

**REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS JANUARY 23, 2017**

The Rush County Board of Commissioners met in regular session Monday, January 23, 2017 with Commissioners Paul Wilkinson, Mark Bacon, Bruce Levi; Jodi Harr Auditor, and Attorney Leigh Morning in attendance.

Chairman Paul Wilkinson called the meeting to order at 9:00 a.m. with the Pledge to the flag.

Minutes of the regular meeting on January 6, 2017 were approved on a motion by Mark Bacon. Bruce Levi seconded the motion. Motion carried. Minutes from the executive session held on January 17, 2017 were approved on a motion by Bruce Levi. Mark Bacon seconded. Motion carried. Minutes of the special joint commissioner/council meeting held on January 17, 2017 were approved on a motion by Mark Bacon. Bruce Levi seconded. Motion carried.

**CLAIMS**

Auditor Jodi Harr presented the biweekly claims docket. Mark Bacon moved to sign the claims. Bruce Levi seconded the motion. Motion carried.

Bruce Levi moved to approve the payroll claims. Mark Bacon seconded the motion. Motion carried.

RECESS – Bruce Levi made a motion to recess the regular commissioner meeting in order to conduct the annual Board of Finance meeting. Mark Bacon seconded. Motion carried.

**BOARD OF FINANCE**

Rush County Treasurer, Cindra Humphrey, opened the Board of Finance meeting for 2017. Bruce Levi made the motion with a second from Mark Bacon for Paul Wilkinson to be President of the Board of Finance. Motion carried. Mark Bacon made the motion and Bruce Levi seconded for Cindra Humphrey to be the Secretary. Motion carried

Cindra explained and reviewed the 2016 year end county finance report. She will have the Investment Policy updated to show Wilkinson as the President.

Mark Bacon made the motion to adjourn the Board of Finance meeting. Bruce Levi seconded. Motion carried.

Chairman Wilkinson re-convened the regular commissioner meeting.

**TREASURER REPORT**

Treasurer Humphrey presented the December County Treasurer report. She noted her concern regarding the low balance in the County General Fund. We have nine payrolls until spring tax collections are completed and there is not enough money in the general fund to meet

that expense let alone any other county claims to be paid. We are looking at having to borrow money from another fund this year.

### **PROSECUTOR**

Phil Caviness, County Prosecutor, asked permission to hire an intern to work by contract to help him prepare for an upcoming trial. The \$2,000 contract would be paid from his pre-trial diversion fund. Once the trial is complete, the county would be reimbursed for the contract amount paid. Since he cannot receipt this type of refund into the pre-trial fund, the money would go to county general. Bruce Levi made the motion to approve the contract. Mark Bacon seconded. Motion carried.

### **APC**

Marvin Rees, President of the Area Planning Commission, again presented the Petition to Amend the Zoning Ordinance of Rush County to define Agritourism and the use of Agritourism in zones A-1, A-1R, A-2, and A-3. David Hiner commented he believes this was to be advertised as a public hearing to be held first. County Attorney Leigh Morning stated that one public hearing had to be held and it was held by the Area Planning Commission at their last meeting. This will serve as sufficient public notice. Hiner also noted that the APC board did not cite the code usage allowed. He thinks it should go back to the APC. APC board member Tom Monka noted that Appendix E in the ordinance book would need to be changed and that cannot be done until the ordinance is changed. Linda Ashwill, APC secretary, stated that A2 would not require a special exception but A1, A1-R and A3 would require a special exception. Commissioner Levi asked Monka if there was any reason the Board of Commissioners should not approve this change to the ordinance. Monka sees no reason to deny it. Hiner asked again if the code usage would be added and come back to the commissioners. Mark Bacon made the motion to approve the amendment to the ordinance. Bruce Levi seconded the motion adding that it is understood that the APC will address the code usage at the next APC meeting. Motion carried.

Richard Napier resident of Manilla asked for the commissioners to re-open discussion regarding the Zoning Ordinance pertaining to chickens and the \$50 fee for a special exception. He noted the APC said to go back to the commissioners and the BZA said there is nothing they can do. The state code accepts out poultry as livestock. The county livestock ordinance prevents people from having chickens. He would like the issue re-opened to come up with a common sense solution to allowing chickens. As a starting point he would like to propose up to twelve chickens allowed per residence. Commissioner Mark Bacon agrees as long as the chickens are in a coupe. He believes by not allowing them that it hinders kids who are interested in chickens as a 4H project.

Linda Shanahan from Sexton commented the complaints before were not because of the chickens but were about the pens not being kept clean. She would also like to see a department assigned to enforce the ordinance.

Bruce Levi noted that the commissioners cannot constitute what the coupe should be nor what the fees would be. Tom Monka, APC member, agreed.

Commissioner Levi made a motion that the recommendation from the commissioners to the APC is to allow up to twelve chickens to be kept in a coupe in allowable areas and that the coupe be exempt from structure fees. The ordinance should be brought back to the commissioners by the APC. Mark Bacon seconded. Motion carried.

