

HOWARD COUNTY COUNCIL REGULAR MEETING JUNE 27, 2017

The Howard County Council met in Regular Session on Tuesday, June 27, 2017, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Richard Miller, Vice President Jim Papacek, and members Les Ellison, Jeff Stout, John Roberts, and Dwight Singer. Also present were County Attorney Larry Murrell, Assistant County Attorney Alan Wilson, and Auditor Martha Lake. Mr. Ortman was not present.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Miller.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the Regular Council meeting dated May 23, 2017 were submitted and reviewed. A motion made by Mr. Papacek to approve the minutes as submitted. The motion was seconded by Mr. Singer. Mr. Miller called the Councilmen's attention to page 5, item 2 under, "In The Matter Of New Business". Attorney Larry Murrell asked that the Councilmen review Issue 2 and approve the language as given by Mr. Murrell. The motion to approve the minutes as submitted was approved.

At this time, Councilman Papacek led in the in the Pledge of Allegiance and Mr. Stout offered a word of prayer.

IN THE MATTER OF COUNCIL COMMENT:

Mr. Miller opened the floor for Council comment as follows:

Councilman Ellison: Mr. Ellison thanked the Councilmen and the County for the prayers and cards received during his recent illness.

IN THE MATTER OF THE KOHL'S CASE UPDATE:

Mr. Mark Gia Quinta is an assessment attorney and offered an update to the Kohl's case. Mr. Gia Quinta appreciates public service and comes from a family that has been involved in public service. He spoke concerning the Big Box store controversy and how it began with large retailers that began seeking reductions in the tax assessments based on appraisals using comparables of "dark" stores" (the value of the store is what they can expect to sell the store for). Indiana is one of two states that assesses "market value in use" (current use). Using "dark store" comparables means that the State of Indiana stands to lose \$3.2 billion of assessed value, shifting the tax burden from the commercial taxpayers to the residential taxpayers, unless those residential taxpayers are already capped. In that case, those tax dollars are lost. Mr. Gia Quinta was called in on the case when it went to the Indiana Supreme Court, stating that what happens in the Howard County case will set a precedent for the whole state of Indiana. The Indiana Supreme Court voted to "not take the case", so no determination has been made and no precedent has been set. Mr. Gia Quinta's team is now working to resolve the issue through Market Segmentation, a strategy designed by the Department of Local Government Finance. He believes this will not ease the burden and that the Supreme Court will have to decide to hear the case. Until that time, his team is also working with our State legislators to allow assessors and counties in Indiana to establish a fund that the counties can share, "when a matter of statewide importance is presented to the courts." Mr. Gia Quinta also explained to the Council the court case that was heard today, concerning assessing of hospitals under some special circumstances.

IN THE MATTER OF ORDINANCE NO. 2017-HCCO-23 – ADDITIONAL APPROPRIATIONS:

Auditor Martha Lake read through Ordinance No. 2017-HCCO-23 – Additional Appropriations one time, and it was acted upon as follows:

<u>1000</u>	<u>Howard County General Fund</u>	AMOUNT	
<u>0005</u>	<u>Howard County Sheriff Department</u>	REQUESTED:	APPROVED:
11907	Overtime Deputy	\$ 50,000.00	\$ 50,000.00

Sheriff Rogers explained that this request is to continue to fund Deputies' Overtime for both the jail work and out on the streets. He believes this should last to the end of the year.

A motion was made by Mr. Singer to approve the request of \$50,000.00 to line 11907, Overtime Deputy. The motion was seconded by Mr. Ellison and carried.

<u>1114</u>	<u>LIT – Special Purpose Fund</u>		
0380	Sheriff / Jail		
47210	Equipment (Riso Machine)	\$ 5,595.00	\$ 5,595.00

Sheriff Rogers is asking for this appropriation in order to purchase a RISO Machine for the Jail side. Sheriff Rogers also submitted the May, 2017, Sheriff's Commissary Report.

A motion was made by Mr. Papacek, seconded by Mr. Roberts, and carried, to approve the request of \$5,959.00 to line item 47210, Equipment.

