

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING OCTOBER 17, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, October 17, 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.

Before the submission of minutes, Vice President Bagwell took the opportunity to inform the Board of the passing of former County Commissioner John Cheek. The Board expressed their sympathies to the family.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of two meetings were submitted and acted upon as follows:

1. **October 3, 2005:** The minutes of the October 3, 2005, Regular Meeting were discussed, having been previously submitted and reviewed. An error was found on page two, under "*In The Matter Of Plan Commission Issues*". The name "Bob McKeene" should be changed to "**Bob McKean**". A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the minutes of the October 3, 2005 meeting as corrected.
2. **October 9, 2005:** The minutes of the October 9, 2005 Administrative Meeting were submitted and approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. **Opening of Bids:** At this time the bids for the 2006 single axle cabin chassis truck with oil distributor, were opened, after having been previously advertised for opening at 8:30, a.m., October 17, 2005. Because Southeastern Equipment will be the company that installs the oil distributor, they submitted all three bids in one package as follows:

Studebaker	2006 Single Axle International Chassis	\$111,950.00	less \$3,500.00 trade in
Southeastern	2006 Single Axle International Chassis	\$111,500.00	less \$3,500.00 trade in
Eric's Chevrolet	2006 Chevrolet Single Axle Chassis	\$111,100.00	less \$3,500.00 trade in

A motion was made by Mr. Bagwell to take the bids under advisement until the November 7, 2005 Regular Meeting, allowing Mr. Cain time to review them. The motion was seconded by Mr. Harbaugh and carried.
2. **Approval of new streets in Subdivision:** Mr. Cain submitted and recommended for approval, new streets in Walnut Estates, section 18. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, the streets in the Walnut Estates Subdivision, section 18, Phase 3 were approved.
3. **Annual bids for materials and supplies:** Mr. Cain submitted a Notice To All Bidders for materials and supplies for 2006. This follows previous years' bids with the exception of the inclusion of a bid for diesel fuel. He would like to advertise and open bids on Monday, November 21, 2005. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to authorize Mr. Cain to proceed with advertising the Notice To All Bidders for Materials and Supplies for the County Highway for the year 2006.
4. **Letter of Concurrence Unofficial Detour:** At the Regular Meeting dated May 2, 2005, an Unofficial Detour for INDOT Small Structure Replacement on State Road 26 was approved by the Board of Commissioners identifying a portion of South County Road 400 West, County Road 250 South, and South County Road 350 West as the unofficial detour route. The work on State Road 26 has been completed. After inspection, Mr. Cain stated that no substantial damage has been done to the portion of road identified as the unofficial detour, and asks the Board to authorize the Letter of Concurrence. A

motion was made by Mr. Bagwell to authorize the Letter of Concurrence. The motion was seconded by Mr. Harbaugh and carried.

5. **Brush Chipper:** The Brush Chipper machine, owned by the Highway Department, is fourteen years old and in need of repair. This machine gets a lot of use and is in the process of being repaired at this time. Mr. Cain would like to purchase a new Chipper. There is a grant available through IDEM, whereby half of the cost of the Chipper would be paid by IDEM. Mr. Cain would like to receive permission to begin the quote process, and then send the quotes to IDEM for their approval and scheduling. The Chipper cannot be purchased without IDEM's approval. When approval is given, the funds would not be available until the summer of 2006. A motion was made by Mr. Bagwell to authorize Mr. Cain to proceed with the bid process for a new Brush Chipper through a grant available through IDEM. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF SHERIFF ISSUES:

Sheriff Marshall Talbert presented the following issues for Commissioner information and approval:

1. **Gasoline Reimbursement from Indiana Department of Corrections:** Sheriff Talbert informed the Board of a \$4,000.00 gasoline reimbursement check coming to the Auditor's Office from the Department of Corrections, helping to offset gasoline costs for some of their enforcement projects.
2. **Jail Population:** The current inmate population is 354; 342 are at the Howard County facility, ten in Clinton County and two in Cass County.
3. **2006 Vehicles:** Three new vehicles are being fitted for lights and sirens. These will be the last new vehicle purchases for this year. The fleet is in good shape.
4. **Relief Workers back:** The three deputies, who were called to active duty to help with Hurricane Katrina relief efforts, are home, and will have reported for duty by November 1st.

