

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 27, 2012**

The Howard County Board of Commissioners met in Regular Session on Thursday, December 27, 2012, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore and Vice President Paul Wyman. Also present were Attorney Larry Murrell and Auditor Ann Wells. Commissioner Thompson was not in attendance. *In order to accomplish the business of the Board of Commissioners, President Tyler Moore vacated the Chair to second any motion.*

The meeting was called to order by Sheriff Steve Rogers and conducted by President Moore. Vice President Wyman offered a word of prayer.

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

The minutes of the December 17, 2012 Regular Meeting were previously submitted and reviewed. The date listed in the first paragraph should read *“December 17”*, in lieu of “December 3”. A motion was made by Mr. Wyman, seconded by Mr. Moore and carried to approve the minutes as submitted, with the correction of December 17, 2012 included in the first paragraph.

The minutes of the December 18, 2012 Executive Session were submitted. The meeting was attended by Commissioner Moore, Commissioner Wyman, Commissioner-Elect Brad Bray, Personnel Director Wanda McKillip, and County Attorney Larry Murrell. The purpose of the meeting was to receive information about prospective employees. The minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Moore.

The minutes of the December 21, 2012 Executive Session were submitted. Commissioner Moore and Commissioner Wyman were in attendance, along with Councilman Dick Miller, Councilman Stan Ortman, and County Attorney Larry Murrell. The purpose of the meeting was to discuss strategy with respect to the purchase or lease of real estate as authorized by IC 5-14-1.5-6.1(b)(2)(D). The minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Moore.

The minutes of the December 18, 2012 Administrative Session were submitted. Commissioner Moore and Commissioner Wyman were in attendance and received information and recommendations from Personnel Director Wanda McKillip, Benefits Representative Brittany Dockemeyer, and Regions Insurance Agent Phil Thatcher, regarding a possible change in the County’s Worker’s Comp Insurance coverage. The minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Moore.

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

#### **HIGHWAY DEPARTMENT:**

In the absence of Highway Engineer / Superintendent Ted Cain, Auditor Wells submitted the bid received for Equipment Rental. The bid from Primco Inc. listed equipment and labor costs for Bridge Maintenance, and a bid bond was included with the bid. A motion was made by Mr. Wyman to take the bid under advisement for further review and recommendation by Mr. Cain. The motion was seconded by Mr. Moore and carried. President Moore thanked the Highway, EMA and Sheriff’s Departments for their hard work during the recent snow storm.

#### **PLAN COMMISSION:**

1) Plan Commission Director Greg Sheline submitted Case 7-CP-12, one lot in U.D. Little Subdivision, located at 8157 E. County Road 100 N. This has received a favorable recommendation from the Plan Commission Board. Case 7-CP-12, one lot in U.D. Little Subdivision was approved on a motion made by Mr. Wyman and seconded by Mr. Moore.

2) Mr. Sheline submitted Ordinance No. 2012-BCCO-33, an Ordinance to rezone property located at 8157 E. County Road 100 N. from AG (Agricultural) to RR (Rural Residential). A motion was made by Mr. Wyman to approve Ordinance No. 2012-BCCO-33, rezoning 8157 E. County Road 100 N. from Ag to RR. The motion was seconded by Mr. Moore and carried.

3) Mr. Sheline submitted Ordinance No. 2012-BCCO-35, an Ordinance that changes the Howard County Zoning Ordinance to include new US 31 Overlay Districts. Mr. Wyman commended Mr. Sheline and his office, and all

who worked on this project. A motion was made by Mr. Wyman, seconded by Mr. Moore and carried to approve Ordinance No. 2012-BCCO-35 as submitted.

4) Mr. Sheline submitted revised Bid documents for the excavation project of the nine (9) Flood Mitigation properties. The bids will be due at 12:00 Noon, on February 4, 2013, and Grant Administrator Tina Henderson will publish the bids on behalf of the Board of Commissioners. A motion was made by Mr. Wyman to approve the revised Bid documents for the excavation project of the nine (9) Flood Mitigation properties, with receipt of the bids due by 12:00 Noon, on Monday, February 4, 2013. The motion was seconded by Mr. Moore and carried.

**E911 DISPATCH:**

IDACS Coordinator Gary Bates submitted the 2013 Radio Backbone Maintenance Agreement with WMS, in the amount of \$1,297.75 monthly, for the Board’s information and approval. A motion was made by Mr. Wyman, seconded by Mr. Moore and carried to approve the 2013 Radio Backbone Maintenance Agreement with WMS, in the amount of \$1,297.75 monthly, and authorize the President to sign on behalf of the Board of Commissioners.

President Moore commended the work of the E911 Dispatch Center during the recent Snow storm.