<u>1112</u>	<u>LIT – Economic Development Fund</u>		
47245	Building Upgrades – Work Release	\$ 1,300,000.00	\$ 1,300,000.00

Commissioner President Paul Wyman reminded the Council members that in November, 2016, the Council approved \$1.3 million dollars from the LIT-EDIT fund to be used to renovate the Old Jail facility into a Work Release Center (*please refer to pages 3 and 4, "In The Matter Of Revisiting The Work Release Center", of the November 22, 2106, Regular Meeting minutes*). A contract with DLZ, Indiana, has been signed and the engineering plans should be available soon for the Council and Commissioners to review. The first part to be completed will be the men's floor.

A motion was made by Mr. Roberts to approve the request of \$1.3 million dollars to line item 47245, Building Upgrades (Work Release). The motion was seconded by Mr. Ellison and carried.

TOTAL ADDITIONALS ALL FUNDS **\$ 1,355,595.00** **\$ 1,355,595.00**

IN THE MATTER OF RESOLUTION NO. 2017-HCCR-13 – TRANSFERS:

Ms. Lake read Resolution No. 2017-HCCR-13 – Transfers in full, one time, and it was acted upon as follows:

	Transfer From:	To:		Requested:	Approved:
<u>1188</u>	<u>Howard County Reassessment Fund</u>				
11320	Trending Deputy	11305	Reassessment Deputy	\$ 22,500.00	\$ 22,500.00

Auditor Lake explained that the Assessor's office had a position vacated, and, through the attrition policy, reduced the payroll line item by \$22,500.00. However, the wrong line item was reduced so this housekeeping request is to correct the reduction.

<u>1216</u>	<u>Howard Co Ineligible Homestead Fund</u>		
31200	Contract Services	47220	Computer Hdwr/Sftwr
		\$ 15,000.00	\$ 15,000.00

This request is to pay for additional software issues with the Financial Software conversion, and also an additional license in the Docuware software for use in the financial office.

A motion was made by Mr. Papacek, seconded by Mr. Singer, and carried, to approve Resolution No. 2017-HCCR-13 – Transfers, as read.

IN THE MATTER OF SALARY ORDINANCE NO. 2017-HCCO-24 – AMENDING SALARY ORDINANCE FOR 2017:

Auditor Martha Lake read Salary Ordinance No. 2017-HCCO-24 – Amending Salary Ordinance for 2017 through one time, and it was acted upon as follows:

		AMOUNT	
<u>1000</u>	<u>Howard County General Fund</u>	REQUESTED:	APPROVED:
0005	Howard County Sheriff Department		
11907	Deputy Overtime	\$ 50,000.00	\$ 50,000.00
<u>1188</u>	<u>Howard County Reassessment Fund</u>		
11305	Reassessment Deputy	\$ 22,500.00	\$ 22,500.00
11320	Trending Deputy	\$ (22,500.00)	\$ (22,500.00)

A motion was made by Mr. Singer, seconded by Mr. Papacek, and carried to approve Salary Ordinance No. 2017-HCCO-24 Amending Salary Ordinance for 2017, as read.

IN THE MATTER OF A LETTER OF INTENT CONCERNING THE COMMUNITY CROSSINGS GRANT:

Highway Engineer/Superintendent Ted Cain submitted and read a letter to the Indiana Department of Transportation Local Public Agency Program confirming support from the Howard County Board of Commissioners and the Howard County Council of using one million dollars from a combination of Howard County funds, in order to obtain matching funds from the Community Crossings Matching Grant Program. Confirmation was also made of support to use the funds to enhance the county's paving program. Both the program and funds will be overseen by Mr. Cain. The letter was approved and signed by the Board of Commissioners at their June 19 meeting. A motion was made by Mr. Papacek to approve the letter as submitted. The motion was seconded by Mr. Stout and carried. Mr. Cain fielded questions by Mr. Roberts.

IN THE MATTER OF A JOINT RESOLUTION NO.2017-BCCR-HCCR-14:

Auditor Martha Lake submitted and read Joint Resolution No. 2017-BCCR-HCCR-14, a resolution of the Howard County Commissioners and Howard County Council honoring Lawrence R. Murrell upon his retirement from public service;

WHEREAS, Lawrence R. "Larry" Murrell was admitted to the Bar in 1964, and has served his clients with a high level of efficiency and expertise; and

WHEREAS, Larry entered public service as the Howard County Attorney on a part-time basis in January 1993, until he retired from private practice and became the full-time Howard County Attorney in 2005; and