IN THE MATTER OF MAINTENANCE ISSUES:

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

1. **Superior Court IV Phone System:** Mr. Mark Zanoft, from SBC, quoted a price of \$2,771.99 for the installation of phone and fax lines, and equipment for the new court (this does not include the cost of outside lines to run into the building). Monies for this project were approved by the Council in their August, 2005 meeting, from the Cumulative Capital Fund.
2. **Water leak in the Commissioners' Office:** The lavatory in the Commissioners' Office experienced a split in one of the water lines causing a leak and water damage to the carpet and the ceiling of the bank on the first floor. The line was replaced and the carpet dried, tested for mold, and sprayed. Mr. Harrison asked the Commissioners if they wanted to replace the carpeting. By consensus of the Board, Mr. Harrison was directed to have the carpet cleaned and thoroughly dried, using ventilation fans for several days.
3. **Environmental Office at Department of Health:** The floor tile installation in the Environmental Office is almost finished, and the furniture has been ordered and shipped.
4. **Opening of Roof Repair Bids:** One bid was received from McGuff Supply in Muncie, as follows:

Administrative Center	\$138,000.00
Howard Haven	\$124,200.00

A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to take the bids under advisement allowing the Maintenance Supervisor and County Attorney to review and compare them with the engineering estimate.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

At this time the Regular Meeting was recessed to hold a previously scheduled Public Meeting concerning the Unsafe Building located at 1317 Ring Court.

Property Owner, Mr. Matt Johnson, was in attendance to present the repair schedule to the Board. All the repairs have been finished with exception of the painting of two bedrooms, which will be finished today, cleaning the remainder of heating ducts, and installation of new carpet. Mr. Johnson would like to have the inspection done within the week. Mr. Boise thanked Mr. Johnson for his cooperation with the clean up of the property.

The Public Meeting for the Unsafe Property at 1317 Ring Court is now closed.

A motion was made by Mr. Bagwell to accept the repair status report as presented and direct the Plan Commissioner to report at the November 7, 2005 Regular Meeting. The motion was seconded by Mr. Harbaugh and carried.

At this time the Regular Meeting was recessed to hold a previously scheduled Public Meeting regarding the Vacation of Easement located on Lot 18 of Brookshire Estates

Attorney Mark McCann presented a request for the Vacation of Easement or Permission to Encroach, for Lot 18, Brookshire Estates in Harrison Township, on behalf of Robert and Deborah Longshore. All necessary notices were served. Also presented and marked as received, was an Objection to Petition to Vacate an Eight Foot Drainage and Utility Easement, presented by Attorney Thomas Trauring on behalf of McKibben Construction, Inc. Both attorneys presented their positions and discussion ensued. The swimming pool that was installed in 1993 was not located in the area that permission was given, encroaching in the easement. There is concern over interference with surface drainage and the ability to maintain the perimeter drain located in the easement. When the floor was opened for public comment, Mr. Rolland McKibben of McKibben Construction Inc., came to the podium to express his objection to the Vacation of Easement. He commented that the pool "is in violation of the Howard County Septic Code" because it's in the disbursal area instead of being fifty feet removed from the disbursal area.

County Attorney Larry Murrell informed the Board that he is not aware of any statute that authorizes the Commissioners to grant authority to encroach on an easement. Only the Vacation of the Easement should be addressed at this time. Mr. McCann withdrew the request for Encroachment of the Easement. After further discussion, a motion was made by Mr. Bagwell to deny the request for Vacation of Easement, based upon the finding by the Board that remonstrator McKibben had grounds to object based upon subsections (2) and (4) of IC 36-7-3-13. The motion was seconded and carried with three yes votes.

