

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MAY 7, 2013**

The Howard County Board of Commissioners met in Regular Session on Tuesday, May 7, 2013, 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 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 Tyler Moore. Commissioner Bray led the Pledge of Allegiance and Commissioner Wyman offered a word of prayer.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the April 15, 2013 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

The minutes of the Special Session held on Friday, May 3, 2013, were submitted and reviewed. The Special Session was held in order to discuss and take action on Determination 2013 HCDSMD No. 1: Findings and Determination of the Board of Directors of the Howard County Department of Stormwater Management to (1) establish a plan to insure connection of all Darrough Chapel residents to the Sanitary Sewer Systems and (2) amend the Stormwater User Fee determination. A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to approve the May 3, 2013 Special Session minutes.

The minutes of the Executive Session held on Friday, May 3, 2013, held at 9:00 a.m. were submitted. Those in attendance included Commissioners Tyler Moore, Paul Wyman and Brad Bray; Councilmen Dick Miller and Stan Ortman; Plan Commission Director Greg Sheline; Auditor Martha Lake; County Attorney Larry Murrell, and representatives from Wildcat Wind Farm, II, LLC. The subject matter considered was that permitted under IC 5-14-1.5-6.1(b)(2)(B), and no other subject matter was discussed. The minutes from the May 3<sup>rd</sup> Executive Session were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

Mr. Wyman made a motion to correct the statutory reference in the last sentence of the Joint Executive Session minutes approved by this Board on April 1, 2012, to read IC 5-14-1.5-6.1(b)(4) in lieu of the erroneous reference to IC 5-14-1.5-6.1(b)(2)(D). The motion was seconded by Mr. Bray and carried.

### **IN THE MATTER OF DEPARTMENTAL REPORTS:**

#### **SHERIFF DEPARTMENT:**

1) Sheriff Steve Rogers submitted quotes for six (6) new pursuit vehicles, and they were opened and recorded as follows:

Brad Howell Ford	\$152,938.20 Total	
Erik's Chevrolet	\$164,500.00 Total	2014 Tahoe
	\$160,300.00 Total	2014 Caprice
Button Motors	\$170,845.00 Total	2012 Durango
	\$161,341.00 Total	Durango Special (rear wheel)
	\$159,763.00 Total	Dodge Charger

A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to receive the quotes as listed and take them under advisement for further review of the Sheriff's Department.

2) County Attorney Larry Murrell submitted the final invoice from DLZ Indiana, LLC, in the amount of \$281.00, for the Criminal Justice Center Renovation and Technology Upgrade project. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Bray.

#### **PLAN COMMISSION:**

1) Plan Commission Director Greg Sheline submitted Plat Case 3-CP-13, one (1) lot in Martino Ridge Subdivision. This is located at 12548 County Road 00 North South. Case 3-CP-13 was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

2) Mr. Sheline submitted Plat Case 1-CP-13, four (4) lots in Sycamore Farms Subdivision, located at 6098 W County Road 00 North South. A motion was made by Mr. Wyman to approve Case 1-CP-13. The motion was seconded by Mr. Bray and carried.

3) Mr. Sheline submitted Ordinance No. 2013-BCCO-9, rezoning one (1) lot in the Martino Subdivision from AG (Agricultural) to RR (Rural Residential). A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to approve Ordinance No. 2013-BCCO-9.

4) Mr. Sheline submitted the Howard County / State Local Agreement Mitigation Plan Update Contract from the State of Indiana. It has been reviewed by Attorney Murrell. He corrected a mistake and now gives his approval. The grant is for the amount of \$35,000 with an \$11,667 County match, to assist in funding an updated Flood Mitigation plan for Howard County. A motion was made by Mr. Wyman to approve the Howard County / State Local Agreement Mitigation Plan Update Contract, in the amount of \$35,000 with a match of \$11,667, and authorize President Moore to initial the correction. The motion was seconded by Mr. Bray and carried.

President Moore thanked Mr. Sheline and the Plan Commission Office and Board for offering flood assistance and working with the citizens and with FEMA during the recent flooding.

