

Commissioners Meeting

June 20, 2016, 8:00 a m

Present: John Richards, Jerome Buening and Rick Nobbe

President John Richards called the meeting to order.

The June 6th meeting minutes were approved as presented.

The claims were reviewed and approved to be paid.

Highway Superintendent Mark Mohr gave Commissioners a copy of the **2015 Highway Annual Report** which has been filed with the **State Board of Accounts, INDOT** and the County Auditor's office. The **Report of Contract Final Inspection of the Bike Path- recommendation for acceptance** was reviewed; Mr Buening then moved to sign the report and Mr Nobbe seconded the motion. Mr Richards concurred. **Schneider Corporation** believes there are still some unpaid invoices. Mr Mohr met with a Mr Carson at **INDOT** to review invoices/monies paid to **Schneider**. It appears **Schneider** may have to 'write off those money due' invoices since they exceeded the contract amount. Mr Mohr told Commissioners since there was \$6,000 left in the project account at **INDOT**, a **LPA Voucher** has been submitted to **INDOT**, so Decatur County may receive \$6,000 which is part of our 80/20 match, which the Commissioners could decide to disburse to **Schneider Corp**. Mr Mohr told Commissioners **HB1001 Road Funding** has been renamed to **Community Crossing Grant** and the deadline for submitting grant applications is now 5:00 p.m. on July 29th. The **State Board of Accounts** has determined **MVH or LRS monies** may be used for Counties' local match dollars, so Mr Mohr believes Council will not have to use any **Rainy Day Funds**. The summer paving program is 'on hold' until **INDOT** awards those **2016 grants**. Mr Nobbe did contact **Veteran Service Officer Mike Baumgartner** to see if he would be interested in succeeding Mr Sample as **ADA Compliance Officer**. Harold Sample will continue as the **County's ADA Compliance Officer** for the time being. Mr Mohr asked Commissioners to make sure **INDOT** knows who our **ADA Officer** is.

Rob Duckworth, EMA Director, presented updates for the 2015-2016 grants. **Decatur County EMA** is the fiscal agent for **District 9**, so we have been purchasing for the District and getting reimbursed from the State. Working on a 'two-year grant cycle', the **2014 Grants** will be completed by June 30th and the **2015 Grants** will be closed out in June 2017. Two weeks ago Mr Duckworth had an opportunity to purchase a towable LED sign board, from the State, for \$8,000. The sign cost the State \$22,000 eight years ago. The Highway Department may use it for posting road information and EMA would use it during emergencies. He plans to use \$4,000 from the District's current grant and is asking for \$4,000 in County monies, whether it's Highway monies or EDIT. The Commissioners agreed to pay the \$4,000 out of the P & I appropriation in their budget. The sign would be placed on **Decatur County EMA's** fixed assets/inventory and they will retain ownership should current districts change. The 2015 grant monies purchased: \$32,000 for radios and \$12,000 for communications equipment. For the 2016 grant cycle, Mr Duckworth is asking for approval to do a **Community Resiliency Project** which is a tablet-based program for our 'damage assessment team'. The program downloads our GIS maps and data for the team to 'map' a damaged area and even upload photos so First Responders don't have to 'drive the whole county' looking for 'disaster locations'. Also, he would like to have three sites to be 'generator ready' should a disaster disable locations such as the Courthouse, City Hall, New Point, somewhere which needs to function on a daily basis. The cost would be \$3,000 per site for minimal operations. The last part of that grant is communications site improvements such as the two county elementary school buildings since there isn't any 'radio coverage' within those buildings. The cost would be about \$12,000 a site. Mr Nobbe moved to approve these projects for the 2016 grant cycle. Mr Buening seconded the motion and Mr Richards concurred.

