

HOWARD COUNTY BOARD OF COMMISSIONER MEETING MAY 3, 2010

The Howard County Board of Commissioners met in Regular Session on Monday, May 3, 2010, at 4:00 p.m. at the Russiaville Town Hall in Russiaville, Indiana. Those in attendance included President David 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 Dave Trine. The Pledge of Allegiance was led by Commissioner Moore.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the April 22, 2010 Executive Session were submitted and approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

The minutes of the April 20, 2010 Executive Session were submitted. Mr. Murrell clarified that the meeting scheduled for the 20th was not held due to a scheduling conflict. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the minutes of the non-held meeting.

The minutes of the April 19, 2010 Regular Meeting, having been previously submitted and reviewed, were 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. **Inspection Agreement:** Mr. Cain submitted the LPA – Consulting Contract with Butler Fairman and Seufert for construction inspection services for the construction of County Road 100 South (Boulevard Street) from Goyer Road to the New US 31. All the Right-of-Ways have been cleared and all paperwork has been submitted to the State. This contract amount reflects 12½ % of the total estimated project (\$2,128,868.49) in the amount of \$266,000.00, of which Howard County is responsible for 20%. Mr. Cain explained the terms of the contract to the Board for their information. At its conclusion a motion was made by Mr. Moore to approve the Inspection Agreement with Butler Fairman and Seufert. The motion was seconded by Mr. Thompson and carried. Mr. Cain informed the Board that County Road 100 South cannot be closed until May 1, 2011. The State has scheduled an August letting but Mr. Cain hopes to convince them to let the project closer to the start date in May. That will allow for the possibility of lower pricing.
2. **School Bus Turn Around:** Mr. Trine submitted an Agreement For School Bus Turn Around received from Northwestern School Corporation. The location will be 1545 North County Road 700 West, Kokomo, Indiana, owned by Deloris Hosler. The school will furnish the stone and the County will haul and grade. The request has been reviewed by Mr. Cain. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the Agreement for School Bus Turn Around located at 1545 North County Road 700 West.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current inmate population is three hundred thirty-seven (337), which includes forty-four (44) females.
2. **AED's Installed:** The new Automated External Defibrillator devices have been received and installed. The AED for the Courthouse is located in the Security Office (*please refer to page one, item three, "In The Matter of Sheriff Department Issues" of the Regular Meeting dated March 15, 2010*). One has also been installed at the County's home, Howard Haven. In speaking about the inmate needs at the jail, Sheriff Talbert informed the Board that at tomorrow's primary election, the first Voter Referendum for jail expansion will appear on the Johnson County ballot. It's a 23 million dollar project.

