

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MAY 2, 2011

The Howard County Board of Commissioners met in Regular Session on Monday, May 2, 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 Tyler Moore. Commissioner Bill Thompson led in the Pledge of Allegiance and Vice President Wyman offered prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the April 18, 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 April 19, 2011 Executive Joint Session were submitted and approved as submitted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the April 25, 2011 Executive Session were submitted for review. A motion was made by Mr. Wyman to approve the minutes of the April 25th Executive Session. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF DEPARTMENTAL REPORTS:

MAINTENANCE:

- 1) Buildings and Grounds Superintendent Scott Reed informed the Board that his department is waiting for favorable weather conditions before moving forward with the yard work at the Administration Center and Courthouse.
- 2) Mr. Reed submitted Resolution No. 2011-BCCR-11, an amendment to Resolution No. 2005-BCC-34, amending rules and regulations for the Government Center. This resolution also includes the Administration Center. After the Commissioners' review, a motion was made by Mr. Wyman to approve Resolution No. 2011-BCCR-11 subject to Attorney Murrell's review and approval. The motion was seconded by Mr. Thompson and carried.
- 3) Several County offices have been able to use pieces of equipment left in the former Jail Facility. Mr. Reed and his department are keeping an inventory listing. The equipment that is left will be auctioned off at the Sheriff's sale in May. Auditor Wells asked Mr. Reed if the safety deposit boxes in the basement of the Administration Center would be of any value to other banks. Mr. Reed confirmed that Key Bank took items of value from the basement. Anything that is left (such as the boxes) is probably not worth trying to remove them.

PLAN COMMISSION:

- 1) Plan Commission Director Greg Sheline submitted Ordinance No. 2011-BCCR-09 (Case 2-CZ-11), amending Zoning Ordinance No. 2009-BCCO-21. Several uses and definitions are included in the Ordinance for clarification purposes. Mr. Sheline also informed the Board that in the next several months there will be additional amendments. A motion was made by Mr. Wyman to approve Ordinance No. 2011-BCCO-9 as submitted. The motion was seconded by Mr. Thompson and carried.
- 2) Mr. Sheline is close to receiving the Signature page of the Flood Mitigation Grant for the properties on Ridge Road. Because of the recent storms, that area is flooded again. Of the eight local appraisers contacted for needed appraisals, seven have now expressed interest in participating in the project (*please refer to item two, page three, "Plan Commission", of the Regular Meeting minutes dated April 4, 2011*).
- 3) According to the bank that holds the mortgage for the unsafe property located at 2295 South County Road 300 West (meth house) it will take from eight to ten weeks to complete remediation paperwork. Then the owner will have to have the property inspected by the State to continue the remediation process, before beginning the rehabilitation process. The previous Public Hearing had been cancelled to allow the owner thirty days to rehabilitate the property, and now that process has now been extended (*please refer to page three, "Plan Commission", of the Regular Meeting minutes dated April 18, 2011*). Due to possible toxicity to the

neighborhood, a motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to authorize the Plan Commission to issue an Order of Notice of Demolition, and set a Public Hearing at 4:30 p.m. on June 6, 2011.

4) The City attorney has reviewed and approved the contract with American Structurepoint for the Overlay Districts of the current Highway 31 and the new 31 Bypass. Assistant County Attorney Alan Wilson is currently reviewing the contract. A motion was made by Mr. Wyman to authorize Plan Commission Director Greg Sheline to sign the contract on behalf of the Plan Commission of Howard County, with American Structurepoint, subject to review and approval by Attorney Alan Wilson. The motion was seconded by Mr. Thompson and carried.

SHERIFF:

Sheriff Steve Rogers submitted a contract with Crume Ellis for auctioneering services for the Sheriff Sale to be held on May 21, 2011 at 9:00 a.m. Any county office that wishes to have items auctioned should submit them to the Maintenance Department no later than May 6th, so they can be appraised by Mr. Cartwright Ellis and inventoried. A motion was made by Mr. Wyman to approve the auctioneering services contract with Crume Ellis, for the Sheriff's sale scheduled for May 21, 2011. The motion was seconded by Mr. Thompson. The motion was amended by Mr. Wyman to include authorizing the President to sign the contract on behalf of the Board of Commissioners. The amended motion was seconded by Mr. Thompson and approved.

