

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JUNE 20, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, June 20, 2005, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President Paul J. Raver, Vice President Bradley J. Bagwell, and Member John B. Harbaugh. Also present were County Attorney Lawrence Murrell and Auditor Ann Wells. It was necessary for Mr. Harbaugh to leave early.

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

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes from the regular meeting held on Monday, June 6, 2005, were considered and approved as submitted on a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried.

IN THE MATTER OF HIGHWAY ISSUES:

Mr. Ted Cain, Howard County Engineer/Superintendent, was out of town and unable to attend the meeting.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Howard County Sheriff, Marshall Talbert, presented the following items for Commissioner information:

1. The current Jail population is 286 inmates.
2. **Jail Medical Incident:** On the evening of June 11, 2005, the Kokomo Police Department delivered an inmate to the jail on drug charges. The inmate denied ingestion or taking drugs before being arrested. Initially, the inmate appeared physically well, but later displayed physical distress. The inmate was taken to the hospital and released about four hours later to return to the jail. At approximately 6:00 a.m., the inmate went into a coma and was returned to the hospital after convulsing and regurgitated a drug-filled balloon. He was returned to the jail on June 17th after recovery. Sheriff Talbert commended the quick response by the jail staff and the way they managed the situation.
3. Sergeant First Class Bruce McKellar will be absent toward the end of the year for approximately three months. The Sheriff proposes to assign one person to handle his job responsibilities. A second person may be needed to fill in if the first person is unavailable.
4. **Sheriff's Auction:** The annual Sheriff's Auction held on Saturday, June 18, 2005 went well. The number of items available for sale was much less than in previous years. The Sheriff anticipates receiving an accounting of the sale from the auctioneer soon. Mr. Raver suggested that if the number of items remains small, the auction could be held less frequently, such as every other year.
5. **SWAT Truck Conversion Update:** Conversion of the SWAT Truck at Delphi Body Works, Inc. is progressing. The Sheriff anticipates the conversion to be completed in time to display the vehicle at the Howard County Fair in July.
6. **Sheriff Sale Vendor:** Sheriff Talbert stated that the number of Sheriff Sales increased from about 12 to 48 per month. Both the Sheriff and County Attorney complemented Melissa Hall's excellent work and personal assistance in managing the Sheriff Sales.

Beginning July 1, 2005, the passage of House Enrolled Act 53 allows utilization of a third party vendor. The law authorizes a \$200.00 fee to be charged to mortgage companies to cover the cost attributable to the administration of the foreclosure sale. The Sheriff, Jack Harbaugh, and Ann Wells will attend a meeting at the Jail on Friday June 24, 2005 at 11:30 a.m. for a presentation from SRI Incorporated. Attorney Murrell recommended possibly waiting a year to see how the service works out before making any commitments to the vendor.

7. **Return of Fugitives:** Currently, the Sheriff's Department is making transport arrangements to retrieve fugitives from Shreveport, Louisiana and Orlando, Florida.
8. **Reserve Deputy Program:** Sheriff Talbert introduced Aaron Ashburn, Charles Randy VanNatter, and Dennis Butler, as the new members of the Reserve Deputy Program. Clerk Mona Meyers swore in the reserve deputies. Their uniforms and equipment will be paid with funds from the Local Law Enforcement Block Grant.

IN THE MATTER OF PLAN COMMISSION ISSUES AND PROPERTIES FOR APPROVAL:

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

1. **Unsafe Buildings:** Mr. Boise had no new information to report on unsafe buildings.
2. **Flood Mitigation Issues:**
 - a. **Demolition Project Update:** *(See page 2, June 6, 2005 minutes "In the Matter of Opening of Quotes for Demolition Project", for related discussion)* Two quotes were received at the last meeting for the demolition of the flood damaged buildings located at 3258 West 250 South as follows:

Wayde Ames & Son Demolition	Peru	\$10,500.00
Stephens Bulldozing Inc.	Russiaville	\$ 7,400.00

Mr. Boise recommended Stephens Bulldozing Inc., as being the lowest responsive and responsible quote in the amount of \$7,400.00 for the demolition of the buildings. Mr. Bagwell made a motion to accept the lowest responsible and responsive quote for the demolition project from Stephens Bulldozing Inc. in the amount of \$7,400.00. Mr. Harbaugh seconded the motion, which carried.

