

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 29, 2011**

The Howard County Board of Commissioners met in Regular Session on Thursday, December 29, 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 all in attendance in the Pledge of Allegiance to our nation's flag. Commissioner Wyman offered a word of prayer.

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

The minutes of the December 19, 2011 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

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

President Moore opened the floor for public comment that was received as follows:

1. Sheriff Rogers introduced Deputy Christopher Kramer and Deputy Rodney Schaffer. One of the Deputies will be replacing Deputy Larry Sparks and one will replace Deputy Craig Trott, who is retiring soon. Deputy Kramer and Deputy Schaffer stepped to the podium to introduce themselves to the Board of Commissioners, and tell a little about themselves. Both Deputies will be leaving for the Academy on January 3, 2012, and be ready to serve Howard County by the summer. Clerk Kim Wilson came to the podium to swear in the new Deputies, and at its conclusion, the Deputies and their families were congratulated by the Board of Commissioners.

### **IN THE MATTER OF DEPARTMENTAL REPORTS:**

#### **CLERK OFFICE:**

Clerk Kim Wilson submitted an agreement with DoxPop LLC, for the payment of traffic citations twenty-four hours a day. The original contract was revised per Mr. Murrells direction. A motion was made by Mr. Wyman to approve the Court Payment Facilitation Agreement with DoxPop, LLC, and authorize the President to sign on behalf of the Board of Commissioners.

#### **PLAN COMMISSION:**

- 1) Plan Commission Director Greg Sheline submitted Case 2-CP-11, the establishment of the Wildcat – 26 Crossing Subdivision, located at 2109 West County Road 200 South. There are no plots to submit at this time. The case was unanimously given a favorable recommendation by the Plan Commission. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve Case 2-CP-11, the establishment of Wildcat – 26 Crossing Subdivision.
- 2) Mr. Sheline submitted Resolution No. 2011-BCCR-40, a resolution amending the U.S. 31 Corridors Development Moratorium for an additional period not less than six months. This resolution was given a favorable recommendation by the Howard County Plan Commission. Resolution No. 2011-BCCR-40 was approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
- 3) Concerning Flood Mitigation matters, Mr. Sheline expressed appreciation to grant coordinator Tina Henderson. She is working well with the Plan Commission office and the property owners, and is doing a very good job.

#### **SHERIFF DEPARTMENT:**

Sheriff Rogers informed the Commissioners that one of the Department's K-9 officers has had some kennel confinement stress issues, breaking several teeth. The Department has consulted with Von Licke Kennels, and it was the kennel's recommendation to transfer ownership of the K-9 (Rudy) back to the Kennel, and apply the \$2,500 credit to future training. When the Sheriff is ready to replace the K-9, it would be with a new dog and handler. Mr. Murrell has reviewed the MOU and given approval. A motion was made by Mr. Wyman to approve the Memorandum of Understanding with Von Licke Kennels to transfer ownership of K-9 Rudy, back to the Kennel, in exchange for a \$2,500 credit, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

### **IN THE MATTER OF THE PROPOSED EMPLOYEE WELLNESS INCENTIVE PROGRAM:**

Concerning the proposed Employee Wellness Incentive Program, it was the consensus of the Commissioners to direct the issue back to the Insurance Committee for further review (*please refer to page three, item three, "In The Matter Of Personnel Issues" of the Regular Meeting minutes dated December 19, 2011*). Commissioner Thompson offered the following opinion:

"With more and more employees using the County Health Care Plan, there has been much discussion on the cost advantage to the plan, by requiring annual physicals which help doctors identify health concerns sooner rather than later, thereby reducing medical costs for those paying the bill. The cost for County insurance which includes annual physicals is shared between county money not shown on the employees pay stub, and the employee out-of-pocket costs.

With this information in mind and for the record, please allow me to take a moment to state my position regarding annual physicals.

County employees are our most valuable resource, and offering employee health care and financial stability is of the utmost importance to our employees and their families. An annual physical should be required for all individuals (full time, part time, and all dependants) whose health care plan is supplemented by County monies.

The rules and procedures established to require an annual physical should be non-discriminatory; the same for everyone in each category. Example: all full time employees would have the same rules and procedures, all part time employees would have the same rules and procedures, and all dependents would have the same rules and procedures. But the rules and procedures may be different for each category.

To provide better health care for our employees and to lower the cost for the County, an annual physical should be a requirement for being on the County Health Care Plan but should not be a condition of employment for any County Employee."

It was the consensus of the Board to continue tabling this issue and allow the Insurance Committee to review the matter further, and submit their recommendation.