**PERSONNEL:**

1) Personnel Director Wanda McKillip submitted to the Board of Commissioners the Nepotism forms she has received to date. Employees hired as of July 1, 2012, have until December 31, 2012 to submit their forms; she expects to receive more. The Board will address the forms at the next Regular Meeting.

2) Ms. McKillip submitted the Veterans Service Officer Notice of Appointment, received from the Veterans Office, stating that for the year ending December 31, 2013 the Board of Commissioners have appointed Col. Russell Waltemath as the Veterans Service Officer. The Board signed the Notice, and it will be sent back to the Veterans Service Office.

3) Mr. David Grainger, Financial Advisor at Edward Jones, informed the Board that one of the stocks of our present 457 portfolio for Howard County Employees has underperformed its peers. Mr. Grainger recommends that we replace the current Hartford Checks and Balances Fund with a package called Investor Equity Income. A motion was made by Mr. Wyman to remove the Hartford Checks and Balances Fund and replace it with INVESCO Equity Income Fund, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried. Edward Jones will send out a notice to all employees who are a part of this program.

**MAINTENANCE DEPARTMENT:**

On behalf of Maintenance Superintendent Scott Reed, Attorney Murrell submitted an Agreement with Benchmark Mechanical for maintenance on HVAC systems in all the County buildings. The quarterly payments are \$6,720.00. A motion was made by Mr. Wyman to approve the Benchmark Mechanical agreement, in the amount of \$6,720.00 quarterly, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried.

**IN THE MATTER OF THE 2013 HOWARD COUNTY INSURANCE PROPOSAL:**

Mr. Phil Thatcher, of Regions Insurance, submitted copies of the 2013 Insurance Proposal for Howard County. He continued to review the proposal with the Board of Commissioners and fielded questions concerning coverage. This proposal names the insured as the Howard County Board of Commissioners, Howard County Jail & Juvenile Detention Center Building Corporation, and Howard County Redevelopment Authority. The insuring company is Travelers Insurance Company, and coverage includes:

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|---|---|
| Property                                      | Inland Marine                               |
| Crime   | General Liability                           |
| Law Enforcement Professional Liability        | Public Entity Employment Practice Liability |
| Public Officials Errors & Omissions Liability | Commercial Automobile                       |
| Workers Compensation                          | Commercial Umbrella                         |

Last year’s annual premium was \$697,443.00. Because the County has picked up the administration and total costs of the Weights and Measures Department and the Emergency Management Agency, and because of rising re-insurance costs, the

2013 annual premium is \$785,905.00. Mr. Thatcher commended Sheriff Rogers for the way that the Criminal Justice Center is managed, and that the County's liability costs have decreased because of the diligence of the Sheriff Department employees and policies. At the conclusion of the review, a motion was made by Mr. Wyman to approve the 2013 Insurance Proposal / Renewal with Traveler's Insurance. The motion was seconded by Mr. Moore and carried. The Board asked Mr. Thatcher to review Worker's Compensation claims for Howard County employees, and report to the Board of Commissioners to discuss updating that policy.

#### **IN THE MATTER OF THE JACQUILINE VALENTINO TOWNSHIP HEARING APPEAL:**

At the December 17<sup>th</sup> meeting the Board of Commissioners took this appeal under advisement to review additional information that will be submitted at the Trustee's Office (*please refer to page four, "In The Matter Of Commissioner Issues, Commissioner Wyman", of the Regular Meeting minutes dated December 17, 2012*). Because the information was never submitted to the Trustee's Office, Mr. Wyman made a motion to uphold the Township Trustee's Denial. The motion was seconded by Mr. Moore and carried.

#### **IN THE MATTER OF OPERATING CLAIMS:**

Auditor Ann Wells submitted the Commissioner's Operating Claims, dated December 27, 2012, in the amount of \$417,009.93. The Claims were approved for payment as submitted, on a motion made by Mr. Wyman and seconded by Mr. Moore.

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

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

1. **Ordinance No. 2012-BCCO-36:** Mr. Murrell submitted Ordinance No. 2012-BCCO-36, establishing the Howard County Department of Emergency Management and Advisory Council. This reflects the termination of the City of Kokomo's participation in EMA, and the County's establishment of the Howard County Department of Emergency Management. This ordinance also establishes the Howard County Emergency Management Advisory Council. The Ordinance outlines the individuals and their designees as follows:
  - A. The President of the Howard County Board of Commissioners
  - B. The President of the Howard County Council
  - C. The Mayor of the City of Kokomo
  - D. An individual appointed jointly by and representing the Russiaville Town Council and the Greentown Town Council
  - E. Any representative or representatives of private or public agencies or organizations that the Council, in its sole discretion, deems necessary to assist the Department; and
  - F. One commander of a local Howard County civil air patrol unit or the commander's designee, to be appointed by the Council in its sole discretion.

