

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 6, 2012**

The Howard County Board of Commissioners met in Regular Session on Monday, February 6, 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 all in attendance in the Pledge of Allegiance, and Commissioner Wyman offered a word of prayer.

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

The minutes of the January 17, 2012, minutes were previously submitted and reviewed. A motion was made by Mr. Wyman and seconded by Mr. Thompson to approve the minutes of the January 17, 2012 meeting. Before the motion carried, a citizen in attendance wished to be recognized. Ms. Linda Burris, 227 Ariel Court, Kokomo, Indiana, stepped to the podium and gave comment referring to the January 17<sup>th</sup> minutes. On page four, "In The Matter Of Convention And Visitors Bureau Update", there is no mention in the minutes of a question she asked Mr. Conrad, during his presentation to the Board of Commissioners. She requested that her comment be considered to be included in the official minutes of the January 17<sup>th</sup> meeting. All three Commissioners spoke to the fact that not every comment voiced during a meeting is recorded in the official record of the minutes. In response to a question posed by Ms. Burris, Attorney Murrell informed her that the Board of Commissioners "is responsible for keeping, recording, and approving its own minutes. Once the Board has acted I think there is no recourse against the Board." **Discussion ensued and at its conclusion, a motion was made by Mr. Wyman to amend the January 17<sup>th</sup> minutes to include the statement, "Mr. Conrad then proceeded to field a number of questions from the Commissioners and those present". The motion was seconded by Mr. Thompson and carried.**

The minutes of the February 1, 2012, Administrative Meeting were submitted and reviewed. This meeting was for the purpose of receiving information and recommendations regarding the operation of the NOVIA on-site medical clinic and related matters. The minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the January 18, 2012, Administrative Meeting were submitted and reviewed. This meeting was for the purpose of receiving information and recommendations on administrative and scheduling issues pertaining to the proposed Commissioners/ sale of tax sale certificates. The minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

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

#### **PLAN COMMISSION:**

- 1) Plan Commission Director Greg Sheline submitted Case #4-CP-11, two lots in Bittersweet Farms Subdivision, located at 429 and 473 North County Road 1050 West. There was no opposition to this request. The properties were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
- 2) Mr. Sheline submitted Case 5-CP-11, two lots in MLR Subdivision, located at 4264 West County Road 250 South. There was some opposition to the usage of the property, and those citizens can be heard during the rezoning process. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve two lots in the MLR Subdivision.
- 3) Excavation of the meth house located at 2295 South 300 West has been completed. Both Mr. Sheline and Health Department employee James Vest inspected the site, and found that the excavation meets with the standards of both departments.
- 4) Mr. Sheline received word from Grant Administrator Tina Henderson that the matching funds grant has been approved by HUD. The contract is forthcoming, and we can start drawing down the funds forty-eight (48) hours after the signed contract has been received.

#### **TREASURER:**

Treasurer Martha Lake submitted a contract with PROforma for the preparation and mailing of the 2012 Property Tax bills. This will be the third year that we have used the services of PROforma. Last year they mailed over 51,000 tax bills at a cost of \$13,000, with mailing costs at \$.27 to \$.28 per parcel. The contract and pricing is

exactly the same as last year. A motion was made by Mr. Wyman to approve the contract with PROforma for the preparation and mailing of the 2012 tax bills, and authorize the President to sign on the behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

#### **VETERANS SERVICE OFFICE:**

Veterans Service Officer Robert Ladd submitted a request of \$4,228.00 from the Cumulative Capital Fund to pay for equipment that has already been ordered and received. At the December, 2011, Council Meeting the Council approved a request to transfer \$6,000 from their Veteran Burial line item to their Office Supply line item. When the claims were submitted to the Auditor's Office it was found that almost \$4,000 of the purchases were equipment, and could not be paid from the Office Supply line item. The invoices for Office Supplies were paid from encumbered funds from the \$6,000 request, but the remainder went back into County General at the end of the year. At the conclusion of discussion, a motion was made by Mr. Wyman to approve the \$4,228.00 request from the Cumulative Capital Fund, noting that the money is sitting in the County General Fund. The motion was seconded by Mr. Thompson and carried.

