

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING SEPTEMBER 6, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, September 6, 2005, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Paul Raver and Vice President Bradley J. Bagwell. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

Due to the absence of Mr. John B. Harbaugh, as a matter of proper procedure, President Paul Raver vacated the chair, when necessary, in order 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 August 15, 2005 Regular Meeting and the minutes of the Administrative Meetings dated August 18 and 19, 2005 were considered, having been previously submitted, and approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.

IN THE MATTER OF HIGHWAY ISSUES:

Howard County Highway Engineer/Superintendent, Ted Cain, presented the following issues for board information and approval.

1. **Approval of new streets in Walnut Estates Subdivision, Section 18:** The streets in this subdivision are part of Phase II of the project and include several turn-a-rounds. Phase II had been previously submitted for Mr. Cain's approval but did not include the turn-a-rounds; they were to be a part of Phase III. Mr. Cain would only approve Phase II if the turn-a-rounds were constructed before Thanksgiving, in the event Phase III was not completed. A letter was received stating that in the event that Phase III was not completed by Thanksgiving, the turn-a-rounds would be installed. A motion was made by Mr. Bagwell to approve the streets in Walnut Estates Subdivision, Section 18, Phase II. The motion was seconded by Mr. Raver and carried.
2. **Performance Bond for Phase III of the Walnut Estates Subdivision, Section 18:** The Performance Bond for Phase III was submitted by F & K Construction, Inc. with changes made by Mr. Cain. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to accept the Performance Bond for Walnut Estates Subdivision, Section 18, Phase III.
3. **Paving was finished last Friday, and if the weather holds, the Chip and Seal work will be completed this week.** A portion of State Road 26 has been closed for culvert repairs. Barricades have been put on County Road 350 South to prevent truck traffic on that road, rerouting traffic to County Road 250 South.

IN THE MATTER OF THE SETTING OF A PUBLIC HEARING FOR VACATION OF PUBLIC WAY:

A request, by Dr. Robert Longshore, for a Public Hearing regarding a Vacation of Public Way, has been submitted for a drainage easement located on lots 18 and 19 in Brookshire Estates. A motion was made by Mr. Bagwell and seconded by Mr. Raver to set the Public Hearing for Monday, October 17, 2005 at 9:30 a.m. in the Commissioners' Hearing Room 338.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Talbert presented the following issues for Board information and approval:

1. **Three Deputies that serve in the National Guard have been activated and deployed to Louisiana to aid in the Hurricane Relief effort.** With two Deputies already on sick leave, it leaves holes in the scheduling. Sheriff Talbert will have to use more overtime. He will talk to Emergency Management and ask for their help with some of the more routine duties. One inmate is in the hospital for respiratory problems, requiring around-the clock supervision.

2. **The current jail population is 335.**
3. The line item for Extradition of Prisoners comes from the Commissioners' Budget. In light of the upcoming 2006 Final Budget Hearing, Sheriff Talbert reminded the Board that **the number of extraditions and the costs of fuel and air transportation have dramatically increased.**

IN THE MATTER OF E-911 DISPATCH ISSUES:

Steve Kline, Director of E-911 Dispatch, submitted the following issues for Board information and approval:

1. **Resolution No. 2005-BCC-21:** a request for transfer from Part Time and Equipment lines to the Overtime line item was submitted. The Dispatch Center is short staffed by four employees, creating a need for overtime to keep the emergency lines fully staffed. There are two trainees that will join the Center in October, but they will still be understaffed through the end of the year. The breakdown of the transfer needed is \$5,000.00 from line item 01124.00, Part Time and \$10,000.00 from line item 04720.00, Equipment to line item 01125.00, Overtime, for a total request of \$15,000.00. Resolution No. 2005-BCC-21 was approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.
2. **E911 Dispatch 2006 Budget Request:** The 2006 Budget Request for E911 Dispatch was submitted to the Board of Commissioners for their approval. Of some concern were the Clothing Allowance and Travel line items. Discussion ensued regarding travel costs, what constitutes "uniform attire", and how much the uniform allowance should be. A motion was made by Mr. Bagwell to approve the 2006 E911 Dispatch Budget Request as submitted, with the understanding that the Clothing Allowance and Travel line items would be reviewed and clarified, to be in compliance with County guidelines.

