

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING NOVEMBER 17, 2014

The Howard County Board of Commissioners met in Regular Session on Monday, November 17, 2014, 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 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 SPECIAL RECOGNITION:

1) Sheriff Steve Rogers introduced E911 Coordinator Nick Capozzoli and informed the Commissioners that Mr. Capozzoli will be leaving Howard County employment in order to oversee and coordinate a 911 Consolidation Center for Madison County (Anderson, Indiana). After commending the outstanding job Mr. Capozzoli has done for Howard County, Sheriff Rogers turned the podium over to Mr. Capozzoli who said farewell to the Howard County Dispatch. He thanked the Board of Commissioners for their support, especially through the difficult years of consolidation. Mr. Capozzoli also thanked County Attorney Larry Murrell for all his work, Auditor Ann Wells and Auditor Martha Lake, and Deputy Auditor Konny Zurcher. Sheriff Rogers then stepped back to the podium to announce that Assistant Director – IDACS Coordinator Gary Bates will be assuming the role of 911 Coordinator. Gary Bates started employment with Howard County in 1995 after retiring from the air force. He began working in the Jail and also part time in the Dispatch Office, until 2000. Gary Bates has worked as a full-time Dispatcher, Supervisor, and as Assistant Director since 2004. Several other qualifications and responsibilities were listed, confirming that Mr. Bates is an excellent choice for the position of Coordinator. Mr. Bates expressed appreciation for the position and looks forward to working with the Commissioners and the Auditor Office. The Assistant Director position will be posted. The Commissioners expressed appreciation to Mr. Capozzoli for the fine work of guiding the County through the consolidation process, and a welcome to Gary Bates as the new director.

2) Commissioner Moore started the presentation with a thank you to all the area schools who participated in the Indiana State Scholastic Music Association. He then read Resolution No. 2014-BCCR-30, a resolution of the Howard County Board of Commissioners honoring Western High School Marching Panthers, in full as follows:

WHEREAS, on November 8, 2014, the Western High School Marching Panthers earned its record sixth championship in the past seven years at the Indiana State Scholastic Music Association State competition; and

WHEREAS, this extraordinary victory marked the 14th State championship for the Marching Panthers as they continue to dominate Class C competition; and

WHEREAS, by their dedication and determination, the Marching Panthers Band and Guard, and their Director Brian Caldwell, have distinguished themselves and the Western community and deserve public recognition for these exceptional achievements.

NOW, THEREFORE, BE IT RESOLVED BY THE HOWARD COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The Marching Panthers and Guard, and Director Caldwell and his staff, are hereby publicly recognized and honored for winning the school's 14th state championship and their sixth in the past seven years; and
2. The Western Band parents, student body, faculty, administration and community are hereby commended for their enthusiastic support of this exceptional organization; and
3. In honor of this remarkable accomplishment, the Commissioners hereby declare and designate November 17, 2014 as "*Marching Panthers' Day*" in Howard County, Indiana.
4. A copy of this Resolution shall be delivered to the Band and shall be made a part of the official records of the Howard County Board of Commissioners.

Duly adopted this 17th day of November, 2014

**Howard County Board of Commissioners.
Attested by Auditor Martha J. Lake**

A motion was made by Mr. Moore to approve Resolution No. 2014-BCCR-30, a resolution honoring Western High School Marching Panthers. The motion was seconded by Mr. Bray and carried.

Auditor Lake informed the Board that her grandson is a member of the current Marching Panther Band, and his father was, before him.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the November 3, 2014, having been previously submitted and reviewed, were approved on a motion made by Mr. Moore, seconded by Mr. Bray and carried.

IN THE MATTER OF DEPARTMENTAL REPORTS:

HIGHWAY DEPARTMENT:

On behalf of Highway Superintendent / Engineer Ted Cain, the Board of Commissioners opened the 2015 Highway Materials Bids as follows:

Item 1	Precast & Pre-stressed Beams	Primco Inc
Item 2	Various Grades Asphalt, Emulsion & Tar	Asphalt Materials Inc Mohr Construction Co A Division of E & B Paving James H. Drew Corporation
Item 3	Bituminous, Coated Aggregate, etc	Mohr Construction Co.
Item 4	Stone	Hanson Aggregates Irving Materials, Inc Martin Marietta Materials
Item 5	Equipment Rental	Primco, Inc.
Item 6	Diesel Fuel	North Central Co-op Petroleum Traders Corporation

A motion was made by Mr. Moore to take all the bids under advisement for further review by Mr. Cain. The motion was seconded by Mr. Bray and carried.