#### **PERSONNEL DEPARTMENT:**

1) Personnel Director Wanda McKillip introduced Ms. Marilyn Skinner, President Elect of the Howard County Historical Society Board of Trustees. Ms. Skinner stepped to the podium to give a recommendation by the Historical Society. The Board of Trustees has recommended the services of Mr. David Broman as Executive Director, to fill the position vacated by Ms. Kelly Karickhoff. Mr. Broman has been associated with the Historical Society for many years and even mentored the previous director. He is a member of the community and has had a positive relationship with community members. Mr. Broman will begin his responsibilities March 1, 2012, at a salary of \$42,000. The Board of Trustees requests the approval of the Board of Commissioners. At the conclusion of question and discussion, a motion was made by Mr. Wyman to approve the recommendation of the Historical Society Board of Trustees, Mr. David Broman, as the Executive Director for the Historical Society. The motion was seconded by Mr. Thompson and carried.

2) Ms. McKillip informed the Board the Worker's Compensation Log has been posted in all the County buildings. This log is required to be posted from February 1, through April 30, 2012. She also submitted a memo for Department Heads and Elected Officials concerning a Workers Comp Training Seminar to be held on Wednesday, February 22, 2012, from 9 – 10 a.m., at the Howard County Administration Center. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Worker's Comp seminar and memo, and its distribution to Department Heads and Elected Officials.

3) It is time for the 2012 YMCA Strong Kids Campaign. This is the fourth year Howard County employees have been invited to participate in a weight-loss challenge at the YMCA. For a \$25 contribution, the employee will have access to the YMCA and all of their programs from March 12 – April 23, 2012. The deadline to register is March 9<sup>th</sup> at the Personnel Office. All proceeds benefit the YMCA Strong Kids Campaign, providing membership to children and families who are financially unable to join. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve employee participation in the YMCA Strong Kids Campaign.

4) The Personnel Department is still working on employee health insurance changes from the February billing. There are one hundred Anthem changes, with fifty-eight (58) employees making the switch to the higher deductible. It was reported at last week's Insurance Committee meeting that the Insurance Fund is very good for the month of January.

5) The Smartshopper program reports that as of today, there have been forty-five (45) shopping searches/calls, which is very good given the fact that the program did not officially launch until February 1, 2012. She also requested that the Board of Commissioners ratify President Moore's signature on the Smartshopper contract. The contract specifies the program must be used for at least ninety (90) days with a sixty (60) day termination notice. A motion was made by Mr. Wyman to ratify Mr. Moore's signature on the Smartshopper contract. The motion was seconded by Mr. Thompson and carried.

#### **PROBATION DEPARTMENT:**

Chief Probation Officer Don Travis submitted a request to purchase one or two desk chairs from the Commissioners' Equipment line in the Cumulative Capital Fund. Mr. Travis received several quotes and found the best price to be \$157.00 each from Staples. At the conclusion of ensuing discussion a motion was made by

Mr. Wyman to approve the purchase of (one) desk chair from the Cumulative Capital Fund, in the amount of \$157.00. The motion was seconded by Mr. Thompson and carried.

#### **EMERGENCY MANAGEMENT AGENCY:**

1) EMA Director Larry Smith submitted Ordinance No. 2012-BCCO-4, (All Hazards Travel Ordinance) an ordinance establishing uniform categories for travel emergencies within the unincorporated areas of Howard County. He informed the Board that in October, 2011, the State of Indiana submitted the final change in the categorization for closures of roads, weather warning, etc. All counties will now be working from the same set of categories. There will still be a problem because the declaration of emergency can only be done by the “principal executive officer” of a political subdivision. County employees that live outside of Howard County may not be under the same closing as Howard County and the employee may have to use a vacation or personal day if it’s during normal work hours. After discussion a motion was made by Mr. Wyman and seconded by Mr. Thompson to approve Ordinance No. 2012-BCCO-4.

2) Mr. Moore signed a Mutual Aid Agreement for District 6 (thirteen counties), sharing services and equipment with other counties in the district. Mr. Moore’s signature was ratified on a motion made by Mr. Wyman and seconded by Mr. Thompson.