### **IN THE MATTER OF THE 2012 INSURANCE PROPOSAL:**

Mr. Phil Thatcher of Regions Insurance Inc. submitted the 2012 Insurance Proposal and reviewed it with the Board of Commissioners. The named insureds on the policy are the Howard County Board of Commissioners, Howard County Jail & Juvenile Detention Center Building Corporation, and the Howard County Redevelopment Authority. The insuring company is Travelers Insurance, with an A+ rating, and coverage as follows: Property, Inland Marine, Crime, General Liability, Law Enforcement Professional Liability, Public Entity Employment Practice Liability, Public Officials Errors & Omissions Liability, Commercial Automobile, Workers Compensation, and Commercial Umbrella. The total amount of the policy is \$694,058.00, a 4.3% increase from 2011's premium. At the conclusion of review, Mr. Thatcher expressed appreciation to the Board of Commissioners, and stated that he enjoys being our agent. Mr. Wyman thanked Mr. Thatcher for the fine service that he has given to Howard County. A motion was made by Mr. Wyman to receive and approve the policy as submitted, in the amount of \$694,058.00. The motion was seconded by Mr. Thompson and carried.

### **IN THE MATTER OF A REQUEST TO USE THE COURTHOUSE FROM THE OCCUPY KOKOMO ORGANIZATION:**

A request from Ms. Phylis Boyles, on behalf of "Occupy Howard County Courthouse Event", was received on December 23, 2011, for permission to use the Howard County Courthouse for a Community awareness rally on December 30, 2011 at 10:30 a.m. The issues that will be addressed will be the Right To Work legislation and the foreclosure issue. Discussion ensued, including the following statement by Commissioner Thompson:

"We have a request from an organization wanting to use the inside of the Courthouse. Based on input from law enforcement and others we have a five point recommendation on the request. I would like to discuss each point individually.

1. Customary forum – We have several groups that use both the inside and outside of the Courthouse for a variety of reasons. These groups include:

- The National Day of Prayer folks
- School children tours
- Christmas carolers.

Both the school tours and Christmas carolers use the inside and in bad weather the prayer folks will move inside. For the occupy folks the same policies could be used.

2. Noise/disruptions – employee comments made during these events

- They are a good thing but thank heaven they are not here every day
- Prayers, the children's voices, and the carolers songs can sometimes be heard through closed doors
- Sometimes the folks praying with eyes closed stand in areas that block normal foot traffic

3. Friday busy schedule – As I understand it, the last business day of the year is the least busy day of the entire year for the courts and Courthouse related business.

4. Secure facility – The number of people may not be an issue. The prayer group often has a large number of people, the schools brought in six bus loads of children, and the carolers may have 25 – 35 members present.

5. Core objective of groups requesting to use the Courthouse – We know the three groups mentioned above are honorable groups, this is the first request for the occupy group and I believe their intentions are peaceful but we are in unfamiliar territory.

My suggestion is to offer the customary forum of outside use with permission to move inside for inclement weather.”

Commissioner Wyman made the following response:

“On December 23, 2012, Phylis Boyles, representing “Occupy Howard County Courthouse Event”, requested through Commissioner Wyman, approval to conduct its event Friday morning, December 30, 2011, inside the Howard County Courthouse. In response, this Board recognizes that the traditional public forum for courthouse events is located on the east steps and adjacent sidewalks. Therefore, this Board encourages “Occupy” to use this recognized public forum for tomorrow’s event. At the same time, this Board declines to approve conducting the event inside the courthouse, which is a secure facility dedicated solely to the operation of the Howard County Courts. However, “Occupy” participants may, without our approval, enter the courthouse and utilize the first floor as any other member of the public, subject to our established rules for security and decorum.”

Attorney Murrell thought it noteworthy to put the carolers and school tours, mentioned by Commissioner Thompson, in a different category from political rallies and protests, as the “Occupy” event would be. The latter category of event would historically be held outside the courthouse on the east side steps and sidewalks. Commissioner Wyman commented that Ms. Boyles was very respectful when she called, and she gave her personal assurance that this rally would be a peaceful event. He reminded the Board that America gives its citizens the right to assemble peacefully. Clerk Wilson informed the Board that when Occupy members were on the second and third floors of the Courthouse, today, they were disruptive. Security met with them and issues were resolved peacefully. Kenalyn Watson, from the Kokomo Tea Party, was concerned that the same rules be applied to all groups. Mr. Murrell outlined the present procedure for use of the east Courthouse steps and electricity. A motion was made by Mr. Wyman to approve his previously read resolution, allowing “Occupy” to use the East side of the courthouse steps and sidewalks. The motion was seconded by Mr. Thompson. Occupy participants Brian Turnpaugh, James Kerner, David Fox, and Jana Erickson (from Indianapolis) gave comments pertaining to the rules of the courthouse. In response, Sheriff Rogers assured the participants that he would have a written set of guidelines to submit to them, in the morning before the rally begins. At the conclusion of comment the motion on the table was carried.

