

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 5, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, December 5, 2005, 8:30 a.m., in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Paul J. Raver and Vice President Bradley J. Bagwell. Also in attendance were Attorney Larry Murrell and Auditor Ann Wells.

*Due to the absence of Commissioner John B. Harbaugh,
as a matter of proper procedure, Commissioner President Paul Raver
vacated the chair, when necessary, to carry out the business of the County.*

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Paul Raver.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the November 21, Regular Meeting, having been previously submitted, were reviewed and approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.

IN THE MATTER OF HIGHWAY ISSUES:

Highway Engineer / Supervisor, Ted Cain, submitted the following issues for Commissioner information and approval:

1. **Annual Bids:** The Annual Highway bids were opened at the November 21st meeting (*please refer to page one, item one of the Regular Meeting Minutes dated November 21, 2005*), and referred to Mr. Cain for review. Mr. Cain recommends that all the bids be accepted as submitted. On a motion made by Mr. Bagwell and seconded by Mr. Raver, and based on Mr. Cain's recommendation, all the Highway Bids were accepted as submitted.
2. **Fredrick Farms Subdivision, Phase 1:** On September 15, 2004, the Board of Commissioners accepted a Performance Bond for Phase 1 of the Fredrick Farms Subdivision. Fredrick Farms Subdivision has been annexed by the City, and has passed the Phase 1 inspection. The Board has received a request from the City Engineer to release the Performance Bond. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to release the Performance Bond and direct the Auditor to return it to Old Jefferson Woods LLC and Mohr Construction Company.
3. **Pillars Place / Rainbow Garden Performance Bond:** The new access drive project for Pillars Place / Rainbow Garden has been completed and approved; a letter from Pillars Housing, LP, requesting the Board of Commissioners to release the Performance Bond, has been received. On a motion made by Mr. Bagwell and seconded by Mr. Raver, the Performance Bond for the new access drive in Pillars Place / Rainbow Garden is released and will be returned to Pillars Housing, LP.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert submitted the following issues for Board information and approval:

1. **Jail Count:** The current inmate count at the Criminal Justice Center is 299. Microsoft Access software program will be installed to help coordinate information for the weekly Inmate reports for the Courts and Prosecutor.
2. **Christmas Gift Distribution:** An organization called "The Christmas Behind Bars Ministry", under the local direction of Doug and Merrill Wolf, has asked permission to distribute Christmas Gift bags to the Howard County Inmates on Friday, December 23, 2005. Captain Vincent and his staff have screened the contents of the bags, and the literature will be available on a separate table, on a voluntary basis. Diabetic bags will also be available. Sheriff Talbert and his staff anticipate that this activity will be beneficial to the Inmates and are willing to try it for this year.
3. **Medina Auto Sales:** Medina Auto Sales, Inc., from Chicago, Illinois, buys used police vehicles, possibly giving a better price than a trade, when purchasing new vehicles. Sheriff Talbert discussed with Attorney

Murrell how to word the bid specifications. More discussion will ensue as it gets closer to a vehicle purchase.

4. **Ordinance No. 2005-BCC-67:** Major Steve Rogers and Attorney Larry Murrell presented the third draft of the False Alarm Ordinance, regulating the operation and use of emergency alarm systems and automatic telephone dialing devices. The main intent of the Ordinance is to have record of all alarm systems in the county and to encourage owners to maintain the alarm systems to keep them in good working order. The Ordinance was discussed and Major Rogers and Captain Napoleon Leal answered questions concerning registration, violation tracking, receipt of fines, and alarm response. By consensus the Board decided to allow Mr. Murrell to include the changes requested by the Board and Sheriff, and present the final draft of the Ordinance at the December 19th meeting.

