

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 20, 2006**

The Howard County Board of Commissioners met in Regular Session on Monday, February 20, 2006, 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Bradley J. Bagwell, Vice President Paul J. Raver and Member John B. Harbaugh. Also in attendance were Assistant County Attorney Brian Oaks and Auditor Ann Wells.

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

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

Minutes of the February 6, 2006 meeting were reviewed, having been previously submitted. A clarification was needed on page six, item two, Resolution No. 2006-BCC-07. The sentence is amended to read, "This resolution also supports that *one year* of the Major Moves..." in lieu of "the first year of Major Moves...". Also amended is the sentence, "...encouraging the City to dedicate *one year's distribution*," in lieu of "first year's distribution". On a motion made by Mr. Raver and seconded by Mr. Harbaugh, the minutes were approved with the above stated correction.

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

Highway Supervisor/Engineer Ted Cain had no issues to bring to the Board, at this time, but did report that on days that the weather will allow, some road patching is being done, as well as removing broken limbs from the roadways.

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

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

1. **Jail Population:** The current inmate population at the Criminal Justice Center is 294.
2. **Vehicle Tires:** In the past, the Sheriff's Department has dealt with Indy Tires for their squad car tire purchasing needs. Indy Tires, after the initial purchase, will allow the tires to be stored in their warehouse, and removed as needed. Sheriff Talbert is asking for permission to purchase twenty 17" tires and eighty 16" tires for a total amount of \$7,058.25, to be paid from the Sheriff's county general fund, Garage and Motor Repairs account. These will be purchased at the State quantity rates. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the purchase of one hundred tires from Indy Tire in the amount of \$7,058.28.
3. **Bicycle Program:** Sheriff Talbert submitted a letter received from the Department of Correction, outlining a program to use offender labor to repair and recycle broken, discarded or abandoned bicycles. The Department of Corrections is asking for donations of lost, abandoned or unclaimed bicycles and Sheriff Talbert asks permission to donate bicycles that have not been sold at the County's Auction. A motion was made by Mr. Raver to authorize the Sheriff to participate in the bicycle recycling effort, donating bicycles that have not been sold in the County's Auction. The motion was seconded by Mr. Harbaugh and carried.
4. **Cumulative Capital Requests:** Sheriff Talbert reported that his department's Cumulative Capital Fund requests will be presented at the February 21, 2006 Council meeting.
5. **Inmate Work Crew Van:** The new Inmate Work Crew van has been delivered and is having the light package and radio installed, as well as striping and lettering. When finished, Sheriff Talbert will bring the van to the Administration Center for display for the Board of Commissioners and the Council.
6. **Dodge Motor Company Sheriff Vehicle List:** Sheriff Talbert is in receipt of information concerning Dodge vehicles for patrol use. Sheriff Talbert will be receiving more information to compare the Dodge Vehicles with the Ford Crown Victoria, already being used by the Department.
7. **Consultant Dietician Services Agreement:** Sheriff Talbert submitted a Services Agreement between Howard County and Ann L. Obenchain for Consultant Dietician services as required by the State. On a

motion made by Mr. Raver and seconded by Mr. Harbaugh, the Consultant Dietitian Services Agreement was approved.

8. **Inmate Medical Article in the Kokomo Tribune:** Saturday's edition of the Kokomo Tribune contained an article that quoted a Sheriff's candidate from another county, concerning inmate medical issues. The candidate stated that the County does not have to pay for pre-existing medical conditions of an inmate. Sheriff Talbert wanted to clarify, to anyone who had read the article, that the law **does** require the County to pay for an inmate's medical care while they are in the County's facility, even a pre-existing illness.

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

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

1. **Case 35-CP-04:** five lots in Williams Run Subdivision located at 2632 South 450 West. Case 35-CP-04 was approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **Unsafe Building:** Mr. Boise has prepared a draft of an Invitation to Quote on the demolition of the Myers property located at 3904 South 350 West. This draft is being reviewed by the County Attorney and will be presented to the Board at a later date.
3. **Flood Mitigation Property:** The Flood Mitigation buyout property located at 4089 South 50 East (Ables' property) is now awaiting a corrected legal description from the Small Business Administration.
4. **Reported Unsafe Building:** Commissioner Bagwell received a report of a possible Unsafe Building at the Northeast corner of 400 East 50 North. Mr. Boise will check the property.

