. Fross introduced Mr. Scott Reed, the new Assistant Buildings and Grounds Supervisor, effective May 1, 2006. Mr. Reed was welcomed by the Council.

Total Cumulative Capital Funds		\$ 28,000.00	\$ 28,000.00
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165 **Howard County ISDH West Nile Prevention Fund**

02360.00	Supplies - Larvicide	\$ 900.00	\$ 900.00
04720.00	Equipment	\$ 100.00	\$ 100.00

Health Department Director Kristine Conyers reported to the Council that the State Department of Health is offering grant money, again this year, for West Nile Virus Prevention. It is a reimbursable grant and must be used by December 31, 2006.

A motion was made by Mr. Papacek, seconded by Mr. Stout, and carried to approve \$900.00 in line item 02360.00, Supplies - Larvicide and \$100.00 in line item 04720.00, Equipment.

Total ISDH West Nile Prevention Fund		\$ 1,000.00	\$ 1,000.00
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515 **Howard County Sheriff Misdemeanant Fund**

04722.00	Computers (<i>Book-In</i>)	\$ 1,200.00	\$ 1,200.00
04725.00	Building Repair (<i>New Drawers</i>)	\$ 1,298.76	\$ 1,298.76
04721.00	Equipment (<i>Panic Alarm - Jail Side Court System</i>)	\$ 714.18	\$ 714.18
04721.00	Equipment (<i>Security Partition / Window Armor</i>)	\$ 608.00	\$ Withdrawn
04721.00	Equipment (<i>9 Police Radios @ \$675.00 ea</i>)	\$ 6,100.00	\$ 6,100.00

Sheriff Talbert presented requests for specific items to be paid from the Misdemeanant Fund for computers, new drawers, panic alarm and police radios. The request for a security partition and cage for a Sheriff's Vehicle (04721.00, \$608.00) was withdrawn. Other funds have been used for this request.

A motion was made by Mr. Ortman, seconded by Mr. Singer and carried to approve the Misdemeanant Fund requests as listed above.

Council Member Singer expressed appreciation to Sheriff Talbert and commended him for his use of the Misdemeanant Fund for equipment, taking some pressure off the General Fund. Sheriff Talbert informed the Council that \$66,500.00 has been approved by the Department of Corrections for this year and the money will be direct deposited.

Total Howard County Sheriff Misdemeanant Fund		\$ 9,920.94	\$ 9,312.94
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Total Additional Appropriations All Funds		\$ 1,176,548.46	\$ 1,077,771.94
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IN THE MATTER OF RESOLUTION NO. 2006-HCC-08 - TRANSFERS:

	Transfer From:	To:	Amount Requested	Allowed
<u>001</u>	<u>Howard County General Fund</u>			
<u>020</u>	<u>Howard Haven</u>			
01114.00	Housekeeper / Cook	01117.00 Part Time	\$ 10,000.00	\$ 10,000.00

Howard Haven Superintendent Tom Tolen took this opportunity to update the Council as to the finances, activities, and donations involving Howard Haven. Mr. Tolen explained that there is a part time worker working full time hours and the money needs to be transferred to cover those wages.

A motion was made by Mr. Papacek to approve the transfer request as listed above. Mr. Papacek also commended Mr. Tolen and his staff for their work in alerting the community to the need for donations, and commended the Community and its charitable organizations for their generosity. The motion was seconded by Mr. Stout and carried.

924		<u>Howard County Community Corrections</u>			
44000.00	Home Monitoring Equipment	39900.00	Misc. Services	\$ 15,000.00	\$ 15,000.00
44000.00	Home Monitoring Equipment	31700.00	Pagers	\$ 1,000.00	\$ 1,000.00
44000.00	Home Monitoring Equipment	32000.00	Telephone	\$ 1,000.00	\$ 1,000.00
44000.00	Home Monitoring Equipment	33000.00	Repair & Maint.	\$ 1,500.00	\$ 1,500.00
12000.00	Workers Compensation	15200.00	Insurance	\$ 1,000.00	\$ 1,000.00
12000.00	Workers Compensation	01121.00	Part Time	\$ 870.00	\$ 870.00
01118.00	Field Officer	15200.00	Insurance	\$ 200.00	\$ 200.00
13000.00	Unemployment	01121.00	Part Time	\$ 200.00	\$ 200.00
13000.00	Unemployment	15000.00	FICA	\$ 2,605.00	\$ 2,605.00

925		<u>Howard County Community Corrections</u>			
15200.00	Insurance	15800.00	PERF	\$ 775.00	\$ 775.00
12000.00	Worker's Compensation	15800.00	PERF	\$ 1,045.00	\$ 1,045.00
01118.00	Field Officer	15800.00	PERF	\$ 490.00	\$ 490.00
13000.00	Unemployment	15000.00	FICA	\$ 1,475.00	\$ 1,475.00
13000.00	Unemployment	15800.00	PERF	\$ 72.00	\$ 72.00

Community Corrections Officer Steve Maus informed the Council of year-end transfers to balance the funds. Fund 924 reflects User Fee money and 925 is the grant money. The Council was reminded that these funds are on a July 1st to June 30th year. In the original transfer copy, in both 924 and 925, the line items **FROM** Field Officer, 01118.00 had been advertised as 1000.00, Part Time. These requests were clarified by Mr. Maus and amended as stated above.