PERSONNEL:

1) At the April 18th Commissioner meeting, Auditor Wells and the Personnel Department asked the Board of Commissioners to consider purchasing an Automated External Defibrillator for the Administration Center and the Government Center. Benefits Representative Brittany Dockemeyer submitted a proposal from the American Red Cross for one Cardiac Science AED G3 Plus, automatic Automated External Defibrillator, in the total amount of \$1,700 for the equipment and supplies. Training for use of the AED will be offered by the Red Cross at no charge to employees who are already CPR and AED certified. If the county would like to train employees in CPR and AED application, the Red Cross will submit a quote for those fees. This AED is the same model as the AED's in the other County buildings, and will be housed on the second floor, between the Treasurer and Auditor offices. Currently the Personnel Department has \$1,000 in the Emergency Equipment line item in the Commissioner's budget that could be used. Ms. Dockemeyer asked that the remaining amount be paid from the Commissioners' Equipment line item of the Cumulative Capital fund. Auditor Wells added that if the whole amount could be taken out of the Cumulative Capital Fund, it would enable the Personnel office to have enough funds to purchase needed first aid and blood spill supplies to distribute to the County offices. At the conclusion of ensuing discussion a motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the purchase of an Automated External Defibrillator in the amount of \$1,700.00 and the training to be provided at no cost, to be paid from the Commissioner Equipment line item of the Cumulative Capital Fund (150-04000).

2) Ms. McKillip thanked Commissioner Moore and Commissioner Thompson, the Sheriff's Department, Veterans Service Officer Robert Ladd, Assessor Shepherd, Auditor Wells, and all the office holders in the Administration Center, Superior Court IV Judge Hopkins, and also the media for all their help with the activities during County Government Month (April). President Moore thanked the Personnel Department for coordinating and organizing the events.

INFORMATION SYSTEMS:

Information Systems Director Terry Tribby took this opportunity to update the Board concerning the Fire Department's Radio Grant, and that there has been a deadline extension to September, 2011. This will give Mr. Tribby's Department an opportunity to take a closer look at the dead zone area (Russiaville) for radio equipment. With this grant he will be able to purchase needed equipment for twenty cents on the dollar. His department will determine the best location to install the equipment and service the area. One of the vendors will do a site study free of charge. There is an AT & T tower close to the location and if the site study concludes it would be a good location, AT & T will work with Mr. Tribby on leasing space for the County. If the location is not conducive, it would cost about \$25,000 to construct a new tower, and those costs would not be covered by the Radio grant. Mr. Tribby has not received an estimate on the costs of the needed equipment, yet, but believes it will be less than \$10,000. Enhanced equipment on a closer tower would help the Green Acres area, as well as the Koh-koh-mah Living History Encampment event in that area in the fall. Mr. Tribby will keep the Board of Commissioners updated.

COMMUNITY CORRECTIONS:

Community Corrections Director Steve Maus submitted the Adult/Juvenile Department of Corrections Grant in the amount of \$401,074, that was approved at the December 20th meeting (*please refer to age eight, "In The Matter Of The Howard County Adult and Juvenile Community Corrections Grant Application" of the Regular Meeting minutes dated December 20, 2010*). This is a two-year grant with the State and the Board's signatures are required. A motion was made by Mr. Wyman to approve the Department of Corrections Adult/Juvenile Grant, in the amount of \$401,074. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF THE KOKOMO EVENT CENTER DISCUSSION:

This matter pertains to discussion concerning transferring ownership of the Kokomo Event Center to Ivy Tech in Kokomo. Vice President Wyman gave a brief overview of the possible transfer and listed the following reasons to move forward in the property transfer:

- 1) Enables the County to keep an Event Center in our community.
- 2) Continue to have the Automobile Heritage Museum in the building for an annual fee of \$1.00.
- 3) Guaranteed three year minimum on keeping the Event Center and the Heritage Museum, with a three year notice.
- 4) Gives IVY Tech the opportunity to expand in our community for education, training and re-training.
- 5) The County saves \$160,000 annually. They are scheduled to take ownership in 2013 and will have to spend money correcting the building's current flaws. If given to IVY Tech, we would save those repair costs.
- 6) IVY Tech's expansion would bring more jobs to our community.
- 7) Mr. Wyman believes that we have reached a good faith agreement with IVY Tech through past conversations.
- 8) There was another offer on the table but as of April 28th, that offer was taken off the table. There is no other offer at this time.

