

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING OCTOBER 1, 2012

The Howard County Board of Commissioners met in Regular Session on Monday, October 1, 2012, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman and Member Bill Thompson. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Moore. Commissioner Bill Thompson led in the Pledge of Allegiance and Commissioner Wyman offered a word of prayer.

President Moore offered condolences to Deanna (Loe) McDonald, from the Highway Department, in the death of her father Rev. Glen Rich. Pastor Rich was a blessing to this community and our prayers go out to his family.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the September 17, 2012, 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 September 21, 2012, Executive Session were submitted. The purpose of the meeting was to discuss strategy with respect to the possible purchase or lease of real property, pursuant to IC 5-14-1.5-6.1(b)(2)(D). A motion was made by Mr. Wyman to approve the Executive Session 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:

Clee Oliver, 5768 West 00 North South, Kokomo, Indiana: Mr. Oliver submitted a request to the Howard County Board of Commissioners to adopt a policy change, by year's end, to allow "any person" to request notification that, in the past, has only been afforded to the news media. Mr. Oliver quoted from the Indiana code IC 5-14-1.5-5, Public notice of meetings. Mr. Oliver also reminded the Board of House Bill 1003, and that it became law July 1, 2012, providing the language for political subdivisions to adopt a public policy as to requests for public notices {IC 5-14-1.5-2(a)2, 2(a)(4), or d(a)(5)}. It was the consensus of the Board to take this request under advisement.

IN THE MATTER OF DEPARTMENTAL ISSUES:

MAINTENANCE DEPARTMENT:

1) Mr. Reed received a request from Wounded Warriors to install an American flag behind the Veteran Monument on the east side of the Courthouse lawn, on Saturday, November 10, 2012 for a ride by of local veteran monuments. One of their representatives will install and take the flag down. The Commissioners agreed to the request by consensus.

2) Buildings & Grounds Superintendent Scott Reed submitted the following quotes to re-roof the 1st floor of Howard Haven (the last reroofing project was in 1987).

Lawmasters Inc	\$144,950.00
Hinshaw Roofing & Sheet Metal Co.	\$154,200.00
Henry C. Smither Roofing Co. Inc	\$185,900.00
R. Adams Roofing Inc.	\$187,000.00
Blackmore & Buckner Roofing LLC	\$200,850.00

There is a great need to repair the roof and the weather is a factor to be considered. All the companies that submitted a quote remarked that it would be a two week project. Mr. Reed has contacted the Auditor's office to receive a recommendation for funding. The Building Repair line item in the Cumulative Capital Fund has \$132,844 dollars in it and the Building and Structure Contracts line item has enough funds to permit a transfer, if needed. Mr. Reed recommends the services of Lawmasters Inc because it is the lowest most responsive and responsible quote. Howard Haven Superintendent Jennifer Vary informed the Board of Commissioners of a listing of projects paid for by the Friends of Howard Haven, and future projects (cosmetic) needed for the Home. At the conclusion of her presentation, a motion was made by Mr. Thompson to approve the transfer of \$47,000 from 150-

03251 to 150-04724 to fund the reroofing project for Howard Haven, and accept the quote from Lawmasters, Inc. in the amount of \$144,950, subject to a contract being executed by October 15, 2012, and authorize the President to sign the documents on behalf of the Board of Commissioners. The motion was seconded by Mr. Wyman and carried.

PERSONNEL DEPARTMENT:

- 1) Personnel Director Wanda McKillip informed the Board of the Healthy Lunch, last week. Thirty-six County and City employees attended and learned about blood pressure issues.
- 2) The weight challenge with the City of Kokomo is going well.
- 3) Compass Smart Shopper reports are available and the Insurance Committee will be meeting to review those reports.
- 4) One hundred ninety-six (196) doses of flu vaccine have been given through shots to the Howard County employees and family. There are seventy (70) doses left and will be available to employees and family on Thursday, October 11, 2012, by appointment only.
- 5) Wellness Surveys are in and Ms. McKillip asks that an Administrative Meeting be scheduled to review those and to discuss the Wellness Fair. By consensus the Commissioners scheduled an Administrative Meeting on Friday, October 5, at 9:00 a.m.
- 6) The Safety Committee met last week to discuss fleet management and to re-vamp their county owned vehicle and driver policies that were recommended by Travelers Insurance.

TREASURER:

- 1) The Treasurer's Office took judgments to court, this morning, for the next tax sale to be held October 18, 2012. Four hundred eighty-seven (487) properties are on the tax sale list as compared to nine hundred fifty-seven (957) properties last fall.
- 2) Ms. Lake plans on attending the Auditor's Fall Conference in October, for two nights. Ms. Lake has enough money in her travel and training account to pay for lodging and registration costs. The Board approved by consensus.
- 3) The 2005-2006 Delphi Tax payment bankruptcy real property pay off was received today, in the amount of \$1,164,000. This payment was not due until 2015.

