

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 5, 2011**

The Howard County Board of Commissioners met in Regular Session on Monday, December 5, 2011, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman and Member Bill Thompson. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Moore. Commissioner Thompson led in the Pledge of Allegiance and Vice President Paul Wyman offered a word of prayer.

President Moore took this opportunity to give special recognition and thanks to the Highway Departments of the County and the City of Kokomo, the Sheriff's Department, Information Systems Department, Kinsey Youth Center, Jennifer Vary and the employees of Howard Haven for their work during the recent power outage.

Vice President Wyman also thanked the efforts of Duke Energy, addressing the needs of the consumers without power.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the November 21, 2011 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the November 17, 2011 Special Session, having been tabled since the November 21, 2011 meeting, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the December 2, 2011 Administrative Meeting were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

### **IN THE MATTER OF PUBLIC COMMENT:**

#### **SUPERIOR COURT III:**

Judge Douglas Tate gave a brief update of the current status of the Community Service Program. Community Service was to have been under the control of the Courts beginning January 1, 2012 (*please refer to page one, "Departmental Reports, Superior Court III" of the Regular Meeting minutes dated September 20, 2011*). The money for Community Service has been receipted into the Community Corrections Fund and cannot be transferred out of the fund. An additional account has been set up (outside of Community Corrections) to receive program generated money. Community Service will stay under the control of the Community Corrections program until enough money has been received in the Community Service account to support the program.

#### **HOWARD HAVEN:**

Howard Haven Superintendent Jennifer Vary submitted a Resident Application on behalf of Nathaniel E. Brooking. Mr. Brooking is ARCH supported and is a transfer from St. Mary Medical Center. A motion was made by Mr. Wyman to approve the application of Nathaniel E. Brooking, with the usual ninety (90) day probationary period. The motion was seconded by Mr. Thompson and carried.

#### **HIGHWAY DEPARTMENT:**

1) Highway Engineer/Superintendent Ted Cain recommended that all the 2012 Materials Bids received, be accepted (*please refer to page one, item one, "In The Matter Of Departmental Reports: Highway Department", of the Regular Meeting minutes dated November 21, 2011*). A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve all bids received for the 2012 Materials Bids, as submitted.

2) Two School Bus Turnarounds were submitted as follows:

Eastern School District: located at 733 South County Road 1100 East, owned by Kyle and Brandi Newell

Eastern School District: located at 11132 East County Road 200 South, owned by Rod & Tammy Eckart.

A motion was made by Mr. Wyman to approve the two School Bus Turn Arouns as submitted, subject to review by the County Engineer. The motion was seconded by Mr. Thompson and carried.

3) An inventory of all sidewalks and the designation of an ADA Coordinator needs to be completed (as Milestone One) for the American Disabilities Act Transition Plan, before the end of this year. Mr. Cain and Engineer Carey Stranahan, from the City of Kokomo, have completed the inventory of the sidewalks. The Board of Commissioners will address the designation of an ADA Coordinator at the December 19<sup>th</sup> meeting.

#### **COUNTY CLERK:**

Clerk Kim Wilson submitted Ordinance No. 2011-BCCO-30, (with Exhibit A) an Ordinance to establish County Council Districts in Howard County, and Ordinance No. 2011-BCCO-31, an Ordinance to establish County Commissioner Districts in Howard County. These Ordinances will be effective for the next ten years, until the next census is taken. A motion was made by Mr. Wyman to approve Ordinance No. 2011-BCCO-30, establishing County Council Districts in Howard County. The motion was seconded by Mr. Thompson and carried. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve Ordinance No. 2011-BCCO-31.

#### **PERSONNEL:**

1) Personnel Director Wanda McKillip introduced Mr. David Grainger from Edward Jones, concerning an alternative option for the Employee's Deferred Compensation (457 Plan) Program, currently supported by Hoosier Start. This Alternative Plan, through Edward Jones, would be supported by The Hartford Company. All costs are paid by the employees and they can move their funds without penalty. The funds are monitored by Edward Jones and any fund that goes stale or is under performing its peers, is removed from the fund lineup. A Roth Fund alternative is offered (after tax). Maintenance fees are paid for by the employee; the more that sign up, the lower the maintenance fee. Personnel Director McKillip commented that meetings will not be held until January 2012. At the end of the presentation, a motion was made by Mr. Wyman to approve The Hartford Company as an additional Deferred Compensation vendor, subject to the Attorney's review of the final documents, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

2) Anthem Open Enrollment Meetings will take place this Wednesday and Thursday (December 7 and 8). Employee packets have been distributed.

3) Concerning the Wellness Incentive Program for 2013, unanimously recommended by the Insurance Committee, Ms. McKillip asked the Board how they wanted to proceed. The Board can choose one of the two following options:

Option A: Take away one Personal day (currently the employee has four personal days), that can be earned back after the employee has obtained a physical.

Option B: The employee can earn an additional Personal Day after they have obtained a Physical.

