

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING OCTOBER 5, 2009

The Howard County Board of Commissioners met in Regular Session on Monday, October 5, 2009, at 4:00 p.m. in the Administration Center, Room 338. Those in attendance included President David 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. Commissioner Moore led in the Pledge of Allegiance.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the September 21, 2009 minutes, having been previously submitted and reviewed, were approved on a motion made by Mr. Thompson and seconded by Mr. Moore. The minutes of the October 1, 2009 Administrative Meeting were submitted and approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF THE PILLAR OF THE COMMUNITY AWARD:

At the September 21st meeting, Commissioner Trine informed those present that Mr. Don Wilson of the Kokomo Perspective received the Pillar of the Community Award. Mr. Trine asked that recognition be granted Mr. Wilson at the October 5th Meeting (*please refer to page six, item four, "In The Matter Of Commissioner Issues", of the Regular Meeting minutes dated September 21, 2009*). Kokomo Perspective publisher, Don Wilson, was in attendance and stepped to the podium to receive the award. Resolution No. 2009-BCCR-21 was read as follows:

Resolution of the Howard County Board of Commissioners, recognizing Don Wilson, the Pillar of the Community,

Whereas, the Howard County Board of Commissioners has established a Pillar of the Community Award to recognize those who have made exceptional contributions to our community, and,

Whereas, Don Wilson is celebrating his twentieth year as publisher of the Kokomo Perspective, and,

Whereas, under Don Wilson's leadership the Kokomo Perspective consistently reports on controversial but important issues and holds government and community organizations accountable to the public, and,

Whereas, because of his dedication to his home town, Don Wilson has unselfishly supported business and labor leaders in creating and maintaining jobs for Howard County citizens, now,

Therefore, in recognition and appreciation of these notable contributions, the Howard County Board of Commissioners hereby honors Don Wilson as a Pillar of the Community on this 5th day of October, 2009.

Mr. Thompson made a motion to approve Resolution No. 2009-BCCR-21. The motion was seconded by Mr. Moore and carried. Mr. Trine handed Mr. Wilson the "Pillar" and Mr. Wilson thanked the Board of Commissioners for this award. "It was a very nice thing to do."

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

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

1. **Invitation To Bid Materials 2010:** Mr. Cain is ready to invite bids for materials and supplies for the Highway Department for 2010. He would like the bids to be returned no later than 8:00 a.m. on November 16, 2009, to be opened at 8:30 a.m. on the 16th. A motion was made by Mr. Moore to approve the Invitation to Bid for Highway materials and supplies, to be returned to later than 8:00 a.m. on November 16, 2009, to be opened at 8:30 a.m. on the 16th. The motion was seconded by Mr. Thompson and carried.
2. **Stimulus Projects:** The projects funded by the Stimulus Package will begin preparation work this week, and the actual paving will begin the week following.

3. **Passing Of Employee:** Mr. Cain reported that Mr. Ora Rody passed away Sunday night. Both he and the department are grieving the loss of such a valued employee, who had worked for Howard County almost twenty-two years. Mr. Cain will not replace the position at this time. Mr. Trine commented that as a Board, they will keep the Rody family and the Highway Department in their thoughts and prayers. Personnel Director Wanda McKillip will notify the Board when arrangements are made.

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 population is three hundred forty-five (345) with fifty-five (55) being females.
2. **Request Vehicle Purchase:** Sheriff Talbert received an e-mail from another Indiana County Sheriff's Department concerning the availability of several vehicles that were ordered but not purchased. These 2009 Dodge Chargers with V-8 engines and police packages, as well as a two-tone color package, are available at the State's QPA price of a little over \$22,000.00. Sheriff Talbert has several vehicles that have over 100,000 miles on them, and he was scheduling them to be replaced next year. Because the total price would be under \$50,000.00 he does not need to go through a quote or bid process. At the conclusion of ensuing discussion, a motion was made by Mr. Moore, seconded by Mr. Thompson and carried to authorize Sheriff Talbert to purchase one or two Dodge Chargers, depending on availability, and authorize President Trine to give final approval of the conditions of the purchase.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Ordinance No. 2009-BCCO-29:** This Ordinance, also referred to as Case 3-CZ-09, is a request to rezone property located at 3437 West Sycamore Street from A-1 (agricultural) to B-2 (general business). This request received a favorable recommendation from the Plan Commission Board. President Trine will not participate in discussion as his brother is one of the preferred caterers for the establishment making the request. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve Ordinance No. 2009-BCCO-29.
2. **Ordinance No. 2009-BCCO-30:** This Ordinance, also referred to as Case 4-CZ-09, is a request to rezone property located at 2296 South County Road 750 West, from R-1 (residential) to B-1 (local business). This request received a favorable recommendation from the Plan Commission Board and was approved by the Board of Commissioners, on a motion made by Mr. Moore and seconded by Mr. Thompson.
3. **Flood Mitigation:** Mr. Boise distributed pictures of the roadway to 2700 Dellwood Drive, showing the relocation of a control gate that was moved by the Wastewater Company to control access to the property. Mr. Murrell suggested that a "NO ACCESS" sign be installed. He will review the property to see if there is a need to vacate a right-of-way.
4. **US 31 Corridors Plans:** The Steering Committee meets this Wednesday (7th). The second Public Meeting will be on Wednesday, October 14 from 6:00 p.m. – 9:00 p.m., at IUK. This will be a meeting to receive public comment regarding the use of the US 31 Corridors. The third Public Meeting will be held on Thursday, November 19th. The Plan Commission will advertise these Public Meetings.

