

HOWARD COUNTY COUNCIL REGULAR MEETING JUNE 26, 2012

The Howard County Council met in Regular Session on Tuesday June 26, 2012, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included Vice President Stan Ortman and members Leslie Ellison, Jeff Stout, Joseph Pencek, Dwight Singer, and John Roberts. Also present were County Attorney Larry Murrell and Auditor Ann Wells. Council President Richard Miller was not in attendance.

The meeting was opened and conducted by Vice President Stan Ortman. Councilman Leslie Ellison led the Council in a word of prayer.

IN THE MATTER OF A PREVIOUSLY SCHEDULED PUBLIC HEARING:

Mr. Ortman opened the Public Hearing on the Wildcat Wind Farm's Application for Determination of Economic Revitalization Area (tax abatement), and asked the Auditor to verify the notices and filings required by statute. Auditor Wells authorized and verified the following documents required by statute, for attachment to these minutes:

1. Notice of Public Hearing
2. Publisher's Certificate from Kokomo Tribune, June 8, 2012
3. Publisher's Certificate from Kokomo Herald, June 7, 2010
4. Certificate of Service of Taxing Units
5. Statement of Benefits (form SB-1/UD)

Mr. Murrell has reviewed all the notices and is satisfied that the statute was followed and all notices given.

Mr. Ortman noted that Mr. Andy Melka, Wildcat Wind Farm's Midwest-Northeast Region Development Director, and Ms. Mary Solada, Wildcat Wind Farm's attorney were present and invited to give comment. Mr. Melka commented on benefits of the wind farm to Howard County. At the conclusion of comment, the floor was opened for public comment.

Grace Aprill, 12765 E County Road 100 N: Ms. Aprill is a dairy farmer and Ayrshire breeder in eastern Howard County and is here on behalf of concerned neighbors. She is opposed to the ten year tax abatement for E-ON because of the adverse effects of prolonged exposure to the infrasound that is mixed in with the audible sound of the wind turbines, on children and animals. She is also concerned with the set-back provisions in the current zoning ordinance and asked that they be amended to 1½ miles – 2 miles for her dairy. Ms. Aprill continued to outline what her dairy gives back to the Howard County community as well as the adverse effects of increased nighttime noise levels on the cattle. "If the zoning laws are changed to the 1 ½ set back now recommended nationally by doctors and supported by the scientific community for homes, and if a 2 mile set-back is provided for dairies, such as mine, it would be a win/win situation for all." She closed by submitting a 250 signature petition and several letters.

Rachel Jenkins, 9209 E County Road 00 NS, Liberty Township: In order to leave a "good earth" for future generations, we must look for diversity of energy sources. She is in favor of renewable and clean wind power and would support a tax abatement for E-ON.

Debby Kalen, 50 N County Road 600 E: Ms. Kalen asked if the wind farm is a detriment to the dairy farm, will the dairy farm be compensated by E-ON, and can that be put into writing?

Mary Solada, Wildcat Wind Farm Attorney: This is a matter of nuisance law in Indiana. If E-ON is deemed to be creating a public nuisance, it would be held liable and E-ON understands that.

Andy Melka: His company has been using the same procedure for a long time. If there were pervasive impacts of this nature, it would be well known. There are scientific papers that say there is no link between wind turbines and human health effects. Underground currents do not occur and stray voltage is only a sign of malfunction and will be attended to.

Vice President Ortman reminded those present that this issue has to do with the Abatement for E-ON, not the approval of the project.

County Attorney Larry Murrell submitted Resolution No. 2012-HCCR-18, the Final Economic Revitalization Area Resolution for Real and Personal Property Tax Abatement (10 year). Concerning the Petitions and letter that Ms. Aprill

brought to tonight's meeting Mr. Murrell suggested that the petitions could be submitted to the County Council, but feels that the set-back issue is a zoning issue, and encouraged Ms. Aprill to submit them to the Plan Commission Board.

Howard County Board of Commissioner President Tyler Moore: For the past month, Plan Commission Director Greg Sheline and the Plan Commission Board have been gathering information concerning the set-back issue in the Zoning Ordinance (Wind Farm). Mr. Moore clarified that the present Ordinance's set-back distance is 1.1 times the tower height + 500 feet for residential. From property line (as confirmed by Plan Commissioner Director Greg Sheline) the set-back is 1.1 times the tower height. The Board of Commissioners would be happy to receive copies of the Petition and other paperwork.

