

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 18, 2008

The Howard County Board of Commissioners met in Regular Session on Monday, February 18, 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 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:

The minutes of the February 4, 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 submitted the following issues for Board information and approval:

1. **Annual Operating Report For Local Road And Street Department:** The Annual Report for the Local Road and Street Department was submitted to the Board for their approval. The report figures have been confirmed by the Auditor's Office. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to approve and sign the Annual Operating Report for Local Road and Streets.
2. **Unofficial Detour Reimbursement:** Mr. Cain received word from the State that paperwork concerning the Unofficial Detour Reimbursement for bridge work on State Road 29 has not been located and asked Mr. Cain to resubmit the paperwork. Auditor Wells confirmed that she has copies of the signed paperwork. The Commissioners will re-sign that paperwork and forward it to Mr. Cain for his submission.
3. **Bridge 501 Project:** Paperwork for the Bridge 501 Project was prepared and sent to the State. Mr. Cain had hoped to begin the project by now. With the State department's re-organizational activities, they are finally addressing that project. Mr. Cain is expecting a May letting, citing the need to have the project completed by November, 2008. This contract for the bridge project is between Howard County and State of Indiana Department of Transportation, and Mr. Cain confirms that Howard County does have their share of the funds for the construction and inspection. The County is responsible for 100% of the inspection costs and will be reimbursed the State's share of costs. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the Bridge 501 Project.
4. **Construction Inspection Agreement With Butler Fairman and Seufert:** At the November 19th meeting, the Board of Commissioners approved an inspection agreement with Butler Fairman and Seufert (*please refer to pages one and two, item three under "In The Matter Of Highway Department Issues", of the Regular Meeting minutes dated November 19, 2007*). This Agreement needs to be re-approved because the project had been tabled. The only things changed to the original contract are the dates. The Board of Commissioners approved and signed the updated contract.
5. **Possible Salt Shortage:** Currently there is a salt shortage in Indiana. Howard County will need to be put on a conservation mode. Mr. Cain currently has plenty of sand and chips and those can be used to give traction but they will not melt the ice. The Highway Department will review intersections throughout Howard County to determine the greatest need. Mr. Cain has notified the Sheriff's Department to keep them updated with the salt situation.
6. **Earmarks For Freeway 31 Bypass Projects:** Mr. Bagwell distributed paperwork for information needed by Congressman Donnelly's office in reference to road projects connected with the Freeway 31 Bypass project. Mr. Cain will review the paperwork and give the appropriate information needed concerning project funds, before the end of the month. The three road projects are Goyer Road from Boulevard to the new 31, Morgan Street from the existing 31 to Touby Pike, and Touby Pike from Morgan Street to the new 31.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current inmate population is three hundred fifteen (315) with forty-six (46) females. Sheriff Talbert reminded the Board that the female pod has a maximum capacity of thirty-two (32). Sixteen (16) inmates will be transported to the Indiana Department of Corrections.
2. **Monroe County Lawsuit:** Sheriff Talbert received information from the Sheriff's Association that Monroe County has a lawsuit pending with the ACLU concerning overcrowding in their criminal facility. They have averaged over one hundred (100) inmates over capacity.
3. **Bomb Detecting K9 Training:** The training for the bomb detecting K9 is progressing.
4. **New Deputy In The Academy:** Mr. Jon Cipriano is currently at the academy receiving his training.
5. **Deputy Retiring:** Deputy Jerry Jumper is retiring in April and is currently on leave, using vacation and personal time. He has turned in his vehicle and equipment.
6. **Sign In Front Of Jail:** Sheriff Talbert expressed appreciation to Mr. Art Fross and the Board of Commissioners for the new sign in front of the jail. The replacement sign was installed further away from the road, after the previous sign had been involved in an accident.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Opening Of Quotes For Unsafe Property:** The owner of this property, Mrs. John, had voiced a desire to have the buildings demolished on her own, but as of Mr. Boise's inspection of the property on Saturday, that has not been done. Quotes were received and opened for the unsafe property located at 12541 East County Road 332 South as follows:

Alliance Excavating	\$12,445.00
Feightner Excavating	\$15,170.00

A motion was made by Mr. Trine, seconded by Mr. Raver and carried to take these quotes under advisement for review by Mr. Boise and Mr. Murrell. Mr. Boise was directed to contact the property owner and inform her that if she has not cleaned the property by March 3rd, the Board of Commissioners will proceed with demolition.

