

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 3, 2006**

The Howard County Board of Commissioners met in Regular Session on Tuesday, January 3, 2006, 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Paul J. Raver and Vice President Bradley J. Bagwell. Also in attendance were Attorney Larry Murrell and Auditor Ann Wells.

*Due to the absence of Commissioner John B. Harbaugh,  
as a matter of proper procedure, Commissioner President Paul Raver  
vacated the chair, when necessary, to carry out the business of the County.*

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Paul Raver.

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

Minutes of the December 19, 2005 Regular Meeting and December 27, 2005 Special Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.

### **IN THE MATTER OF RE-ORGANIZATIONAL ACTIVITY:**

President Paul J. Raver called for the re-organization of Board Officers.

1. **Nomination for President:** Mr. Raver nominated Commissioner Brad Bagwell for the office of President. On a motion made by Mr. Raver and seconded by Mr. Bagwell, Commissioner Brad Bagwell was elected President.

*Due to the absence of Commissioner John B. Harbaugh,  
as a matter of proper procedure, Commissioner President Brad Bagwell  
vacated the chair, when necessary, to carry out the business of the County.*

2. **Nomination for Vice President:** As the first duty of the newly elected Board President, Mr. Bagwell opened the floor for the nomination of the office of Commissioner Vice President. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to elect Mr. Paul Raver as Commissioner Vice President.

The remainder of the meeting was conducted by President Brad Bagwell.

### **IN THE MATTER OF COMMISSIONER COMMITTEE APPOINTMENTS FOR 2006:**

On a motion made by Mr. Raver and seconded by Mr. Bagwell, the following changes were made to the 2005 Commissioner Committee Appointment List:

- |                       |                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. President Bagwell: | Kokomo/Howard County Governmental Coord. Council (as President)<br>Draft of Commissioners Budget (as President)<br>Draft of EDIT Budget (as President) in cooperation with the President of the County Council |
| Vice President Raver: | Township Trustee Assistance Appeal Hearings                                                                                                                                                                    |

### **IN THE MATTER OF RESOLUTION NO. 2006-BCC-01**

Resolution No. 2006-BCC-01, a resolution ratifying and confirming the employment agreements of the Howard County Attorney / Coordinator and the Howard County Assistant County Attorney, was approved on a motion made by Mr. Raver and seconded by Mr. Bagwell.

### **IN THE MATTER OF HIGHWAY ISSUES:**

Highway Supervisor / Engineer Ted Cain, reported that things are going well at the Highway Department. He took the opportunity to inform the Board of the future request of diagnostic equipment for the vehicles at the Highway Department. Their road trucks and vehicles are all computerized; a lot of repair issues involve the computer that runs the electrical components of the vehicle. Mr. Cain believes that it would be in the best interest of the County to purchase diagnostic equipment and train the mechanics to use the equipment to maintain their own vehicles. Mr. Cain will begin the process.

### **IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:**

Sheriff Marshall Talbert presented the following issues for Board information and approval:

1. **Jail Population:** The current jail population is 309 inmates.
2. **Traffic Fatalities:** Sheriff Talbert reported six traffic fatalities on county roads and two fatalities on city streets, in the year 2005. This is a significant reduction and the Sheriff commended the Deputies involved with patrolling the roads and hopes to keep traffic concerns a priority. Sheriff Talbert is concerned that four of those fatalities occurred on Highway 26, between 200 West and the Clinton/Howard County line. He would like to be able to put an unmarked car in that area and has talked to the State about sending state police motorcycles to help patrol.
3. **Vehicle Replacement:** The Inmate Work van needs to be replaced. It was originally purchased as a work van and has to be used as a passenger van. It also is not in good shape, mechanically. There are three patrol cars that have over 100,000 miles, but are still in good shape.
4. **Commends Emergency Management:** Sheriff Talbert expressed appreciation to Larry Smith and the Emergency Management Department for their assistance in 2005. They assisted with prisoner return, helped the City Police at crime scenes, and assisted the water company during water main breaks.
5. **Thank You to Art Fross:** Sheriff Talbert expressed his thanks to Maintenance Supervisor, Art Fross, for the great job he did in maintaining the Criminal Justice Center.
6. **Superior Court IV Security:** The Sheriff's Department has been working to equip the security officer for the new court. Sheriff Talbert believes it would be in the best interests of the safety of the courts, if each court security officer were equipped with a small taser gun that can be carried on their belt.
7. **Merit Board Meetings:** The Merit Board meetings will be moved to the third Tuesday of the month, making room for the monthly Howard County Criminal Justice Coordinating Committee meetings.

