

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 18, 2011

The Howard County Board of Commissioners met in Regular Session on Tuesday, January 18, 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. The Pledge of Allegiance was led by Commissioner Thompson, and Commissioner Wyman led in a word of prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the December 30, 2010 and January 4, 2011 Regular meetings, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the January 4, 2011 and the January 12, 2011 Executive Sessions were submitted and reviewed. A motion was made by Mr. Wyman to approve the minutes of the January 4 and January 12, 2011 Executive Sessions. The motion was seconded by Mr. Thompson and approved.

IN THE MATTER OF THE SEASONAL FLU VACCINE ORDER:

Ms. Karen Long, from the Health Department, submitted a request to order seasonal flu vaccine for the upcoming Flu Season 2011-2012. Last year the County purchased forty-four vials (440 doses) and used three hundred fifty-seven (357) doses of flu vaccine. This season the flu vaccine is \$112.45 per a ten dose vial (\$11.24 per dose). Ms. Long is recommending the County purchase 36 vials (360 doses) for the projected cost of \$4,048.20. A motion was made by Mr. Wyman to approve the recommendation to purchase three hundred sixty-doses of flu vaccine for a total amount of \$4,048.20. 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:

1. Ken de la Bastide, Tribune reporter: Mr. de la Bastide requested that the Board of Commissioners forward Departmental reports to the Kokomo Tribune and the Perspective, sometime after the meeting. Attorney Larry Murrell informed the Board that because there may be reports that contain non-public information, the Board of Commissioners should collect and review the reports before sending them to the media. Commissioner Thompson agreed with Mr. Murrell concerning observing HIPPA rules. Mr. Murrell will review the situation and suggest procedure for the Board of Commissioners.

2. Ms. Judith Liggin, designer of the Veterans Family Monument: Ms. Liggin referred to the minutes of December 30, 2010 concerning the Veteran's Monument discussion opened by Mr. Jerry Paul (*please refer to page five, "In The Matter Of Additional Public Comment", of the Regular Meeting minutes dated January 4, 2011*). Ms. Liggin took this opportunity to review the past two years of the history of the proposed monument. Currently the designs have been completed and Ms. Robin Williams has been chosen to raise the funds needed for the project. However, Ms. Williams does not want to begin raising funds for a project that may not be implemented. Ms. Liggin does understand that permission to erect the monument on Courthouse property has not yet been obtained from the Board of Commissioners. She needs to know how to proceed from this point.

Commissioner Moore reviewed the history of the contest from the Mayor's office concerning beautification of the downtown area, working through the Kokomo Downtown Association Beautification Committee. The Beautification Committee is spearheading the Courthouse Beautification. They decide what to bring to the Board of Commissioners for approval. Mr. Moore recommended that Ms. Liggin contact Mr. John Wiles of the KDA to see how close the committee is to determining Phase II of the Courthouse Project. Mr. Wyman also spoke concerning the process and confirmed that going to Mr. Wiles and the Beautification Committee is the correct procedure at this time. The Board of Commissioners will make sure that the Monument Design that Ms. Liggin submitted to the Commissioners, will be forwarded to Mr. Wiles at the Kokomo Downtown Association.

At this time President Moore expressed appreciation to Department Heads and Elected Officials for helping the Board by sending in Departmental Reports prior to the meeting, as requested by the Board.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Steve Rogers submitted the following issues for the Board's information and approval:

1. **Patrol Vehicle Issues:** One of the eight-year-old detective vehicles has a problem with its internal computer as well as a problem with the front end of the vehicle. It should be traded in for a new vehicle. Sheriff Rogers has been speaking with the Prosecutor's Office concerning the four wheel drive, 16,000 mile vehicle they are trying to dispose of. The Sheriff's Department would like to purchase the Prosecutor's vehicle and hold the detective vehicle to be included in the next trade. Prosecutor McCann is willing to take the \$10,000 the Prosecutor routinely disperses to the Sheriff Department from the Prosecutor's Law Enforcement Fund, and apply it to the purchase of the vehicle. Any other funds used would be receipted into the Law Enforcement fund. Sheriff Rogers is requesting authorization from the Board of Commissioners to work out the details with Prosecutor McCann and present them at the next Commissioner meeting. It was the consensus of the Board of Commissioners to authorize Sheriff Rogers and Prosecutor McCann to proceed with negotiations and present their plan at the February 7th meeting.
2. **Commissioner Liaison:** In the past there has been a Commissioner to act as a liaison to the Sheriff's Department. Sheriff Rogers asked if that would continue and who would be acting as the Commissioner liaison. It was the consensus of the Board to appoint Commissioner Thompson as the liaison between the Board of Commissioners and the Sheriff Department.

