

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING AUGUST 1, 2011

The Howard County Board of Commissioners met in Regular Session on Monday, August 1, 2011, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman, and Member Bill Thompson. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

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

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the July 20, 2011, Administrative Meeting were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the July 20, 2011, Executive meeting were submitted. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the minutes of the July 20, 2011 Executive session.

The minutes of the July 26, 2011, Special Session, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the July 18, 2011, Regular meeting, having been previously submitted and reviewed were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF CLERK ISSUES:

Clerk Kim Wilson submitted a Notice of Errors With Precinct Boundaries, and asked for the Board's approval and signature. The Notice was approved and signed on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF EMA SALARY GRANT:

Emergency Management Director Larry Smith submitted the 2011 Emergency Management Performance Grant for EMA salaries, health, and benefits. This is an annual grant and Mr. Murrell gave a cursory review. Upon his recommendation, a motion was made by Mr. Wyman to approve the 2011 Emergency Management Performance grant for Salaries, Sub-grant Agreement CFDA 97.042, EDS #C44P-1-323A. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF DEPARTMENTAL REPORTS:

HIGHWAY DEPARTMENT:

Highway Engineer / Superintendent Ted Cain submitted the State-Local Public Agency Contract Construction of Federal Aid Project by Force Account. This project is to replace signs for urban areas in the County that are outside of the Kokomo city limits. The Highway department will be doing the work and will be reimbursed 90% with Federal Funds. This has not been reviewed by Mr. Murrell but he advised the Board to approve the contract subject to his review. A motion was made by Mr. Wyman to approve the State-Local Public Agency Contract Construction of Federal Aid Project by Force Account subject to Mr. Murrell's review and approval. The motion was seconded by Mr. Thompson and carried.

For the Board's information, Mr. Cain stated County Road 50 North will be closed until sometime in October. The County Road 100 South project is ahead of schedule. County Road 200 North should be open in about six weeks. County Road 250 North was closed in February and nothing has been done. Mr. Cain will meet with American Structurepoint to ascertain the delay.

SHERIFF DEPARTMENT:

1) Captain Jerry Asher submitted the Operation Pullover Grant (Seat Belt Enforcement), a Big City Big County reoccurring grant in the amount of \$13,000. Captain Asher also submitted the DUI (Driving Under the Influence) Task Force Grant, in the amount of \$17,000, to be used by the City of Kokomo and Howard County. A motion was made to approve the Grant Applications for the Operation Pullover Grant (\$13,000) and the DUI Task Force Grant (\$17,000), and to authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

2) The Sheriff's Department needs to replace its two Process Server vehicles. Both are Ford Taurus', over 100,000 miles, are showing wear, and experiencing repair issues. It was the consensus of the Board of Commissioners to direct the Department to use the present vehicles as long as possible, and then come back to the Board with quotes.

Dispatcher Tim Martin, who was in a serious motorcycle accident a week ago, is beginning a series of surgeries to reconstruct the bones in his face. This will be a long and painful time for Mr. Martin, and Sheriff Rogers asks that all would keep Mr. Martin in their thoughts and prayers.

PLAN COMMISSION:

1) Ordinance No. 2011-BCCO-19 is a rezoning request for the property located at 11541 East County Road 400 South, from I1 (low intensity industrial) to RR (rural residential). This request received a favorable recommendation from the Plan Commission. A motion was made by Mr. Wyman to approve 2011-BCCO-19, case 4-CZ-11. The motion was seconded by Mr. Thompson and carried.

