

January 7, 2009

BE IT REMEMBERED THAT **THE BOARD OF COUNTY COMMISSIONERS** met in session in the Commissioners Courtroom, Henry County Courthouse Wednesday, January 7, 2009 at 4:00 p.m. in the City of New Castle, IN with the following members present: Kim L. Cronk, Samuel R. Beckenbaugh, William D. Cronk, Linda S. Ratcliff, Auditor; Nancy S. Brown, County Attorney; and Linda C. Winchester, Secretary.

President, Kim Cronk opened the meeting with the Pledge of Allegiance followed by a moment of silent prayer.

The first order of business discussed was the Memorial Park lawsuit. Mr. Kim Cronk and Mr. Beckenbaugh wanted to finish the discussion that had started at the previous meeting. Mr. Kim Cronk made a motion to dismiss the lawsuit. The motion was seconded by Mr. Beckenbaugh. Mr. Kim Cronk called on Attorney, Nancy Brown for advice and Council concerning the pending lawsuit. Ms. Brown suggested that after speaking with David Stone she would recommend proceeding with the suit in order to have a determination. She stated that it would not cost additional dollars to wait for the final decision and then all parties would know and understand the ruling. Mr. Kim Cronk called for the vote. The vote was 2-0 with Mr. William Cronk abstaining.

President Cronk brought up the subject of the appointment to the Memorial Park Board that was made by the previous Commissioners. Mr. Rick Bogue had been appointed. While there was no objection to Mr. Bogue serving on the Memorial Park Board, President Kim Cronk asked County Attorney Nancy Brown if the Commissioners could appoint a non-voting member to the Park Board. Ms. Brown answered that she saw no reason that they could not appoint a non-voting member if they desired. President Kim Cronk made the motion to appoint Henry Ripberger to the Memorial Park Board and to retain Mr. Bogue on the board as a non voting member. Mr. Beckenbaugh seconded the motion. Motion carried 3-0.

A motion was made by President Cronk and seconded by Mr. Beckenbaugh to transfer management and oversight of operation of the Golf Course to the Henry County Memorial Park Board. Motion carried 3-0. Terri Pope who is serving as the Golf Course secretary on a contractual basis will continue as the secretary, be moved to the Golf Course and the Park and become a part-time employee of the Golf Course for \$14.04 per hour after the Park Board meeting and approval on January 19th and approval of a salary ordinance by the Henry County Council.

The Animal Control ordinance was discussed. Mr. William Cronk, Vice President stated that the ordinance had been worked on for quite a lengthy period and he felt as if the ordinance was fine. President Cronk and Mr. Beckenbaugh both had questions and concerns about the ordinance. They wanted time to study and review the current ordinance. Mr. Beckenbaugh stated that he would like to have more time to look at both the contract with the Animal Shelter and the Ordinance document. A motion was made

by Mr. William Cronk to adopt the ordinance but motion died for lack of second. After agreement to hold publication of the ordinance until a later date, a motion was made by Mr. William Cronk to table any further decision and action concerning the Animal Shelter until the January 28, 2009 meeting. The motion was seconded by Mr. Beckenbaugh. Motion carried 3-0.

Minutes from the January 2, 2009 meeting were submitted for approval. President Cronk asked that the minutes be corrected to read that the Conflict of Interest statements submitted were approved 2-0 instead of 3-0 as presented. A correction was also made concerning the ordinance that was passed for pre-payment of claims. It was noted that Section 6 of the Indiana Code should be changed to read section B. Mr. William Cronk made a motion to accept the minutes with corrections as noted. President Cronk seconded the motion. Motion passed 3-0.

Mr. Dean Harmon from Harmon Inc. was present. He wanted to discuss the contract concerning the Janitorial Services that he had heard would be presented at the meeting. Mr. Harmon was told that the current contract was with Gilliam Janitorial and had just been signed for the current year but the Commissioners were going to discuss amending the contract with Gilliam in order to save money. Mr. Harmon asked that he be put on the list of bidders when the contract was up for bid in the future.

Gilliam Janitorial presented a proposal for a revision to their contract. The revision would reduce the cost to the county from \$7,450.00 per month to \$5,166.00 per month. In the new proposal offices would be cleaned once weekly instead of twice weekly and trash would be emptied three days per week instead of daily. A motion to approve the changes to the current contract for Gilliam Janitorial was made by Mr. Beckenbaugh and seconded by Mr. William Cronk. Motion carried 3-0.

President Cronk stated that at the previous meeting the Commissioners had appointed the Planning Commissioner for 2009 but they had neglected to appoint the Commissioner that would replace Mr. Estridge on the Planning Commission. A motion was made by President Cronk and seconded by Mr. Beckenbaugh to appoint Mr. William Cronk to the Planning Commission as the Commissioner appointment. Motion carried 3-0.

