

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING AUGUST 2, 2010

The Howard County Board of Commissioners met in Regular Session on Monday, August 2, 2010 at 4:00 p.m. in room 338 of the Administration Center. 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. The Pledge of Allegiance was led by Commissioner Moore.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the July 19, 2010 Regular meeting had been previously submitted and reviewed. Two corrections were suggested by Mr. Moore as follows:

Page two, item four, under Plan Commission Issues, **delete the sentence, "Proposed amendments are ready for discussion."**

Page three, item one, under County Assessor Issues, change the spelling of "Hardy" to "**Hardie**".

A motion was made by Mr. Moore to approve the minutes of the July 19th Regular meeting as amended. The motion was seconded by Mr. Thompson and carried.

The minutes of the July 19, 2010 Administrative Meeting were submitted and approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

The minutes of the July 23rd Administrative Meeting were submitted. A motion was made by Mr. Thompson and seconded by Mr. Moore to approve the minutes of the July 23rd Administrative Meeting. Mr. Moore abstained from voting so Mr. Trine vacated the chair in order to cast an aye vote. The motion was carried.

The minutes of the July 29th Administrative Meeting were submitted and approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Department Engineer/Superintendent Ted Cain informed the Board that the Boulevard Project of the US 31 Freeway project is ready for letting this Wednesday. Mr. Cain will report on the lowest bidder and bid at the August 16th meeting. The estimate was 2.1 million dollars. In response to a question posed by Commissioner Thompson, Mr. Cain reviewed with the Board the bidding for concrete or asphalt.

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 is three hundred fifteen (315) with fifty-four (54) being females. Thirty-nine people were booked in over the weekend.
2. **Enforcement Grants:** Lt. Jerry Asher submitted two Law Enforcement Grants for the Board's approval. The first grant is the DUI (Driving Under the Influence) Task Force Grant in the amount of \$18,500 to be divided between the Sheriff's Department, the City Police Department, and Russiaville. The second grant is Operation Pullover (seatbelt enforcement) in the amount of \$13,000. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the DUI Task Force Grant and the Operation Pullover Grant, and authorize the President to sign on behalf of the Board of Commissioners.
3. **Returned Employees:** Officer Larry Sparks and Head Cook Donna Walker are both off active duty from the military. Officer Sparks is back on patrol and Ms. Walker is back working in the kitchen of the Criminal Justice Center.

4. **Second Trial Enhanced Security:** The second trial of the Rethlake Homicide case (Yates) begins this week. The Security set-up will be very similar to the first trial several weeks ago. Emergency Management will again assist with personnel and the use of the EMA building on Berkley Road. The Reserve Deputies will also be assisting.
5. **Fire Suppression System:** One of the valves on the fire suppression system has corroded. The Maintenance Department has brought in temporary equipment and ordered replacement parts. Total repair costs will be around \$3,900.00, to be paid from the Misdemeanor Grant.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **US 31 Corridors Plans:** The first complete draft of the proposed plan has been completed and submitted to the committee members and they will be meeting next week to discuss the plan.
2. **Flood Mitigation Grant:** At the last meeting Mr. Boise informed the Board that Assurances for the Flood Hazard Mitigation Grant had been submitted to Mr. Murrell for his review (*please refer to page two, item two, "In The Matter Of Plan Commission Issues" of the Regular Meeting minutes dated July 19, 2010*). Mr. Murrell has reviewed the assurances and they are ready for approval and signature. In the past FEMA has allowed estimates of floor elevations to accompany the Benefit Cost Analysis. Now FEMA requires Flood Elevation Certificates from a surveyor. Surveyor Dan Minor suggested that because of recently added regulations, it would save time to outsource the certification. It would cost about \$600.00 per home for the certification, for a total of \$6,000.00. Those costs can be associated with the grant and the County does have a Flood Mitigation fund that has a balance in it, as well. The Board of Commissioners would like to review this with the County's Surveyor before outsourcing the certification. Discussion ensued concerning flood mitigation properties, and the Board was reminded that the purchasing of flooded homes is completely voluntary for the homeowner. At the conclusion of discussion a motion was made by Mr. Moore to approve the Assurances for the Flood Mitigation Grant and Maintenance Agreement, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried. A motion was made by Mr. Moore to approve the Hazard Mitigation Grant application and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried. Mr. Boise will inform the State of the progress of the Flood Elevation Certificates.