KINSEY YOUTH CENTER:

On behalf of KYC Director Jeff Lipinski, Auditor Martha Lake submitted a Functional Family Therapy Renewal Agreement for the license to use FFT training materials and deliver FFT services in the community. Attorney Murrell has reviewed this agreement and given his recommendation. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve the Functional Family Therapy Licensing Agreement and authorize the President to sign on behalf of the Board of Commissioners.

PERSONNEL:

Ms. McKillip informed the Board that it is time to prepare for the annual Anthem Open Enrollment. She introduced Mr. Doug Heath, our agent from Regions Insurance. Mr. Heath reviewed the policy with the Board of Commissioners stating that last week the Insurance Committee met and recommended there be no changes in the employee paid rates or in the plan for 2015. He also informed the Board that we are compliant with the Affordable Care Act, and have no penalties. The fund balance has increased to \$253,000.00 from this time last year and is sufficient to sustain the recommendations. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve the Anthem Renewal as presented.

ADULT PROBATION:

Chief Probation Officer Dustin Delong was in attendance and President Wyman asked that Mr. Delong please put this issue on the December 1st agenda.

RECORDER OFFICE:

Recorder Brook Cleaver submitted a Contingency Fee Attorney Agreement with Attorney J. R. Williams Law, LLC and Bondurant, Mixson & Elmore, LLP. This agreement is to represent the Howard County Recorder Office in a dispute with Black Knight Financial Services (successor in interest to LPS Real Estate Data Solutions, Inc.) regarding LPS's downloading and copying of various records without appropriate compensation to the Recorder of Howard County. Payment for attorney services will only be paid if a recovery from LPS is made, and will be shared by other counties named in the action. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve the Contingency Fee Attorney Agreement with Attorney J. R. Williams Law, LLC as submitted, and authorize the President to sign on behalf of the Board of Commissioners.

IN THE MATTER OF THE 2015 HOLIDAY AND COMMISSIONER MEETING SCHEDULES:

At the November 3rd meeting Auditor Lake had submitted the 2015 Holiday and Commissioner Meeting Schedules for the Commissioners' review and approval (*please refer to page two, issue four, "In The Matter Of Claims & Reports" of the Regular Meeting minutes dated October 20, 2014 meeting*). A motion was made by Mr. Bray to approve the 2015 Holiday and Commissioner Meeting schedules. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Martha Lake submitted the following claims and reports for the Commissioners' information and approval:

1. **Confirm Signature:** Ms. Lake submitted copies of Resolution No. 2014-BCCR-27, a proclamation in support of the 2014 Military Appreciation Days by the Howard County Board of Commissioners. This resolution was approved at the November 3rd meeting but was signed by the Commissioners on November 10th, for presentation at the opening ceremony (*please refer to page two, "In The Matter of Resolution No. 2014-BCCR-26" of the regular meeting minutes dated November 3, 2014*). A motion was made by Mr. Bray to confirm the Commissioners' signatures on Resolution No. 2014-BCCR-27, support of Military Appreciation Days. The motion was seconded by Mr. Moore and carried.
2. **Salary Claims:** The Commissioners' Salary, Hourly and Overtime claims payable November 21 and November 28, 2014, in the amount of \$355,961.06 each, were submitted, and approved on a motion made by Mr. Bray, seconded by Mr. Moore and carried.
3. **Operating Claims:** The Commissioners' Operating Claims dated today, in the amount of \$692,170.27, were submitted and approved on a motion made by Mr. Bray, seconded by Mr. Moore and carried.
4. **Monthly Reports:** The Clerk's Monthly Report for the month ending October 31, 2014 was submitted; the Recorder's Monthly Report for the month of October, 2014 was submitted. A motion was made by Mr. Bray to accept both reports. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

Howard County Attorney Larry Murrell submitted the following issues for the Commissioners' information and approval:

1. **Confirm Signature:** Mr. Murrell asked that the Commissioners confirm President Wyman's signature on a letter from Mendenhall & Associates, LLC stating that they would complete the application services for the Hardest Hit Fund, for an amount not to exceed \$4,000.00. These federal funds are for demolition assistance of abandoned homes from 2007, 2008, and 2009 as follows:

3767 CR 580 West, Kokomo, IN
422 East CR 50 North, Kokomo, IN
2023 North CR 100 West, Kokomo, IN
3010867 West CR 200 North, Kokomo, IN
8777 West CR 100 North, Kokomo, IN

President Wyman's signature was confirmed on a motion made by Mr. Moore, seconded by Mr. Bray and carried.

2. **Indemnification Regarding Tax Liens:** Mr. Murrell submitted an Indemnification Letter regarding tax liens on property purchased for the Touby Pike Project, Des No. 0710026. The acquisition of the property is subject to federal tax liens, and agents on behalf of the County have filed a request for discharge of the tax liens upon acquisition. So as not to hold up this State project, this letter from Howard County Board of Commissioners agrees to indemnify and hold the State of Indiana harmless from any claim, demand or liability, relating to the tax liens. A motion was made by Mr. Moore to approve the Indemnification Letter to the State of Indiana for project Des No. 0710026, and to authorize President Wyman to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.
3. **New Small Business Grant:** The Small Business Grant Committee has approved the grant application for The Man Cave Store, LLC. The Memorandum of Understanding with the Greater Kokomo Alliance will be ready for the Commissioners' signatures by the end of the week, and Mr. Murrell recommends they approve the MOU today and authorize the Commissioners to sign it after its completion. A motion was made by Mr. Moore to approve the Memorandum of Understanding between Howard County and the Greater Kokomo Alliance for The Man Cave Store, LLC. The motion was seconded by Mr. Bray and carried. Commissioner Wyman abstained from the vote.
4. **Congratulations:** Mr. Murrell extended congratulations to 911 Coordinator Nick Capozzoli and wished him success in his new endeavor. Mr. Murrell commented that he was "amazed at the way you handled both the issues and yourself in the re-organization...".

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER MOORE:

- 1) Mr. Moore congratulated the following Howard County Employees for their years of service as follows:

5 Years	Brook Cleaver Denise Dundas Lynette Wilson
10 Years	Steve Droke Tonya Stephenson
15 Years	Timothy Campbell Isaiah Christmas
20 Years	Ray Collins Julie Watkins
25 Years	Todd Everling Jeff Lowry
30 Years	Joseph Cross Ronald Kuhns

- 2) Mr. Moore took this opportunity to thank Mr. Nick Capozzoli, Mr. Gary Bates, Sheriff Rogers, Mr. Bill Stonestreet and the Maintenance Department, and the Kokomo Police Department for their work and assistance during the recent snow storm, the first snow of the season.

COMMISSIONER WYMAN:

Mr. Wyman submitted the following Indiana Department of Environmental Management notices:

Notice of Approval for the Relocation of the Martin Marietta Materials, Inc, permit #067-35023-05229.

Notice of Receipt of Air Permit Application from Martin Marietta Materials, Inc.

Both notices were received on a motion made by Mr. Moore and seconded by Mr. Bray.

IN THE MATTER OF PUBLIC COMMENT:

President Wyman opened the floor for public comment as follows:

Jerry Paul, President of the Howard County Veterans Memorial Corporation at Darrough Chapel Park: Mr. Paul would like to know when the monetary assistance will be given to the Memorial Corporation.

Mr. Wyman replied that when they receive a copy of the contract changes and Attorney Murrell has the opportunity to review and give his recommendation, the assistance will be forthcoming.

William “Bill” Galles, 804 Jeff Drive, Kokomo, Indiana: Mr. Galles began by congratulating Mr. Wyman on his re-election as County Commissioner. He asked the Board of Commissioners to pass a Howard County Burn Ordinance. He had previously e-mailed the Commissioners and now distributes paperwork summarizing his thoughts and opinions on the need for a County Burn Ordinance.

The Board of Commissioners will take this issue into consideration.

*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. Moore, seconded by Mr. Bray 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 November 17, 2014