

Randolph County Commissioners

September 2, 2014

The Randolph County Commissioners met at their regular meeting at 9:00AM in the Commissioners and Council Room in the Courthouse with the following members present: Board President Michael Wickersham, William Terrell and Gary Girtton. Also present was Randolph County Auditor Mary Ann Lenkendorf and Sheriff Ken Hendrickson. Thomas Cockerill, attorney was present in Meeks Cockerill's absence.

Pledge of Allegiance

Michael Wickersham, President presided over the meeting.

David Daly, Prosecutor-Lexis Nexis agreement

David Daly stated I am here to ask permission to sign a 3 year contract with Lexis Nexis so that I can have access to all of their services. In the years past I may have just signed this myself. You have made a concentrated effort to know and be aware of what is going on. I have talked with Mary Ann and we think the best way to handle this since it is a contract between a private entity and a government office is to get your approval to do this. I have the money to pay for this since it comes out of my ptd funds.

William Terrell made a motion to give the Prosecutor the authority to sign on the behalf of his office on the 3 year contract with Lexis Nexis. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Valerie Gibson, Health dept. agreement with Matt Simmons and additional appropriation

Val Gibson presented a memorandum of agreement for Matt Simmons who is the preparedness coordinator. Wickersham asked if this is a renewal of the contract for \$800. Gibson said no, we increased his salary to \$1000 per month. Gary Girtton made a motion to allow the President of Commissioners to sign the preparedness contract for \$1000 per month for a 12 month period starting July 1, 2014 to June 30, 2015. William Terrell seconded the motion. All aye votes cast. Motion carried.

Wickersham read the Health department request for additional appropriations to fund the contractual work \$12,000, travel/ mileage of \$400, equipment of \$1,317 and office supplies \$1,119. William Terrell made a motion to approve additional appropriations as stated. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Hvy Dept – INDOT letter and fuel maintenance agreement

Kevin Slick stated a couple of weeks ago INDOT notified me of numbers that I was unfamiliar with. One of them is for a bridge inspection in 2004 and the other is for a bridge inspection contract in 2008. Both were never closed out. I propose sending a letter stating the LPA of Randolph County was certified with work completed for the des numbers. I am asking the President of the Commissioners to sign the letters so I can return them to INDOT and close out these two old bridge inspections. William Terrell made a motion to allow the President of the Commissioners to sign the letters to INDOT verifying the closed out the two accounts. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Slick asked if there is any question on the emails that was sent concerning the rfp's on Bridge 145.

Wickersham asked is the scaling sheet part of it for bridge 305? Also, will we be required to fill it out as the proposals come back? I noticed in past performance there is no scale there. Kevin Slick said they will assign us a scale once they are opened.

Kevin Slick stated they were in negotiations with a company for the fuel maintenance agreement. They have agreed if we would send them a check they would just extend the contract we already have when it was installed, since it is an identical contract. Wickersham asked if the contract has extension terms. Kevin replied it does and it is his recommendation is to go ahead and do this.

Robin Vickery-Community Corrections director-additional appropriation

Robin Vickery stated I am here because I received from the State an amendment to the contract that was signed on June 28, 2013. This amendment is for a performance bonus given to us in the amount of \$13,815.24 and also for an additional grant increase of \$8,464 for this grant year. This is the first time we have ever received a performance bonus and increase. I need the Commissioners to sign off on the documentations for the additional dollars that were given to Community Corrections. Wickersham asked what year this is for. Vickery said the \$8,464 is for this current grant year and the \$13,815.24 is from the prior budget year, it is still part of the grant because we are in a two year contract. William Terrell asked what the money was spent on. Vickery stated the advisory board approved an AED for our building and training and the rest has not been spent yet. William Terrell made a motion to approve the signing of the amended contract. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Additional appropriation:

Wickersham asked if her board approved these expenditures. Vickery said yes they did at the last meeting in July. The board approved me to put the money into the 100 series. I will be running the numbers, but the main piece of it we want to go for payroll so it would come out of the grant instead of project income fund. Gary Girtton made a motion to approve the additional appropriation for Community Corrections of payroll/personnel \$2,000; Social Security \$330; Medicare \$92; PERF \$3,102; group insurance \$2,940. William Terrell seconded the motion. All aye votes cast. Motion carried.

