

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JUNE 1, 2009

The Howard County Board of Commissioners met in Regular Session on Monday, June 1, 2009 at 4:00 p.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President Dave Trine, Vice President William Thompson, and Member Tyler Moore. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

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

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the Regular Commissioner Meeting dated May 18, 2009 and the Special Called Meeting dated May 21, 2009 were previously submitted and reviewed. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the May 18th meeting minutes. The May 21st, Special Session minutes were approved on a motion made by Mr. Moore, and seconded by Mr. Thompson.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Engineer/Superintendent Ted Cain submitted the following issues for the Board's information and approval:

1. **Stimulus Project Application Expenses:** Mr. Cain had hoped to keep the application expenses for the Stimulus Project Plans to \$8,000.00. He reported that expenses are currently \$14,000.00 with an estimated \$6,000.00 to finish the application process. Mr. Cain hastened to confirm that the extra expense is not the fault of the consultant, but that the State is attaching new requirements to the application process. He believes that all the paperwork needed for the application process has been completed and sent to the State office.

2. **EMA Paving Project:** Mr. Cain distributed copies of the estimate for the four phases of the EMA Building Paving Project as follows:

| | |
|--------------|--------------------|
| Phase I | \$23,788.01 |
| Phase II | \$11,908.78 |
| Phase III | \$ 3,694.77 |
| Phase IV | <u>\$ 958.19</u> |
| TOTAL | \$40,349.75 |

Phase IV was added as the area between the EMA Building and the Fire Department's Burn House. Mr. Cain assured the Board that the estimated figures as submitted were more than what the actual costs should be. A motion was made by Mr. Thompson to take the estimates under advisement for further review and direct the Auditor's Office to prepare an Additional Appropriation for the June Council Meeting. The motion was seconded by Mr. Moore and carried.

3. **Out Of Office:** Mr. Cain informed the Board that he will not be here for the June 15th meeting. He will be out of the office for several weeks and assured the Commissioners that he would be in touch with the office. His foreman is authorized to make minor decisions pertaining to engineering matters. He encouraged the Commissioners that he was available, and they could call him anytime.

4. **Thank You:** Sheriff Talbert expressed thanks to Mr. Cain and his department for the installation of Crime Watch signs and other signs needed throughout the County. He can count on a quick response by the Highway Department. Mr. Thompson also expressed appreciation to Mr. Cain for checking on a possible road hazard.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Talbert submitted the following issues for the Board's information and approval:

1. **Jail Population:** The current inmate population at the Criminal Justice Center is three hundred fifty-four (354). Currently the female population is sixty-five (65), but over the weekend the jail set the record for female inmates at sixty-nine (69). Sheriff Talbert believes it is time to make some contingency plans, and invited Captain Vincent to the podium to speak to this issue. Captain Vincent informed the Commissioners that he is trying to find bed space in neighboring county facilities. White County and Hamilton County has bed space and has agreed to help house inmates. He anticipates being able to move a few inmates this week, those who are low maintenance inmates and have court dates that are at least thirty days in the future. The cost is \$35.00 per inmate per day. The families of the inmates will also be notified. The Sheriff's Department will try to keep this as economical as possible and will not leave inmates in other facilities indefinitely. They will be returned as soon as it is economically feasible. The Criminal Justice Committee will be meeting June 12th and this topic will be discussed at that time. In answer to a question about crime and how much is drug related, Captain Vincent remarked that about eighty (80) percent of crime in Howard County is drug related. Sheriff Talbert related that the Courts are doing all they can to hear these cases in a timely manner.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Ordinance No. 2009-BCCO-17:** Ordinance No. 2009-BCCO-17 is an ordinance changing property located at 5974 North County Road 00 EW from B-1 (Local Business) to B-2 (General Business). This rezoning request received a favorable recommendation from the Plan Commission. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve Ordinance No. 2009-BCCO-17 as submitted.
2. **Ordinance No. 2009-BCCO-19:** The purpose of this Ordinance is to "provide for the land development, construction, operation, and decommissioning of Wind Energy Facilities in Howard County subject to reasonable conditions that will protect the public health, safety, and welfare". Mr. Moore commended Mr. Boise for his research and approval of this Ordinance, and the Plan Commission Board's careful attention to accommodating new construction while protecting other land owners. Mr. Thompson also commended the Plan Commission Board and Mr. Boise, as well as Assistant Attorney Brian Oaks. Mr. Rodney Flora from Eon Wind was in attendance and thanked Mr. Boise and the Plan Commission for their work with the Ordinance. Mr. Thompson moved to take Ordinance No. 2009-BCCO-19 under advisement for review by all entities involved, with the intent to approve. The motion was seconded by Mr. Moore and carried.
3. **Flood Mitigation Property:** Mr. Murrell is forwarding information to Moore Title Company concerning the purchase of the Flood Mitigation Property located at 2700 Dellwood Drive. All necessary documents have been signed by the present owner. Mr. Boise will contact the Title Company for paperwork to submit claims for payment.
4. **Resolution No. 2009-BCCR-6:** Mr. Boise issued an Order of Unsafe Premises and Notice of Hearing to Mr. John Collins for property located at 1757 North County Road 1050 West. A Public Hearing was set for 9:00 a.m. today, and President Trine now opens that hearing for public comment. There being no public comment at this time, the Hearing was closed on a motion made by Mr. Thompson and seconded by Mr. Moore. Mr. Murrell submitted proposed action and advised the Board that they could affirm, modify or rescind their Demolition Order. Resolution No. 2009-BCCR-6 affirms, "...the May 4, 2009 Order issued by the Howard County Enforcement Authority to John P. Collins concerning unsafe property located at 1757 North County Road 1050 West, Kokomo, Indiana ". A motion was made by Mr. Thompson to approve Resolution NO. 2009-BCCR-6, affirming the Order to Demolish for property located at 1757 North County Road 1050 West. The motion was seconded by Mr. Moore and carried. A Public Hearing will be set for 9:00 a.m. on Monday, July 20, 2009.
5. **Citizen Question Pertaining To County Owned Ridge Road Property:** Mr. Trine reported that he received a request from an adjoining landowner to the three lots owned by the County at the 500-600 block of Ridge Road. Because this neighbor has been mowing the grass on this property, he asked for permission to plant a garden on the land. Because of the covenants associated with the grant the County used to purchase the property, there is very little that can be done with the property. Planting a garden

may fall within the approved parameters, but presently the County has no mechanism in place to allow it. This property can only be owned by the Government or a limited 501C-3 agency.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

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

1. **Elevator Repair In Administration Center:** There was an issue with one of the elevators in the Administration Center. Once the Maintenance Department was able to get the needed repair part, they were able to do the repair themselves, for \$60.00. Had they used the services of the elevator company, the repair would have cost \$1,000.00.
2. **Roof At Howard Haven:** The Maintenance Department was able to make the minor repairs needed to the roof of Howard Haven.
3. **Sump Pump Installation At The Courthouse:** Mr. Reed expressed appreciation to Mr. Cain and the Highway Department. They will supply a backhoe and driver to dig a dry well to contain the water pumped from the sump pump installed in the Adult Probation office.
4. **Strawberry Festival:** Mr. Reed reminded the Board that the Strawberry Festival is this Thursday, the 4th of June. The east Courthouse doors will be accessible, but beginning at 6:30 a.m., Buckeye Street will be the only street access around the Courthouse.
5. **Quotes Taken Under Advisement:** At the May 18, 2009 meeting, two quotes from Elwood Fire were taken under advisement for further review (*please refer to page three, item one, "In The Matter Of Maintenance Department Issues" of the Regular Meeting minutes dated May 18, 2009*). A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the replacement of the sprinkler system pipe at the Courthouse in an amount not to exceed \$2,550.00. A motion was made by Mr. Thompson to approve the quote to monitor the Government Center and Howard Haven's fire alarm systems, with a direct dial to the dispatch office, in the amount of \$525.00 each. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF HOWARD COUNTY EMPLOYEE SMOKING CESSATION PROGRAM:

Personnel Director Wanda McKillip reported on the current Employee Smoking Cessation Program. The program begins on Tuesday, June 2nd, and will continue through the month of June with meetings on the 2nd, 9th, 16, and 23rd, from 11:00 a.m. – 12 noon, in Hearing Room, 338 of the Administration Center. Six employees have registered, and the program is paid for by the Family Service Association Grant.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT:

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

1. **Website Posting:** Mr. Tribby offered to post the proposed Wind Energy Facility Ordinance on the County's Website. It was the consensus of the Board to proceed with the posting of the Ordinance. Mr. Trine is concerned that because there was some controversy associated with the writing of the Ordinance, and that many people probably will not come to a public meeting, that citizens have an opportunity to post comments concerning the proposed Ordinance. Mr. Tribby commented that anyone who visits the website can find the listed Webmaster to post comments. Mr. Tribby's office monitors the comment site and forwards any comments to the appropriate department.
2. **Criminal Justice Center Server:** Mr. Tribby's department has made several unsuccessful attempts to install the new server at the Criminal Justice Center. Today they talked to the software vendor for further assistance, and hope to complete the installation this week.
3. **Economic Development Issues Posted On County Website:** Mr. Tribby attended an Economic Development Meeting several weeks ago. Mr. Tribby commended Mr. Trine and the comments he made.