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commissioner Director, Glen Boise, presented the following issues for Commissioner information and approval:

1. **Case 32-CP-05:** One lot in Schrock Acres Subdivision, located at 5557 East 400 North. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve Case 32-CP-05.
2. **Ordinance 2005-BCC-66:** Ordinance 2005-BCC-66 is a request to rezone the locations at 2133 and 2201 South Dixon Road, from R-1 (residential) to B-1 (local business). On a motion made by Mr. Bagwell and seconded by Mr. Raver, Ordinance 2005-BCC-66 was approved.
3. **Quotes for the Demolition of a Building:** Mr. Boise has received the following quotes for the demolition of property located at 500 Ridge Road.

| | | |
|---------------------------|------------|---------------|
| Stephens Bulldozing, Inc. | \$5,800.00 | Residence |
| | \$8,400.00 | Total Project |
| Feightner Excavating | \$6,300.00 | Residence |
| | \$7,700.00 | Total Project |

Both bids are acceptable and responsive. A motion was made by Mr. Bagwell to accept the bid for demolition of property located at 500 Ridge Road, from Feightner Excavating, for a total of \$7,700.00, as the lowest and most responsive bid. The motion was seconded by Mr. Raver and carried.

4. **Unsafe Building:** Attorney Murrell presented a request from taxpayer John Roberts, concerning an unsafe building located at 5717 Wampum Drive. The house is currently vacant and in disrepair. The property was sold on tax sale in 2004, to a woman one in Peru. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to refer the residence located at 5717 Wampum Drive, to Mr. Boise for review and further action.
5. **Flood Mitigation Buyout:** State funds have been received for the final purchase of the property located at 4089 South 50 East (Ables property). Mr. and Mrs. Ables have been notified and Mr. Murrell has contacted Moore Title Company to do a final title search.
6. **Joint Plan Commission Office Interlocal Agreement:** Larry Murrell has drafted a response to a letter received from Mr. Ken Ferris, Corporation Counsel to the Mayor's Office. This letter is in reference to the joint Plan Commission Office Interlocal Agreement. After discussion, a motion was made by Mr. Bagwell to authorize Mr. Murrell to respond to the city attorney with the attached letter. The motion was seconded by Mr. Raver and carried.

At this time, the Regular meeting was recessed to continue a previously scheduled Public Hearing concerning Health Department Ordinances 49, 50 and 51.

Mr. Raver opened the Public Hearing at 9:37 a.m. and Michelle Arvin was in attendance to represent the Department of Health. At the Public Hearing during the November 7th meeting, the Commissioners referred Ordinances 2005-BCC-49, 50 and 51 back to the Board of Health for further review. At the Board of Health meeting, Ms. Arvin was directed to meet

with the Indiana Apartment Association to discuss their concerns. The next Board of Health meeting will be January 9, 2006. They are not ready, at this time, to present Ordinances 49, Howard County Health Department 2005 Fee Collection and 50, Howard County Public and Semi-Public Swimming Pool/Spa. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to continue the Public Hearing for Ordinance No. 2005-BCC-49 and 2005-BCC-50 on Monday, January 17, 2006 at 9:30 a.m.

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The Public Hearing was continued for discussion concerning Ordinance 2005-BCC-51, Howard County On Site Sewage Ordinance. At the November 7th meeting, this Ordinance was taken under advisement and referred back to the Board of Health (*please see page 5, Public Hearing for Ordinance No. 2005-BCC-51, of the November 7, 2005 Regular Meeting Minutes*). The Board of Health referred this Ordinance to the Septic Committee for their input, and the Septic Committee is not ready to give a recommendation. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to continue the Public Hearing until such a time as the Board of Health requests to be put back on the agenda.

The Public Hearing was closed and the Regular Meeting reconvened.

IN THE MATTER OF MAINTENANCE ISSUES:

Maintenance Supervisor, Tom Harrison, presented the following issues for Commissioner information and approval:

1. **Heating of County Buildings:** There have not been any major problems with the heating systems of the county buildings; all is working as well as can be expected.
2. **Use of the Meeting Rooms in the Government Center:** This issue will be discussed during Commissioner Issues.
3. **Administration Center HVAC System Study:** At the November 21st meeting, Mr. Murrell reported that he and Commissioner Raver had spoken with Mr. John Becker from Vintage Engineering Company. There has been no further response from Vintage Engineering Company. The Board directed Mr. Murrell to contact Vintage again.
4. **Maintenance Supervisor Reappointment:** Mr. Harrison expressed his desire to be reappointed as Maintenance Supervisor for 2006. After that year he plans to retire, at age sixty-eight.