LifeStream- Kevin Jeffers and Jenny Hamilton

Kevin Jeffers and Jenny Hamilton stated they are here to follow up on a letter sent to Commissioners asking for local support for the rural public transportation system LifeStream operates in Randolph County. The funds we receive from the state and federal government requires local support and funding to match those funds. We would like to thank the Commissioners for their past support. This year we have an opportunity through some special state grant funds to purchase new vans. We have come to ask for additional support to help with some of the matching funds. Wickersham stated so this year you are asking for \$20,893. Hamilton stated the State and Federal portion of the system is 75% of the program and LifeStream puts in some funds. The state and federal money is capped. The match LifeStream puts in is a little less than half of what is left after the State and Federal for the communities that we serve. Wickersham said last year we funded 14,000 rides which were based on a 117 people. This year is 14,864 for 129 people. That doesn't sound like you are servicing that many more people. Terrell and Wickersham stated that this is a valuable service. Wickersham stated he is not sure why it is up 40% this year. Terrell said last year we did give them what they ask for. They had a \$2000 budget line and we gave them \$12,000 from Edit funds. Wickersham thinks there is trouble marketing that service. There are a lot of people in this county that don't recognize it's out there. When we discussed this in our budget meeting we didn't have this letter. Our thought was to leave \$2,000 in our budget and fund the same amount as last year. For me if you want me to raise it to \$25,000 then I am going to need a lot more information. William Terrell stated he would be in favor of raising it a little but not the whole amount. I would leave the \$2,000 in our budget and maybe get \$14,000 from edit funds for a total of \$16,000. Kevin Jeffers said we kind of had short notice from the State and we had to try and find matching funds for a van. We were hoping that you could help us fund a new van for this county. Wickersham said he needed to correct his statement. We have \$1,403 in the budget this year. Our intent was to take the balance out of edit funds. William Terrell made a motion to approve \$1403 out of Commissioner's budget and \$14,597 from edit unless Council cuts our budget. Then the entire balance of \$16,000 will be taken from edit funds. Gary Ginton seconded the motion. All aye votes cast. Motion carried.

Union Literacy Institute group-\$5,000 request

Roane Smothers stated he was back with the request to have a consulting proposal in helping raise funds and restore the Union Literacy Institute structure. You have a resume from Craig Leonard to be the grant writer. The Union Literacy Institute Board has approved Leonard to be our grant writer, but it is up to the Commissioners. If you have another person in mind the board would have no problem with it. William Terrell stated he has no problem with the grant writer the Union Literacy Institute has chosen. Michael Wickersham asked Roane Smothers what the goal is. Smothers stated Mr. Taylor is working on restoration plans for the building. Our goal is to approach funders and ask them to contribute to the restoration of the building and the site. The goal from the institute is to preserve all the structures in the Longtown community. Showing American history where there were African American pioneers that had a working relationship between the white communities of Quakers and the African Americans. My national registrar nomination is currently on hold because I am waiting for a final archeological study from the site. I believe that the building is of national significance to American history and that is why it needs to be restored to show the history of the African American participation of this county. Wickersham asked if the institute has any funds. Smothers stated the last report was \$15,000 in our bank account. William Terrell questioned the \$5,000 if it is to be used to hire the grant writer. Smothers asked will the institute administer the grant or do the Commissioners administer since it is your money. Wickersham stated he was under the impression from earlier requests that we were to write a check to you to be put in your account. Smothers said they would manage it and then report back to the Commissioners on the amounts paid and the progress. Wickersham asked what is the timing of this project. Smothers said approximately 1 year, since foundation grants are generally on a yearly cycle. We are looking at the Ball State study and it would be around \$250,000 to \$300,000 for rebuilding. If it is done as a ruin it would be around \$70,000. We want to completely restore the site. Wickersham said then the institute is not putting any more towards the grant. Smothers said they are hoping after the initial grant if successful we can put money into it to keep the grant writer on. If you want us to do a match we can do that. William Terrell asked if the grant writer thinks that \$5,000 is sufficient to start the grant process. Smothers said that will get the ball rolling and help with making the initial contacts. After the year if we are pleased with what he has done then we can fund in the future. William Terrell sees no problem with the institute receiving the \$5,000. Wickersham said it has been suggested in the event you are successful in raising the \$300,000 that the institute would agree to pay the \$5,000 back to the county. Smothers said he would write the check himself if that happens. I would not be opposed to paying the money back. William Terrell made a motion to fund this consultant to the maximum sum of \$5,000 with the provision if the Union Literacy Institute is successful in raising their goal of \$300,000 they commit to paying this sum back to the county. Gary Ginton seconded the motion. All aye votes cast. Motion carried.

Mel Botkin- animal shelter

Mel Botkin stated back in 1979 my wife Linda contacted the Commissioners about having an animal shelter. We then operated the shelter for approximately 20 years. We had 11 terrific years with Vaughn and Tina Filby at the shelter. There was an adoption rate of 40% because they worked at it. I am here today to ask to change the name of the Randolph County Animal Shelter to Linda Botkin Animal Shelter of Randolph County. Michael Wickersham stated we are currently under contract to Dale Hendrickson. I think we need to take this under advisement and let us talk with Hendrickson. We would then consider this at our first meeting in October.