- b. **500 Ridge Road:** The duplication of benefits on the property located at 500 Ridge Road, owned by John F. K. Fike, has been resolved. Mr. Boise stated that the closing on the property would proceed.
 - c. **4089 South 50 East:** Mr. Boise received an e-mail from the Indiana Department of Homeland Security Emergency Response and Recovery Division stating that the grant request for the purchase of the property at 4089 South 50 East was approved. The property owners, Richard Dale and Cindy Ann Ables, were notified. Mr. Boise requested initiation of process of declaring an interest to purchase the property.

Mr. Bagwell made a motion to recommend to the County Council, to adopt a resolution declaring that the County has an interest in purchasing the property located at 4089 South 50 East. Seconded by Mr. Harbaugh, the motion carried.

3. **Multi-Hazard Mitigation Plan:** Mr. Boise stated the Multi-Hazard Mitigation Plan was moving forward. The next meeting of the steering committee is scheduled for Thursday, June 23, 2005.
4. **Kingsway Recreation:** Mr. Raver received a letter from a county resident with concerns about the Kingsway Golf Center located at 3116 W. Boulevard. Mr. Boise said the property was initially approved for a golf driving range. The new owner applied for a Special Exception in order to develop baseball diamonds on the property. Neighbors expressed disappointed with the changes and complained that the owner started construction before Site Plan Approval was granted. The Plan Commission issued a Stop Work Order, which stopped the construction. The Plan Commission is working on a list of requirements that must be fulfilled before the Work Stop Order is rescinded.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

Personnel Director Wanda McKillip presented the following issues for Commissioner information and approval:

1. **Appointments:**

- a. Mr. Bagwell made a motion to reappoint Mr. Donald Bowling to the Howard Regional Hospital Board of Trustees for a four (4) year term. Mr. Harbaugh seconded the motion, and it carried.
- b. Mr. Bagwell made a motion to reappoint Ms. Jayne Ribble to the Howard County Community Corrections Advisory Board for a term of four (4) years. Mr. Harbaugh seconded the motion, which carried.

2. **FMLA Log:** Mr. Bagwell made a motion to confirm receipt of the 2005 FMLA Log. Seconded by Mr. Harbaugh, the motion carried.

3. **Change Part-Time to a Full-Time Position:** *(See page 4, June 6, 2005 minutes, "In the Matter of Information Systems Director Issues", Item 5, for related discussion)* Mr. Terry Tribby requested that the Commissioners revisit the issue of changing a part-time position to a full-time position. The job title would be Network Technician with an annual salary of \$33,500.00. The PAC reviewed the request and recommended the change.

Mr. Bagwell made motion to accept the PAC recommendation and forward the Information System's request to the Council to change the Network Technician part-time position to a full-time position with an annual salary of \$33,500.00. Mr. Harbaugh seconded the motion, and it carried.

4. **Review 90% Salary Rule:** The 90% salary rule was established for newly hired employees because they generally require training and are not as efficient as the employees who have been working longer. Mr. Bagwell suggested a review of the 90% salary rule in order to allow exceptions for employees who are have a higher education and are proficient with the duties of the job. Mr. Raver concurred with Mr. Bagwell's suggestion. Mrs. McKillip said the PAC will review the salary rule and any recommendations would be contingent upon Council approval.

5. **Internship Program:** Mrs. McKillip attended an internship program at Indiana University-Kokomo and was fortunate to receive one intern who is paid by the Lilly Grant. IUK pays one intern to work 12 hours per week at a rate of \$10.00 per hour. A second intern also started working in the Personnel Office. Mrs. McKillip hopes that the second intern will soon be awarded the compensation from the Lilly Grant.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

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

1. Mr. Tribby thanked the Commissioners for their consideration and support regarding changing the Network Technician position from part-time to full-time.

2. **Tracking Software Applications:** Mr. Tribby is composing a list of software applications that are being used county-wide.