***On a motion made by Mr. Moore and seconded by Mr. Thompson,
the Regular Meeting was recessed in order to hold a
previously scheduled Public Hearing concerning the
proposed Zoning Ordinance.***

Mr. Boise deferred to Commissioner Moore for his report on the sub-committee and their meeting with Mr. Boise and Attorney Brian Oaks. The members of the sub-committee had asked that Mr. Moore receive information from the Plan

Commission concerning the history behind the changes made to the current Zoning Ordinance. After discussion by the sub-committee, they asked Mr. Boise if he could run a comparison between the current and proposed zoning ordinances showing the changes made. After they have a chance to review the comparison, section by section, they will propose that the Plan Commission also address the proposed ordinance section by section, making it more user friendly and changing the ordinance at a much slower pace, in lieu of a total re-vamping.

The floor was opened for public comment.

Tim Hinton, 7380 East County Road 400 South: Mr. Hinton retains the same comments he has made at previous meetings (*please refer to page two, "Public Hearing", of the Regular Meeting minutes dated August 3, 2009.*) He believes we need the Wind Energy Ordinance, and that there are some issues that need to be updated, but a complete overhaul of the Zoning Ordinance is not necessary. He would also like to see the Ordinance written to be more easily understood.

Terry Tribby, 10271 West County Road 150 South, Russiaville: Mr. Tribby found the Proposed Ordinance to be difficult to read and very lengthy. He suggested that changes be highlighted, and the ordinance be written in a way to be more easily understood.

Tim Hinton: Is also concerned that residents who don't have access to computers, or are not computer literate, be able to access copies of the proposed ordinance, as well as Commissioner and Council meeting agendas. He believes all Public Meetings should be advertised in the papers, and not just on meeting Agendas.

There being no further public comment at this time, a motion was made by Mr. Moore to reject the Proposed Zoning Ordinance and send it back to the Plan Commission, directing them to revisit the current Ordinance section by section using the comparison prepared by Mr. Boise. The motion was seconded by Mr. Thompson and carried.

Mr. Boise informed the Board that according to State statute, a written statement is required stating the reasons why the Ordinance is rejected. Mr. Murrell will direct Mr. Oaks to prepare the needed document for the Plan Commission.

A motion was made by Mr. Thompson to close the Public Hearing. The motion was seconded by Mr. Moore and carried. The Public Hearing was closed and the Regular Meeting was resumed.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Buildings and Grounds Superintendent Scott Reed submitted the following issues for the Board's information and approval:

1. **KeyBank Remodeling Project:** KeyBank contacted Mr. Reed about draining the pipes leading to the fan coil units on the first floor of the Administration Center. Those pipes also have a rust inhibitor chemical, and take considerable time to drain. Mr. Reed was concerned they be drained in a timely manner so that heat could be restored to the building for the cold weather. The same company that installed them is the company that won the bid for the remodeling project and they were able to successfully drain the pipes and replace the rust inhibitor at no cost to the County.
2. **Howard Haven:** During the Board of Health inspection of the County Home, it was found that the temperature of the refrigerator was several degrees too warm. The maintenance department adjusted the temperature of the refrigerator.
3. **Courthouse Beautification Project:** The Sheriff's Inmate Work Crew will be at the Courthouse on October 13th at 8:00 a.m. to begin the landscaping project. Mr. Reed has not had any confirmation concerning the parking situation, from the City of Kokomo. Mr. Moore and Mr. Thompson commented that the City is still collecting information on the parking spaces, and some suggestions have been submitted.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

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

1. **NOVIA Clinic Information:** Ms. McKillip submitted and distributed information to the Board of Commissioners concerning the NOVIA Employee Medical Clinic. The Insurance Committee met last Thursday, with two representatives of NOVIA. According to Mr. Jim Brannon, the City of Kokomo would like to move forward with this clinic, regardless of whether Howard County chooses to partner with them. The Insurance Committee is planning a trip to one of the Health Clinics and the City is planning on using several Senior Citizens' busses to transport committee members. Ms. McKillip is very favorable concerning the Clinic.
2. **Standard Life Insurance:** November 1st is the first year anniversary update (of the three year plan), and seventy-eight age-change letters were sent out by the Personnel Office. Premiums will be adjusted.
3. **New Intern In Personnel Office:** Ms. McKillip will be interviewing a new intern. The applicant is a male student from Indiana University / Kokomo.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:

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

1. **Association Of Indiana Counties:** Mr. Tribby attended the Association Of Indiana Counties (AIC) meeting last week. This is the first year that the Indiana Government Technology Leaders Association Group had a presence at the meeting, and was recognized as a part of the AIC. The leader of the AIC met with thirty to forty IT representatives, and assured them that elected officials and department heads recognize the efforts of technology departments and consider them valuable members of the team. The following issues were presented: Phase II Certification, Records Retention, Manatron Software, as well as several vendor presentations of products. Cisco presented a Green Technology product to help reduce emissions by 25%. Grants are available and representatives are on hand to assist with the application process. Mr. Tribby has sent an invitation to the grant assistants, and will inform the Board of the open dates.
2. **Record Retention Update:** Bartholomew County has been working on a Records Retention Policy. It has been completed and sent to the State, then approved by the State. Mr. Tribby will pull down a copy to review with Attorney Murrell for possible use as a model for the county's policy. The State is requiring all counties to submit a Record Retention Plan. Mr. Tribby thanked the Board of Commissioners for their authorization to attend the AIC meetings.
3. **Request To Rent Space On County's Emergency Tower:** The John Deere Equipment Company has a software program, allowing technology in tractors to use GIS coordinates to help with weed control in their fields. A radio signal is needed and John Deere has requested to lease space on the County's Emergency Tower. Mr. Tribby assured the Board that we do have space on the newest tower, to reach all areas of the County. Nine farmers in the area have already committed to this service. Farming is very competitive, in this day, and Mr. Tribby believes this is a good Economic Development project. John Deere suggests an annual payment of \$250.00, keeping the costs low to make the service more affordable to the farmers. Mr. Tribby has checked signals and confirmed that it would not interfere with Howard County's signals.

During ensuing discussion, Mr. Murrell informed the Board that they need to consider leasing space to private businesses. The present policy allows for Public space only. At the close of discussion, a motion was made by Mr. Moore to take this request under advisement and review it at Thursday's Special Called meeting. The motion was seconded by Mr. Thompson and carried. The Commissioners directed Mr. Tribby to invite representatives from John Deere to make a presentation at Thursday's 9:00 a.m. meeting.

IN THE MATTER OF THE COMMUNITY CORRECTIONS ANNUAL REPORT:

Community Corrections Director Steve Maus had submitted and distributed copies of the 2008/2009 Annual report at the last meeting and the Board tabled approval until today's meeting (*please refer to page five, "In The Matter Of Community Correction's Annual Report", of the Regular Meeting minutes dated September 21, 2009*). At the conclusion of ensuing discussion, a motion was made by Mr. Thompson to table the Annual Report until the October 8th Administrative Meeting. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF A CUM CAP REQUEST FOR THE CORONER'S OFFICE:

County Coroner Jay Price submitted a request to spend \$2,000.00 from the Cumulative Capital Fund (150-000-04000.00) for the purchase of a digital camera and five digital recorders for the Coroner's office. The camera is needed for picture taking at the scene, as well as during autopsies. The recorders will be used for investigative purposes. The office has been overloaded with cases, this year, with a count of two hundred and five cases and three months left in this year. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the request of \$2,000.00 from the Cumulative Capital fund for the purchase of a digital camera and five digital recorders. President Trine expressed appreciation to Mr. Price for being a "hands on" coroner.

IN THE MATTER OF AN APPLICATION FOR RESIDENCY AT HOWARD HAVEN:

Howard Haven Superintendent Jennifer Vary submitted an application for residency for Ms. Geraldine Harmon. Ms. Harmon is sixty-four years old and would be an ARCH recipient; she is also a Howard County resident. If approved, Ms. Harmon would be the twenty-third resident, as a previous six-year resident moved out, recently. She is not submitting a Donations list as donations have decreased, this month. At the next Friends of Howard Haven meeting, she will bring up the current medical set-up situation. At the conclusion of discussion, a motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the Application for Residency for Ms. Geraldine Harmon, with the usual ninety day probationary period.

IN THE MATTER OF RESOLUTION NO. 2009-BCCR-20 – COURTHOUSE BEAUTIFICATION PROJECT:

Resolution No. 2009-BCCR-20 was read by Commissioner Thompson. This is a resolution of the Howard County Commissioners approving the Courthouse Landscaping Project. This resolution was signed by Mr. Brian Cossell of Cossell's Creative Landscaping, on September 28, 2009. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve Resolution No. 2009-BCCR-20 – Courthouse Beautification Project. Mr. Thompson continued to inform the Board that the pine trees will be removed. Courthouse Security has no problem with the removal or the sign that will be posted during the landscaping. The removal and grinding of the trees are at no cost to the County. Mr. Thompson will work with the City of Kokomo to block off several parking spaces needed for the landscaping and tree removal trucks. Mr. Moore stated that the trees would be removed and ground Saturday and Sunday. The grinding is also at no cost to the County.

