

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

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

NORMAN VOYLES ASKED FOR A MOMENT OF SILENT PRAYER

NORMAN VOYLES CALLED THE MEETING TO ORDER.

PETITION TO VACATE (*Huggin Hollow Road - tabled*)

Norman Voyles stated that this item was tabled indefinitely and is just on the agenda as a reminder.

RESOLUTION TO DONATE PROPERTY

Norman Voyles stated that this resolution is to sell a surplus vehicle to the Humane Society for \$1.00. The vehicle is a 2005 Ford van. Brian Goss made a motion to approve the Resolution Approving the Sale of Surplus Property to the Morgan County Humane Society, Inc. Motion seconded by Don Adams. Motion carried 3-0.

FEMA GRANT

Kenny Hale, Morgan County Planning Director, stated that FEMA contacted him last Thursday with an opportunity to submit a grant proposal for money that was not utilized in Region Five. The \$1,527,867.71 grant is due September 9th. Mr. Hale stated that this new proposal is a 700 to 800 page document and he will try his best to get it in by the deadline. Norman Voyles asked for information on what the county has already done through FEMA. Mr. Hale handed out a spreadsheet showing the grants already awarded – Primary Grant, Henderson Grant, Old Town Waverly Grant, 2010 Waverly Grant, and Johnson Grant for a total of \$7,106,054. The public meeting for the grant was Wednesday evening. There will be approximately 14 homes purchased through the grant; three in Waverly, one on Lingle Road, two on Lingle Lane, and the rest of the homes are in Willowbrook. There are nine primary locations and five alternates. He will also try to obtain CDBG (Community Development Block Grant) funds for the matching funds. The county is also able to use the properties for fire and police training for an in-kind match. Don Adams made a motion to approve the grant proposal. Motion seconded by Brian Goss. Motion carried 3-0.

NOISE ORDINANCE AMENDMENT DISCUSSION

Don Adams made a motion to table the item until there is more input. Motion seconded by Brian Goss. Motion carried 3-0.

SETTLEMENT AGREEMENT - *Allen*

Pete Foley stated that this item involves the case in Paragon regarding the boundary line of property purchased by FEMA funds. The fence line of the property owner adjacent to the west encroached upon Morgan County's lot. The court ruled that the lot line is the boundary line, not the fence. As a result, Morgan County had to pay for the area of land that formerly was occupied by the Allens. The county had a counter-claim for damages to a tree on the property that was cut by the Allens. In order to avoid the costs of hiring an expert to testify as to the value of the tree, surveying, and appraisals, Mr. Foley negotiated a proposed settlement with the Allens through their attorney such that the county would pay the Allens the sum of \$1,000 and the cases would be dismissed. The lot line would be established as the boundary and the fence would be removed from the county's property. Mr. Foley stated that it would be in the taxpayer's interest to settle the lawsuit and recommended that the Board agree to the settlement. Brian Goss made a motion to approve the \$1,000 settlement under the stated terms for Lot 8 in Paragon and authorize Norman Voyles, on behalf of the Commissioners to execute any settlement documents necessary to resolve the issue. Don Adams seconded the motion. Kenny Hale stated that he agreed with the settlement and wanted to make the Board aware that FEMA authorized the arborist, attorney fees, and settlement fee to be paid out of the grant. Motion carried 3-0.

MONROE TOWNSHIP FIRE DISTRICT – *Cumulative Fund Resolution*

Norman Voyles stated that this resolution approves the establishment of a cumulative firefighting, building, and equipment fund under IC 36-8-14. The resolution states that there is a need for the fund and it will not exceed \$0.0333 on each \$100 of assessed value. The rate would be levied for 2013 taxes payable in 2014. Pete Foley stated that under the statute, because the Monroe Township Fire District trustees are appointed by the Board of Commissioners, the statute provides that the body that appoints the trustees also must approve the establishment of the fund. The fire

district is responsible to hold the public hearings, set the rate, and submit the required information for DLGF approval. Don Adams asked if this sets a precedent and what the district is currently doing. No one from the fire district was present. Don Adams made a motion to table the issue. Brian Goss seconded the motion and stated that he would contact someone from the board so they could be present. Mr. Goss stated that he wanted to make sure the residents in the district are aware of the tax before approving it. Motion carried 3-0.