2. **Continuation Of Hearing On Ordinance No. 2008-BCCO-08:** The Public Hearing for Ordinance No. 2008-BCCO-08 is opened for comment on the rezoning of property located at 7503 West County Road 250 South from R-1 (Residential) to B-1 (Local Business). Mr. Bagwell opened the floor for public comment as follows.

Brad Knigga, 7568 West County Road 250 South: Mr. Knigga submitted a map of the area in question showing locations of petitioners and present businesses. He questions if this is a viable location to support a business.

Mark Faulk, representing Francis and Elizabeth Faulk who reside at 2580 S County Road 750 West: Mr. Faulk submitted pictures of the proposed site and questions the traffic count.

Commissioner Trine met with the ten surrounding property owners and other individuals in the surrounding area. All were in opposition to the proposed rezoning. Mr. Trine then made a motion to uphold the Plan Commission's unfavorable recommendation. Mr. Raver has known many of the residents in the area and their feelings toward living there. He seconded the motion and it carried. Ordinance No. 2008-BCCO-08 was NOT approved.

3. **Flood Hazard Property:** The owner of the flood damaged property located at 2700 Dellwood Drive, Mr. Tom Garrett, redeemed the property on Friday, February 15th, in the amount of \$5,750.24. Several people were in attendance in reference to this property and they were invited to the podium to speak.

Phil Delvechio, 2820 Dellwood Drive: Mr. Delvechio submitted pictures of the property and reminded the Board that it was damaged by the 2003 flood, and swept from its foundation. It is full of mold and irreparable. The Sheriff's Department has been out there numerous times.

Ed Brown, 2811 Dellwood Drive: Mr. Brown thanked the Howard County Sheriff's Department for their help in the recent drug bust at the 2700 Dellwood property, and for all the times they've responded to his calls. As neighbors to this property, they would appreciate the Board's quick action concerning this property.

Discussion ensued between Board members concerning requesting the owner forego the County's local match, or that the owner forgives the expenses used to excavate the property from the County's match money. This issue will be reviewed by the Plan Commission and Board of Commissioners, to be resubmitted at the March 3rd Commissioner meeting.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Buildings and Grounds Superintendent Art Fross submitted the following issues for Board information and approval:

1. **Water Heaters At The Criminal Justice Center:** The recently installed water heaters at the Criminal Justice Center are working well.
2. **Roof Repair At Government Center:** Mr. Fross has received an estimate from Arnie Cook's Roofing for roof repair work needed at the Government Center. The estimate is \$1,875.00 and Mr. Fross has that money in his budget. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to authorize the repair of the roof at the Government Center.
3. **Monitor System On Fuel Tank:** The recently installed monitoring system for the fuel tank at the Criminal Justice Center is functioning well. This system gives the date, gallons used and the date fuel is added to the tank, as well as the balance of fuel remaining.
4. **Cameras At The Jail:** The fourteen (14) new cameras for the jail have been installed by Integrity Business Communications and are functioning well. A big screen (42 inch) will be installed in Central Control so that more cameras can be viewed.
5. **Howard Haven Roof Repair:** To address the roof repair needed for Howard Haven, Mr. Fross asked for an estimate. He has decided to have his department patch the roof, for now, and obtain an estimate to replace the roof this summer.
6. **Kinsey Youth Center Padded Cell:** Mr. Fross invited Mr. Brent Kelley, Kinsey Youth Center Director, to the podium to submit a request to replace the padded cell at Kinsey. Mr. Kelley received a quote from Padded Services, in the amount of \$23,500, to replace the cell, \$21,545.00 if our Maintenance Department removes the present cell. Mr. Fross can pay for the replacement cell from his Cumulative Capital Funds. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to authorize the replacement of the padded, to be paid from the Buildings & Grounds Cumulative Capital Fund line item.
7. **Clean-up Letter To Maintenance Department:** Mr. Raver read a letter submitted from the Board of Commissioners to the Maintenance Department assigning the responsibility of clean up of any litter and waste (including bodily fluids) resulting from sickness, injury or other incidence that occurs in the Courthouse, Administration Center of Government Center, to the Maintenance Department. Appropriate training is available through the Personnel Office. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to send the letter to the Maintenance Department and distribute copies to all Department Heads and Elected Officials.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