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 October 9 and 16, 2009, in the amount of \$335,386.35 each, were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Operating Claims:** The Commissioners' Operating claims payable today, in the amount of \$286,235.63, were submitted. Ms. Wells also submitted a claim on behalf of the Community Corrections Department for a seminar last Friday. Payment had to be made at the time of attendance, so Ms. Wells asked that the claim for Fred Pryor Seminars be declared an Emergency Claim. A motion was made by Mr. Moore to approve the Operating Claims, including the Emergency Claim, as submitted. The motion was seconded by Mr. Thompson and carried.
3. **Clerk Monthly Report:** Ms. Wells submitted the Clerk's Monthly report for the month ending August 31, 2009, and it was accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.
4. **Travel Policy Discussion:** Ms. Wells suggested that the Board review the current Travel Policy, especially as it concerns the mileage. Several claims have been received for mileage reimbursement for situations not necessarily addressed by the current policy. The Board directed Ms. Wells to e-mail information to the Commissioners for their review.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Alan Wilson Invoice:** Mr. Murrell submitted an invoice from Alan D. Wilson for services rendered in the Miller vs. Davis case, in the amount of \$3,696.15. This is the first invoice since the case was moved to Federal Court, and includes the counter suit. The invoice was approved for payment on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Barnes & Thornburg:** This invoice is in the amount of \$28,357.56 and was for services rendered for the period ending August 31, 2009. \$21,301.56 was for Delphi Bankruptcy matters and \$7,056.00 for Chrysler. A motion was made by Mr. Thompson to approve the Barnes & Thornburg invoice for payment, in the amount of \$28,357.56. The motion was seconded by Mr. Moore and carried.
3. **Close Of Re-banding Project:** The Sprint/Nextel re-banding project is close to completion. The last invoice from Integrity Communications was submitted several months ago and denied by Sprint/Nextel. The denial was appealed and Sprint/Nextel paid half of the invoice. Sprint/Nextel is still in need of paperwork from the County and Mr. Murrell is currently working on those items.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Commissioner Moore:** Last Wednesday Mr. Moore was the honoree at the March of Dimes Signature Chef Auction.

Judging from the comments and concerns voiced at this afternoon's Chamber of Commerce Meeting, Saturday's Town Hall meeting must have been interesting. He plans on viewing the re-broadcast.

Township Appeal Hearing: Mr. Moore was the hearing officer for the Township Appeal of Mr. Robert S. Hilligoss II, Liberty Township, in lieu of Mr. Thompson. After hearing the arguments offered by both Mr. Hilligoss and Trustee Linda Grove, a motion was made by Mr. Moore to uphold the denial of the Township Trustee. The motion was seconded by Mr. Thompson and carried.

2. **Commissioner Thompson:** Mr. Thompson gave favorable comment concerning the NOVIA Employee Health Clinic paperwork that was received. More information is forthcoming and Mr. Thompson will keep the Commissioners updated.

October is breast cancer awareness month, explaining why Mr. Thompson and Mr. Trine are wearing pink shirts.

Mr. Thompson asked Mr. Trine to talk about his "wading" experience.

3. **Commissioner Trine:** As a way of introduction, Mr. Trine described a home remedy used to restore cell phone service. Mr. Trine accompanied MS4 Coordinator Greg Lake to a portion of the Kokomo Creek. He has come to a new appreciation of the importance of the MS4 Department and their activities. As part of the clean-up effort, Mr. Trine discovered, at the side of the bank of an uninhabited portion of the creek, a fully intact millstone, about three to four foot in diameter, dated 1880.

There was a town hall meeting / debate between Mr. Trine, Councilman Wyman and Councilman Miller, last Saturday. It is always good to have public discussion.

There will be a Clash of the Cans canned food drive / competition in January, 2010. It will be a competition to build a three dimensional structure of cans, and will take place at the Kokomo Mall. There will be an informational meeting at October 19, 2009, at the mall. More information will be available at that time. The food drive will benefit Salvation Army, Howard Haven, Rescue Mission and The Urban Outreach.

Condolences were offered to the family of Ora Rody.

There being no further business to come before the Board at this time, the meeting was adjourned at 5:49 p.m. on a motion made by Mr. Moore and seconded by Mr. Thompson.

HOWARD COUNTY BOARD OF COMMISSIONERS:

DAVID A. TRIINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Howard County Board Commissioner Meeting minutes October 5, 2009