

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 17, 2006

The Howard County Board of Commissioners met in Regular Session on Tuesday, January 17, 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 Attorney Larry Murrell and Auditor Ann Wells.

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

IN THE MATTER OF THE APPROVAL OF MINUTES:

Minutes of the January 3, 2006 meeting were submitted having been previously reviewed. An error was found on page five, "In The Matter Of A Grant Proposal For Construction Of Sanitary Sewer For Darrough Chapel". The address for the Fairview Baptist Church is corrected to read "**2108 East Vaile Avenue**" in lieu of 23108 East Vaile Avenue. A motion was made by Mr. Raver to approve the minutes as amended. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF HIGHWAY ISSUES:

Highway Engineer/Supervisor, Ted Cain, did not have any issues for Commissioner action, at this time. Commissioner Bagwell informed Mr. Cain of repair work needed on a bridge located on 300 South, just east of 200 East. Mr. Cain will look into the repair needed.

IN THE MATTER OF SHERIFF ISSUES:

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

1. **Retain Special Deputy:** Former Maintenance Supervisor for the Sheriff's Department, Art Fross, now works as the County Maintenance Supervisor. Having had ten years of experience with the Kokomo Police Department, Sheriff Talbert would like to retain him as a special deputy, requiring twenty hours of training annually, as well as maintaining firearms training. It was the consensus of the Board to allow Mr. Fross to be retained as a Special Deputy.
2. **Christmas Behind Bars:** The "Christmas Behind Bars" gift distribution program was very well received. One hundred percent of the female inmates and about ninety-five percent of the male inmates participated. Some item packaging changes need to be made. Sheriff Talbert would like to continue the program.
3. **Replacement Vehicle for Inmate Work Crew:** Sheriff Talbert asked approval to begin the process of looking for a replacement vehicle for the Inmate Work Crew (*please refer to item 3, page 2, "In The Matter Of Sheriff Department Issues", of the Regular Meeting minutes dated January 3, 2006*). He would like to get a new fifteen passenger marked van. By Board consensus, approval was given.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Case 31-CP-05:** Three lots in The Vine Subdivision, located at 1248 South 200 East. On a motion made by Mr. Raver and seconded by Mr. Harbaugh, Case 31-CP-05 was approved.
2. **Case 37-CP-05:** Four lots in Sycamore Farms Subdivision located at 6064 Velvet Court. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve Case 37-CP-05.
3. **Case 40-CP-05:** One lot in Parslow Acres Subdivision located at 849 East 600 North. On a motion made by Mr. Raver and seconded by Mr. Harbaugh, Case 40-CP-05 was approved.
4. **Performance Bond for Kokomo Gravel, Inc.:** Mr. Boise presented a Performance Bond for excavation and landscape rehabilitation of the gravel pit located on County Road 300 South, Howard County. It was the consensus of the Board to take the Bond under advisement for Attorney Murrell's review.

5. **Unsafe Building Issues:** There is nothing to report regarding the Myers' property located at 3904 South 350 West (*please refer to the Public Hearing on page 3 of the January 3, 2006 Regular Meeting Minutes*).

Mr. Boise received information concerning an unsafe building on State Road 22/35, between 425 and 450 East (*please refer to item 9, page 4 of the Regular Meeting Minutes dated January 3, 2006*). Mr. Boise reported that the mobile home is in the process of being stripped and there are several hundred feet of extension cord traveling the length of the field, to a neighboring property. Mr. Boise will follow up on correcting the situation.
6. **Flood Mitigation Property:** Wednesday is set to be the closing date of the flooded property located at 4089 South 50 East. Mr. Murrell was contacted about an issue with a mortgage held by the Small Business Administration; there will be some further paperwork to negotiate the issue.
7. **Multi Hazard Mitigation Plan:** The Plan is still in the process of being reviewed.
8. **Shed Removal on former Randall Property:** The Sheriff's Department Inmate Work Crew has looked at the shed removal project located at 3258 West 250 South and added it to their list of projects. A portable generator will be needed. A portion of the project will be paid by the Flood Insurance monies, paid by the previous owners' insurance company. They can't sign off until the project is complete, yet the check expires at the end of the month. This issue will be taken under advisement, remanded to Mr. Murrell and Mr. Boise for review.
9. **Introductory Course:** The Plan Commission is offering a training session, an Introduction to Planning Issues Course, from 4:00 p.m. to 7:00 p.m., Wednesday, January 18, 2006. Mr. Boise extended an invitation to the Board of Commissioners.

