

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MARCH 20, 2006**

The Howard County Board of Commissioners met in Regular Session on Monday, March 20, 2006, 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Bradley J. Bagwell, Vice President Paul J. Raver, and Member John B. Harbaugh. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

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

### **IN THE MATTER OF APPROVAL OF MINUTES:**

Minutes of the March 6, 2006 Regular meeting, having been previously submitted, were reviewed. A typographical error was found on page one, item two, "In the Matter of Approval of Minutes", line four. The word "appropriated" is changed to "appropriate", to read as follows: "If it involves concrete, they do not have the *appropriate* equipment". A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the minutes of the March 6, 2006 meeting as amended.

### **IN THE MATTER OF HIGHWAY ISSUES:**

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

1. **Change Order #3:** This is the last change order for the Dixon Road Project, establishing quality assurance adjustments as well as failed materials, and it covers over-runs and under-runs of \$5,000.00 to pay items not in previous change orders. This change order totals (\$36,221.32). Change Order #3 was approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
2. **Paving Project:** The Highway Department will begin the paving projects on April 17<sup>th</sup>, the Monday after Easter.
3. **Predicted Snow Storm:** A winter snow storm is being predicted for Howard County Monday night and Tuesday morning. Because the ground is not frozen, the pavement and shoulders will be soft. He has instructed highway workers to go slow and be careful. Salt rigs will go out and shovels are still on some trucks. Mr. Cain will be out of town, tonight, but will be in contact with his department and will come back if needed.

### **IN THE MATTER OF SHERIFF ISSUES:**

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

1. **Deputy Don Leffert:** On behalf of the Criminal Justice Work Crew, Mr. Leffert expressed appreciation to the Board of Commissioners for the new Work Crew transport van. The large engine is able to pull the trailers with ease. The ride is quiet and comfortable. Mr. Leffert also commended the Work Crew and thanked them for their hard work and expertise. Commissioner Bagwell thanked Mr. Leffert and the Work Crew for their hard work and job well done; they are helping the County save money. Commissioner Raver commended Mr. Leffert for his supervision of the Crew.
2. **Mandated Rebanding Project:** The frequencies Howard County Public Safety operates on are needed by Nextel Company, for cell phone usage. The FCC has mandated Nextel to fund the Rebanding operation for the whole country, including legal and consulting fees. Sheriff Talbert would like Mr. Tony Johnson, from Integrity Communications, to be the liaison between the County and Nextel, and invited him to present the project to the Board of Commissioners. Mr. Johnson explained the project to the Board. He recommended the first step would be to re-submit the Planning Funding Form, outlining the expense that will be incurred for this project. It would include such costs as legal fees, regular reprogramming and equipment replacement, as needed. A Planning Funding Form was submitted some months ago, but it did not include equipment compatibility, consultation and frequency analysis. At the close of discussion, a motion was made by Mr. Raver to approve Mr. Tony Johnson and Integrity Communications to act as County's representative for the Rebanding Project. The motion was seconded by Mr. Harbaugh and carried.

3. **Sheriff Vehicles:** Sheriff Talbert informed the Board that he would like to purchase five new police vehicles and trade three old vehicles. He asked permission to invite bids for five vehicles; bid specifications will be ready for the April 3<sup>rd</sup> meeting. The Board gave their permission by consensus, subject to further action on April 3<sup>rd</sup>.

**IN THE MATTER OF PLAN COMMISSION ISSUES:**

Plan Commission Director Glen Boise submitted the following issues for Board information and approval:

1. **Case 42-CP-05:** one lot in Carter's Corner Subdivision located at 3168 South 800 West. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve Case 42-CP-05.
2. **Flood Mitigation Property:** The property located at 4089 South 50 East has been purchased. Ron and Cindy Ables have ninety days to vacate the property.
3. **Driveway Demolition:** Mr. Boise has not yet received quotes for the demolition of the driveway located at 3258 West 250 South. He will continue to work on that item.
4. **Multi Hazard Mitigation Plan:** FEMA had some issues that needed to be corrected and several overlays that needed to be re-adjusted. A final copy will be ready, along with a resolution to be approved by the Board of Commissioners. Mr. Boise will also need to have the plan approved by Greentown, Russiaville and Kokomo.

