

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING OCTOBER 3, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, October 3, 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 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.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the September 19, 2005 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Harbaugh and seconded by Mr. Bagwell.

IN THE MATTER OF HIGHWAY ISSUES:

Highway Supervisor/Engineer, Ted Cain, presented the following issues for Board information and approval:

1. **Approval of streets in Walnut Estates, Section 17:** Section 17 of Walnut Estates Subdivision has been finished but the final approval for the streets has not been obtained. Mr. Cain recommends approval of the streets in section 17 of Walnut Estates. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the streets in section 17, Walnut Estates Subdivision.
2. **Sewer line for Transfer Station on Davis Road:** Mr. Wyatt Johnson had presented a request from Republic Services for permission to install a sanitary sewer force main to connect to the City's system, in the County's right-of-way (*please refer to page one, item three of the August 1, 2005 Regular Meeting minutes*). Because the Water Company is installing a water line close to the right-of-way and there are laws that determine how close a sewer line can be to a water line, the sewer line can't be as close to the right-of-way line as was presented in the original request. After discussion, it was the consensus of the Board to affirm the original request.
3. **Mr. Cain informed the Board that Dixon Road is now open.**

IN THE MATTER OF SHERIFF ISSUES:

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

1. **Jail Population:** The current jail population is 339 inmates.
2. **Hoosier Safety Radios:** Sheriff Talbert informed the Board of the Hoosier Safety Radio System. He provided a radio for Commissioner Bagwell, along with radios for Steve Kline from Dispatch and several city workers, to test over the weekend. The State owns and maintains the backbone, towers, and generators. The County would not have to continue to rent tower space because the state owns the towers that are installed in the counties. The State Police monitor's the system and there is a Help line that troubleshoots twenty-four hours a day, seven days a week. The project to install the system started in the northern part of the state and is moving south. Governor Daniels is committed to the completion of the project. Sheriff Talbert recommends that at some point in time, Howard County change from our present system, to the Hoosier Safety System.
3. **Cameras at the Criminal Justice Center:** Sheriff Talbert called on Mr. Art Fross, Jail Maintenance Supervisor, to present the need for replacement cameras at the Criminal Justice Center. Mr. Fross informed the Board that several of the security cameras are still black and white; it is much easier to monitor activity with color cameras. He also informed the Board of the need for five of the existing cameras to be repositioned. SimplexGrinnell submitted a quote for six color replacement cameras at \$312.00 each, for a total of \$1,872.00; also quoted is the cost for new housings, materials and labor for the relocation of cameras, in the amount of \$3,875.00. The total cost would be \$5,747.00. Sheriff Talbert has funds in his Misdemeanor Grant to cover the cost of the project. A motion was made by Mr.

Bagwell to approve the request for the purchase of six color cameras and the repositioning of five cameras, out of Misdemeanant Funds. The motion was seconded by Mr. Harbaugh and carried.

4. **Power outage in the Dispatch Maintenance Room:** The maintenance room that houses E-911 Dispatch equipment experienced a power outage two weeks ago. The E-911 calls were rerouted to Miami County until the power was restored. It was determined that the maintenance room of the Center is not connected to the generator. A breaker needs to be replaced. Lowdermilk Electric quoted a price of \$802.84 for a new breaker, but can obtain a slightly used breaker and install it for \$800.00. Sheriff Talbert assured the Commissioners that funds are available in the Buildings and Structures line item. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, the Board authorized the installation of a new breaker for the maintenance room that houses Dispatch equipment, to be paid from the Buildings & Structures line item.
5. **Heating and cooling repair in Maintenance Room:** The heating and cooling unit in the maintenance room that houses the Dispatch equipment went down so the Maintenance Department had to buy \$863.58 worth of equipment for repairs. Mr. Fross, with the permission of Steve Kline, Dispatch Director, asks that funds from the E-911 fund be used to pay for the repair. A motion was made by Mr. Bagwell to authorize the use of E-911 funds for the repair of the heating and cooling unit. The motion was seconded by Mr. Harbaugh and carried.
6. **North Overhead Door:** The safety break on the north overhead door at the Sheriff's garage is broken. The remains of the break were removed and the door was still operable, but, without the safety break, the door could come down quickly and cause damage. For safety reasons, Mr. Fross took the door off-line. A replacement door will be \$1,560.00 and Sheriff Talbert has funds in the Building Structures Repair line item. A motion was made by Mr. Harbaugh, seconded by Mr. Bagwell and carried, to proceed with the replacement of the north overhead door.
7. **Invitation to Commissioners:** Mr. Fross invited the Board of Commissioners to visit the Criminal Justice Center to see first hand, the need for a bigger maintenance room to house the E-911 Dispatch equipment.