**IN THE MATTER OF RESOLUTION NO. 2011-BCCR-45:**

On behalf of the Center Township Board, President Linda Koontz and Center Township Trustee, Jean Paul Lushin, submitted the Center Township Resolution to Provide Homestead Credits for 2012, through Attorney Larry Murrell. Mr. Murrell has been working with Center Township Trustee’s Attorney, Mr. Bushman, and with County Assessor Jamie Shepherd, Auditor Ann Wells, and Treasurer Martha Lake, to prepare and review this Homestead Credit Resolution. After several reviews, Mr. Murrell believes this Resolution is acceptable to the County in terms that allow the County to be able to return these funds back to the Center Township homesteaders. Therefore, Mr. Murrell recommends that the Board of Commissioners approve a “reciprocal resolution” which binds the county to distribute Center Township’s funds to its homesteaders, according to Center Township’s Resolution. A motion was made by Mr. Wyman to approve Resolution No. 2011-BCCR-45 outlined by the Center Township Homestead Credits for 2012. The motion was seconded by Mr. Thompson and carried.

### **IN THE MATTER OF COMMISSIONER APPOINTMENTS:**

A listing of Commissioner Appointments for 2012 was submitted as follows:

Mr. Ron Smith	Howard County Drainage Board	1 year
Mr. Clee Oliver	Kokomo/Howard County Public Library Board	4 years
Mr. Robert (Bob) Snow	Howard County Alcoholic Beverage Commission	1 year
Mr. Steve Laudenschlager	Kokomo Howard CO EMA Advisory Council	1 year
Ms. Tammie Bock	Howard County Convention & Visitors' Bureau	2 years
	One appointment remains open	
Mr. Robert Ladd	County Veterans Service Officer	1 year
Mr. Scott Reed	Buildings & Grounds Superintendent	1 year
Mr. Ted Cain	County Highway Engineer/Superintendent	1 year

A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the 2012 Commissioner Appointments as submitted. The remaining appointments will be addressed at a later date.

### **IN THE MATTER OF CLAIMS AND REPORTS:**

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

1. **Operating Claims:** Commissioner Operating claims, payable today, in the amount of \$623,747.47, was submitted by Ms. Wells, and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. Claims will not be paid January 3, 2012, and only encumbered claims will be paid January 17, 2012. Any claims paid from 2012 budgeted funds will be paid February 6, 2011.
2. **Township Appeal:** On behalf of Commissioner Moore, Auditor Wells acted as Hearing Officer for the Township Appeal of Doris Ann Vincent, Center Township, on December 22, 2011, 10:30 a.m. After hearing all the testimony Ms. Wells recommended that the Board of Commissioners uphold the denial of the Trustee. A motion was made by Mr. Wyman to uphold the denial of township assistance to Doris Ann Vincent, Center Township. The motion was seconded by Mr. Thompson and carried.

### **IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

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

1. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes & Thornburg in the amount of \$445.50. This was for legal services rendered for general finance advice, for the period ending November 30, 2011. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Confirm Signatures On Seventy-Two Property Acquisition Questionnaires:** President Tyler Moore signed seventy-two (72) Property Acquisition/Relocation Questionnaires, requested by Grant Administrator Tina Henderson, for the Darrough Chapel Project. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to confirm the signature of President Moore on seventy-two Property Acquisition Questionnaires.

### **IN THE MATTER OF COMMISSIONER ISSUES:**

#### **COMMISSIONER THOMPSON:**

Mr. Thompson gave a big, end-of-the-year "Thank You" to all County employees for their hard work in 2011, and to the taxpayers for paying the bills. As a public comment before the close of the meeting, Mr. Thompson submitted his Wish List:

To a Local Paper – the first ever "Compensated Journalism" Award, an oxymoron he coined looking back over the last 4 years. The second wish was for hard working County employees, a gift he hopes they will not need again in the future (undisclosed contents of a paper bag).

**COMMISSIONER WYMAN:**

Mr. Wyman wished everyone a Merry Christmas and Happy New Year, Happy Hanukkah or whatever holiday you celebrate this time of year. He commented that he enjoyed his first year as Commissioner and enjoys working with Mr. Moore and Mr. Thompson. "Even when we disagree, it's fun 'cause it makes for good discussion, good debate, and it's what makes government work."

**COMMISSIONER MOORE:**

Mr. Moore submitted the following IDEM Notices, informing the Commissioners that these may be the last "paper" copies of the notices. Future notices will be e-mailed.

Permit modification on air quality permit #067-30859-00065, Chrysler Group, LLC – Kokomo Transmission Plant

Permit modification for Part 70 Operating Permit Renewal #T0067-18292-00065, Chrysler Group, LLC, - Kokomo Transmission Plant.

Permit modification on air quality permit #067-30939-00058 for Chrysler Group LLC.

Notices of Permit Modifications were accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

Mr. Moore expressed his appreciation to Commissioner Wyman and Commissioner Thompson for this year of service. It's been an honor serving as President. Warm wishes to all gathered here, to employees, and taxpayers.

There being no further business to come before the Board of Commissioners at this time the meeting was adjourned at 5:27 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

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WILLIAM THOMPSON, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Commissioner Meeting December 29, 2011