The President of the Howard County Board of Commissioners or his designee shall serve as the Chairman of the council.

The Ordinance continues to outline responsibilities, powers, and funding. Mr. Larry Smith is appointed as the interim Director until the Council appoints a permanent director. The effective date of the Ordinance becomes effective January 1, 2013, upon signature by the President and publication as required by law. Ordinance No. 2012-BCCO-36 was approved on a motion made by Mr. Wyman and seconded by Mr. Moore.

2. **Resolution No. 2012-BCCR-38:** Resolution No. 2012-BCCR-38 accepts the transfer of eighty parking spaces from the City of Kokomo to Howard County. These spaces will be located in the soon to be constructed city parking garage located on the northwest corner of Union and Sycamore Streets in Kokomo, Indiana. The transfer amount is at no cost to the county for a period of thirty (30) years. The resolution also contained certain conditions pertaining to the transfer agreement, including the City granting 80 parking passes to the County for parking in the northwest corner of Sycamore and Union Streets, ("Farmers Market Lot"), and the City's parking lot on the northwest corner of the Superior and

Buckeye Streets, (“Community First Lot”), pending construction of the parking garage. The spaces will be assigned and must be used on a regular basis. If the County defaults on its pledge of \$500,000 to the new YMCA facility, the agreement shall be null and void. A motion was made by Mr. Wyman to approve Resolution No. 2012-BCCR-38, pursuant to IC 36-1-11-8, the transfer of 80 parking spaces in the newly constructed parking garage, with Mr. Wyman reading, for the record, a portion of the Resolution, #2, A – H, and #3 as follows:

2. The transfer of the Parking Spaces is completed subject to the following conditions:
  - a. The term of the transfer of the Parking spaces shall be thirty (30) years from the date of the completion of the Parking Garage.
  - b. The City will immediately grant eighty (80) parking passes to the employees of the County to allow them to park in the City’s current parking lot on the northwest corner of Sycamore and Union Streets in Kokomo, Indiana (the “Farmer’s Market Lot”) and the City’s parking lot on the northwest corner of the Superior and Buckeye Streets in Kokomo, Indiana (the “Community First Lot”).
  - c. When notified that the construction of the Parking Garage will begin, the County will instruct its employees that park in the Farmer’s Market Lot to park on the city’s parking lot located on the northeast corner of Sycamore and Union Streets in Kokomo, Indiana (the “Button Lot”).
  - d. The City will ensure that there are adequate spots in the Button Lot for the County’s employees that parked in the Farmer’s Market Lot for the period of the construction of the Parking Garage.
  - e. Once construction of the Parking Garage is complete, the City will assign eighty (80) covered parking spaces for employees of the County in the Parking Garage that will be available to the assigned employees of the County during normal business hours, Monday through Friday, with the exception of weekend and holidays.
  - f. The Parking Spaces must be utilized by employees of the County on a regular basis and each parking space can only be utilized by the employee assigned to the parking space.
  - g. In the unlikely event the Parking Garage is not constructed, the grant of eighty (80) parking spaces described in section 2(b) shall continue for thirty (30) years from the date of this resolution.
  - h. The City and the county have joined together to support the YMCA’s campaign to construct a new UMCA facility in downtown Kokomo. The County has pledged \$500,000 of EDIT funds to be paid over five years in annual installments of \$100,000 and in compliance with the EDIT statute. These annual payments will commence upon the YMCA’s completion of a successful capital fund campaign and prior to the groundbreaking of a new downtown facility. In the event the County should default on its YMCA pledge, the agreement continued in this Resolution shall be null and void as of the date of such default.
3. This Resolution shall be effective immediately upon adoption and signature by the Board.

A motion was made by Mr. Wyman to approve Resolution No. 2012-BCCR-38 as submitted. The motion was seconded by Mr. Moore and carried. Mr. Wyman commented that this was beneficial to the City of Kokomo and Howard County Government. The Commissioners fielded questions from Mr. Ken de la Bastide of the Kokomo Tribune. Mr. Moore expressed appreciation to Mr. Murrell and the City’s Attorney.