GIS Department Head Tim Ortman and County Surveyor Andy Scholle presented information for purchasing paper county maps. Mr Scholle contacted eight companies for information and quotes; only three sent sample maps to show what their product looks like. For the past several years, county maps were handed out upon request. One company's minimum order is 2000 maps with a cost of \$3.47 each for around \$7,000. The **GIS/IT Committee** is recommending funding the purchase through the **Plat Book Maintenance Fund**. Mr Ortman did contact Bill Smith of the **Visitors and Tourism Board** to see if they would split the \$7,000 cost. Mr Smith will present this request to the Board at their next meeting. Mr Nobbe suggested contacting the **Economic Development Commission and the Chamber of Commerce** for possible financial assistance on this map purchase. Mr Buening moved to approve ordering 2000

maps at \$3.47 each, Mr Nobbe seconded and Mr Richards concurred. Mr Nobbe moved to institute a fee of not less than \$2.50 per map to the public and set aside maps for the Volunteer Fire Department and Emergency Management groups. After some discussion, Mr Nobbe amended his motion to charge \$1.00 per map. Mr Buening seconded and Mr Richards concurred.

The Commissioners approved a rezoning petition- 2016-9- presented by **Area Plan Director Krista Duvall**, submitted by William Pardue on 2.99 acres, A-1 to A-2 for a single family dwelling.

Ms Duvall read her findings (See exhibit A) as the Commissioners had requested she collect information on the issue between Jeff Whitaker and Joseph Bell. A "conditional use" was granted by the **Board of Zoning Appeals** to Joseph Bell for his gun-making business and the test firing range (19-20 yards) for those guns. She did contact Mr Bell's neighbors as well as touring Mr Bell's business. Ms Duvall stated in conclusion she currently finds no violations. She currently did not find any evidence Joseph Bell nor Jerry Bell are charging for use of their approximately 600 yard firing range- only used by family and friends. **DNR and Indiana BOAH** informed Ms Duvall the **Hurricane Creek Whitetail Preserve** has been in operation before our county ordinance went into effect in 2007; therefore she believes the preserve is 'grandfathered in'. Decatur County does not have an ordinance specifying fence location on a property.

Mr Nobbe has looked through the County's ordinances and he will check again, but he believes there is verbiage stating the distance a fence must be off or from the property line if it relates to a hunting preserve. He will bring that info to the next Commissioners' meeting.

County Attorney Drew Young stated after reviewing the Bell's website, he believes the County has a right and a duty to make sure Joseph Bell and Jerry Bell are abiding within the County's Ordinances, the use of their property; he added this discussion is not related to the Second Amendment. Mr Young went on to say the safety of a private bridge and the safety on the reported shooting activities have been questioned; so we need to make sure whatever happens is safe and not a hazard or nuisance. There was some discussion on differences between Mr Richards shooting on his property and the shooting activities on Mr Bell's property. Mr Young responded Bell's is a business with public involved, so Bell is just outside his license. Mr Richards stated another property owner in Decatur County leases land for hunting and a house, owned by a member of the **Area Plan Commission**, may be rented for lodging, but no one is complaining about that. Mr Young stated if Mr Bell wants to have a business, he needs to follow the same rules as anyone else who is in business.

Guy Relford introduced himself as an attorney representing Joseph and Jerry Bell and **Bell Precision Rifles**. He stated he is a Constitutional Lawyer, as Mr Young had previously mentioned; he is also a **Firearms Attorney, a Certified Firearms instructor**, has written the book, **Gun Safety for Dummies**, in addition to teaching **Tactical Firearms Training**. Mr Relford believes people should be held accountable for defamation of one's business with false accusations and unsubstantiated reports about bullets leaving the Bell property. He asked the Commissioners to ask **Sheriff Greg Allen and State Trooper Matt Haviland**-who have visited Mr Bell's property- how Bell's shooting range compares to a law enforcement or military shooting ranges in safety precautions/measures? Mr Relford asked the Commissioners to ask Mr Allen when or how many times people have reported bullets whizzing through properties in the Bell's vicinity. When the false reporting to law enforcement is proven, he will ask those people to be held accountable, to be prosecuted. If the County wants to file a nuisance lawsuit, Mr Relford will see us in Court.

