

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JULY 6, 2009

The Howard County Board of Commissioners met in Regular Session on Monday, July 6, 2009, at 4:00 p.m. at the Russiaville Town Hall. Those in attendance included President Dave Trine, Vice President William Thompson and Member Tyler Moore. 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 Trine. The Pledge of Allegiance was led by Commissioner Moore.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the June 15, 2009 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

Because this was the first Commissioner Meeting to be held in Russiaville, President Trine took the time to introduce those sitting around the conference table.

The minutes of the July 1, 2009 Administrative Meeting, submitted by County Attorney Larry Murrell, were reviewed and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Department Engineer / Superintendent Ted Cain submitted the following issues for the Board's information and approval:

1. **EMA Paving Project:** At the June 1st Regular meeting, the Board of Commissioners had taken the EMA Paving Project under advisement for further review and asked that an Additional Appropriation Request be prepared for the June Council meeting (*please refer to page one, item two, "In The Matter Of Highway Department Issues" of the Regular Meeting minutes dated June 1, 2009*). At the June 23rd Council Meeting, the Council approved the request of \$18,00.00 to 150-000-04725.01, EMA Building, for the paving project to be done in phases which will be determined at a later date, as presented by Commissioner Thompson. The phases of the Paving Project are as follows:

Phase I	\$23,788.01	Front of building including vehicle storage, office area, sidewalks to the side of the buildings, and cuts to the sewer line.
Phase II	\$11,908.78	In front of the Highway area to the silver building.
Phase III	\$ 3,694.77	Rear of building from the silver building to the EMA building, and turn-out for Sheriff Vehicles.
Phase IV	\$ 958.19	Area between EMA Building and Fire Department's Burn House.

Mr. Cain and his department will be ready to begin the project, soon. The Board of Commissioners will further review the phase listing and make a decision, soon.

2. **Stimulus Funds:** Mr. Cain received word that fourteen of the eighteen proposed projects have been approved for the August letting. Mr. Cain does not know why those four projects were not on the list but the consultant hopes they may be addressed at a future date. The fourteen projects will figure about 1.5 million dollars (no more than two million), and roughening of the surface (scarify) and inspection has been added. Mr. Cain will abide by the State's rules.
3. **Fluctuating Fuel Costs:** Commissioner Thompson asked Mr. Cain about present fuel costs as they pertain to the Highway Department's budget. Mr. Cain replied that the budget is doing well. He also commented that as it pertains to the upcoming County Fair, Mr. Cain has had to charge the fairgrounds for fuel costs when providing a truck from the Highway Department to help with the set-up duties.

4. **INDOT Compiling Statistics:** Sheriff Talbert informed the Board and Mr. Cain that INDOT is in the process of compiling crash statistics and traffic counts for the intersection of State Road 19 and County Road 100 South (*please refer to page five, item two, "In The Matter Of Issues Submitted By Councilman James Papacek", of the Regular Meeting minutes dated May 18, 2009, and page two, item five, "In The Matter Of Highway Department Issues" of the Regular Meeting minutes dated May 4, 2009*).

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commission Director Glen Boise submitted the following issues for the Commissioners' information and approval:

1. **Case 2CP-09:** Lot #1 in Burris Subdivision located at 544 East County Road 550 North, was approved on a motion made by Mr. Moore and seconded by Mr. Thompson.
2. **Ordinance No. 2009-BCCO-21 / Zoning Ordinance:** Ordinance No. 2009-BCCO-21 is the petition of the Howard County Plan Commission to recommend to the Board of Commissioners to approve the Repeal of the Howard County Zoning Ordinance and Zone Map and adopt the new Zoning Ordinance and Zone Map. Mr. Boise commented that the Plan Commission has held three public hearings, the last hearing being June 16th, and the Commission is ready to offer a recommendation. In response to Commissioner Thompson's question as to whether there's been enough time to disseminate information to the public between June 16th and the present time, Mr. Boise said that the proposed ordinance has been posted to the County's website. Mr. Trine and Mr. Thompson both commented that they have received comments of concern from citizens, and asked Attorney Murrell if it would be within their rights to hold an additional Public Hearing. The Board discussed the possibility of holding a hearing for the Zoning Ordinance for Monday, July 20, 2009 at 9:00 a.m. Mr. Boise did present a brief overview of the proposed ordinance as it applies to land use, as follows:
 - a) Bigger number of districts reflecting change in rural economy
 - b) Restrictions on sewage use
 - c) Several commercial and industrial districts
 - d) Special districts (intense uses)
 - e) Sanitary landfills
 - f) Remove landscaping requirements for residential districts in rural areas
 - g) Cleaned up home occupation provision
 - h) Expanded possible uses of home property
 - i) Inclusion of employees of home business small operation
 - j) Bringing up to current state standards
 - k) Change in sign ordinance

Clee Oliver, 5768 West County Road 00 North South – Mr. Oliver asked concerning the proposed zoning ordinance and if it effects the new Highway 31 Corridor.