The requests for Transfer in Funds 924 and 925 were approved as listed with the above stated amendments on a motion made by Mr. Papacek and seconded by Mr. Singer.

IN THE MATTER OF SALARY ORDINANCE NO. 2006-HCC-19 - AMENDING SALARY ORDINANCE FOR 2006:

Salary Ordinance No. 2006-HCC-19 was read in full by Auditor Ann Wells and acted upon as follows:

		REQUESTED:	APPROVED:
001	<u>Howard County General Fund:</u>		
005	<u>Howard County Sheriff Department</u>		
01119.01	Corrections Officer <i>Line Item will read 34 for a total of \$959,956.00 Addition due to new Superior Court IV</i>	\$ 28,234.00	\$ 28,234.00
01131.00	Civilian Transport <i>Addition due to new Superior Court IV</i>	\$ 28,363.00	\$ 28,363.00
01331.01	Uniform Correction Officer (2 at \$400 each)	\$ 800.00	\$ 800.00
012	<u>Howard County Prosecutor</u>		
01113.05	Deputy Prosecutor - Circuit Court	\$ 38,054.00	\$ Withdrawn
01113.06	Deputy Prosecutor - Superior Court IV	\$ 38,054.00	\$ 38,054.00
01118.00	Criminal Enforcement Clerk	\$ 27,633.00	\$ 27,633.00

On a motion made by Mr. Papacek and seconded by Mr. Stout, Salary Ordinance No. 2006-HCC-19 was approved.

IN THE MATTER OF THE ECONOMIC DEVELOPMENT ORGANIZATION STUDY:

Commissioner Brad Bagwell spoke to the Council concerning a study he presented to the Council at the March 28th meeting (please refer to page four, "In The Matter Of The Study Of The Economic Development Organizations" of the Council meeting minutes dated March 28, 2006). At that time he informed the Council of the possibility of asking for EDIT Funds in the amount of \$12,500.00. In the past few weeks money has come from other sources to help defray the costs, and at the May Council Meeting he will bring a request for \$6,500.00 from EDIT Funds.

IN THE MATTER OF A STUDY FOR CRIMINAL JUSTICE CENTER CONTINGENCY PLAN:

Mr. Bagwell will bring a request to the May Council meeting for \$16,500.00 from EDIT Funds, on behalf of the Criminal Justice Coordinating Committee. This request will be to fund a study concerning contingency future plans for the Criminal Justice Center if the new Superior Court IV, the Drug Court, and other initiatives do not significantly reduce the jail population.

IN THE MATTER OF SHERIFF COMMISSARY REPORT:

Sheriff Talbert submitted copies of the Monthly Commissary Report for March, 2006, and briefly clarified issues concerning new deputies and their equipment and uniforms and course supplies. The new deputies are doing well, academically, at the academy.

IN THE MATTER OF RESOLUTION NO. 2006-HCC-20, THE PROPOSED INTERLOCAL AGREEMENT WITH SOIL AND WATER:

County Attorney Larry Murrell submitted an Interlocal Agreement, a Memorandum of Understanding between Howard County and the Howard County Soil and Water Conservation District. This Agreement was approved by the Board of Commissioners at their meeting on April 17, 2006 (please refer to page 3, "In The Matter Of The Proposed Interlocal Agreement Between Howard County And The Howard County Soil And Water Conservation District", of the April 17, 2006 Regular Commissioner Meeting minutes). Mr. Murrell went on to explain that this agreement is to contract with the Soil & Water Conservation District for Rule 5 Pollution Prevention Plan reviews and site inspections that the MS-4 Coordinator and staff do not have the manpower to do. These services are at no cost to the County. On a motion made by Mr. Singer and seconded by Mr. Papacek, Resolution No. 2006-HCC-20, The Proposed Interlocal Agreement with Soil and Water was approved.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:53 p.m. on a motion made by Mr. Papacek and seconded by Mr. Singer.

HOWARD COUNTY COUNCIL:

RICHARD H. MILLER, PRESIDENT

STANLEY ORTMAN, COUNCILMAN

JAMES PAPACEK, VICE PRESIDENT

JEFFREY A. STOUT, COUNCILMAN

DWIGHT SINGER, JR. COUNCILMAN

JOSEPH A. PENCEK, COUNCILMAN

LESLIE ELLISON, COUNCILMAN

ATTEST:

ANN WELLS
County Council Minutes April 25, 2006