Commissioner Wyman would like to settle the incentive before the end of 2011 so the employee will have more time to schedule their physical. Commissioner Thompson asked for clarification on whether the Court Employees would be covered by our Personnel policies. Attorney Murrell commented that there is still ongoing debate as to whether the Court Reporter (appointed by the Judge) is a State or County employee. Generally speaking, the Court employees would be subject to the County's policies because they receive their paycheck from Howard County, unless the Judge would Court Order any alternative action. It was also suggested that more input on the Wellness Incentive Program be obtained from all Department Heads and Office Holders, before moving forward with a decision. Discussion ensued. No official action was taken at this time.

#### **MAINTENANCE:**

1) Buildings and Grounds Superintendent Scott Reed informed the Board that Howard Haven was without electricity for 1 ½ days, before power was restored. Mr. Reed submitted a quote for a new generator at the Howard Haven location, from Lowdermilk Electric. The quote also includes removal of the three phase system, still on site from the old septic system and lift station. Removal of this system will reduce current electrical costs. The Maintenance Department will relocate meters to the outside of the building in lieu of the basement. Costs associated with this move will be taken from the Maintenance Cum Cap account. The Commissioners discussed the generator bid issue, and at its conclusion, it was their consensus of the Board to take the generator

bid under advisement for further review, and direct Mr. Reed to receive more information from Mr. Lowdermilk and perhaps an additional bid.

2) Mr. Reed has received the invoice for the plow that was installed on the new truck for the Maintenance Department. He requests that payment be made from the Commissioner's Equipment line item in the Cumulative Capital Fund. A motion was made by Mr. Wyman to approve purchase of the plow from the Commissioners' Equipment line item in the Cumulative Capital Fund (150-04000). The motion was seconded by Mr. Thompson and carried. Commissioner Thompson took this opportunity to recognize the efforts of the Maintenance Department employees as they worked through the night to help keep Howard Haven operating, until the electricity was restored.

#### **KINSEY YOUTH CENTER:**

Director Brent Kelley submitted an Agreement with the Indiana Criminal Justice Institute for a \$10,000 Grant for the final year of training for the Functional Family Therapy Program. \$5,000 of this grant will be going to IU and \$5,000 to FFT Associates, INC. A motion was made by Mr. Wyman to accept the \$10,000 award from the Indiana Criminal Justice Institute and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

#### **PLAN COMMISSION:**

1) Plan Commission Director Gregg Sheline recommends the excavation bid for the unsafe property at 2295 South County Road 300 West, be awarded to the lowest bidder, Rice Demolition, in the amount of \$5,150.00. A motion was made by Mr. Wyman to approve the bid award to Rice Demolition, in the amount of \$5,150.00. The motion was seconded by Mr. Thompson and carried.

2) Concerning the Flood Mitigation Grant, the Public Hearing for the H.U.D. portion of the grant will be held Tuesday, December 13, 2011 at 3:00 p.m. in conference room 107 in the Government Center. CBDJ Grant Coordinator Tina Henderson has contacted both media and property owners, notifying them of the Public Hearing.

#### **SHERIFF DEPARTMENT:**

Sheriff Rogers submitted the following storm statistics:

Call volume from 3:00 p.m. to 2:00 a.m. (11/29 to 11/30), 1,052 calls processed through Dispatch, 328 police, fire and EMS calls dispatched

8:30 to 8:45 p.m. (Nov. 29<sup>th</sup>), seventy-nine (79) E911 calls received, several were repeat calls

Five (5) dispatchers were on duty at the time. There were forty-seven slide-offs in the County with 2 to 3 times more personal injury accidents than the City of Kokomo.

#### **IN THE MATTER OF THE PROPOSED CERTIFICATE SALE:**

Attorney Murrell submitted two agreements for Commissioners' Internet and Live Certificate Sale Services Addendums. He added the following language to item four under section (a), Description of SRI Services: "...conduct the sale or auction of properties on the internet **at a time mutually agreeable to the parties:** ...". President Moore confirmed that the Board of Commissioners are interested in moving forward with the Certificate Sale. Auditor Wells confirmed that she and Treasurer Martha Lake met with Mr. Jim Brannon, from the City of Kokomo. He informed them that the City is interested in moving ahead with the Certificate Sale and Ms. Wells is awaiting a letter from the City, committing to waive liens on any property that sells in the Certificate sale, as long as the Mayor will sign, too. Ms. Wells is also waiting on the Recorder to determine if she is able to waive the release fees associated with the properties. The tentative date for the Certificate Sale is March 12, 2012. A motion was made by Mr. Wyman to approve the agreements for the Commissioners' Internet Sale Services Addendum and the Commissioners' Live Certificate Sale Service Addendum, with Attorney Murrell's language change, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

***Resolution No. 2011-BCCR-37, Center Township Transfer of Funds for the Homestead Credit, was on the agenda, but not addressed at this time.***

### IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Salary Claims:** Commissioners' Salary, Hourly and Overtime Claims payable December 9 and December 16, 2011, in the amount of \$352,254.24 each, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Operating Claims:** The Commissioners' Operating Claims, payable today, in the amount of \$525,210.80, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Treasurer's Report:** The Treasurer's Monthly Report for the month ending October 31, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **Clerk's Reports:** Ms. Wells submitted the Monthly Clerks Reports for the months ending October 31, 2011 and November 30, 2011. Both monthly reports were accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