*At this time the Regular Meeting was recessed to reconvene the continued
Public Hearing on 1001 East Alto Road, on a motion made
by Mr. Moore and seconded by Mr. Thompson.*

Mr. Boise reported that the building has been excavated and that the excavator did a good job. The ground is nice and smooth and ready to be re-seeded. Mr. Davis, who was in attendance, assured the Board that he will complete cleanup along the fence line. Commissioner Moore visited the site and commented that the building is down and the excavation looks good. A motion was made by Mr. Thompson as follows:

Concerning the property located at 1001 East Alto Road, the Enforcement Authority, Glen Boise, having confirmed to the Board that the respondent Michael S. Davis has in all things complied with the Enforcement Order issued May 4, 2010, I move that the Board **dismiss the Unsafe Building proceedings** pending on this property. The motion was seconded by Mr. Moore and carried.

President Trine thanked Mr. Davis for removing and clearing the unsafe property. The Plan Commission Office will record a completion document on this activity. A copy will be sent to Mr. Davis.

*The Public Hearing was closed and the Regular meeting reconvened on a motion
made by Mr. Moore and seconded by Mr. Thompson.*

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

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

1. **Trial Security:** The Maintenance Department is also working on security issues with the trial this week. Jury selection was made at the Administration Center and air condition units were moved to the Emergency Management Agency building located on Berkley Street.
2. **Fire Suppression System:** As reported earlier in the meeting, Elwood Fire & Safety has ordered the replacement parts needed to repair the Fire Suppression System in the kitchen of the Criminal Justice Center.
3. **Resurface Parking Lots:** Jansen's Asphalt Sealing will be sealing employee parking lots this summer. Mr. Reed will inform Office Holders and Department heads so there will be no vehicles parked in the lots over the weekend.
4. **Administration Center Masonry:** Some of the masonry around the main entrance of the Administration Center is beginning to deteriorate. Mr. Reed has received an estimate from Dwight Shaff Masonry, in the amount of \$500.00 to repair, and instructed him to begin the repairs as soon as possible.
5. **Generator Maintenance Contract:** Mr. Reed met with Mr. Richard Ott from McAllister, last Friday, concerning adding the Kinsey Youth Center to the generator contract.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

In the absence of Personnel Director Wanda McKillip the following issues were submitted by the Board of Commissioners:

1. **PAC Committee Meeting:** The PAC Committee will be meeting on August 10th.
2. **Commissioner Appointment:** The Board of Commissioners has a pending appointment to the Howard Regional Health Center. A motion was made by Mr. Moore to table the appointment until the August 16, 2010 meeting. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF THE INFORMATION SYSTEMS DEPARTMENT:

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

1. **Meeting With SpyGlass:** Mr. Tribby and Mr. Trine met with Brad Clark from SpyGlass, today, concerning the initial Communications Audit report. Our current Centrex contract is up for renewal in September and as part of their service to Howard County, SpyGlass will be making recommendations concerning all our contracts with A T & T, for better service and fewer costs. Spy Glass is still in the evaluation period and making progress. Recommendations will be forthcoming.
2. **Internet At Howard Haven:** The County Home now has internet and an extra work station for resident use. Mr. Tribby's staff has been working on updating the different cable boxes at each facility.

IN THE MATTER OF VEHICLE PURCHASE REQUEST FROM COMMUNITY CORRECTIONS:

Community Corrections Director Steve Maus submitted a request to trade two of their present vehicles and purchase two used vehicles for his department. The first vehicle for trade-in is their current 2002 Crown Victoria with 68,000 miles and expired warranty. Mr. Maus looked at vehicles from Brad Howell Ford (\$14,550) and Button Motors (\$20,788), and recommends purchasing a Ford Fusion and the 5-year / 75,000 mile Extended Warranty, from Brad Howell Ford.

The second vehicle to be traded in is a 2007 Ford 500 with 70,000 miles. This vehicle has some electrical issues and the 5-year / seventy-five thousand mile warranty will soon expire. Mr. Maus looked at vehicles from McGonigal (\$9,455) and Brad Howell Ford (\$16,788), and recommends purchasing from McGonigal. Mr. Maus reminded the Commissioners that these purchases are being paid from Community Corrections user fee fund and not County General or Cumulative Capital

funds. Discussion ensued and at its conclusion a motion was made by Mr. Thompson to table this purchasing decision until the August 16th meeting. The motion was seconded by Mr. Moore and carried. The Board will call an Administrative Meeting to review the quotes.