President Moore commented that County officials have also received e-mails and phone calls supporting the County retain the Event Center until 2013, and when it takes complete ownership of the facility, list it and sell it, to help with Government's decreasing revenue. By State standards, selling the property would require the county to obtain two appraisals and take an average of the two. Mr. Moore proceeded to open the floor for discussion as follows:

Brad Bagwell, City of First Automotive Heritage Museum Board Member: Mr. Bagwell is in support of proceeding with the transfer of the Event Center to IVY Tech. The current assessed value is \$3.982 million and IVY Tech has obtained an appraisal at \$3.6 million, so even though there are some members on the Museum Board that feel an independent appraisal should be conducted, he believes the \$3.6 million is a dependable figure. Events at the Center have been scheduled for several years in advance. If this decision takes too long, it could hamper bookings for future events, and these events, and support from the County are what is supporting the museum. Events bring people from all over the State. This Center was purchased with Innkeepers Tax funds, but is supported by taxpayer funds. There are several things that need to be repaired and IVY Tech knows those issues. They already have a project in place to begin renovation in time for the fall semester. Mr. Bagwell believes the best way to save taxpayer money would be to approve the transfer to IVY Tech.

Laura Sheets, employed by Duke Energy and active member on the Greater Kokomo Economic Development Alliance Board: Ms. Sheets supports the transfer of the Event Center to IVY Tech, from the education aspect, for long term growth in the community. She feels that we have a work force that will need to be trained to move with the economy and that training can be done at IVY Tech, here, in Kokomo. She knows there are complexities with the transaction but believes that the county officials will be able to make the correct decisions.

Michelle Martin, Event Center Board Member and Automotive Heritage Museum Board Member: In the event of a sale, Ms. Martin believes the funds generated will disappear quickly. As a realtor she does not believe the County will be able to sell the property for \$3.6 million dollars. Transfer of the facility to IVY Tech will buy the community time to prepare and create a proper Event Center.

Heath Snodgrass, current student at IVY Tech: Mr. Snodgrass is currently a student in the Agricultural Department. He believes an expansion would help enable the agricultural department to hold events with local high schools.

Richard Miller, County Council President: Mr. Miller is concerned with the presentation of this request. This discussion began in March, 2010. Attorney Tom Trauring was the one who suggested to IVY Tech's Mr. Stephen Daly that IVY Tech take possession of the Event Center; conversations arose from that suggestion. The operating expenses paid by the County also include repair and renovation costs. In the beginning discussions, Mr. Miller offered the building in "as is where is" condition. Future conversations included repairs to be done by the County before transferring ownership, so much, that another Councilman was heard to say, "How much money does it cost us to give something away?" In early discussions it was commented that the building was not worth very much and maybe with the ten acres included it could be as much \$275,000, and now it's worth \$3.6 million. As a Councilman in the current economic climate, he has to attach criteria to decisions as follows: is it required, is it valuable, is it required and valuable, is it neither? Mr. Miller would say that the Event Center is valuable but not required. In 1997 the County was sold on this project with the justification that it would be profitable to the County. Fourteen years down the road, at \$100,000 (below the operating expense) shows the County investing at least \$1.4 million dollars on a project that is NOT profitable. Mr. Miller would like to see an independent appraisal being done and then try to sell it when the lease has been completed and the County takes full ownership in 2013.

John Holmes, member of the Kokomo Event Center Board: Mr. Holmes supports the transfer of the Event Center to IVY Tech. He does agree with Mr. Miller that the Event Center is not yet profitable. The KEC Board has been trying to "break even", and help the County get free from the operating expense. But the Event Center is prevented by the on-going high costs of maintenance to the building. He wants Howard County to be able to get out from under the operating costs and feels that the transfer to IVY Tech is the best arrangement. Even though it has not been profitable, he believes the Event Center and the County's support has been beneficial to the economic development to the City of Kokomo and the County. Transferring this property to IVY Tech means the County is investing in an organization that can increase even in economically difficult times.