### **IN THE MATTER OF MAINTENANCE ISSUES:**

Maintenance Supervisor, Art Fross, submitted the following issues for Commissioner information and approval:

1. **Application for position:** Mr. Fross has received several applications for the Maintenance Tech I position, and is in the process of reviewing them and scheduling interviews.
2. **Sheriff Department position title change:** The maintenance position title needs to be changed from Building Superintendent to Labor/Maintenance, and amend the salary to read the same as the Labor/Maintenance positions at the Courthouse, \$29,202.00. Maintenance issues for all buildings will be under one supervisor, ordering all supplies and disbursing them to all buildings when needed.
3. **Snow Removal:** Mr. Fross is working to coordinate the use of the truck assigned to the Sheriff's Department, for County owned parking lot snow removal.
4. **Commends Assistant Supervisor:** Mr. Fross commended Assistant Maintenance Supervisor, Jeff Berry, and expressed his wish to include Mr. Berry in all the projects and decisions of the department.

5. **Cell Phone:** The County has a cell phone account and the Board recommends that Mr. Fross contact Terry Tribby about obtaining a cell phone for the Maintenance Department.

#### **IN THE MATTER OF PERSONNEL ISSUES:**

Mrs. Wanda McKillip submitted the following issues for Board information and approval:

1. **Remaining Appointments:** Attorney Larry Murrell presented the name of Richard Davis for the Community Corrections Board. Mr. Davis lives just outside of Howard County, but works in the capacity of Administrative Assistant at Western High School. There is no residency requirement for Community Correction Board appointments. A motion was made by Mr. Raver, seconded by Mr. Bagwell and carried to appoint Mr. Richard Davis to the Community Corrections Board for a period of four years. The Commissioners are not ready to make an appointment to the Library Board at this time.
2. **FMLA Log:** Mrs. McKillip reported that the FMLA Log is available in the Personnel Office and asks for Board confirmation. The FMLA Log was confirmed on a motion made by Mr. Raver and seconded by Mr. Bagwell.
3. **Workers Compensation Audit:** The Personnel Office is in the process of working on an audit of the Worker's Compensation figures for 2005, ordered by the federal government.
4. **PERF Retirement Seminar:** A PERF Retirement Seminar is being planned for Thursday, January 19, 2006. Any employee interested will have to use their own time to attend the meeting at the Library Board.
5. **AIG Certificates:** The group life insurance booklets are now ready for submission and will be disbursed through the departments.
6. **Veterans Service Officers:** Mr. Raver presented a letter to the Board from Veterans Service Officer, Allen Polsgrove, stating that Veteran Service Officers don't have to be reappointed on a yearly basis. The letter was given to Mr. Murrell for his review.

*At this time the Regular meeting was recessed to hold a previously scheduled  
Public Hearing concerning the demolition of property  
located at 3904 South 350 West, Kokomo, Indiana.*

The meeting was opened by President Bagwell and Mr. Glen Boise took the floor to report that there have been no changes to the property since the meeting was continued from December 19, 2005 (*please refer to page three, the 9:11 a.m. Public Hearing, of the Regular Meeting Minutes dated December 19, 2005*). The proper legal advertising procedure has been followed for this continued meeting. The floor was opened for discussion. There being no discussion and no persons present to object or otherwise be heard, the Public Hearing was closed on a motion made by Mr. Raver and seconded by Mr. Bagwell. Resolution No. 2006-BCC-02, a resolution confirming the Order to Demolish and remove all structures on the property of Martin E. and Freida A. Myers, located at 3904 South 350 West, was approved on a motion made by Mr. Raver and seconded by Mr. Bagwell.

*The Regular meeting was reconvened.*

#### **IN THE MATTER OF PLAN COMMISSION ISSUES:**

Plan Commission Director, Mr. Glen Boise, submitted the following issues for Board information and approval:

1. **Case 22-CP-04:** One lot in James Estate Subdivision located at 3430 North 600 East. Case 22-CP-04 was approved on a motion made by Mr. Raver and seconded by Mr. Bagwell.