#### **HOWARD COUNTY AND CENTER TOWNSHIP ASSESSORS:**

Assessors Jamie Shepherd-Bryant and Sheila Pullen submitted a TMA Personal Property Audit summary, and distributed copies to the Board of Commissioners. In 2012 the Commissioners authorized an audit of Assessed Values. In Center Township, a total of 409 personal properties were audited with 84 discoveries. That is an assessed value of \$50,973,956 with an estimated tax of \$1,529,219. In Howard County, 2010 personal properties were audited with 83 discoveries. It is an assessed value of \$7,866,290 with an estimated 2.5% tax of \$196,657. That is a total County count of 610 properties audited with 167 discoveries, \$34,999,853 assessed value and estimated tax of \$1,014,646, after 14 outstanding appeals. As a result of the audit, some returns have also been refunded.

#### **PROBATION DEPARTMENT:**

1) Chief Probation Officer Don Travis submitted Grant Agreement, EDS #D25-14-071, between Indiana Department of Correction and the Board of County Commissioners and Auditor of Howard County, for Juvenile Community Corrections services. The grant award amount is \$155,200, and Mr. Travis needs the Commissioners' approval and signature. Mr. Murrell informed the Commissioners that the Adult Community Corrections Department also has a Community Corrections Grant with the State IDOC, #EDS D25-14-026, in the amount of \$451,100. Mr. Murrell has reviewed both grants. Director Ray Tetrault will bring the agreement to the Commissioners at another date, but Mr. Murrell suggests that the Board approve both grants, today. A motion was made by Mr. Wyman to approve the Juvenile Community Corrections Grant Agreement EDS #D25-14-071, in the amount of \$155,200. The motion was seconded by Mr. Bray and carried.

A motion was made by Mr. Wyman, seconded by Mr. Bray and carried, to approve the Adult Community Corrections Grant, EDS #D25-14-026, in the amount of \$451,100, and authorize the Board to sign the grant when available.

2) Mr. Travis needs a new office chair for the Adult Probation Department. He believes he can find a chair for about \$170.00 and requests that the chair be paid from the Cumulative Capital Fund. A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to approve the purchase of a new chair in the amount up to \$170.00, from the Cumulative Capital Fund.

#### **HOWARD HAVEN COUNTY HOME:**

County Home Superintendent Jennifer Vary submitted a Resident Application for Ms. Edra V. Dickson. Ms. Dickson would be a private pay resident and does reside in Howard County. After reviewing the application, a motion was made by Mr. Wyman, seconded by Mr. Bray and carried to approve the Resident Application for Ms. Edra V. Dickson, with the usual 90-day probationary period.

#### **HOWARD COUNTY CLERK:**

Clerk Kim Wilson submitted an agreement with 39 Degrees North, for re-precincting and re-districting services. Although she has an e-mail copy of the contract, the hard copy will be submitted at a later date. A motion was made by Mr. Wyman to approve the Re-principincting and Re-districting services contract with 39 Degrees North,

subject to legal review by Mr. Murrell, and authorize the President to sign the agreement on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

#### **EMERGENCY MANAGEMENT AGENCY:**

1) EMA Director Larry Smith updated the Commissioners concerning final flooding figures and possible FEMA action. Mr. Smith informed the Board that Howard County received the most damage in the five-county region as follows:

Properties Totally Destroyed	0
Major Destruction	108
Minor Destruction	116
Properties affected	77

These figures, however, do not qualify Howard County to receive FEMA assistance. It does qualify Howard County businesses and homeowners to receive loans (potential grants) from the Small Business Agency, if residents have kept their receipts. Mr. Smith thanked Auditor Lake and Attorney Murrell for their assistance in gathering information and preparing an Impact Statement to send to the Indiana Department of Homeland Security. He also thanked Plan Commission Director Greg Sheline for his assistance in assisting flood victims.

Commissioners Wyman and Moore thanked Mr. Smith and all the EMA volunteers and paid staff for assisting flood victims and working with FEMA.

Mr. Smith expressed appreciation to, not only his volunteers, but also those from other agencies.