IN THE MATTER OF THE STUDY OF THE EXISTING HVAC SYSTEM LOCATED IN THE ADMINISTRATIVE CENTER:

Assistant Maintenance Supervisor, Jeff Berry, presented a letter from Vintage Archonics, concerning the Proposal to conduct a study of the HVAC System in the Administrative Center (*please refer to the minutes of the August 19, 2005 Administrative Meeting*). The price of the study would not exceed \$11,000.00. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve the Proposal to Study submitted by Vintage Archonics at a price not to exceed \$11,000.00, and authorize County Attorney Larry Murrell to be the contact person in dealing with Vintage Archonics.

At this time, the Regular Meeting was recessed to hold a scheduled Public Meeting, concerning an Unsafe Property.

Plan Commission Director, Glen Boise, conducted the Public Meeting concerning the unsafe property located at 1317 Ring Court, Indian Heights (*please refer to page 2, item 3a. of the Regular Meeting Minutes dated August 15, 2005*). Ms. Virginia Dunn, Representative of property owner Matt Johnson, submitted a list of steps taken to secure the property, and a proposal for future work to be completed by September 18, 2005. It was determined that the methamphetamine lab was a working lab, where the actual cooking was done outside, and the materials were stored in the garage, instead of the home. After the meeting was opened for questions, a motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to close the public meeting.

The Public Meeting was closed and the Regular Meeting resumed.

On a motion made by Mr. Bagwell and seconded by Mr. Raver, the public meeting will be continued on Monday, September 19 at 9:00 a.m., to determine if the repairs proposed by Ms. Dunn have been properly completed.

IN THE MATTER OF PLAN COMMISSION ISSUES:

The following issues were submitted by Plan Commission Director, Glen Boise, for Board information and approval:

1. **Case 17-CP-05:** one lot in Glendale Crosswind Subdivision, located at 4872 West 350 South. A motion was made by Mr. Bagwell to approve Case 17-CP-05.

2. **Case 8-CP-05:** twenty-six lots in Sycamore Farms Subdivision located at 490 North 600 West. A motion was made by Mr. Bagwell to approve Case 8-CP-05. The motion was seconded by Mr. Raver and carried.
3. **Case 12-CP-05:** one lot in South Sun Place Subdivision located at 10433 West 00 North South. On a motion made by Mr. Bagwell and seconded by Mr. Raver Case 12-CP-05 was approved.
4. **Mr. Boise presented the Howard County Comprehensive Plan.** This plan was given a favorable recommendation by the Plan Commission and has had ample opportunity for public input. There is no requirement for additional Public Hearings. After some discussion on procedure, a motion was made by Mr. Bagwell to take the Plan under advisement and set the date of October 3, 2005, 9:00 a.m. as the date to consider adopting the plan with public notice of the proposed adoption to be given. The motion was seconded by Mr. Raver and carried. Mr. Murrell will prepare the publication notice and the resolution, and Mr. Tribby confirmed that a copy of the Plan is available on the County's website.
5. **Mr. Boise resubmitted Resolution No. 2005-1,** a Development Moratorium, for areas along the proposed U.S. 31 highway corridor (*refer to item six, page three of Regular Meeting Minutes dated August 1, 2005*). After discussion concerning which Alternative corridor will be chosen by the U.S. 31 commission, and possible amendments, a motion was made by Mr. Bagwell to approve Resolution No. 2005-1. The motion was seconded by Mr. Raver and carried.
6. **An Unsafe building was reported at Billy Bob Trailer Park.** When Mr. Boise responded to the call, he found an unoccupied trailer littered with empty cat food cans, a dead animal body and other types of litter. The trailer was sealed. Further action will be taken and a report will be made at the next Commissioner meeting.
7. **Flood Hazard Mitigation Purchase:** Mr. Boise advised that the State has reviewed the Duplication of Benefits for the property located at 4089 South 50 East, and inspected the property (*refer to item four, page three of the Regular Meeting Minutes dated August 15, 2005*). Mr. Boise is waiting for written word regarding the amount that will be disallowed. The Agreement to Purchase was signed at the August 15th meeting. Mr. Murrell now presents the Agreement of Covenants for Board approval. On a motion made by Mr. Bagwell and seconded by Mr. Raver, the Agreement of Covenants was approved as submitted and the President was authorized to sign on behalf of the Board of Commissioners.
8. **The draft of the Multi-Hazard Mitigation Plan will be ready by the end of September.**

At this time the Regular meeting was recessed to hold a previously scheduled 9:30 a.m. Public Meeting to Vacate a Public Way.

