

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING AUGUST 3, 2009

The Howard County Board of Commissioners met in Regular Session on Monday, August 3, 2009, at 4:00 p.m. at the Administration Center, Room 338. Those in attendance included President Dave Trine, Vice President William Thompson and Member Tyler Moore. Also in attendance were County Attorney Larry Murrell and Deputy Auditor Konny Zurcher.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Trine. Commissioner Moore led in the Pledge of Allegiance.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the July 6, 2009 meeting had been submitted at the July 20th meeting but were tabled for further review (*please refer to page one of the Regular Meeting minutes dated July 20, 2009*). The minutes of the July 6, 2009 meeting were approved on a motion made by Mr. Thompson and seconded by Mr. Moore. The minutes of the July 20, 2009 Regular meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

In the absence of Highway Department Engineer/Superintendent Ted Cain, Mr. John Spiedel from Butler Fairman and Seufert submitted the following contracts:

1. **Inspection Services Agreement:** Mr. Spiedel submitted an Inspection Services Agreement for the fourteen projects approved by the state for the Stimulus (American Recovery and Reinvestment Act) Funds, for the repaving of roads in Howard County. The projects amount to about 1.5 million dollars at no cost to the county. The Inspection contract is also at no cost to the County; letting for the projects will begin in August. Mr. Cain has reviewed the contracts and signed the transmittal letters that must be back to the state by August 12th. In discussing this agreement, Mr. Thompson had some concern to the costs involved, and was assured by Mr. Spiedel that there will be no costs incurred for the County. Mr. Murrell has not received a copy of the contract for review. Due to the importance of this project, a motion was made by Mr. Thompson to approve the Inspection Services Agreement for the fourteen projects funded by the American Recovery and Reinvestment Act of 2009, subject to Attorney Murrell’s review. The motion was seconded by Mr. Moore and carried.
2. **Supplemental Agreement For The Right-Of-Way Acquisitions Services:** Mr. Spiedel also submitted a contract for the acquisitions of properties along the Boulevard Street right-of-way corridors of the new U.S. 31 project. Mr. Murrell will review the contract and submit his recommendation at the August 17th meeting.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert submitted the following issues for the Commissioners’ information and approval:

1. **Jail Population:** The current inmate count is three hundred fifty-four (354) with fifty-eight (58) being female. That is thirty inmates over capacity. It was a quiet weekend and the jail is at a manageable level at this time.
2. **Dryers Installed:** The new dryers have been installed and are working well. Sheriff Talbert appreciates the work of the maintenance department who installed the dryers.
3. **Equipment Purchase Requests From The Cumulative Capital Fund:** Sheriff Talbert submitted requests for the following equipment from the Cumulative Capital Fund, account 04000, Equipment:

Three LED vehicle light bars	\$5,997.00	Waymire A.P.S. Inc.
6 Console Spacer Plates for vehicles	\$ 52.50	Waymire A.P.S. Inc.
Explosive Materials For K9 Training	\$1,395.00	Tripwire Operations Group

A motion was made Mr. Thompson, seconded by Mr. Moore and carried to approve the request for three invoices to be paid from the Cumulative Capital Fund 150-000-04000-00 as submitted.

4. **Video Conferencing Room Improvements:** Since the Criminal Justice Center installed carpeting on the walls of its video conferencing room, the sound quality has improved. However, the carpet makes the rooms darker and Sheriff Talbert will address that issue.

*At this time a motion was made by Mr. Moore seconded by Mr. Thompson
and carried to recess the Regular meeting at 4:30 p.m.
to hold a previously scheduled Public Hearing.*

It is noted for the record that Assistant County Attorney Brian Oaks, the attorney that worked with the Plan Commission in the execution of the proposed Zoning Ordinance and Zone Map, is in attendance.

President Trine opened the Public Hearing to discuss the Proposed Zoning Ordinance and Zone Map.

Plan Commission Director Glen Boise commented that the Plan Commission has worked on this Proposed Zoning Ordinance and Map for several years and he now brings that board's recommendation.

President Trine opened the floor for discussion as follows:

Brad Bagwell, 8474 East County Road 100 North, Greentown: Mr. Bagwell began the discussion by agreeing that we do need a new Zoning Ordinance, but believes that several items should not be included because they are "impossible to enforce" and there are no resources to enforce. He continued to point out several of those issues such as Fence and Wall standards (5-13). People who live in the County do so because they don't want the restrictions that are a part of living inside incorporated areas. Also of concern is landscaping (5-21), and signage (5-40), of special concern to him since he is now a small business owner of signage and flag supplies. "It's getting to the point it's getting ridiculous, the amount of restrictions in a free country that are being placed on its citizens, and I think this is just one thing, one more set of restrictions that really don't need to be there." With the loss of jobs and people turning to home businesses, etc. to earn a living he is concerned that people will leave Howard County because of its restrictions.