IN THE MATTER OF CREATION OF A SECOND INMATE WORK CREW:

Commissioner Trine and Sheriff Talbert have discussed the possibility of creating a second Inmate Work Crew. The crew would be made up of seven members and one supervisor. It was suggested that discussion could be held with the City of Kokomo to see if they'd be willing to underwrite the Supervisor's salary and the Sheriff's Department would purchase a van for the Work Crew. The City would use the Work Crew at their discretion for projects within or outside the City limits. The Supervisor would need to be experienced in Corrections. Attorney Murrell assured the Board that though an agreement would be needed, it would not require an Interlocal Agreement.

IN THE MATTER OF PUBLIC COMMENT:

President Trine opened the floor for public comment as follows:

Clee Oliver, 5768 West County Road 00 NS, Kokomo, Indiana: Mr. Oliver had questions concerning the policy of how or what issues are included on meeting Agendas. He asked for information concerning Administrative meetings, if they are open to the public, and do they require prior notification. Attorney Murrell addressed the question of Administrative Meetings by confirming that Administrative Sessions are open to the public but they do not require a public notice. However, an agenda must be posted and minutes recorded and approved by the Board. Concerning agenda items, the Auditor's Office will obtain the reason for being included on the agenda, for the public and Commissioners' information.

An additional question was posed by Mr. Oliver concerning posting of the minutes to the County's website. Currently the Regular and Special meetings are posted to the web AFTER they have been approved in a public meeting. Minutes of Executive and Administrative meetings are currently not available on the website. After ensuing discussion it was the consensus of the Board to post Executive and Administrative meeting minutes to the web, after they have been approved at a public meeting.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Operating Claims:** The Commissioners' Operating Claims payable today, in the amount of \$451,996.00 were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Claim For Reimbursement:** Mr. Thompson submitted a claim from Superior Court III for permission to reimburse the purchase of an office chair. The reimbursement claim for a chair purchase, to be paid from the Cumulative Capital Fund (150-04000), in the amount of \$178.86, was approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
3. **Claims Docket On The Web:** Discussion opened concerning the possibility of posting the claims docket to the County's website. Now that we no longer have to publish the docket in the newspaper, there are those of the public that would still like to track county expenses. At the conclusion of discussion, a motion was made by Mr. Thompson to publish the Claims Docket on the County's Website. The motion was seconded by Mr. Moore and carried.
4. **Salary Claims:** The Commissioners' Salary, Hourly and Overtime Claims, payable August 6 and 13, 2010, in the amount of \$346,484.04 each, was approved 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. **Alan Wilson Invoice:** An invoice from Attorney Alan Wilson, in the amount of \$228.00 was submitted. This invoice is for services in the litigation case of Maiden v Menges, in US District Court, and will be

paid from the Insurance Deductible line item in the Commissioners' budget. A motion was made by Mr. Moore to approve the invoice for payment. The motion was seconded by Mr. Thompson and carried.

2. **Lease Of The Former Jail Facility:** At the June 21st meeting the Board of Commissioners rejected an offer received from Cedarbridge Treatment Centers, LLC, concerning the former Jail facility located at 623 South Berkley Road (*please refer to page six, item three, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated June 21, 2010*). They were also apprised of the facts that Cedarbridge was delinquent in their lease payments and that the property was abandoned by them. Mr. Murrell reported that Cedarbridge is still delinquent in its lease payments. Mr. Murrell gave Cedarbridge a thirty-day notice of default as required by the lease agreement, as well as a settlement offer to resolve the issues. To date no response has been received. Mr. Murrell requests authorization from the Board of Commissioners allowing he and Attorney Wilson to file suit against Cedarbridge to terminate the lease, gain possession of the property, collect expenses including lease payments since April, 2010, and any other expenses and taxes. A motion was made by Mr. Thompson that having been advised by the county attorney that the Amended Real Estate Lease with Cedarbridge Treatment Centers, LLC, dated July 6, 2001, is now in default, and that Cedarbridge has failed to respond to the County's offer of settlement, that the Board of Commissioners authorize Attorney Murrell and Assistant Attorney Wilson to file suit against Cedarbridge for termination of the lease, reacquisition of possession, payment of all taxes, liens, utilities and rent due and owing on the leased premises, and for all other appropriate relief. The motion was seconded by Mr. Moore and carried.
3. **Moore Title Invoice:** Regarding the former jail facility, Mr. Murrell engaged the services of Moore Title & Escrow for a lien search and ownership report, and he now submits their invoice in the amount of \$350.00. A motion was made by Mr. Thompson to approve the Moore Title Invoice for payment. Mr. Trine vacated the chair to second the motion and the motion carried (Mr. Moore abstained).