Attorney Dan May, was in attendance to represent petitioners Ned and Joann Davy in the request to Vacate a Public Way of property located on Lot 13 of the Southwood Subdivision. All requirements have been met and the Board was assured there was still room for a school bus turn-a-round. The floor was then opened for public comment; no public comments were made. A motion was made by Mr. Bagwell to approve Ordinance 2005-BCC-4 (?), an ordinance vacating easement on Section 13 of the Southwood Subdivision. The motion was seconded by Mr. Raver and carried.

The Public Meeting was closed and the Regular Meeting resumed.

IN THE MATTER OF VETERAN'S SERVICE ISSUES:

Veteran's Service Officer, William Polsgrove, presented the following issues for Commissioner information and approval:

1. The Veteran's Service Fall Conference is scheduled for October 20, 2005. **Mr. Polsgrove asks permission to close the office for that day.** On a motion made by Mr. Bagwell and seconded by Mr. Raver, the request to close the office on October 20, 2005 was approved.
2. **The August monthly Veteran Service report was submitted and approved** on a motion made by Mr. Bagwell and seconded by Mr. Raver.

IN THE MATTER OF PERSONNEL ISSUES:

Personnel Administrator, Wanda McKillip, presented the following issues for Board information or approval:

1. Deferred Compensation Plan representative, Jeff Kachmar, will meet with employees interested in participating in the County's Deferred Compensation Plan on Thursday and Friday, September 15, and 16, 2005. **Mrs. McKillip has prepared a memo to be distributed in the payroll, with the Board's permission.** A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve the memo and its distribution through the payroll.
2. Mrs. McKillip informed the Board of the efforts of the **Public Employees Retirement Fund (PERF) organization to be more stringent on information requirements.** She stressed the importance of all offices keeping detailed hiring and employee leave information, giving some examples of information PERF is requiring.
3. **Salary Recommendations for the Council with reference to funds and positions:** the Commissioners listed the following as Board recommendations to the Council for the 2006 Budget in descending order of priority:
 - a. Employee raises using Edit and other funds as available.
 - b. At least two additional Deputies for the Sheriff's Department in addition to what's needed for the new court.
 - c. Additional security officers for the Courthouse.
 - d. Monies for the Economic Development Organizations as close to current listed requests, as funds are available.

On a motion made by Mr. Bagwell and seconded by Mr. Raver, the Board of Commissioners authorized Councilman Singer to give the listed recommendations to the County Council.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

Information Systems Director, Terry Tribby, was in attendance to submit the following issues for Commissioner information and approval:

1. Mr. Tribby and Attorney Murrell are currently working on a **Resolution addressing the requests for reassessment and tax electronic data, received from mortgage and title companies.** There are certain statutes and guidelines that must be followed, in response to the requests, before fees can be determined. On May 31st a memo was distributed to the Board, reviewing past, current and future practices. The first step would be to draft an Ordinance establishing the fee for data. There is a formula that allows up to 105% of the development costs and labor for information retrieval. Mr. Tribby suggests that all the information be put on one disc (further discussion suggested one disc each for Reassessment and Tax), charge \$250.00 for the disc and allow the requestor to find the needed information. The Fee Ordinance suggests that fees collected, be receipted into the general fund. A second issue to be addressed in an Ordinance is dealing with restrictions on the use of electronic data obtained from the county. The county has an ordinance in place, but the state statute has been amended to broaden the definition of "commercial purpose", hence the need to amend our Ordinance, redefining "commercial purpose". Mr. Murrell and Mr. Tribby suggest the use of a Request for Data form that would need to be completed. The requestor is asked to certify that they will not use the data for commercial purposes. Mr. Tribby commented that the Fee Ordinances in place for the Auditor and Recorder offices will need to be revisited to update their fees.

A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to take the Fee Ordinance under advisement, until the final Ordinance is established, and to implement fee of \$250.00 per disc, as suggested. The Ordinances will be revisited at the September 19th Commissioner Regular Meeting.

2. **The GIS Committee has set schedules for the delivery of ESRI Software, and training for personnel.** Commissioner Raver expressed appreciation to Mr. Tribby and John Templin from Information Systems, Jesse Johnson from Mapping, and Greg Lake from the Surveyor's office, for their help with the GIS project, and what a useful tool it will be for the whole county.

IN THE MATTER OF THE TAYLOR REGIONAL SEWER DISTRICT REPORT:

Mr. John Caton, from Gove Associates presented a report concerning the Taylor Regional Sewer District. He began by recognizing the work of Ms. Tina Henderson, acting secretary of the Sewer District. He continued with reports of progress concerning the regions in the Sewer District (Center, Hemlock, and Oakford). The Discharge permit is scheduled for October 1, 2005. The hook-ups are nearly complete.