Perfection Group- discussion of feasibility study tabled from August 18th

Rob Vollrath stated our group was here about a month ago. This project would allow you to upgrade the infrastructure especially geared toward the jail and RCFE building. Vollrath said the legislation requires the issue for the proposal to be approved by the Commissioners and Council. We are on the agenda for the Council tomorrow. We are here today to ask for permission to issue the request for proposal.

Wickersham said a question was raised when we talked about heat loss and air penetration of the buildings. If we did a request for a proposal and you won that request and if we hired you to do the jail would that be part of the survey. Vollrath said that would be correct. If we do a proposal it's large. The State requires a lot of calculations and other things and there is a menu item. The only cost right now is for the legal ad. William Terrell made a motion to approve the survey for request for proposal. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Gary Girtton informed Commissioners that we are going through building by building, room by room and item by item to come up with a list of all of our needs. We want to put that together with any work we are doing here after the first of the year.

REDC strategic plan – tabled from August 18 and REDC Audit recommendations

Michael Wickersham stated after this was tabled I thought we were going to have a joint meeting with the Council. It didn't happen. The Council chose the date of October 14th. I am under of the opinion that the strategic plan has value based upon our economic development agreement signed by us and the wind farm people. Had we not gone the full abatement in the first 4 years it would have been earmarked as economic development funds. I personally want to make a statement that I agree with the plan and I think we should fund it and fund it today to the tune of \$250,000 out of wind farm money. We should not tell economic development how to spend the money particularly within the plan but spend it on the strategic plan that they have developed. This would help develop the bullet points of infrastructure, leadership, communication, marketing, business retention and expansion. That gives them the freedom to use that \$250,000 of wind farm money out of the 2015 budget. I re-read the economic development agreement with the wind farm and it speaks about economic development all the way through the plan. I think it is important to start the process. I am not saying give them the 2016 or 2017 years. They can show us that they deserve it in those years. William Terrell stated he is not opposed to using some of the wind mill money but not \$250,000, without some control from the Council and Commissioners on how they spend the money. Bruce Hosier said he can't speak specifically to that specific project. We are fully engaged in every potential opportunity that can bring value to Randolph County. There are many factors and issues that go into any potential economic development component such as workforce development and infrastructure. Sometimes we can put our best foot forward and still not have the opportunity to get a project like that. I will say if you look into our continuous engagement of the economic development from a year ago we are up over 500 more jobs. We are doing an excellent job of retention but certainly when you have over 500 more employed people than a year ago that is a good indicator we are trending in the right direction and the efforts of everyone in this county is bringing value to Randolph County. Hosier stated he can't go into detail but we did lose a project or at least it has been put on hold because of workforce development issues in this county. I think that the economic development is bringing great value to the county on every level. William Terrell asked of the 500 jobs created how many were for Marjunn. Hosier said you sit on the executive board get a monthly report. You would be able to check for the information. If you have specific questions I would try and answer those. Not all of the 500 jobs are at Marjunn. With the level of leadership that we have working on the plan gives great value. Gary Girtton stated he supports what Mike stated. The only drawback is we were not able to get together with Council. I would like more input and discussion before I make a decision today. Wickersham said we are going to have a joint meeting with Council on October 14th. If we act today Council does have the option, which they seem to be in favor of the plan. They were not sure on the amount to fund. If the Council is looking at \$431,000 to fund and maybe they would be willing tomorrow to go ahead and fund this portion of it or not. At least we have acted and don't have to wait another two weeks or month to act. Terrell stated the original contract with the wind farm said that the Council and Commissioners would have control over the money. The other edit money for economic development is used at the discretion of the Commissioners not the Council. Gary Girtton made a motion to approve the REDC Strategic Plan as presented without funding. William Terrell seconded the motion. All aye votes cast motion carried.

Gary Girtton made a motion to fund up to \$250,000 out of the 2015 wind farm fund as payment for the strategic plan. Michael Wickersham seconded the motion. 2 aye votes cast. 1 nay vote cast by William Terrell. Motion carried.

