

HOWARD COUNTY BOARD OF COMMISSIONERS' MEETING JUNE 20, 2016

The Howard County Board of Commissioners met in Regular Session on Monday, June 20, 2016, at 4:00 p.m. in Hearing Room 338 of the Howard County Administration Center. Those in attendance included President Paul Wyman, Vice President Tyler Moore, and Member Brad Bray. Also in attendance were County Attorney Larry Murrell, Assistant County Attorney Alan D. Wilson, and Auditor Martha Lake.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Wyman. Commissioner Bray led in the Pledge of Allegiance and Vice President Moore offered a word of prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the June 6, 2016, Regular Meeting, having been previously submitted and reviewed, were approved as submitted on a motion made by Mr. Moore, seconded by Mr. Bray and carried.

IN THE MATTER OF SPECIAL RECOGNITION:

President Wyman submitted Resolution No. 2016-BCCR-18, a resolution of the Howard County Board of Commissioners designating the Markland and Park Bridge as the "Deputy Carl A. Koontz Memorial Bridge". The Board of Commissioners had been in contact with Mrs. Cassie Koontz, regarding this way to memorialize her husband Deputy Carl A. Koontz. She was in full agreement as a tangible way to assure that his legacy continues, and to be an encouragement and legacy to their son, Noah. Mr. Wyman thanked Mr. Cain for his assistance with this designation and for making the appropriate signage. Commissioner Moore read Resolution No. 2016-BCCR-18 as follows:

RESOLUTION NO. 2016-BCCR-18

A RESOLUTION OF THE HOWARD COUNTY BOARD OF COMMISSIONERS DESIGNATING THE MARKLAND AND PARK BRIDGE AS THE "DEPUTY CARL A. KOONTZ MEMORIAL BRIDGE"

WHEREAS, Carl A. Koontz graduated from Western High School in 2007 and received his Bachelor's Degree in Business Finance from Indiana University at Kokomo in 2011; and, after serving over a year as a Howard County Corrections Officer, on July 15, 2013 Carl proudly joined the Howard County Sheriff's Department as a Merit Deputy; and

WHEREAS, Early in his law enforcement career Deputy Koontz exhibited extraordinary dedication to his profession and his community, in particular serving with distinction as a Resource Officer for Northwestern Schools; and

WHEREAS, on March 20, 2016 Deputy Koontz was tragically killed in the line of duty, making the ultimate sacrifice for the safety and well being of all Howard County Citizens; and

WHEREAS, to preserve the memory of Deputy Koontz and his service to Howard County, this Board deems it appropriate and fitting to name the Markland and Park Bridge in his honor.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Bridge located in Howard County at the intersection of Markland Avenue and Park Avenue is hereby designated and named as the "Deputy Carl A. Koontz Memorial Bridge;" and an appropriate plaque and signage displaying such designation shall be upon and at either end of the bridge.

2. This Resolution shall be effective upon adoption and signature by the Board.

Adopted with our deepest respect and gratitude this 20th day of June, 2016.

HOWARD COUNTY BOARD OF COMMISSIONERS

A motion was made by Mr. Moore to approve Resolution No. 2016-BCCR-18, a Resolution of the Howard County Board of Commissioners designating the Markland and Park Bridge as the "Deputy Carl A. Koontz Memorial Bridge". The motion

was seconded by Mr. Bray and carried. Mr. Wyman recognized Mrs. Cassie Koontz and her family, who could not be in attendance, Senator Donnelly's Office, and Highway Engineer / Superintendent Ted Cain.

IN THE MATTER OF DEPARTMENTAL ISSUES:

HIGHWAY DEPARTMENT:

Highway Department Engineer / Superintendent Ted Cain informed the Board of Commissioners that he would need their signatures on a letter confirming their commitment to use the LOIT Special Funds as a matching portion (\$550,000.00) for a Community Crossing Grant that Mr. Cain is applying for. This grant, if approved, will be used to pave roads throughout Howard County.

Mr. Cain also needs their signatures (along with Council members) on a letter giving approval for the use of the Special LOIT Funds, and approval for the paving program for which the funds will be used.

A motion was made by Mr. Moore, seconded by Mr. Bray, and carried to approve and sign the Commitment Letter and the Letter of Support for the use of the Special LOIT money (\$550,000.00) as the matching portion of the Community Crossings Matching Grant, for the Howard County Paving project.