WHEREAS, in his service as Howard County Attorney, Larry brought incredible legal expertise, knowledge and energy and spent countless hours providing guidance to Howard County over a vast array of projects. Larry was instrumental in getting the EDIT Fund approved to pay for the infrastructure for ITP One and Two, and also managed the drafting of the Abatement documents. Larry was also instrumental in managing Howard County's successful journey through the Chrysler bankruptcy during the time of recession; and

WHEREAS, Larry served Howard County, the Board of Commissioners, the County Council, and numerous Boards with the highest degree of integrity, legal knowledge, and a high level of common sense. Larry made himself available to help regardless of the size of the project or problem. Larry encouraged each group and individual to call upon him concerning any and all legal or ethical questions, and every word of advice from Larry was backed up by statute and/or precedent. His first concern was always to protect Howard County and taxpayer dollars. Larry was never judgmental or condescending, and truth, trust and transparency are words he has lived by; and

WHEREAS, after his years of service to county government and the taxpayers of Howard County, Larry is retiring from his full-time position as Howard County Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE HOWARD COUNTY COMMISSIONERS AND HOWARD COUNTY COUNCIL AS FOLLOWS:

1. Lawrence R. Murrell is hereby publicly recognized and honored for his outstanding record of public service to Howard County government and the citizens of Howard County.

2. Lawrence R. Murrell is hereby commended for his exemplary work ethic and legal expertise and guidance, which have been invaluable assets to all of Howard County.

3. In honor of Larry's remarkable career of public service, the Commissioners and Council hereby declare and dedicate June 30, 2017, as "Lawrence R. Murrell Day" in Howard County, Indiana.

4. A copy of this Resolution shall be delivered to Lawrence R. Murrell and shall be made a part of the official records of the Howard County Board of Commissioners and the Howard County Council.

DULY ADOPTED THIS 27TH DAY OF JUNE, 2017.

A motion was made by Mr. Papacek to approve Resolution No. 2017-BCCR and HCCR-14 as read. The motion was seconded by Mr. Singer, Mr. Ellison, Mr. Stout, and Mr. Roberts, and carried. Ovation and applause were given to Mr. Murrell by all in attendance.

At this time Mr. Murrell spoke, thanking the Council for the privilege to serve as the attorney for the past 24 ½ years. “It’s been an honor and it’s been a blessing in my life. And I will miss all of you and I wish you the best. Thanks.”

Mr. Miller opened the floor for comment and the following responded:

Councilman John Roberts: Mr. Roberts mentioned the fact the Mr. Murrell served as President of the YMCA, and that Mr. Murrell is a soulful and moving pianist.

Councilman Jeff Stout: He served with Mr. Murrell on the bank board. He appreciates how Mr. Murrell has taken the lead in working through so many “bumps in the road”, and being a calming influence. If retirement doesn’t work out, Mr. Stout is looking for a pianist at his funeral home.

Councilman Jim Papacek: Mr. Murrell’s counsel has been excellent and he has a way of soothing anxiety. “I don’t think the citizens of Howard County will ever understand the debt they owe you with the Chrysler bankruptcy.” He thanked Mr. Murrell on behalf of the citizens of Howard County, and himself.

Councilman Les Ellison: Mr. Ellison expressed appreciation for the personal friendship with Mr. Murrell and for the ride home.

Councilman Dwight Singer: “There’s not a bump in the road that you can’t fix.”

Councilman Richard Miller: “Mr. Stout and I went to Martinsville, recently, and I was really surprised when we got to the outskirts of that majestic city. It said ‘Entrance to the South’ and ‘Boyhood home of Lawrence R. Murrell’. And I was shocked, and we talked about that for some length of time.” “I’ve never met an attorney that was willing to listen to two sides of something and try to make that work.”

Mr. Miller introduced former County Assessor, Jamie Shepherd, and she came to the podium and offered this poem.

ODE TO MURRELL

Get on board this really long flight
Put your seat belt on and clutch the armrest tight.
The flight will take you to a beautiful destination,
It’s called “Retirement”, life’s best vacation.

Before we allow you to depart
We must take you down memory lane.
Through the gates of the County Kingdom
Where you’ve had supreme reign.

If everyone could buckle up
And be prepared for the ride,
I am honored to be your captain
As well as your tour guide.

Since Murrell is the King of poems
We could not allow him to depart
Without a few words before he leaves
To be the next greeter at Wal-Mart.