Bruce Hosier stated the REDC audit had three businesses recommendations, 32 Drive Thru, Future Signs and Graphics and Silvertowne. The incentive committee requests that they pay back a portion of their forgivable loan. Wickersham stated he received a letter from 32 Drive Thru. Wickersham read a letter in response to the request for the audit. The letter read, I am asking the board for an abatement of the loan made to the 32 Drive Thru for the development of a property at 305 W Washington St., Winchester, Indiana. At the 32 Drive Thru we employ 16 Randolph County residents either full-time or part-time, college or high school students and retirees. We have made a vast improvement in the property and substantial financial investment in the business and in the community. I would like to take a few minutes to enumerate some facts concerning our efforts in our accomplishments. The property was in poor condition and an eyesore on a main traffic artery. The tanks were leaking and causing a health hazard to community. The Bogue's spent \$80,000 of our own money for repairing the building inside and out, tanks and employing individuals. 32 Drive Thru Inc. has paid \$1780 per year in real and personal property taxes to Randolph County and the City of Winchester. We have paid through employee withholding tax over

\$3600 and more than \$200,000 in sales tax since we opened. We provide a service like no other in Winchester by having an attendant that fuels the customer's vehicle. This service has been a benefit to elderly and disabled as well as employing 2 people during every hour of operation. Thank you for your time and consideration. This business has been a benefit to the community and I am hopeful the board and Commissioners will rule favorably on this request. Wickersham said if you recall the audit showed 1.95 full-time jobs short with a recommended pay back \$5850 to the county forgivable loan. I have looked over both agreements. One agreement says "will create 10 new full-time jobs" the other says they "will use their best effort to create 10 full time jobs". Based on the Bogue's statement I can't personally recommend that we have them pay back \$5850 with what they have done for the community. The black and white of it is they failed to create 10 jobs. For what they have done for the community and that facility goes beyond jobs and I think we should forgive it. I would disagree with the incentive committee on that case. William Terrell asked where are we going to draw the line. If the next one is to create 5 jobs and they only have 4 are we going to draw the line there and say you have to pay it back. Gary Girtton said things have changed and new criteria are different now. We need to look at what they have put into the community and not only on job creation. Bruce Hosier indicated these contracts are before his time, but it is my responsibility to make sure that this process is facilitated appropriately under the revised process for the forgivable loan and make sure the guidelines are followed. I believe we have done that through the process and part of that is collecting factual documentation of each of these projects. We will stand by whatever the Commissioners decide. Gary Girtton made a motion to forgive the 1.9 jobs and forgive the loan to 32 Drive Thru. Michael Wickersham seconded the motion. 2 aye votes cast. 1 nay vote cast by William Terrell. Motion carried. Bruce Hosier said he mailed out letters to all three of the businesses asking for any other added information. 32 Drive Thru was the only one that supplied additional information.

Silvertowne loan was granted on December 17, 2012. A \$90,000 forgivable loan was to fund personal property acquisitions and certain improvements to real property. Part of that agreement was they agreed to use their best efforts to create 30 new permanent full time jobs in 18 months and make a good effort to maintain those jobs for 24 months. The audit shows they created a total of 49 new jobs and they still employ 25 of the individuals hired. They have fell short 7.71 jobs. The recommendation of the committee is for them to pay back \$23,130 to the county on the forgivable loan program. Wickersham stated for me it was to fund personal property acquisitions and improvements to real property. Again this is before me but I am not sure they have received any abatement for the investments on personal property or real estate. This as well as the 32 Drive Thru speaks to the difficulty you have when you rely solely on job creation to fund these. I think a company that comes in here and invests in assessed valuation is just as valuable as a company that creates 23 jobs instead of 30 jobs. I am in favor of forgiving this loan as well. William Terrell again asks where do we draw the line. Gary Girtton said he would like more information on how much was invested in the structure or more of a dollar break down. Hosier stated he can forward a second letter and extend out the deadline so this can be done. Michael Wickersham stated he will ask Silvertowne for a similar report like 32 Drive Thru gave us. This will be tabled until October 6th. Future Signs & Sales and Graphics is the third company. Michael Wickersham said he is not sure they are even in business. Bruce Hosier stated he didn't receive any further follow up. I will say the Sturtz Public Management Group did receive a phone call from Mr. McKnight indicating they were going to forward with some other information approximately 2 weeks ago and I haven't received anything. Wickersham stated he will do a follow up letter to them as well. Maybe we should also have our county attorney do a further investigation of the ownership and potential liability of this limited liability corporation. Hosier said there have been many different attempts to contact the company with no success. Wickersham said the difficulty is this was done in 2010 which was 4 years ago and their agreement ended in 2012. They could have had 10 full time jobs and been released from their liability, but then after 2012 they could have gone out of business. Hosier still thinks there has been ample time to provide that documentation.