Mr. Boise responded that the proposed Ordinance sets up an Overlay District for the corridor that has basic guidelines for signs and driveways that connect to adjoining streets of the corridor. The Steering Committee and consultant will be meeting tomorrow evening to begin plans for the uses of the current Highway 31 corridor and the new 31 Freeway corridor. The State has begun the process of buying land and removing buildings in the new 31 Freeway corridor, as well as access rights from adjoining property owners. It should not hurt most current Kokomo businesses.

At the conclusion of this discussion, a motion was made by Mr. Thompson to set a Public Hearing for Ordinance No. 2009-BCCO-21, Zoning Ordinance at 4:30 p.m. on Monday, August 3, 2009, at the Administration Center. The motion was seconded by Mr. Moore and carried.

3. **Flood Mitigation Property:** The needed documents for the purchase of the flooded property at 2700 Dellwood Drive are still in process but should be completed this week. Mr. Boise believes that by the meeting on July 20th, the paperwork should be completed and a request for demolition quotes will begin. Once the quotes have been received, they could be awarded in September (30 day process) and the actual demolition process could be completed by the end of the month.

4. **Unsafe Collins Property:** The Public Hearing for this property is 9:00 a.m. on July 20, 2009. This property has been condemned by the Health Department and abandoned. Mr. Collins lives out of town and has not responded to any of the previous notices.
5. **First Steering Committee Meeting:** As previously reported, the first Steering Committee meeting for the US 31 Corridors Plans is Tuesday, July 7th at 7:00 p.m.

At this time Commissioner Moore asked if this would be an appropriate time for Public Comment concerning the Proposed Zoning Ordinance. The Floor was opened for additional comment as follows:

Tim Heaton, 7380 East County Road 400 South: Mr. Heaton thanked the Board of Commissioners for having today's meeting agenda posted to the Website and for taking the Ordinance under advisement for further review. Mr. Heaton lives on the east side of Howard County and asked if the roads used for construction of US 31 would be repaired by the State. Mr. Boise replied that this concern has been covered by a previous agreement between INDOT and Howard County. They inspect the roads that will be used for construction before the project begins. Inspection will take place after the project is completed and repairs will be made to bring the roads back up to the previous standard. Auditor Wells informed Mr. Heaton that this is the usual procedure the County Highway Engineer Ted Cain uses with INDOT anytime they make repairs to State Highways in Howard County, and uses Howard County roads as detours.

Ron DeGraff: Asked to repeat the Public Hearing information. The Public Hearing for the Proposed Zoning will be on Monday, August 3, 2009 at 4:30 p.m. in the Hearing Room of the Administration Center, downtown.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Buildings and Grounds Superintendent Scott Reed submitted the following issues for the Commissioners' information and approval:

1. **Courthouse Grounds Post-Haynes Apperson Festival:** Mr. Reed reported minimal clean-up to the Courthouse grounds at the conclusion of the Haynes Apperson Festival.
2. **Replaced Tile At Government Center:** The Maintenance Department replaced tile in the ladies' restroom at the Government Center.
3. **Replacement Of Sprinkler System Pipe In Courthouse:** At the June 1st meeting the Commissioners voted to approve the replacement of the Courthouse sprinkler system pipe in an amount not to exceed \$2,550.00 (*please refer to page three, item five, "In The Matter Of Maintenance Department Issues" of the Regular Meeting minutes dated June 1, 2009*). Elwood was notified that the replacement was approved by the Board, but Mr. Reed has not received word back at this time. Mr. Reed will contact Elwood Fire & Safety.
4. **Thank You To Sheriff Talbert:** Mr. Reed took this time to personally thank Sheriff Talbert and Officers Fitzgerald and Galloway for their assistance after his church had been broken into.
5. **Generator Maintenance Contract For Kinsey Youth Center:** Director of Kinsey Youth Center Brent Kelley and Mr. Reed have been reviewing a generator maintenance contract from Buckeye Power. They will continue to meet to review the possibility of including Kinsey Youth Center into next year's contract for the Maintenance Department, with McAllister.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:

Information Systems Department Director Terry Tribby submitted the following issues for the Board's information and approval:

1. **Thank You To Russiaville:** Mr. Tribby thanked the Russiaville Town Board for allowing the County to install interoperability equipment on Russiaville's water tower. In terms of disaster preparedness, this allows public service and emergency workers to watch the skies and monitor weather reports, and send the information to appropriate personnel. It also allows law enforcement and the fire department to access central dispatch.