### IN THE MATTER OF ATTORNEY ISSUES:

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

1. **Spraker Resolution:** Resolution No. 2011-BCCR-32, a Resolution honoring David C. Spraker, was signed by Commissioner Moore and adopted on September 29, 2011, but Mr. Moore's signature was never ratified. A motion was made by Mr. Wyman to confirm Mr. Moore's signature on September 29, 2011. The motion was seconded by Mr. Thompson and carried.
2. **Humane Society Agreement:** Mr. Murrell submitted the Agreement from the Humane Society for Animal Control and Shelter Services for 2012, in the amount of \$183,600.00. At the June 6<sup>th</sup> meeting, Mr. Derek Beroshok submitted a proposal for Animal Control and Shelter Services, in the amount of \$170,000 for three years (*please refer to page three, "In The Matter of a New Animal Control Business", of the Regular Meeting minutes dated June 6, 2011*). The Board of Commissioners had taken the proposal under advisement for further review. At the conclusion of discussion, a motion was made by Mr. Wyman to accept the agreement from the Humane Society for the 2012 Animal Control and Shelter Services for 2012, in the amount of \$183,600, and to notify Mr. Beroshok that they are declining his Animal Control proposal but would request that he submit a proposal in 2013. The motion was seconded by Mr. Thompson and carried.
3. **Barnes & Thornburg Invoice:** Mr. Murrell submitted a Barnes & Thornburg invoice, in the amount of \$1,587.00, for services rendered for the period ending October 31, 2011 for General Motors Corporation matters. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **DLZ Invoice:** Mr. Murrell submitted an invoice received from DLZ Indiana, LLC, in the amount of \$1,900.00. This is the final installment for the Feasibility Study. The invoice, in the amount of \$1,900.00, was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
5. **Certificate of Liability Received:** Mr. Murrell has received, and now submits, a Certificate of Liability Insurance from Acord Corp., on behalf of the Greater Kokomo Economic Development Alliance, for the New Year's Eve Pyrotechnic Display on the roof of the Courthouse. Let the record show that it was received.
6. **Not-For-Profit Entities Interest In Tax Sale Properties:** At the November 21<sup>st</sup> Commissioner Meeting the Board of Commissioners approved a letter to the Not-For-Profit Entities interested in certain properties that did not sell at the recent Tax Sale (*please refer to page four, item two, "In The Matter Of County Attorney Issues" of the Regular Meeting minutes dated November 21, 2011*). Mr. Murrell sent the letter to all three entities and has only received interest from Family Services Association, for property located at 322 East Jackson Street, Kokomo, Indiana. No word has been received from Carver

Center or the Kokomo Rescue Mission / Open Arms. Mr. Murrell will proceed with notifying adjoining property owners, and presume that the other two entities are not interested at this time.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER WYMAN:**

Mr. Wyman thanked the volunteers, the Greater Kokomo Economic Development Alliance, and the Howard County Maintenance Department who worked the Light Up Your Holidays Downtown Event, and made it such a special event.

**COMMISSIONER MOORE:**

Mr. Moore submitted the following IDEM Notices:

Notice of Decision: Approval – Effective Immediately for an Air Quality Permit for GM Components Holdings LLC / 067-30666-00061

Notice of Decision: Approval – Effective Immediately for an Air Quality Permit for Chrysler Group LLC – Indiana Transmission Plant / 067-40897-00058

Notice of Construction Permit Approval for Indian Heights Sewer Upgrade at Center Road, Permit approval #20137

Notice of Decision: Approval – Effective Immediately for an Air Quality Permit for Chrysler Group LLC-067-30807-00065

A motion was made by Mr. Wyman to accept the IDEM Notices. The motion was seconded by Mr. Thompson and carried.

Mr. Moore submitted a letter received from Colonel William T. Cahoon, a follow-up to a previous letter informing the Board of Commissioners that Grissom Air Reserve Base fire and emergency medical support response would restrict their service to Howard County. Starting January 1, 2012, the Grissom ARB Fire Department will only respond to EMS calls off the installation on a case-by-case basis which will be evaluated by the Senior Fire Officer on duty. They will include: when we are requested by the Incident Commander in life and death situations where the response from Grissom ARB Fire Department is needed to possibly save a life or when resources from Miami County are depleted / unavailable or inadequate to respond to a life or death emergency.

Mr. Moore signed an Emergency Claim for Malpractice Insurance for Dr. Zent, Board of Health. He asks that his signature be ratified. A motion was made by Mr. Wyman to ratify the signature of Commissioner Moore on the emergency claim for malpractice insurance for Board of Health Officer Dr. Zent. The motion was seconded by Mr. Thompson and carried.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 5:58 p.m. on a motion made by Mr. Wyman and seconded by Mr. Thompson.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

ATTEST:

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WILLIAM THOMPSON, MEMBER

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ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting Dec 5, 2011