Foreign trade letter approval

Michael Wickersham stated we have been requested by the northeast district, City of Ft Wayne to re-document the support of this county for inclusion within the service area of the foreign trade zone #182. We understand this means the grantee, the City of Ft Wayne will be able to apply to the foreign trade zone board for authority to service sites located within this county based on business trade related needs. We also want to note the zone will be made available on a uniform basis to companies within this county in a manner consistent with legal requirements at each foreign trade zone operated as a public utility. We are requesting the president sign on behalf of the Commissioners. Wickersham stated this is the one that Greg Beumer recommended we become a part of last year. The Commissioners approved to become a part of this and we funded \$1000. Hosier stated this is through the U.S. Department of Commerce. This is a benefit because it allows a reduction to defer custom costs. This process allows them to bypass the regular custom territory the duty free cost that is put on. This would be a savings to the company. Most counties are a part of this, especially ones that have any investments with foreign companies. William Terrell made a motion to allow the President to sign the letter on behalf of the Commissioners. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Jessica Olson, Paula Albin-Auditor's office- airport grant report of reimbursement; revision in handbooks concerning sick time

Jessica Olson stated with the airport reimbursement \$22,385 is shown taken from the airport grant fund and returning to the CCD fund. This is the pay back from the loan. The CCD is fronting the money for the portion that the FAA isn't paying until the grants are finalized. That is the returned payment for the month

of August. William Terrell made a motion to approve taking money from the airport grant fund and returning to CCD in the amount of \$22,385. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Olson gave a recap of CCD Fund. There have been expenditures from the CCD for the airport grant in the amount of \$231,300. The paybacks are \$192,856. We are currently waiting for reimbursement of \$38,434. Wickersham said he was looking at the Umbaugh Report on the wind farm money. We agreed to pay back the school corporation their capital development fund. There is a sum that the CCD fund loses when the tax abatement begins which would be 2017. The CCD fund is entitled to \$20,000 a year throughout that because of its rate. Umbaugh earmarks that money and the CCD fund loses from the abatement.

Paula Albin stated she has received notification from the highway department that an employee is leaving. I need clarification on the payout policy. We are looking at this employee receiving 33 1/2 days of sick pay equaling \$4,864.20 plus 3 days and 1 hour of vacation, 3 weeks plus 3 days and 1 hour of vacation equaling \$2,192.52 along with 3 personal days equaling \$435.60 for a total payout of \$7,492.32 in addition to his bi-weekly payroll. The standard handbook and all others don't say if we pay or don't pay sick time out. Prior sick leave policy was paid if it was a case of illness or disability. Albin asked if they wanted to make a sick pay policy change or how do I handle this in the future. Wickersham stated he recalled changing the sick days from 30 to 60 to be equal in all the departments. The idea was if you lose your sick days when you retire then you would be sick before you retire to use up the days. I was under the impression we were willing to pay out sick days on retirement, because we are going to pay them to the best of the best employees. The employee that comes every day and those that are not sick because it takes you 10 years to accumulate 60 days. Jessica Olson asked what are the payout stipulations of termination. Wickersham stated that brings up another issue if a person gets fired for failure to come into work do we pay them their sick days? I don't think that was ever addressed. Danny Love stated the employee wasn't terminated, he retired. There is a difference. Wickersham stated I think that Paula and Jessica are asking for direction on retirement and the different ways of leaving employment. I am not sure if there needs to be a qualifying event in order to gain your sick days. Since you have to work 10 years to get your 60 days then maybe that would become a qualifying event to be paid out your sick days when you leave the employment on your own terms and not be fired or maybe 15 years. William Terrell thought the personnel committee should work on the language and then bring it back to the Commissioners. Olson asked if there is a directive such as retirement or illness. Wickersham thinks an employee would be entitled to sick leave after a qualifying event. Meaning that the number of years here would entitle an employee to it for any reason of separation except for termination. The committee will get together and come back with a proposal.

Ken Hendrickson, Randolph County Sheriff

Ken Hendrickson stated the water softener will be coming tomorrow to be installed by Culligan. All of the building projects for the jail from June-August are finally completed. We had a problem with one of the chillers, the pan could have been rusting out and it was resolved. This is a situation from 20 years ago when the building was built. Gary Girtton asked if anything has been done with the roof. Hendrickson said we will get specs from a private person so each company will bid fairly. Hendrickson needs approval for development of specs for the roof and fund it from Cum Cap. Jake Donham has talked to Keith Pugh and he has a roofing consultant from Indianapolis who does only roof consulting. Gary Girtton made a motion to approve the hiring of a spec writer to provide specs for the jail roof repair or replacement and fund out of Cum Cap. William Terrell seconded the motion. All aye votes cast. Motion carried.

Regular Claims \$511,087.44

William Terrell made a motion to approve regular claims of \$511,087.44. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Payroll Claims \$199,022.18

Gary Girtton made a motion to approve payroll claims as presented of \$199,022.18. William Terrell seconded the motion. All aye votes cast. Motion carried.

