

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 4, 2008

The Howard County Board of Commissioners met in Regular Session on Monday, February 5, 2008 at 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 David A. Trine and Member Paul J. Raver. Also present were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Major Steve Rogers and conducted by President Bagwell.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the January 22, 2008 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Raver and seconded by Mr. Trine.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Department Engineer / Superintendent Ted Cain informed the Board that he will be presenting requests for two new pick-up trucks for the Highway Department, later in the year. The recently purchased grader is in use and working well.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Major Steve Rogers submitted the following issues for Board information and approval:

1. **Sheriff Talbert:** Major Rogers reported that Sheriff Talbert is recuperating well and may spend some time in the office this week.
2. **Jail Population:** The current inmate population is three hundred thirty seven (337) with fifty seven (57) being females.
3. **Bomb-Sniffing K-9:** The new Howard County K-9 and its appointed handler will begin training today.

IN THE MATTER OF PLAN COMMISSION DEPARTMENT ISSUES:

Plan Commission Director Glen Boise submitted the following issues for Commissioners' information and approval:

1. **Ordinance No. 2008-BCCO-05:** Ordinance No. 2008-BCCO-05 is an ordinance to rezone property located at 2409 East Markland Avenue from B-1(Local Business) to B-2 (General Business). This request received a favorable recommendation from the Plan Commission. There being no public comment at this time, Ordinance No. 2008-BCCO-05 was approved on a motion made by Mr. Trine and seconded by Mr. Raver.
2. **Ordinance No. 2008-BCCO-04:** Ordinance No. 2008-BCCO-04 is an ordinance to rezone property located at 7503 West County Road 250 South from R-1(Residential) to B-1 (Local Business). Because of the number of remonstrators at the Plan Commission Hearing, this request received an unfavorable recommendation from the Plan Commission. As such, it needs to be placed on the agenda for the next Commissioner Meeting, allowing ample public discussion. Mr. Bagwell opened the floor for public comment as follows:

Mark Fulk, 430 East College Street: Mr. Fulk spoke on behalf of his parents who live across the street from the proposed rezoning request. This is a rural area and he believes this request will be detrimental to the surrounding area.

Jeff Hunt, 2554 S County Road 750 W: Mr. Hunt lives across the street from the proposed site. Of the ten surrounding property owners, all are opposed to this request and have signed a petition. People are drawn to the area because it is a rural area. There is no personal animosity. They just don't want the business in this location.

Kenneth Pulverenti, 2533 S County Road 750 W: Mr. and Mrs. Pulverenti are the owners of the property in question and presented the request to open a drive-through convenience store just east of his residence. He had lived at this location as a child and now owns and resides here. Mr. Pulverenti proceeded to give the history of this area and inform the Board of the present businesses located in the surrounding area. He also listed the target consumers that could benefit from this type of business. In honor of the history of the area, he would like to name the business "Shirley's Corner".

Leo R. Keegan Jr. 7614 W County Road 250 S, northwest of the location in question: Mr. Keegan asked that the Board consider the opinions of the surrounding property owners. He also spoke to the years of experience he's had in the retail food industry. He is concerned that this location would not be cost effective.

Nerva Catron, 2011 West Markland Ave: Ms. Catron is the petitioner's mother and she used to live at the location in question. She believes a store at this location would benefit surrounding residents in case of emergencies.

Diane Russeau, 7800 W County Road 250 S: She has lived in the area since 1950, and has raised her family here. She likes the ambience and stability of the rural community and doesn't want that area to be "put on the map".

Catherine Keegan, 7614 W County Road 250 S: Ms. Keegan manages a convenience store in town. She is concerned with supervision and young people "hanging out". She is also concerned with the entrance and exit being so close to the four-way stop. She doesn't believe this location can be competitive. She questions the proponents of this Ordinance and if they live within a three mile radius of the location to be rezoned. The other businesses in the area are by appointment only and do not generate a lot of traffic.

There being no further comment at this time, the hearing was continued for Resolution No. 2008-BCCO-04 to February 18, 2008, at 8:30 a.m., on a motion made by Mr. Raver and seconded by Mr. Trine. Mr. Bagwell thanked all citizens who were in attendance, for their time and comments.

