

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 19, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, December 19, 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, Vice President Bradley J. Bagwell and member John B. Harbaugh. Also in attendance were Attorney Larry Murrell and Auditor Ann Wells.

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

The minutes of the Regular Session on December 5, 2005 and the Executive Session on November 28, 2005 were reviewed, having been previously submitted. The minutes of the Executive Session require a change to read, "**APPROVED THIS 19TH DAY OF DECEMBER, 2005**", in lieu of "APPROVED THIS 5TH DAY OF DECEMBER, 2005". On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, the minutes of the Regular Session and Executive Session were approved with the above noted change.

IN THE MATTER OF HIGHWAY ISSUES:

Mr. Ted Cain, Highway Supervisor/Engineer, was ill and could not attend. Expressions of appreciation were voiced concerning the hard work and effective snow removal accomplished by Mr. Cain and the Highway Department.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current jail population is 294 inmates.
2. **Security Officer for Superior IV:** The choice of Security Officer for Superior Court IV will be announced today. There is about \$3,000.00 in the Sheriff's uniform allowance line items and Mr. Talbert would like to use these funds to outfit the security officer. Next year the Court will provide money for uniform needs. The Board agreed, by consensus, to use the funds to outfit the security officer in Superior Court IV.
3. **Inmate Gift Distribution:** Sheriff Talbert reminded the Board of the Gift bag distribution on Friday, December 23rd.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Ordinance No. 2005-BCC-70:** The rezoning of property located at 1242 East 50 North from R-1 (residential) to I-1 (General Industrial). The Plan Commission's recommendation was to deny the request. The property is used as a dump site for salvaged concrete. They would like to be able to reclaim the concrete and asked to zone industrial. If zoned industrial it would open the door for other materials not limited to concrete; there is much concern from neighboring property owners. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried, to deny Ordinance No. 2005-BCC-70, as recommended by the Plan Commission.
2. **Ordinance No. 2005-BCC-71:** The removal of the thoroughfare for County Road 550 East, between 400 North and 300 North. Ordinance No. 2005-BCC-71 was approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
3. **Demolition of Building located at 500 Ridge Road:** Mr. Boise has been in contact with Mr. Jack Feightner of Feightner Excavating, informing him that the excavation project at 500 Ridge Road had been awarded to him (*please refer to item 3, page 2 of the Regular Meeting Minutes dated December 5, 2005*).
4. **Unsafe Building located on Wampum Drive:** Letters have been sent to the owners and the Tax Sale Purchaser concerning this location. There has been no response from the owners, but the Tax Sale

Purchaser has responded and has agreed to secure the property, however, she has not yet received the title.

IN THE MATTER OF MAINTENANCE ISSUES:

Mr. Jeff Berry, Assistant Maintenance Supervisor, submitted the following issues for Commissioner information and approval:

1. **Administration Center Heating:** A belt on the blower unit of the heating system, needed to be tightened. When the service provider tightened the belt, he found that it needed new bearings. The system is obsolete; parts are no longer available. The company representative put Mr. Berry in touch with a company that could build parts. Mr. Berry will wait for a warmer day, to do the repair.
2. **Roof Repair at the Government Center:** There has been some water leakage in the Board of Health offices. Arnie Cook's Repair found the problem around the pump house. There are enough funds in the budget to pay for the repair.
3. **Administration Center HVAC System Study:** At the December 5th meeting, the Board directed Mr. Murrell to contact Vintage Archonics Engineering Company, again (*please refer to page 3, item 3, "In The Matter Of Maintenance Issues" of the Regular Meeting Minutes dated December 5, 2005*). Mr. Murrell has sent a letter to Vintage asking for a report by the end of the year.
4. **Heating and Cooling Unit in Criminal Justice Center:** Mr. Art Fross, Criminal Justice Center Maintenance, informed the Board that the heating / cooling unit located in the maintenance room next to the E911 Dispatch area, needs to be moved to the outside of the building. Siemens Company is sending an engineer to give an estimate of the costs involved.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