#### **SHERIFF DEPARTMENT:**

1) Sheriff Rogers reported that for some time his department has been thinking of ways to address the growing female population. The current jail population count is three hundred nineteen (319). Seventy-seven (77) females are in custody; sixteen (16) are being held at the Miami County facility (at \$35 per day) and sixty-one (61) are housed in Howard County. The Criminal Justice Center was originally built to house thirty-two (32) females and can no longer find space to house them according to current jail standards. Captain Vincent and his staff have come up with a short-term solution of modifying an existing indoor recreation area, creating space for thirty-six (36) beds. Sheriff Rogers emphasized this is only a “short-term” solution and cited the following reasons: rising jail population, changes in any sentencing guidelines, future legislation concerning the return of class D felons to the county facilities, and required inmate programs and services. Sheriff Rogers and his staff have been meeting with DLZ’s Criminal Justice Specialist, Paul Downing, and they have devised a proposal. The Project would be coordinated with the Information System’s technology upgrade project at the jail. In response to a question posed by Commissioner Thompson, Sheriff Rogers commented that no extra staffing would be needed. The recreation area being considered is adjacent to one of the areas that have officers working in an indirect supervision capacity, not being right in the cell block. The inmates that would be housed there would be the work gang and the indoor workers, requiring less supervision. This will also give the staff the ability to correctly classify the inmates. The Sheriff is asking for a consensus of the Board of Commissioners to move forward in the project. Specialist Paul Downing came to the podium and introduced architect Scott Carnegie and Mr. Mike Keebin. He then proceeded to review the proposal with the Board of Commissioners. The project would cost \$210,000 - \$235,000, according to the bids received, and there is currently \$300,000 in the Cumulative Capital Fund, Sheriff Building Upgrade. Mr. Murrell has reviewed the contract and there are some changes that need to be made. The fee schedule would be by monthly invoices, based on the design schedule. A motion was made by Mr. Wyman to approve the proposed project at the Criminal Justice Center in an amount not to exceed \$235,000; approve the contract subject to the changes that Attorney Murrell has outlined, and subject to review of the Cum Cap and COIT funds to determine financing; and authorize President Moore to sign the amended contract on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried. Mr. Wyman asked that it be noted that Mr. Downing and his team went beyond their scope of work to benefit this project.

2) Captain Harold Vincent submitted the 2011 Jail Report to the Board of Commissioners and the Auditor. This report informs the County Officials of the condition of the county jail and any recommended improvements to its maintenance and operation. It also includes total beds, total bookings, average daily inmate population, total jail and in-custody deaths by type, summary of major occurrences, number of escapes, number of juveniles booked, availability of services provided, adequacy of jail staffing levels, statement of maintenance and upkeep, and unfunded needs and projects essential to operation and maintenance.

3) Health Professionals Limited (Correctional Healthcare Companies) is the entity that supplies inmate health care. The contract has expired and HPL has sent a Price Quote outlining a 1% increase for the first year of a 3 year contract, and a negotiated increase for the 2<sup>nd</sup> and 3<sup>rd</sup> years based on the consumer price index. A contract will be sent after the Board approves the Price Quote. Mr. Murrell added that, “...this price quote is subject to the County’s review and approval of the new contract”. The Sheriff’s Office would like to remain with HPL. A

motion was made by Mr. Wyman to approve the Price Quote from Health Professionals Limited (CHC) for continued inmate health care services through 2014, subject to the changes made by the County Attorney, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

#### **C-COM E911 DISPATCH:**

Dispatch Coordinator Nick Capozzoli submitted the 2012 C-COM E911 Budget, as Ordinance No. 2012-BCCO-01. Mr. Wyman has had a series of meetings with Sheriff Rogers and with Mr. Capozzoli; he has reviewed the numbers and finds them to be in order. Mr. Wyman made a motion to approve Ordinance No. 2012-BCCO-01. After questioning Mr. Capozzoli concerning any changes in the 911 fees, Mr. Thompson seconded the motion, and it carried. Mr. Wyman commended Mr. Capozzoli and his staff for a successful first year of a consolidated Dispatch, and for coming in at about \$100,000 under budget.

