

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MARCH 6, 2006

The Howard County Board of Commissioners met in Regular Session on Monday, March 6, 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 Deputy Craig Trott and conducted by President Bagwell.

IN THE MATTER OF APPROVAL OF MINUTES:

Minutes of the February 20, 2006 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. **Agreement for School Bus Turn Around:** Eastern Howard School Corporation submitted an Agreement for School Bus Turn Around located at the east drive of 11132 East 200 South, Greentown. A motion was made by Mr. Harbaugh, seconded by Mr. Raver and carried to approve the School Bus Turn Around located at 11132 East 200 South, pending approval by the Highway Department.
2. **Flood Mitigation Property Driveway Removal:** The driveway of the property located at 3258 West 250 South needs to be removed, and the Highway Department was asked to remove the driveway. Mr. Cain commented that if it were just the removal of asphalt, the Highway Department would be able to do. If it involves concrete, they do not have the appropriated equipment. Mr. Boise confirmed that there was a concrete slab underneath the asphalt and they would need to contract the removal. A motion was made by Mr. Raver to authorize Mr. Boise to receive quotes to demolish. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Case 45-CP-05:** One lot in The Land Subdivision located at 6629 West County Road 00 NS was approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
2. **Case 44-CP-05:** Eight lots in Harsh Estates Subdivision located at 2836 South 450 West were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
3. **Case 37-CP-04:** Two lots in N & J Estates Subdivision located at 3062 South 450 West were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
4. **Ordinance No. 2006-BCC-07:** This ordinance establishing a Speed Zone of thirty miles per hour on County Road 775 West, from County Road 330 South to the railroad track south of State Road 26, was approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
5. **Unsafe Property:** An enforcement letter was sent to the owners of the unsafe mobile home located at 4226 East 00 North South. The daughter of the owners contacted the Plan Commission office stating that both the owners had recently died and the family is in the midst of settling the legal matters. They are aware of the problem.
6. **Abandoned Properties:** Properties at 1001 and 1008 East Alto Road have been abandoned. Letters have been sent but there has been no response to date.
7. **Unsafe Property:** Property located at 4022 East 50 North has been inspected by Mr. Boise. He will prepare a letter to send to the owner.

8. **Flood Mitigation Property Purchase:** The closing for the property located at 4089 South 50 East (Ables) will be Thursday, March 9, 2006.
9. **Request for use of Unproductive Property:** Two neighbors of the property located at 3258 West 250 South (*refer to page one, item two*) have expressed interest in leasing portions of the property to park equipment (*please refer to page 3, item 5 of the Regular Meeting minutes dated February 6, 2006*). When Mr. Boise contacted Department of Homeland Security (SEMA), he was informed that the county cannot enter into a lease agreement, but they could issue a permit, with the understanding it would need to be moved quickly in case of flood warnings. Attorney Larry Murrell commented on liability issues involved as well as the issue of charging a permit fee or exchange for upkeep services rendered. Mr. Boise will contact Mr. Murrell with property information and Mr. Murrell will prepare a permit and contact the Insurance carrier concerning liability.
10. **Demolition of Property:** Mr. Boise has forwarded demolition specifications to the County Attorney for property located at 3904 South 350 West (Myers). Mr. Murrell will review and prepare the final specifications for the bidding process.
11. **Multi Hazard Mitigation Plan:** FEMA and the Department of Homeland Security have approved the Multi Hazard Mitigation Plan and after language changes have been implemented, a resolution will be prepared for Howard County, Kokomo, Greentown and Russiaville.

IN THE MATTER OF MAINTENANCE ISSUES:

Buildings and Grounds Supervisor Art Fross submitted the following issues for Board information and approval:

1. **Administration Center HVAC Project:** Vintage Archonics has submitted a quote for a portion of the HVAC project, replacing the existing heating air handler in the penthouse. The quote for that portion is \$95,000.00. Mr. Fross informed the Board that those particular repairs could be done "in house". The parts will cost \$2,216.38, saving the County \$92,738.62. Discussion then ensued concerning the possibility of using Vintage Archonics as a consultant to prepare the specifications. Mr. Raver, Mr. Murrell and Mr. Fross will contact Vintage Archonics concerning consultation work and the preparing of specifications.
2. **North Door of Sheriff's Pole Barn:** The bottom hinge on the north door of the Sheriff's Pole Barn is rusted through and the door needs to be replaced. The locks do not need to be replaced.