Tim Hinton, 7380 East County Road 400 South: First, Mr. Hinton agreed with the points made by Mr. Bagwell. He continued to express concern over the minimum floor plan requirement of 1800 square feet for new residential construction. Another concern is that of accessory structures (5.03) and the clarification of the definition of "...shall relate to the primary structure and it's use...", as well as permission to construct an accessory structure before the primary structure is constructed. Who determines the definition of a "farming structure"? In section 5.23, Home Occupation, can a professional start a business that is not listed in the chart of home businesses allowed? How do you change the "type" on residences, and who determines it? In section 5.24, the use of landscaping rock, sand and gravel is limited to 36 square feet without a permit. Concern is the limits of the number and height of trees required. Some people do not want or cannot afford trees. Is there a grace period for inclusion? Lot standards (5.23, pollution) and noise decibel levels are of further concern, especially to farmers.

Rick DeGraff, 2779 East County Road 100 South: Mr. DeGraff owns a small landscaping business in Kokomo. He is concerned about the one plant every 30 feet planting requirement, and wonders why in section 5.24, decorative gravel (rock, stone, sand, or gravel) is discouraged as ground cover. Several restrictions will impede his business including 5.34 (b) requiring dumpsters to be fenced or walled and 5.35, outdoor storage of inoperable equipment or materials. Miscellaneous concerns are the noise decibel standards (in firing of guns for target shooting), night lighting measurements, and parking limitations for travel trailers on properties. "I'm not sure why all this stuff is needed; I'm not sure why our rights are needed to be imposed upon, and more restrictions, more restrictions of what we can't do in the county."

Doug Etchison, 3347 East County Road 500 North: Owns a small farm and is not zoned RURAL residential but is zoned agricultural. It is a typical small farm with many out buildings. He believes that zoning his property rural residential would not accurately define the property. Mr. Etchison apologized for missing his window of opportunity to have his concerns considered and asked that the Board consider it this time.

Mr. Boise responded to several of the issues by reminding all in attendance that this Ordinance applies to the City and communities where these restrictions are appropriate – addressing urban and rural issues and situations that trigger the requirements. The specific requirements for residential trees, under the landscaping section, have already been removed

from the Ordinance. The Plan Commission Board has worked for several years and there have been several hearings for the Ordinance.

President Trine gave an example of the difficulty of enforcing requirements by reminding the Board that three years ago before the construction of the transfer station on Davis Road, the residents were promised that there would be no garbage smell and no blowing of loose trash to litter the area. It only makes sense that though the trash may have a 24 hour turnaround at the transfer station, it has been sitting in a dumpster for up to a week before being picked up. Mr. Trine also believes that the Inmate Work Crew has cleaned up trash in the area every year.

Considering the question of enforcement, Mr. Boise commented that the Plan Commission is the enforcement entity but have always had to go through the courts for any enforcement action. This Ordinance would give the Plan Commission a system of fines that would be a timelier and less expensive process of enforcement.

Attorney Oaks commented that the Ordinance is constitutional and legal but certain parts would be almost impossible to enforce.

Several more comments were made, and at the conclusion of ensuing discussion a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to close the Public Hearing at 5:15 p.m.

At this time the Regular Meeting was reconvened.

In considering present action on the Proposed Ordinance, the Board of Commissioners did not want to send it back to the Plan Commission Committee. A motion was made by Mr. Moore to take the Proposed Zoning Ordinance and Map under advisement and appoint a sub-committee to review both the old and new Ordinances within a month's time, and make recommendations for revisions, to bring to the October 5th Commissioner meeting, with a Public Hearing to be set for 4:30 p.m. on Monday, October 5, 2009. The motion was seconded by Mr. Thompson and carried. Revised recommendations will be posted on the County's website before the Public Hearing. President Trine thanked the Plan Commission for their diligent work to get the Ordinance to this point.