2. **Case 35-CP-05:** Two lots in Kiley Jo Estates Subdivision located at 2625 East 50 North. On a motion made by Mr. Raver and seconded by Mr. Bagwell, Case 35-CP-05 was approved.
3. **Case 38-CP-05:** One lot in Kawasoti Subdivision located at 5502 East 50 North. A motion was made by Mr. Raver, seconded by Mr. Bagwell and carried to approve Case 38-CP-05.
4. **Case 36-CP-05:** One lot in Birky Subdivision located at 3902 South 1150 East. On a motion made by Mr. Raver and seconded by Mr. Bagwell Case 36-CP-05 was approved.
5. **Case 33-CP-05:** One lot in K & H Acres Subdivision located at 3597 North 1150 West. Case 33-CP-05 was approved on a motion made by Mr. Raver and seconded by Mr. Bagwell.
6. **Case 12-CZ-05:** A request to rezone property located at 5984 West 250 South from A-1 (Agricultural) to B-2 (General Business). The Plan Commission Board voted to deny the request. A motion was made by Mr. Raver to deny Case 12-CZ-05, the request to rezone property located at 5984 West 250 South. The motion was seconded by Mr. Bagwell and carried.
7. **Unsafe Property:** The Unsafe Property located at 5717 Wampum Drive has been sealed.
8. **Ridge Road Property:** The Flood Mitigation buyout property located at 500 Ridge Road has been demolished. Highway Supervisor / Engineer Ted Cain asked that mud from the project be removed from the road. The contractor has agreed to remove the mud. The property will be reseeded in the spring and Mr. Boise will inspect the property
9. **Unsafe Property:** Commissioner Bagwell informed Mr. Boise that there are remnants of a mobile home on property located on State Road 22/35 between 425 and 450 East (north side). Mr. Boise will look into the matter.
10. **Close on Ables' Property:** Moore Title is ready with closing figures for the Flood Mitigation property buyout of the property located at 4089 South 50 East. A claim voucher will be prepared.
11. **Plan Commission Staff Interlocal Agreement:** The Conference Committee of the joint Plan Commission met on Wednesday, December 28<sup>th</sup> and completed their review of the Interlocal Agreement and adopted proposed changes to be communicated to City and County officers. Mr. Murrell distributed copies of the proposed changes. The Conference Committee also recommended a ninety day extension of the Tolling Agreement to allow ample time for the City and County to reach an agreement. The following are significant to note:
  - a. The recommendations were adopted on a unanimous vote (4 - 0, two city representatives and two county representatives).
  - b. The Conference Committee suggests an annual review. To Mr. Murrell's understanding this has been the Mayor's principal objective.

Mr. Murrell now submits the proposed County response drafted on December 29, 2005. A communication from the City was received by Mr. Murrell stating the termination of the Joint Plan Commission Office Interlocal Agreement.

Howard County Council President, Richard Miller, was in attendance to give the Council's support to the decision of the Board of Commissioners.

Discussion ensued concerning this issue. At the conclusion of discussion a motion was made by Mr. Raver to approve the letter of response prepared by Attorney Larry Murrell (drafted December 29, 2005) and give a deadline of 4:00 p.m. on January 6, 2006. If there is no favorable response, the Board president is delegated to make a decision, with the attorney, as to the next course of action, including proceeding with a lawsuit. The motion was seconded by Mr. Bagwell and carried.

### **IN THE MATTER OF A GRANT PROPOSAL FOR CONSTRUCTION OF SANITARY SEWER FOR DARROUGH CHAPEL:**

Ms. Tina Henderson, Grant Administrator, is preparing the grant application for the Darrough Chapel Sewer Construction. One of the main components of the application is a resolution stating that there is an Interlocal Agreement between the City and Taylor Sewer District in reference to the rate that will be charged to treat the sewage. The second and third components are (2) the financing commitment and (3) the income survey. At this time Mrs. Henderson needs approval of the project cost proposal and the County's anticipation to submit a final application. A motion was made by Mr. Raver, seconded by Mr. Bagwell and carried to approve the Grant application for Darrough Chapel Sewer Construction and authorize the President to sign on behalf of the Board.

A Public Hearing has been scheduled for Tuesday, February 7, 2006, at the Fairview Baptist Church located at 2108 East Vaile Avenue in Kokomo. Ms. Henderson needs a third party authorization, allowing her to conduct the meeting and prepare the minutes of the meeting. A motion was made by Mr. Raver, seconded by Mr. Bagwell and carried to approve the third party authorization to conduct the Public Hearing on February 7, 2006.

### **IN THE MATTER OF INMATE MEDICAL SERVICE CONTRACT:**

Sheriff Talbert presented the 2006 contract for inmate health services with Health Professionals Limited. On a motion made by Mr. Raver and seconded by Mr. Bagwell, the contract with Health Professionals Limited, for inmate health services, was approved.

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

The following Auditor issues were submitted by Auditor Ann Wells for Board information and approval:

1. **Commissioner's Salary Claims:** Salary and hourly claims in the amount of \$291,420.90, payable January 6 and 13, 2006, were approved on a motion made by Mr. Raver and Bagwell.
2. **Commissioner Operating Claims:** Operating claims in the amount of \$272,114.45, payable January 3, 2006 were approved on a motion made by Mr. Raver and seconded by Mr. Bagwell.