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commission Director Greg Sheline submitted the following issues for the Board's information and approval:

1. **Flood Mitigation Grant:** Mr. Sheline had hoped to be able to share news with the Board of Commissioners concerning the Flood Mitigation Grant, however, the conference call with FEMA, scheduled for earlier this morning, had been cancelled. He believes we are very close to obtaining approval for the grant.
2. **Demolition Quotes:** Invitations to Quote were sent out to several excavation companies, last Wednesday, for the unsafe property located at 1207 Moccasin Trail.
3. **Plan Commission Meeting:** There is a Plan Commission meeting tonight and they will be addressing a zoning change request.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

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

1. **Open Enrollment For Boston Mutual:** Ms. McKillip distributed copies of an Employee Memo concerning the Boston Mutual Open Enrollment Meeting scheduled for February 1, 2011, for employees hired between 10/01/09 to 09/30/10, and asked for authorization to distribute the memos to the employees. A motion was made by Mr. Wyman to approve the Employee memo and its distribution to the employees. The motion was seconded by Mr. Thompson and carried.
2. **PAC Recommendations:** The first recommendation is a request from Kinsey Youth Center concerning the elimination of a full time position and replacing it with a part-time position.

PAC recommends eliminating the full-time position 01115.00 Secretary / Bookkeeper – salary \$28,886 and replacing it with a part-time Clerk/Secretary – salary of \$11.00 per hour and work 24 hours per week.

A motion was made by Mr. Wyman to approve the PAC recommendation as submitted and forward it to the County Council. The motion was seconded by Mr. Thompson and carried.

The second recommendation concerns the Sheriff Department as follows:

Sheriff Rogers, Captain Jerry Asher, Lieutenant Greg Hargrove and Personnel Administrator Ree Moon presented the PAC with merit deputy position changes. PAC recommends allowing the Sheriff to NOT appoint a Major position (01116.00) but leave the line item available for future Sheriffs, with a small balance). The Sheriff will add a third Captain's position (01117.00, two Captain Positions currently). This change would streamline the department and better assist the different divisions. This would also be a savings to the county totaling \$96,202.00. Sheriff Rogers will present the request to the Merit Board.

A motion was made by Mr. Wyman to approve the PAC recommendation, to not appoint a Major position and to appoint an additional (temporary) Captain position, and forward the recommendation to the County Council. The motion was seconded by Mr. Thompson and carried.

3. **Commissioner Appointments:** As there are still active conversations with prospective appointees, the Board of Commissioners tabled the remaining appointments until the February 7, 2011 meeting, on a motion made by Mr. Wyman and seconded by Mr. Thompson.

Ms. McKillip informed the Board that the Howard Regional Board of Trustees has two appointments that will expire June 30, 2011. She will e-mail information to the Commissioners.

4. **2011 YMCA Strong Kids Campaign:** The last several years the County employees have been invited to be involved in a weight loss challenge with the City of Kokomo. For a \$25 donation County employees may participate in a weight loss challenge, with all proceeds going to the YMCA Strong Kids Campaign. She is requesting that the County be involved again, this year. President Moore has already been contacted by the Mayor's office. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the County's participation in the weight loss challenge with the City of Kokomo, with proceeds to benefit the YMCA Strong Kid's Campaign. The challenge will be held from March 14 – April 25, 2011. Ms. McKillip's office will operate the County's portion of the campaign and will distribute an employee memo.
5. **Second Annual Clash Of The Cans Event:** The Howard County Commissioners and the Kokomo Mall will sponsor the 2nd Annual Clash of the Cans food bank drive that will benefit the Kokomo Urban Outreach, Howard Haven, Kokomo Rescue Mission and the Salvation Army. Businesses and organizations around the County can design and build structures made from canned and boxed foods, within an 8ft x 8ft x 8ft space. A motion was made by Mr. Wyman to approve of the 2nd Annual Clash of the Cans event. The motion was seconded by Mr. Thompson and carried. Mr. Moore will be the contact person. An organizational meeting will be held on January 24, 2011 and all the Commissioners have been asked to attend. Mr. Murrell will inform the media of an Administrative Session at 4:00 p.m. at Kokomo Mall.

At 9:15 a.m. the Regular Meeting was recessed in order to hold a previously scheduled Board of Finance Meeting, on a motion made by Mr. Wyman and seconded by Mr. Thompson.