IN THE MATTER OF MAINTENANCE ISSUES:

County Maintenance Supervisor, Art Fross, presented the following issues for Board information and approval:

1. **Vintage Archonics HVAC Proposal:** Mr. Fross invited Scott Reed, maintenance for the Administration Center, to give a report concerning the Vintage Archonics HVAC Proposal. Mr. Reed has fifteen years experience in the HVAC industry; he distributed his report to the Commissioners and asked for any questions they might have. Mr. Reed recommends that in lieu of complete replacement of the whole HVAC system, the boilers be replaced, leave the cooling system as it is and put fan coils in the ceiling of the first floor and basement, "utilizing the new heat system" (items one and three of the Vintage report). The total estimated cost of this recommendation would be from \$368,000.00 - \$400,000.00. After discussion, a motion was made by Mr. Raver to request \$400,000.00 from Cumulative Capital Fund, for approval by the County Council, for the HVAC system in the Administration Center, and direct the Maintenance Department to contact Vintage Archonics to request bid specifications for items one and three of its report. The motion was seconded by Mr. Harbaugh and carried.
2. **Transfer Request:** On the 2006 Budget Request, \$20,000.00 was requested for account number 03253, Equipment Repair. At one time that number was used for repair supplies, also, but in an effort to unify the numbering system county wide, repair supplies need to come from supply number 02253. Mr. Fross asks permission to ask to transfer \$19,000.00 from 03253, Equipment Repairs to 02253, Equipment Repair Supplies. A motion was made by Mr. Harbaugh to approve the request to transfer \$19,000.00 from 03253, Equipment Repairs to 02253, Equipment Repair Supplies and to send to the request to Council for their approval. The motion was seconded by Mr. Raver and carried.
3. **Additional Entrance/Exit for the Criminal Justice Center:** There is a need for swinging entrance/exit door, from the secured portion of the Center to the outside, allowing released prisoners to exit from the building without having to go through the lobby. Mr. Fross will be receiving estimates on the cost of the project.
4. **Ceiling Repair:** The ceiling in the Book-In area received damage during a previous escape attempt. Most of the needed materials are already on hand.

5. **Actuator Parts:** Actuator Parts are needed for heating units that are outdated. It is hard to find the parts, but the Maintenance Department has found the original maker of the parts and is able to purchase them at a fraction of the cost. They will be stockpiling the parts, to keep enough on hand.
6. **Howard County Right to Life:** Howard County Right to Life has requested the use of the public area located on the east side Courthouse steps and electrical outlet for their annual "Sanctity of Human Life" rally on Sunday, January 22, 2006, from 2 - 3 p.m. On a motion made by Mr. Raver and seconded by Mr. Harbaugh, the request from Howard County Right to Life was approved.

IN THE MATTER OF PERSONNEL ISSUES:

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

1. **Change of Title for Legal Secretary:** Mrs. McKillip submitted a recommendation from the PAC Committee to change the part-time hourly position of the Legal Secretary to a part-time **salary** position, with an annual salary of \$11,964.00. This would put it on the same level as the legal secretaries in the Public Defenders' offices. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the request to change the position title of the Legal Secretary to part-time salary.
2. **Anthem ASO System:** Beginning February 1st, we will be paying Anthem claims weekly. The Personnel Department is working with the Auditor's office in the matter of enrollment, deletion and change in coverage. That will continue as we begin the payment of claims.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

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

1. **Superior Court IV Computer Systems:** Superior Court IV's computer system is in operation and the employees have received training. They are still working on the Jury Selection software.
2. **New Employee:** Mr. Tribby introduced new employee, Mr. Chris Taylor. Mr. Taylor is a graduate of Western High School and Taylor University, with a Master's degree from Purdue University, in Computer Science. He will be working on the Jury Selection Software and the GIS software. Mr. Taylor was welcomed by the Board of Commissioners.
3. **Wireless Hot Spots in Greentown:** Agreements for the Wireless Interoperability networking in Greentown are completed and Cinergy has installed the electricity.