The Darrough Chapel Project received a letter of conditions in July. This had to be accomplished through the Taylor RSD. They have received a 50% commitment for the project, in grants, from the Federal government. Hook-up will be to the Kokomo system and they have asked for a Draft Agreement so discussions for capacity can begin, concerning ownership, operations and maintenance, and the purchase of capacity. Ms. Henderson has been employed by the Taylor RSD to help bring more grant money to the project.

Ms. Tina Henderson took the podium to update the Commissioners regarding grant activity. She reminded the Board that a county can have three grants going at one time. She will have more information in November, regarding which grants have been closed and which will be approved.

Mr. Russell Adair, Taylor Regional Sewer District, invited the Board to come visit the new plant on the east side of Taylor Schools. Commissioner Raver expressed appreciation to Mr. Adair, Gove Associates and Tina Henderson.

IN THE MATTER OF SURVEYOR ISSUES:

Howard County Surveyor, Jake Grimme submitted the following issues for Commissioner information and approval:

1. **Mr. Grimme and Attorney Murrell submitted a contract with Purdue University for the Tile Watershed Project.** A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve the agreement for the Howard County Tile Watershed Project with Purdue University. This contract also has to be approved by the Drainage Board.
2. In 2002, a one-year **contract was signed with Butler, Fairman & Seufert, concerning the Section Cornerstone Perpetuation Project.** The contract was not officially renewed. Mr. Murrell submitted an agreement for the year 2005, not to exceed \$25,000.00. This is to continue the Cornerstone Project using our global positioning process. A motion was made by Mr. Bagwell to approve the agreement with Butler, Fairman & Seufert, concerning the Section Cornerstone Perpetuation Project. The motion was seconded by Mr. Raver and carried.

IN THE MATTER OF HEALTH DEPARTMENT LEAD DUST CLEANING SUPPLIES:

According to Health Department Director, Kris Conyers, about six children per year are affected by Lead Dust blood poisoning. There are special steps for cleaning affected areas and the state is requiring Health Departments to keep supplies on hand for households that need treatment. Wal-Mart stores support this project by contributing supplies, and a Gift Card was given by Wal-Mart to the Howard County Health Department for the purpose of purchasing lead dust cleaning supplies. This card can be renewed. Mrs. Conyers was concerned that the Department receives permission from the Board to accept the Gift Card and the Wal-Mart program. The Board, by consensus, granted permission, with the understanding that records and receipts were to be logged to keep track of the purchases, and that they fit the intended use.

Mrs. Conyers took the opportunity to update the Board on the progress of the renovation and furniture purchases for the Environmental Offices.

IN THE MATTER OF RECREATIONAL AND QUALITY OF LIFE ORGANIZATIONS IN KOKOMO:

Mr. Charlie Skoog, Adopt-A-River program director, was present to represent several recreational and quality of life organizations in the Kokomo area. They support the language, goals and objectives of the Howard County Comprehensive Plan, and are trying to improve the quality of life in Howard County. Mr. Skoog pointed out that about 15,000 people work in Howard County but live in other counties, causing problems to the tax base for the county. The Wildcat Creek Foundation would like to work with private, business and governmental bodies to "preserve, protect and acquire green space". With that goal in mind, the Foundation is interested in purchasing several of the properties, along Wildcat Creek,

that were flood properties purchased by the County with the help of FEMA grants. They would be turned back to their natural state or used for recreational areas. The Board of Commissioners was invited to the Foundation's meeting on Wednesday, September 21, at 7:00 p.m. at Roger's Pavilion.

IN THE MATTER OF CLAIMS AND REPORTS:

The following claims and reports were submitted by Auditor, Ann Wells, for Commissioner information and approval:

1. **Commissioners' Salary Claims to be paid September 9th and 16th, 2005, in the amount of \$291,420.90.** Mrs. Wells informed the Board of her decision to deny overtime to Voter's Registration because their account is over budget. After discussion pertaining to operating in the red and state laws regarding voting registration updates, the Commissioners' Salary claims in the amount of \$291,420.90 were approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.
2. **Operating Claims payable September 6, 2005, in the amount of \$667,729.72** were presented and approved as submitted, on a motion made by Mr. Bagwell and seconded by Mr. Raver.
3. **The Treasurer's Monthly Report for the month ending July 31, 2005** was submitted and approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.