IN THE MATTER OF PERSONNEL ISSUES:

In the absence of Personnel Director, Wanda McKillip, Commissioner Raver reported that there is enough serum to give another opportunity for County Employees and their households to be vaccinated against the flu. Shots will be administered on December 8th. Any extra serum will be opened for public use, for a donation.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

Terry Tribby, Information Systems Director, submitted the following issues for Commissioner information and approval:

1. **Project Completion:** There are several projects to be completed such as the Courts and Juror project, Imaging Upgrade, connectivity of Wireless Project to the Sheriff vehicles, (Fire and KPD), installation of software for the Wireless Project, and GIS Drainmaster Project, to name a few.
2. **E-mail Upgrade Project:** The Information Systems Department recently upgraded the e-mail system. They are presently in the process of "ironing out the bugs".

IN THE MATTER OF THE HUMANE SOCIETY CONTRACT:

Attorney Larry Murrell would like to table this issue until the December 19th Commissioner Meeting to allow further time to review the contract.

IN THE MATTER OF ORDINANCE NO. 2005-BCC-68:

Howard County Recorder, Ms. Linda Koontz, presented Ordinance No. 2005-BCC-68, an ordinance of the Howard County Board of Commissioners establishing a County Identification Security Protection Fund. The Legislature has created a statute which asks for an additional page to be added to each document, swearing that social security numbers have been removed from the document. As of January 1, 2006, the Recorder's Office cannot accept any document which includes social security numbers. The Ordinance enables the office to collect the \$2.00 per document fee and deposit it into a Fund whose money can only be used to purchase, upgrade, implement or maintain redacting technology used in the Recorder's Office. On a motion made by Mr. Bagwell and seconded by Mr. Raver, Ordinance No. 2005-BCC-68 was approved.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following issues for Commissioner information and approval:

1. **Commissioner Salary Claims:** Salary Claims payable December 9 and December 16, 2005, in the amount of \$291,420.90, were approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.
2. **Commissioner Operating Claims:** Operating claims payable December 5, 2005, in the amount of \$344,825.46, were approved as submitted, on a motion made by Mr. Bagwell and seconded by Mr. Raver.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney, Larry Murrell presented the following issues for Board information and approval:

1. **Resolution No. 2005-BCC-33:** Mr. Murrell presented Resolution No. 2005-BCC-33, a resolution of the Howard County Board of Commissioners authorizing the Howard County Department of Health to enter into certain agreements on behalf of Howard County. Mr. Murrell met with Mr. Raver and Mr. Ryan Nehl, Bioterrorism Coordinator for the Department of Health, about arranging for available facilities for the dispensing of emergency health services in the event of a disaster or civil emergency. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve Resolution No. 2005-BCC-33.
2. **Letter of Consent from Barnes & Thornburg:** The Board has asked Barnes & Thornburg to represent the County in connection with the commencement of Chapter 11 bankruptcy by Delphi Automotive Systems, Inc. and Barnes & Thornburg currently represents, and may be approached to represent, other clients in connection with this bankruptcy filing. Barnes & Thornburg has presented a Letter of Consent to represent other clients for Commissioners' approval. On a motion made by Mr. Bagwell and seconded by Mr. Raver, the Letter of Consent was approved and the President was authorized to sign on behalf of the Board.
3. **Annual Reappointments to the Redevelopment Authority Commission:** Mr. Murrell will bring the list of reappointment nominees, to the December 19th meeting.
4. **Application for Residency:** Mr. Murrell submitted the application of Mr. Frederick E. Hilligoss, for admission to the Howard Haven County Home. A motion was made by Mr. Bagwell to accept the application for admission on the usual 90 probationary period, and authorize the President to sign on behalf of the Board. The motion was seconded by Mr. Raver and carried.

