

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, APRIL 1, 2013 AT 9:30 A.M.

MEMBERS PRESENT WERE NORMAN VOYLES AND BRIAN GOSS. BRENDA ADAMS, MORGAN COUNTY AUDITOR; DEB VERLEY, ADMINISTRATIVE ASSISTANT; AND PETE FOLEY, COUNTY ATTORNEY, WERE ALSO PRESENT. DON ADAMS WAS ABSENT.

NORMAN VOYLES ASKED FOR A MOMENT OF SILENT PRAYER

NORMAN VOYLES CALLED THE MEETING TO ORDER.

PUBLIC HEARING

Norman Voyles opened the public hearing for the vacation of a portion of Huggin Hollow Road and asked if there were any comments. Attorney Ronald E. Drury, representing Perry and Mary Floyd, stated that his clients own Lots 5, 6, 7, and 8 and there are two issues as they see it. One is access, and he handed out a plat map showing the area. The other issue is a drainage problem. The water backs up during heavy rains because the 14" culvert isn't big enough to handle the flow. Mr. Drury stated that they would officially object to the vacation of the road. Mr. Drury stated that the well is located close to the old road and Mr. and Mrs. Floyd might lose access to the well if the road is vacated. Pete Foley stated that it is his interpretation of the petition to vacate, that Mr. Dickerson is requesting that only a portion of the road be vacated. Mr. Floyd stated that that would be perfect. Mr. Foley stated that he could not speak for Mr. Dickerson or his attorney and that they were not present.

Tom Vander Luitgaren, an attorney representing Wayne and Lois Remick, who own Lots 15, 16, and part of lots 13 and 12, stated that he was recently hired to represent the Remicks and has not had a chance to meet with them or review the title work. Mr. Luitgaren stated that his clients are concerned about access and drainage and asked that the Board delay a decision until he could review the easement that Mr. Dickerson was offering.

John Reynolds stated that he was the realtor that sold the Remicks the property and the Board had agreed to put the old road back before the sale took place. Mr. Voyles stated that when Mr. Dickerson purchased property from Mr. Moore, he offered an easement and this put a different light on the issue.

Mr. Luitgaren stated that after reviewing minutes of previous meetings, it appeared that the Board would not vacate the road unless an easement was put in place, but he did not know if the easement was acceptable to his clients and asked if the Board would consider delaying the decision regarding the vacation of the road.

Lois Remick stated that they would not have purchased the property without the document from the Board of Commissioners agreeing to put the road back. Ms. Remick stated that Mr. Dickerson has been unwilling to work with them and they need to get new utilities (water, septic, gas, cable) installed which could require buried lines, and they would like a concrete drive for permanent access. Mr. Voyles stated that the new owner, Mr. Dickerson, offered to allow access to the property. Ms. Remick stated that Mr. Dickerson offered to sell that section of the property, but negotiations fell through.

Pete Foley stated that in 2010 or 2011, the issue of legal access was brought forward by Mr. Reynolds on behalf of his client selling their property that the Remicks purchased. It was Mr. Foley's opinion that legal access existed because the old road bed had not been vacated. At the time, as represented to the Board of Commissioners, Mr. Moore was hostile to suffering the driveway across his land and was threatening to block it and/or tear it out. At that point in time, the Board consented to lay stone on the old road bed to allow legal access. After the sale of the land from Moore to Dickerson, Mr. Dickerson represented to the Board that he was agreeable to an easement and would not force the elimination of the current driveway that allows the Remicks access to their property. As of this date, they are allowed access to the property and that has delayed the action of putting the stone on the old road bed. Mr. Dickerson has offered an easement and unfortunately Mr. Dickerson and his attorney were not present to answer any questions regarding the full spectrum of their intentions and what terms would be available for the easement. Mr. Foley recommended to the Board of Commissioners that upon the close of the public hearing, to delay a decision until that information could be determined. Mr. Foley stated that the Board does not desire to vacate a road if it is going to impair access to property.

Norman Voyles closed the public hearing. Mr. Voyles suggested making a site visit before making a decision on the issue. Brian Goss made a motion to table the issue until the May 6th Board of Commissioners meeting. Motion seconded by Norman Voyles. Motion carried 2-0. Norman Voyles noted that Don Adams was on vacation and was not present.

HEALTH DEPARTMENT – *Credit Card Processing*

Jeanne LaFary, Morgan County Health Department, requested approval of a contract with GovPayNet to process credit and debit card payments for the department. Ms. LaFary stated that there are more and more people that come in and are not prepared to pay by cash or check for fees. Being able to accept a debit or credit card as a means of payment would be a convenience for the public. Norman Voyles asked if there will be a charge to the county for this service. Ms. LaFary stated that there is no cost to the county, but there will be a small convenience fee to the customer. This is the same company that the Probation Department and Clerk's Office use. Brian Goss made a motion to approve the contract. Motion seconded by Norman Voyles. Motion carried 2-0.

MINUTES

Brian Goss made a motion to approve the minutes of the March 18, 2013 meeting. Motion seconded by Norman Voyles. Motion carried 2-0.

CLAIMS

Brian Goss made a motion to approve the monthly claims totaling \$727,222.80 Motion seconded by Norman Voyles. Motion carried 2-0.

ROAD NAME

Kenny Hale, Morgan County Plan Commission Director, requested approval of State Road 44 Lane for a private existing road on the Washington and Green Township line, off of State Road 44. Brian Goss made a motion to approve the road name. Motion seconded by Norman Voyles. Motion carried 2-0.

HIGHWAY UPDATE

Brian Goss stated that Jimmy Waggoner is on vacation this week. Crews are patching, boom mowing, and ditching. Mr. Goss stated that there are a lot of potholes appearing in the roads. The weather worked in their favor during the last snowstorm, they concentrated on the main roads because many of the other roads are soft and they didn't want to damage them with the trucks.

ENGINEER UPDATE

Larry Smith, Morgan County Highway Engineer, stated that he will appear before the Council this evening to request additional funds for a lease purchase on a telescoping excavator. He obtained quotes from RMP Equipment for a Badger and from Southeastern Equipment for a Gradall. The Badger is \$30,000 less. The Highway Department had a Badger several years ago and the employees remembered it being "as good as a Gradall." Brian Goss stated that he would like to test one to make sure it has the power they need.

Mr. Smith stated that he received an invoice from the state for the local portion of the sign project construction costs in the amount of \$45,619.15 and asked for approval of the invoice. This is a 90/10% project. The total bid was \$451,191.50. Mr. Smith stated he wasn't sure what the extra \$500 on the invoice covered, but the amount was in the highway budget. Brian Goss made a motion to pay the county portion of the sign project to the state. Motion seconded by Norman Voyles. Motion carried 2-0.

Mr. Smith stated that he received a letter from the state requesting acknowledgement of the final audit of the \$84,000 stimulus project funds (ARRA) for construction. The DES numbers are as follows: 0900900, 0900901, 0900902, 0900916, 0900917, and 0900918. Mr. Smith conferred with the Auditor's office and agrees with the totals. Brian Goss made a motion to approve the final audit report number 12-5-38. Motion seconded by Norman Voyles. Motion carried 2-0.

Mr. Goss asked that Mr. Smith mention to the Council that the salt barn at the Highway Department will need repaired. The back wall blew out and it will need to be fixed soon.

ADJOURNMENT

Brian Goss made a motion to adjourn the meeting. Seconded by Norman Voyles. Motion carried 2-0.

Morgan County Board of Commissioners

Norman Voyles

Brian Goss

Attest:

Brenda Adams, Morgan Co. Auditor

Don Adams