3. **Wireless Project:** Phase I of the Wireless Project was completed and the project is moving onto Phase II. Mr. Tribby plans to complete the project in stages in order to test each piece of equipment. Quotes will be requested to connect Fire Stations Nos. 3, 4, and 6 to the mobile network system. Once completed, a decision will be made on which schools will be connected to the network system; then the towns of Russiaville and Greentown connection will begin. Mr. Tribby anticipates the project to be completed by November 30, 2005.

4. **GIS Project Update:** The GIS Project has started moving forward. Some of the maps from the vendor are being tested in the Mapping Department of the Auditor's Office. The drain maps have been delivered in beta format to Mr. Greg Lake, County MS4 Coordinator. The project is scheduled to be completed by December 31, 2005.
5. **Voter Registration On-line:** By the end of June 2005, equipment will be installed in the Voter's Registration Office to facilitate a web-based application.
6. **System Link:** *(See page 3, March 7, 2005 minutes, "In the Matter of Information Systems Director Issues", Item 1, for related discussion)* The City expressed an interest in connecting a wireless alarm system to the County's message net (panic alarm system). It was the consensus of the Commissioners that the City should generate an Interlocal Agreement for the Commissioners' review at the next meeting.

IN THE MATTER OF HOWARD HAVEN RESIDENTIAL CENTER:

Director Thomas Tolen presented the following issues for Commissioner information and approval:

1. **New Admission Packets:** The new admissions packets were distributed at the previous meeting. No decisions or suggestions were made at this time because the Center Township Trustee, Jean Lushin, did not have an opportunity to review the packets.
2. **New Nursing Contract:** A new Contract for Nursing Services between the Howard County Board of Commissioners and David Lawson (R.N.) was presented. County Attorney Larry Murrell advised that the document was in order and ready to be considered. Mr. Bagwell made a motion to approve the Contract for Nursing Services and authorize the President to sign on behalf of the Board. Seconded by Mr. Harbaugh, the motion carried.
3. **Community Involvement:** On Saturday, June 18th, the Students of Leadership Kokomo painted the living room at Howard Haven free of charge. Two weeks ago, the Dig and Hoe Garden Service Club planted a garden on the property. Mr. Tolen thanked all and was very appreciative of the work.

IN THE MATTER OF PROCLAMATION TO DELPHI ELECTRONICS & SAFETY :

Mr. Bagwell advised that the week of June 20th, 2005 has been proclaimed by Delphi Electronics & Safety as "Excellence Week" for their employees. Mr. Bagwell made a motion to ratify and acknowledge the proclamation for Delphi Electronics and Safety. Mr. Harbaugh seconded the motion, and it carried.

IN THE MATTER OF ROOF REPAIR PROJECTS:

(See page 2, June 6, 2005 minutes, "In the Matter of Maintenance Department Issues", Item 2, for related discussion)

The Commissioners received bids on May 16th, 2005 for the Administration Center and Howard Haven Roofing projects. Both roofs were inspected on May 23rd, 2005 by James Hamilton of Butler, Fairman and Seufert, Inc. The following Roof Inspection Reports were presented:

1. **Howard Haven Residential Center:** The roof, approximately 7,930 square feet, consists of a ballasted rubber membrane system. Estimated to be installed in 1985, the primary problems are leaks around the membrane system, deteriorating vents, and tears in the fabric material. Bids submitted do not provide quotes for replacing the vents. It would be in the best interest of the county to reject the bids and further refine the scope of work to correct all existing problems.
2. **Administration Center:** The existing roof is approximately 9,125 square feet and consists of a smooth surface membrane that is secured with metal flashing to a parapet wall along the perimeter of

the building. The roof, in existence for approximately 15 years, has evidence of extensive patching. The current roofing surface allows water to pool, causing leaks damaging the interior of the building, decreasing the life of the roof. Butler, Fairman, and Seufert recommended that bids be rejected and to refine the specifications in order to ensure that the water goes to the drains, eliminating the pooling. Mr. Bagwell made a motion to reject the bids submitted by Arnie Cook's Roofing and McGuff Supply, Inc. for the roof repair projects on the Administration Center and Howard Haven Residential Center. Mr. Harbaugh seconded the motion, which carried.