2. **Verizon Tower:** The western portion of Howard County has always experienced problems with receiving Verizon wireless service. Mr. Tribby spoke with one of the contractors for Verizon Wireless who was installing new equipment on their western tower. Verizon hopes to have the equipment functional within the next few weeks and this will greatly increase reception in the western portion of Howard County.
3. **Thank You To The Maintenance Department:** Mr. Tribby thanks Mr. Reed and his department for the work that was done in the Administration Center to resolve leakage issues in the computer offices and server room on the fourth floor.
4. **Thank You From Commissioner Moore:** Mr. Moore thanked Mr. Tribby and the Information Systems Department for posting requested information to the County's website. Mr. Tribby reminded all in attendance that the County's website is located at www.co.howard.in.us and contains County information as well as direct access to the Commissioners' e-mail.

IN THE MATTER OF AN EQUIPMENT PURCHASE REQUEST FROM KINSEY YOUTH CENTER:

Kinsey Youth Center Director Brent Kelley submitted a request to purchase a new garbage disposal from E & R Industrial Sales, from the Cumulative Capital Equipment fund, in the amount of \$2,944.18. The existing disposal unit is about six years old and the motor is burning out. Mr. Kelley compared several quotes and found this to be the best price. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the purchase of a new garbage disposal from E & R Industrial Sales, in the amount of \$2,944.18, from the Cumulative Capital Fund, 150-000-04000.00.

IN THE MATTER OF PUBLIC COMMENT:

President Trine opened the floor for public comment as follows:

Rick DeGraff, 2779 East County Road 100 South: Has a small landscaping business and wants to know how the proposed Zoning Ordinance will affect him as far as signage and trucks and trailers on the property, as well as future business expansion and construction of a shed to house current farming equipment. Mr. Boise addressed the question based on guidelines of the proposed Zoning Ordinance. There are three layers of categories as follows:

- a) Business Office – one truck & trailer and use house as office
- b) Special Exception, Class III Home Operation – Requires Public Hearing and notification of surrounding properties
- c) Take Plans to Plan Commission

Commissioner Thompson commended Mr. Boise and the Plan Commission for their work with the Zoning Ordinance. When citizens buy property, they want to have the freedom to use that property as they see fit, but they want the government to regulate what their neighbors do with their property. It's up to the Plan Commission to fairly work through the process.

Bill Evans, 3237 South County Road 750 West: wants to know where the Commissioners stand on the Courthouse Beautification Project. Commissioner Trine commented that no taxpayer money will be spent on this beautification project. If anyone has a donation they would like to make, that will be accepted. There is a committee working together to plan projects at the Courthouse. Mr. Evans does not believe money should be spent on something that will not bring business into the downtown area.

Commissioner Thompson commented that he thinks the project will help the downtown area and add to civic pride, but that no taxpayer money should be spent on it, at this time. He appreciates taxpayers voicing their opinions and concerns.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following claims and reports for the Board's information and approval:

1. **Salary Claims:** Commissioners' Salary, hourly and overtime claims payable July 10 and 17, 2009 in the amount of \$349,982.56, were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