IN THE MATTER OF PLAN COMMISSION DEPARTMENT ISSUES:

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

1. **Unsafe Building:** Requests for Quotes have been sent to six different businesses for the demolition of the Collins property. To date, he has had one response and is expecting more.
2. **Flood Mitigation Property Demolition Bids:** A revised Invitation to Bid for the demolition of the 2700 Dellwood Drive property has been prepared and is ready to send out. Mr. Boise clarified that anything manmade on this property is eligible for demolition. A motion was made by Mr. Thompson to distribute the invitations to quote for the demolition of the 2700 Dellwood Drive property, to be returned no later than 8:00 a.m. August 17th, and opened at 9:00 a.m. on Monday, August 17, 2009. Mr. Boise and Attorney Murrell gave clarification as to the conditions and terms of land usage and disposal of property, of all flood mitigated property. The Dellwood Drive property is the seventh flooded property purchased by the county. Mr. Boise also clarified that these properties are being maintained by the county.
3. **U. S. 31 Corridors Plans:** There will be a Public Meeting to discuss planning for the new US 31 and existing US 31 corridors on Wednesday, August 12, 6:00 p.m., at Kresge Auditorium on the IUK campus. A presentation will be made by our consultant, then a time for questions and answers.

IN THE MATTER OF AN EMERGENCY CLAIM REQUEST FOR THE PROSECUTOR'S OFFICE:

Prosecutor Jim Fleming submitted a request for an early paid claim for a DNA expert witness needed for an upcoming trial, in the amount of \$400.00. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the expert witness claim as an emergency for early payment, in the amount of \$400.00, and authorize the President to sign on behalf of the Board of Commissioners.

Reed will comply with Courthouse Security as to when the reader will be installed. Vigil Corp submitted a quote (in May) in the amount of \$3,156.00. A motion was made by Mr. Thompson to approve the installation of a card reader and sounder for the North door leading to the basement of the Courthouse in an amount not to exceed \$3,200.00, from Vigil Corp, with the installation date pending approval by Courthouse Security. The motion was seconded by Mr. Moore and carried.

5. **Kinsey Youth Center Contracts:** Kinsey Youth Center Director Brent Kelley came to the podium to discuss contracts for generator maintenance and waste removal. There had been prior discussion pertaining to combining Kinsey's generator and waste removal service contracts with the Maintenance Department (*please refer to page three, item five, "In The Matter Of Maintenance Department Issues", of the Regular Meeting minutes dated July 6, 2009 and page five, item three, "In The Matter Of Kinsey Youth Center Issues", of the Regular Meeting dated April 20, 2009*). Every year the Youth Center is audited by the Department of Corrections and the Department of Child Services. They require active contracts to assure proper waste removal and generator maintenance. The Department of Corrections will be auditing Kinsey in September. Mr. Kelley has used Buckeye Power in the past and has a quote from them for service until May 1, 2010. It was suggested that Macallister (who holds the Maintenance department service) may not be able to offer a consolidated contract to include Kinsey in this short of time. Mr. Murrell suggested that Kinsey remain with Buckeye Power until May 1, 2010, and then consolidate with the Maintenance Department's contract with Macallisters at that time. A motion was made by Mr. Moore to approve the generator service contract with Buckeye Power from April 29, 2009 to May 1, 2010, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

Because waste removal at Kinsey is still active, Mr. Thompson asked that he and Mr. Reed continue to work on consolidating waste removal contracts and have a proposal ready to submit in September, before the departmental audits. Mr. Kelley gave his approval.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

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

1. **Human Resources Grant Application:** The Personnel Office is eligible to apply for a \$25,000.00 grant through CPS Human Resources. The Personnel Office applied for this grant in 2008 and was denied. They are trying again, this year, with the title, "Howard County Reduces The Paper Burden One File At A Time". She believes the proposal is done well and has submitted the application.
2. **Last Week's Insurance Meeting:** An Insurance Committee meeting was held last week. The Committee learned that claims have increased this year but will probably taper off toward the end of the year. Renewal will come in October / November and Howard County has not increased premium rates for the last four years. The Committee hopes to keep the rates the same for next year, as well. Anthem has several new tools on the website and Ms. McKillip hopes to educate the employees to use the tools. Those tools are useful especially when medical providers change billing practices without notifying patients ahead of time. Several Insurance Committee members toured a Novia Employee Clinic and were impressed with the operation and receptive to doing more research. Ms. McKillip would like to offer another tour that would be open to the Commissioners. There are twenty such clinics in the State of Indiana.
3. **Wellness And Benefit Fair:** The 1st Wellness and Benefit Fair was in 2008 and the Insurance Committee is in favor of holding a 2nd fair. Ms. McKillip will submit more information at a later date, and there may be an opportunity to include the employee flu shots at that time. She asked for approval from the Board of Commissioners and they gave their approval by consensus.
4. **Employee Benefit Golf Outing:** The Golf Outing is scheduled for September 16, 2009 and the invitation letters have been sent. The Personnel Office is working on a date for the Employee Holiday party in December.