2) A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to ratify the signature of President Tyler Moore on the Impact Letter sent to the Indiana Department of Homeland Security.

#### **IN THE MATTER OF THE ANNUAL REPORT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION:**

Auditor Martha Lake submitted the Annual Report of the Board of Commissioners to the State Superintendent of Public Instruction, for the year ending April 30, 2013. The report reflects a total of \$22,477.77 held in trust. The report was approved on a motion made by Mr. Wyman and seconded by Mr. Bray, and appropriately signed.

#### **IN THE MATTER OF ARMED FORCES DAY AT GRISSOM:**

The Grissom Air Museum is hosting an Armed Forces Day on May 18, 2013 from 9:00 a.m. – 4:00 p.m. Veterans Service Officer Col. Ross Waltemath informed the Commissioners that the Miami County and Howard County Veterans Offices may be hosting a booth. Howard County residents and military guests are invited and encouraged to attend.

#### **IN THE MATTER OF BRETT MCNEILL AND FURTHER WIND FARM DISCUSSION:**

*Before Mr. McNeill stepped to the podium, Commissioner Moore informed all in attendance that this time of comment is not to be considered a Public Hearing. It is strictly Public Comment. There is nothing on the Agenda having to do with moratoriums or ordinances, concerning the Wind Farm issue, and no business concerning the Wind Farm issue will be considered at this meeting. All those who chose to speak are requested to sign the sheet at the podium, and please comment between 3 – 5 minutes. Please direct all comments to the Board of Commissioners. It was also asked that Howard County residents get a chance to give comment, first, and Tipton County residents can speak if there's enough time.*

Mr. Brett McNeill is a resident of Chippendale Subdivision in Howard County and was in attendance at the April 15<sup>th</sup> Board of Commissioners meeting. Mr. McNeill's **first question** was if a Moratorium on wind turbine applications would affect the existing contract between Howard County and eON.

Attorney Larry Murrell responded to the question by informing Mr. McNeill that he has reviewed the contract with eON and given his legal opinion to his clients, the Board of Commissioners. He believes that tonight is not the appropriate time to discuss that opinion. The Board will listen to public comment only. The Commissioners will consider the opinion and make it public when they are ready to take action. Mr. Murrell did confirm that the County does have a binding contract with eON and the County Council has granted a Tax Abatement to eON.

Mr. McNeill's **second question** concerned the request to declare a county-wide Moratorium on Wind Farm Permits until setback and noise issues are reviewed by the Board of Commissioners, with a possible amendment to the current Zoning Ordinance. He asked if any action had been taken on that issue.

Commissioner Wyman responded that all the Commissioners have been receiving a tremendous amount of information from residents and taxpayers of Howard County, both for and against the current Zoning Ordinance. The Commissioners have been in discussion about those issues. He reminded Mr. McNeill of the compromise reached at the April 15<sup>th</sup> meeting: "If a permit request is filed before the Commissioners have had a chance to consider and act on the Moratorium Request in a public meeting, and it takes thirty (30) days to consider the permit, Mr. Wyman is committed to a public meeting within the thirty days. It was the consensus of the Board of Commissioners to agree to the compromise" (*please refer to page two, "In The Matter Of Public Comment", of the Board of Commissioners Meeting dated April 15, 2013*). The Commissioners are still acting on that compromise; there has been no applications filed at this time. If and when an application is filed, the Commissioners will hold a public meeting within the thirty days, as promised.

Mr. McNeill proposed the creation of an independent study committee "...to publicly and openly examine the Wind Farm Issues for Howard County in a non-binding fashion, and to publish the findings on the Howard County website and other appropriate publications." Mr. McNeill would like to e-mail a copy of his proposal to each commissioner for their review; he also expressed a desire that both political parties are represented on the study committee.

It was the consensus of the Board of Commissioners to entertain the request for the independent group study.