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

1. **Interoperability Wireless Project:** Wireless towers are now located at the Criminal Justice Center, Western High School, Russiaville (temporarily shut down) Administration Center, Kokomo Police Department, Fire Stations 1, 3, 4 and 6, Indian Heights, and Taylor High School; they are working on a tower in Greentown. Mobile software has been installed, as well as at the Fire Department. Next year he hopes to get all the mobiles (75) up and running.
2. **Clerk's Imaging Equipment Project:** The server is in and being installed. The project is waiting on one more piece of equipment.
3. **Norton Anti-Virus Upgrade:** The latest Norton upgrade was installed without any problems and was catching the spam it was intended to deal with. However, random work stations would have problems. The IS department had to work on the stations individually. After later research they learned that the latest update had bugs that affected the memory. The IS department has to correct each individual employee work station.
4. **Superior Court IV:** The equipment for Superior Court IV has been received and will be installed and ready for use by January, 2006. The first week of January the IS Department will hold training for the court employees concerning the court system software. The printers are in and the Jury selection software is also completed.
5. **Back-Up Strategies:** Presently, back-up information is contained on discs. Information Systems is looking to incorporate disc to disc transfers, having back-up information on a different server at a different location, making retrieval and restoration easier.

6. **DSL Remote Vendors:** The Information Systems Department has set up a secure remote access line for remote vendors so they no longer have to use dial up. It gives them better and faster access for information and repairs.
7. **Cisco Software:** The software program at the Sheriff's Department has additional reports available through new software. Kokomo Police Department has the software and report capability and is helping to guide the Sheriff's Department through the process.
8. **GIS:** This is an ongoing project and Mr. Tribby hopes to complete the project mid-year in 2006.
9. **Internet Access Limit:** Surf Control is a piece of software to limit internet access to the public access computers.
10. **Video Surveillance:** Video Surveillance was previously installed in the Administration Center. When the Information Systems tried to bring up a video, there was a problem. Addco Inc. will be coming to help with the problem. Mr. Tribby will also talk with Courthouse Security about doing periodic testing to insure the system is working.

At 9:11 a.m., the Regular meeting was recessed to hold a previously scheduled Public Hearing concerning the demolition of property located at 3904 South 350 West, Harrison Township.

Mr. Glen Boise and Attorney Larry Murrell reminded the Board that this Public Hearing was scheduled to notify any person with a substantial interest in the property before an order for demolition is issued. The property owners and the two mortgage companies with a recorded interest, had been notified. Also required was a public notice in the newspapers. This was not accomplished so the hearing will have to be continued in January, to give time to publish the hearing date. A motion was made by Mr. Bagwell to continue the Public Hearing at 9:00 a.m. to Tuesday, January 3, 2006, in order to properly publish the hearing date. It is noted, for the record, that no person appeared at today's hearing, or otherwise objected to the proposed demolition. The motion was seconded by Mr. Harbaugh and carried.

The regular meeting was reconvened.

IN THE MATTER OF E-911 CONTRACT WITH SBC

At the November 21st Regular Meeting, Mr. Kline presented the contract with SBC for the E-911 database, equipment and network, with special incentives to approve the new contract before the end of 2005 (*please refer to page 4, "In The Matter Of E-911 Contract With SBC" of the Regular Meeting Minutes dated November 21, 2005*). SBC consultant, Craig Bennett, was in attendance to help clarify and answer questions concerning the contract. Mr. Murrell expressed concern with the contract and the lease purchase agreement from SBC Credit, a separate entity. If there is a problem with SBC, the County would still have to honor the contract with SBC Credit. Discussion ensued concerning automatic upgrades, discount issues and payment plans. Mr. Murrell will continue this issue until the next Regular Meeting.