*At this time the Regular Meeting was recessed to hold a previously scheduled Public Hearing concerning the Vacation of an Easement*

President Bagwell opened the Pubic Hearing and Attorney David Baird presented a Petition to Vacate an Easement on behalf of property owner Robert P. Karabin. The property is located on lot number 3 of the Decker Minor Subdivision in Harrison Township. All necessary paperwork had been previously received by the Auditor's office and there were no objections voiced by the Utility Companies or adjoining property owners. The floor was opened for public comment. There being to public comment, the Public Hearing was closed on a motion made by Mr. Harbaugh and seconded by Mr. Raver. A motion was made by Mr. Harbaugh to approve the Vacation of Easement in the form of Ordinance No. 2006-BCC-08. The motion was seconded by Mr. Raver and carried.

*The Regular Commissioner Meeting was reconvened.*

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

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

1. **Two New Employees:** Mr. Fross introduced two new employees of the Maintenance Department, to the Board of Commissioners. Both Anthony McDonald and Bill Stonestreet are working at the Criminal Justice Center.
2. **Maintenance Storage Building on Mulberry and Buckeye Streets:** Mr. Fross has received word from the Board of Zoning Appeals, that Case 1-V-06, giving permission to build an accessory structure on the parking lot located on the corner of Mulberry and Buckeye Streets, was approved. A Building Permit has been issued by the Plan Commission. Mr. Fross would like the storage shed to be wired for lighting and electric, as well as a key pad on the outside and an alarm system. He has received a quote from Armstrong Landon Co., Inc. for an exit device and alarm at \$325.00. Mr. Fross is requesting an amount of \$6,070.00 out of the Cumulative Capital fund. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to request \$7,000.00 from Cumulative Capital funds for a storage shed, at the March Council meeting.

3. **South Door of the Courthouse:** The alarm for the south side Courthouse door uses a battery which is no longer being made. The Maintenance Department was able to locate a replacement battery, but that alarm device will need to be replaced by a crash bar handle that has the alarm built in. There is enough money in the Maintenance budget to replace the door, when needed.
4. **Utility Budget Payment Schedule:** The Maintenance Department has looked into the possibility of putting their utility payments on a budget payment schedule. That option is only available to monthly bills that are less than \$2,500.00. The only building that could be put on a budget plan would be the Government Center.

#### **IN THE MATTER OF INFORMATION SYSTEMS:**

Information Systems Director, Terry Tribby, presented the following issues for Board information and approval:

1. **Jury Selection Software:** Employee Chris Taylor, has totally rewritten the Jury Selection Software. Mr. Tribby explained the process to the Board of Commissioners, including the bar code scanning procedure. Approximately 18,000 jury letters are mailed out from the courts in a year's time. This new scanning capability saves about 600 - 1500 man-hours per year.
2. **Interoperability Project:** Three additional EMA vehicles are equipped with a lap top computer, with capabilities to view weather and set off the Emergency alarm from the vehicles, making a total of ten EMA vehicles. Vehicle crash records will also be available on the computer, with the ability to be sent back to the Sheriff's Department for processing.
3. **Public Access Property Information Terminals in the Administration Center:** Public Access Terminals on the second and third floors of the Administration Center will remain functioning with full Proval and Manatron access. Mr. Raver did inform Mr. Tribby that the pay phone located by the public terminals on the third floor, has been removed. Due to the use of personal mobile phones, the cost to maintain the public phone was not economical.

#### ***At this time the Regular Meeting was recessed for a previously scheduled Public Hearing concerning the proposed Department of Health Pool and Fee Ordinances.***

The Public Hearing was opened and representatives from the Health Department, Michelle Arvin and Sue Norris, took the floor. At the previous Public Hearing, the Board of Commissioners voted to continue the Hearing and directed the Health Department to meet with the other entities involved to resolve their differences concerning the Certified Pool Operator requirement (*please refer to page three, Public Hearing, of the Regular meeting minutes dated January 17, 2006*). Ms. Arvin reported on the Board of Health meeting that was held on February 10, 2006. There were eighteen people in attendance, representing the Board of Health, Health Department, Indiana Apartment Association, Restaurant and Hospitality Association and the Board of Commissioners. She then submitted amended copies of the Pool Ordinance to the Board of Commissioners and explained the changes that were agreed upon at the Board meeting.

Commissioner Bagwell asked if violations were widespread or a small percentage of repeat offenders.

Ms. Sue Norris released statistics for Howard County in the beginning weeks of 2006, citing a rate of 42% pool closures for the Hotel industry.

Ms. Arvin said the biggest offenders were the hotels, but then pointed out that their pools are usually open all year; apartment complexes were open for three months. She also pointed out that schools and other establishments such as the YMCA and Replay have Certified Pool Operators and are not experiencing the high numbers of violations and closings.

