

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING AUGUST 15, 2011**

The Howard County Board of Commissioners met in Regular Session on Monday, August 15, 2011, at 8:30 a.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 Commissioner Wyman offered a word of prayer.

At this time condolences were offered by President Moore, to the family and friends of Judge Stein in her recent passing. She was a great servant for the people of Howard County.

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

The minutes of the Regular meeting dated August 1, 2011, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the August 10, 2011, Administrative meeting were submitted. A motion was made by Mr. Wyman to approve the minutes as submitted. The motion was seconded by Mr. Thompson and carried.

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

President Moore opened the floor for public comment as follows:

Fred King, 901 Pavalion Drive, Kokomo: Mr. King has an issue with the Howard County Recycling District. He believes that the Recycling District unfairly charged him fees for dumping tree limbs and pots, and were selective to whom the fees were charged. Mr. King believes the District needs accountability.

Mr. Moore assured Mr. King that this issue will be brought up at the Recycling District meeting Tuesday night. Mr. King will be in attendance, as well.

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

#### **CLERK:**

Clerk Kim Wilson submitted a contract with 39 Degrees North for Election Administration Reprecincting and Redistricting. The amount of the contract is \$4,000 and services include the following: submit a review of historical data and current state precincts; reprecinct using 2010 Legislative Boundaries, VTD and Census Data; redistrict, creating new Precincts with population summaries; will complete it on-time. Ms. Wilson commented that the redistricting and reprecincting has to be completed by the end of 2011, and will cover the City of Kokomo. A motion was made by Mr. Wyman to approve the contract with 39 Degrees North, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

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

Director Brent Kelley submitted a request to replace the lighting in the gymnasium of the Kinsey Youth Center. He introduced Mr. Dave Reifus from Energy Conservation Inc. Mr. Reifus reviewed with the Board the proposed lighting for the gym. The cost of the proposed lighting from Energy Conservation Inc. is \$4,409 and does not include installation; the lights will be installed by our Maintenance Department. At the conclusion of the review, Assistant Director Jeff Lipinski informed the Board that he did seek quotes from two other vendors. One local vendor did not want to quote. Huston Electric did submit a quote in the amount of \$6,900, but the cost of the installation was not itemized. Mr. Murrell asked Mr. Lipinski to obtain a written quote from Huston Electric that would itemize the labor costs. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to take the request under advisement for further review, and address it at the September 6<sup>th</sup> meeting.

#### **PLAN COMMISSION:**

1) Ordinance No. 2011-BCCO-16 is a request to change the zone classification for Troy & Brenda Pullen, and was tabled from the previous meeting in order to review the possibility of amending the Rural Residential to include a Special Exception for Dog Training and Grooming (*please refer to page two, "Plan Commission", of the Regular Meeting minutes dated August 1, 2011*). Plan Commission Director, Greg Sheline, informed the

Board that the amendment of the Zoning Ordinance has been prepared, and a Public Hearing has been advertised for August 23, 2011, at 7:00 p.m. Ordinance No. 2011-BCCO-21 was submitted, which would amend the Zoning Ordinance 2009-BCCO-21, by adding Dog Training to the list of Special Exceptions permitted in a Rural Residential Zone. Dog Training would be considered as the training and grooming of dogs without overnight housing or boarding; it also includes instruction of the owners or handlers. A motion was made by Mr. Wyman to refer Ordinance No. 2011-BCCO-21 to the Howard County Plan Commission for a public hearing and recommendation. President Moore vacated the Chair in order to second the motion. The floor was opened for comment or question. There was one question as to whether the “overnight boarding” would include boarding during the day. At the conclusion of explanation, the motion carried with two votes.

A Special Session of the Board of Commissioners was scheduled for Thursday, August 25, 2011, at 4:15 p.m., in room 338 of the Administration Center, on a motion made by Mr. Wyman and seconded by Mr. Thompson. This meeting will be conducted in order to consider the Plan Commission’s recommendation with respect to Ordinance No. 2011-BCCO-21.

2) Because it was pointed out that the Animal Control Ordinance was in conflict with the Howard County Zoning Ordinance, Mr. Murrell submitted Ordinance No. 2011-BCCO-23, an ordinance amending the County’s Animal Control Ordinance (*please refer to page two, “Plan Commission”, of the Regular Meeting minutes dated August 1, 2011*). A motion was made by Mr. Wyman to approve Ordinance No. 2011-BCCO-23, an ordinance amending the Howard County’s Animal Control Ordinance. The Amendment redefines kennel to mean a facility operated principally for the purpose of boarding, housing or breeding dogs or cats. The motion was seconded by Mr. Thompson and carried.