3. **Notification To Owner Of Resolution NO. 2008-BCCR-04:** At the January 22nd meeting, Resolution No. 2008-BCCR-04 was approved granting authority for the demolition of structures on the property located at 12541 East County Road 332 South (*please refer to page two, "Public Hearing" of the Regular Meeting minutes dated January 22, 2008*). Mr. Boise has been in contact with the owner who protests the removal of the accessory building. Mr. Boise directed her to put the request in writing and send it to his office. No commitments were made. The Invitations to Quote have been advertised and we are on track to receive those quotes February 18th.
4. **Proposed Flood Mitigation Property:** Mr. Boise was directed by the Board of Commissioners to contact the title owners and the tax sale purchaser of the property located at 2700 Dellwood Drive (*please refer to page one, item one, "In The Matter Of Plan Commission Issues" of the Regular Meeting minutes dated January 22, 2008*). Mr. Boise has been in contact with the title owner who is weighing the expense of paying the taxes versus the possibility of a County purchase of the property. The owner also claimed he didn't know that his property was on the tax sale list (twice). Mr. Murrell will check to make sure notices were sent to the owner. A formal response from the owners is expected by the February 18th meeting.

IN THE MATTER OF MAINTENANCE ISSUES:

Assistant Buildings and Grounds Superintendent Scott Reed submitted the following issues for Commissioners' information and approval:

1. **Criminal Justice Center Water Tanks:** The first replacement water tank has been installed and the second tank has been received and will be installed this week.
2. **Installation For Credit Card Machines:** Mr. Reed informed the Board that wiring has been installed for the credit card machines in the Clerk's office. They are waiting on A T & T for the phone lines.

3. **Roof Leaks:** Roof leaks have been reported at Howard Haven and the Health Department. Arnie Cook Roofing has been notified.
4. **A T & T Contract:** Mr. Reed was notified that A T & T representative Lorene Ehrlichman will be meeting with county officials this week.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:

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

1. **Enhanced Service Equipment Contract:** The contract with Verizon Wireless for the enhanced cell phone service equipment for the Administration Center, was previously approved by the Board of Commissioners (*please refer to page three, item one, "In The Matter Of The Information Systems Department" of the Regular Meeting minutes dated November 5, 2007*). Attorney Murrell had to make several revisions to the original contract and Verizon has sent a corrected contract for Board approval. Mr. Murrell has reviewed the contract and confirmed that all revisions were made. A motion was made by Mr. Trine to approve the amended contract and authorize the President to sign on behalf of the Board of Commissioners.
2. **Dell Agreement:** The current lap top mobile computers for the patrol vehicles are Panasonic Toughbooks. Dell is entering the mobile lap top computer arena and has submitted an offer to supply a mobile lap top computer to test in a patrol vehicle for thirty (30) days. Mr. Murrell has reviewed the contract and made some revisions. Mr. Tribby stated that he likes Dell's services, agreements and next day on-site repairs, as well as the fact they are price competitive with the Panasonic equipment. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the Dell Evaluation Agreement and authorize the President to sign on behalf of the Board of Commissioners.
3. **State IT Conference In Bloomington:** Mr. Tribby informed the Board that he and Jeremy Stevens will be attending the State IT Conference in Bloomington. A representative of the Department of Local Government Finance will be in attendance to receive input from the County IT Departments concerning tax preparations in Indiana from an IT perspective. Mr. Tribby has sent the Board a copy of the letter he wrote to the State Legislature with his opinion concerning a state-wide application for all counties so that the DLGF can monitor data from their own systems. The Court systems' software is currently using a state wide program.
4. **E-Mail Updates:** The IT Department is working on the County's spamming problem, eliminating invalid e-mails. They are also creating a SPAM folder so spam can be forwarded to the IT department for evaluation purposes.

IN THE MATTER OF A PUBLIC DEFENDER OFFICE CONSTRUCTION REQUEST:

Public Defender Steve Raquet has hired an additional full time Deputy Defender for the office located in the Courthouse. Extra space is needed for a small office. Mr. Raquet has funds in the Public Defender Supplemental Fund that can be used to help construct a wall to enclose a conference room area making room for additional office. The Maintenance Department has the materials needed except for the drywall. The drywall materials and construction costs will be paid from the Public Defender Supplemental Fund in an amount less than \$25,000.00. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the construction as submitted.