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 carry out the 9:00 a.m. Scheduled Public Meeting previously advertised, to present the Howard County Comprehensive Plan.

After discussion of the plan, President Raver opened the floor for public comment. Mr. Bob McKean, from the Homebuilders Association, feels that the Plan Commission took everyone's concerns into consideration, when developing the plan. He stated that this is a "good example of government in action." There being no further comment, a motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to close the Public Hearing.

The Commissioners' Regular Meeting reconvened at 9:14 a.m.

1. **Resolution No. 2005-BCC-26:** On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, Resolution No. 2005-BCC-26, the Howard County Comprehensive Plan, was approved and adopted.
2. **Unsafe Building:** The Plan Commission has received complaints of damage to a home located on Dellwood Lane. This home sustained damage during the 2003 flood and is on the list of homes to be purchased by the County for demolition, but there is no money at this time. Mr. Art Fross visited the property and found several broken windows and a broken patio door. Mr. Fross estimates that it will cost \$418.00 in repair materials, and would like to use the services of the Inmate Work Crew to secure the property. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, the Board authorized Mr. Boise to allow Mr. Fross to use the services of the Inmate Work Crew and buy the supplies needed from the Unsafe Buildings line item.

3. **Shed Removal by Inmate Work Crew:** Because of the replacement of the Inmate Work Crew supervisor, the shed has not yet been removed. Mr. Boise asked that Sheriff Talbert look at the shed located at 3289 West Alto Road, before committing to the project.

At this time the Regular meeting was recessed to honor Commissioner President Raver on his Fiftieth Anniversary of service to County Government.

Commissioner Bradley J. Bagwell read in full, Resolution No. BCC-2005-25, honoring Commissioner Paul J. Raver for fifty years of service to county government. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, Resolution No. BCC-2005-25 was approved. Guests were welcomed, family introduced and refreshments served.

The Regular Commissioner Meeting reconvened at 9:57 a.m.

4. **Case 27-CP-05:** One lot in Quiet Creek Subdivision, located at 11531 East 100 South. A motion was made by Mr. Harbaugh, seconded by Mr. Bagwell and carried to approve Case 27-CP-05.
5. **Case 25-CP-05:** One lot in Community First Subdivision, located at 2101 South Dixon Road. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Case 25-CP-05.
6. **Case 30-CP-03:** Sixteen lots in Walnut Estates, Subdivision, Section 17, located at 3010 Timber Valley Drive. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Case 30-CP-03.
7. **Case 29-CP-05:** One lot in Sarah's Haven Subdivision, located at 3136 South 1330 East. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Case 29-CP-05.
8. **Case 28-CP-05:** One lot in Walnut Ridge Subdivision, located at 3274 South 1330 East. A motion was made by Mr. Harbaugh to approve Case 28-CP-05. The motion was seconded by Mr. Bagwell and carried.
9. **Case 23-CP-05:** Three lots in K & R Farms, located at 8199 West 500 South. A motion was made by Mr. Harbaugh, seconded by Mr. Bagwell and carried to approve Case 23-CP-05.
10. **Ordinance No. 2005-BCC-54:** A change in zone classification from R-1 (Residential) to B-2 (General Business) for property located at 2211 West Judson Road. The Plan Commission recommends a denial for this ordinance. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to accept the recommendation of the Plan Commission to deny Ordinance No. 2005-BCC-54.
11. **Ordinance No. 2005-BCC-55:** An ordinance to remove the thoroughfare on County Road 300 South between 400 West and 500 West. A motion was made by Mr. Bagwell to approve Ordinance No. 2005-BCC-55. The motion was seconded by Mr. Harbaugh and carried.
12. **Ordinance No. 2005-BCC-56:** An ordinance to remove the thoroughfare on County Road 1000 West between 200 South and 250 South. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, Ordinance No. 2005-BCC-56 was approved.
13. **Unsafe Building:** Since September 2001, the property on 350 West has been an unsafe building consideration. Part of the time it was in bankruptcy proceedings. Mr. Murrell informed the Board that the bankruptcy proceedings have been concluded and he has been in contact with the Meyers' attorney in Kentucky. The County can proceed with further action against the property, and will start the process at the beginning. Mr. Murrell has prepared an enforcement order for issuance by Mr. Boise, directing the owners to seal the building pending demolition, exterminate vermin, remove trash, and demolish and remove the building. He suggests a public hearing date to be set for November 21, 2005. By consensus, the Board agreed to set a public hearing date of Monday, November 21, 2005 at 9:00 a.m., on the enforcement order.