**IN THE MATTER OF MAINTENANCE ISSUES:**

Buildings and Grounds Supervisor Art Fross presented the following issues for Commissioner approval and information:

1. **HVAC Project:** During a conference call with Vintage Archonics, concerning the Administration Center HVAC Project, it was decided that Howard County's Maintenance Department would act as the general contractor for the HVAC Project and Vintage Archonics would prepare the specifications for bidding.
2. **Security Issues for the Upper Deck of the Criminal Justice Center:** There is a problem of sufficient camera security coverage in the upper deck, concerning the safety of officers and inmates, alike. Relocating the cameras was not effective in eliminating the problem. Mr. Fross has ordered a "dome" to mount to the wall or ceiling, as well as using the wide angle capabilities of the five new cameras. If this solution is not effective, more cameras will be needed Units 2, 3A & B and 4A & B.
3. **Berry Resignation:** Assistant Buildings & Grounds Superintendent Jeff Berry has tendered his resignation effective March 24, 2006. The letter of resignation is submitted to the Board for their acceptance. Mr. Fross offered his appreciation to Mr. Berry for his work as assistant and wishes him well in his new endeavor. Vice President Raver and President Bagwell expressed their appreciation for sixteen years of faithful service to the County, accepted the resignation, and wished him well in his new position.

**IN THE MATTER OF PERSONNEL ISSUES:**

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

1. **PAC Committee Recommendation - General Request:** Superior Court I presented salary and title changes to the following positions:

Court reporter (\$33,502.00) to Court Administrator/Court Reporter (\$34,502.00)  
Secretary (\$27,185.00) to Assistant Court Reporter (\$31,367.00)

The Pac Committee does not recommend the salary increases or title changes to the Court Reporter or Secretary positions at this time. The PAC Committee cannot recommend increases for two positions when all county employees did not receive increases this year. The PAC Committee recommends the request be submitted at budget time and job titles, salaries and job descriptions be reviewed at that time.

2. **PAC Committee Recommendation - Drug Court:** Superior Court I requests the following two new positions effective July 1, 2006:

Drug Court Coordinator	\$34,502.00
Drug Court Administrator	\$31,367.00

The PAC Committee recommends the position of Drug Court Administrator be funded as requested. This position would have an annual salary of \$31,367.00

The PAC Committee does not recommend the position of Drug Court Coordinator be established at this time. This position should also be submitted at budget time, and would be the next step in starting the Drug Court. The PAC believes that the county process should be in small stages. These decisions were made upon the expectation that there may be local state and federal grants available to supplement drug court funding.

The PAC Committee recommendations were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

3. **Ordinance 2006-BCC-12:** Ordinance 2006-BCC-12 was presented as an ordinance amending the third paragraph of Section 2.13 of the Howard County Handbook to read as follows:

As used in the foregoing policy, the term "relative" refers to a person related to another by blood or marriage, such as (by way of example and not a limitation) parents, children, siblings, grandparents, aunts, uncles, nieces, nephews and in-laws. The term "relative" also includes those not related by blood or marriage, by whose relationship is, in fact, similar to that of persons related by blood or marriage, as determined by the Board of Commissioners. Conversely, the term "relative" does not include those related by blood or marriage whose relationship is, in fact, not similar to that of persons related by blood or marriage, as determined by the Board of Commissioners.

Discussion ensued and at its conclusion, a motion was made by Mr. Harbaugh, seconded by Mr. Raver and carried to approve Ordinance 2006-BCC-12.

***At 9:31 a.m. the Regular meeting was recessed to continue  
a previously scheduled Public Hearing pertaining to  
the Department of Health's Pool Ordinance.***

