

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING SEPTEMBER 4, 2012**

The Howard County Board of Commissioners met in Regular Session on Tuesday, September 4, 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 Thompson led in the Pledge of Allegiance, and Commissioner Wyman offered a word of prayer.

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

The minutes of the August 20, 2012 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

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

President Moore opened the floor for public comment as follows:

Commissioner Thompson offered the following comment:

“At our last Commissioners’ meeting, I addressed my concerns with losing two and possibly three longstanding, interlocal agreements. Two days ago, (Sunday, September 2<sup>nd</sup>) a local newspaper article titled “Breaking Ranks”, suggested my concerns had something to do with the Political Party affiliation of myself and the majority of the Kokomo Common Council/ the paper was dead wrong.

Yes, a majority of the Common Council belong to the Democrat Party; but Caucasians and men also make up a majority on the Council; did I also “break ranks” with them? Did the three Republicans on the Common Council who voted in favor of passage, break ranks with the six elected County Republicans in attendance at that meeting who were opposed to passage? No, passage had nothing to do with party. The overall article was true but the title and first paragraph could not have been further from the truth.

Open bickering and backdoor deals that do take place in politics are bad enough; with errors like this put into print, is it any wonder why respect for politicians and our government is at an all time low? The truth is best.

Thank you.”

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

#### **HIGHWAY DEPARTMENT:**

1) Highway Department Superintendent/Engineer Ted Cain submitted Supplemental Agreement No. 1, between Howard County and Butler, Fairman and Seufert, Inc., for the Touby Pike Project agreement first signed in December, 2010. The Supplemental Agreement amount is \$29,000, and includes \$9,570 for geotechnical investigation, \$7,940 for Level 1 Design Exception and Stage One Plan submittal (currently working with state on several issues), and \$11,490 for the alternate pavement design (one with asphalt and one with concrete). 80% of the \$29,000 will be paid with federal monies. Howard County will pay its 20% when construction begins. A motion was made by Mr. Wyman to approve the Supplemental Agreement No. 1, for the Touby Pike US 31 project. The motion was seconded by Mr. Thompson and carried.

2) Concerning the County’s parking lot located on the corner of Mulberry and Buckeye Streets, Mr. Cain’s department will remove the signposts the next week. Commissioner Thompson expressed appreciation to employee Roy Robertson for his assistance.

#### **PLAN COMMISSION:**

1) Plan Commission Director Greg Sheline submitted Case 3-CP-12, one lot in MK Winger Subdivision located at 3537 N County Road 860 E. A motion was made by Mr. Wyman to approve Case 3-CP-12, one lot in MK Winger Subdivision. The motion was seconded by Mr. Thompson and carried.

2) Case 4-CP-12 was submitted for one lot in Creason Farms Subdivision, located at 3277 N County Road 500 W. A motion was made by Mr. Wyman to approve Case 4-CP-12, one lot in Creason Farms Subdivision. The motion was seconded by Mr. Thompson and carried.

3) The following rezoning Ordinances were submitted:

Ordinance No. 2012-BCCO-20, an ordinance to rezone property owned by Mitizi Rusk, located at 473 N County Road 1050 W and 429 N County Road 1050 W, from AG (Agricultural) to RR (Rural Residential).

Ordinance No. 2012-BCCO-21, an ordinance to rezone property owned by John Taylor, located at 2277 N County Road 500 W, from AG (Agricultural) to RR (Rural Residential).

Ordinance No. 2012-BCCO-22, an ordinance to rezone property owned by Mike Winger, located at 3537 N County Road 850 E, from AG (Agricultural) to RR (Rural Residential).

A motion was made by Mr. Wyman to approve all three rezoning Ordinances as submitted. The motion was seconded by Mr. Thompson and carried.

4) Mr. Sheline submitted bids for excavation of unsafe property located 900 South Clark, and they were opened as follows:

Vincent Concrete	\$5,850.00	Liability Insurance Certificate included
Alliance Excavating	\$6,185.00	Liability Insurance Certificate included

A motion was made by Mr. Wyman to take the bids under advisement for further review. The motion was seconded by Mr. Thompson and carried. The Board was reminded that the specifications instructed the non-excavation of two sheds, a carport and fencing. The specifications also included the emptying of the septic tank and crushing as is normal procedure. Discussion ensued concerning the possibility of a future rebuild on the property and if the present septic system will be needed. Mr. Lake assured the Board that it is the septic tank that is capped and crushed. As long as the septic field is still usable, another tank can be installed and used for that septic field.