Due to the absence of Treasurer Martha Lake, the Board of Finance meeting was rescheduled to February 7, 2011, at 4:45 p.m., on a motion made by Mr. Wyman and seconded by Mr. Thompson.

A motion was made by Mr. Wyman to close the Board of Finance Meeting and reconvene the Regular Commissioner Meeting. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF AN OCCUPANCY LICENSE AGREEMENT:

Information Systems Director Terry Tribby submitted an Occupancy License Agreement between the Winamac Southern Railroad and Howard County. As part of the City of Kokomo Mobile Radio Grant, there is a Fiber Optic project that includes running fiber optic cable from the Criminal Justice Center to the Kinsey Youth Center to the Emergency Tower. To do so it must go through an easement owned by the Railroad. Mr. Murrell has reviewed the agreement and there are two aspects of the agreement that the Board needs to consider.

- 1) The first is a General Policy issue. The Railroad Company is charging an ongoing annual fee in the amount of \$1,100.00, with engineering set up fees in the amount of \$2,000, to be paid up front. This is for an inactive track.
- 2) The second aspect has to do with the revisions or deletions to the contract that Mr. Murrell will propose. Those issues include the right to terminate clause, the right to adjust the annual fee, and the directive to the County to carry \$6 million in insurance. Because this grant expires in March and it specifies that all work has to be done, Mr. Murrell suggests that the Commissioners authorize the President to sign the Occupancy Agreement, subject to Mr. Murrell and Mr. Tribby negotiating a reasonable agreement with the Railroad.

At the close of discussion a motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to authorize President Moore to sign the Occupancy License Agreement once a reasonable agreement is negotiated with the Winamac Southern Railroad, by Mr. Murrell and Mr. Tribby. Mr. Tribby confirmed that the grant could pay for the \$2,000 engineering set up fee, but not the annual fees. Mr. Murrell informed the Board and Mr. Tribby that the Occupancy Agreement offered a lump sum payment. Mr. Tribby will meet with Deputy Fire Chief Brad Bray to clarify the directives of the grant.

IN THE MATTER OF STORAGE ISSUES:

Several offices have lack of storage issues including the Clerk, Auditor and County Extension. Maintenance Superintendent Scott Reed will be meeting with Commissioner Thompson and Clerk Kim Wilson to discuss short term and long term options.

IN THE MATTER OF PROPERTY TAX ASSESSMENT BOARD OF APPEALS APPOINTMENTS:

The Board of Commissioners has three appointments to make to the five-member PTABOA Board. County Assessor Jamie Shepherd submitted her reappointment recommendation as follows:

- Andrew Hardie – Local broker and realtor
- Ann Harrigan – former County Assessor and current Level II certification
- Virginia Baker – Current Level II certification working on her Level III certification

A motion was made by Mr. Wyman to reappoint Andrew Hardie, Ann Harrigan and Virginia Baker to the Property Tax Assessment Board of Appeals. The motion was seconded by Mr. Thompson and carried.

Ms. Shepherd also needs access to a vehicle for site evaluations. The State now requires the Assessor’s Office to make site evaluations for every property in Howard County that sells. Currently her office is working with the Surveyor and MS4 offices to schedule times when the Assessor’s office can use their vehicle, but the vehicle can only be spared for one day. That is not enough time to insure that the site evaluations get completed in a timely manner. Ms. Shepherd was hoping that her office could use the Prosecutor’s vehicle but that option is now closed. She will continue to review her options.

IN THE MATTER OF SMALL BUSINESS GRANT REQUESTS:

On behalf of the Small Business Grant Committee, Mr. Wyman submitted the Committee’s recommendation to approve Small Business Grant requests from Top of the Line Auto Detail and Comics Cubed. Both applications were in order and the committee checked each individual for back taxes, etc., and found them clean. A motion was made by Mr. Wyman to approve the recommendations from the Small Business Grant Committee, for Top of the Line and Comics Cubed. The motion was seconded by Mr. Thompson and carried. Mr. Murrell will prepare the Memorandums of Understanding and submit them for signatures at the next meeting. A payment will be made to the Greater Kokomo Economic Development Alliance, February 22nd, to be distributed to the businesses per the MOU’s. Mr. Hilton, owner of Comics Cubed, thanked the Board of Commissioners for the Small Business Grant.

Baja Burrito closed its doors January 1st because of the sale of the building. The remaining balance of the Small Business Grant will be sent back to the County. A motion was made by Mr. Wyman, seconded by Mr. Thompson, and carried to rescind the Memorandum of Understanding with Baja Burrito and receipt the remaining grant money back into the EDIT Fund.