Director Greg Sheline assured the Commissioners that the Plan Commission would address the “set-back for kennels” issue as part of amending the Howard County Zoning Ordinance, as well as addressing standards for dog kennels.

#### **MAINTENANCE:**

Maintenance Superintendent Scott Reed received a request to fly the flag at the Courthouse, at half-mast, in honor of the passing of Judge Stein, during her funeral on August 20. Upon inquiry, it was determined that the date of the funeral Friday, August 19, 2011, at 10:00 a.m. and it would be appropriate to fly the flag half mast ½ hour before the funeral and ½ hour after.

#### **IN THE MATTER OF THE WESTSIDE ASSOCIATION ASSISTANCE REQUEST:**

Mr. Wyman submitted a request from the Westside Association for assistance from the County to purchase large boulders to use as entrance signs for the Westside neighborhood. They propose a three tiered assistance plan between Howard County, the City of Kokomo, and the Westside Village. The City of Kokomo has approved \$2,000 toward this project and the Association is asking for a \$1,000 contribution from Howard County. A motion was made by Mr. Wyman to approve assistance to the Westside Association, in the amount of \$1,000 to assist with the signage project of Westside Village, to be taken from the EDIT Fund. The motion was seconded by Mr. Thompson and carried.

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

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

1. **Salary Claims:** Salary, Hourly, and Overtime claims payable August 19 and 26, and September 2, 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 \$318,264.54, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Court Ordered Claims:** Auditor Wells informed the Commissioners that Superior Court I Judge William Menges had issued five orders to pay claims for training session expenses. After the Auditor’s Office reviewed the claims, several were found to have non-compliance issues with the County’s Travel Policy. A notice outlining the non-compliance issues was sent to Superior Court I via e-mail. The Court responded by ordering payment of the claims, and they were prepared for payment without the Auditor’s

signature. Because both a court and the Board of Commissioners can approve and allow the payment of claims, Ms. Wells felt it necessary to let the Board know of the Court ordered claims. Discussion ensued concerning the separation of powers that exist in a Democratic form of government, the level of accountability ordered by the State for the courts, and the history of compliance by Howard County's Courts up to this point. At the conclusion of discussion it was the consensus of the Board to direct the Auditor's Office to receive clarification and guidance from the State Board of Accounts on what, if any, documentation she needs to pay court-ordered claims. Auditor Wells can bring back a response to the next Commissioner meeting.

4. **Treasurer's Report:** The Treasurer's Monthly Report for the month ending July 30, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
5. **Clerk's Report:** The Clerk's Monthly Report for the month ending July 31, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
6. **EMA Calendars:** The Emergency Management Agency's monthly calendars and listing of events for the months of June, July and August, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
7. **Assessor Emergency Claim:** County Assessor Jamie Shepherd submitted a claim for early payment. Their state-called Summer Conference is scheduled for the end of August and the State is asking that all checks be submitted upon arrival. This conference will provide a portion of the 45 hours of continuing education required for Ms. Shepherd and her employees. A motion was made by Mr. Wyman to approve the early pay claim request of \$600, to be paid from the Reassessment Fund. The motion was seconded by Mr. Thompson and carried.

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

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

1. **South Fork Wildcat Stewardship Initiative:** On behalf of Stormwater Coordinator Greg Lake, Mr. Murrell submitted a letter of support from the Board of Commissioners for the South Fork Wildcat Stewardship Initiative. The letter states, "This Initiative will be beneficial by: Working with the public and landowners within the Critical Areas to cut down various pollutant practices. By also sharing the financial burden, the CCSWCD will be able to position itself as a partner with the preservation of the Wildcat Watershed in the counties of Clinton, Tipton, Tippecanoe and Howard." A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the letter of support for the South Fork Wildcat Stewardship Initiative, and authorize the President to sign on behalf of the Board of Commissioners.
2. **Flood Mitigation Grant Update:** Mr. Murrell began his update by thanking the Board of Commissioners for allowing him to work so closely with Plan Commission Director Greg Sheline on this Flood Mitigation Project. Mr. Murrell then reviewed the Flood Mitigation Project, with the Matching Funds Grant, and its progress with the Board of Commissioners as follows:
  - a) Prepare comprehensive list of properties with legal description.
  - b) County Council adopts resolution expressing interest in purchasing; Commissioners authorize two appraisals.
  - c) Obtain appraisals (pre-flood)
  - d) Prepare and negotiate offer to purchase
  - e) Obtain and review title commitment – address any title concerns.
  - f) Close transaction
  - g) Prepare and deliver Warranty Deed with required restrictions.
  - h) **TIMETABLE FOR CLOSING** – must close on properties by October 31<sup>st</sup>
  - i) Add property to county insurance coverage.
  - j) Commence demolition process by issuing Invitations to Quote