The following residents gave comment during this time of discussion:

Susan Cox, 308 Holiday Drive, Greentown, Indiana	Setback Issues
Bryan Kirkpatrick, 13961 East County Road 300 South, Greentown	1 of 8 farmers – intent to help the County
Francine Jewett, 1217 North County Road 1100 South, Greentown	Wind Turbine misinformation
Bill Heck, 3671 North 1100 East, Greentown	Not opposed to Wind Farms
Tim Rickel, 13212 E County Road 500 North, Converse	Guarantee no property value loss?
Larry Conway, 2001 Foxfire Lane, Kokomo	Has good relationship with eON
Jolene Rule, 1014 Eastcrest, Greentown	Opposed to Wind Farms
Sue Cloueser, 10012 East County Road 400 East, Greentown	Has wind turbine on Tipton Co. property
Brian Key, 5595 West County Road 375 North, Sharpsville	Zoning Ord doesn't protect property rights
Tim Kenworthy, 9186 East County Road 00 NS, Greentown	Statistics can be used to prove either side - use common sense
Laura De Carlo, 4705 Bramoor Drive, Kokomo	Agrees with Independent Study Group
Jonathon Sanders, 12630 East County Road 340 South	Has been impacted by Phase 1 of project
Merrill Swisher	knows a gentleman in Windfall whose life has been ruined by wind turbine lights
Keith Brautigam, 2234 N County Road 1000 E, Greentown	Who's going to shoulder the risk?
Tom Cornell, 3631 North County Road 900 E, Greentown	Retired Engineer – informed how concrete is made – not green
Grace Aprill, 12765 E County Road 100 North, Greentown	Submitted 1,301 Petition Signatures – asked for immediate Moratorium.

Ed Petty	When was the Zoning Ordinance changed?
Cheree Weeks	Is concerned about the effect of wind turbines on birds
Gloria Sibray, 7236 E County Road 100 N, Greentown	Concerned with affects of Infra Sounds
Star Brautigam, 2234 N County Road 1000 E, Greentown	Many people are still unaware of this issue
Denise Jensen, Assistant Development Manager, eON Climate Renewables	Recount of background and benefits of project. Ask us!!
Kerry Molino	Not in favor of wind turbines – may regret
Ed Clark, 3305 W Williams Drive, Kokomo	Put turbines where there are no people

*At 7:55 p.m., President Moore vacated the chair in order to move for a short recess.*

*The motion was seconded by Mr. Wyman and carried.*

*The meeting reconvened at 8:04 p.m. on a motion made by Mr. Wyman and seconded by Mr. Bray.*

Ms. Grace Aprill asked the Board of Commissioners to consider stopping the progress of the contract with eON, end the contract with eON, institute the Moratorium on permit applications, change the set-back distance, and change the noise and lighting (install shields). Ms. Aprill is asking for an immediate decision.

President Moore reiterated that the Board is not taking any formal action on the issues at today's meeting. The information and the issues presented today will be under consideration for action on a future date.

#### **IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

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

1. **Ratify President's Signature:** On April 18, 2013, President Moore signed Resolution No. 2013-BCCR-7, an Order Declaring a State of Emergency within Howard County, including the City of Kokomo and the Towns of Russiaville and Greentown. A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to ratify President Moore's signature on Resolution No. 2013-BCCR-7.
2. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes & Thornburg, in the amount of \$927.00, for General Finance Advice for the period ending March 31, 2013. The Barnes & Thornburg invoice was approved for payment of \$927.00 on a motion made by Mr. Wyman and seconded by Mr. Bray.
3. **Chronica Update And Maintenance:** In the absence of Department of Health Director Kent Weaver, Mr. Murrell submitted the Update and Maintenance Agreement between Howard County and Global Systems, Inc. This agreement outlines a Vital Records software update in order to run on the new Windows 7 OS. Mr. Murrell has reviewed the agreement and finds it in order, after making a few changes. Information Systems Director Terry Tribby has reviewed the update agreement and is working with the company on several issues. A motion was made by Mr. Wyman, seconded by Mr. Bray and carried, to approve the Update and Maintenance Agreement with Global Systems, Inc., and authorize the President to sign the agreement on behalf of the Board of Commissioners.