BNB Collision has to relocate because the building they lease is going through bankruptcy proceedings. They will send the remaining grant money back to the County. A motion was made by Mr. Wyman to rescind the Memorandum of Understanding with BNB Collision and to receipt the remaining balance back into the EDIT Fund. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF THE ICJI TRAINING GRANT APPLICATION:

Chief Probation Officer Don Travis, Kinsey Youth Director Brent Kelley, Judge Lynn Murray and referee Eric May have been tracking the Juvenile Detention Alternative Initiative project for the last three years. About 18 months ago Mr. Travis submitted a grant proposal for a \$50,000 grant from the Indiana Criminal Justice Institute to start the project in Howard County. Howard County was not awarded the Grant, but Mr. Travis kept tracking the project. In November, 2010, Howard County was designated as an Expansion JDAI site. The designation came with several expectations to apply the project, but no funds. Mr. Travis and Mr. Kelley received notice, less than two weeks ago, that the Criminal Justice Institute is offering a \$20,000 Travel and Training Grant, and the application must be in by tomorrow. This grant allows training for all facets of the project including the Probation Department, Prosecutors, and even schools. Mr. Travis and Mr. Kelley are asking for authority to apply for the grant. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to authorize Mr. Travis and Mr. Kelley to apply for the ICJI Travel and Training Grant.

IN THE MATTER OF COURTHOUSE USE REQUESTS:

Mr. Wyman submitted the following Courthouse usage requests:

Howard County Right to Life: use of Courthouse steps for a rally on Saturday, January 23, 2011.

Blue Star Mothers: use of Courthouse steps for rally on May 7, 2011.

A motion was made by Mr. Wyman to approve the use of the Courthouse steps for the Howard County Right to Life for Sunday January 23, (or Saturday January 22) 2011, and to the Blue Star Mothers for their rally on May 7, 2011. 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:** The Commissioners' Salary, hourly and overtime claims payable January 21, 28 and February 4, 2011, in the amount of \$346,484.04 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 \$794,217.92, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. It was noted by Ms. Wells that these claims are encumbered from 2010, and also include the County's Annual Insurance claim.
3. **Covered Bridge Certification:** Ms. Wells submitted the Covered Bridge Certification, certifying that there are -0- working covered bridges in Howard County. A motion was made by Mr. Wyman to sign the Covered Bridge Certification, confirming that there are -0- covered bridges in Howard County. The motion was seconded by Mr. Thompson and carried.
4. **Treasurer's Report:** The Treasurer's Monthly Report for the month ending December 31, 2010, was 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 December 31, 2010, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF A FACILITY USE REQUEST BY THE STATE POLICE:

Sheriff Steve Rogers submitted a request from the Indiana State Police to use one of the Howard County facilities in order to hold a training session for about seventy (70) officers in the month of February. This training will utilize lap-top computers and error cards, and the Peru Post area is a dead zone for Verizon service. At this time a date and facility have not been chosen. After Sheriff Rogers, Mr. Reed, and the State Police have chosen a location (parking is a concern) and a date, Sheriff Rogers will inform the Board of Commissioners. It was the consensus of the Board to approve the request for a facility and date, to be determined later.

On behalf of the Board of Commissioners, Commissioner Moore expressed his condolences to Peru and Miami County and the family of Sheriff Roland, at his recent passing.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Crowe Horwath Invoice:** Mr. Murrell submitted an invoice from Crowe Horwath for professional services rendered for the period ending December 31, 2010 in the amount of \$4,736.03. This concerns the financing of the Kitty Run Drainage Project. A motion was made by Mr. Wyman to approve the Crowe Horwath Invoice for payment in the amount of \$4,736.03. The motion was seconded by Mr. Thompson and carried.
2. **Jeremy Peelle Contract:** Mr. Murrell submitted a contract between the Howard County Clerk and Jeremy Peelle, for collection services of certain fines and fees associated with court costs, infractions and civil penalties which become delinquent. There is no charge to the county; attorney fees are charged back to the party or entity that the fee is collected from. The contract with Jeremy Peelle and the Howard County Clerk is approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Financing Entities Overseen by Howard County Legal Department:** Mr. Murrell reviewed with the Board of Commissioners the various Financing Entities that the Legal Department oversees, as follows:

Howard County Jail & Juvenile Detention Center Building Corp

Jail Bonds – Final Payment 01/15/2012
Annual Meeting in March
Annual Report to Secretary of State in October
Members & Directors Self-appointed