Mr Jerry Bell asked to state the facts in answer to Mr Young's earlier statements: his home has six bedrooms not eight bedrooms; he has contacted the **State Health Department** with regards to the septic system size and has received no correspondence that he is in violation. He would appreciate it if the newspaper would print these corrections.

Mr Buening asked to make a comment. If a citizen of Decatur County raises concerns to this body, the Commissioners have an obligation to follow through on it. He believes it needs to be followed through to a conclusion to make sure all ordinances are being followed by all people. Mr Buening asked about trees being cut along the county road is this part of our concern? Mr Mohr answered there are trees being cut, he's not sure if these are being sold or just taken out. The trees are on the Bell's property- are theirs to cut. The 'trees' root systems beneath the ground will eventually break down and may cause the shoulder of the road to deteriorate. The only thing we ask when the trees are removed/transported out, please don't tear up the road. Mr Bell's son explained removing those trees will encourage under-growth to grow creating a sort of dense hedge. Mr Bell stated several years ago he had decided to cut those trees, but Jeff Whitaker asked him to leave them because of the 'canopy' the trees created- so the trees were not cut down at that time.

Mr Young presented Decatur County Ordinance 2016-6, adopting minimum standards and procedures for internal control and ethics and also determining materiality thresholds for Decatur County Government. The **State Board of Accounts** is requiring each county to adopt ordinances for internal controls by June 30, 2016; and to provide and document training for each employee by December 31, 2016. Due to the **SBOA's** June 30th deadline, this ordinance was presented and approved by the County Council at their June 14th meeting. Mr Nobbe moved to approve **Ordinance 2016-6**, Mr Buening seconded and Mr Richards concurred.

At the Commissioners' request, Mr Young updated the "**Use of Facilities**" liability insurance requirements for anyone requesting to use the Courthouse lawn, gazebo or Courthouse. A "\$1,000,000 per occurrence" with a \$5,000,000 aggregate is the amounts put in the request form. This amount could be a 'preventative' for small groups to use the facilities. Mr Buening agreed by questioning that amount for someone using the gazebo for a wedding or guitar playing or movie night on the square. The Commissioners agreed to think about it some more.

Sheriff Greg Allen introduced **Eric Ratts, DLZ Indiana LLC**, who outlined a proposal for the **Decatur County Sheriff's Office and Jail Feasibility Study**. **DLZ's** study process will provide a 20 year plan for the recommended size of Jail and Office. Mr Ratts has been working with the **Rush County Commissioners and Sheriff** on building their new jail and he encouraged all to 'use' Rush County as a resource. It should take 60 – 90 days for the feasibility study process. The cost of the study is \$5,000. Once the study is completed, Mr Ratts asked the Commissioners if they would hold a joint meeting with the County Council members to hear/receive the recommendations for a new jail. The Commissioners asked for the costs to be projected out 2 – 3 years and options for financing this project. Mr Ratts did say any new/future legislation would affect what we're considering today. Mr Nobbe asked if **DLZ** is hired to do the design work, the \$5,000 feasibility study fee would be credited toward the design fee? Mr Ratts confirmed if they do the design work, basically the feasibility study would be at zero costs. Mr Buening moved to enter into an agreement with **DLZ** for professional services for the jail feasibility study. Mr Nobbe seconded the motion and Mr Richards concurred. Sheriff Allen will get copies of a recent staffing analysis to the Commissioners and Mr Ratts which it does impact the jail feasibility study.

Decatur County Prosecutor Nathan Harter introduced his two interns, Emily Shebler and Craig Seibe, who are data tracking on the time it takes from when one is arrested to the court judgment or plea agreement. Mr Harter stated his office filed 850 criminal cases in 2015; he believes those case filings will be close to 1100 in 2016. Therefore, the jail population is more likely to increase than decrease in the coming years.