Minutes of August 4, 2014

William Terrell made a motion to approve the minutes of August 4, 2014. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Treasurer's Edit Report

William Terrell made a motion to approve the July, 2014 Treasurer's Edit Report. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Comp time report

Gary Girtton stated he thought some comp time was going in a negative way. Wickersham said we might have that from time to time. The extension office had a big hit in July because of the fair. Wickersham stated our memorandum we issued to Josie Fields, Area Planning and Building Commissioner where we indicated she could work 5 days a week to cover Area Planning and the Building Commissioner clerical making her work 35 hours a week but yet maintain her part time status. This has been interpreted by other departments they could also do that as well. Other departments interpreted that we didn't have a 28 hour rule for part-time people. I didn't think it was our intent to make it a county wide change it was more for that particular instance at that particular time. Wickersham said we need to re-issue a memorandum to go back to the 28 hour rule for all part time people. If we have a lot of people working 35 hours for part-time pay, then their issue is of benefits. William Terrell asked if Josie is working 35 hours now. Wickersham stated Josie Fields is not working 35 hours she has gone back to the 21 hours. William

Terrell made a motion for part-time employees to work a maximum of 28 hours per week. Gary Girton seconded the motion. All aye votes cast. Motion carried.

Ordinance 2014-13 ordinance amending and restating Section 111.20 frequency (3rd reading)
Gary Girton made a motion to approve Ordinance 2014-13 on its 3rd and final reading by title only. 2 aye votes cast. 1 nay vote cast by William Terrell. Motion carried.

ORDINANCE 2014-13

An Ordinance Amending and Restating
Section 111.20 Frequency

BE IT ORDAINED, by the Randolph County, Indiana, Board of Commissioners, that: the Randolph County Code of Ordinances, Section 111.20 Frequency, is hereby amended and restated as follows:

At least twice per year, the Health Officer shall inspect each food service establishment and mobile food service establishment for which a permit is required under the provisions of this Chapter.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

All of which is adopted this 2nd day of September, 2014, by the Randolph County Board of Commissioners.

Ordinance 2014-15 ordinance for vacation of railroad, street and alley in New Pittsburg (2nd reading)

Gary Girton made a motion to approve Ordinance 2014-15 for vacation of railroad, street and alley in New Pittsburg for the 2nd reading by title only. Michael Wickersham seconded the motion. 2 aye votes cast. 1 nay vote cast by William Terrell. Motion carried. Ordinance would be presented again at the October 6th meeting.

Resolution 2014-15 resolution opposing the expansion of federal control under the clean water act
William Terrell made a motion to approve Resolution 2014-15 opposing the expansion of federal control under the clean water act. Gary Girton seconded the motion. All aye votes cast. Motion carried.

RESOLUTION NO. 2014-15

RESOLUTION OPPOSING THE EXPANSION OF
FEDERAL CONTROL UNDER THE CLEAN WATER ACT

WHEREAS, the Environmental Protection Agency (EPA), and the U.S. Army Corps of Engineers (Corps), and other agencies in the Federal Government (“Regulatory Bodies”) have invited public comment on a proposed rule (“Rule”) defining the scope of waters protected under the Clean Water Act (CWA), in light of the U.S. Supreme Court cases in *U.S. v. Riverside Bayview, Rapanos v. United States*, and *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, and *Rapanos v. United States* (Rapanos).

WHEREAS, the Randolph County Board of Commissioners (the “Commissioners”) agrees with the general purpose of the CWA to the degree that it was established to maintain the integrity of the nation’s waters by preventing pollution and other hazards, but disagrees with the proposed changes to the CWA that would make it significantly more onerous to administer in Randolph County, without achieving marginal benefit to citizens.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners hereby oppose the present wording of the Rule and submit the following comments:

1. The Rule greatly expands the jurisdiction of the Federal Government and Regulatory Bodies to include the traditional waters of the U.S. along with their tributaries. Tributaries are now defined to include, man-altered and man-made water bodies, including ditches, and based on the Rule, anything with flow will be considered a tributary with no examination of frequency or duration of flow. The Rule also claims jurisdiction over waters neighboring or adjacent to navigable waters and their tributaries. This authority includes any water in the floodplain (which is undefined and potentially unlimited) or riparian areas. If there is any other water left that is not otherwise considered a tributary or adjacent/neighboring water, Regulatory Bodies can aggregate “other waters” within a “single landscape unit” to find a significant nexus. The reach of the Regulatory Bodies to this end appears to have no limit in scope.