#### **IN THE MATTER OF RESOLUTION NO. 2012-BCCR-2:**

County Attorney Larry Murrell and Auditor Ann Wells submitted Resolution No. 2012-BCCR-2, a resolution pursuant to IC 6-1.1-24-6.1, determining intent to conduct a sale of tax sale certificates. Auditor Wells submitted a letter from the City of Kokomo confirming that they agree to waive all weed cut fees, delinquent sewer fees, demolition and nuisance liens and delinquent Barrett Law assessments as it pertains to properties sold at Certificate Sale. The City has also asked that sixty (60) properties be taken off the Certificate Sale listing, and no specific explanations have been received at this time. Publication of the resolution and the listing of properties must be to the papers, tomorrow. Properties could be pulled from the list after it is published. At the conclusion of discussion a motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve Resolution No. 2012-BCCR-2, a resolution pursuant to IC 6-1.1-24-6.1, determining intent to conduct a sale of tax sale certificates, and removing sixty (60) properties from the listing, Exhibit A, as requested by the City of Kokomo.

#### **IN THE MATTER OF THE CITY OF KOKOMO'S DECISION TO RELEASE NOVIA CLINIC:**

President Moore is in receipt of a letter from the City of Kokomo, regarding the joint usage of NOVIA Clinic, that, as of April 30, 2012, the City of Kokomo will no longer be using the services of NOVIA for their insured employees. This decision will affect Howard County employees because we currently use the City's facility. The County has no negative issues with NOVIA and is reviewing the options. Commissioner Thompson asked that the following opinion be recorded in the official minutes.

"As I understand it, the city has had this issue on their radar for several months and the County has been involved since mid-November.

To my knowledge, the majority of elected County officials have not been briefed or asked for their input on this important decision, and the issue has not been presented to the insurance committee; I believe both should take place before the Board of Commissioners call for a vote to switch providers."

#### **IN THE MATTER OF RENEWAL OF BENCHMARK CONTRACT:**

Mr. Murrell submitted the Service Labor Agreement with Benchmark Mechanical Inc. This agreement is the same as last year, in the amount of \$26,000, for quarterly service on HVAC systems in the County's buildings. A motion was made by Mr. Wyman to approve the Service Labor Agreement with Benchmark Mechanical Inc., in the amount of \$26,000 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 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 payable February 10 & 17, 2012, in the amount of \$346,348.97 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 \$1,292,139.26, was submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

3. **Covered Bridge Certification:** Ms. Wells submitted the Covered Bridge Certification. This document certifies that there are -0- Covered Bridges in Howard County. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to certify the Covered Bridge Certification.
4. **Auditor Office Restructure Request:** Ms. Wells submitted a request to restructure the Auditor's Office by purchasing a new desk and lowering the half wall in the deduction/mapping portion of the office, in order to increase the number of employees that can wait the counter. Ms. Wells went to Maintenance Supervisor Scott Reed and confirmed there are no desks in the old jail facility that would be suitable to be used in the Auditor's Office. Ms. Wells will pay for the desk from the Ineligible Deduction Fund. Mr. Reed took the floor to advise the Commissioners that Ms. Wells has reviewed the request to lower the half wall with him. The request to lower the wall will allow the employees at the desks behind the wall to monitor and respond to the traffic at the counter. Mr. Reed reminded the Board members that the wall is not a support wall, but the pillars do case electrical and phone wires. This work can be done in house by Mr. Fross. A motion was made by Mr. Wyman to approve the request to purchase a new desk, and restructure the deduction/mapping areas as submitted. The motion was seconded by Mr. Thompson and carried.