IN THE MATTER OF THE TITLE V GRANT FOR KINSEY YOUTH CENTER AND JUVENILE PROBATION:

Chief Probation Officer Don Travis submitted Grant Agreement paperwork pertaining to the Title V Juvenile Accountability Block Grant that was approved, in the amount of \$20,000, for Howard County. This grant is effective beginning on October 1, 2012 – September 30, 2013. The agreement, award letter, and federal funding and transparency paperwork need to be returned by October 5, 2012. Mr. Murrell has reviewed the contracts. A motion was made by Mr. Wyman to authorize the President to JABG award letter and associated paperwork on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF RESOLUTION 2012-BCCR-29:

Attorney Larry Murrell submitted Resolution No. 2012-BCCR-29, a determination and guideline of the Commissioners' to place holiday light displays on the Courthouse lawn. The resolution determines that it is appropriate to erect holiday displays as long as they comply with Section 36.03 of the Code of Howard County, and the guidelines established by the US Supreme Court in Lynch v. Donnelly, and subsequent supporting decisions. Attached to the resolution is a copy of the County Ordinance concerning the Courthouse lawn. A motion was made by Mr. Wyman to approve Resolution No. 2012-BCCR-29. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF AN INVITATION TO QUOTE WEIGHTS AND MEASURES VEHICLE:

On Saturday, October 13, 2012, the Interlocal Agreement will no longer be in effect concerning the Weights and Measures Agreement. The County will be taking full responsibility for that department on October 14, 2012. However, the City has not yet agreed to turn over the Weights & Measures vehicle and equipment to the County. Mr. Wyman quoted an approximate value of \$55,000 for vehicle and equipment. An Invitation to Quote has been prepared for distribution to local car dealerships, in case an agreement has not been reached and Howard County would have to purchase a vehicle and equipment in order to run the Weights and Measures Department. All quotes are due to the Auditor's Office no later than October 15, 2012 at 8:15 p.m. Mr. Bill Thompson read the following comment:

“When the City terminated the InterLocal agreements for EMA and W & M, the question came up about ownership of facilities, and specialized equipment – including vehicles. In order to be fair to all the taxpayers of Howard County, the question should be answered in a Court of Law.”

Mr. Wyman commented that while he understands the sentiment, there is not enough time to file a suit and obtain a judgment before the October 14, 2012 take over date. Mr. Murrell commented that there may be enough time to file a suit for the EMA building and equipment, by January 1, 2013. EMA Director Larry Smith and acting director of Weights and Measures, Gary Gist, also gave comment, and at the conclusion of ensuing discussion a motion was made by Mr. Wyman to approve the Invitation To Quote on item 1 of Exhibit A (4 X 4 Extended Cab Truck), and to authorize the President to sign on behalf of the Board of Commissioners. Mr. Moore vacated the chair in order to second the motion. The motion carried on two aye votes and one nay vote from Commissioner Thompson. Mr. Wyman reminded the media that it is his sincere hope that the City of Kokomo will decide to allow the County to have the equipment and vehicle necessary to carry out the work of the Weights and Measures Department. It was the consensus of the Commissioners that Mr. Gist not lose time if he doesn't have his needed vehicle and equipment by October 15, 2012.

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 October 5 & 12, 2012, in the amount of \$351,341.90 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 \$420,041.70, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Early Payment of Claims:** Ms. Wells submitted two early pay claims for the Clerk Office for their district meetings. The claims were signed by Mr. Tyler and Ms. Wells asks that his signature be confirmed. Mr. Tyler's signature was confirmed on the two early pay claims on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **Monthly Reports:** Ms. Wells submitted the Weights & Measures report, for the month of August 16, 2012 – September 15, 2012, and the EMA monthly calendar and list of events for months of August and September, 2012. Both reports were accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Chippendale Homeowners' Letter:** Mr. Murrell has prepared a letter on a request from the Chippendale Homeowners Association, indicating that the County owns the median and the property along the streets of the Chippendale subdivision, but the Chippendale Homeowners Association has been maintaining it. Earlier in the year, the Association hired a company to treat the landscaping on the median and the land along the streets, and damage was done. That company is asking for verification of ownership before reimbursing the Association for the damage. The letter was submitted and approved,

and the President was authorized to sign on behalf of the Board of Commissioners, on a motion made by Mr. Wyman and seconded by Mr. Thompson.