### **BRIDGE INSPECTIONS**

Richard Durham from Durham Engineering, Inc. introduced himself to the commissioners and asked for the commissioners to consider them the next time bridge inspections were needed. They are INDOT pre-qualified to design and inspect roads and bridges. They do have an employee who lives locally.

### **COMMUNITY CORRECTIONS**

Judge Brian Hill was present representing the Community Corrections Board regarding the re-appointments to their board. It was noted that at the December commissioner meeting, the commissioners did re-appoint the four lay persons effective January 1, 2017. Mark Bacon made the motion to re-appoint the other board members as listed noting that the ex-offender appointment is still vacant. Also that Meridian Health services be the mental health appointee. Bruce Levi seconded. Motion carried. The appointments are as follows: Public Defender – Bryan Barrett; Victim or victim advocate-Barb Kuhn; County Council-Gerald Mohr; Probation Officer-Aimee Jenkins; Educational Administrator-Matt Vance; Mental Health Administrator-Meridian Health Lay Persons-Ron Jarman, Steve Houston, Carole Yeend and Deborah Adams.

### **COVERED BRIDGE**

Mark Bacon made the motion to sign the 2017 Covered Bridge Certification to the State Auditor Office. Bruce Levi seconded. Motion carried.

### **EXTENSION**

Gracie Marlatt notified the commissioners that their office is back to full staff. Their annual meeting is February 23, 2017.

### **SOLID WASTE**

Carole Yeend, Director of the Solid Waste Management District, notified the commissioners that the county recycling dumpsters will be moved effective January 31, 2017 and will not be available until mid to late February. City residents can contact the City of Rushville to sign up for their recycling program and county residents will need to use CGS in Morristown for their recycling needs.

### **SHERIFF**

Sheriff Jim Cowan gave an update on staff training and department statistics. There are currently 50 inmates housed at the jail.

He stated that the time has come to limit parking around the jail. Demolition has started on the garage and other buildings. On the Northeast side of the jail there will be two handicap spaces, two spaces for the DAV vans, a spot for the health department vehicle and a spot for the surveyor vehicle. It was requested that an email be sent to all employees notifying that parking restrictions will be in place effective January 30, 2017. Parking is permitted in the designated parking spaces at Herdrich's as long as he permits it. Parking is also available at the City parking lots at Pizza King and Rushville Pharmacy. There will also be a signed handicap spot on the west side of the jail for a handicap van.

### **VACATED ALLEY ARLINGTON**

A public hearing is scheduled for Tuesday, February 21, 2017 at 10 a.m. to vacate the alleys requested by Arlington Christian Church. It was agreed that the county will absorb the cost of the advertising and property owner notification as this is a correction to what was previously advertised.

### **JOB DESCRIPTIONS**

Kent Irwin from Waggoner, Irwin, Scheele & Associates Inc. was present at the request of Auditor Jodi Harr and County Attorney Leigh Morning. He presented a letter of engagement to prepare job descriptions and to review the FLSA job classifications for all county employees excluding elected officials. The county council has agreed to fund the request. Bruce Levi made the motion to approve the services. Mark Bacon seconded. Motion carried.

### **AUDIENCE PARTICIPATION**

Ann Reddick of Center Township asked the commissioners if there will be a public meeting to discuss what was discussed at the Commissioners Executive Session on January 17. Paul Wilkinson stated there will be discussion at a public meeting at a later time. Apex and Nextera were not present at the executive session. Ann feels like the public should know what is being communicated between Apex, Nextera and the commissioners. Wilkinson commented he does not see a need for a meeting in the near future.

Linda Ashwill current part time secretary in the Area Plan Office spoke of her concerns for the APC office. She has applied for the Director position. She needs more hours in order to keep up with the work load in the office. She suggests that the office needs a complete inventory taken because there are items such as minutes to some meetings that are missing. She purchased a recorder from her own funds in order to accurately type the minutes from the APC and BZA board meetings. It has been almost three months since the process started to hire a director and she would like some answers. Commissioner and APC board member Mark Bacon noted the APC board is close to hiring someone.

**MISC**

- RMH and Anderson Twp EMS reports for December were received.
- Use of Assembly Room after hours-Sheriff agreed that the dispatch staff would give out key to courthouse to someone who has the room scheduled after hours. Levi suggested to come up with a form with printed instructions to be given out at the time the key is signed out. He is to work with the Auditor to develop the form.
- Notice was received from Department of Natural Resources that Henry Henley Public Library in Carthage was entered in the National Register of Historic Places.

The next Commissioner's meeting will be held on Monday, February 6 at 9:00a.m.

Bruce Levi moved to adjourn. Mark Bacon seconded the motion. Motion carried.

/s/Paul Wilkinson  
Paul Wilkinson Chairman

/s/Mark Bacon  
Mark Bacon

/s/Bruce Levi  
Bruce Levi

ATTEST:

/s/ Jodi Harr  
Jodi Harr, Auditor