#### **IN THE MATTER OF CLAIMS AND REPORTS:**

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

1. **Operating Claims:** Ms. Lake submitted the Commissioners' Operating Claims, payable May 6, 2013, in the amount of \$733,675.16. The claims were approved as submitted on a motion made by Mr. Bray and seconded by Mr. Wyman.
2. **Salary Claims:** Ms. Lake submitted the Commissioners' Salary, Hourly and Overtime Claims for May 10 and May 17, 2013, in the amount of \$348,671.53 each. A motion was made by Mr. Bray to approve the Salary Claims as submitted. The motion was seconded by Mr. Wyman and carried.
3. **Monthly Reports:** Ms. Lake submitted the Weights and Measures Monthly Report for the month of March 16 – April 15, 2013; the Clerk's Monthly Report for the month ending April 30, 2013; the EMA Calendar and listing of Activities for the months of March and April, 2013. All three reports were accepted on a motion made by Mr. Bray and seconded by Mr. Wyman.
4. **Early Payment of Claims:** Ms. Lake submitted several Claims that were not on the docket. The first is for Howard County Arts League, in the amount of \$2,500.00; the second claim, in the amount of \$382.20, is to allow Auditor Lake and several Deputy Auditor's to attend the Spring Auditor's Conference. Both claims were approved for payment on a motion made by Mr. Bray and seconded by Mr. Wyman.

#### **IN THE MATTER OF COMMISSIONERS' ISSUES:**

##### **COMMISSIONER WYMAN:**

Commissioner Wyman reported that the Downtown Grant Committee met to consider rent abatement for Unlimited Chiropractic LLC, to be locating at 121 North Washington. The application was in order and the Grant Committee voted to give a favorable recommendation to the Board of Commissioners. A motion was made by Wyman to approve the rent abatement for Unlimited Chiropractic LLC. The motion was seconded by Mr. Bray and carried.

##### **COMMISSIONER MOORE:**

1) Mr. Moore submitted a Notice of Public Hearing by the Kokomo City Plan Commission. The Hearing will be held in the Neal Council Chamber of Kokomo City Hall on Tuesday, May 14, 2013, at 7:00 p.m. The Hearing is to consider the Petition of Approval of the Preliminary and Final Plat for Redwood at Wildcat. Howard County is the owner of property that may be affected by said petition.

2) IDEM Notices were received as follows:

Notice of Public Comment, as someone who could potentially be affected by the proposed Air Permit for GM Components Holdings, 067-33053-00061, minor permit modification.

Receipt of Air Permit Application for Chrysler Group, LLC, 1001 E. Boulevard, Kokomo, Indiana.

Notice of Decision – Approval for Operating Permit for Kokomo Grain Company, Kokomo, Indiana

Notice of Decision – Approval for Minor Source Modification to Part 70 Renewal, GM Components Holdings LLC, 067-33000-00061.

All notices were received on a motion made by Mr. Wyman and seconded by Mr. Bray.

3) Recognition of Employee Service to Howard County as follows:

##### **5 Years of Service**

Steven Ables  
Jacob Gibson  
Andrea Hemming  
Deborah Holcomb  
Teresa Hudson  
Sarah Kile  
Derek McCormick  
James Shoffner

<b>5 Years of Service</b>	Susan Young
<b>10 Years of Service</b>	Keith Chesshir, Jr. Arthur Fross Christina Smith Lynn Von Reuss
<b>15 Years of Service</b>	Rhonda Burket Deanna McDonald Rosalie Prifogle
<b>20 Years of Service</b>	Lita J. McIntyre
<b>25 Years of Service</b>	Brent Evans Richard Stone
<b>30 Years of Service</b>	Todd Cripe
<b>35 Years of Service</b>	Angela Foust

Commissioner Moore expressed sincere appreciation to these employees for their dedication to the taxpayers of Howard County.

Attorney Murrell commended the Board of Commissioners for sponsoring and participating in Civil Discourse.

*There being no further business to come before the Board of Commissioners  
at the time, the meeting was adjourned at 8:17 p.m.  
on a motion made by Mr. Wyman and seconded by Mr. Bray.*

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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ROBERT B. BRAY, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Howard County Commissioner Meeting May 7, 2013