14. **Flood Mitigation Property:** We are still awaiting a check from the state, for the purchase and demolition of the Flood Hazard property located at 4089 South 50 East. The new state administration has determined that they will require a contract for the grant giving process. That requirement was not in force when this property was considered for purchase, so a contract was not received until last week. Since the Commissioners have previously approved all other necessary paperwork for this project, it was determined that Mr. Murrell will review the contract and collect signatures, before the next Commissioner meeting.
15. **Multi-Hazard Mitigation:** Mr. Boise is waiting on a draft of the report.

At 10:30 a.m., the Regular meeting was recessed for a previously advertised public meeting, regarding the EMT (Emergency Medical Transport) Boundaries.

Mr. Raver informed those in attendance that this meeting, though advertised as a Public Meeting, will remain closed to public comment, open only to the Board of Commissioners for comment and discussion.

Mr. Raver commended the Boards of both Hospitals for their decision to be a "Smoke Free Environment", beginning January of 2006.

In the March 21st Commissioner Meeting, this issue was referred back to a committee (*For information regarding this issue please refer to page 3, "In The Matter of EMT Study", of the March 21, 2005 Regular Meeting Minutes.*) Mr. Raver then turned the hearing over to Committee Chairman, Commissioner Harbaugh, for recommendation. Mr. Harbaugh made the following motion:

"I move that we establish the following first responder ambulance territory in Howard County for Howard Regional Health System and St. Joseph Hospital. Howard would have first response to territory south of the following line and St. Joseph would have first response north of the following line.

The line would start on the West Howard County line starting at 100 South. The line would proceed east to 100 West (Park Road) then north for ½ mile to 50 South (Deffenbaugh St.). Then East on Deffenbaugh to Washington St., then North on Washington Street to Markland Ave., then East on Markland Avenue to Ohio Street, North on Ohio Street to Carter Street, then East on Carter Street, which becomes 50 North to 600 East, then North on 600 East to 300 North and East on 300 North to the Howard County line.

This line would be reviewed annually by an Operations Committee consisting of two representatives from each ambulance Service and one County Commissioner. This committee would use Howard County Dispatch Data in their deliberations and make any recommendations to the Howard County Commissioners.

There being no second, Commissioner Raver vacated the chair to second the motion. Discussion then ensued with Mr. Raver explaining his reasoning for supporting the motion, using distance as the criteria. Mr. Bagwell explained why he did not support the motion; he believes that time of response, in lieu of distance, should be the criteria, and would leave the boundaries as they are, at present. In the absence of a compromise, the resolution was put to a vote. Commissioner Harbaugh voted to accept the motion, Commissioner Bagwell voted to decline the motion. Commissioner Raver vacated the chair to cast a vote in favor of the motion. The motion was carried.

The Public Hearing is now closed; the Regular Meeting is reconvened.

IN THE MATTER OF MAINTENANCE ISSUES:

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

1. **Maintenance Concerns at the Criminal Justice Center:** Mr. Harrison was not informed of some of the Maintenance concerns at the Criminal Justice Center.
2. **Bids for the Roofing Projects at the Administration Center and the Howard Haven County Home:** Bid packages have not yet been picked up at the Auditor's Office, for the roofing projects at the

Administration Center and Howard Haven. Attorney Murrell suggested that Mr. Harrison contact some companies that he thinks would be interested, and let them know of the project and the availability of the bid packages.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

Mr. John Templin, Assistant Director of the Information Systems Department, presented the following issues for Commissioner information and approval:

1. **Safe on the fourth floor:** The room housing the safe, located on the fourth floor of the Administrative Center, has been cleaned and is ready for use by the Personnel Department (*refer to page 3, Item 3, "In The Matter Of Personnel Issues, of the September 19, 2005 Regular Meeting Minutes*).
2. **Law Enforcement Conference:** Information Systems Director Terry Tribby, is attending the Cisco Law Enforcement Conference, observing new radio data interface software for E-911 (*refer to page 4, item 3 of the Regular Meeting Minutes dated September 19, 2005*).
3. **Schneider Drain Master Drain Calculation Program:** Progress has been made concerning the calculation program, and templates will be available the end of this week.
4. **GIS Licensing:** The licensing for the total GIS project is complete and the system is up and running.
5. **Wireless Project:** Mr. Tribby has met with the IT director of Kokomo Center Schools concerning hot spot locations on school property. The meeting went well. He will also meet with the Johanning Civic Center Board concerning the location of a "hot spot", there.
6. **Jury Selection:** The State has mandated the use of two new data sources for Jury selection: Bureau of Motor Vehicles and Internal Revenue Service. It will be a certified list and will help the courts and Information Systems department.
7. **Homeland Security Grant:** We are on track with having to have the balance of monies spent by November 30, 2005. Emergency Management Director, Larry Smith, will present the next portion of the grant, in the near future.

IN THE MATTER OF HOWARD HAVEN APPLICATIONS:

Howard Haven Director, Tom Tolen, presented the following issues for Board information and approval:

1. **Application for Residence:** Mr. Tolen presented two applications for residence in the Howard Haven County Home. One application is for Jack Allen Croll and the other for Norma Jean Mathews, who is currently residing in the Grant County Home. A motion was made by Mr. Bagwell to approve both applications, with the normal ninety (90) day probationary period. The motion was seconded by Mr. Harbaugh and carried.
2. **Grant approval:** Approval was given for a grant to purchase a new dishwasher for the Home.
3. **Restroom Facilities Project:** Leadership Kokomo has raised \$3,000.00 for Howard Haven, and is sending a team of workers, October 22, to update the restroom facilities and make them more accessible. They will be installing new countertops and sinks and working on the existing showers.
4. **Designer Show Home Guild:** Mr. Tolen is talking to the Designer Show Home Guild concerning the possibility of making Howard Haven a Designer Show Home.

IN THE MATTER OF KOKOMO DOWNTOWN ASSOCIATION:

Mr. John Wyles, Kokomo Downtown Association, presented the following issues for Commissioner information and approval:

1. **Oktoberfest:** Mr. Wyles thanked the Sheriff's Department Inmate Work Crew for their clean-up work during the Oktoberfest celebration. Maintenance Director, Tom Harrison, commented that it was "the cleanest" that he had experienced after any Oktoberfest.
2. **Fireworks Display:** Mr. Wyles presented a letter requesting permission to use the County Courthouse roof to set up the fireworks display for the annual New Year's Eve Celebration. Proof of Liability Coverage was attached to the request letter. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, the request was approved with the stipulation that the Kokomo Downtown Association pay the wages of the county maintenance workers for their time.
3. **Electrical Boxes around Courthouse:** The KDA has received funding for new electrical boxes around the Courthouse. Stelco Company is putting together a model of the mobile units that will be used. The 4x4 boxes can now be pulled out of the ground and discarded.

IN THE MATTER OF SETTING A DATE FOR A PUBLIC HEARING:

Attorney David Baird presented a request from Ryan Miller to set a Public Hearing date on a petition to Vacate an Alley in Taylor Township, Howard County. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh, the hearing date was set for Monday, November 21, 2005, at 9:30 a.m.