2) Ordinance No. 2011-BCCO-16 is a rezoning request that was tabled from the July 5th meeting (*please refer to discussion on pages 1 – 3, Plan Commission, of the Regular Meeting minutes dated July 5, 2011*). This request is to rezone property located at 4512 South County Road 650 West from RR (rural residential) to AC (Agricultural Commercial). At that time the request was tabled in order to determine which Ordinance (Animal Control Ordinance or Zoning Ordinance) takes precedence in this matter. Both Ordinances were reviewed by County Attorney Larry Murrell and Assistant Attorney Alan Wilson. They concluded that these Ordinances are two separate ordinances with different applications and different objectives. There are no legal flaws in the Zoning Ordinance that would prohibit the Board of Commissioners from approving the Ordinance on the table. The Animal Control Ordinance, in Mr. Murrell's opinion, however, is flawed in its definition of "kennel"; the main reason is because the 1,000 feet set back refers to land use and should be contained in the Zoning Ordinance, and not in the Animal Control Ordinance. That definition needs to be changed. Further, as it now reads, it is in conflict with the Zoning Ordinance. One way to resolve this is to amend the Animal Control Ordinance, omitting the 1,000 feet set back and to re-define "kennel", omitting "grooming and training" as that can happen without kenneling the dogs. Mr. Murrell has prepared an amended Animal Control Ordinance reflecting these changes for the Board's consideration. At this time, President Moore opened the floor for discussion that included:

- Limiting the size of kennels
- Number of dogs trained at a time
- Verification of signatures on petitions
- Special exceptions
- Dog Training as a Special Exception under Rural Residential
- Property in question, subject to flooding
- Spot Zoning
- Permitted Uses of Agricultural Commercial
- Pullens' have gone through the proper process for the re-zoning request

At the conclusion of discussion, a motion was made by Mr. Wyman to ask Attorney Murrell and Plan Commission Director Greg Sheline to look into the possibility of amending Rural Residential to include a Special Exception for Dog Training, and continue the request to the next Regular meeting, August 15, 2011, 8:30 a.m. President Moore vacated the chair to second the motion. The motion carried.

3) The Grant Match funding for the Flood Hazard Mitigation Grant (in the amount of \$447,000), has been confirmed by Homeland Security, but not in writing. There is a deadline for the required appraisals of the flooded properties, and Homeland Security assured Mr. Sheline that he could begin that process. Mr. Sheline has a listing of appraisers for the ten properties and would like to begin the process to insure that we will not miss the deadline. It was the Board's consensus to allow Mr. Murrell and Mr. Sheline to receive written confirmation of the Matching Grant funds from the Department of Homeland Security, before beginning appraisals.

COUNTY AND CENTER TOWNSHIP ASSESSORS:

Assessors Jamie Shepherd and Sheila Pullen informed the Board that form 11's (Notice of Assessments) were mailed to taxpayers July 15, 2011, with an appeal deadline of August 29th. Gross assessed values have been given to the Auditor's Office. The Auditor's and Assessors' offices are in the process of finalizing the Net Assessed Values. The main reason for coming before the Board of Commissioners, today, is to thank the Board of

Commissioners for their continued support through the Chrysler and General Motors assessment matters, by allowing County Attorney Larry Murrell to promote those issues to the top of his priority list. Both Assessor Shepherd and Assessor Pullen thanked Mr. Murrell for all his work with the Delphi and GM reassessment matters. Howard County has the BEST attorney to handle these issues. Assessor Shepherd also thanked the Board for allowing the services of Barnes and Thornburg. Assessor Sheila Pullen echoed the sentiments given by Ms. Shepherd. In her twenty-eight years of service she has worked with a lot of City and County attorneys; she would put Mr. Murrell at the “top of the list”. Mr. Murrell made himself accessible twenty-four hours a day, seven days a week and gave very good advice. Barnes and Thornburg also praised him highly.

Mr. Murrell acknowledged his appreciation of these comments.

President Moore commented that Howard County and the City of Kokomo are fortunate to have Assessor Pullen and Assessor Shepherd as their Assessors. They gave up office and personal time in order to address these issues. “You’ve proven to the big boys out of state that David still is able to take down Goliath”.

IN THE MATTER OF PUBLIC COMMENT:

Heath Snodgrass, 200 East, Howard County: Mr. Snodgrass has two issues to mention. The first issue is an unsafe property located at 1450 South 200 East. Mr. Snodgrass has e-mailed the Commissioners and contacted the Plan Commission. The situation continues to deteriorate.