Personnel Director Wanda McKillip submitted the following issues for Board information and approval:

1. **Training For Maintenance Department:** Training for Maintenance personnel is being scheduled with the Health Department and additional equipment has been ordered for hazardous waste removal.
2. **OSHA Log:** Ms. McKillip distributed copies of the OSHA Log of work related injuries and illnesses. She reviewed the report with the Commissioners and showed that work related injuries had decreased from 2006 at the Highway, Sheriff, and Kinsey Youth Center Departments.
3. **Military Family Leave:** On January 28th, 2008, President Bush signed into law the National Defense Authorization Act for the fiscal year 2008. Section 585(a) of the NDAA amended the FJLA to provide eligible employees working for covered employers two new leave rights to military service. (1) Eligible employees are entitled to up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty or has been notified of an impending call to active duty status. (2) An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for the service member.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:

Information Systems Director Terry Tribby submitted the following issues for Commissioners' information and approval:

1. **Voice Over IP Technology:** Mr. Tribby has looked into Voice Over IP technology by contacting several counties that already take advantage of that technology. They report that they are pleased with the results and have reduced their monthly operating costs. Mr. Tribby has a meeting with Hamilton County this Friday, to talk with their IT department and with users of the VOIP technology.
2. **Verizon Billing Issue:** Mr. Tribby is still in the process of reviewing Verizon Cell Phone invoices. He will have more to report at the March 3rd meeting.

*At this time the floor was opened for a previously scheduled
Public Comment on the Proposed Animal Ordinance*

Mr. Bagwell invited public comment on the Proposed Animal Ordinance as follows.

Jeannie Vondersaar, 2701 Marne Ct, Kokomo: As a pet owner she has a concern that this Ordinance could lead to abuse and harassment of dog owners by those who do not like animals. She reminded the Board that any dog can be a potentially dangerous dog. She asked for clarification of "potentially dangerous" as it is listed throughout the Ordinance.

Debra Smith, 1301, Tepee Drive, Kokomo: She feels that the Ordinance needs to address issues of puppy mills, spaying and neutering of animals, and dog fighting rings. She supports the ordinance and would like to see some offenders doing jail time.

Sheriff Talbert: Billy Bryant, with the Humane Society, Sheriff Talbert, and local Animal Control officers, attended an eight hour training seminar concerning Pit Bull Fighting. Mr. Oaks clarified that in the new Ordinance, ownership of a dangerous animal would not be permitted in Howard County. This is not breed specific, but behavior specific.

Linda VanDeWege, 4483 West County Road 180 South, Russiaville: Ms. VanDeWege distributed copies of a letter written to her neighbors concerning the stray dog problem in her neighborhood. She informed the Board of an incident that happened when she was surrounded by four large dogs, while taking a walk, and had to call 911 for help. Ms. VanDeWege has been a certified dog trainer with the 4-H program for fourteen years. She knows dogs and knows when they will bite. "All dogs... are unsafe if they are loose and allowed to form in packs." She was informed that those issues are covered in this Ordinance. Simple measures like leashes, kennels, and human supervision of animals, can be taken to keep packs from forming.

Brian Howe, 4237 East County Road 600 North, Kokomo: Dog owners out in the country probably will not want to put up fences to keep dogs from straying. They don't usually have problems with the dogs. He believes the fine is too high. He does not believe Animal Control Officers should be allowed to enter property without the owner's consent. It could be a potentially dangerous issue to the Officer, at night (section IVB).

Attorney Brian Oaks responded to clarify that if there is not a complaint, there is not an issue. The \$2500 amount is the highest that the court could levy against an offender. Most fines would be \$25 to \$50 dollars; that would be up to the Judge. As far as entering the property, it is just the "yard".

Greg Townsend, 1021 North Morrison Street: Mr. Townsend lives inside the city limits but runs out in the county. He supports the Animal Control Ordinance. He informed the Board that he was attacked by a Pit Bull while running, and has been bitten and cornered.