The Public Hearing for Vacation of Easement located on Lot 18 of Brookshire Estates is concluded and the Public Hearing for a Vacation of Easement in Lynn Griffin Minor Sub-Division is opened.

Attorney Jeffrey A. Lowry was in attendance to present an Ordinance Vacating Easement located on lot one (1) in the Lynn Griffin Minor Sub-Division, Liberty Township. This utility easement is contained all on one lot (lot 1). All paperwork has been submitted and is in order. There being no further comment or objection, Ordinance No. 2006-BCC-61 was approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

The Public Hearing for Vacation of Easement has concluded and the Regular Meeting is reconvened.

1. **Private Street in Regal Estates:** Mr. Boise informed the Board of a Planned Unit Development for a private street for three properties on lot five (5) in Regal Estates, section three. This street will not be inspected or owned by the County but the Plan Commission wanted assurance the street would be built. It would be excessive to demand a bond for such a short street (200 to 300 feet), so the construction company has directed their Credit Union to freeze \$10,000.00 for the purpose of constructing the private street. The Board directed Mr. Boise to confer with Highway Engineer Ted Cain to see if \$10,000.00 were sufficient funds to build the road.

2. **Zoning Ordinance Updates:** Now that the Howard County Comprehensive Plan has been approved, there are Zoning and Subdivision Ordinances that need to be updated to be in compliance with the new plan. On a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried, the Board directed Mr. Boise to proceed with the Zoning and Subdivision Ordinance updates and authorize the President to sign any contracts for that purpose on their behalf.
3. **Flood Mitigation Issue:** Attorney Murrell has reviewed the Howard County State-Local Agreement Flood Mitigation Assistance Program (contract) for the funds to help with the purchase of the Richard and Cindy Ables property located at 4089 South 50 East (*see page 4, item 14 of the Regular Meeting Minutes dated October 3, 2005*). Mr. Murrell explained the terms of the contract and after discussion, a motion was made by Mr. Bagwell to *reluctantly* approve the contract and authorize the President to sign on behalf of the Board. The motion was seconded by Mr. Harbaugh and approved.
4. **Unsafe Building:** The owners of the Unsafe Building located at 3904 South 350 West, Martin E. & Freida Myers, have been served an Enforcement Order. Solidarity Credit Union has released the mortgage and Mr. Murrell will proceed with a Judgment and Lien search to make sure there are no other liens on the property. Mr. Boise reminded the Board that there will be a Public Hearing for this property on Monday, November 21, 2005 (*for further discussion please refer to item thirteen, page three of the Regular Meeting Minutes dated October 3, 2005*).
5. **Multi-Hazard Mitigation:** The draft of the plan has been distributed and a date for a public presentation has been set for 7:00 p.m., Thursday, October 27, 2005.

IN THE MATTER OF PERSONNEL ISSUES:

Mrs. Wanda McKillip, Personnel Director, presented the following issues to the Board for their information and approval:

1. **AFLAC Meetings:** Mrs. McKillip has prepared a memo for payroll distribution, listing the dates and times of the AFLAC information meetings. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the memo and authorize posting and distribution of the AFLAC meetings.
2. **Community Corrections Advisory Board:** Mr. Robert Burn's term expired September of this year. Mrs. McKillip and Community Corrections Director, Steve Maus, propose to appoint Mr. Bruce Jordan, present director of the Kokomo Academy, for a term beginning October 24, 2005 and ending September of 2009. A motion was made by Mr. Bagwell to appoint Mr. Bruce Jordan to the Community Corrections Advisory Board from October 24, 2005 until September, 2009. The motion was seconded by Mr. Harbaugh and carried.
3. **Additional Advisory Board Lay Member:** While reviewing the statute concerning the advisory board, Mr. Maus realized that he was required to have four lay members on the Advisory Board. Mr. Maus would like to suggest Mr. Dwight Singer as the fourth lay member. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to appoint Mr. Dwight Singer as lay member to the Community Corrections Advisory Board.
4. **County Website Update:** The County Website has been updated to include all county benefits, holiday schedule, employee handbook travel policy, and application forms that can be downloaded. Links are available to Kinsey Youth Center and the Sheriff's Department to download their employment applications.
5. **Encourage Direct Deposit:** Emergency Preparedness worker, Vicki Hinkle and Auditor Ann Wells met to discuss payroll procedures in the event of a disaster emergency. It was concluded that in the event of quarantine or attack, certain Auditor employees could access computer software from home computers and still be able to wire funds for those who are direct deposit. Mrs. Wells would like to distribute a memo to all employees, encouraging them to apply for Direct Deposit. It was the consensus of the board to encourage the Auditor to proceed.