IN THE MATTER OF COMMISSIONER ISSUES:

The Board of Commissioners submitted the following issues:

1. **Veteran Service Monthly Report:** On a motion made by Mr. Bagwell and seconded by Mr. Raver, the Veteran Service Monthly Report for November, 2005 was accepted.
2. **Extension Office Closing:** The County Extension Office request permission to close on Friday, December 9, 2005, for their annual office retreat; meeting to do program planning and leadership training. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve the request to close the Extension Office on Friday, December 9, 2005.

3. **Clerk Office Closing Request:** The Board is in receipt of a letter from Howard County Clerk, Mona Myers, requesting permission to close the first and second floor offices one-half day per week in an effort to stay on top of the increasing work load. After discussion, it was the consensus of the Board to take the request under advisement and ask Mrs. Myers to come to the December 19th meeting to discuss the request.
4. **Resolution No. 2005-BCC-34:** Resolution No. 2005-BCC-34, a resolution of the Howard County Board of Commissioners revising the rules for the use of the meeting rooms located in the Howard County Government Center, was presented for Board approval. Discussion ensued concerning the deletion of item (e) under section 1, and the attached Exhibit A, and its possible inclusion into section 6. Mr. Murrell will revise the resolution for submission at the December 19th meeting.
5. **Kokomo International Summit:** The Board of Commissioners is in receipt of a letter from the City of Kokomo, Mayor's Office, inviting them to Kokomo International Summit at 7:00 p.m., on Thursday, December 15, 2005. Mr. Raver is not available; Mr. Bagwell will attend.
6. **Commissioner Appointments:** The following appointments were made;

Howard County Plan Commission: A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to appoint Cheryl Graham to the Plan Commission for a four-year term beginning January 1, 2006.

Board of Health: On a motion made by Mr. Bagwell and seconded by Mr. Raver, Dr. Thomas Scherschel was reappointed to the Howard County Board of Health for four years, beginning January 1, 2006.

Kokomo/Howard County Emergency Management Advisory Council: On a motion made by Mr. Bagwell and seconded by Mr. Raver, Mr. Steve Laudenschlager was reappointed to the Kokomo/Howard County Emergency Management Advisory Council for a one-year term beginning January 1, 2006.

Howard County Convention and Visitor's Bureau: Kelly Thompson and Dhiren Patel were reappointed to the Howard County Convention and Visitor's Bureau for a two-year term beginning January 1, 2006, on a motion made by Mr. Bagwell and seconded by Mr. Raver.

City of Firsts Automotive Heritage Museum: There are two positions that expire December 31, 2005. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to reappoint Peggy Hobson for another 3-year term, beginning January 1, 2006. The second reappointment will be made at the December 19th meeting.

Veteran Service Officer: On a motion made by Mr. Bagwell and seconded by Mr. Raver, Mr. William Allen Polsgrove was reappointed to a one-year term beginning January 1, 2006.

Highway Supervisor/Engineer: Mr. Ted Cain was reappointed to a one-year term as Highway Supervisor/Engineer, to begin January 1, 2006, on a motion made by Mr. Bagwell and seconded by Mr. Raver.

Buildings and Grounds Supervisor: Commissioner Bagwell commented that a change needed to be made. In the best interest of the County, Mr. Art Fross was appointed as the Buildings and Grounds Supervisor for a one-year term, beginning January 1, 2006, on a motion made by Mr. Bagwell and seconded by Mr. Raver.

Remaining reappointments will be addressed at the December 19th meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:50 a.m. on a motion made by Mr. Bagwell and seconded by Mr. Raver.

HOWARD COUNTY COMMISSIONERS:

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELL, AUDITOR

Commissioner Meeting Minutes, December 5, 2005