3. **Resolution No. 2012-BCCR-39:** This resolution of the Howard County Board of Commissioners takes certain actions with respect to the proposed purchase of 213 South Main Street. The **first** action is to approve payment in the amount of \$3,000 to Traynor and Associates, and the payment in the amount of \$4,000 to Christopher Jarvis, for the appraisals of 213 South Main Street, and to file the two appraisals with the Howard County Council. The **second** action is to withdraw the request to the County Council for an additional appropriation in the amount of \$300,000 to initiate the purchase of the said property, as a part of terminating the Purchase Agreement. A motion was made by Mr. Wyman to approve Resolution

No. 2012-BCCR-39, a resolution of the Howard County Board of Commissioners taking certain actions with respect to the proposed purchase of 213 South Main Street. Mr. Wyman then read the resolution in full one time and offered several comments. Having new information since agreeing on a Purchase Agreement for the 213 North Main Street property, the Board of Commissioners made the decision to terminate the Agreement, feeling that it was the best decision for the taxpayers of Howard County. He is proud of the Board of Commissioners and the County Council for working together on this issue. Mr. Wyman commended the two appraisers and how they were able to work in a small time frame. He also commended Mr. Dave Rayl, saying he was a “consummate professional” as the Board worked through these issues. The motion was seconded by Mr. Moore and carried. Mr. Moore also commented that although this issue hinges on the City of Kokomo’s parking solution, the Board of Commissioners are still aware of the space needs of several County offices.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER WYMAN:**

- 1) Mr. Wyman commented on the New Year’s Eve event to be held downtown on December 31, 2012.
- 2) Mr. Wyman commented on the media editorial that blasted county employees on Christmas Day, saying that our County Employees deserve positive recognition for the positive things happening in County Government. Mr. Wyman cited the following examples:
  - A. Our county is debt free. The five surrounding counties have a total debt of over \$100 million.
  - B. Five or six years ago our County General fund got as low as \$450,000. We will end this year close to \$9 million in the bank, thanks to the County Council, and the Department Heads for managing their budgets.
  - C. Our Rainy Day Fund has increased from \$0 to \$1.2 million dollars.
  - D. Our Jail Report is excellent, helping us to reduce liability insurance costs.
  - E. We have participated on various Economic Development projects including the Kitty Run Drain Project, lifting the commercial moratorium in that area; FedEx expansion; Nickel Plate Trail; Darrough Chapel Sewer Project; participation in the YMCA Rebuilding Project.
  - F. The coordinated Dispatch Center was under budget its first year. This year overtime costs were cut in half because of wise fiscal decisions and management plan.
  - G. Tax sales accomplished by the Auditor and Treasurer Offices have helped to bring more tax money to the county. This year they also sponsored a Commissioners’ Certificate Sale, both live and on- line, bringing in over \$1 million to the County, and distributed to every taxing unit.

Mr. Wyman would put our employees up against in county in Indiana; any county in the nation. County Government has to carry on all parts of its business (even our errors) in the public arena. That makes for interesting reading and commentary; he congratulates all county employees.

**ATTORNEY MURRELL:**

Mr. Murrell reminded the Board that this is Auditor Wells’ last meeting as Auditor, before moving to the Treasurer’s Office. He submitted a poem in her honor as follows:

**AUDITOR ANN**

Today we shall shed no tears  
As if we’ll see you no more;  
For you are only moving  
To the office right next door.

No need for long good byes  
Or feeling sad and blue;  
While you and Martha execute  
The two-term switch-a-roo.

As for your tenure as Auditor  
I judge it a commendable run;  
Though not each and every day  
Could it be called a barrel of fun?

You survived all those difficult tax sales  
Fraught with frustration, drama and blips;  
And all those thousands and thousands  
Of dreadful, damn pink slips.

But you met your many challenges  
With grace, hard work and wit;  
And only on rare occasions  
Were you compelled to exclaim “Bull-hockey”!

So best wishes as County Treasurer  
Where you will continue to be effective;  
Working in your new former office  
Overlooking the Kokomo Perspective.

Mr. Murrell thanked Ms. Wells for her service, commenting that it’s been a pleasure working with her. He’ll be over to her new office, every now and then, for some M & M’s and ice.

Howard County Council President Richard Miller also spoke, thanking Ms. Wells for her service and continued success as Howard County Treasurer.

Vice President Wyman commended Ms. Wells and her office, reporting a very kind remark from one of our taxpayers.

**COMMISSIONER MOORE:**

Mr. Moore submitted an IDEM Notice for permit approval of an air quality permit for the Chrysler Kokomo Casting Plan / 067-32163-0065. The notice was received on a motion made by Mr. Wyman and seconded by Mr. Moore.

*There being no further business to come before the Board at this time,  
the meeting was adjourned at 5:37 p.m. on a motion  
made by Auditor Wells and seconded by Commissioner Moore and  
Commissioner Wyman.*

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE

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PAUL G. WYMAN

ATTEST:

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ROBERT B. BRAY

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MARTHA LAKE, AUDITOR  
Commissioner Meeting December 27, 2012