At this time the previously scheduled Public Hearing was opened, concerning a request on behalf of Brian Miller, to Vacate an Easement located at 3389 East 306 South, Taylor Township.

This Public Hearing, being continued from November 21, 2005, was opened by President Paul Raver at 9:30 a.m. Attorney David Baird submitted a letter from Taylor Township Sewer District, stating it has no objection to the Vacation of the Easement. Mr. Baird reminded the Board that he previously submitted letters from all the other utility companies, stating they had no objections.

The floor was opened for discussion and the first to speak was Attorney David J. Steele, from McCann & Peele Law Offices. His firm represents Roy Taylor (power of attorney for property owner Edna Taylor) and he filed an Objection to Petition to Vacate the Alley on their behalf.

Additional comments pertaining to the Vacation were voiced by both attorneys. County Attorney, Larry Murrell, called the Board's attention to the fact that the Objection to Petition raises two of the possible four grounds for remonstrance; number two, vacation would make access to the adjoining property difficult, and number one, vacation would hinder the growth and

orderly development of the neighborhood in which it is located. It would be up to the Board to determine whether either or both of these are supported by the facts in this case. If so, the Board would have a basis for denial.

Mr. Henry Taylor voiced concern about the size of an adjoining lot if ten per cent of it would be needed for a utility easement; the remaining lot would not be enough to build on.

Mr. Brian Miller informed the Board that the lot Mr. Taylor refers to is one he would like to purchase. He wants the alley vacated because it is not being used as a functioning alley.

After discussion, a motion was made by Mr. Bagwell to find that granting this vacation would hinder the growth and orderly development of the neighborhood, and therefore deny the vacation of the alley located at 3389 East 306 South. The motion was seconded by Mr. Harbaugh and carried. This Public Hearing was closed.

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Commissioner Raver opened the previously schedule Public Hearing for a Vacation of Easement located at 2244 South 465 West, West Middleton, Ordinance No. 2005-BCC-72. The floor was opened for discussion. Property owner Mr. Rex Allen Beacom was in attendance to answer any questions. There being no discussion or objection, a motion was made by Mr. Bagwell to close the Public Hearing and to vacate the alley through Ordinance No. 2005-BCC-72. The motion was seconded by Mr. Harbaugh and carried.

At this time, the Regular meeting reconvened.

IN THE MATTER OF THE CONTRACT WITH THE HUMANE SOCIETY:

Attorney Larry Murrell presented the updated contract from the Humane Society, for animal control and shelter services. The original contract was submitted at the December 5th Regular Meeting (*please refer to page 3, "In The Matter Of The Humane Society Contract" of the Regular Meeting minutes dated December 5, 2005*). The revised contract, for \$158,000.00, was approved by Mr. Murrell and is ready for Board approval. A motion was made by Mr. Bagwell to approve the contract with the Kokomo Humane Society for animal control, in the amount of \$158,000.00. The motion was seconded by Mr. Harbaugh and carried. Auditor Ann Wells submitted a claim for the first half of the contract money.

IN THE MATTER OF THE ADMINISTRATION CENTER / HOWARD HAVEN ROOF BID:

At the October 17th Regular Meeting, the bids were opened for the Administration Center / Howard Haven roofing project. Only one bid was received, from McGuff Supply in Muncie, and it was taken under advisement (*please refer to page 2, item 4, "In The Matter of Maintenance Issues", of the Regular Meeting minutes dated October 17, 2005*). After review by Mr. Murrell and Mr. Hamilton (Butler, Fairman & Seufert) it was their consensus to reject the bid, and to re-bid one or both of those projects in early spring of 2006. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh, and carried to reject the bid from McGuff Supply.