2. The expanded jurisdiction will include roadside ditches that are currently maintained by the Randolph County Highway Department (“County Highway”), and Legal Drains maintained by the Randolph County Drainage Board. The inclusion of Legal Drains and roadside ditches into the rule will increase costs, create delays, and require permitting efforts for many of the routine maintenance activities performed by County Drainage Board and Highway Department. The routine activities include tasks such as Ditch maintenance, cleaning, debrushing, maintenance of bridges, replacement of roadway drainage pipes, installation of new driveways, maintenance of roadside ditches, and maintenance of subsurface roadway drainage tiles. These changes will significantly affect the timeliness of future projects.

3. The proposed rule change, if adopted, will require permits that in the past only applied to navigable waters. Under the Rule, these permits would also apply to work on ditches (any feature with a defined bed and bank and ordinary high water mark), small ponds and even depressions in fields and pastures. The increased regulations on private property owners, home builders, potential developers, farmers, and county municipalities will delay projects and increase costs.

4. The Federal Government and Regulatory Bodies should only involve itself in such issues if there is a significant link between economic developments materially and negatively impacting interstate clean water, and the line specified in any future rule should be clearly defined for local government to be able to easily follow such rule.

BE IT FURTHER RESOLVED, that the Commissioners hereby oppose the wording of the Rule that would amend and broaden the definition of "Waters of the United States" because of the reasons specified herein, and the Commissioners suggest a narrowing of the authority and jurisdiction held by Regulatory Bodies.

BE IT FURTHER RESOLVED, that the Randolph County Board of Commissioners considers the Rule a prime example of regulatory overreach by the Federal Government and Regulatory Bodies and urges the Regulatory Bodies to withdraw the Rule and maintain the current language and requirements of the CWA for the foreseeable future, and at least the next sixty (60) months.

BE IT FURTHER RESOLVED, that the Auditor of Randolph County shall hereby submit a certified copy of this resolution as directed in the Rule and submit a certified copy to Governor Michael Pence, U.S. Senators Daniel Coats and Joe Donnelly, and Congressman Luke Messer.

Passed and adopted by the Board of Commissioners of Randolph County, Indiana this 2nd day of September, 2014.

Appointment of Commissioner to 911 Randolph County Central Dispatch board

Wickersham explained this new board was created by our local agreement with the City of Winchester, which replaces the expanded board. Wickersham volunteered to serve on this board. William Terrell made a motion to appoint Michael Wickersham to the Central Dispatch board. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Nuisance abatements follow-up

Wickersham said he has a copy of the letter Meeks Cockerill sent to Timothy Simmons, 1995 S. Base Road on August 25th on the nuisance abatement. He has 15 days to respond, which would be before our next meeting.

William Terrell did get a letter from a person who lives on 450 S and US 36. This location has been cleaned up according to Terrell.

Revision to Edit plan

Wickersham stated he would like to revise the Edit Plan. We would like to add \$3,630 to the REDC to pay for the audits, also add \$5000 to the Union Literacy Institute to fund the financial consultant. Finally we would add up to \$16,000 for Life Stream.

Joint meeting with Council October 14th at 6:15 PM

All Commissioners agreed they could attend a joint meeting with Council on October 14th at 6:15 PM

Umbaugh & Associates- agreement for arbitrage rebate services

This agreement is for the audit of our bonds and is done every 4-5 years. Meeks had recommended that you sign this. William Terrell made a motion to approve the arbitrage agreement with Umbaugh & Associates and giving the president authority to sign. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Additional Appropriations:

William Terrell made a motion to approve additional appropriation for the Highway department of \$474,176.2 road projects and bituminous materials of \$300,000. Gary seconded the motion. All aye votes cast. Motion carried.

William Terrell made a motion to approve the additional appropriation for the Auditor's plabook with WTH site grant for \$1,500 and GIS programs for \$500. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Gary made a motion to approve the additional appropriation for the Sheriff- equipment/equipment maintenance for \$4,000. William seconded the motion. All aye votes cast. Motion carried.

William Terrell made a motion to approve the additional appropriation for Children's advocate- Coordinator fee \$5,500; Office supplies \$1,000; Postage \$100; travel/mileage \$2,000; Advertising \$2,000; equipment \$2,000. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

For Review:

Commissioners reviewed the following with no action being required.