You have worked with the likes of many
Commissioners, Councilmen, Mayors, O my!
We could not even list them all
As you know the list would be sky high.
We have lost some to retirement,
We have lost some to election.
We have lost some to the City
We have lost others to depression.

I would be remiss to not mention
Those that we have mourned the loss.
Raver, Griffey, Harbaugh, and Shearer,
They each did bear the cross.

I am sure as you look back
You have some fond memories
That you took from each,
That could last centuries.

When looking for Harbaugh
We knew he was around
In the Auditor's supply closet
He could always be found.

Raver was a gem to this county.
The Admin Center and Courthouse Renovation,
Where you both worked so hard
And were faced with constant aggravation.

You have given us all such great counsel
That goes far beyond the legal scope.
All you were missing was a couch
Because you helped each of us cope.

We all knew when you were busy
Because you would hang a sign for all to see.
However, you told everyone they were exempt
When, really, I knew you meant just me.

You are so many things to so many
For some, you kept them out of jail.
For others you kept the Perspective
From getting their e-mail.

Of course we all remember
That Bill failed that quiz,
And took the printed copies
And gave them all of his.

From this we learned a valuable lesson
On how to handle the legality
So we copied you on every e-mail
To cover it under Attorney/Client confidentiality.

You balanced your two clients quite well
By helping the Council and Commissioners avoid a clash.
You really knew how to "walk the line"
In other words, you were just like Johnny Cash.

There was never anyone better
At playing the game of Chess.

We're all so fortunate
That you covered us on public access.

While working with others
Where the result was speed

I can hear you exclaim,
‘Damn the details – do the deed.’

One place you knew well,
Besides the Courtroom
Was the inside of
The infamous “War Room”.

To recall all that happened in that room
Chrysler, Delphi, GM to name a few,
Crowe and Barnes would always join us
We always had the winning crew.

A few will, of course, remember
When our attorney made someone look like a clown
And reminded them of the Sales Disclosure sign
As he put the hammer down.

We all knew we could talk freely
It was a place we knew we were able
I, of course, took that to a new level,
And kicked someone under the table.

It is amazing you could balance
And keep everyone steady.
When the approach was often
“Fire, Aim, Ready”.

When you were listening to a pile of crap,
I know you and Miller were waiting
For one or the other to say
“Well, that’s fascinating.”

A few of us know about the stamp
You gave to Wells, to help with the stress.
It was a phrase she knew well
Complete and utter BS.

When Koontz would come to see you
It was a document she would bring.
Because of her, you coined the phrase,
“Just record the damn thing”.

Brook is following suit
She will never agree
To give businesses or individuals
Public documents for free.

With the winds a blowing
And the mills in question,
Larry flew with Wyman
To see the Texans.

From the flights being cancelled
To the new Uber rides
Larry took it all in
With his casual stride.

Tyler always addressed you as “Obi”
This was never a fluke.
Of course you are a great “Master”
And Tyler is your “Luke”.

When the Sheriff was in town
He would hate to interrupt.
His issues were like no other
You simply can’t make this stuff up.

To me you are so many things,
You always make everything better.
From being my dear friend, my FA,
To helping me write a “Dear John” letter.

Should you begin to miss us
And want to play hooky,
Martha will always have
A hug and a cookie.

As I try to wrap this up
I know I can never say enough,
To put into words what you mean
How saying “Goodbye” would be tough.

Larry, you are the glue that held us all together
You are a true “Pillar” of this community.
You are a leader and a mentor
You brought this county unity.

So, like the Godfather,
We’ll kiss your ring
Sending you away,
Hailing you the King.

The time has come for us to bid farewell
We all wish you nothing but the best.
You will always be remembered
And will forever be above the rest.

*There being no further business to come before the Council at this time,
the meeting was adjourned at 5:12 p.m. on a motion
made by Mr. Papacek, seconded by all, and carried.*

HOWARD COUNTY COUNCIL:

RICHARD. H. MILLER, PRESIDENT

JAMES T. PAPACEK, VICE PRESIDENT

LESLIE W. ELLISON, MEMBER

STANLEY E. ORTMAN, MEMBER

JEFFREY A. STOUT, MEMBER

JOHN J. ROBERTS, MEMBER

DWIGHT V. SINGER, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR

Howard County Council Meeting June 27, 2017