IN THE MATTER OF PERSONNEL ISSUES:

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

1. **Dataview Direct:** Mrs. McKillip submitted information concerning a secure Web portal that gives immediate online access to Account Reports for administrative duties and information. This website will allow them to view, print, save and download needed reports, as well as export them to excel. This access is available at no cost to the county.
2. **Insurance Comparison Savings:** It has been one year since the county changed from Jefferson Pilot Insurance Company to AIG Group and Mrs. McKillip submitted copies of a comparison chart of how much money has been saved from changing companies.
3. **Protect Your Pockets:** The Personnel office has posted copies of the notice of the seminar, and announcements have been distributed through payroll March 3rd and March 17th.
4. **IUK Internship Fair:** Mrs. McKillip attended the internship fair sponsored by Indiana University Kokomo. She was able to find someone who was interested in being a summer intern for the Personnel Office, through the Eli Lilly sponsorship.
5. **Handbook Revision:** Mrs. McKillip reminded the Board that it was time to take a look at the Personnel Handbook for any needed revisions.

IN THE MATTER OF INFORMATION SYSTEMS:

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

1. **New Server in Clerk's Office:** The new server for the Clerk's Office Imaging Project has been installed and is functional (*please refer to item 2, "In The Matter of Information Systems, page 5 of the Regular Meeting minutes dated October 17, 2005*). The company Mr. Tribby used included software that makes it possible for the Courts to retrieve the archival information stored on the server, giving them the ability to find court documents, otherwise known as intranet access.
2. **Criminal Justice Server:** A new server has been installed in the room off the Dispatch area. Vertical racks were installed to hold the new equipment in an effort to preserve space.
3. **GIS:** At the end of March, access to information maps and aerial photographs will be available through the internet. Mr. Tribby and Mr. Murrell will review the Disclaimer.

In leading into the next item, Information Replication Software, Mr. Tribby reminded the Board that having information stored off-site is essential for retrieval purposes in the event of a community disaster.

IN THE MATTER OF THE FIDLAR SOFTWARE CONTRACT:

Howard County Recorder Linda Koontz presented the contract with Fidlar Software for information replication and off site storage. This is a five year contract with an initial cost of \$14,375.00 and a \$500.00 quarterly maintenance fee; this will be paid from the Recorder's Perpetuation Fund. This data would still be owned by Howard County, stored in Rock Island, Illinois, and is not available through the internet. In case of an emergency, it would be available to the Recorder's Office for a complete reinstall. The replication is daily and parameters can be programmed to review data. Mr. Murrell and Mr. Tribby have reviewed the contract. On a motion made by Mr. Raver and seconded by Mr. Harbaugh, the Replication Software Contract with Fidlar at an initial cost of \$14,375.00 and yearly maintenance at \$2,000.00, was approved and the President was authorized to sign on behalf of the Board of Commissioners.

At 9:37 a.m., the Regular meeting was recessed in order to resume a previously scheduled and continued Public Hearing concerning the Health Department Pool Ordinance.

At the previous Public Hearing on February 20th, the Board continued the Hearing and remanded the Ordinance back to the Board of Health with directions to possibly omit the Certified Pool Operator requirement with emphasis on education and stricter enforcement (*please refer to page four of the Regular meeting minutes dated February 20, 2006*). Michelle Arvin, of the Department of Health, distributed copies of a revised Pool Ordinance that removed the Certified Pool Operator requirement, but strongly recommended the Pool Operator Training. To help strengthen enforcement, under Additional Requirements, the Board of Health added "failure to obtain a satisfactory water sample" as a reason for closure. President Bagwell then opened the floor for public comment.

Lynn Sullivan, Indiana Apartment Association: Expressed appreciation to the Board of Commissioners and Board of Health for their willingness to work with their concerns and the exclusion of the Certified Pool Operator requirement. The association has concern for language issues still remaining, as reflected in a memo sent by their attorney, Andrew C. Charnstrom, to Attorney Brian Oaks. Also of concern is the suggested pool closure upon *one* unsatisfactory water sample, as opposed to two unsatisfactory water samples as permitted by the State. There is confusion on their part to the intent of this inclusion, whether it really targets repeat offenders.

Ms. Arvin answered questions posed by the Board concerning clarification of who does the testing and the time frame involved. She continued to describe the testing process to the Commissioners and clarify the time frame of when the Health Department receives the reports. Ms. Arvin informed the Board that as a part of her job, she monitors the bacteria count report for each public pool operator and stated she would be willing to notify the owners of high bacteria count reports, to help monitor and hopefully prevent pool closures due to bacteria counts outside the allowable amount.

Dr. Scherschel, Board of Health: Called attention to the fact that the Health Department is making efforts to reduce the time the pool is closed.

Joe Kerns, Turtle Creek Apartments: Has an issue with the "one unsatisfactory water sample" as a reason for immediate closure.