2. **Operating Claims:** The Commissioners' Operating claims payable July 7, 2009, in the amount of \$1,055,121.81, were submitted and approved on a motion made by Mr. Moore and seconded by Mr. Trine. Ms. Wells informed the Board of Commissioners that as of July 1, 2009, the claims docket no longer has to be published. This will save the County money in advertising costs. Though the claims no longer have to be advertised, they still have to be approved by the Board of Commissioners and the Board will receive a docket to review, prior to the meeting.
3. **Treasurer's Report:** The Treasurer's monthly report for the month ending May 31, 2009, was submitted and accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Indemnification Agreement:** In order for a Logansport police officer to be accepted as a Howard County Reserve Officer, an Indemnification Agreement has to be signed. Logansport sent the agreement to Lieutenant Asher who forwarded it to Mr. Murrell's office. Mr. Murrell rewrote the Agreement which meets with the approval of Logansport, and Sheriff Talbert signed the document. Mr. Murrell asks that the Board approve the Agreement and confirm Sheriff Talbert's signature. He believes this is a reasonable request, and Sheriff Talbert gave his recommendation of the Officer. This makes the fourth Reserve Officer for Howard County. A motion was made by Mr. Moore to approve the Indemnification Agreement and confirm the signature of Sheriff Talbert, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.
2. **Change Order For Re-Banding Project:** Mr. Murrell submitted a Change Order for equipment storage services from Integrity Business Communications, for the re-banding project, in the amount of \$7,940.00. Upon approval, the Change Order will be forwarded to Sprint/Nextel for payment. Commissioner Trine explained this project to those in attendance. A motion was made by Mr. Thompson to approve the Change Order in the amount of \$7,940.00, and authorize the President to sign on behalf of the Board of Commissioners. The invoice will be forwarded to Sprint/Nextel for payment.
3. **Alan D. Wilson Attorney Invoice:** An invoice for litigations prepared by Alan D. Wilson, Attorney, was submitted for a total amount of \$3,968.00. Mr. Wilson represents the County in litigation matters, three of which are insurance deductible matters. A motion was made by Mr. Thompson to approve the four litigation invoices in the amount of \$3,968.00. The motion was seconded by Mr. Moore and carried.
4. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice on behalf of Barnes & Thornburg in the amount of \$10,779.00, for services rendered in Chrysler Bankruptcy matters. The invoice was approved for payment on a motion made by Mr. Moore and seconded by Mr. Thompson. Attorney Murrell told the Board to expect more invoices for Chrysler Bankruptcy matters. The bankruptcy situation was discussed, and Commissioner Trine commented that we may have to turn to other taxing units for help in paying the law fees.
5. **Weights & Measures First Amended Interlocal Agreement:** Mr. Murrell made the changes recommended by the Board of Commissioners at their June 15th meeting (*please refer to page six, item five, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated June 15, 2009*). The County Council at their June 23rd meeting tabled this agreement for further review (*please refer to page four, "In The Matter Of Resolution No. 2009-HCCR-09", of the Regular Meeting minutes dated June 23, 2009*). Mr. Papacek did not think the provision contained in Section 5B(3a) was necessary, even though it has been included in former agreements (*Consideration of the fact that city residents pay county taxes*). The City Council is waiting for the Board to act, before making a decision. Discussion ensued concerning the changes made to the amended Interlocal Agreement, and at its conclusion, a motion was made by Mr. Thompson to approve the second draft of the Interlocal Agreement with the suggested changes made, and forward it to the County Council. The motion was seconded by Mr. Moore and carried.
6. **Memorandum Of Understanding With Lee & Ryan:** At the June 15th meeting the Board of Commissioners consented to the approval of a letter drafted by Mr. Murrell to Lee & Ryan, notifying

them of a possible violation of the Memorandum of Understanding, with regard to using local contractors for the Kitty Run Project (*please refer to page six, item four, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated June 15, 2009*). Mr. Murrell has received communication from Lee & Ryan's attorney, Brian Touhy, concerning the use of local contractors. Lee & Ryan is contracted with Knight Transport, d/b/a ABC Trucking. Knight Transport is owned 50% by the father, Jay Knight who is a resident of Howard County, and 50% by his son, Chad Knight, who is a resident of Hamilton County. The son is listed as the President and all mail is sent to his address. Twelve of the seventeen trucks on the site belong to Kokomo/Howard County contractors. The remaining five trucks belong to ABC Trucking and some of their drivers are Howard County residents.

Commissioner Moore commented that it looked like ABC Trucking / Knight Transport can be considered a local contractor and some of their trucks are driven by Howard County drivers.

Commissioner Thompson responded that his main concern was use of man power from Howard County and addressed concerns as follows:

- a) Twelve of the seventeen trucks are local which is probably better than the unsuccessful bidders were able to do.
- b) The thirteen page contract went to all contractors under consideration.
- c) Signature date is May 7th, the date the contracts were offered to other contractors.
- d) The Davis/Bacon wages are being paid to the drivers and they are aware that they are entitled to it.

Mr. Murrell further clarified that all payments are sent to Knight Transport and NOT ABC Trucking. Mr. Murrell believes that the Board made a wise decision to ask for clarification in the matters involved, and this information will be forwarded to the Drainage Board. The Board by consensus approves the Memorandum of Understanding, and thanked Mr. Murrell for his work in obtaining the needed information.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert submitted the following issues for the Board's information and approval:

1. **Jail Population:** The current inmate population is three hundred sixty-three (three hundred seventy-one this morning) with sixty-three (63) being female. Sixty-two people were arrested over the July 4th weekend. Superior Court I is working diligently on sentencing matters.
2. **Inmate Phone Cards:** With the decrease in land line usage and increases in cell phone usage, that cannot accept collect calls, the Sheriff's Department has begun selling phone cards to the inmates. The money received from the sales go directly into the Commissary Fund.
3. **Carpet On Walls In Conference Rooms:** Carpet is being installed on the walls of the Conference Room at the Criminal Justice Center, by Stout & Son. This was done to reduce the echo effect in the room that was causing problems during video conferencing.
4. **Digital Camera Purchase:** Sheriff Talbert received a request from the Kokomo Humane Society to purchase a camera for the Shelter. Currently when an animal control officer goes on a call, a Sheriff's Deputy has to accompany them if they need photographs. Sheriff Talbert will purchase cameras from his equipment fund or from the Commissary fund.
5. **Officer Laptop Stolen:** Sheriff Talbert reported that one of the Dispatch officer's laptop computer had been stolen while the officer was on vacation. It is not inappropriate for the officers to take the equipment out of town because they may be called upon to dial in to the dispatch system in the case of a problem. The authorities in Tennessee are working to find and return the stolen property.
6. **Mass Notification System:** E911 Coordinator Nick Capozzoli stepped to the podium to inform the Board concerning a free notification system from Nixle. A former attorney for the law enforcement

believes that local government should have a way to notify the public, free of charge, so he created a notification system. The system uses a social application similar to MySpace or Facebook, but is an encrypted and secure site through the internet, that citizens can sign up for. This company makes money by developing technology and selling it to the private sector, so are able to offer this service without charge to government entities. This is **not an emergency** notification system like Codespear but could be used as a public safety notification of severe weather watches, water main breaks, missing persons, etc. The citizens who sign up for the service are liable for any texting costs. It can be made to be location specific and will be managed by the dispatch center. Mr. Tribby is impressed by the system and knows that there are many big cities that are currently using the system. There is a thorough disclaimer available for all who sign up for this optional service. Sheriff Talbert would like to give the system a try. Citizens still have to be responsible for their own safety, but this is a tool that could help communications. Discussion ensued concerning practical usage issues between the City and County dispatchers. Commissioner Trine would like Mr. Capozzoli to check with all government entities involved before moving forward, and Mr. Murrell will review the disclaimer information.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Commissioner Moore:** Mr. Moore thanked Mr. Trine and Mr. Thompson for their support of his upcoming trip to Italy with Mayor Goodnight and associates, to visit the executives of Fiat. He will be leaving this Saturday. He also thanked the County Council for their support and blessing.

Mr. Moore consulted with Attorney Murrell concerning the title work that his principle employer, Moore Title & Escrow, is doing for the 2700 Dellwood Drive property that is being purchased through Flood Mitigation money and the Unsafe Property on County Road 1050 West. He has signed a disclaimer form and is in the process of submitting a Conflict of Interest with the County and State, as required by law. A motion was made by Mr. Thompson to accept the Conflict of Interest. President Trine vacated the chair to second the motion and the motion carried (Mr. Moore abstained from the vote). It is noted for the record that Howard County has a long standing relationship with Moore Title & Escrow and has been doing business with them since 1995.

The Chamber of Commerce is moving forward with the specific fall (3rd House) sessions for the City and the County. The Chamber will extend invitations to one or all of the Commissioners and other elected officials. July 31st is the date of the next Eggs & Issues meeting and the Board is encouraged to attend.

2. **Commissioner Thompson:** Mr. Thompson encouraged all taxpayers to contact the Board of Commissioners with any questions, concerns or opinions. They want to represent all the citizens of Howard County.
3. **Commissioner Trine:** Mr. Trine thanked the Russiaville Town Board and residents for the use of their facility for this afternoon's meeting. He reminded all in attendance that the Board of Commissioners represents all portions of Howard County. The residents of Russiaville and Greentown are just as important as the City of Kokomo and the unincorporated areas of Howard County. The Commissioners can be contacted through the County's website at www.co.howard.in.us, by calling their office at 456-2234 and leaving a message, or by calling their cell phones. County Government office hours are Monday – Friday from 8:00 a.m. until 4:00 p.m. The County Attorney and County Auditor offices will take messages and make sure they get to the Commissioners.

Russiaville Town Board thanked the Board of Commissioners for holding the meeting in Russiaville and for the good working relationship with Howard County officials in the matters of emergency communications and wastewater issues. They will continue to cooperate with the County and invited the Board to come back any time.

There being no further business to come before the Board of Commissioners at this time the meeting was adjourned at 6:13 p.m. on a motion made by Mr. Moore and seconded by Mr. Thompson.

HOWARD COUNTY BOARD OF COMMISSIONERS:

DAVID A. TRINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board Commissioner Meeting July 6, 2009