2. **Memorandum Of Understanding:** Mr. Murrell submitted a Memorandum of Understanding between Howard County and the Greater Kokomo Economic Development Alliance, for the Small Business Grant given to Bohemian Tattoo Club & Art Gallery. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the MOU between Howard County and the Greater Kokomo Economic Development Alliance on behalf of the Bohemian Tattoo Club and Art Gallery, in the amount of \$5,000.
3. **Ratify President's Signature:** President Moore signed a Semi Annual Report Document for the Darrough Chapel Sewer Project, and Mr. Murrell asks that his signature be ratified. President Moore's signature was ratified on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **Wilson Invoice:** Mr. Murrell submitted an invoice from Assistant County Attorney Alan Wilson, for the second half of 2012 monthly office allowance, in the amount of \$1,000.00. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER THOMPSON:

- 1) Commissioner Thompson stood at the intersection of US 31 and 600 North, in Howard County, during the processional to return the body of Sergeant Bradley Atwell. There was an outpouring of support for the Atwell family, on the roads of Howard County, and it was very humbling. Mr. Thompson thanked the eight agencies involved for working together to bring Sgt. Atwell home. EMA Director Larry Smith confirmed and identified the agencies involved and what can happen when agencies work together: EMA, Howard County Sheriff Dept., State Police, Kokomo Police Dept., Kokomo Fire Dept, Harrison Fire Dept., US Marine Corp, and the Department of Natural Resources.
- 2) Mr. Thompson reminded the Board that October is Breast Cancer Awareness month (hence the pink shirt and tie).

COMMISSIONER WYMAN:

- 1) Mr. Wyman added his thanks to the Sheriff Department and Emergency Management Agency for their help and participation to bring Sgt. Atwell home to Howard County. The escort was impressive, as well as the local outpouring of support for the family.
- 2) Mr. Wyman congratulated the Greater Kokomo Economic Development Alliance for the good Oktoberfest. He thanked the EMA for their participation in the event.

COMMISSIONER MOORE:

- 1) On Thursday, September 27, 2012, Commissioner Moore attended the Hall of Fame ceremony to induct and honor Mr. M. E. Hicks. Mr. Moore presented Resolution No. 2012 BCCR-28, a resolution of the Howard County Board of Commissioners honoring M. E. Hicks. He now submits the resolution for signatures.
- 2) Mr. Moore congratulated Commissioner Wyman on the "Inspiration" award given to him by the Hall of Fame Board at their dinner on September 27, 2012. The award was given for Mr. Wyman's participation in the Haynes Apperson Festival, and the additional efforts made to strengthen and protect our automotive heritage.
- 3) The Board of Commissioners received two notices from 40th Parallel Surveying LLC, concerning the County's interest in land associated with two properties requesting drainage board approval. The meetings are as follows:
 - Oct 1, 2012: Wild West Subdivision, south of 5533 S 800 W, developed by Jeffrey & Tamara Davidson.
 - Oct. 15, 2012: Boyer Landing Sub, located on Park Rd, north of State Road 26, developed by Boyer Kokomo Medical LC.
- 4) The Board of Commissioners has been invited to the Drug Court Graduation Ceremony on Wednesday, September 10, 2012, room 101 of the Government Center, at noon.

IN THE MATTER OF PUBLIC COMMENT:

President Moore opened for the floor for final public comment as follows:

Councilman John Roberts, 5813 Peshewa Ct, Kokomo, IN: Councilman Roberts submitted and reviewed his Proposal to Increase Howard County's Wind Turbine Ordinance Setback Distance. "It is my opinion Howard County's Wind Turbine setback distance is not setback far enough considering the tremendous size of the new Wind Turbines to be installed in Howard County. I am asking the Commissioners to use your authority as the executive arm of County Government, to impose an emergency amendment to Howard County's Wind Turbine Ordinance, and increase the Turbine setback distance from 500' plus 1.1 times the height of the Turbine to 1000' plus 1.1 times the height of the turbine." Mr. Roberts continued to describe the size of the new turbines, setback distances of surrounding counties, and "our window of opportunity" before progression of the project. "After all is said and done I am a Wind Turbine advocate, and hopefully with an increased setback distance, I welcome Eon's Phase II and Phase III Wind Turbine Projects to Howard County and look forward to a clean energy source and profitable experience for all concerned. Thank You." Complete copies of Mr. Roberts' presentation are on file in the Auditor's Office.

Plan Commission Director Greg Sheline responded to this presentation. He's not sure that we can change setback distances at this time. There is not enough time to follow "due process". Much research was done in 2009 and Howard County made their setback distance further than our surrounding counties. Considering the size of the turbines, a few hundred feet would not be effective. Mr. Sheline believes that most of the concerns voiced, are based on information from the internet.

Attorney Murrell confirmed that in talking with the EON attorney, EON would likely take a dim view of changing the ground rules at this point in the project.

*There being no further business to come before the Board of Commissioners at this time,
the meeting was adjourned at 5:52 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 Commissioners' Regular Meeting October 1, 2012