It was the consensus of the Board of Commissioners to direct the Health Department to develop a policy of notification to include in Section 10. Inspection of Public and Semi Public Pools. As this would be a courtesy performed by the Health Department, once the notification clause is included in the Ordinance, the logistics of that policy would be determined by the Health Department. Attorney Larry Murrell suggests the Health Department continue to work with Mr. Oaks for corrections and final adjustments. Information Systems Director, Terry Tribby, suggested that the final version of the Ordinance be submitted to the IT department for posting on the internet. A motion was made by Mr. Harbaugh to *continue* the Hearing to 9:30 a.m. on Monday, March 20, 2006.

After a brief recess, the Regular Meeting was reconvened at 10:45 a.m.

IN THE MATTER OF DELINQUENT TAX COLLECTIONS:

Treasurer Martha Lake informed the Board that there has been no provision for amnesty for any kind of property taxes (*please refer to page four, "In The Matter of A Collections Contract With McCann And Peele" of the Regular meeting minutes dated February 20, 2006*). In Senate Bill 1001 there are several clauses included that could open the door for that possibility. Knowing that local government has options that the State does not have, concerning collection of property taxes, Ms. Lake suggests to the Board that she wait on this issue.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following claims and reports for Board information and approval:

1. **Salary Claims:** Commissioner Salary Claims payable March 10 and 17, 2006, in the amount of \$289,010.76, were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **Commissioner Operating Claims:** Operating Claims payable March 6, 2006, in the amount of \$493,382.55, were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
3. **Certification of Reappointment:** Mr. Phil Wise's Certificate of Reappointment to the Redevelopment Commission was submitted for signatures.
4. **Surveyor Tax Software Maintenance Agreement:** The Surveyor has entered into a software agreement with Manatron for the ditches and drains. The maintenance agreement for that software is submitted for Commissioner approval. The agreement was remanded back to the Surveyor to bring to the Drainage Board.
5. **Request to Build Apartments:** A notice from the Kokomo City Board of Zoning Appeals was submitted notifying Howard County that there is a Public Hearing on Tuesday, March 7, 2006, giving all interested parties an opportunity to be heard in the matter of obtaining a variance to the maximum density requirement, to build three dwelling units in the building located at 223 North Main Street (across the street from the Administration Center). There is a legal limit of eight per acre. The three extra units would go beyond the eight unit limit. By consensus, the Board has no opposition to the proposal.
6. **County Home Outstanding Collection of Funds:** At the present time the County Home is accepting new residents before they qualify for Arch. This means they can be up to two months behind on their payments with no plan to recoup the funds. The Auditor's office prepared a report of year end balances due Howard County at the end of 2005. The State Board of Accounts requests that the County either attempt collection or make write-offs. Auditor Wells is also concerned about residents that might carry a credit, if there is a policy to suspend payment until the credit is applied. It was the consensus of the Board to direct the Auditor's Office to update the report and make recommendations, and the Commissioners will meet with Mr. Tolen concerning procedural concerns.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Crowe Chizek Invoice:** An invoice from Crowe Chizek Company for professional services regarding preparation of a report, in the amount of \$2,579.61, was submitted and approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **Barnes & Thornburg Invoice:** An invoice from Barnes & Thornburg for legal services concerning Delphi bankruptcy matters in the amount of \$2,732.00 was submitted and approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
3. **Appreciation For Book Allowance:** Mr. Murrell expressed appreciation to the Board for the book allowance in their budget that enabled him to purchase updated Indiana Code Books for local government.
4. **New London Conservancy Loan:** The New London Conservancy has only made one payment on a \$35,000.00 loan and the State Board of Accounts feels it's in the County's best interest to request the money be returned. Mr. Murrell explained that this money is front money for a \$350,000.00 grant that is being pursued. The Town of Russiaville would not take over the Conservancy unless the requested grant is approved. Mr. Murrell recommended that the New London Conservancy keep the money in the event the grant is approved. Mr. Murrell will contact grant writer, Tina Henderson, to ascertain the progress of the grant and bring information back to the Board.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Veterans Service Officer's Monthly Report:** The February Veterans Service Officer's Report was submitted and accepted on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **E911 Tower Located at the Cinergy Building:** There has been ongoing problems with radio reception during storms. The County has already replaced an antenna, modifiers, and other pieces of equipment trying to rectify the problem. M/A Com Inc. did a study and found evidence of "ionic interference" due to metal to metal reaction in the tower, itself. A quote was given by Integrity Communications & Electronics in the amount of \$32,651.00 to move all equipment to a new tower. The intended location does not have a back up generator that would automatically switch over. A generator with an automatic switch could be worked into the lease agreement. Commissioner Bagwell will proceed with negotiations.

There being no further business to come before the Board at this time, the Regular meeting was adjourned at 11:30 a.m. on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

HOWARD COUNTY OF COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

PAUL J. RAVER, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Meeting Minutes March 6, 2006