IN THE MATTER OF TOWNSHIP RELIEF APPEALS:

Commissioner Raver, acting as Township Relief Hearing Officer, presented the following cases for Board action:

1. **Doris Bryant Appeal** - the actual appeal was rescinded by Ms. Bryant prior to the hearing, but she was present at the appointed time to speak with the Hearing Officer. A motion was made by Mr. Bagwell to approve the recommendation to uphold the denial. The motion was seconded by Mr. Raver and carried.
2. **Brandy Bradley Appeal** - the outcome of the hearing resulted in another meeting between the applicant and the Township Trustee. No word has been received concerning the outcome of the meeting. A motion was made by Mr. Bagwell to take no action pending further discussion from the Trustee's office. The motion was seconded by Mr. Raver and carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

The following issues were presented by County Attorney Larry Murrell, for Board information and approval:

1. **Mr. Murrell presented a contract with Maximus, Inc., for their services in recouping costs associated with the preparation and administration of grants for the County.** Their fee is based upon a percentage of what is recovered and Mr. Murrell suggests the Commissioners choose the one year option. The County has used their services in the past, but not for the year 2004. In the fall of 2004, the Clerks office entered into a contract with Malinowski Consulting, a former employee of D. G. Maximus, for the Clerk's Title IV-D program. A motion was made by Mr. Bagwell to approve the agreement with Maximus, Inc., to provide professional consulting services regarding collection of funds, selecting option one (one year option), and authorize the President to sign on behalf of the Board. The motion was seconded by Mr. Raver and carried.
2. First National Bank holds the mortgage on the property formerly known as Denny's Restaurant. Barnes and Thornburg is representing the County on behalf of Howard Regional Hospital, concerning the condemnation hearings for that property. **First National Bank has contacted Barnes and Thornburg to do corporate work on a separate case.** Barnes and Thornburg is asking Howard County for their consent to do corporate work for First National. They have already received consent from First National to represent Howard County in the condemnation hearings. On a motion made by Mr. Bagwell and seconded by Mr. Raver, the Consent Agreement was approved, allowing Barnes and Thornburg to do corporate work for First National Bank.

3. Mr. Murrell submitted **two claims on behalf of Assistant County Attorney, Brian Oaks**. The first one, in the amount of \$330.00 was for office expenses, and the second claim in the amount of \$412.50, was for representation for the Board of Zoning Appeals concerning the transfer station activity. Both claims were approved in separate motions made by Mr. Bagwell and seconded by Mr. Raver.
4. **Mr. Murrell submitted a list of pending ordinances for Board perusal and discussion.**

IN THE MATTER OF COMMISSIONER ISSUES:

The following issues were submitted by Mr. Raver and Mr. Bagwell for Board information and approval:

1. **Mr. Raver submitted copies of Fund Denial letters to Auditor Ann Wells, to keep on file in the Auditor's Office.**
2. **The County Highway Department received a request to hold a ribbon cutting ceremony at the conclusion of the Dixon Road project.** There is no history of holding ceremonies at the conclusion of other road projects (except the Chrysler and Washington Bridge projects). It was the consensus of the Board to forego a ribbon cutting ceremony.
3. **Mr. Raver received a call from Howard Regional Chairman, Jim Alender, concerning plans to make a donation of \$100,000.00 of medical supplies to the Hurricane Relief effort.** These funds will be monies that would have gone into Non-Contract advertising for the rest of 2005 fiscal year.
4. Commissioner Harbaugh will be able to attend the September 19th meeting and **requests that the EMT discussion be put on the agenda for that meeting**, under old business.
5. **The Weights and Measures Report for the month of July 15 to August 15, 2005** was submitted and approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.
6. A letter was received from **Kokomo Gas and Fuel, that they were conducting a study on the land area that is currently the Kokomo Downtown Fire Station.** In the late 1800 and early 1900's, that area housed an industry that made coal manufactured gas.
7. A letter was received from the Department of Transportation concerning time zones; any action taken must be submitted by September 16, 2005. The Board will take no action (*refer to item one, page six of the Regular Meeting Minutes dated August 15, 2005, "In The Matter of Commissioner Issues"*).
8. **A letter was received from Area Five Agency on Aging and Community Service, informing the Board of a \$225,000.00 grant available for funding for Home Investment Partnership Act, to be used for owner occupied rehabilitation.** This could be used in the same way that a similar grant was used for the Taylor Regional Sewer District. That letter will be given to grant administrator, Tina Henderson.

There being no further business at this time, a motion was made by Mr. Bagwell to adjourn the meeting. The motion was seconded by Mr. Raver and the meeting was adjourned at 11:20 p.m.

HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVER, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes September 6, 2005