IN THE MATTER ORDINANCE NO. 2006-BCC-01:

Clerk Mona Myers presented Ordinance No. 2006-BCC-01, an order of the Howard County Board of Commissioners establishing precincts. This Ordinance was requested by the State Election Board to correct an earlier order. Ordinance No. 2006-BCC-01 was approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

IN THE MATTER OF THE CLERK'S CONTRACT WITH ELECTION SYSTEMS AND SOFTWARE:

Ms. Myers received a communication from Election Systems & Software concerning the contract process. We are in the next batch of contracts for processing and were given verbal promise of voting machine delivery before March 15, 2006.

*At this time the Regular Meeting was recessed to hold previously scheduled
Public Hearings concerning the Department of Health
Pool and Fee Ordinances.*

The Public Hearings for the Pool and Fee Ordinances were opened by President Bagwell and Ms. Conyers was asked to take the floor for the presentation by the Health Department. The Hearing for the Pool Ordinance was held first. Ms. Conyers introduced Michelle Arvin from the Health Department, Mr. Ken Kavanaugh from the Indiana State Department of Health, and Dr. Scherschel, Chairman of the Howard County Board of Health. Ms. Arvin took the floor to list the

meetings and teleconferences with the Apartment Association held concerning this Ordinance to consider changes to the original draft of the Pool Ordinance, and to answer any questions. The original Pool Ordinance was first presented in a Public Hearing on November 7, 2005 (*please refer page three, Public Hearing for Ordinance No. 2005-BCC-49, of the Regular Meeting Minutes dated November 7, 2005*). The floor was then opened for public comment. The following citizens voiced their opinion concerning the Ordinance.

Andy Charnstrom, legal advisor for the Indiana Apartment Association - expressed concern regarding the process, and felt that communication has been "problematic". The association does not agree with the changes to the draft and does not recognize a need for a Certified Pool Operator (CPO).

John Livengood, President of the Indiana Hotel and Lodging Association - raises concerns about the need for a CPO; is not aware of any other county that has this requirement. There is no "demonstrated need" for this additional requirement. He asked that the Board of Health reconsider that portion of the Ordinance.

Sue Norris, Department of Health, Environmental Coordinator - refutes the accusation that meetings were conducted without the knowledge of all parties involved. Changes to the original draft were made by the Board of Health and were faxed to the appropriate entities. She expressed support of the Certified Pool Operator requirement, equating the need to be certified as a pool operator as being similar to the need for certified food handlers and septic installers. Environmental health is becoming more specialized.

Ken Kavanaugh, Indiana State Department of Health - the State Department of Health encourages counties to "develop their own ordinances", incorporating the state law. He supports the Certified Pool Operator requirement as a "good arrangement" and a step forward in public health. There is no state requirement for a CPO, but does not believe it is unreasonable. Howard County would be the first county to require a Certified Pool Operator.

Darin Patel, local hotel owner - questioned how the CPO requirement changes the current system.

Sue Mueller, Aquatics Director of Howard County YMCA - has been a CPO and supports the requirement.

Dr. Scherschel, Chairman of the Howard County Board of Health - there is no way to trace common pathogens deposited in the pool and difficult to keep accurate records for reporting. Daily pool maintenance is very important.

Rose Jackson, local hotel operator - she gives extensive training to maintenance workers concerning the operation of the pool. There is a frequent turnover in maintenance workers.

The floor was closed to public comment and discussion ensued among the Commissioners. The major point of contention is the requirement of the Certified Pool Operator. The Board encouraged the Department of Health and the various associations to negotiate their differences concerning the requirement. They need to find a balance between health issues and burdening the business owner. With this sentiment in mind, a motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to continue the Public Hearing for the Pool Ordinance to 9:30 a.m., February 20, 2006.