President Cronk opened the floor for discussion or questions concerning the position of County Attorney. The decision had been made at the previous meeting to combine the Commissioner and County Attorney. Copies of the Waggoner, Irwin and Scheele job description were available for anyone who would like to have one. Proposals are due to the Commissioners no later than January 31, 2009.

Mr. William Cronk made a motion to reappoint Mr. G. Robert Bitler to the Planning Commission Board. Mr. Bitler's current term expires. Mr. Beckenbaugh seconded the motion. Motion carried 3-0

The Emergency Services contract was mentioned and the need to renegotiate the contract was discussed. Mr. William Cronk said that he had been contacted by someone who had

some real concerns about the contract and ambulance services. Mr. Beckenbaugh made a motion to renegotiate the contract, President Cronk seconded the motion. Motion carried 3-0.

Drew Price attorney was present to address the Ethanol Lawsuit. Mr. Price indicated that he felt the parties were prepared to settle the suit. County Attorney Nancy Brown asked the Commissioners for approval to proceed with settlement of the lawsuit. A motion was made by Mr. Beckenbaugh and seconded by Mr. Cronk. Motion carried 3-0.

Mr. William Cronk asked if the zoning of the land would be addressed when the lawsuit was settled.

Highway Administrator, Joe Wiley made his presentation to the Commissioners concerning revenue. He indicated that revenue would be approximately \$230,000.00 less in 09 than it was in 08. This would mean that lease payments would have to be made from Local Road and Street rather than MVH funds.

Mr. Richard Byers, County Surveyor presented his Annual Time Certification for 2008. This certification is submitted to the Commissioners, the Auditor and to the State making Henry County eligible for reimbursement of funds from the state for a portion of Mr. Byers salary. The certification was accepted and will be processed as required.

Mr. Byers discussed the Drainage Board for 2009. President Cronk indicated that he felt they should reorganize and move to Citizens Drainage Board rather than the Commissioner Drainage Board that they have now. Mr. William Cronk was opposed to that and totally disagreed with the concept of the Citizens Drainage Board. Mr. Byers explained that it was certainly possible to reorganize and have a Citizens Drainage Board but that a Drainage Board Hearing had been scheduled for February 11, 2009 and he would recommend that the reorganization did not take place until after this scheduled hearing. The Commissioners agreed to not take any action on re-organization until the Commissioners meeting on January 28, 2009.

A motion was made by Mr. Beckenbaugh and seconded by President Cronk to have the Drainage Board hearing on the John Judge Drain February 11, 2008 at 8:00 p.m. This will follow the regularly scheduled Commissioners meeting at 7:00 p.m. Mr. Byers will furnish the advertisement to the Drainage Board Secretary and the hearing will be advertised.

Mr. Byers informed the commissioners that the lease on the Ford Expedition had expired and the Cum Bridge Fund was purchasing the vehicle. The title and paperwork will be submitted for processing.

Mr. Byers informed the Commissioners that RFP's for the Bridge Inspection Cycle for 2009 (which is a National Bridge Inspection Program) are due by Wednesday January 21, 2009 at 10:00 a.m. This bridge program covers the period from 2009 thru 2012. Bids are

to be received in the Commissioners office and will be opened at the Commissioners meeting on January 28, 2009.

Sandy Moore, ARIES Coordinator was present to submit the Grant Committees recommendations to distribute \$46,000 from the Community Drug Free Fund. As statute dictates 25 percent of this fund must be provided to education/prevention, 25 percent to treatment, 25 percent to law enforcement. The remaining 25 percent is to be divided among those three purposes and administration. Requests for distribution will be presented to the Henry County Council for appropriation at their next meeting.

Richard Jobe from Mid-Central Land Services, Inc was present to present his company's non-disclosure agreement needed before purchase of GIS data. A motion to accept the agreement was made by Mr. William Cronk and seconded by Mr. Beckenbaugh. Motion carried 3-0.

Mr. William Cronk brought to the attention of the Commissioners that a land owner had bought property several years ago but that an 18' strip of land was missed, not recorded, or overlooked at the time of transfer. Mr. Cronk asked Ms. Brown, County Attorney to explain the options of cleaning up the land discrepancy. Ms. Brown informed the Commissioners that if the County could identify and give notice to all surrounding landowners the property line could be determined and settled. A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to proceed with determining the property lines. Motion carried 3-0

Mr. Lonnie Nation thanked the Commissioners for moving their meetings to evenings which would allow more citizens to attend.

President Cronk announced that the Commissioners would take a short break and return to approve claims and payroll. A short break was taken and the meeting resumed.

A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to approve the claims as presented for 1/14/09. Motion carried 3-0.

A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to approve the out of cycle claims. Motion carried 3-0.

A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to approve payroll, timecards and deductions for the pay period of December 20th to January 2, 2009. Motion carried 3-0.

Samuel R. Beckenbaugh

William D. Cronk

Kim L. Cronk

ATTEST:

LINDA S. RATCLIFF, AUDITOR