IN THE MATTER OF RESOLUTION NO. 2005-BCC-34:

Mr. Murrell presented a revised copy of Resolution No. 2005-BCC-34, previously submitted at the December 5, 2005 meeting. This is a resolution revising the rules for the use of the meeting rooms located in the Howard County Government Center. Mr. Raver recognized Mr. Doug McAdams, who had asked to be on the agenda concerning this resolution, and asked him to come forward at this time. Mr. McAdams spoke to the Board concerning SSD, Inc (Successful Self Direction), a not for profit organization that has been using a meeting room in the Government Center, for the last five years; his organization provides a rehabilitation service for troubled youth and adult offenders. A list of approved non-county organizations is included in the resolution, of which SSD, Inc. is not a part. Discussion ensued concerning the intent of, and need for the resolution, and the inclusion of SSD to the list of approved non-county organizations. At the conclusion of the discussion a motion was made by Mr. Bagwell to approve Resolution No. 2005-BCC-34. The motion was seconded by Mr. Harbaugh and carried. A motion was then made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to allow SSD (Successful Self Direction) to use a meeting room in the Government Center on a month by month basis, if the room is available, according to the guidelines set out in the resolution.

IN THE MATTER OF ORDINANCE NO. 2005-BCC-67:

Ordinance No. 2005-BCC-67, an ordinance to regulate the operation and use of emergency alarm systems and automatic telephone dialing devices, was presented at the December 5th meeting. The Board took this opportunity to ask questions, and the Ordinance was remanded back to Mr. Murrell for requested changes (*please refer to page 2, item 4, "In The Matter Of Sheriff Department Issues", of the Regular Meeting minutes dated December 5, 2005*). Mr. Murrell submitted an amended copy of Ordinance No. 2005-BCC-67 and it was approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

IN THE MATTER OF RESOLUTION NO. 2005-BCC-37:

At the October 3, 2005 Regular Meeting, a motion was made to accept the Emergency Medical Transport boundaries as outlined by the EMT committee (*please refer to page 4, Public Meeting, of the Regular Meeting Minutes dated October 3, 2005*). At the November 7th meeting, the Board confirmed a Tolling Agreement, extending the appeal deadline date from thirty days to ninety days (*please refer to page 8, item 4 under "In The Matter of County Attorney Issues" of the Regular Meeting Minutes dated November 7, 2005*). Commissioner Raver met with the Chief Executive Officers of both hospitals on November 10th, and they came to an agreement, in principal, asking Mr. Murrell to summarize the agreement that was reached (Exhibit A). On December 5th, Howard Regional Hospital responded to Mr. Murrell's summation with a letter including some of the issues they thought needed to be addressed (Exhibit B). Mr. Raver expressed his agreement as long as it met with the approval of St. Joseph Hospital. That approval was given in a letter attached as Exhibit C. Simply put, both hospitals will observe the boundary changes agreed to at the October 3, 2005 meeting "until such time that the Howard and St. Joseph teams can determine a longer-term approach". Both hospitals will work in conjunction with the E-911 Dispatch Center, in the collection and examination of additional data for six months, extending the existing agreements through July 1, 2006. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Resolution No. 2005-BCC-37, as described.

IN THE MATTER OF CLERK ISSUES:

Howard County Clerk, Mona Myers, presented the following issues for Commissioner information and approval:

1. **Office Closing Request:** A letter from Clerk Mona Myers was submitted at the December 5th meeting, requesting permission to close the first and second floor offices one-half day per week, in an effort to stay on top of the work load. The Board asked that Mrs. Myers present the request at the December 19th meeting (*please refer to page 5, item 3 of the Regular Meeting Minutes dated December 5, 2005*). Mrs. Myers clarified that she is not closing the offices. She is moving the duties of the office around so that each office can have a half day away from answering phones and taking care of public and court needs, in an effort to stay current with the ever increasing clerical work. Wednesday was chosen because it was the least busy of the days. The offices will remain open and no one will be turned away and she would like to reevaluate after six months. Based upon the unique circumstance and configuration of the Clerk's Office, as compared to other county offices, a motion was made by Mr. Bagwell to authorize the Clerk to rotate the availability of the offices, based on her decision, for a six month period. The motion was seconded by Mr. Harbaugh and carried.
2. **E S & S Contract:** HAVA (Help America Vote Act) project equipment contracts must be in place before January 1, 2006. As part of the project new voting machines will be ordered through a contract with E S & S (Election Systems and Software) at a cost of about \$302,000.00, reimbursable by the state. A copy of that contract has been reviewed by Mr. Murrell and amendments, having to do with a March 15 installation date and payment upon grant reimbursement, have been submitted to E S & S. Mrs. Myers and Mr. Murrell are waiting for a response from Election Systems and Software.
3. **Resolution No. 2005-BCC-38:** As a part of equipment purchase for HAVA, the Board must pass a resolution authorizing the Clerk to apply for reimbursement of the voting system. Mr. Murrell has prepared such a resolution for Board approval. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, Resolution No. 2005-BCC-38 was approved.

IN THE MATTER OF WORD SYSTEM AGREEMENT FOR E-911 DISPATCH:

Dispatch Director, Steve Kline, presented a contract from Word Systems, Inc. for software support for the E-911 Dispatch department. The contract is for three years, December 1, 2005 through November 30, 2008, in the amount of \$15,131.70. This amount can be paid in two installments, the first to be paid with 2005 funds. A motion was made by Mr. Bagwell to approve the support agreement with Word Systems for a three year period to be paid in two installments, and authorize the President to sign on behalf of the Commissioners. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioners' Salary Claims:** The salary and hourly payroll claims to be paid December 23 and December 30, 2005, in the amount of \$291,420.90, were approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
2. **Commissioner Operating Claims:** Operating claims to be paid December 5, 2005, in the amount of \$1,262,029.08, were approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
3. **County Treasurer's Monthly Report:** The Treasurer's Monthly Report for the month ending November 30, 2005, was approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Board Reappointments:** The following appointments were made as follows:
 - a. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to re-appoint Ms. Beth Harshman to a one year term on the Alcoholic Beverage Commission.
 - b. On a motion made by Mr. Harbaugh and seconded by Mr. Bagwell, Mr. William Jones and Mr. William Sahn were appointed to the Howard County Assessment Board of Appeals for a one year term, to expire December 31, 2006.

The Library Board, City of Firsts Heritage Museum Board, and the Community Corrections Board appointments will be made at the January 3, 2006 meeting.

2. **Special Commissioner Meeting:** A special Commissioner meeting will be held at 10:00 a.m. on Tuesday, December 27, 2005, to conduct any necessary business of the County.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Reappointments to the Howard County Redevelopment Commission and the Howard County Redevelopment Authority:** A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the appointment of Mr. David J. Steele to the Board of Directors of the Howard County Redevelopment Authority for a term beginning January 1, 2006 and ending July 15, 2008. Also, to reappoint the following for a one year term:

Howard County Redevelopment Commission:	Bradley R. Newton
	Philip E. Wise
	Larry Hinesley
	E. P. Severns, Jr.
	Dale E. Etherington

and the following for a term beginning July 16, 2005 and ending July 15, 2008:

Board of Directors, Howard County Redevelopment Authority:

William C. Sahn
Dale Fawcett

2. **Barnes & Thornburg Invoices:** Mr. Murrell presented invoices for services rendered through the month of October, concerning Continental Superfund Site and Delphi Bankruptcy matters. The invoices were approved for payment on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
3. **Pending Ordinances:** Mr. Murrell reported that the Public Hearing concerning the three Board of Health Ordinances is continued to the January 17, 2006 Regular Meeting. These Ordinances will be receiving new numbers for the 2006 year. He is still working with Sheriff Talbert on the Peddler's Ordinance.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:35 a.m. on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

HOWARD COUNTY OF COMMISSIONERS:

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS

Commissioner Meeting Minutes December 19, 2005