IN THE MATTER OF THE HEALTH DEPARTMENT PURCHASE REQUEST:

Public Health Nurse Coordinator Karen Long submitted a request to the Board of Commissioners for the purchase of a Cargo Mate Trailer, in the amount of \$9,675.00. This trailer would be used to store and transport supplies and equipment needed for quick response to public health emergencies. It would also be used as a mobile medical clinic for mass distribution of medications and vaccines. It could be used, as well, during pandemic flu outbreaks, food borne illness or mass prophylaxis after a bioterrorism event. The funding source would be the Public Health Preparedness and Emergency Response grant. The Health Department has already received permission from Larry Smith to have the trailer transported and stored by the Emergency Management Agency. The County's only financial responsibility would be the annual title/registration fee each year. This trailer could be added to the current County policy at no additional cost. At the conclusion of discussion, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the purchase of the Cargo Mate Trailer in the amount of \$9,675.00 from the PHPER grant. Captain Jerry Asher informed Ms. Long that a municipal plate can be purchased for the trailer that would last for the life of the trailer. Mr. Asher will distribute paperwork to the Health Department for the municipal plate.

IN THE MATTER OF OPERATION PULLOVER GRANTS:

Captain Jerry Asher submitted copies of the DUI Task Force Grant (\$23,000.00), the Big City, Big County Grant (\$17,000.00) and the Operation Pullover Grants (\$17,000.00) for the Board's approval. The grants begin October 1, 2009 and ends September 30, 2010, and this has been an annual exercise for several years. A motion was made by Mr. Moore to approve the DUI Task Force Grant, the Big City Big County Grant and the Operation Pullover Grant, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

Captain Asher informed the Board that of the six new vehicles ordered, four have been received and the remaining two will be picked up tomorrow. Three have been equipped with lights, etc.

IN THE MATTER OF PUBLIC COMMENT:

President Trine opened the floor for public comment as follows:

Jerry Paul, 1326 South Webster St., Kokomo, Indiana: Mr. Paul is a representative of the Mayor's Veterans Advisory Board and is concerned with the progress of the Veteran's Memorial that is part of the Courthouse Beautification Plan, and if the Board of Commissioners has met with Mayor Goodnight concerning selection of a design. He is also concerned with the lack of Veteran Monument pictures on the City and County's websites as it pertains to tourism. He believes the monument should not be done in a haphazard way, and should be dedicated to the families of veterans.

Mr. Moore reminded Mr. Paul that the Board of Commissioners is dedicated to not committing any taxpayer money for the Beautification Project; that it will have to be funded privately. The Board of Commissioners has not had a meeting with Mayor Goodnight concerning designs for the monument.

Mr. Paul realizes that it must be funded privately and would respectfully ask the Board to approve a design so he can begin seeking private funds, knowing this will take several years.

Technology Director Terry Tribby informed Mr. Paul that he should contact Veterans Service Officer Robert Ladd concerning veteran information and pictures on the County website. Mr. Tribby could also do a link to the Convention & Visitors Bureau's website. He also suggested that Mr. Paul coordinate with the Greater Kokomo Economic Development Organization.

Mr. Thompson confirmed that the Board of Commissioners has only received one proposal from the Beautification Committee and it has been reviewed with several maintenance concerns. It is up to the Committee to submit any plans to the Board of Commissioners.

Mr. Moore informed Mr. Paul that the Board of Commissioners is open to the idea of a monument but are waiting for the Beautification Committee to submit proposals, and that a monument would have to be off the table until there is funding to support the cost. Mr. Thompson reminded him that the Board will look at any proposal, and that a Beautification Fund has been established to receive donations.

Mr. Paul will submit a proposal to the Board of Commissioners for their review.

Clee Oliver, 5768 West County Road 00 North/South: Mr. Oliver thanked the Board of Commissioners for scheduling afternoon meetings. He believes it's important to involve the media in the process of disseminating needed information to the public. Mr. Oliver is also tired of any bickering between City and County entities – we're all in this together.

President Trine assured all present that the County does use the internet and local papers to disseminate information and will continue to do so, even more, in the future.

Tim Hinton: Just a reminder that when disseminating information to the public, many older citizens do not use a computer or the internet to obtain public information. Mr. Hinton will go to neighbor's homes to give them needed information.