Mr. Snodgrass requested that the Board of Commissioners consider an Ordinance allowing off-road vehicles on County roads (*please refer to page five, “In The Matter Of A Request For An Off-Road Vehicle Ordinance”, of the Regular meeting minutes dated May 2, 2011*). He wondered if the Commissioners have had the opportunity to consider the matter. He asked that the Board consider several perspectives before dismissing the issue. He believes it could benefit Howard County in the area of economic growth, bringing in riding groups from around the State. He would be happy to bring more information to the Board and the Sheriff for further consideration.

Mr. Moore confirmed the Traffic Commission held a meeting to consider the topic, and Sheriff Rogers gave input, as well. The Traffic Commission did give a recommendation to not pursue an Ordinance allowing All Terrain vehicles on county roads.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Salary Claims:** The Commissioners’ Salary, Hourly, and Overtime claims, payable August 5 and 12, 2011, in the amount of \$352,254.24 each, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Operating Claims:** The Commissioners’ Operating Claims payable today, in the amount of \$922,700.92, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. Mr. Moore abstained from the vote.
3. **Weights And Measures Report:** The Weights and Measures Monthly report for the month of June 16, 2011 to July 15, 2011, was submitted and accepted on a motion made by Mr. Wyman 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. **Wilson Invoice:** Mr. Murrell submitted invoices from Mr. Alan Wilson, in the total amount of \$429.00 from services rendered in the matter of Greg Stahl and Cassandra Hovis vs. Howard County / Tort Claim Notice. The invoices were approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.

2. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes and Thornburg for payment. The invoice is in the amount of \$23,140.50, for services rendered for the period ending June 30, 2011, for General Motors Corporation matters. The Barnes and Thornburg invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Confirm President's Signature:** President Moore signed a Criminal Justice Grant for Therapy Training for Kinsey Youth Center. The Board now needs to confirm the signature. A motion was made by Mr. Wyman to ratify the signature of President Moore on the Criminal Justice Grant for Therapy Training for the Kinsey Youth Center. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER WYMAN:

Mr. Wyman referred back to former discussions concerning the possibility of assisting the West Side Association with Entry Signs. The assistance amount would be around of \$1,000 to \$1,500. The City of Kokomo has already approved assistance to the Association. The Westside Association will be bringing a proposal at the August 15th meeting.

COMMISSIONER MOORE:

TOWNSHIP APPEAL: There was a Township Assistance Appeal scheduled for Friday, July 29th, at 12:00 p.m. The appeal was for Jessica J. Napolitano but no one was in attendance on behalf of Ms. Napolitano. There is no recommendation to bring to the Board at this time.

Mr. Steven Wray, Regional OKRA representative would like to meet with the Board of Commissioners concerning projects submitted. Mr. Moore would like to schedule an Administrative Session on Thursday, August 4th, and asked the Board to check their schedules.

Mr. Moore submitted a Notice from IDEM, concerning a Sanitary Sewer permit application received from Mr. Carey Stranahan, City of Kokomo. This application is for the North Street Extension for Water and Sanitary Sewer in Kokomo, Indiana. The notice was accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

Mr. Moore submitted a letter from Purdue University, thanking Howard County for their continued support of the North Central Indiana Small Business Development Office.

It is time to coordinate efforts for the Stuff-The-Bus campaign that was begun by former Commissioner David Trine. Would the board like to continue with this project? It was the consensus of the Board to direct Mr. Moore to coordinate the Stuff-The-Bus campaign with the Personnel Office.

Mr. Moore acknowledged the attendance of County Councilman John Roberts and his two grandsons.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:15 p.m. on a motion made by Mr. Wyman and seconded by Mr. Thompson.

HOWARD COUNTY BOARD OF COMMISSIONERS:

TYLER O. MOORE, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

WILLIAM THOMPSON, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Commissioners Meeting August 1, 2011