Current Members:

E. P. Severns, Jr.
W. David Leyda (deceased) needs replacement
Donald G. Thomas (moved from Howard County) needs replacement
Hans S. Pate
Michael D. Wood

Howard County Economic Development Commission

Financing for Bona Vista
Annual Meeting in March

Current Members:

James W. Miller – County Council – term expires 01/31/2013
Larry Hinesley – Commissioners – term expires 01/31/2014 – to be reappointed
Vacant- Commissioners per City Council – term expires 01/31/2012, needs replacement

Howard County Redevelopment Commission

Financing for ITPI – Maintaining existence
Appointed by Commissioners / Council annually
Annual Meeting in January

Current Members:

Dale E. Etherington (Commissioners)
Larry Hinesley (Commissioners)
Philip E. Wise (Commissioners)
E. P. Severns, Jr. (Council)
Bradley R. Newton (Council)

Howard County Redevelopment Authority

Financing for ITPI – Maintaining Existence
Appointed by Commissioners – Current terms expire 07/15/2011

Current Members:

Michael G. Sale
David J. Steele (Resigned) needs replacement
William C. Sahn (deceased) need replacement

The five-member Jail & Juvenile Building Corporation needs to find replacements for Mr. David Leyda and Mr. Don Thomas.

The Council appointed James Miller to the Economic Development Commission. Mr. Murrell recommends the reappointment of Larry Hinesley as the Commissioners' appointment. The City Council needs to make a recommendation to the Commissioners for the appointment of a third person to that Commission. With the Commissioners' permission, Mr. Murrell will speak with Attorney Corbin King concerning the City Council's recommendation.

The Redevelopment Commission has three Commissioner appointments and Mr. Murrell recommends reappointing Dale Etherington, Larry Hinesley, and Philip Wise.

The Redevelopment Authority needs to have two more members to replace Mr. Steele and Mr. Sahn.

A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to reappoint Mr. Larry Hinesley to the Howard County Economic Development Commission for a term that expires January 31, 2014.

A motion was made by Mr. Wyman to re-appoint Mr. Dale Etherington, Mr. Larry Hinesley, and Mr. Philip Wise to the Howard County Redevelopment Commission. The motion was seconded by Mr. Thompson and carried.

4. **Departmental Reports:** Mr. Murrell opened discussion for a procedure to forward departmental reports to the media, as earlier requested by Mr. de la Bastide, of the Kokomo Tribune. Discussion ensued as to the effects of sending the reports to the media before the actual meeting. At the close of discussion, it was the consensus of the Board to forward departmental reports to the media outlets after the meeting, subject to Mr. Murrell's review.

IN THE MATTER OF COMMISSIONER ISSUES:

Commissioner Thompson:

For information purposes only, Mr. Thompson reminded everyone that the Board of Commissioners has for now tabled the Employee Handbook changes.

The celebration of Martin Luther King Jr.'s birthday, yesterday, was the reason the Board of Commissioners are meeting today. Mr. Thompson issued the following quote from Mr. King: "Life's most important question is: What are you doing for others?"

We have a "State of the Union" address from the President and a "State of the State" address from the Governor. Mr. Thompson would like to see a "State of the County" address from the President of the Board of Commissioners.

Commissioner Moore:

Last Monday Mr. Moore attended the Mayor’s Prayer Breakfast and had the privilege of praying for City and County Elected Officials and all emergency responders. Mr. Moore thanked the Mayor and his staff for that opportunity and for the event.

Mr. Moore met with Mayor Goodnight last week, concerning several issues including the Darrough Chapel septic situation. Mayor Goodnight is open to working with the County to resolve the issues surrounding Darrough Chapel.

There is a Howard County Recycling District meeting, today, at 4:00 p.m.

The Chamber of Commerce is continuing to hold their Third House sessions. The next one is February 19, 2011, followed by a meeting on March 19th; a tentative date is scheduled for April 16th.

Indiana Association of County Commissioners has information of a Webcast on Wednesday, January 26, 2011 at 10:00 a.m. Mr. Tribby will set up the video in room 220D. The Webcast concerns shared services and Mr. Moore invites Elected Officials and Department Heads. Because there is a receiving of information, Mr. Murrell will contact the media and inform them of this Administrative Session.

The Indiana Association of Counties shared information concerning Senate Bill 303. This would give Counties the ability to elect their County Executive, whether they are one or three. It is currently in discussion in Committees.

Mr. Moore extended congratulations to Captain Asher.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:10 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 Board of Commissioner Meeting January 18, 2011