### **IN THE MATTER OF COMMISSIONER ISSUES:**

The following issues were submitted and acted upon as follows:

1. **Weights and Measures Report:** The Weights and Measures Monthly Report for the month ending December 15, 2005, was submitted and approved on a motion made by Mr. Raver and seconded by Mr. Bagwell.
2. **Township Assistance:** This appeal was withdrawn as the applicant and Harrison Township were able to negotiate differences.
3. **Missing INDOT Checks:** At the November 21, 2005 Commissioner Meeting, Highway Supervisor / Engineer Ted Cain reported that two anticipated reimbursement checks had not been received. Affidavits for Lost and Not Received Warrants were faxed to the office of Tony Hedge, Controller on November 21, 2005. Those checks have been received and receipted into Local Road & Street funds.
4. **Encumbrances for Cumulative Capital Accounts:** The Commissioners discussed the need to encumber Cumulative Capital money for the Superior IV Furniture and Equipment (150-04721), the Department of Health Office Renovation (150-04410), the Administration Center and Howard Haven Roofing projects (150-04724-02), and the Administration Center HVAC Project (150-04724). Because there are no open contracts for the Roofing projects and the HVAC project, they cannot be encumbered. Vintage Archonics is the engineering firm that is doing the HVAC study and funds can be encumbered for the study. A motion was made by Mr. Raver to encumber funds for the HVAC Study (from 150-04724), Superior Court IV (150-04721) and the Department of Health (150-04410). The motion was seconded by Mr. Bagwell and carried.

Discussion ensued concerning the appropriate chain of command when dealing with Cumulative Capital Funds. Mr. Murrell reminded the Board and the Auditor that the Commissioners are in charge of the Cumulative Capital funds and requests must be tracked by them. All Cum Cap requests should come through the Board of Commissioners before going before the County Council.

A motion was made by Mr. Raver, seconded by Mr. Bagwell and carried to request the appropriation for salaries to be paid from Cumulative Capital funds be placed on the agenda for the January 24, 2006 County Council meeting, if needed.

Mr. Murrell reminded the Commissioners of the need to approve the Capital Improvement Plan for the EDIT Funds. That is a two-year plan and will be ready for presentation at the January 17<sup>th</sup> meeting.

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

County Attorney, Larry Murrell, submitted the following issues for Commissioner information and approval:

1. **Homeland Security Grant:** Mr. Raver was requested to come to the Emergency Management office to sign a grant proposal, on behalf of the Board, that needed to be submitted before the end of the 2005 year. The grant is in two sections; the 2005 State Homeland Security Grant, in the amount of \$153,000.00 and the 2005 Law Enforcement Terrorism Prevention Program, in the amount of \$90,000.00. Mr. Raver's signature needs to be ratified and confirmed. A motion was made by Mr. Raver to ratify and confirm the President's signature on the 2005 State Homeland Security Grant and the 2005 Law Enforcement Terrorism Prevention Program. The motion was seconded by Mr. Bagwell and carried.
2. **Rejection of the Terrorism Insurance Rider:** When the 2006 Liability Insurance policy was submitted to the Board of Commissioners, to be put into place before the end of 2005, it was necessary to reject the Terrorism Insurance Rider. Mr. J. J. Iovino, of Miles and Finch, signed that rejection on behalf of the Board of Commissioners. His signature needs to be ratified. Mr. Iovino's signature was ratified on a motion made by Mr. Raver and seconded by Mr. Bagwell.
3. **Honey Creek Board Vacancy:** There is a vacancy on the Honey Creek Township Board, and Township Trustee, Robert Oiler, has asked the Board of Commissioners to appoint a replacement. According to state statute there are two ways to fill the vacancy; through calling a caucus that would involve public notice or an appointment being made by the Board of Commissioners after a period of thirty days. Mr. Murrell and Mr. Oiler agreed that it would be better to contact the Board of Commissioners after thirty days, for their appointment.
4. **Election Systems and Software Contract:** At the December 27<sup>th</sup> meeting, the Board signed a contract with E S & S, with proposed amendments, for special Voter Tabulation equipment pertaining to the HAVA Grant Proposal (*refer to page 1, item 1 under "In The Matter Of Clerk Office Issues" of the Special Meeting Minutes dated December 27, 2005*). Mr. Murrell is still in negotiations with E S & S.
5. **Credit Card Requests:** Commissioner Bagwell informed the Board that he is giving Department Heads and Office Holders another opportunity to sign up for a County Charge Card.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:20 a.m. on a motion made by Mr. Raver and seconded by Mr. Bagwell.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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BRADLEY J. BAGWELL, PRESIDENT

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PAUL J. RAVEN, VICE PRESIDENT

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JOHN B. HARBAUGH

ATTEST:

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ANN WELLS

Commissioner Meeting Minutes January 3, 2006