A motion was made by Mr. Raver to continue the Fee Ordinance to 9:30 a.m., February 20, 2006. The motion was seconded by Mr. Harbaugh and carried.

***At this time the Public Hearings for the Pool and Fee Ordinances were closed
and the Board of Finance Meeting is opened and conducted by Treasurer Martha J. Lake.***

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The Regular Commissioner Meeting is now reconvened.

IN THE MATTER OF KINSEY YOUTH CENTER ISSUES:

Kinsey Youth Center Director, Jan Weaver, presented the following issues for Board information and approval:

1. **Maintenance Agreement for the Fire Alarms:** An agreement from Simplex Grinnell for Fire Alarms in the amount of \$6,533.00 annually. On a motion made by Mr. Harbaugh and seconded by Mr. Raver, the Maintenance Agreement from Simplex Grinnell for the Fire Alarms was approved and the President authorized to sign on behalf of the Board of Commissioners.
2. **Maintenance Agreement for the EDACS radios and control station power supply:** An agreement from Mobile Radio for the radios and control station in the monthly amount of \$152.00. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the Agreement with Mobile Radio for the radios and control station, and authorize the President to sign on behalf of the Board of Commissioners.
3. **Maintenance Agreement for Cameras and Monitor:** A maintenance agreement from Mobile Radio for the Security Cameras and monitor, in the amount of \$2,650.00 annually. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the Maintenance Agreement with Mobile Radio for the Security Cameras and monitor and to authorize the President to sign on behalf of the Board of Commissioners.
4. **Maintenance Agreement on the Intercom Systems:** An agreement for the Intercom Systems in the amount of \$3,250.00 was approved and the President was authorized to sign on behalf of the Board, on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
5. **Maintenance Agreement for the Backup Generator:** An agreement with Buckeye Power for maintenance on the backup generator in the amount of \$702.65 annually. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the Service Agreement for the backup generator and to authorize the President to sign on behalf of the Board.
6. **Contract with the State for Residential and Shelter Care Facilities:** Ms. Weaver submitted a copy of a contract with the State of Indiana for Residential and Shelter Care concerning the Kinsey Youth Center, to Attorney Larry Murrell for his review. She commented that this is a way for the State to more closely monitor the use of licensed facilities and to review rates for those facilities. Ms. Weaver asks that this issue be placed on the agenda for the February 6th meeting.

IN THE MATTER OF THE 2006 / 2007 FLU SEASON VACCINE:

Public Health Nurse, Karen Long, submitted a report on the 2005/2006 Flue Vaccine season and informed the Board that it is time to order Flu Vaccine for the 2006/2007 flu season. Six hundred doses were purchased for the 2005/2006 flu season. Three hundred sixty-eight doses were administered to county employees and eligible family members; the remainder of the vaccine was administered to Howard County residents, free of charge. Ms. Long recommends that four hundred doses be ordered for the 2006/2007 flu season. A motion was made by Mr. Raver to authorize Ms. Long to order four hundred doses of the Flu Vaccine for the 2006/2007 flu season.

IN THE MATTER OF COUNTY ASSESSOR ISSUES:

County Assessor, Ann Harrigan presented the following issues for Board information and approval:

1. **Sales Disclosure Software Contract:** The State is being persistent in requiring receipt of data electronically. The Assessor's office does not have a software program in place that can submit the information electronically. She needs to submit a working plan to the state by February 1st. If this is not done, the county is in danger of losing Property Tax Replacement Credits. There are two companies that offer the software; Dox Tech, at a cost of \$43,000.00 for the software and \$7,000.00 for support, and AS2, at a cost of \$10,000.00 for scanner, training and consulting and a \$2,850.00 support fee for the second year. Ms. Harrigan introduced Mr. Phil Folkerts, from AS2, to answer questions. At the conclusion of the discussion a motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to

approve the contract with AS2 and authorize the President to sign on behalf of the Board Commissioners, pending attorney review.