Gloria Sibray, 800 East County Road 1203 North: she reported a neighbor that has a dangerous dog; her family can't even go in their own back yard. She is concerned because there are several children in the area. She supports the Ordinance and doesn't believe \$2500 is too high of a fine for an animal that has bitten or mauled. She feels it isn't high enough. She would also like to know if the Ordinance addresses animals other than dogs. Mr. Oaks and Mr. Bagwell clarified that the Ordinance does address "wild animals".

Carolyn Jones, 3556 East County Road 288 South: Ms. Jones wanted clarification concerning repeat offenders. Mr. Oaks clarified that with the proposed Ordinance, the Judge has the discretion to impound the animal. The current Ordinance did not give the Judge this ability; only to fine.

Mr. Bagwell informed those present that the issue of abuse of the Ordinance will need to be addressed with a possible amendment, under a frivolous lawsuit, after the Ordinance is passed.

Auditor Wells brought up the issue of anonymous complaints. Mr. Oaks clarified that anonymous complaints are not accepted. The complainant has to sign a statement and must attend the hearing.

At the conclusion of discussion and comment, Ordinance 2008-BCCO-6, the Animal Control Ordinance, was approved on a motion made by Mr. Trine and seconded by Mr. Raver. Mr. Trine thanked Attorneys Oaks and Murrell, and the Humane Society for their research and work toward this Ordinance. Mr. Bagwell thanked all citizens who attended and commented at this time of Public Comment.

IN THE MATTER OF DISPOSAL OF HOWARD HAVEN DONATIONS:

Howard Haven Superintendent Kelly Spidell needed clarification from the Board of Commissioners concerning the disposal of unused contributions to the County Home. In preparing for spring cleaning, they will be disposing of unused donations, as well as prepared food items brought into the Home. Attorney Oaks recommended that if it's considered to not have value, it can be disposed of through donations. He does not recommend donating prepared food items, for liability purposes. Commissioner Trine asked that an inventory be kept of all donations being received by the Home, as well as donations given by the Home.

IN THE MATTER OF GPS PILOT USER TRACKING AGREEMENT FOR COMMUNITY CORRECTIONS:

Community Corrections Director Steve Maus submitted an agreement with Satellite Tracking LLC for the GPS Tracking System's one-piece tracking ankle units. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the agreement with Satellite Tracking LLC for the Pilot User Agreement, and authorize the President to sign on behalf of the Board of Commissioners.

IN THE MATTER OF VOTER'S REGISTRATION ISSUES:

Republican Department Head Carol Shallenberger and Democratic Department Head Shirley McCoy submitted the following issues for Board information and approval:

1. **Mission Critical Office Supplies:** A letter of request was submitted to the Commissioners for office supplies they consider "mission critical" to run their office for this election year. This request is in response to a memo sent to Department Heads and Elected officials concerning the spending freeze for

mission critical items only. After reviewing the list, a motion was made by Mr. Raver, seconded by Mr. Trine and carried to give prior approval to the Voter's Registration Office to purchase the items listed.