Mr. Bagwell made a motion to authorize Butler, Fairman, and Seufert to prepare new specifications in cooperation with the County Building Superintendent, Tom Harrison, for the roof repair projects to the Administration Center and Howard Haven Residential Center; and authorize the President to sign on behalf of the Board. Seconded by Mr. Harbaugh, the motion carried.

It was necessary for Mr. Harbaugh to leave the meeting at 9:30 a.m. for a prior commitment. As a matter of proper procedure, President Paul Raver made provision to vacate the chair when necessary, in order to carry out the business of the County, in the absence of Member John B. Harbaugh.

IN THE MATTER OF HVAC UPGRADE FOR ADMINISTRATION CENTER:

(See page 3, May 16, 2005 minutes, "In the Matter of Maintenance Issues", Item 4, for related discussion)

Only one responsive quote was received regarding the Request For Qualifications From Consulting Engineers With Expertise In Commercial HVAC Systems from Vintage Archonics, Inc. Mr. Harrison received a quote from Shepherd Engineering dated May 5, 2005. Because the quote was dated before the Request For Qualifications were sent out, Attorney Murrell advised that the bid was neither responsive nor submitted to the Auditor's Office as specified.

Mr. Bagwell made a motion to take the quote from Vintage Archonics, Inc. under advisement. Mr. Raver seconded the motion, which carried.

Mr. Bagwell made a motion to reject the quote from Shepherd Engineering for the reason that it was non-responsive. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF PETITION OF ANGELA BURTON (No Public Hearing):

Angela Burton, represented by Attorney Dan J. May, submitted a Petition for Re-Instatement, Petition for Review of Discharge Complaint Against Elected Official. County Attorney Larry Murrell said the Board of Commissioners customarily do not become involved in the hiring and firing of any elected official's employee. Judge Stephen M. Jessup is an elected official, a state employee, and not a county employee. As such, he is subject to jurisdiction of the Indiana Supreme Court, which has specific rules for complaints against judges. It was Attorney Murrell's opinion that the Commissioners do not have jurisdiction to investigate Judge Jessup, and recommended that this portion of the petition should be denied.

Mr. Bagwell made a motion to acknowledge receipt of the Petition for Re-Instatement, Petition for Review of Discharge Complaint Against Elected Official from Angela Burton; take the portion of the petition requesting review of the action taken by Clerk Mona Myers under advisement; schedule an **Executive Session on Monday, June 27, 2005 at 2:00 p.m.** pursuant to I.C. 5-14-1.5-6.1 (B) (6) (A); and reject the petition to investigate the conduct of Judge Jessup based on the fact he is a state employee which the Board of Commissioners have no jurisdiction over. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioners' Salary Claims:** Salary, Hourly and Overtime claims to be paid on June 24 and 30, 2005, in the amount of \$291,420.90, were submitted and approved on a motion made by Mr. Bagwell,

seconded by Mr. Raver and carried.

2. **County Operating Claims:** Operating claims payable June 20, 2005, in the amount of \$709,564.73 were submitted and approved on a motion made by Mr. Bagwell, seconded by Mr. Raver and carried.
4. The **Howard County Treasurers Report for the month ending May 31, 2005** was accepted on a motion made by Mr. Bagwell, seconded by Mr. Raver and carried.
5. Copies of the **Soil and Water Conservancy District**, May 25th, 2005 minutes, and the agenda for the June 22nd, 2005 meeting were provided to the Commissioners.
6. **Accessible Polling Sites:** Secretary of State Todd Rokita sent a letter to the Commissioners dated June 6, 2005. The letter stated that the Help America Vote Act of 2002 (HAVA) brought changes to state and federal election laws. Federal and State laws require making all polling sites fully accessible to voters with disabilities. A county can no longer designate one accessible polling place for disabled voters. The County Clerk is working changing some of the polling sites in order to get Howard County in compliance in time for the next election.