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

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

1. **Ratify Signature On Reports:** President Moore signed the Semi-Annual reports for the Honey Creek Fire Truck Project and the Taylor Township Sewer District. Also signed, was a Darrough Chapel Project Release of Funds document. A motion was made by Mr. Wyman to ratify President Moore's signature on the three documents as submitted. The motion was seconded by Mr. Thompson and carried.
2. **Ratify President's Signature On Class Action Paperwork:** President Moore signed an OPT IN Form from the U.S. District Court, District of Massachusetts. Previously we had elected to OP OUT of the class action entitled "In re McKesson Governmental Entities Average Wholesale Price Litigation". A settlement has now been reached and we were sent an OPT IN notice, if we wanted to participate in the settlement. This form had to be signed and postmarked no later than January 31, 2012. Mr. Moore did sign the paperwork and Mr. Murrell asks that Mr. Moore's signature be ratified by the Board. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to ratify the signature of President Moore on the OPT IN form.
3. **Litigation Statement:** Mr. Murrell submitted a statement from Alan D. Wilson, Assistant County Attorney, for litigation services in the case of Anthony D. Bush v The State of Indiana, in the amount of \$297.00. A motion was made by Mr. Wyman to approve the statement from Alan D. Wilson for payment, in the amount of \$297.00. The motion was seconded by Mr. Thompson.
4. **Resolution No. 2012-BCCR-3:** Mr. Murrell submitted Resolution No. 2012-BCCR-3, a resolution that authorizes petitions for tax deeds, to enable the Kokomo Rescue Mission and the Family Services Association to acquire tax sale real estate without charge and free of taxes, assessments and penalties (*please refer to page three, "In The Matter Of A Tax Sale Report From Treasurer Martha Lake", of the Regular Meeting minutes dated October 17, 2011*). The properties for the Rescue Mission are 905 N. Main Street, Kokomo and North Buckeye St., Kokomo. The property for Family Service Association is 322 E. Jackson Street, Kokomo. A motion was made by Mr. Wyman to approve Resolution No. 2012-BCCR-3, and authorize the President to sign any associated documents. The motion was seconded by Mr. Thompson and carried.
5. **Out Of Office:** Mr. Murrell will not be attending the February 20<sup>th</sup> meeting. Assistant County Attorney Alan Wilson will be attending, in his place.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

##### **COMMISSIONER THOMPSON:**

Commissioner Thompson reminded all that February is Black History Month. Our African/American citizens have contributed much to our United States. He believes it is important to study and learn of their contributions.

**COMMISSIONER WYMAN:**

The Small Business Grant Committee has met and approved the grant application for Crystal Wand Creations. They plan to move downtown to 206 North Buckeye Street. The Committee recommends the Commissioners approval of a \$5,000 grant to Crystal Wand Creations. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the \$5,000 Small Business Grant to Crystal Wand Creations. A Memorandum of Understanding will be prepared and submitted at the next Commissioner meeting.

The Small Business Grant Committee recommends that the Commissioners expand the Small Business Grant Program to Russiaville and Greentown, located within a quarter-mile radius of the towns' center intersection. A motion was made by Mr. Wyman to expand the Small Business Grant Program to Russiaville and Greentown, located within a quarter-mile radius of the towns' center intersection. The motion was seconded by Mr. Thompson and carried.

Mr. Wyman would like the Board of Commissioners to designate a smoking area for the Administration Center on the east side of the building (unprotected alley), beginning at 8:00 a.m. on Tuesday and made a motion to that effect. At the conclusion of ensuing discussion the motion was seconded by Mr. Thompson and carried.

**COMMISSIONER MOORE:**

Mr. Moore was the Hearing Officer for a Township Assistance Hearing on February 3, 2012, for Ms. Yolanda A. Washington, Center Township. After hearing the testimony of both the Center Township Trustee Office representative and Ms. Washington, Mr. Moore recommends that the Board upholds the denial of the Township trustee. A motion was made by Mr. Wyman to uphold the denial of the Township Trustee. The motion was seconded by Mr. Thompson and carried.

Mr. Moore and several others will be attending the Grant Award Ceremony in Indianapolis. Block Grant recipients will be awarded their grants, and Howard County will be using their grant for the Darrough Chapel Sewer Project.

Mr. Moore thanked the area hotels and restaurants who went beyond the call of duty to welcome visitors attending the Super Bowl.

**IN THE MATTER OF PUBLIC COMMENT:**

President Moore opened the floor for public comment as follows:

Clee Oliver, 5768 West County Road 00 North South, Kokomo: Mr. Oliver expressed disappointment that the County Executives or Councilmen were not represented at the Peace Walk that took place Sunday morning, downtown Kokomo. Mr. Oliver attended and said that although he saw several City of Kokomo representatives, as he would have expected, he didn't see County officials.

*There being no further business to come before the Board of Commissioners at this time,  
the meeting was adjourned at 5:59 p.m. on a motion made by Mr. Wyman  
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 Commissioner Meeting February 6, 2012