

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 5, 2015

The Howard County Board of Commissioners met in Regular Session on Monday, January 5, 2015, at 4:00 p.m., in Hearing Room 338 of the Howard County Administration Center. Those in attendance included President Paul Wyman, Vice President Tyler Moore, and Member Brad Bray. Also in attendance were County Attorney Larry Murrell, Assistant County Attorney Alan Wilson, and Auditor Martha Lake.

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

IN THE MATTER OF BOARD REORGANIZATION:

A motion was made by Mr. Moore to appoint Mr. Paul Wyman as President of the Board of Commissioners for 2015. The motion was seconded by Mr. Bray and carried. Mr. Wyman continues to be the President of the Board of Commissioners.

A motion was made by Mr. Bray to appoint Mr. Tyler Moore as Vice President of the Board of Commissioners for the year 2015. Mr. Wyman vacated the chair to second the motion and the motion carried. Mr. Moore continues as the Vice President of the Board of Commissioners.

IN THE MATTER OF APPROVAL OF MINUTES:

Approval of the minutes of the December 29, 2014 meeting is tabled until the January 20th Regular Meeting.

IN THE MATTER OF SPECIAL RECOGNITION:

Mr. Wyman asked former Center Township Trustee Jean Lushin and his wife Sondra to step to the podium. Mr. Lushin was the Center Twp. Trustee for thirty-two and a half (32 ½) years and has now retired from that position. Center Township, many times through the years, has partnered with county government. One of the biggest joint projects was for the Jackson Street Veteran Housing project. Mr. Moore spoke to events that have been partnered with county government, and of the friendship between the two families for many years. Mr. Bray also thanked Mr. Lushin for his service and for all the times Mr. Bray has worked with him through the years. At this time the Board of Commissioners presented the Pillar of the Community Award to Mr. Jean Paul Lushin for his service to Center Township and Howard County. Applause was given, pictures were taken, and Mr. Lushin thanked the Commissioners for the award.

IN THE MATTER OF DEPARTMENTAL REPORTS:

PLAN COMMISSION:

1) Plan Commission Director Greg Sheline submitted Ordinance No. 2014-BCCO-39, a request to re-zone property located at 2509 E. Markland Avenue from VR (Village Residential) to C2 (Medium-Large Scale Commercial), owned by Mr. Mike Imbler. There being no remonstrance to this request, a motion was made by Mr. Moore to approve Ordinance No. 2014-BCCO-39, re-zoning property located at 2509 E. Markland Avenue, Kokomo, from Village Residential to Medium – Large Scale Commercial. The motion was seconded by Mr. Bray and carried.

2) Mr. Sheline submitted Ordinance No. 2014-BCCO-40, amending Ordinance 2009-BCCO-21, Flood Hazard areas for Howard County, Indiana, in order to match the new flood maps. The amended Ordinance and maps need to be adopted in February, 2015 by FEMA. This revision of the flood hazard areas will also help keep insurance rates low. There are not many changes in the actual maps but two very important changes are: (1) more water storage in the flood plain; and (2) no critical facilities can be put in the flood plain. If approved, this Ordinance will go to the City of Kokomo this month, for their approval. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve Ordinance No. 2014-BCCO-40, amending Ordinance No. 2009-BCCO-21. Mr. Wyman thanked Mr. Sheline and all those who worked on this amendment.

3) Ordinance No. 2014-BCCO-41 was submitted and Mr. Wyman outlined the changes that were made to the original ordinance (2009-BCCO-19) as follows:

1. Amending Article 5.66(D) and 5.67(G)(1) to change the set back from 1500 feet to 2000 feet from the nearest Occupied Building.

2. Recommends that the sound standard for a medium and large Wind Energy Facility as set out in Article 5.67(P)(1) be amended to not exceed 40 DBA, rather than 50, as measured at the exterior of any Occupied Building or non-participating landowner's property.
3. Recommends that all large wind turbines be placed under Special Exception uses in all zones which have medium and large Wind Energy Facilities in the Howard County Zoning Ordinance.
4. Recommends that Article 5/67(P) be amended to add: "3) Light shields shall be placed on all exterior lights."

Mr. Wyman opened the floor for public comment as follows:

Grace Aprill, 12765 East County Road 100 North, Greentown, Indiana
Roger Lee, Converse, Indiana
Joe Rousseau, 1348 North County Road 800 East, Greentown, Indiana
Tom Cornell, 3631 North County Road 900 East, Greentown, Indiana

At the conclusion of discussion and comment a motion was made by Mr. Moore to approve Ordinance No. 2014-BCCO-41, amending the Zoning Ordinance with respect to Wind Energy Facilities, Ordinance No. 2009-BCCO-19. The motion was seconded by Mr. Bray and carried.