Jeb Conrad, Director of the Greater Kokomo Economic Development Alliance: Ivy Tech is critical to the new prospects looking at our community. It's important to them that Kokomo has a college network to expand new skill sets with workers. Also, many times government provides support to drive the dollars into new ventures for the short term. He believes transferring the property to IVY Tech is the right thing for this community.

President Moore reminded everyone that there are items on the agreement that need to be clarified. Mr. Murrell cited that we have an agreement with IVY Tech in principle and he is working on the eighth and final draft, subject to two changes. At the completion of discussion, a motion was made by Mr. Wyman to approve Resolution No. 2011-BCCR-12, a resolution of the Howard County Board of Commissioners authorizing the transfer of property to IVY Tech Community College of Indiana, subject to final review of the agreement, and authorize President Moore to sign any and all documents necessary to complete the transfer.

Commissioner Thompson submitted the following question for consideration. In order to be fair and open with the taxpayers, the County should have the facility appraised, because the folks wanting the Event Center already know the Fair Market Value, but those of us making the decision on the best course of action to take with the building do not. I am opposed to selling, leasing or giving away the Kokomo Event Center without an appraisal. Do you not believe the taxpayers would best be served if the Board of Commissioners and the County Council have a written appraisal before making this most important decision that will affect our entire community?

Considering the motion to approve Resolution No. 2011-BCCR-12, President Moore vacated the chair to second Mr. Wyman's motion. The motion carried with two aye votes and one nay vote by Mr. Thompson. A motion was made by Mr. Thompson to request an appraisal on the building, land, and all associated valuable of the Kokomo Event Center by this Friday, May 6, 2011. Mr. Moore vacated the chair to second the motion.

Mr. Wyman stated that an appraisal will cost between \$3,500 and \$4,000. IVY Tech has an appraisal in the amount of \$3.6 million dollars. An Assessor will use basically the same criteria available to a master appraiser, and the Assessor's office shows an assessment in the amount of \$3.9 million. He believes it's a waste of money to obtain another appraisal.

The motion on the table was carried by two aye votes and one nay vote by Mr. Wyman. Attorney Murrell will contact an appraiser Mike Lady to schedule an appraisal. It was noted by Mr. Wyman that this appraisal should not hinder the progress of the transfer of the Kokomo Event Center to IVY Tech.

IN THE MATTER OF A REQUEST FROM RUSSIAYLLE FOR A LOAN:

Last October, Russiaville Town Council President Mark Fulk and Vice President Jeff Lipinski submitted a request for a loan from Howard County, to assist them with the completion of the Community Center and with the utility services installation needed for a new medical facility (*please refer to page eight, "In The Matter Of Request For Assistance from The town Of Russiaville", of the Regular Meeting minutes dated October 18, 2010*). Mr. Lipinski now submits paperwork reflecting expenses for both projects, and requests a loan in the amount of \$160,000 for the extra expense for the Community Center, and \$56,000 loan for the water and sewer lines for the new medical center. The low interest loan would take at least fifteen years to repay. At the conclusion of the presentation Mr. Thompson commented that he would like the Presidents of the Board of Commissioners and County Council to meet and give recommendation to the Board of Commissioners and County Council. A motion was made by Mr. Thompson to take the request from Russiaville under advisement for a recommendation of the Council and Commissioner Presidents, and forward the request to the County Council at their May meeting. The motion was seconded by Mr. Wyman and carried.

