

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, APRIL 17, 2017 AT 9:30 A.M.

MEMBERS PRESENT WERE NORMAN VOYLES, RYAN GOODWIN, AND BRIAN GOSS. DAN BASTIN, AUDITOR; DEB VERLEY, ADMINISTRATIVE ASSISTANT; AND ROD BRAY, ATTORNEY; WERE ALSO PRESENT.

NORMAN VOYLES ASKED FOR A MOMENT OF SILENT PRAYER

NORMAN VOYLES CALLED THE MEETING TO ORDER.

JUDICIAL UPDATE

Superior Court I Judge Pete Foley was present to update the Commissioners with the state of the judiciary. There are four elected judges in the county, one Circuit Court and three Superior courts. Each court has a different jurisdiction in which they hear cases. Judge Hanson, Circuit Court, has all juvenile matters and CHINS cases, he also oversees public defender contracts, caseload statistics, and is the liaison with the clerk; Judge Foley has low level felonies, misdemeanors, probate, guardianships, civil cases, and diversion cases with mental health issues; Judge Williams, Superior II, has the same type of cases; and Superior III has the small claims cases in addition to the cases listed previously. Each Superior Court has 25% of the major felonies and one third of the F6 or low level felonies and misdemeanors. Each judge also serves on various state committees. The magistrate does initial hearings for all the courts. The 2016 statistics are pretty much the same as 2015. There were 6,200 cases filed and each court operated at 106% of capacity. There has been an increase in the need for public defenders mainly because of the child welfare cases mainly due to the drug problem in the community.

Judge Foley thanked Commissioner Voyles and the Board for the systematic and comprehensive approach to the mold problem at the Courthouse. The approach and methods used to come to a solution were greatly beneficial to morale and confidence.

The RSAP (Residential Substance Abuse Program) is a collaboration between the Sheriff, jail, community corrections, probation, and courts to come up with an innovative way to confront the drug problem in the county. In 2014, legislature restructured the low level felonies and instead of building a new prison, those offenders would no longer be housed by DOC and would be directed to the counties. Carole Kinder, Court Services Director, and her staff and Dave Rogers, Jail Commander, worked on obtaining a \$300,000 grant to launch the RSAP housed within the jail. This is typically a 90-day drug rehabilitation program. The key to the program is getting people to go through the program when they are clean, sober, and in a controlled environment. The offender will then go through a re-entry program that includes home detention and increased supervision that allows them to go into a more structured environment. Judge Foley stated that he felt that this has been a very successful program and the recidivism rates are encouraging.

All courts have changed to electronic filing since October 20th and the county will realize financial benefits over the long term. Staff efficiency has increased, there are storage, document retrieval, and microfilm cost savings. They received financial support through the state in the form of hardware (laptops, monitors, scanners, and data lines.)

Judge Foley stated that future needs include a comprehensive technology plan for the Courthouse and Court Services buildings, WIFI for the Courthouse, software, and video conferencing.

Judge Foley stated that the drug problem in the county is a strain on families, social services, law enforcement, and the community at large. They would like to have a social worker on staff as a resource in the future.

REZONE REQUEST – *Fenneman Ag & B3 to B3*

Kenny Hale, Morgan County Plan Director, presented a rezone request for a 5.997 acre parcel in Washington Township. The property is currently zoned Ag and B3 and the request is to change the zoning to B3. This request was tabled from the last meeting after Mr. Hale requested that the approval limit the use to storage units only. The Plan Commission voted to put verbiage on the plat that limits the use to mini warehouses. Brian Goss made a motion to approve the request. Motion seconded by Ryan Goodwin. Motion carried 3-0.