3. **Citizen Concern:** Commissioner Thompson informed Sheriff Talbert that he received a call from a citizen living on Southway Blvd, concerning traffic congestion on Southway, between 31 and Albright Road. Sheriff Talbert commented that roads in that area will be experiencing more traffic because of the work being done on County Road 100 South (Boulevard). Sheriff Talbert will contact the citizen.
4. **Reserve Deputy:** The newest Reserve Deputy, Mr. Brian Meacham, is on the job and he is proving to be a great asset to the Reserve program.
5. **Jail Inspection:** The Jail Inspection will take place on Thursday, May 13th. They will start serving food at 11:00a.m. The Peace Officer's Memorial Service will be at 12:30, and the inspection begins at 1:00 p.m. The Board of Commissioners is invited to attend.
6. **Neglected Properties:** Mr. Trine is receiving phone calls from citizens complaining about neglected properties (mowing, etc) and he usually refers them to Plan Commission Director Glen Boise. Mr. Trine asked concerning the possibility of the Inmate Work Crew being able to address the mowing needs and Sheriff Talbert replied that if Mr. Boise contacts the Sheriff's Department, they can schedule the Work Crew when needed. Mr. Moore asked a question concerning the proper procedure concerning neglected properties. Mr. Boise commented that if the issue is just weeds and mowing, the citizen with the complaint should contact the Township Trustee because the Trustee legally has authority over the situation. Mr. Boise does not have the authority to go onto the property without permission of the owner. If it is an abandoned property, the Plan Commission should be contacted as Mr. Boise has the authority to investigate and begin the proper procedure for condemnation. Auditor Wells explained the Trustee's process as pertaining to the Trustee's weed cut liens applied to the tax bill. Additional discussion ensued pertaining to neglected properties as a result of bankruptcy or foreclosure. At the close of the discussion it was determined that all the calls for either neglected or abandoned properties be funneled through the Plan Commission Office for their determination, and they will contact the Trustee's Office. If a Trustee does not have enough funds to handle the situation, they can work with the Inmate Work Crew by contacting the Sheriff's Department. Sheriff Talbert will be happy to work with the Plan Commission.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Unsafe Property:** Mr. Boise informed the Board that he is ready for the Commissioners to set a Hearing Date for the unsafe property located at 1001 East Alto Road (*please refer to page two, item four, "In The Matter Of Plan Commission Issues", of the Regular Meeting dated April 19, 2010*). All paperwork pertaining to the Hearing has been prepared and will be sent to all parties after the Hearing Date has been set. According to the Order On Unsafe Premises and Notice Of Hearing the owner has until June 6, 2010 to accomplish the ordered actions. A motion was made by Mr. Moore to set a Hearing date of June 7, 2010 at 4:30 p.m. in Hearing Room 338 of the Administration Center. The motion was seconded by Mr. Thompson and carried. Mr. Boise will mail the letters on Tuesday.
2. **US 31 Corridors Plans:** The Steering Committee met last week and have "wrapped up" the data collection process. The Consultant was authorized to continue with the document drafting process. The document should be ready for the Steering Committee in about a month. A Public Meeting will be set for the end of June when the plan document will be submitted to the public.
3. **Flood Hazard Mitigation:** Mr. Boise has not had any news from the State or from FEMA concerning the grant. The FEMA Office has been busy the last few weeks with recent tornado and flooding in various parts of the Country.
4. **New Zoning Ordinance:** Mr. Moore reported that the Board of Commissioners had not submitted any changes to the New Zoning Ordinance before the May Plan Commission meeting. There had been some concern over the "Signage" portion of the Ordinance and Mr. Moore has spoken with County Assistant Attorney Brian Oaks. The Zoning Ordinance goes into effect June 1st and Mr. Moore informed the Board that they have ninety (90) days after the effective date to propose an amendment. The amendment would be submitted to the Plan Commission; there would have to be a Public Hearing (to be advertised), then on

to the Board of Commissioners for their approval. Mr. Moore has met with several interested parties concerning the signage portion of the Ordinance, for their ideas.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

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

1. **Veterans Service Office:** Mr. Reed is waiting on one door for the new Veterans Service Office. As soon as the door is installed, the Veterans Service Office project will be complete.
2. **EMA Office:** The installation of a new wall in the EMA Training Room located in the basement of the Government Center is almost completed. The Maintenance Department will be painting the wall this week.
3. **Courthouse AED:** Concerning the Automated External Defibrillator installed in the Security Office of the Courthouse, the evening Maintenance supervisor has keys to the Security Office to make the AED available to voters during election time, if needed.
4. **Voter Boxes:** Mr. Reed reminded the Board that on Wednesday, many of the Maintenance staff will be out picking up voter bins and booths (*please refer to page three, item four, "In The Matter Of Maintenance Department Issues", of the Regular Meeting minutes dated April 19, 2010*).

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

Personnel Director Wanda McKillip submitted the following issues for the Commissioners' information and approval:

1. **Insurance Meeting:** Ms. McKillip reported on the Insurance Meeting attended by Ms. McKillip, Ms. Campbell and Mr. Heath in Cass County, several weeks ago. At the conclusion of the meeting, Mr. Heath and Ms. McKillip discussed the option of consolidating health services with other counties. They concluded that it would not be in Howard County's best interest to consolidate health services with other counties. Ms. McKillip distributed copies of Medical Insurance / Pooling Information citing current Medical Insurance information and Trust or Pooling Concept. Those information sheets were reviewed and Mr. Heath pointed out that Howard County is currently self funded and self regulated, and has built a nice reserve over the last several years. Our current plan's costs are less than any trust or pool product and we have the option to make mid-term plan adjustments if necessary. Also of major concern is the fact that Howard County's insurance rates have remained flat for five (5) years. Mr. Heath continued to review State of Indiana Plan versus Howard County Employee Group and it was noted that "We were unable to locate any consortium or trust that provided similar benefits with lower rates than the current Howard County Plan." At the conclusion of the review a motion was made by Mr. Moore to thank Cass County for allowing Howard County to meet with them and inform them that Howard County will stay with their present plan. The motion was seconded by Mr. Thompson and carried.
2. **Amended Travel Policy:** A draft of an Amended Travel Policy was submitted to the Board at the April 19th meeting and was tabled for further review (*please refer to page three, item three, "In The Matter Of Personnel Department Issues", of the Regular Meeting dated April 19, 2010*). A motion was made by Mr. Thompson to send the amended Travel Policy back to the PAC Committee for further review and appoint Commissioner Moore to sit in on the committee. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:

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

1. **Phase II Certification:** Mr. Tribby sent the Commissioners an e-mail outlining the present status of the Phase II Certification Project. Originally the State mandated that a vendor be hired to do the certification for each county, costing about \$7,500.00. A consortium of government officials petitioned the State that there wasn't a need to hire a vendor just to do the certification when all the counties are using the same software. The consortium was able to satisfy the Department of Local Government Finance concerning

their ability to correctly certify. The consortium is now available to do testing for other counties and because Mr. Tribby is a certified tester, he will offer his assistance to the consortium. They can do the testing for an amount significantly less than cost offered by a vendor. Mr. Tribby hopes to have Howard County certified by June 30, 2010, and is scheduled to do a first test of the system on May 11th. Mr. Tribby submitted an agreement with the consortium and asked that Mr. Murrell review the agreement and that Mr. Tribby and Auditor Wells be authorized to sign the agreement. A motion was made by Mr. Moore to appoint Mr. Tribby as project manager to approve the agreement, subject to Mr. Murrell's final review, and authorize Mr. Tribby and Ms. Wells to sign the Agreement on behalf of the County. The motion was seconded by Mr. Thompson and carried.

2. **Additional State Project:** At the Auditor's Regional Meeting, it was learned that the State is mandating that each county change their budgeting line item numbers to match the States numbering system and that the budgets be submitted on-line. This will be a major work process to be completed by January 2011. Ms. Wells would like to correct the budget books, this year, subject to when the State distributes their numbering system. This will help the State be more efficient as they audit each county. Mr. Tribby has several concerns with the change in numbering; (1) tracking the past history of the original account numbers and (2) the need to enter all our data into the State's system as well as our own. In reference to the first concern, our software already has a utility that allows us to track the history of the original number. The second concern will be answered by our software provider, Harris. They have agreed, if needed, to write a program for us that would automatically take our data and "dump" it into the State's system.
3. **New Software Provider For Sheriff Department:** Mr. Tribby has been having some issues with the Sheriff's Department software, Cisco. The State Police has hired a new vendor, Interact, and the counties can connect to the State's software and save significant amounts of money. Mr. Tribby is still in the review process and will update the Board in the future.

IN THE MATTER OF A CHANGE IN SHELTER HOURS FOR THE HUMANE SOCIETY:

Attorney Murrell submitted paperwork from the Humane Society, changing their shelter hours to be more convenient for the public. This change means the contract with the County will need to be changed to reflect the new hours, but it will not change the hours for city and county animal control services or dispatching. A motion was made by Mr. Thompson to approve the amendment to the contract with the Humane Society, adjusting the shelter operation hours, and authorize President Trine to sign the amended contract on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF AN INVITATION TO QUOTE FOR HEALTH DEPARTMENT OFFICE FURNITURE:

Health Department Administrator Kent Weaver submitted an Invitation to Quote for office furniture for the nursing clinic. The invitation will be sent to Beckley Office Equipment, Shearer Printing and Office Solutions, and Cardinal Office Products. Mr. Weaver was asked to add Humphries Printing and Rite Quality to the Invitation List, and to add that delivery and installation costs should be included in the quoted price. The Board is concerned about the specifications and that they not prohibit what the vendor can offer; that the specifications are written in a way to allow products that are compatible. The grant used to fund this project will expire August 31, 2010 and Mr. Weaver will need to complete the project before that time. At the conclusion of discussion, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the Invitation to Quote, subject to amendment by Attorney Murrell to include language to allow the specifications to be broadly construed, and authorize President Trine to sign on behalf of the Board of Commissioners.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following issues for the Commissioners' information and approval:

1. **Salary Claims:** Commissioners' Salary, Hourly and Overtime Claims payable May 7 and May 14, 2010, in the amount of \$346,484.04 each, were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

2. **Operating Claims:** The Commissioners' Operating Claims payable today, in the amount of \$305,109.32, were submitted, and approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell submitted the following issues for the Board's information and approval:

1. **Moore Invoice:** Mr. Murrell submitted an invoice from Moore Title & Escrow, in the amount of \$165.00 for an ownership report for property located at 1001 East Alto Road. A motion was made by Mr. Thompson to approve the invoice from Moore Title & Escrow, in the amount of \$165.00. Mr. Moore abstained. Mr. Trine vacated the chair to second the motion. The motion carried.
2. **Oaks Invoice:** Mr. Murrell submitted an invoice from Assistant County Attorney Brian Oaks, in the amount of \$1,694.75. This is for legal services in the litigation case of Edna Taylor vs. Plan Commission of Kokomo. The Court found a summary judgment in favor of the Plan Commission but Ms. Taylor plans to appeal the judgment. This is not a final invoice. A motion was made by Mr. Moore to approve the invoice from Brian Oaks. The motion was seconded by Mr. Thompson and carried.
3. **Barnes & Thornburg Invoice:** An invoice was submitted from Barnes & Thornburg for legal services rendered for the Delphi Bankruptcy Matters for the month of March, in the amount of \$4,267.50. This is to resolve the schedule of tax payments. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the invoice from Barnes & Thornburg, in the amount of \$4,267.50.
4. **Public Hearing Notice:** Mr. Murrell submitted a Public Hearing Notice from the City of Kokomo concerning a Tax Abatement Hearing from Chrysler. As a taxing unit effected by this action, notice is given of the Public Hearing to take place on Monday, May 10, 2010 at 7:00 p.m. in the City Council chambers. Although attendance at the meeting is not a requirement for the Board of Commissioners, it would be a good idea to attend.
5. **Fence Request To Meijer Store:** At the April 19th meeting, the Board of Commissioners agreed by consensus to direct Mr. Murrell and Commissioner Thompson to continue drafting a letter from the Drainage Board and the Board of Commissioners to Meijer (*please refer to page eight, item under Commissioner Moore, "In The Matter Of Commissioner Issues" of the Regular Meeting dated April 19, 2010*). Mr. Murrell submitted the letter for the Board's approval. A motion was made by Mr. Thompson to approve the letter and forward it to the Drainage Board for their approval. The motion was seconded by Mr. Moore and carried.
6. **Letter From Library:** Mr. Murrell submitted an offer from the Kokomo / Howard County Public Library to purchase the county-owned parking lot to the east of the library. The offer is for \$50,000.00 and was approved by the Library Board at its last meeting. Mr. Thompson was concerned that the City of Kokomo was not made aware of the offer from the Library and Mr. Randy Morris confirmed that the City has received that information. Mr. Murrell informed the Board that assessed value of the land is \$74,000.00, not necessarily the market value. No appraisal has been done on the property. There is a statute concerning the disposal of land between two governmental entities, that they can bypass the usual appraisal and public hearing procedure and pass two identical resolutions agreeing to the terms of the sale. There is no time limit in the present offer. At the conclusion of discussion, a motion was made by Mr. Thompson to table action on the offer until the May 17th meeting. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF COMMISSIONER ISSUES:

Commissioner Moore:

Mr. Moore attended the Chamber of Commerce meeting today and Ms. Kim Burnett-Morgan attended. As the newest member of the Chamber she was asked to speak and she submitted a letter concerning the opening of her new business, Da Roux House. The letter outlined success stories concerning the staff of the new restaurant, and she ended the letter as follows: "So when people suggest that the RFL or the County Grant programs is just

‘giving’ money away, or how GKEDA is doing nothing. Now you have a few real life examples of how those monies and efforts have been put to use to create jobs and continued spending to local business. This is economic development.”

Mr. Moore has spoken to Mr. Brian Oaks concerning the New Zoning Ordinance and will set up a meeting of Sign Businesses who have an interest and ideas concerning the Signage portion of the ordinance.

In reference to the open position on the US 31 Coalition Board of Directors, the Commissioners are not sure that it is their appointment to make or approve. Mr. Murrell will review the situation.

Mr. Moore encourages all to attend the National Day of Prayer on Thursday, at the Courthouse.

Commissioner Thompson:

He encourages all to vote in the Primary Election, tomorrow.

As it pertains to appointments to the Howard Regional Board of Trustees and the responsibility of the Commissioners to make two appointments to the Board, a notice has been prepared by the Board of Commissioners to employees of Howard Regional Health, to be included in their Newsletter. The letter asks for input from the employees on possible appointees. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the letter and its submission to Howard Regional Health.

Commissioner Trine:

Mr. Trine read a copy of a letter from Judge George Hopkins to Sheriff Talbert, concerning a Serious Incident Resolution, as follows:

1. Before 0800 on today’s date the court’s security officer, Norris Jones, discovered an abandoned brief case in the courtroom of Superior Court 4.
2. Mr. Jones notified the head of building security, Craig Trott, who took command of the situation. Mr. Trott examined the brief case and determined that the courthouse should be evacuated, that no one should be admitted to the building, and that a trained dog should be deployed.
3. Officers from HCSD responded in a prompt, disciplined and professional manner. As a result the matter was resolved and the building was opened less than ten (10) minutes after 0800.
4. The actions of all involved are greatly appreciated and worthy of commendation.