*At this time the Regular meeting was recessed in order to hold a
previously scheduled Public Hearing for an Unsafe Property
located at 1040 South Emery Street.*

Mr. Greg Sheline reminded the Commissioners that this unsafe property caught fire several months ago, and has been vacant since that time. All notices have been sent to surrounding property owners and no response has been received. The owners or any representatives of the owners (Harbour Portfolio VII, LP) are not in attendance at this Hearing, and no public comment from any interested party was given. Attorney Murrell submitted Resolution No. 2015-BCCR-1, affirming the May 22, 2014 Order on Unsafe Premises issued by the Enforcement Authority. This also grants final authority to the Enforcement Authority to demolish, remove, and clean up all structures remaining on the property. The costs of demolition and removal shall become a lien on the premises. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve Resolution No. 2015-BCCR-1.

*The Public Hearing was closed and the Regular meeting was reconvened
at 5:00 p.m. on a motion made by Mr. Moore and seconded by Mr. Bray.*

DEPARTMENTAL REPORTS:

KINSEY YOUTH CENTER

On behalf of Kinsey Director Jeff Lipinski, Attorney Larry Murrell submitted a renewal of the contract between Howard County and Abel Screening, Inc. (ASI) for The Diana Screen Access License and Testing Services. This testing is used for screening purposes of Kinsey Youth Center applicants. The effective date of the agreement is 1/1/15 to 12/31/17. Mr. Murrell has reviewed the contract and made suggestions for changes, but does not have an amended copy of the contract at this time. He recommends that the Commissioners approve the contract and authorize the President to sign the amended agreement when it is received. A motion was made by Mr. Moore to approve The Diana Screen Access License and Testing Service Agreement with Abel Screening, Inc., and authorize President Wyman to sign the amended agreement on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

PERSONNEL:

- 1) Personnel Director Wanda McKillip submitted Commissioner Appointments as follows:

A motion was made by Mr. Bray to re-appoint Ms. Katherine White and Mr. Mark Kady to the Greentown Public Library for four (4) year terms ending 12/31/2018. The motion was seconded by Mr. Moore and carried.

for A motion was made by Mr. Moore to re-appoint Ms. Rita Sale to the Howard County Board of Health, a four (4) year term that expires 12/31/2018. The motion was seconded by Mr. Bray and carried.

A motion was made by Mr. Moore to appoint Ms. Linda Pedigo to the Child Protection Team and Sex Abuse Council of the County Agent's Office, to replace Ms. Susan Neher who has retired. There is no term limit to this appointment. The motion was seconded by Mr. Bray and carried.

2) Attorney Larry Murrell submitted the names of Dale E. Etherington, Larry Hinesley, and Phillip E. Wise for the Commissioners to consider for re-appointment to the Howard County Redevelopment Commission for a one (1) year term to expire December 31, 2015. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to appoint Mr. Dale E. Etherington, Larry Hinesley, and Phillip E. Wise to the Howard County Redevelopment Commission for a term that expires December 31, 2015.

IN THE MATTER OF THE COMMISSIONER CERTIFICATE SALE:

The Board of Commissioners intend to conduct a Commissioners Sale of Tax Sale Certificates for properties that failed to receive bids equal to or in excess of minimum sale price at the Tax Sale conducted in October, 2014. The City of Kokomo has reviewed the listing of three hundred and ninety-six (396) of the unsold properties. The City desires to take the certificate to eighty-seven (87) properties as part of the blight elimination program. If the County will make those properties available at no cost, the City of Kokomo will waive its taxes and liens on the remaining properties in Kokomo / Center Township, up until the October, 2014 sale date. The first resolution for this process is Resolution No. 2015-BCCR-02, a resolution of the Howard County Board of Commissioners for exchange of property with the City of Kokomo, by January 15, 2015. The City of Kokomo Board of Works has approved a Joint Resolution accepting the properties and waiving liens and taxes on the remaining properties. A motion was made by Mr. Moore to approve Resolution No. 2015-BCCO-02, a resolution of the Howard County Board of Commissioners for exchange of property with the City of Kokomo. The motion was seconded by Mr. Bray and carried.

The next step in this process is to determine the intent to conduct the sale of the tax sale certificates, and fixing the minimum sale at 10% of the minimum price at which the property was offered at the October tax sale, or \$100.00, whichever is greater. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve Resolution No. 2015-BCCR-03, a resolution determining the intent to conduct sale tax sale certificates commencing on March 6, 2015 at 10:00 a.m.