IN THE MATTER OF CLAIMS AND REPORTS:

Deputy Auditor Konny Zurcher submitted the following issues for the Board's information and approval:

1. **Commissioner Salary Claims:** Salary, hourly and overtime claims payable August 7 and 14, 2009, in the amount of \$349,982.56 each, were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Commissioner Operating Claims:** Operating claims payable today, in the amount of \$838,897.45, were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
3. **Clerk Report:** The Clerk's Monthly Report for the month ending June 30, 2009, was reviewed and accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.
4. **Weights And Measures Report:** The Weights and Measures Report for the month of June 15 to July 15, 2009, was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Sprint/Nextel Invoice:** At the July 6th Regular meeting, a change order invoice was submitted in the amount of \$7,940.00 for equipment storage services by Integrity Business Communications, and approved to forward to Sprint/Nextel for payment (*please refer to page five, item two, "In The Matter Of county Attorney Issues" of the Regular meeting minutes dated July 6, 2009*). Integrity received word that the invoice was not approved as submitted and asked that it be re-submitted with needed information. This change order from Integrity Communications concerned the radio interference from signals originating from Galveston. Mr. Murrell re-submitted an invoice from Integrity Communications with the requested information for the Commissioners' approval. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the resubmission of the Integrity invoice, and authorize the President to sign on behalf of the Board of Commissioners.
2. **Reassessment Contracts:** At the June 15th meeting the Board of Commissioners approved contracts with Ad Valorem Solutions for Reassessment, Trending and Maintenance services (*please refer to page five, "In The Matter of Reassessment Contracts", of the Regular Meeting dated June 15, 2009*). The State General Assembly has continued discussion concerning Reassessment by one year and these contracts must be amended to reflect the new date. County Assessor Jamie Shepherd has just received a model amendment from the Department of Local Government Finance, and Mr. Murrell suggested to the Board of Commissioners that they approve the amendment subject to review by Ms. Shepherd and Mr. Murrell. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the model amendment for the Reassessment contracts with Ad Valorem, subject to review by County Assessor Shepherd and Attorney Murrell.
3. **Remaining EMA Construction Invoice:** There is a balance of \$47,938.35 yet to be paid on the construction contract with C & Z Construction for the EMA Rebuilding Project. Liberty Mutual, the holder of the Performance bond has paid out over \$90,000.00 to subcontractors, with the possibility of more payments in the future. Liberty Mutual has asked that Howard County send the remaining contract payment to them in lieu of C & Z Construction. Mr. Murrell will contact Engineer Ted Cain and EMA

Director Larry Smith to confirm the completion of the project, before sending the check. A motion was made by Mr. Thompson to authorize the Auditor's Office to send a check to Liberty Mutual, in the amount of \$47,938.35, and the final payment on the EMA Reconstruction contract. The motion was seconded by Mr. Moore and carried.

4. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes & Thornburg in the amount of \$47,121.00. This invoice lists legal services rendered in connection with General Finance Advice (\$602.00), Delphi Bankruptcy Matters (\$7,815.00) and Chrysler Corporation (\$38,694.00). Future invoices concerning the Chrysler Corporation will increase and Mr. Murrell recommends that an Additional Appropriation Request be prepared for the next Council meeting, for the Contract Services line item. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the Barnes & Thornburg invoice in the amount of \$47,121.00, and direct the Auditor's Office to prepare an Additional Appropriation Request to submit to the Council for an amount to be determined. Mr. Trine will plan on attending the Council Meeting to submit the request.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Commissioner Moore:** Commissioner Moore thanked the Board for their support of the trip to Italy with Mayor Goodnight and City representatives,

The Courthouse Beautification Committee will be meeting on Thursday, August 13. Their proposal will be ready to submit at the August 17 Commissioner Meeting.
2. **Commissioner Thompson:** Mr. Thompson encouraged all elected officials to tour the Kokomo Animal Shelter and see what a fine job they do in caring for the animals. He urged them to make sure to arrive before 11:00 a.m. when they clean the cages.
3. **Commissioner Trine:** Reminded all of the Stuff the Bus campaign to help those children in need collect needed supplies for Back to School time. To date there have been forty to forty-five bags of supplies donated. Drop off locations are Northwestern on Tuesday, Western on Wednesday and Eastern on Thursday. He encourages all to be a part of this endeavor.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 7:05 p.m. on a motion made by Mr. Thompson and seconded by Mr. Moore.

HOWARD COUNTY BOARD OF COMMISSIONERS:

DAVID A. TRINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioner Regular Meeting August 3, 2009