STOP SIGN ORDINANCE

Norman Voyles stated that the Stop Sign Ordinance for signs at Pennington and Dayhuff was approved at the last meeting and asked if the signs have been installed. Pete Foley stated that the ordinance will be ready for the next meeting, September 16th. Brian Goss made a motion to table the ordinance until the next meeting. Motion seconded by Don Adams. Motion carried 3-0.

MINUTES

Brian Goss made a motion to approve the August 5, 2013 minutes. Motion seconded by Don Adams. Motion carried 3-0.

TORT CLAIM

Don Adams made a motion to send the Morgan tort claim to the insurance company. Motion seconded by Brian Goss. Motion carried 3-0.

REQUEST TO USE COURTHOUSE SQUARE / ADMINISTRATION BUILDING

Rediscover Martinsville has requested permission to use the Courthouse Square for the 4th Annual Support the Troops Concert on Saturday, September 7th from 2 to 10 pm. The American Legion and VFW will also be participating. Don Adams made a motion to approve the request pending receipt of the insurance information. Motion seconded by Brian Goss. Motion carried 3-0.

The Morgan County Republican Party requested the use of the Administration Building for a breakfast on October 19th and they would also be hosting the Secretary of State. Brian Goss made a motion to approve the request. Motion seconded by Don Adams. Motion carried 3-0.

The Morgan County Republican Party also requested the use of the Administration Building for committeemen training on Saturday, September 28th. Brian Goss made a motion to approve the request. Motion seconded by Don Adams. Motion carried 3-0.

CLAIMS

Norman Voyles questioned a claim for \$15,000 for a pauper contract for a murder case, State of Indiana vs Addam Foster. The case did not go to trial and Mr. Voyles asked if the attorney should be paid anyway. Pete Foley stated that the contract was premised on a flat fee irrespective of how the case was resolved. There is risk on both sides, the case could go longer and the attorney could underestimate the total amount they would have into it. If the case was resolved early, the county could pay more than if it were under an hourly arrangement. Brian Goss made a motion to approve the monthly claims totaling \$1,259,683.31 with the following holds: DLZ \$12,715.59 pending documentation and Forensic Service, LLC \$7,500 pending Council additional. Motion seconded by Don Adams. Motion carried 3-0. Brian Goss made a motion to approve payroll as follows: August 2nd payroll of \$394,828.54 with \$30,622.40 for PERF; August 16th payroll of \$392,866.23 with \$30,358.01 for PERF; and August 30th payroll of 395,968.58 with \$30,554.40 for PERF. Motion seconded by Don Adams. Motion carried 3-0.

SHERIFF/JAIL UPDATE

Sheriff Robert Downey stated that there are 331 inmates in the jail, 20 are DOC inmates, 20 inmates on the jail corrections program, and 17 inmates are on work release. There were 6,341 law enforcement calls for the year 10,860 CAD calls, and 18,045 911 calls for the year.

The new chiller should be shipped September 9th.

HIGHWAY UPDATE

Brian Goss stated that Jimmy Waggoner is on vacation and crews are patching in District One, boom mowing, ditching, and removing log jams.

ENGINEER UPDATE

Larry Smith stated that the sign project should start next week and be done by mid-October.

The trail along Landersdale Road has a hold-up. The sanitary sewer utility had an agreement with the county to adjust the grade of the manholes once the contractor got to a certain point of the project. They are at that point and the utility is saying that of the 10 they have to adjust, seven must be lowered and they are unable to lower them. The project is at a standstill. Mr. Smith

stated that the town council meets Tuesday, September 3rd to discuss this. Pete Foley asked if Mr. Smith would send him a copy of the written agreement. Mr. Adams asked if Mr. Smith would look into doing something with the driveway cuts for the homeowners.

Mr. Smith stated that there was a public hearing for Bridge #44, Peavine Road, last Tuesday. Only a few property owners attended.

Milestone will start paving in District One today.

ADJOURNMENT

Brian Goss made a motion to adjourn the meeting. Motion seconded by Don Adams. Motion carried 3-0.

Morgan County Board of Commissioners

Norman Voyles

Brian Goss

Attest:

Brenda Adams, Morgan Co. Auditor

Don Adams