Mr. Murrell also submitted the Commissioners' Live Certificate Sale Services Addendum with SRI, Inc., an addendum to the original agreement with SRI for Tax Sale services. A motion was made by Mr. Moore to approve the Commissioners' Live Certificate Sale Services Addendum with SRI, Inc. The motion was seconded by Mr. Bray and carried.

Mr. Wyman thanked Mr. Murrell, the Auditor and Treasurer and their offices, and the City of Kokomo for all of their assistance during this process.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Rogers submitted and distributed copies of the Howard County Sheriff's Department Benevolent Fund, Christmas Family 2014. This report outlines the families assisted during their Christmas Program, 2014. The Department shopped for one hundred twenty-seven children (127) from forty-three (43) families. Clothing and toys were purchased for a total spent of \$12,416.92. Sheriff Rogers reviewed the report with the Board of Commissioners. Mr. Wyman thanked the Sheriff's Department and asked Sheriff Rogers to pass along the thanks of the Board of Commissioners to all involved, and especially to Sergeant Stacy Wines.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Martha Lake submitted the Commissioners' Salary, Hourly, and Overtime claims, payable January 9 and 16, 2015, in the amount of \$349,121.95 each. The Salary claims were approved on a motion made by Mr. Bray, seconded by Mr. Moore and carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Contracts:** Mr. Murrell submitted the Employment Agreements between Howard County Board of Commissioners and Larry Murrell for County Attorney services, and Howard County Commissioners and Alan D. Wilson for Assistant County Attorney services, for two (2) year terms ending December 31, 2016. A motion was made by Mr. Moore to approve the Employment Agreements for Alan D. Wilson and Lawrence R. Murrell for a two-year term for both, expiring December 31, 2016. The motion was honorably seconded by Mr. Bray and carried.
2. **DLZ Agreement:** Mr. Murrell submitted an agreement between Howard County (Sheriff Department) and DLZ Indiana, LLC, for a Courthouse Perimeter Security Analysis study. The cost of the study is \$4,800.00, including all reimbursable expenses. A motion was made by Mr. Moore to approve the DLZ, Indiana, Inc. contract for a Courthouse Perimeter Security Analysis study, in the amount of \$4,800.00, and authorize Mr. Wyman to sign the agreement on behalf of the Board of Commissioners, after changes have been approved by DLZ, and subject to review and approval by Mr. Murrell and Sheriff Rogers.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER BRAY:

Commissioner Bray thanked the Commissioners and Mr. Murrell for helping him learn, and having such a good year.

COMMISSIONER MOORE:

- 1) Mr. Moore submitted a Thank You note received from Indiana First to the Board of Commissioners, thanking them for their support of the Robotics competition, March 13 or 14, 2015.
- 2) Mr. Moore received Notification from the State 911, requiring that the County Board of Commissioners certify the number of PSAPS (Public Safety Answering Points) in the County. A motion was made by Mr. Moore to forward the Notification to Dispatch Coordinator Gary Bates for him to complete the notification, and authorize the President to sign the completed Notification on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.
- 3) Mr. Moore submitted a Uniform Conflict of Interest Disclosure Statement, disclosing services from Moore Title & Escrow for title purchase and closing services, in the event Howard County would need those services. Mr. Moore will send a copy of this to the State Auditor, keeping copies in the local Clerk and Auditor offices. Mr. Wyman vacated the chair in order to make a motion to accept the Conflict of Interest Disclosure Statement. The motion was seconded by Mr. Bray and carried. Mr. Moore abstained from the vote.

COMMISSIONER WYMAN:

Mr. Wyman received from Butler, Fairman and Seufert copies of letters concerning work on Bridge 508, for the county's files. Those will be forwarded to Mr. Murrell.

Mr. Wyman thanked all for an excellent 2014. He is glad to be Commissioner for the next four years.

IN THE MATTER OF PUBLIC COMMENT:

Mr. Wyman opened the floor for Public Comment as follows:

Grace Aprill, 12765 East County Road 100 North, Greentown: Ms. Aprill is concerned that the amended setback is still not enough at 2,000 feet from the nearest occupied building. She is asking the Board of Commissioners to consider amending the set-back again, to 2,640 feet from the property line.

*There being no further business to come before the Board of Commissioners at this time,
the meeting was adjourned at 5:33 p.m. on a motion made by
Mr. Moore and seconded by Mr. Bray.*

HOWARD COUNTY BOARD OF COMMISSIONERS:

PAUL G. WYMAN, PRESIDENT

TYLER O. MOORE, VICE PRESIDENT

ROBERT B. BRAY, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR

Howard County Commissioner Regular Meeting dated January 5, 2015