Greg Sheline, Howard County Plan Commission Director: The Plan Commission office has met with Ms. Aprill anytime she has asked for a meeting, and he has responded to every e-mail she has issued. He and his staff has been busy compiling information on wind turbines and wind farms, and forwarding that information to the Plan Commission Board and the Board of Commissioners. The set-backs are already determined and a part of the current Zoning Ordinance. Any changes in the set-backs would entail a change in the Zoning Ordinance. Mr. Sheline and his office will continue to gather information and visit other counties for their information, in order to make a fair assessment.

Mary Solada: Clarified that the State of Indiana respects "Home Rule"; the ability of counties to make their own rule. The State of Indiana does NOT regulate zoning, and would not be under the purview of the Lieutenant Governor's Office.

At the conclusion of this discussion the Public Hearing was closed by Vice President Ortman. A motion was made by Mr. Roberts to approve Resolution No. 2012-HCCR-18, the Final Economic Revitalization Area Resolution for Real and Personal Property Tax Abatement. The motion was seconded by Mr. Singer and carried by five Aye votes and 0 Nay votes.

Attorney Murrell informed the Council that the Statement of Benefits form, previously submitted by Wildcat Wind Farm II, LLC, needs to be approved and have Mr. Ortman's signature. A motion was made by Mr. Roberts, seconded by Mr. Stout and carried to approve the Statement of Benefits submitted by Wildcat Wind Farm II, LLC, and authorize the Vice President to sign on behalf of the County Council.

At this time Mr. Ortman commented on the absence of Council President Richard Miller, and that Mr. Miller is in Florida with his family for a "grandson excursion".

IN THE MATTER OF RESOLUTION NO. 2012-HCCR-16:

Before the Resolution was read by Mr. Stout, Mr. Ortman congratulated Mr. Calloway for his twenty plus years as the coach for the Western Panther baseball coach, and the respect to this area he has fostered in the community. Resolution No. 2012-HCCR-16 was read in full by Councilman Stout, as follows:

A RESOLUTION OF THE HOWARD COUNTY COUNCIL JOINING THE HOWARD COUNTY BOARD OF COMMISSIONERS IN HONORING THE ISHAA CLASS 3A BASEBALL STATE CHAMPION WESTERN PANTHERS

WHEREAS, on June 15, 2012 at Victory Field in Indianapolis, the Western Panthers baseball team beat Brebeuf Jesuit 8-1 to win its first-ever ISHAA baseball state championship; and

WHEREAS, on June 18, 2012 the Howard County Board of Commissioners adopted Resolution No. 2012 BCCR-15 honoring this exceptional achievement; and

WHEREAS, a copy of the Commissioners' Resolution is attached hereto and incorporated herein; and

WHEREAS, the Howard County Council wishes to join the Commissioners in publicly recognizing the Western baseball team and Coach Calloway.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The Council hereby joins in the Commissioners' Resolution No. 2012 BCCR-15 honoring the state champion Western Panthers and Coach Calloway.

2. The Council hereby commends the Western parents, student, faculty, administration, fans and community for their enthusiastic support of their baseball team and Coach Calloway during both the regular season and the state tournament.
3. A copy of this Resolution shall be delivered to the Team and shall be made a part of the official records of the Howard County Council.

Adopted this 19th day of June, 2012 and confirmed on June 26, 2012.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the May 22, 2012 Council Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Singer and seconded by Mr. Roberts.

IN THE MATTER OF ORDINANCE NO. 2012-HCCO-16 – ADDITIONAL APPROPRIATIONS:

Auditor Ann Wells read Ordinance No. 2012-HCCO-16 – Additional Appropriations in full one time and it was acted upon as follows:

		AMOUNT REQUESTED:	APPROVED:
<u>001</u>	<u>Howard County General Fund</u>		
<u>009</u>	<u>Howard County Coroner</u>		
01117.00	Part Time	\$ 4,000.00	\$ 4,000.00
02371.00	Other Supplies (<i>Cadaver Bags</i>)	\$ 3,000.00	\$ 3,000.00
03263.02	Medical & Hospital – Autopsy / Lab	\$ 25,000.00	\$ 25,000.00
03252.00	Garage & Motor Repair	\$ 5,000.00	\$ 5,000.00
Transmission Repair – Excess will not be used if not needed for repair			

Deputy Coroner / Councilman Jeff Stout spoke on behalf of Coroner Jay Price, who was on a call. The first three requests are needed because of his case and call volume. The Garage and Motor Repair request is to repair a vehicle. It is not known at this time, the exact costs for the repair, but Mr. Price does know it will be at least \$3,500.00. Excess money will not be used, if not needed for the repair.