Jerry Bell asked the Commissioners where does he stand on the hunting business. There have been no deaths associated with this business; there have lots of shots fired outside of the preserve, but aren't his; the State has ruled he has a right to operate and he is/wants to be a good citizen. Jeff Whitaker has told Mr Bell the County rules supersede the State and Federal rules. He has invested his retirement in this business; therefore he wants to be successful while protecting his liability, so nobody's going to shoot 'outside of safety' to protect his neighbors. Mr Nobbe told Mr Bell he doesn't know today, but will have answers sooner than later when Mr Young, **APC** and **BZA** get together to discuss. Mr Bell told Commissioners there are deer stands and shooting on neighbor's property which is closer to Jeff Whitaker than Bell's hunting preserve. Mr Bell has contacted all of his neighbors concerning the hunting preserve and nobody but Mr Whitaker has a problem with the preserve. Mr Bell purposely placed preserve fence back so as not to be seen from Mr Whitaker's property. He asked to be notified of meetings where he could share his feelings. Mr Buening responded meetings are public notice, so Mr Bell will have to find that out for himself.

Mr Nobbe had contacted two businesses for quotes for weeding, trimming, mulching and taking care of the planters on the south and west side of the Courthouse lawn and particularly the **Veterans War Memorial**, but as of now has only received one reply. If he gets the other quote today, would he be authorized to proceed on the lesser quote to get this taken care before this weekend for the **Tenderloin Throw Down**. Mr Buening said it would be great to this down before this weekend and would **Tourism** 'kick in' on the cost? Mr Nobbe said he would ask, but with all that is going on with **Tourism** we might not get an immediate answer.

Mr Richards signed the forms on **Indiana Housing and Community Development Authority, Grant #HD-015-002** stating pursuant to **Section 106 of the National Historic Preservation Act**; Decatur County believes 'no adverse effect' on the rehabilitation of the twelve homes selected for this project.

Ray Sweet of **Sweet's Wrecker and Repair** stated he has been in business for twenty-two years in this county and has invested 'employee wise' and equipment of more than \$750,000. He would like to

develop a partnership with the County, in particular with the Sheriff's Department, to be called/used when wrecker services are needed. Sheriff Allen stated it's up to the 'officer at the scene' to call for wreckers, so most of the time **Davis Wrecker out of Milroy** for large semis is called; no rotation (using a different wrecker service) is used. Mr Richards asked Sheriff Allen to meet with Mr Sweet to discuss how his wreckers can be of service.

With nothing else to come before the Commissioners, Mr Buening moved to recess, Mr Nobbe seconded and Mr Richards concurred. Meeting recessed.

The next Commissioner meeting will be July 5th, 2016 at 8:00 a.m.

John Richards, President

Attest _____

Date: _____

Exhibit A

Based on my recent visits to the Bell Properties and to surrounding properties, and having received no "hard evidence" from neighbors, I have not asked Joseph Bell or Jerry Bell to come to the BZA for review.

I have toured the property. Joseph Bell has a shop where he builds guns (as allowed in his Conditional Use from the Board of Zoning Appeals,) alongside a 19-20 yard range for testing these guns.

There is an approx. 600 yard range on the adjoining property owned by Jerry Bell. I have asked for proof that this range is open to the public - or- that the Bell's (Joseph or Jerry) are charging for use of this range, and currently have found or received no evidence. Both Jerry Bell and Joseph Bell (separately) have said the range is for family and friends.

I have been told by both the DNR and the Indiana BOAH that the Hurricane Creek Whitetail preserve has been in operation since before our county ordinance went into effect in 2007. Therefore, I believe, this "grandfathers" the preserve.

We do not have an ordinance regulating the placement of fences, so a fence can be put up on the property line (the fence in questions is anywhere from a couple feet off the property line to the north, to well over 200' in many places).

In conclusion, I CURRENTLY find no violations.

1/23