**STORMWATER MS4**

1) Stormwater Coordinator Greg Lake submitted a Transfer of Real Estate Agreement to increase the Tudor Regulated Drain Basin size by fourteen acres, at no cost to the County. The current north, east, and west boundaries will remain the same; the increase will be south of the current border. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried, to approve the Transfer of Real Estate and Expansion of the Tudor Regulated Drain Basin, between the Howard County Commissioners acting on behalf of the Howard County Drainage Board, and Krider and Krider, Inc, as the contractor. Commissioner Tyler Moore recused himself from the vote citing a conflict of interest.

2) Mr. Lake and Mr. Murrell submitted two request documents to INDOT, allowing Krider and Krider to modify the setback, and to expand the basin. A motion was made by Mr. Wyman to approve the request documents to INDOT, and authorize the Vice President to sign the documents on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson; Commissioner Moore recused himself from the vote citing a conflict of interest.

**PERSONNEL:**

1) Personnel Director Wanda McKillip submitted an Employee Memo to the Board of Commissioners for the Healthy Luncheon scheduled for Wednesday, September 26, 2012 at the Government Center, from 11:10 a.m. – 12:50 p.m. This luncheon is open to twenty (20) County and City of Kokomo employees, free of charge. RepuCare will be offering free blood pressure checks and a raffle to win an automatic blood pressure cuff. The Employee Memo was approved for distribution by consensus.

2) The 2012 City vs. County weight loss challenge has been booked up with ten eligible employees. This challenge is sponsored by our RepuCare Clinic. It is a six week weight loss challenge plus on-going maintenance visits that include nutrition counseling, weight loss plans, physical activity ideas, and weekly weigh-ins.

3) Ms. McKillip distributed an Employee memo informing employees and their immediate family members of the 2012 Flu Shots. The shots are available on Thursday and Friday, September 20 and 21, 2012, at the Government Center, and the Sheriff Department and Kinsey Youth Center for Sheriff and Kinsey employees. The Memo was approved for distribution by consensus.

4) Stephen J. Tobler, Sr. Risk Control Consultant with Traveler's Insurance will be offering a presentation concerning Fleet Management, in an effort to provide a safe work environment. Mr. Tobler will explain legal theories of negligence, fleet safety programs, policy and performance standards, driver selection and screening, driver training, vehicle maintenance, supervision/accident investigation and review, and other fleet management considerations and resources available from Travelers. The seminar will be held at the Administration Center on Tuesday, September 25<sup>th</sup> and is open for elected officials, department heads and employees who are responsible for driving county owned vehicles. The employee memo was approved by consensus.

5) Ms. McKillip submitted the PAC Budget Recommendations for 2013 Budget Session, for the Commissioners information and recommendation. The Commissioners addressed each recommendation individually and gave their recommendation as follows:

A. Surveyor Office (1): A motion was made by Mr. Wyman to not agree with the PAC's recommendation to increase the Secretary Salary to Senior Secretary Salary. The motion was seconded by Mr. Thompson and carried.

Surveyor Office (2): A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to recommend a 50/50 split (27,500) between the Surveyor's budget and the Stormwater budget and no salary increase.

B. Veterans Service Office (1): A motion was made by Mr. Wyman to recommend leaving the Administrative Support Manager salary at \$25,000. The motion died for a lack of a second. Mr. Moore vacated the chair to make a motion to recommend the Council look at both salaries and make a recommendation. The motion was seconded by Mr. Thompson and carried on two aye votes and one nay vote by Mr. Wyman.

C. Prosecutor Office (1) and (2): A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to agree with the PAC recommendation.

Prosecutor Office (3): A motion was made by Mr. Wyman to agree with the PAC recommendation. Mr. Moore vacated the chair in order to second the motion and the motion carried with two aye votes and one nay vote by Mr. Thompson.

Prosecutor Office (4): A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to agree with the PAC recommendation.

D. Center Twp. Assessor: A motion was made by Mr. Thompson to disagree with the PAC recommendation but approve the salary increase for the Center Twp. Assessor without the 5% raise request. The motion died for lack of a second. A motion was made by Mr. Wyman to agree with the PAC recommendation. Mr. Moore vacated the chair to second the motion. The motion carried with two aye votes and one nay vote by Mr. Thompson.

E. Health Department: A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to agree with the PAC recommendation.

F. Stormwater Office: Please refer to "A" - no salary increase for First Deputy Surveyor.

G. Kinsey Youth Center: A motion was made by Mr. Wyman to not agree with the PAC's recommendation. Mr. Moore vacated the chair in order to second the motion and the motion carried with two aye votes and one nay vote from Mr. Thompson.