ENCLAVE AT HEARTLAND CROSSING

Kenny Hale stated that they have been working on approval for the Enclave at Heartland Crossing project since December of 2015. The developer split the PUD for the senior living project and it was approved in 2016. The Plan Commission approved the preliminary plan at the July 2016 meeting and approved the final plan at the last meeting. Mr. Hale introduced Jason Coyle with Banning

Engineering and Mark Gradison with Gradison Land Development. Mr. Gradison stated that there will be three different types of housing in the development; Parcel 1B 80 ft. wide lots, Parcel 2 52 ft. wide lots, and Parcel 1A 65 ft. wide lots. They are asking for approval of Section 1, which will contain 148 52 ft. wide lots. There will be 25% greenspace and the golf course is to the south. Mr. Gradison stated that this is a transitional space; the 180 bed senior care facility is next to this area and moving through the development towards the west will be the smaller lots and then the bigger lots adjacent to the established larger lots inside Heartland Crossing. Brian Goss made a motion to approve the PUD for the Enclave at Heartland Crossing. Motion seconded by Ryan Goodwin. Motion carried 3-0.

GRANT APPLICATION – *Kenny Hale*

Kenny Hale requested approval of a \$1,730,900 FEMA Hazard Mitigation Grant application. Mr. Hale stated that this grant would be used to purchase 20 homes and 22 parcels that are in a special flood hazard area and are required to have flood insurance. Most of the properties are in the Willowbrook area and one is on Huggin Hollow Road. This is a voluntary participation program and there could be two property owners that are not interested in selling. This is a 75/25 matching grant and runs through 2020. Mr. Hale stated that he hopes to use in kind funds for the matching portion through fire training and SWAT team training. Ryan Goodwin made a motion to approve the grant application. Motion seconded by Brian Goss. Motion carried 3-0.

GRANT APPLICATION – *Sheriff's Office*

Brent Worth was present to request approval of a \$25,000 PACE (Pro-Active Criminal Enforcement) Team Grant through the Morgan County Substance Abuse Council. This grant will pay overtime for Martinsville and Mooresville Police Departments and the Morgan County Sheriff's Office for interdiction stops to curtail the sale, distribution, and trafficking of drugs. Ryan Goodwin made a motion to approve the grant application. Motion seconded by Brian Goss. Motion carried 3-0.

BOOM MOWER LEASE

Brett Hesson, MacAllister Machinery Company, Inc., was present to thank the Board for accepting their quote for the boom mowers on the March 20th meeting. Mr. Hesson stated that the amount is \$525 more than what was approved by the Board because one of the documents had the document fee included. Brian Goss stated that when he presented the quotes he thought it was a delivery charge and omitted it since the Highway Department would pick up the vehicles. The new total is \$240,699. Ryan Goodwin made a motion to approve the new amount. Motion seconded by Brian Goss. Motion carried 3-0.

Brian Goss made a motion to sign the lease documents for the boom mowers. Motion seconded by Ryan Goodwin. Motion carried 3-0.

GRADAL LEASE

Rod Bray stated that the interlocal agreement with the public purchasing group, NJPA, was fully executed and the Board may now consider the lease. Larry Smith, Morgan County Engineer, asked when the Board would prefer to set up the first payment for the lease. Brian Goss made a motion to approve the Gradal lease and make the first payment within 30 days of signing the contract. Motion seconded by Ryan Goodwin. Motion carried 3-0.

EMS UPDATE

Donnie Warren, EMA Director, stated that the legal department for IU has not completed the intercept agreement and it is not ready for approval yet.

Mr. Warren stated that the billing company (Ambulance Billing) suggested the following fees for ambulance service: BLS \$750, ALS-1 \$1,100, ALS-2 \$1,300, \$14 per mile. Brian Goss asked what other ambulances services in the area were charging. Mr. Warren stated that he did not know; the recommendation was based on counties of a similar size. Brian Goss stated that he was not ready to make a decision without more research. Ryan Goodwin stated that he would like to know what neighboring services are charging. Brian Goss made a motion to table this issue until the next meeting. Motion seconded by Ryan Goodwin. Motion carried 3-0.

Mr. Warren stated that they are a member of the National Purchasing Partnership and they are working on getting quotes. Mr. Warren would like to work with Mr. Bastin on RFP for the larger items. Mr. Bastin stated that he could meet with him next week.

Morgantown and Paragon submitted information for the purchase of their ambulances and equipment. This can be discussed at a future meeting.

HIRING COMMITTEE UPDATE

Norman Voyles stated that they have been sorting through applications for EMS director and they need to set more Executive Sessions. The dates agreed on were May 3rd, 5th, 8th, and 9th from 8 am to 8 pm.