IN THE MATTER OF HOWARD HAVEN RESIDENCE APPLICATION:

Howard Haven Assistant Superintendent Jennifer Vary submitted an Application For Residence for Ms. Janet Elliot. Ms. Elliot would receive ARCH assistance and the application is recommended by the Howard Haven staff. Ms. Elliot's Application for Residence, with the standard ninety day probationary period, was approved on a motion made by Mr. Trine and seconded by Mr. Raver.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioner Salary Claims:** The salary, hourly and overtime claims payable February 8 and 15, 2008, in the amount of \$337,929.59 each, were approved on a motion made by Mr. Trine and seconded by Mr. Raver.
2. **Commissioner Operating Claims:** Operating claims payable February 4, 2008, in the amount of \$1,799,872.82, were approved on a motion made by Mr. Raver and seconded by Mr. Trine. At this time discussion ensued concerning the lack of a state approved budget and tax rates. If the state does not give the County its 2008 tax rate, taxes cannot be collected by the May 10th deadline. That will decrease the County's cash balance. In December, Auditor Wells sent communication to Elected Officials and Department Heads asking them not to spend their 2008 money until the tax rates were received. Starting next month, the Board of Commissioners will only approve claims for items that are "Mission Critical" from the General Fund. A memo will be distributed to all Elected Officials and Department Heads to inform them of a spending freeze for the County General Fund, on items not "Mission Critical", until the County receives a tax rate.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **A T & T Yellow Page Contract:** At the January 22nd meeting, the Board of Commissioners approved the County's advertising in the Business pages of the of the phone book and authorize the President to make the decision concerning the yellow page placement (*please refer to page three, "In The Matter Of Yellow And White Page Services With A T & T", of the Regular Meeting minutes dated January 22, 2008*). Mr. Murrell has reviewed the contract's Terms and conditions and has made suggested changes. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the contract with A T & T with the suggested changes by Mr. Murrell, for the Business Section advertisement only, and authorize the President to sign on behalf of the Board of Commissioners.
2. **Keller & Heckman Invoice:** Mr. Murrell submitted an invoice from Keller & Heckman in the amount of \$280.00 for services rendered in November, 2007, pertaining to the Sprint/Nextel Re-banding project. Upon approval the invoice will be forwarded to Sprint/Nextel for payment. The invoice from Keller and Heckman, in the amount of \$280.00 was approved for submission to Sprint/Nextel on a motion made Trine and seconded by Mr. Raver.
3. **Howard County Recycling District Payroll Contract:** The final draft of the contract for payroll services between Howard County and the Howard County Recycling District will be submitted at the February 18th meeting.
4. **Authorize Designation Of Cumulative Capital Fund Interest:** A motion was made by Mr. Raver, seconded by Mr. Trine and carried to direct the County Treasurer to designate the interest generated by the Cumulative Capital Fund to the Cumulative Capital Fund in lieu of the General Fund.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **EMA Building Reconstruction:** Mr. Tim Miller from Dimensions Inc. presented to the Board of Commissioners a new plan that offers the County the opportunity to bid the reconstruction project out in a way that replaces the like square footage. This plan encompasses about 15,000 square feet for an estimated cost of \$1,314,486.00. The buildings omitted from the original plan could be bid as add alternates, in the event that bids come in lower than expected. Discussion ensued concerning the portions of the original plan to be included in the new plan, cost effectiveness of renovating the City's former compost building, and the importance of meeting with the insurance company to determine what "footprint" the insurance company will accept. At the conclusion of discussion the Board conceded to proceed with a conference call to the insurance company, before final determination of reconstruction and

invitations to bid. Mr. Murrell thanked Mr. Miller for Dimension's prompt response and assistance in this matter.

2. **Weights And Measures Report:** The Weights and Measures monthly report for the month of December 15, 2007 to January 15, 2008 and the Weights and Measures Annual Report for December 16, 2006 to December 15, 2007, were accepted on a motion made by Mr. Trine and seconded by Mr. Bagwell.

There being no further business to come before the Board of Commissioners at this time the meeting was adjourned at 11:00 a.m. on a motion made by Mr. Raver and seconded by Mr. Trine.

HOWARD COUNTY BOARD OF COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

DAVID A. TRINE, VICE PRESIDENT

PAUL J. RAVER, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Commissioner Meeting February 4, 2008