Because of comments made at that meeting, Mr. Tribby would like to post County events and festivals to help promote Kokomo / Howard County. Our website receives 100,000 hits per month, almost a million and a half hits a year from all over the United States, and he believes it would be an effective tool to promote economic development. He invited the Commissioners to submit any information they would like to see posted, to the IT Department.

IN THE MATTER OF A REQUEST FOR T.E.A. PARTY AT THE COURTHOUSE:

Ms. Kenlyn Watson, Mr. Rich Ferguson, and Ms. Debbie Hearn were in attendance to submit a request for the use of the Courthouse sidewalk and electrical outlet for a T.E.A. Party. This T.E.A. Party is a non-partisan, grass-roots movement to empower citizens to get involved with government issues. The Party will take place on Thursday, July 2, 2009, 6:30 – 8:30 p.m., on the east side of the Courthouse Square. Mr. Scott Reed has already spoken to Ms. Watson concerning security concerns, and electrical issues for their PA system. Main Street, from Walnut Street to Sycamore Street, will be blocked from 4:30 p.m. until midnight. The Board gave its approval by consensus.

IN THE MATTER OF HOWARD HAVEN PRE-APPROVAL APPLICATIONS:

Howard Haven Superintendent Jennifer Vary submitted resident applications for pre-approval for the following:

| | |
|--------------------|--|
| Donnie W. Sparks | Non resident – has family in Howard County |
| Michael R. Bergman | Resident |
| James E. Lane | Resident |

Two of the applicants are Arch paid; one is private pay. Ms. Vary is requesting pre-approval so that there will be no gap in revenue. Ms. Vary gives her recommendation for all applicants and there is currently one opening. Concerning the applicant who is a non-resident of Howard County, Mr. Murrell replied there is an unwritten rule to prefer Howard County residents, first. These applications will come back to the Board of Commissioners for final approval when an opening arises. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to pre-approve the applications of the above named.

IN THE MATTER OF PUBLIC COMMENT:

At this time President Trine opened the floor for public comment as follows:

1) William Galles – 804 Jeff Road, Kokomo, IN, 46901 – Mr. Galles requested that the meeting agendas for Commissioner and Council meetings be posted on the County's website. At the conclusion of discussion, Mr. Tribby confirmed that they are not currently posted but that he will post them immediately. Mr. Galles sent e-mail congratulations to the Board for their work with smoking issues and the Smoking Ordinance for County buildings and employees. He would like the Board to consider drafting a Burn Ordinance for county residents. Commissioner Moore commented that the Plan Commission has a Burn Ordinance on its committee agenda for June or July. Attorney Murrell commented that historically, the issue has been considered and there was overwhelming opposition to a no-burn ordinance. County residents want the right to burn. Mr. Murrell also stated that there is a State law governing acceptable limits for the ability to burn in the counties. Commissioner Thompson commented that the cost of enforcement is an issue. Discussion continued concerning State enforcement of their burn laws, the educational value of a County Ordinance, and possible enforcement possibilities.

2) Mark Bowyer – Kokomo Gravel – Mr. Bowyer had questions concerning the Memorandum of Understanding for the Kitty Run Project and if the contract is site specific to the quarry backfilling site on the Continental Steel property. He also questioned if excess dirt would be dumped at another site. Mr. Trine and Mr. Murrell confirmed that the MOU is site-specific to the Continental Steel site, not necessarily specific to just the quarry backfill. Mr. Bowyer also asked the status of the request to Lee and Ryan concerning names and addresses of workers used for the project.