APPOINTMENT – *Plan Commission, BZA*

Norman Voyles stated that the trustee appointment for the Plan Commission and BZA recently passed

away, leaving a vacancy on these boards. A new trustee, Fred Roberts, has been appointed and is willing to be appointed to these boards. If the Board chooses not to appoint a trustee to these vacancies, then they will need to change the ordinance to comply with Indiana Code. Brian Goss made a motion to appoint Fred Roberts to the Plan Commission and BZA as the township trustee. Motion seconded by Ryan Goodwin. Motion carried 3-0.

STATE ROAD 267

Rod Bray stated that several months ago, INDOT submitted a road transfer agreement to transfer a section of State Road 267 to the county for maintenance. The county has worked out an agreement with the Town of Mooresville to transfer this section of the road to the Town of Mooresville for maintenance.

Ryan Goodwin stated that the Road Transfer Agreement between Morgan County and INDOT was approved on February 20, 2017 contingent upon a favorable interlocal agreement being reached with the Town of Mooresville and the county. Rod Bray asked that there are slight changes in the agreement due to a different attorney general and would prefer that the Board approve the document with the changes. Ryan Goodwin made a motion to approve the Road Transfer Memorandum of Agreement between Morgan County and INDOT Concerning the Transfer of a Portion of SR 267. Motion seconded by Brian Goss. Motion carried 3-0. Larry Smith mentioned his concern with jurisdiction regarding roads that the county considers to be under Mooresville jurisdiction and Mooresville considers to be under county jurisdiction. Mr. Smith stated that Johnson Road changes four times, Rooker changes twice, and there are several other places that are in question. Bridge funding is also in question. Mr. Bray stated that they have been working on this project for months and would not want to delay it for a few more months.

Ryan Goodwin made a motion to approve the Interlocal Cooperation Agreement for Morgan County, Indiana and the Town of Mooresville, Indiana. Motion seconded by Brian Goss. Motion carried 3-0. Rod Bray stated there are several entities that will also need to sign the documents.

BROWN, CLAY, AND MONROE TOWNSHIPS – *Ambulance*

Bill Mitchell, Clay Township Trustee, asked if any of the taxes Clay Township pays for the ALS ambulance service go to Brown Township. Dan Bastin stated that the levy and property taxes for the county EMS are being levied and collected from all taxing districts except for Madison, Brown, and Mooresville and the service will be provided in all areas except Madison, Brown, and Mooresville.

Mark Harris, Brown Township Trustee, stated that Brown Township Fire and Rescue provides coverage in the Clay Township, Brooklyn, Bethany, Monrovia, and Monroe Township areas and these entities are concerned about the taxes that are being levied on them for services they are getting for free. Mr. Harris stated that he will not be able to collect the revenues for the service he is providing and it will impact Brown Township. He asked if Brown Township EMS could be incorporated into the service that the county is providing. Norman Voyles stated that he would welcome Brown and Madison Townships to be part of the countywide system, but did not know off the top of his head how that would be implemented; there would need to be some type of tax adjustment. Mr. Harris stated that he would be willing to work with the Commissioners to be a part of the system. The taxes for the Brown Township EMS service are going down this year because of the business they are doing; more people are moving in, they are staying busier, and things are growing. Dan Bastin stated that as revenue from the county EMS service comes in, the anticipation is that the amount of the property tax levy will go down after the first two or three years. Mr. Bastin asked what Mr. Harris meant by becoming a part of the service – would they become a part of the county fleet and service? Mr. Harris stated that that is possible, it would depend on what is best for both the county and the township. Mr. Bastin, stating his personal opinion, felt that as a community, it would be best for the service to encompass all of the county managed out of a single provider fleet so the cost is spread out over the whole county. Mr. Harris stated that whatever they can do to help the county, they are here to do that.

COUNTY AUCTION

Norman Voyles stated that the county has collected a lot of surplus items and they need to have a sale. He has discussed this with the Sheriff and a sale date of June 3rd would give them enough time to meet legal requirements. Ryan Goodwin made a motion to conduct a surplus sale on June 3rd. Motion seconded by Brian Goss. Motion carried 3-0.