Ms. Michelle Arvin submitted new copies of the Pool Ordinance and began the Public Hearing by informing the Commissioners of the points of discussion at the Board of Health meeting on March 13, 2006. The Board of Health discussed the Notification Policy that was mentioned at the March 6<sup>th</sup> Public Hearing (*please refer to page four, 9:37 a.m. Public Hearing, of the Regular Meeting Minutes dated March 6, 2006*). The Board is concerned at the amount of time it would take the Health employees to mail out notification letters, and it wants the pool owners to be responsible to read their own water sample reports. Instead, the Board of Health added language, under Section 13. Compliance and Enforcement, as follows: "The Howard County Health Officer may issue an "Order to Abate", Permit Suspension, Pool closure Order, or hold a Hearing and levy fines based on a condition that may transmit, generate, or promote disease. A hearing shall be called if an establishment has obtained four closures within a thirty day period. Reasons for closure are listed on page seven of this ordinance, sections 11 and 12. A requested inspection that does not meet operational standards shall also count as a closure for these purposes. Failure on the part of the Operator to comply with the Order could result in the enforcement of the Order in the court of jurisdiction by the initiation of an action by the county attorney, or attorney authorized by the county executive, or county prosecuting attorney." The Board of Health has called a special meeting for April 10<sup>th</sup> and asks that the Public Hearing be continued to April 17, 2006. President Bagwell opened the floor for public comment. The only public comment was a question concerning posting the amended copy of the ordinance prior to the next Public Hearing. Ms. Arvin assured those present that the amended copy of the ordinance would be posted on the website on April 11<sup>th</sup>. There being no further public comment, Commissioner Raver asked if the Fee Ordinance could be heard at the same time as the Pool Ordinance. The Health Department responded affirmatively and Mr. Raver made a

motion to continue the Hearing for the Pool and Fee Ordinances until 9:30 a.m. on Monday, April 17, 2006. The motion was seconded by Mr. Harbaugh and carried.

*The Regular Commissioner meeting was reconvened.*

**IN THE MATTER OF INFORMATION SYSTEMS ISSUES:**

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

1. **2006 Homeland Security Grant:** Mr. Tribby is the project manager for the grant committee and is responsible for writing the grant. The grant will be written in three phases; (1) Law Enforcement (2) Project Hoosier Safety and (3) Wireless Operations. The grant will be submitted on line. When documentation has been completed, a copy will be given to the Board of Commissioners for their review.
2. **Juvenile Probation Maintenance Agreement:** Mr. Don Travis took the floor to explain a maintenance situation concerning their server. When they experienced a problem with the server, IBM informed Mr. Travis that the maintenance agreement on the hardware had expired in 2004, and the software agreement expired in 2005. A new five year contract can be entered into retroactive to the beginning of March, 2006. The amount would be \$7,000.00 annually and can be transferred to any new equipment, and Mr. Tribby commented that he believed he had enough money in his service fund to cover the costs. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the Service Agreement with IBM for the Juvenile Probation server, in the amount of \$7,000.00 annually, and authorize the President to sign on behalf of the Board.

**IN THE MATTER OF SETTING A HEARING FOR A VACATION OF EASEMENT:**

Mr. Dan Fawcett presented a request to set a Public Hearing to Vacate an Easement on lots eight and nine of the Lakeside Subdivision. An attorney is in the process of preparing the Petition to Vacate. A motion was made by Mr. Raver to set a Public Hearing at 10:00 a.m. on Monday, April 17, 2006, contingent on proper vacation documentation being submitted. The motion was seconded by Mr. Harbaugh and carried.

**IN THE MATTER OF A CONTRACT REQUEST FOR PERSONAL CARE AMBULANCE TRANSPORT:**

Mr. Coley Bevington submitted a contract request to the Board of Commissioners for his Basic Life Support Transport Company. He informed the Board of the history of his company and assured them that his transport service is for non emergency service when other transports cannot respond. Sheriff Talbert lent his support for this company and need for the service. After discussion, the Board informed Mr. Bevington that **Advanced Life Support service areas** are the concern of the Board of Commissioners. Basic Life Support transport **providers** would be under the jurisdiction of each individual Township Trustee. Mr. Bevington will contact Township Trustees.

**IN THE MATTER OF A DISPUTED ACCOUNTS PAYABLE VOUCHER:**

On behalf of Steve Maus, Community Corrections Director, James Jackson appeared before the Board to offer an explanation for a claim originally denied by the Auditor's Office. Though the County is not allowed by the State to reimburse employees for personal items such as the disputed hand sanitizer, Mr. Jackson explained that the hand sanitizer is used by Community Corrections employees in their vehicles as they make calls to inmates. Mr. Maus feels that in dealing with the inmate population, as the Sheriff's employees also do, they would need certain protective measures, such as hand sanitizer. In light of that new information, it was the consensus of the Board to allow payment of the hand sanitizer. The Board asked that Community Corrections make the Auditor's office aware of that type of information in the future.