2. **Contested Equipment Claim For Heaters And The Use Of Unencumbered Funds:** In February of 2007, the County Council approved an Additional Appropriation Request from the Cumulative Capital Fund for the purchase of lateral files for Voters Registration (*please refer to page two of the February 27, 2007 Regular Council Meeting minutes*). Claims were submitted to the Auditor's Office in January, 2008, for various equipment including one lateral file, headsets, work station boards and heaters for the department. The claim was questioned because of the purchase of heaters (previously prohibited by the Board of Commissioners) and the fact that the funds had not been encumbered to the 2008 budget year. The Auditor's Office was able to encumber the funds, but the purchase of the heaters needs to be approved by the Board of Commissioners. Returning the heaters would require a restocking charge. At the conclusion of discussion a motion was made by Mr. Raver, seconded by Mr. Trine and carried to advertise and pay the claim as submitted.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioner Salary Claims:** Salary, hourly, and overtime claims payable February 22nd and 29th, 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 today, February 18, 2008, in the amount of \$352,107.57, were submitted and reviewed, in reference to the spending freeze issued by the Board of Commissioners for County General and EDIT funds. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the claims as submitted with the exception of the claim for Career Track, training for the Maintenance Department. That check will be held.
3. **Barnes & Thornburg Invoice:** A claim for Barnes and Thornburg, in the amount of \$1,892.11 was submitted for services rendered in reference to the Delphi Bankruptcy Matter and General Advice. The claim was approved on a motion made by Mr. Raver and seconded by Mr. Trine.
4. **County Treasurer's Report:** The Treasurer's Report for the month ending January 31, 2008 was submitted and accepted on a motion made by Mr. Trine and seconded by Mr. Raver.
5. **A T & T Yellow Page Contract:** This Yellow Page Contract had been previously approved by the Board with changes made by Mr. Murrell (*please refer to page four, item one, "In The Matter Of County Attorney Issues" of the Regular Meeting minutes dated February 4, 2008*). Mr. Murrell has since received word from A T & T Yellow Page representative, Tina Maus that the contract was made void by marking up the original copy and that changes to the contract could not be accepted. Mr. Murrell recommended the Board approve the contract as it stands, with A T & T. On a motion made by Mr. Trine, and seconded by Mr. Raver, the contract with A T & T was approved, and the President was authorized to sign on behalf of the Board of Commissioners.
6. **Township Appeals:** Township Appeals were submitted as follows:
 - a. Harrison Township, Sandra Johnson and Robert Johnson did not attend the appeal hearing. Mr. Raver made a recommendation to uphold the denial of the Township Trustee. That recommendation was seconded by Mr. Trine and carried.
 - b. Center Township, Alexandria Sims, was given a second opportunity to submit the proper paperwork needed for this request; it was not received. Mr. Raver recommended the Commissioners uphold the denial of the Trustee. The recommendation was seconded by Mr. Trine and carried.
7. **Veterans Service Officer Report:** The Veterans Service Officer's Monthly report for the month January, 2008, was submitted and accepted on a motion made by Mr. Raver and seconded by Mr. Trine.

IN THE MATTER OF THE MEETING WITH AT&T CONCERNING THE CENTREX CONTRACT:

Assistant County Attorney Brian Oaks reminded the Board of Commissioners of the meeting between Howard County and A T & T concerning the Courthouse Centrex Contract that has been pending. The meeting will take place at 11:30 on Tuesday, February 19th, in the Executive Meeting Room in the Administration Center.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Howard County Recycling Agreement:** A contract is submitted between Howard County and the Howard County Recycling District for payroll services. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the contract for payroll services with Howard County Recycling District. Mr. Raver will submit the contract to the Recycling Office meeting, tomorrow, for their approval
2. **Hainlen Migrant Housing Project:** Mr. Raver submitted a calendar from Annie Pool at Rural Opportunities Inc., as well as a letter of thanks to the Board of Commissioners for their support of the of the Migrant Housing Project. The calendar displays a picture of Mr. Hainlen in the month of February, 2009.
3. **Meeting Room Request:** Mr. Bagwell is in receipt of a request from Jim Johnson, Indiana Department of Transportation, for a meeting room needed on March 12th at 10:00 a.m. This request is forwarded to Auditor Wells.
4. **Power Of Attorney Request:** Concerning the accident involving the Coroner's vehicle that was totaled, a Power of Attorney is needed to settle the issue. Mr. Bagwell signed the form, on behalf of the Board of Commissioners and Auditor Wells will complete the requested information.
5. **Thank You For New Radios:** As a City Policeman, Commissioner Trine thanked Mr. Bagwell, Mr. Raver and Mr. Murrell for the one hundred five (105) new radios received as a part of the Sprint/Nextel Rebanding project. Some agencies talk about cooperation between the City and the County Offices. Howard County officials acted on that promise.
6. **Howard Haven Appointment:** The State requires a four year appointment for the position of Superintendent for a County Home. The Board of Commissioners is in discussions concerning operations at the Home and is not yet ready to make this appointment per statute. Upon a recommendation of Mr. Oaks, a motion was made by Mr. Raver, seconded by Mr. Trine and carried to continue the appointment of Superintendent Kelly Spidell to March 3, 2008 to provide an opportunity to review options concerning the appointment of a Superintendent.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 11:40 a.m. on a motion made by Mr. Trine and seconded by Mr. Raver.

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 18, 2008