CF: Commissioner Trine
Craig Trott
Norris Jones

The Board has received a Notice of 30-Day Period for Public Comment regarding significant modification to a part 70 Operating Permit for Chrysler Group (Air Quality Control Permit) – Kokomo Casting Plant in Howard County, as well as the approval. This comes from the Indiana Department of Environmental Management. A motion was Thompson, seconded by Mr. Moore and carried to accept this approval.

Letter from IDEM received notifying the request for approval of Confined Animal Feeding Program from Mr. Timothy R. Carter. The notification was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

IDEM sent notification for a Confined Feeding Operation Permit for Mr. Russell Kendall, 4565 N County Road 1100 East in Greentown. The letter was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

A renewal Notification from IDEM was received for paperwork regarding renewal of a Confined Feeding Operation Permit for Mr. Sumner Miller. The notice was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

Two renewal notices requesting required paperwork for Confined Feeding Operations were received for Mr. Tom Wilson. These were accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

Mr. Trine met with Mr. Steve Wray and David Terrell from the Community Affairs Rural Development concerning attaining infrastructure funds.

Mr. Trine met with Wendy Ice from the Sheriff's Department, last week, along with District and Regional managers of a food service company. This was an effort to try to reduce inmate food costs at the jail. He will also meet with representatives from the local Gordon's Food Service.

Mr. Trine informed the Board that Engel Jewelers has announced their closing after being in Downtown Kokomo for sixty-two years. They were a true anchor of the downtown area and will be greatly missed.

Concerning the CCC Board (Citizen's Committee for Consolidation), Mr. Trine has sent an e-mail to the Mayor's Office, City Councilman Kennedy, and Greentown and Russiaville Town Boards, requesting they submit their appointments as quickly as possible. He then read the following letter:

"As you know the Howard County Board of Commissioners approved a twelve member committee to be made up from our community to study recommendations and bring those recommendations forward to the local governments to be looked at with regards to consolidation. At a meeting with elected officials held on April 22nd, the suggested time-line was to have a twelve member board appointed by May 1st and the first meeting held by May 15th. Afterwards, I'd been approached and asked by members of the City of Kokomo Common Council to give them an opportunity to discuss this proposal at their April 26th meeting, and also give them a chance to consult with Mayor Goodnight about the appointments. Wanting to cooperate with that request and with the Kokomo Common Council it was agreed to extend the appointment date from the May 1st to the 15th of May, and for their first meeting to be held on Tuesday, May 18, at 5:30 at the South Branch of the Kokomo/ Howard County Public Library. That location was chosen as a neutral location for all governing bodies. At the meeting on May 18th the Committee will be introduced, given directions for the start-up including nominations of President, Vice President and Secretary/Treasurer. They will also receive the keys to the post office box for any suggestions that the public may want to provide to the committee. It will also give the new committee the opportunity to set the next meeting date, time and location. And as a reminder, all the CCC meetings will be open to the public and to the press. Due to the already suggested services of combining Dispatch and Stormwater Districts, we will have those two areas and the work that has already been done, available to the committee for review should they want to pursue those areas immediately. Personnel will also be made available from both City and County Dispatch Departments to assist them in the process. I will arrange tours of Dispatch along with the MS4 District. My hope is that the City will assist in these areas as well. Our hope is that the CCC hits the ground running. These two areas of opportunity will be the catalyst that begins the process of serving the taxpayers of Howard County well while saving them money."

Mr. Trine asked E911 Coordinator Nick Capozzoli concerning any further progress on the reverse E911 emergency notification system. Mr. Capozzoli reminded the Board that in 2008 they had looked into Codespear and had submitted a contract for a reverse E911 Emergency Notification system, but because of liability issues and the fact that the calls could not be made in a timely manner, the Board of Commissioners did not approve the contract (*please refer to page three, item five, "In The Matter Of Information Systems Department Issues", of the Regular Meeting minutes dated June 15, 2009*). Mr. Capozzoli would be open to looking for another company that offers a reverse E911 notification system.

Mr. Trine thanks the Russiaville Town Board and Mr. Fulk for their hospitality and for allowing the Board of Commissioners use of the Town Hall facility.

There being no further business to come before the Board at this time the meeting was adjourned at 6:07 p.m. on a motion made by Mr. Thompson and seconded by Mr. Moore.

HOWARD COUNTY BOARD OF COMMISSIONERS:

DAVID A. TRINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting May 3, 2010