Discussion then ensued with Commissioner Bagwell agreeing with all points of the ordinance except the Certified Pool Operator requirement. It was his opinion that stricter enforcement should be the first line of defense. If that does not work, then look at the CPO requirement, again. Commissioner Harbaugh voiced his support of stricter enforcement. Mr. Bagwell then opened the floor for Public comment.

Andy Charnstrom, Legal Counsel for the Indiana Apartment Association: appreciated the good discussion at the February 10<sup>th</sup> meeting. He was concerned that the local Board of Health be given more ability to assess and enforce their fines and closures. Entities that open a pool that has been closed should be "slapped, and slapped hard...". Mr. Charnstrom offered to work with the County Attorney concerning amending the ordinance.

Commissioner Raver agreed that enforcement by the Board of Health was an important issue. He is not ready to give up on the idea that more pool operator training is needed. He also had a question concerning some conflicting language concerning the requirement of a CPO on site.

Discussion continued between the Board of Commissioners and the Health Department. At the close of discussion, a motion was made by Mr. Harbaugh to remand the Ordinance back to the Health Department and the County Attorney and to continue the Hearing until 9:30 a.m. on March 6, 2006. The motion was seconded by Mr. Raver and carried.

*The Public Hearing was continued and the Regular Meeting reconvened.*

#### **IN THE MATTER OF A COLLECTIONS CONTRACT WITH McCANN AND PEELE:**

Treasurer Martha Lake introduced Attorney Jeremy Peele to the Board of Commissioners. Mrs. Lake proposes that the County enter into contract with McCann and Peele to collect delinquent taxes on personal property and real estate. The notices would not be sent out until April 1, 2006 and delinquent taxes from the years 2000 - 2004 would be collected, with McCann and Peele receiving 30% above the collected amount. There would be no cost to the County. Commissioner Bagwell mentioned the Tax Amnesty program that was conducted on the State level that proved to be successful. He wonders if that program could work for personal property taxes on the County level. Ms. Lake will research that and table the contract until it can be revisited at the March 6, 2006 meeting.

#### **IN THE MATTER OF THE AMENDED ELECTION SYSTEMS AND SOFTWARE CONTRACT WITH THE CLERK'S OFFICE:**

Howard County Clerk Mona Myers submitted the contract with Election Systems and Software for the Voter Tabulation System and Services for the disabled. This contract had been submitted and approved by the Board at the December 27, 2005 meeting with proposed amendments (*please refer to page one, item one, "In The Matter Of Clerk Office Issues, of the regular meeting dated December 27, 2005"*). E S & S has agreed to most of the amendments and the final agreement of the parties is reflected in the present contract. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the contract with Election Systems and Software and to authorize the President to sign on behalf of the Board.

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

Auditor Ann Wells presented the following issues for Commissioner information and approval:

1. **Commissioners' Salary Claims:** Salary and hourly claims payable February 24 and March 3, 2006 in the amount of \$289,010.76 were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
2. **Commissioners' Operating Claims:** Operating claims payable February 20, 2006, in the amount of \$427,246.84 were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
3. **Treasurer's Monthly Report:** The Treasurer's Monthly report for the month ending January 31, 2006 was submitted and accepted on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
4. **Weights and Measurers Report:** A motion was made by Mr. Raver to accept the Weights and Measures monthly report for the month of January 15, 2006 to February 15, 2006. The motion was seconded by Mr. Harbaugh and carried.

#### **IN THE MATTER OF BARNES AND THORNBURG INVOICE:**

Assistant County Attorney Brian Oaks submitted an invoice from Barnes and Thornburg for payment. The invoice is for Delphi bankruptcy matters and was approved for payment on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

**IN THE MATTER OF COMMISSIONER ISSUES:**

1. **National Day of Prayer Request:** Mr. Bagwell submitted a letter received from Dana Neer, on behalf of the National Day of Prayer Committee. They requested use of the Courthouse Rotunda in case of inclement weather on Thursday, May 4, 2006, from 12:00 p.m. to 1:00 p.m. A motion was made by Mr. Harbaugh to authorize the use of the Courthouse Rotunda on Thursday, May 4, 2006, for the National Day of Prayer Rally, in case of inclement weather. The motion was seconded by Mr. Raver and carried.
2. **Support of Alternative G for the US 31 Bypass:** A letter was received from Indiana Department of Transportation stating that they are getting close to making decisions concerning the choices of interchanges for the US 31 Bypass. In the Howard County area, there is a conflict concerning the north side interchange. The County supports Alternate G; the City supports a modified Alternate J. InDOT would like the City and County to come to a consensus. County officials will be meeting with City officials to work on this issue.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:48 a.m. on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

**HOWARD COUNTY 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, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Commissioner Meeting Minutes February 20, 2006