PERSONNEL DEPARTMENT:

1) Personnel Director Debbie Lorenz informed the Commissioners that the PAC met on Thursday, June 9th, at the request of Treasurer Wes Reed. The Chief Deputy position vacated by Mr. Reed, will be filled in house. Mr. Reed has requested to rename the position Supervising Deputy. The 2nd Deputy position that was vacated, Mr. Reed will not rehire, asking current staff to absorb the responsibilities. This will save the County over \$29,000.00 plus benefits. Mr. Reed would like to allocate 15% of the 2nd deputy position to the remaining employees as follows: increasing Supervising Deputy position from \$34,774.00 to \$36,566.00; increase First Deputy Position (2 employees) from \$32,259.00 to \$33,603.00. The PAC has approved this request. Mr. Wyman and Mr. Moore commended Mr. Reed in this act of attrition. A motion was made by Mr. Moore to approve the PAC recommendation as submitted, for the Treasurer's Office and forward the recommendation to the County Council. The motion was seconded by Mr. Bray and carried.

2) Ms. Lorenz submitted the Howard County, Indiana Title VI Non-Discrimination Policy, prohibiting discrimination on the basis of race, color, national origin, disability, sex, age, low income status or limited English proficiency in programs and activities receiving Federal financial assistance. This action will guide Howard County in its administration and management of Title VI related activities. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve the Howard County, Indiana Title VI Non-Discrimination Policy as submitted.

3) On behalf of Ms. Lorenz, County Attorney Larry Murrell submitted Ordinance No. 2016-BCCO-20, an Ordinance revising Howard County's workplace smoking policy. In this amended Ordinance, Section 1 is repealed, and will be replaced with Section 5.7, County Workplace Smoking Policy as follows:

Section 5.7 County Workplace Smoking Policy

- a. **As used in the Section, "smoking" means using, carrying or holding a lighted cigarette, cigar or pipe; or an activated 3-cigarette, e-cigar, e-hookah, or e-pipe (commonly referred to as "vaping").**
- b. **To protect and enhance indoor air quality and contribute to the health and well-being of all County employees and visitors, all County-owned buildings are hereby declared to be smoke and vape free.**

A motion was made by Mr. Moore to approve Ordinance No. 2016-BCCO-20 as submitted. The motion was seconded by Mr. Bray and carried.

HOWARD HAVEN COUNTY HOME:

Howard Haven Superintendent Jennifer Vary Brower submitted an Admission Application on behalf of Mr. Danny Lee Smith. Mr. Smith is a Howard County resident and will be self - funded. After review of the application, a motion was made by Mr. Moore to approve the Admission Application of Mr. Danny Lee Smith with the usual Ninety (90) day probation period. The motion was seconded by Mr. Bray and carried.

JUVENILE PROBATION:

Chief Probation Officer Dustin Delong submitted a request, on behalf of the Juvenile Probation Department, for two (2) new vehicles to replace the current 2001 and 2008 vehicles. Mr. Delong would like to pay for these vehicles from the unexpended balances in grants 9114 (JDAI) and 9103 (SHOCAP). He has received several quotes and would recommend the purchase of a 2015 Dodge Journey and a 2014 Chrysler 200, both from Erik's Chevrolet. Mr. Delong needs an additional \$2,100.00 and requests permission to use Cumulative Capital Fund (Vehicle line item) money. A motion was made by Mr. Moore to approve the purchase of the 2015 Dodge Journey and the 2014 Chrysler 200 from Erik's Chevrolet, \$2,100.00 to be paid from the Cum Cap Fund, 1138-000-04723.23, and the remaining amount to be paid from the JDAI Grant, 9114, and the SHOCAP Grant, 9103, subject to legal review of purchasing practices. The motion was seconded by Mr. Bray and carried.

IN THE MATTER OF ORDINANCE NO. 2016-BCCO-21:

Mr. Steven Ray from North Central Regional Planning Council was in attendance to speak concerning the amendment of the Fair Housing Ordinance. Ordinance No. 2016-BCCO-21 is an ordinance of the Howard County Board of Commissioners updating its Fair Housing Ordinance to comply with the requirements of the Department of Housing and Urban Development (HUD). Currently, Howard County has three (3) HUD-funded grants in process: an OCRA Workforce Development Grant where Howard County is the lead applicant on behalf of the North Central Regional Planning Council; a CDGB Planning Grant where Howard County is the lead applicant on behalf of the Town of Russiaville (sewer project); a Blight Elimination Grant through the IHCD. About a month ago Mr. Ray contacted the Board of Commissioners, explaining that in order to receive the approved funds for these grants, Howard County must amend their current Fair Housing Ordinance (Ordinance 1994-45) to the Model Ordinance that revises the definition of "family" to include families "regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members". The Commissioners are troubled by this particular language to be inserted into the Ordinance, especially considering that this new definition of "family" has no support in any act of congress. It is a definition imposed by "executive fiat"; and as such, this amended Ordinance is, "ADOPTED UNDER PROTEST". The introduction to this Ordinance was read by Mr. Wyman, and the complete ordinance is on file in the Auditor's Office. At the conclusion of public comment (one question posed) a motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve Ordinance No. 2016-BCCO-21 UNDER PROTEST. Mr. Murrell commended the Board of Commissioners in this action. The Commissioners expressed gratitude to Mr. Ray for his patience in this matter.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Martha Lake submitted the following issues for the Board's information and approval:

1. **Salary Claims:** Ms. Lake submitted the Commissioners' Salary, Hourly, and Overtime Claims payable June 24 and July 1, 2016, in the amount of \$378,433.17 each. A motion was made by Mr. Bray to approve the Commissioners' Salary claims as submitted. The motion was seconded by Mr. Bray and carried.
2. **Operating Claims:** The Commissioners' Operating Claims, payable today, in the amount of \$466,697.35, were approved as submitted on a motion made by Mr. Bray, seconded by Mr. Moore and carried.
3. **Monthly Reports:** Ms. Lake submitted the Weights and Measures Report for the month of May 16 to June 15, 2016; the Weights and Measures Annual Report for June 16, 2015 to June 15, 2016; the EMA May and June Calendars and June Activity Listing. A motion was made by Mr. Bray to accept the Monthly Reports as submitted. The motion was seconded by Mr. Moore and carried.
4. **Confirm President's Signature:** Ms. Lake submitted an early paid claim for the Indiana County Council Association, and asked that Mr. Wyman's signature be confirmed. A motion was made by Mr. Bray, seconded by Mr. Moore and carried to confirm the signature of Mr. Wyman on the early paid claim.
5. **Subscriber Radio Agreement:** A claim for J & K Communications, in the amount of \$680,316.00 was submitted for payment but is being held pending the completion of the Subscriber Radio Agreement. This agreement holds the pricing of County radios, Fire Department radios and future radios at the same pricing rate through the end of December, 2017 including a three (3) year warranty. The \$680,316.00 claim is only for the County's radios. Project Manager Pam Isaac now submits the Subscriber Radio Agreement between J & K Communications Inc. and Howard County, Indiana, for approval. Mr. Murrell confirmed that the claim check to J & K Communications, in the amount of \$680,315.00, has not been included on today's

Operating Claim Docket and needs to be approved for early payment. A motion was made by Mr. Moore to approve the early payment of the J & K Communications claim, in the amount of \$680,315.00, under Rule 3 of Advanced Payment of Claims (Ordinance No. 2005-BCC-60). The motion was seconded by Mr. Bray and carried. A motion was then made by Mr. Moore, seconded by Mr. Bray and carried to approve the Subscriber Radio Agreement between J & K Communications, Inc. the Howard County Board of Commissioners, and authorize President Wyman to sign on behalf of the Board of Commissioners.

Ms. Isaac reported that both the Greentown and Russiaville towers are up and the microwave systems are installed. They are not yet functional.

6. **Amend Vehicle Purchase Amount:** Ms. Lake informed the Commissioners that at the March 21, 2016, Commissioners meeting, the Board approved the purchase of a 2016 Ford F250 ¾ Ton Pick Up Truck for the Highway Department. The approved purchase price was \$32,487.30. Mr. Cain later found that there was an addition error on the Quote that was \$10.00 short of the actual price. Ms. Lake is asking for approval of the amended amount to \$32,497.30. A motion was made by Mr. Moore, seconded by Mr. Bray, and approved to amend the approved purchase price to \$32,497.30.

IN THE MATTER OF A DEDICATION OF RIGHT-OF WAY:

County Attorney Larry Murrell submitted a Permanent Grant of Right-of-Way of easement situated on Parcel No. 34-04-06-151-006.000-002, owned by MZ Gas & Food Inc. A motion was made by Mr. Moore to accept the Permanent Grant of Right-of-Way from MZ Gas & Food, Inc. as submitted. The motion was seconded by Mr. Bray and carried.

IN THE MATTER OF COMMISSIONERS ISSUES:

Commissioner Wyman commented that Sergeant Buckley, Mrs. Cassie Koontz, and Noah Koontz will act as Grand Marshalls of the Haynes Apperson Festival Parade.

*There being no further business to come before the Board of Commissioners at this time
the meeting was adjourned at 5:03 p.m. on a motion made by
Mr. Bray, seconded by Mr. Moore and carried.*

HOWARD COUNTY BOARD OF COMMISSIONERS:

PAUL G. WYMAN, PRESIDENT

TYLER O. MOORE, VICE PRESIDENT

ROBERT B. BRAY, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Howard County Commissioner Meeting June 20, 2016