Mr. Lipinski took this opportunity to inform the Board of Commissioners that Kinsey Youth Center sustained roof damage during recent storms. Our insurance company has negotiated a contract with Belfour Property Restoration and this contract states that Howard County will pay the \$2,500 deductible and the Insurance Company will pay the remainder of this negotiated contract. A motion was made by Mr. Wyman to approve the Agreement with Belfour Property Restoration for roof damage at the Kinsey Youth Center, 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 A REQUEST FOR AN OFF-HIGHWAY VEHICLE ORDINANCE:

Mr. Heath Snodgrass, a student of IVY Tech and a citizen of Howard County, submitted a request to the Board of Commissioners that they consider instituting an Off Highway Vehicle Ordinance. Mr. Snodgrass is working with off highway vehicle clubs at Maximum Power Sports Center and Kokomo Honda, and in speaking with them and with local farmers and citizens in the area; he feels that there is a need for an Ordinance in Howard County that regulates the operation of off-road vehicles on county roads and highways. Mr. Snodgrass previously e-mailed information to the Board of Commissioners, and submitted the information for the Board's convenience. That information includes an Ordinance from Miami County that addresses the operation of off-road vehicles. At the conclusion of ensuing discussion and question, it was the consensus of the Board to take this issue and information to the Traffic Commission for their recommendation. Mr. Moore will submit the information to the Traffic Commission.

IN THE MATTER OF A CONTRACT FOR SURVEY AND ENGINEERING WORK:

MS4 Coordinator Greg Lake submitted an Agreement with Fleis & Vandenbrink Engineering, INC for services as it pertains to preliminary design, final design, contracts and bidding for the Darrough Chapel Sanitary Sewer Project. In order to apply for the Grant that will be used to fund the project, easements have to be in place, requiring survey and engineering work. This agreement completes the survey and engineering work, in an amount of \$108,100 (this does not include the actual easement work). The actual easement work requires an additional agreement in the estimated amount of \$30,000, to be done through another attorney. The Drainage Board has approved this agreement. A motion was made by Mr. Wyman to approve the Professional Services Agreement with Fleis & Vandenbrink Engineering Inc. and ratify the signature of President Moore. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

The following claims and reports were submitted by Auditor Wells for the Commissioners information and approval:

1. **Salary Claims:** Salary, hourly and overtime claims payable May 6 and 13, 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:** Commissioner Operating Claims payable today, in the amount of \$310,025.96, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Emergency Payment of Claim:** Ms. Wells submitted a claim to GKEDA for a small business grant to Dog Training, that had been approved in March but the claim had not been submitted. A motion was

- made by Mr. Wyman to pay the claim for the Greater Kokomo Economic Development Alliance, and authorize the President to sign the claim on behalf of the Board of Commissioners.
4. **Resolution Signature:** Ms. Wells submitted Resolution No. 2011-BCCR-09, approving Drainage Assessment Levy Bonds for 2011. This resolution was approved at the April 18th meeting but not signed (*please refer to item page five, item four, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated April 18, 2011*) . A motion was made by Mr. Wyman to approve and sign Resolution No. 2011-BCCR-09. The motion was seconded by Mr. Thompson and carried.
 5. **Howard Haven Van:** In December of 2010, a fifteen passenger van was purchased for Howard Haven. The van had been registered in Ohio, but had not yet been registered in Howard County, Indiana. Commissioner Moore compiled the needed documentation to get the van registered and plated. A motion was made by Mr. Wyman to authorize President Moore to sign the appropriate paperwork for the van purchased for Howard Haven. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER MOORE:

Mr. Moore informed the Board that Mr. Wyman signed an early pay travel claim and his signature needs to be ratified. A motion was made by Mr. Thompson, seconded by Mr. Wyman and carried to ratify Mr. Wyman's signature on the early pay travel claim.

Mr. Thompson is currently on the US 31 Steering Committee as the Commissioners' appointee. Mr. Thompson is asking that the Board of Commissioners talk to and consider Highway Engineer / Superintendent Ted to take the place of Mr. Thompson as the Board's appointment. It was the consensus of the Board to talk to Mr. Cain about this appointment. Mr. Moore will contact Mr. Cain.

Commissioner Moore congratulated the United States' Navy Seals in their successful mission over the weekend.

Mr. Moore opened the floor for public comment as follows:

Ms. Kennan Watson, Howard County Resident: Ms. Watson would like a clearer understanding of the use of the Economic Development Income Tax Fund (EDIT) and asked that the Board of Commissioners continue to educate the taxpayers. She believes it is very important to use those funds to bring more business to Howard County. She also believes that taxpayers should be able to voice their opinions on how the EDIT funds are used. She encouraged the Board to keep pressing on in bringing more business and opportunities to Howard County.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 6:20 p.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 May 2, 2011