**IN THE MATTER OF EMPLOYMENT POLICY FOR E-911 DISPATCH:**

Loretta Moon, Chief Matron and Personnel Director of the Sheriff's Department, brought a request to the Board of Commissioners concerning the relationship of a possible new hire for a supervisor position in the E-911 Department, and a current Dispatch employee. The current employee and prospective employee are half siblings having the same mother, but being raised by two different families, neither of which was the mother. A familial relationship does not exist between the two. On a motion made by Mr. Raver and seconded by Mr. Harbaugh, it was determined by the Board of Commissioners

that based on the facts submitted in Ms. Moon's letter to the Commissioners dated March 17, 2006, the current Dispatch employee is not a "relative" of the prospective supervisor candidate, as that term is now defined in Section 2.13 of the County Personnel Handbook.

#### **IN THE MATTER OF CLAIMS AND REPORTS:**

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

1. **Commissioner Salary Claims:** The Commissioners' Salary claims payable March 24 and 31, 2006, in the amount of \$289,010.76, were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
2. **County Operating Claims:** The County Operating Claims payable March 20, 2006, in the amount of \$211,266.26, were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
3. **Treasurer's Monthly Report:** The Treasurer's Report for the month ending February 28, 2006 was accepted on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
4. **Township Assistance Appeals:** Hearing Officer Paul Raver presented the Hearing for Ronette Irwin, Center Township, and moved that the Trustee's denial be upheld. The motion was seconded by Mr. Harbaugh and carried.

Hearing Officer Paul Raver presented the Hearing for Carol Shupperd, Center Township, and moved that the Trustee's denial be upheld. The motion was seconded by Mr. Harbaugh and carried.

5. **Weights & Measures Report:** The Weights & Measures Monthly Report from February 15 to March 15, 2006 was accepted on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

#### **IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

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

1. **Ratify Signature:** Commissioner Bagwell signed close-out forms for the Taylor Regional Sewer District, submitted by Ms. Tina Mendenhall Henderson. His signature was ratified on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **Bond for Howard Haven Superintendent:** The Auditor's Office was notified by the State Board of Accounts that our County Home Superintendent, Tom Tolen, should be bonded. The State statute requires a minimum bond of \$8,500.00. Mr. Murrell has arranged with Miles & Finch for a bond for Mr. Tolen. The Council will need to affix the value of the bond and this issue is on the agenda for the March Council Meeting. A motion was made by Mr. Raver to accept the bond for Tom Tolen subject to the Council's setting of the amount, and authorize the President to sign on behalf of the Board of Commissioners.
3. **Barnes & Thornburg Invoice:** Mr. Murrell submitted for payment, an invoice from Barnes & Thornburg, for services rendered in connection with Delphi bankruptcy matters, in the amount of \$902.00. On a motion made by Mr. Raver and seconded by Mr. Harbaugh, the invoice from Barnes & Thornburg in the amount of \$902.00 was approved for payment.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

1. **Pillars Performance Bond Release:** Pillars Housing LP has notified the Auditor's Office that their project is completed and the Performance Bond can be released. This request will be forwarded to Highway Engineer Ted Cain for his inspection and approval.
2. **Criminal Justice Coordinating Committee:** The Committee is discussing contingency plans for the Criminal Justice Center, and has contacted American Consulting Company to perform a study. This company has submitted a proposal, which will be forwarded to Mr. Murrell for his review.

3. **Invitation to Board of Commissioners:** An invitation has been received from Kokomo Academy, to an Open House on April 28, 2006 from 10:00 a.m. until 2:00 p.m. An RSVP is requested so they can plan appropriately.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:47 a.m. on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

**HOWARD COUNTY COMMISSIONERS:**

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BRADLEY J. BAGWELL, PRESIDENT

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PAUL J. RAVEN, VICE PRESIDENT

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JOHN B. HARBAUGH, MEMBER

ATTEST:

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ANN WELLS, AUDITOR  
Commissioner Meeting March 20, 2006