IN THE MATTER OF INFORMATION SYSTEMS:

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

1. **Cisco Conference:** Mr. Tribby was able to attend the Cisco Conference and reported the information he learned while he was there. Concerning the software for the E-911 Interoperability Program, a company called Cerillion has been providing the software and annual maintenance to interface with E-911 radios, at a cost of \$35,000.00. Cisco has a complimentary product at an annual maintenance cost of \$10,000.00. It is Mr. Tribby's goal to bring all the communications programs under one vendor. He has committed to Cisco software for the fire departments. He proposes to bring all the programs under one server, as well. Cisco can provide the communications link to do this, with a mirroring concept using the current servers.
2. **New Imaging Equipment for Clerk's Office:** Clerk Mona Myers and Mr. Tribby presented a need for new imaging equipment because the amount of information being scanned has increased, and other offices are using the equipment. Adult Probation uses the equipment and is offering to help purchase the equipment. Mr. Tribby explained that they need their own server, as well as a piece of equipment at the Administration Center to store daily back ups. That helps in disaster retrieval by having information available off site and daily back ups of information. The cost for the equipment will be \$10,000.00 and Adult Probation and the Clerk's office will share the costs. A motion was made by Mr. Bagwell to authorize the Clerk's Office, Adult Probation, and Information Systems to proceed with the project. The motion was seconded by Mr. Harbaugh and carried.
3. Sheriff Talbert expressed appreciation to Mr. Tribby for attending the Cisco Conference with members of the Sheriff's Department.

IN THE MATTER OF GRANT ISSUES:

Ms. Tina Mendenhall submitted the following grant information for Commissioner information and approval:

1. **Taylor Township Sewer District:** This grant is ready to be closed out. By the end of November they will begin tapping the residents into the system. Thirty days after funds are zeroed out, the forms have to be completed and sent to the state. These forms do not need Board approval.
2. **Migrant Farm Housing Project:** The first applications submitted in June were denied (*please refer to page five, item one under "In The Matter Of Grant Activity", of the Regular Meeting Minutes dated June 6, 2005*). The deadline for the second application is October 31, 2005 and Ms. Mendenhall is asking for signatures on this second set of applications. She has prepared a list of improvements to the application, for the Commissioners' information. The maximum number of points needed for acceptance is sixty and the June application scored forty-two. The grantors would like to see more than ten people at the Public Hearing; twenty-five were in attendance. They require individual applicants for the Migrant Farm Workers; Ms. Mendenhall included names of migrants who would be living in the units, next summer. Would like to see support from the State Health Department; Lynn Hanlen is proceeding with that request.
3. **Taylor Township Owner Occupied Rehabilitation Project:** The first application sent in June, was also denied for this project (*please refer to page 6, item two, under "In The Matter of Grant Activity" of the Regular Meeting Minutes dated June 6, 2005*). The following improvements were made. They required more than ten in attendance at the Public Meeting; twenty-five were in attendance. There were not thirteen completed and qualified residents for the housing; Ms. Mendenhall aggressively advertised and disbursed information, bringing in over sixty applicants. Memorandum of Understanding, needing a service provider from the community to offer services to beneficiaries of the grant; the library has a Senior Citizens program already in place and will offer their services to the beneficiaries of the grant. The director will sign the Memorandum of Understanding. The final improvement would be a financial or In Kind donation provided by Howard County; Ms. Mendenhall will be in contact with the Department of Health to ask them to donate Lead Assessment Services, to be counted as local match. The work that the Auditor's office does in tracking the paperwork for the grant does not count as In Kind service for a local match. This is not a requirement but will allow for more points toward awarding the grant. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the resubmission of