3) Junior Zimmerman – C & Z Construction – Mr. Zimmerman expressed his concern that this project is not using local labor and equipment. Mr. Trine reiterated that, as of this afternoon, Lee & Ryan have committed to getting the requested information back to Mr. Murrell's office no later than tomorrow. The Board clearly understands the concerns mentioned here, and their intent is to use local labor and equipment. Continued discussion centered upon the definition of "local", the payment or non-payment of real estate taxes, and the payment or non-payment of personal property taxes.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Salary Claims:** The Commissioners' Salary, Hourly, and overtime claims payable June 5 and 12, 2009, in the amount of \$349,982.56 each, was approved on a motion made by Mr. Moore and seconded by Mr. Thompson.
2. **Operating Claims:** The Commissioners' Operating Claims payable June 1, 2009, in the amount of \$401,422.84, were submitted and approved on a motion made by Moore and seconded by Mr. Thompson.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Howard Regional Condemnation Suit Settlement And Release Agreement:** The Howard Regional Board of Trustees met last Thursday and approved a settlement regarding a condemnation suit involving Networks Property, the former Denny's restaurant site. Howard County filed the suit on behalf of Howard Regional, and because they are listed as the plaintiff, the Board of Commissioners will need to approve the settlement. Mr. Murrell submitted a Settlement Agreement with Networks, to the Board of Commissioners for their consideration. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the Settlement and Release Agreement between Howard County, Howard Regional Hospital and Networks, and authorize the President to sign on behalf of the Board of Commissioners.
2. **Second Amendment To The KeyBank Lease:** The Second Amendment to the KeyBank Lease will be effective March 1, 2010 and reflects a decrease in requested office space to 4,869 square feet, thereby decreasing the monthly lease and the percentage of utilities to be paid to Howard County, otherwise, the same lease terms will apply. A motion was made by Mr. Thompson to approve The Second Amendment to the KeyBank Lease, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried.
3. **Resolution No. 2009-BCCR-7:** This resolution authorizes the final payment to the contractor for the construction of the new EMA building, in the amount of \$47,938.35. Mr. Murrell and Commissioner Thompson will be meeting with C & Z Construction and several sub-contractors for the distribution of checks made co-payable to C & Z and the subcontractor. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve Resolution No. 2009-BCCR-7.
4. **Proposed Amending Purchasing Ordinance:** Mr. Murrell submitted and distributed a Proposed "Buy Local" Amendment to the Purchasing Ordinance. As a result of the May Council Meeting, Mr. Murrell made the following addition, "...as provided in the statute, the Purchasing Agency reserves the right to reject all quotes to whomever it is sent". Mr. Murrell commented, "Just because you choose to send them to only local people, does not mean you lose all control over the final decision." At the conclusion of ensuing discussion, a motion was made by Mr. Moore the table the proposed Purchasing Ordinance amendment for further review. The motion was seconded by Mr. Thompson and carried.
5. **Sheriff's Association Meeting:** Mr. Murrell will be attending the Sheriff's Association Meeting on Tuesday, June 2nd in Warsaw, Indiana. A legal update will be presented by guest speaker Howard Williams, the Association's attorney. Mr. Williams is the leading authority on jail law and the Sheriff's Department, in Indiana. Sheriff Talbert invited both Mr. Murrell and Assistant County Attorney Brian Oaks to attend.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Commissioner Moore:** Last Thursday, May 28th, Mr. Moore had the opportunity to meet with representatives of President Obama's Administration: Dr. Montgomery, Auto Recovery, and Ms. Mills, National Small Business Administration. Mr. Moore commends Mayor Goodnight for effectively

conveying the concerns of Kokomo / Howard County. Congressman Donnelly was there and gave his input, as well as Councilman Richard Miller.

Mr. Moore is planning to attend the Drug Court Graduation, this Wednesday.

2. **Commissioner Thompson:** Mr. Thompson thanked the Howard County Plan Commission, Commissioner Moore, and Attorney Brian Oaks for their work concerning the Wind Ordinance.

Tuesday is the D.A.R.E. program's Concert On The Creek.

3. **Commissioner Trine:** Mr. Trine commented that the Economic Development's Town Hall discussion, last week at IUK, went well.

Mr. Trine thanked Attorney Murrell for the "...unbelievable, outstanding job". Mr. Trine believes that Mr. Murrell has gone out of his way, especially the last few months, to keep the Board of Commissioners and the County straight.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 6:13 p.m. on a motion made by Mr. Thompson and seconded by Mr. Moore.

HOWARD COUNTY COMMISSIONERS:

DAVID A. TRINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioners Meeting June 1, 2009