Soil & Water minutes

Other business-

Gary Girtton has made a recommendation for the RCFO Building to put Jake Donham over that building. Jake and Gary Girtton will redo the job description. William Terrell asked if we will bi-step Phil Silvers. Gary said yes, we have had complaints and there has not been any follow-up. I have met with Phil and his comment was the reason things are not getting done is because employees were cut. Time is not being utilized wisely. I have met with the representative from Centerstone and he will be back on September 25th. If we don't have a good plan in place and some changes aren't done that weren't requested, they just may look elsewhere. Wickersham said Centerstone had been here 15 months ago with concerns of the cleanliness and indicated if we didn't do something they wanted us to reduce the rent for them so they can clean it themselves. Terrell asked what are we going to do with Phil Silvers? Do we adjust his pay or has Jake been informed and is he willing to take on the extra responsibility? Gary Girtton replied the pay needs to be evaluated and Jake didn't really want more responsibility. I said I would help as much as I can. Jake does see there are something's that need to be done better and more efficiently. Gary Girtton asked for a plan from Phil on what he does on a daily basis for the week. He gave me a sheet with what he

does on that particular day. Girton asked Silvers what his plans were to correct the issues and why he hasn't been in that area in the last 3-4 months after we have had complaints. He had no answer. William Terrell stated we need to have an executive session to discuss personnel. Tom Cockerill asked if it was job performance. Mary Ann Lenkendorf said you do need an executive session for that issue. Gary Girton stated he thinks we need to make the change and then discuss what we are going to do as far as Phil's schedule and what work he is doing. We also need what he is going to do based on what Jake thinks needs to be done. Wickersham stated he is not disagreeing with either one of the Commissioners but it just concerns him if we give more responsibility to Jake is he in a position to accept that. Wickersham thinks Phil's response to this is he needs more help. Maybe Jake can give Phil guidance and direction to help him with that help if he would have the time. Also develop a plan to get that done. I don't want to take Jake away from our other buildings that have issues. Wickersham and Girton both agreed in the short term to develop a plan to satisfy our tenants in the building. Terrell stated he would like to talk to Jake and see if he is willing to take on the extra responsibility. If Jake doesn't have the time then we need to take a look at some changes at the RCFFO building. Terrell said basically we are paying Phil to manage the RCFFO building. Wickersham stated we need to satisfy our tenants. Wickersham said on the surface Phil makes a pretty good statement the courthouse has 1 full-time maintenance staff and 2 full-time janitorial staff for 44,000 square feet. The RCFFO has 1 full-time maintenance staff and 2 part-time janitorial staff for 53,100 feet less the RYC and storage areas. Wickersham said initially maybe we could offer Jake's services to Phil to develop a plan. Jake may come back with a plan that there needs to be another person there. If Jake has the time to put into this to develop a plan to clean the place I am all for it. Gary Girton said he would work with Jake to save him some time.

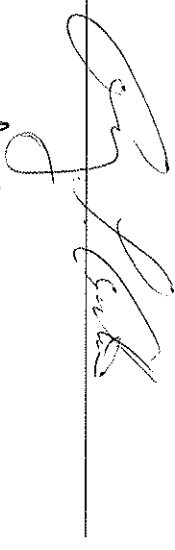
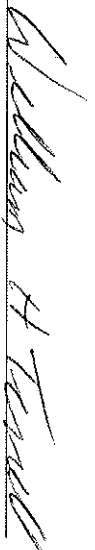
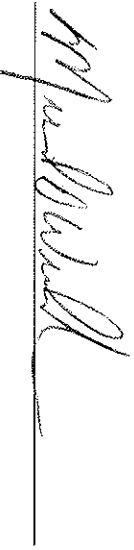
Gary Girton made a motion to let Jake Donham and Gary Girton make a plan to modify the cleaning and care of the RCFFO building with Phil Silver's input and use the present staff. Michael Wickersham seconded the motion. 2 aye votes cast, 1 nay vote cast by William Terrell. Wickersham stated he had a citizen reach out and ask if a group could set up a picture taking session when the soldier is taken off the monument. The group thought this might be a way of fund raising for the monument. I asked Georgio Gikas if that would be possible once it is on the ground. He indicated he would get with the riggers and let us know. Gikas said as for the removal I would like to execute the removal the 3rd or 4th week of September. We don't want to make it too early while the weather is still good and not to late when the weather is getting bad. Wickersham replied back that the 3rd or 4th week of September would be fine with him. If he waits until the 4th week he will be running into the Mardi-Gras time.

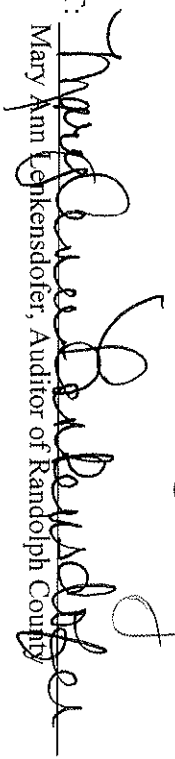
Adjournment

William Terrell made a motion to adjourn. Gary Girton seconded the motion. All aye votes cast. Motion carried.

Reviewed and signed this 20th day of September, 2014.

RANDOLPH COUNTY COMMISSIONERS



ATTEST: 
Mary Ann Lenkendorf, Auditor of Randolph County