both the Migrant Housing Grant and the Taylor Township Owner Occupied Rehabilitation Project Grant, and authorize the President to sign on behalf of the Board.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioner Salary Claims:** Salary claims in the amount of \$291,420.90, to be paid October 21 and 28, and November 4, 2005. The salary claims were approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
2. **County Operating Claims:** Operating claims in the amount of \$465,046.05, payable October 17, 2005, were approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
3. **Treasurer's Monthly Report:** The Treasurer's report for the month of September was accepted on a motion made by Mr. Harbaugh and seconded by Mr. Bagwell.

IN THE MATTER OF TOWNSHIP ASSISTANCE HEARINGS:

The following Township Assistance Hearings were submitted by Hearing Officer Paul Raver for Board consideration:

1. **Harrison Township:** An appeal for Vilora L. Garrett was submitted with a recommendation to uphold the denial. The recommendation to uphold the denial for Vilora L. Garret was approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
2. **Harrison Township:** An appeal for Ashley N. Johnson was submitted with a recommendation to uphold the denial. The recommendation to uphold the denial was approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
3. **Harrison Township:** An appeal for Angela M. Carter was submitted with a recommendation to uphold the denial. A motion was made by Mr. Harbaugh to approve the recommendation to uphold the denial. The motion was seconded by Mr. Bagwell and carried.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Credit Card Ordinance:** Mr. Bagwell reported that the Auditor's Office is still awaiting response from all of the Department Heads concerning their request for a credit card. Also submitted were samples of County Credit Card Use memo and a Credit Card Sign Out sheet. Mr. Bagwell clarified, to the Board, that the County Credit Card would take the place of individual store or company cards (i.e. Quill, Staples, etc.) If offices have those kinds of cards, they will no longer be used. Mr. Bagwell is looking at a GM Corporate Card application that offers 3% cash back on fuel, oil and vehicle related purchases and 1% cash back on all other purchases.
2. **Veteran Service Monthly Report:** The Veteran's Service Monthly Report for the month of September was submitted and approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
3. **Letter from RACI:** Mr. Raver submitted a letter from Realtors Association of Central Indiana, Inc., Kathy Harbaugh, thanking the Board for their part in sponsoring the "Open the Door to Howard County" program on October 2, 2005, promoting the quality of life, education, and housing in Howard County.
4. **Courthouse Virtual Tour:** Mr. Raver informed the Board of a letter received from Indiana Supreme Court, informing the County that a professional photographer was being sent to photograph the inside and outside of the County Courthouse to be used for a Virtual Tour of Indiana Courthouses. It will be available on the Internet.
5. **Hospital response to EMT Route Recommendation:** There has been no response by either hospital, to the recommended EMT route passed by the Board of Commissioners at the previous meeting (*please refer to page 4, "Public Meeting regarding the Emergency Medical Transport Boundaries" in Regular*

Meeting minutes dated October 3, 2005). Attorney Murrell suggested that the Board direct him to contact the hospitals, by letter, and ask for a response by October 31, 2005, whether they are ready to proceed with a contract, based on the boundary line that was adopted. The Board approved, by consensus, to direct Mr. Murrell to proceed as suggested. Mr. Murrell will present their response at the November 21, 2005 Commissioner meeting.

6. **County Employee Flu Shots:** Mr. Raver spoke with the Department of Health and they are expecting the Flu Vaccine to arrive and be available by November 1, 2005. They will notify the Personnel Department when ready. The vaccine will be available to employees and their household, in keeping with the medical insurance.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:32 a.m. on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

HOWARD COUNTY COMMISSIONERS:

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH

ATTEST:

ANN WELLS, AUDITOR

Commissioner Meeting Minutes October 17, 2005