Mr. Bagwell made a motion to incorporate the letter from Secretary of State Todd Rokita into the record. Mr. Raver seconded the motion, which carried. (*Copy of letter is attached*)

IN THE MATTER OF CREDIT CARD USE BY THE COUNTY:

1. **Credit Card Request:** The Robert J. Kinsey Youth Center requested authorization to apply for a credit card at Kohl's Department Stores with a credit limit of \$7,500.00. Discussion was held that it would be the best interest of the County to establish control regarding the use of major credit cards by elected officials and employees.

Mr. Bagwell made a motion to deny the Kinsey Youth Center's request for a Kohl's Department Store credit card at this time. Seconded by Mr. Raver, the motion carried.

2. **Ordinance No. 2005-BCC-29, An Ordinance Of The Howard County Board Of Commissioners Authorizing The Use Of Credit Cards By Howard County Officials and Employees** was considered. Section III of the ordinance specifies record keeping procedures for all departments that utilize credit cards. During a discussion, the Commissioners recommended not renewing brand specific credit cards, but obtain a major credit card for purchases. Attorney Murrell said there is a provision in the ordinance expressly exempting the cards already issued and in use. The Board reserves the right to cancel any outstanding credit card that does not meet the specifications of the ordinance. Auditor Ann Wells said that everyone needs to be allowed to use the county sales tax exempt status when applying for a credit card account.

Ordinance No. 2005-BCC-29 was approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF TOWNSHIP ASSISTANCE APPEALS:

1. **CENTER TOWNSHIP:** A Township Assistance Appeal Hearing was conducted on June 17, 2005 for Center Township on behalf of **Eric D. Draper**. Commissioner Raver, Township Assistance Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Center Township Trustee on June 6, 2005.

Mr. Bagwell made a motion to uphold the denial of the Center Township Trustee based upon the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Township Assistance applicable to the case. Mr. Raver seconded the motion, and it carried.

2. **HARRISON TOWNSHIP**: A Township Assistance Appeal Hearing was conducted on June 17, 2005 for Harrison Township on behalf of **Marcie C. White**. Commissioner Raver, Township Assistance Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Harrison Township Trustee on June 6, 2005.

Mr. Bagwell made a motion to uphold the denial of the Harrison Township Trustee based upon the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Township Assistance applicable to the case. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell presented the following issues for Commissioner Information and approval:

1. **Inmate Health Services Contract Renewal**: Mr. Bagwell made a motion to renew the Inmate Health Services Contract with Health Professionals LTD for one year effective January 1, 2005 through December 31, 2005 and authorize the President to sign on behalf of the Board. Mr. Raver seconded the motion, which carried.
2. **Sheriff Department FMLA Policy**: (*See page 3, May 2, 2005 minutes, "In the Matter of Personnel Administrator Issues", Item 2, for related discussion*) Pursuant to Ordinance No. 2005-BCC-19, the Sheriff generated a policy for his department, a copy of which is incorporated in these minutes. The Personnel Administrator and the County Attorney reviewed the policy.

Mr. Bagwell made a motion to approve the Sheriff's policy in the Board's capacity as "employer" of all county employees. Mr. Raver seconded the motion, and it carried.

3. Attorney Murrell will be out of his office attending a conference with Sheriff Talbert in Indianapolis in the morning on Wednesday, June 22; and all day on Thursday, June 23, 2005; and Friday morning, June 24th, attending the Indiana Municipal Lawyers Association annual conference.

IN THE MATTER OF COMMISSIONER ISSUES:

1. Mr. Raver received notice that a meeting has been called for all State EMA Directors in Indianapolis at the State House on Wednesday, June 22, 2005 from 1:00 p.m. to 3:00 p.m. The major topic is grant processing and reconciliation. Attorney Murrell suggested that Delmo Lynch from the Auditor's Office would benefit from this as he administers grants as part of his job. Auditor Ann Wells concurred and stated he would attend the conference with Larry Smith, Director of the Emergency Management Agency.
2. **City Sidewalk Program**: The Commissioners received a letter from the City of Kokomo introducing a new sidewalk program that is being implemented in 2005. This letter pertains to property at 400 N. Delphos Street owned by the County through the tax sale process. The Commissioners agreed that the County should not participate in the sidewalk program.

There being no further business, a motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to adjourn the meeting. The meeting adjourned at 10:30 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes, June 20, 2005