MINUTES – 4/3/17

Brian Goss made a motion to approve the April 3, 2017 minutes. Motion seconded by Ryan Goodwin. Motion carried 3-0.

REQUEST TO USE COURTHOUSE SQUARE

The Morgan County Leadership Academy has requested the use of the Courthouse Square for a 5K run on July 15th. Registration would begin at 7:30 am and the race would start at 8:30 am. Ryan Goodwin made a motion to approve the request. Motion seconded by Brian Goss. Motion carried 3-0.

DISPATCH UPDATE

Scott Hamilton, Morgan County Dispatch Director, reported that there have been 34,082 calls so far this year. There have been 6,276 911 calls and 27,806 were non-emergency calls. There have been 10,148 CAD calls. Mr. Hamilton stated that the confusion over the jurisdiction of the roads causes issues with dispatching the correct entity, especially since the majority of 911 calls come from wireless calls.

SHERIFF/JAIL UPDATE

Sheriff Robert Downey stated that the inmate population at the jail is 322, there are 3 DOC inmates, 10 inmates on the work release program, and 21 jail corrections workers. There have been 3,155 law enforcement calls so far this year.

Sheriff Downey stated that he spoke with other county Sheriffs and none of them have an “In God We Trust” decal on their vehicle. Rod Bray stated that it is an uncertain issue; there is a good chance the county would be sued and he could not say whether the county would win or not. There is an historical basis for the United States, but the result is uncertain.

ENGINEER UPDATE

Larry Smith, Morgan County Highway Engineer, requested approval of a Letter of Understanding for the Unofficial Detour for the closure of SR 135 during the bridge rehabilitation over Bear Creek and small structure replacement. State Road 135 will be closed med/late August and the unofficial detour will be Three Story Road and Lick Creek Road. The Official detour will be SR 45 to SR 37 to SR 252. The road is expected to be closed until November 29, 2017. Ryan Goodwin made a motion to approve the Letter of Understanding. Motion seconded by Brian Goss. Motion carried 3-0.

Mr. Smith stated the contract documents are ready for Bridge #67 on Big Hurricane and he would like to bid it May 15th.

COMMENT

Bill Parker introduced his son, Jeff Ferris, and stated that they are both residents on Jensen Road. Mr. Parker made the following statement: At the end of last year, his neighbors contracted with Hamilton Logging to have trees harvested on their property. The process began in late December with clearing and moving in heavy equipment. Much of the logging traffic took place in January, unfortunately during a winter thaw. Mr. Parker monitored and photographed the demolition of Jensen Road as first the top layer of asphalt was ground off and the base of the road crumbled and was no longer viable. The last 200 yards of the road became a sea of mud 10 to 12” deep. On multiple occasions Mr. Parker consulted with Mr. Hamilton and the foreman about the deterioration of the road and was assured that all would be made well once the harvested wood was removed. The remaining wood was removed in late January. In February, Mr. Hamilton spread over 200 yards of gravel on what used to have been an asphalt road. Rod Bray was made aware of the damage to the road and wrote a letter to Mr. Hamilton instructing him to confer with Larry Smith, County Highway Engineer, regarding returning the end of the road back to county standards. That meeting took place and Mr. Smith agreed to obtain an estimate of cost from a private vendor for the repairs. Despite many requests via phone and email to Mr. Hamilton for a plan or timeframe for the road repairs, none have been forthcoming. As a property owner, Mr. Parker has diminished access to his property and his property value has been negatively affected. Mr. Parker thanked Mr. Voyles and Mr. Bray for their efforts on this matter so far. Mr. Bray stated that he sent Mr. Hamilton a letter but has not received a response. Larry Smith stated that he sent Mr. Hamilton a letter last week with the estimate and gave 30 days for a response. Brian Goss stated that if Mr. Hamilton didn’t respond after the 30 days, they would have to file suit through the courts.

ADJOURNMENT

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

Morgan County Board of Commissioners

Norman Voyles

Ryan Goodwin

Attest:

Dan Bastin, Morgan Co. Auditor

Brian Goss