IN THE MATTER OF IMAGISTICS PRESENTATION:

Mr. George Karst, a representative of Imagistics International, presented a plan to the Board, whereby equipment including copiers, faxes, and scanning equipment could be rented in lieu of purchasing. Imagistics offers a "Non-Appropriation item" in their rental agreement. If a rental agreement is, for example, set up for sixty months, you would expect to pay for it. But the Non-Appropriation clause would read, " If your appropriation request to your legislative body or funding authority {governing body}for funds to pay the total payment is denied, you may terminate this agreement on the last day of the fiscal period for which funds have been appropriated, upon submission of documentation reasonably satisfactory to us, evidencing the government body's denial of the appropriation sufficient to continue this agreement for the next succeeding fiscal period, and the satisfaction of all charges and obligations under this agreement incurred through the end of the fiscal period for which funds have been appropriated, including the return of the equipment at your expense." A copier, fax and scanner system from Imagistics, has already been purchased by the Auditor's Office. Proposals are being prepared for Superior Court II and the County Extension Office. The Board thanked Mr. Karst for the information.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioners' Salary Claims:** Salary and Hourly claims were submitted for October 7th and 14th, 2005, in the amount of \$291,420.90. These claims were approved on a motion made by Mr. Harbaugh and seconded by Mr. Bagwell.
2. **Commissioners' Operating Claims:** County Operating Claims were submitted to be paid October 3, 2005, in the amount of \$294,491.32. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the Operating Claims payable October 3, 2005, in the amount of \$294,491.32.
3. **2006 Holiday Schedule:** The State's Holiday Schedule has been received and Auditor Ann Wells prepared a possible County Schedule for Board review and approval. Because of the Haynes Apperson Festival the weekend before Independence Day, the streets will be blocked on Friday. In talking with the Courts about Friday, June 30 and Monday, July 3, they would have no problem with a five day weekend. After discussion, a motion was made by Mr. Bagwell to approve the State Holiday Schedule with the inclusion of Haynes Day on Friday, June 30, 2006 and Apperson Day on Monday, July 3, 2006. The motion was seconded by Mr. Harbaugh and carried.
4. **2006 Commissioner Meeting Schedule:** Mrs. Wells presented the Commissioner Meeting dates for 2006. She called attention to the fact that the first meeting in July would be on Wednesday, July 5, 2006, and then pointed out several meeting dates taking place on a Tuesday, instead of Monday.

IN THE MATTER OF TOWNSHIP ASSISTANCE HEARINGS:

Township Assistance Hearing Officer, Mr. Raver, presented the following hearings for Commissioner action:

1. **Matthew E. Christen, Center Twp.:** A motion was made by Mr. Bagwell to uphold the Trustee's Denial. The motion was seconded by Mr. Harbaugh and carried.
2. **Noelle C. Calhoun, Harrison Twp.:** A motion was made by Mr. Harbaugh, seconded by Mr. Bagwell, and carried to uphold the Trustee's denial.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Barnes & Thornburg Claim:** Mr. Murrell submitted a claim for legal services rendered, from Barnes & Thornburg, in the amount of \$2,581.00. The claim was approved for payment on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
2. **Pending Ordinance Update:** The Membership Dues Ordinance is ready and waiting for a detailed list from the Auditor's Office. It will be ready for January 1, 2006. Mr. Murrell is working with Sheriff Talbert and Major Rogers on the Peddlers and False Alarm Ordinances. They will also meet with Integrity Alarm Company for their perspective.
3. **Scheduled Absence:** Mr. Murrell is scheduled to be out of his office from Monday through Wednesday, October 10 - 12, and then back in the office on Thursday, October 13th. Monday is a scheduled Holiday.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Credit Card Ordinance:** The Ordinance is ready for Board approval. Commissioner Bagwell is awaiting the list of credit card companies that county offices currently have, to be submitted by the office holders and department heads.
2. **Indiana Department of Transportation Meeting:** The Commissioners were in receipt of letters from the Indiana Department of Transportation concerning a meeting on Tuesday, October 4th.
3. **Weights & Measures Report:** Mr. Raver submitted the Weights & Measures September 2005 report. He pointed out that there were some irregularities with the large capacity truck scales. A motion was made by Mr. Bagwell to accept the September Weights & Measures Report. The motion was seconded by Mr. Harbaugh and carried.
4. **Letter from Fire Chief:** Fire Chief Dave Duncan sent a letter of thanks to the Board of Commissioners, for their donation used to purchase and maintain the accelerant detection dog.
5. **Thank You!:** Commissioner President Raver expressed his thanks to all involved, for their recognition of his 50th Anniversary in County Government, and for tolerating him.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:47 a.m. on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

HOWARD COUNTY COMMISSIONERS

PAUL J. RAVER, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes October 3, 2005