Last week Mr. Sheline and Mr. Murrell had a conference call with Ms. Jan Crider, in an effort to confirm that the Matching grant from Homeland Security had been approved (*please refer to page two, issue three, “Plan Commission”, of the Regular Meeting minutes dated August 1, 2011*). The Flood Mitigation Grant plan expires in November; after that time we can no longer draw down the funds. All purchases must be made and completed by the end of October. Ms. Crider is currently working with Mr. Sheline to update the Plan for renewal, but that could take from six months to a year for approval. We must move quickly. Mr. Murrell submitted Resolution No. 2011-BCCR-22, authorizing the appraisal of Flood Mitigation Properties, and listing the approved appraisers. A motion was made by Mr. Wyman to approve Resolution No. 2011-BCCR-22 and the listing of appraisers. The motion was seconded by Mr. Thompson and carried.

3. **Flood Mitigation Grant:** A fully executed copy of the Flood Mitigation Grant was never received by the State because the Board of Commissioners was awaiting confirmation of receipt of matching funds, before fully approving the Grant. In conversation with Ms. Crider from the State’s Homeland Security Office, a full written approval of the matching funds cannot be given without the FULLY executed copy of the Flood Mitigation Grant. She does, however, confirm through e-mail communication that the Matching Funds are set aside for Howard County (\$447,145) (*please refer to page two, issue three, “Plan Commission”, of the Regular Meeting minutes dated August 1, 2011*). Mr. Murrell submitted a copy of the Flood Mitigation Grant, with an addendum stating that approval is given subject to securing the \$447,145.00 State grant for the matching funds. He also submitted a signature page for the Commissioners, allowing the application to be submitted without the addendum. A motion was made by Mr. Wyman to approve the Howard County State / Local Agreement Hazard Mitigation Grant Program as it is, and with the addendum, subject to the State providing the Matching Grant. The motion was seconded by Mr. Thompson and carried.

Mr. Murrell recognized the job Mr. Sheline is doing for Howard County, not only with the Plan Commission, but also with extra duties such as unsafe buildings and flood mitigation.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER WYMAN:**

Mr. Wyman submitted a City/County Joint Project Plan, Phase 1 that includes a proposal for five projects. That listing includes:

Morgan Street	\$163,133.00
Darrough Chapel	\$247,000.00
Nickel Plate Trail	\$296,498.00
North Street	\$200,000.00
Greater Kokomo Economic Development Alliance	<u>\$127,000.00</u>
	<b>\$1,033,631.00</b>

The Darrough Chapel Project will come from Stormwater funds. The other four projects will be paid from the EDIT Fund (\$786,631). A motion was made by Mr. Wyman to approve the City/County Joint Project Plan, Phase 1, and forward a favorable recommendation to the County Council at their August 16<sup>th</sup> meeting. President Moore vacated the chair to second the motion. The motion carried on two votes.

Mr. Wyman thanked Mr. Scott Reed and the Maintenance Department for tree removal at Howard Haven.

**COMMISSIONER MOORE:**

Mr. Moore was contacted by Mr. Jeb Conrad from the Greater Kokomo Economic Development Alliance, asking the County to make an appointment to the newly organized Tourism Advisory Council. The Convention & Visitors Bureau is now under the Alliance (GKEDA) umbrella. This new Tourism Advisory Council is a way to engage more people in the day to day process. There will be CVB representatives and community citizens on this Council. The Commissioners will begin consideration of names.

The Board received a thank you letter from Military Appreciation Days, sponsor of the American Veterans Traveling Tribute. The letter thanked the Board for their contribution in bringing the Traveling Tribute to Howard County.

Mr. Moore expressed appreciation to the Windmill Grill, Kokomo Tribune, and Shine 99, for their help with the Stuff-the-Bus campaign. Much needed supplies were given to the schools.

There will be a Howard County Recycling District meeting, tomorrow morning at 10 a.m., and a County Council meeting at 4:00 p.m.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:15 a.m. on a motion made by Mr. Wyman and seconded by Mr. Thompson.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

---

TYLER O. MOORE, PRESIDENT

---

PAUL G. WYMAN, VICE PRESIDENT

---

WILLIAM THOMPSON, MEMBER

ATTEST:

---

ANN WELLS, AUDITOR

Howard County Commissioners Meeting August 15, 2011