*At 6:01 p.m. a motion was made by Mr. Wyman to recess the Regular Meeting in order to hold a previously scheduled Drainage Board meeting. The motion was seconded by Mr. Thompson and carried.*

*The Regular Commissioner meeting was reconvened at 6:26 p.m. on a motion made by Mr. Thompson and seconded by Mr. Wyman. Mr. Wyman acted as chair for the remainder of the meeting.*

#### **IN THE MATTER OF REQUESTS TO USE THE COURTHOUSE:**

A written request was received requesting the use of the Courthouse lawn for the Light Up Your Holidays event. A motion was made by Mr. Thompson to receive the letter of request and ask Counsel to draft the appropriate documents for the request, using our current guidelines, and submit it at the September 17<sup>th</sup> meeting. Mr. Wyman vacated the chair to second the vote. The vote was carried with two aye votes. Commissioner Moore abstained from the vote.

A request has been received requesting the use of the Courthouse roof for the December 31, 2012 fireworks display. A certificate has been received. A motion was made by Mr. Thompson to approve the use of the southeast corner of the Courthouse roof for the fireworks display to be held on December 31, 2012. The motion was seconded by Mr. Moore and carried.

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

Auditor Ann Wells submitted the following claims and reports for the Commissioners' information and approval:

1. **Salary Claims:** The Commissioners' Salary, Hourly, and Overtime claims for September 7 and 14, 2012, in the amount of \$351,341.90 each, were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.
2. **Early Pay Claims:** President Moore signed early payment claims for the Health Department to (1) The Seasons Lodge and Conference for \$180.00; and (2) Courtyard by Marriott, for \$267.00. The signatures were ratified on a motion made by Mr. Moore and seconded by Mr. Thompson.
3. **Operating Claims:** The Commissioners' Operating Claims, payable today, in the amount of \$477,077.09, were approved for payment as submitted on a motion made by Mr. Moore and seconded by Mr. Thompson.

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

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

1. **DLZ Invoice:** Mr. Murrell submitted an invoice from DLZ Indiana, LLC, in the amount of \$2,790.00, for consultation services for the Howard County Jail – Indoor Recreation Renovation & Security Electronics Upgrade Project, invoice #816730. A motion was made by Mr. Moore to approve the payment of invoice 816730 from DLZ Indiana, LLC, in the amount of \$2,790. The motion was seconded by Mr. Thompson and carried.
2. **Barnes & Thornburg Invoice:** An invoice was received from Barnes & Thornburg, in the amount of \$3,139.00, for consultation work as it regards to legal services rendered in the EEOC charge, Christmas vs. Howard County, for a period ending July 31, 2012. A motion was made by Mr. Moore to approve the payment of \$3,139 to Barnes & Thornburg. The motion was seconded by Mr. Thompson and carried.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER MOORE:**

1) Mr. Moore was the Hearing Officer for the Township Assistance Hearing for Mr. William D. Cheek, Center Township. After hearing testimony from Mr. Cheek and a Center Township Trustee representative, it was Mr. Moore's recommendation to uphold the denial of the Township Trustee. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to uphold the denial of the Township Trustee.

2) Mr. Moore informed those present of a Public Access Seminar on Thursday evening, September 6, 2012, at the Lewis-Cass school.

**COMMISSIONER WYMAN:**

1) The Small Business Grant Committee has met and approved two applications for a grant. The first is the Mainstream Café, to be located at the old Vault location on the southwest corner of Main and Mulberry Streets. The property is in the process of being purchased and they have submitted detailed business plans. There were delinquent property taxes on the building, and they will be paid in order to be eligible to receive this grant. A motion was made by Mr. Moore to award the Small Business Grant, in the amount of \$5,000, to Mainstream Café, subject to the delinquent taxes being paid. The motion was seconded by Mr. Thompson and carried. The Memorandum of Understanding will be submitted at the next Commissioner meeting.

2) The second application, submitted by Bohemian Tattoo Club & Art Gallery was approved by the Small Business Grant Committee. They plan to be located at 206 Main Street, next to the current Art Gallery. The Club will be owned by Mr. Timothy Bougher, a world renowned artist / tattoo and, and he has provided the committee with a business plan. The Art Gallery is anticipating this business moving in next door. A motion was made by Mr. Moore to approve the Small Business Grant Committee's recommendation and award a \$5,000 grant to the Bohemian Tattoo Club & Art Gallery. The motion was seconded by Mr. Thompson and carried. Mr. Wyman abstained from the vote citing a possible conflict of interest. A Memorandum of Understanding will be submitted at the next Commissioner meeting.

*There being no further business to come before the Board of Commissioners at this time,  
the meeting was adjourned at 6:40 p.m. on a motion made by  
Mr. Moore and seconded by Mr. Thompson.*

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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WILLIAM THOMPSON, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting Sept. 4, 2012