2. **2006 Trending Contract:** Ms. Harrigan asked Jay Morris, Ad Valorem Solutions LLC, to speak to the 2006 Trending Contract. Mr. Morris submitted a Howard County Reassessment Solution for the 2011 pay 2012 Reassessment Process. Trending has to be done on an annual basis, in lieu of an eighteen month period previously required for the reassessment year. According to the Reassessment Solution the county would be reviewed, one quarter at a time, beginning this year. Fewer people would be doing the actual assessing, making the process less expensive with fewer chances of error. This solution would bring a \$231,155.00 savings to the County and meets with the County Assessor's approval. The 2006 Trending Contract is in the amount of \$72,800.00 and the amount has been budgeted for this year. By consensus the Commissioners decided to take the contract under advisement pending Mr. Murrell's review. The contract will be revisited at the February 6th meeting.

IN THE MATTER OF A REQUEST FOR A PUBLIC HEARING:

Attorney David Baird presented a Petition to Vacate an Easement and requested a Public Hearing. A motion was made by Mr. Raver to accept the Petition to Vacate an Easement and set a Public Hearing for 9:00 a.m. on February 20, 2006. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioners' Salary Claims:** Salary Claims payable January 20 and 27, 2006, in the amount of \$291,420.90, were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
2. **County Operating Claims:** Operating claims payable January 17, 2006, in the amount of \$997,219.35, were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
3. **Treasurer's Monthly Report:** The December 2005 Monthly report was submitted and accepted on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
4. **Amendment to the Extension Contractual Services Agreement:** Amendment #1 to the Extension Contractual Services Agreement between Purdue University and Howard County, Indiana was submitted. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve Amendment #1 to the Extension Contractual Services Agreement and to authorize the President to sign on behalf of the Board of Commissioners.

IN THE MATTER OF TOWNSHIP ASSISTANCE APPEAL:

Commissioner Raver submitted the Township Assistance Appeal of Juan L. Parker from Harrison Township, and moved to uphold the Township Trustee's denial. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Honey Creek Township Board:** At the January 3, 2006 meeting, Attorney Larry Murrell presented a request from Honey Creek Township Trustee, Robert Oiler, that the Board of Commissioners appoint a replacement for the vacancy left by the death of Mr. Herman Carter (*please refer to item three, page six of the Regular Meeting minutes dated January 3, 2006*). The thirty days has now passed and the Board can make an appointment. On a motion made by Mr. Raver and seconded by Mr. Harbaugh, Mr. Jack Talbert was appointed to the Honey Creek Township Board.
2. **Semi Annual Reports for Taylor Township Sewer District and Fire Truck Grant:** Mr. Murrell submitted semi annual reports from Ms. Tina Henderson, for the Taylor Township Sewer District and

Honey Creek Township Fire Truck Grant. Those reports were accepted on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

3. **Plan Commission Staff Interlocal Agreement Lawsuit:** At the January 3, 2006 meeting, the Board of Commissioners approved a letter of response and a 4:00 p.m. deadline on January 6, 2006. If there was no favorable response, the Board President was authorized to make a decision, with the attorney, as to the next course of action, including a possible lawsuit (*please refer to item eleven, page four of the Regular Meeting minutes dated January 3, 2006*). Mr. Murrell reported that no favorable response was received and he and President Bagwell decided to proceed with a lawsuit against the City Of Kokomo, to let the Court interpret the Interlocal Agreement. Mr. Murrell has prepared and submitted a Resolution approving the lawsuit. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the Resolution Approving Lawsuit. This Resolution will be submitted to the Howard County Council for its approval. President Bagwell made reference to statements by the Mayor that he wished to meet with commissioner Bagwell to discuss this issue. Mr. Bagwell made it clear that he is willing to meet with the Mayor so long as the City and County Council Presidents are also present.
4. **Public Defender Board:** In the year 2005, the Public Defender Board entered into a contract with Steve Raquet as Howard County Public Defender. At the Board's recent meeting the contract was extended to December 31, 2008.

There being no Commissioner Issues to present and no further business to come before the Board at this time, the meeting was adjourned at 11:43 a.m. on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

HOWARD COUNTY BOARD OF COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

PAUL J. RAVER, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS

Commissioner Meeting Minutes January 17, 2006