A motion was made by Mr. Singer to approve the additional requests as submitted. The motion was seconded by Mr. Ellison and carried. Councilman Stout abstained from the vote.

TOTAL FOR CORONER	\$ 37,000.00	\$ 37,000.00
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<u>045</u>	<u>Howard County Unified Courts</u>		
03263.00	Medical & Hospital – Psychiatric Exams	\$ 10,000.00	\$ 10,000.00

Superior Court I Judge Menges reminded the Council that several years ago non-discretionary items were removed from the individual courts' budgets and consolidated into a Unified Courts department. These are all costs for services mandated by the United States and/or Indiana Constitution.

At the conclusion of discussion a motion was made by Mr. Stout to approve the request of \$10,000 to line item 03263.00, Medical & Hospital – Psychiatric Exams. The motion was seconded by Mr. Singer and carried.

TOTAL COUNTY GENERAL	\$ 47,000.00	\$ 47,000.00
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IN THE MATTER OF RE-HIRE REQUESTS FOR THE PROSECUTOR'S OFFICE:

Howard County Prosecutor Mark McCann submitted a request to re-hire two (2) full time IVD Child Support positions and one (1) part time IVD Child Support caseworker. In the Child Support collection division Mr. McCann feels that he could not "get by" without filling these positions. They are currently overwhelmed and receive more complaints from the public than the criminal division. A motion was made by Mr. Stout to approve the request to rehire the two full time IVD Child support positions and one part time position. The motion was seconded by Mr. Roberts and carried.

IN THE MATTER OF A REHIRE REQUEST IN THE AUDITOR'S OFFICE:

Auditor Ann Wells submitted a request to rehire the payroll position in the office due to the current payroll deputy's retirement. The request to rehire the full time payroll position in the Auditor's Office was approved on a motion made by Mr. Singer and seconded by Mr. Roberts.

IN THE MATTER OF A CLOSING CERTIFICATE FOR HOWARD REGIONAL:

Mr. Murrell submitted the Closing Certificate between Howard County and Howard Regional Health Network, and transfer of liability to Community Health Network for the Council's approval. This certificate also states that to the Council's knowledge there have been no occurrences, litigations, or suits that would prevent the County from moving forward with its approval of the affiliation between Howard Regional Health Network and Community Health System. The Closing Certificate was approved on a motion made by Mr. Singer and seconded by Mr. Ellison.

Mr. Murrell informed the Council of the Burn Ban for Howard County that has been approved by the Board of Commissioners. The Ban does not prohibit fireworks in the County but encourages citizens to be wise. There is, however, a fireworks ban in the City of Kokomo.

Vice President Ortman commented that there has been a tremendous amount of positive activity in Howard County, this past year. He commends our leaders and citizens.

IN THE MATTER OF EMPLOYEE BONUSES:

Auditor Wells submitted a request for clarification of the recipients of the employee bonus that was previously approved (*please refer to page two, "In The Matter Of Ordinance No. 2012-HCCO-13 – Additional Appropriations" of the Regular Meeting minutes dated May 22, 2012*). Discussion ensued and at its conclusion a motion was made by Mr. Roberts to make the bonus effective for all full time (\$625), part time, part time / full time, and job share (\$200) employees on the payroll as of July 1, 2012. The motion was seconded by Mr. Pencek and carried.

Mr. Murrell informed the Council that the Board of Commissioners have called a Special Session for Thursday, June 28, 2012, in order to receive the Darrough Chapel Bids, and to act on the Nepotism Resolution and the resolution establishing policy requiring Disclosure of Contracts with Relatives. These resolutions must be approved and effective by July 1, 2012. The Council is included on the Disclosure of Contracting with Relatives Resolution, and council members are invited to the meeting on Thursday.

*There being no further business to come before the County Council at this time,
the meeting was adjourned at 5:39 p.m.*

HOWARD COUNTY COUNCIL:

RICHARD H. MILLER, PRESIDENT

STAN ORTMAN, VICE PRESIDENT

JEFF STOUT, MEMBER

LESLIE ELLISON, MEMBER

JOE PENCEK, MEMBER

JOHN ROBERTS, MEMBER

ATTEST:

DWIGHT SINGER, MEMBER

ANN WELLS, AUDITOR
Howard County Council Meeting June 26, 2012