IN THE MATTER OF COMMISSIONER ISSUES:

Commissioner Moore:

Mr. Moore recognized the passing of former Emergency Management Agency member, Hershel Pointer, and extended condolences to his family.

Commissioner Thompson:

Mr. Thompson reported on an MS4 mock audit that took place as a practice for the actual audit scheduled for September. Mr. Thompson was amazed at the requirements of the State, such as color-coded floor drains in enclosed areas that work on motor vehicles, posters on walls that explain fuel spill procedures, and fueling area containment systems (with some areas requiring cover). Any of the State's regulation or procedure that we are not in compliance with will cause us to be written up. The whole MS4 department is working hard to insure that Howard County is in compliance. The mock audit was a good way to prepare for the real audit.

Commissioner Trine:

The fuel tank at located at Howard Haven will be removed after it has been emptied. They will be using fuel from the tank located at the Criminal Justice Center.

IDEM Notices for:

Second and Final Notice of Confined Feeding Operations for Sumner Miller, 4809 N. Malfalfa Rd, Kokomo, Indiana. The notice was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

Receipt of Application for Davis Road Transfer Station. The Notice of Receipt was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

Receipt of Air Permit Application for S & S Cremation Services LLC. The Receipt of Application was accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.

The EMA June and July, 2010 Calendar of Events were submitted and accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.

Mr. Trine submitted a copy of the Resignation of Howard Township Trustee, Virginia Marner, submitted to Clerk Mona Myers, effective August 1, 2010. Ms. Marner has served in that capacity for many years and the Board of Commissioners acknowledged and thank Ms. Marner for her dedication and years of service.

A letter was received from Veteran Service Officer Bob Ladd concerning a request to change some of their office hours as follows:

- Close the office to the public two days a week, for half day Tuesday and Thursday (1:00 p.m. to 4:00 p.m.), operating a call center during those hours to return calls and address issues with veterans claims.
- Close the office to the public for two hours on Friday, in order to have employee training for new procedures that the Department of Veterans Affairs and the Indiana Department of Veterans Affairs have implemented. Work Study Students would still be available to take messages.

Mr. Ladd would like to implement these changes immediately until it comes to a time that they would be fully trained and be able to clear their backlog of phone calls and processing claims. They have even enlisted the voluntary services of their former secretary, Pam Cheek. A motion was made by Mr. Thompson to approve the Veterans Service Officer's proposal for closing the office to the public as proposed. The motion was seconded by Mr. Moore and carried.

Mr. Trine acknowledged the community members who donated the seven hogs for Howard Haven, providing the Home with 1,100 pounds of meat for their freezers.

Mr. Trine informed the Board members that he contacted Fireman Brad Bray concerning information Mr. Trine has received from Township Fire Departments. This information has to do with a need for new radios that can be purchased with the grant received by the City of Kokomo as follows:

Harrison Township – has no need for any radios at this time

Taylor Township – has no need for radios at this time

Greentown – may need some radios but prefers to pay for them themselves

Russiaville – needs 17 portable radios and seven mobile radios (three for the Forest VFD who have no radios)

There is a question of whether the radios the departments have now are upgradable. Mr. Bray is assuming that in three to four years the State will mandate a radio upgrade, but he is not sure. Mr. Trine does not want to ask for funds to pay for radios that are not needed. Also, EMA only needs a few radios at this time. Discussion ensued, and Mr. Trine will continue to pursue a true count of how many radios are needed, in order to comply with time issues, and forward that information to Mr. Bray.

The County is considering the purchase of the Firestone property for the purpose of creating an additional parking area downtown for the County and the Library. Discussion ensued concerning an encumbrance on the property, prohibiting demolition. We are still negotiating the proposal.

There being no further business to come before the Board at this time, the meeting was adjourned at 5:58 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 Meeting August 2, 2010