

February 19, 2013

Commissioners met on this day with the following members present: John Richwine, Steffanie Owens and Commissioner Jeff Hardin. Also present were County Attorney Jim Wilson, County Auditor Jane Lyons and Commissioners Office Manager Dan Dykes.

IN THE MATTER OF APPROVAL OF CLAIMS

Commissioners approved the claims for February 15, 2013 upon motions made by Steffanie Owens and second by Jeff Hardin. Motion carried unanimously.

IN THE MATTER OF PLANNING COMMISSION

Ken Ellis, Planning Commission Director, presented the following items to the Commissioners:

- * At the February 5th Commissioners meeting, the planning director was instructed to provide a status report concerning 5242 N. 350 E. Property owner Beth Ann Watson has an agreement with the Board of Commissioners to abate the unsafe premises and structures located at. 5242 N. 350 E. Commissioner Hardin told Ken the property looks worse and the house appears unsecure. Ken reported the results of his recent meeting and subsequent telephone conversation with Mrs. Watson. She was told to apply for a remodel permit so she can hire a contractor to rewire the house. First the electricity needs to be restored to the house. Ken stated Mrs. Watson came to the planning department on February 15th and applied for a remodel permit. Ken asked if the Commissioners wanted her to appear at their next meeting. If there is no progress that may be necessary because she is under a written agreement to clean up the property and rehab the home. Commissioner Richwine directed Ken to make sure the property was secure as of today. Ken is to keep the Commissioners informed on the progress.
- * Ken informed the Commissioners that he has been inventorying unsafe structures throughout the county and is putting together a very aggressive demolition. The county completed two demolitions in the unincorporated area known as Phillips Land & Gas. Ken asked permission to continue working in the neighborhood. He has three more structures that need to come down. Commissioner Richwine agreed since we have started the project last year with two properties clean up we should continue. Ken asked the Commissioners if they had properties in the districts that need to be looked at, they should make a list as soon as possible.
- * Ken informed the Commissioners of two zoning cases that are going to Tech Review on February 20th and Plan Commission on March 12th. Ronald L. and Kim R. Morgan are seeking to rezone their 8 acre parcel from Agriculture to General Commercial due to the adoption of new zone map which changed their zoning from B3 to Agriculture. They currently operate an on-going truck repair facility. ROR Properties LLC, property owner; and Mark Naselroad, petitioner, are seeking to rezone 4.739 acre parcel from General Commercial to General Industrial to establish Precision Metal Works, a metal fabrication and welding business at 5515 N 100 W.
- * Motel issue with two motels (one called Wolf Lodging?? Currently occupied and secure). The other motel across the street from McDonalds in Elwood needs to be demolished.

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- * New home construction update. We are starting to pick up.
- * Buffalo farm update in Lapel – This project has been put on hold due to environmental issues.
- * Dollar General Store – Lapel. They decided to withdraw their Petition instead of negotiating with the Board of Zoning Appeals.
- * Furniture store update on 100 west.

IN THE MATTER OF TURNKEY CORRECTONS CONTRACT WITH CJC

CJC Director Ann Roberts and Assistant Director Tia Baker presented a contract with Turnkey. Ms. Roberts stated the following information to the Commissioners:

We have looked into the commissary service, TurnKey, that the Madison County Jail has had in place for approximately two years. The commissary service would be utilized at the Madison County Correctional Complex to streamline the inmate commissary operation. Currently we have an officer in commissary five a days a week and by going with TurnKey would allow us to have the officer working the commissary to work on the floors two to three days a week. The service will also allow us to go paperless in regards to the inmate requests, grievances and commissary requests due to the services we can customize to fit our needs on the computer systems that will be placed on the floors for the inmates use.

Motion was made by Steffanie Owens and seconded by Jeff Hardin to approved said contract. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF CONTRACT WITH AMERICAN FINANCIAL CREDIT SERVICES AND CJC

CJC Director Ann Roberts and Assistant Director Tia Baker presented a contract with Turnkey. Ms. Roberts stated the following information to the Commissioners:

The Community Justice Center has used for many years a collection agency to collect unpaid fees owed upon their release from the program. We currently collect 60% of monies collected from the collection agency. In 2012, the outstanding fees owed were \$168,000 and the collection agency paid us \$4,800. By utilizing American Financial Credit Services we would collect 100% of the fees collected. The company would assess the client an additional 25% for collection services. There are other community corrections in the State that utilize American Financial, as well as the Madison County Treasurer's office. The contract is ongoing with either party terminating the agreement upon thirty days' notice. We are hoping to increase our collections.

Motion was made by Steffanie Owens and seconded by Jeff Hardin to approved said contract. Motion carried unanimously.

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**IN THE MATTER OF APPROVAL OF RESOLUTION NO. 2013-BC-R-05,
RESOLUTION APPROVING AND ADOPTING THE AMERICANS WITH
DISABILITIES ACT TRANSITION PLAN FOR MADISON COUNTY, INDIANA**

Commissioners approved Resolution No. 2013-BC-R-05 adopting the Americans With Disabilities Act for Madison County. Motion to approve made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

2013-BC-R-05

Resolution approving and adopting the Americans with Disabilities Act Transition Plan for Madison County, Indiana.

WHEREAS, the BOARD OF COMMISSIONERS, Madison County, Indiana recognizes the importance of planning for the provision of equal access to programs and services offered by the County to any and all persons that would utilize the programs and services and has the authority to adopt an Americans with Disabilities Act (ADA) Transition Plan; and,

WHEREAS, the BOARD OF COMMISSIONERS, Madison County, Indiana has contracted with the Madison County Council of Governments to define and describe the issues, advise us of our options, and make recommendations to address ADA compliance issues in the near future, and

WHEREAS, the BOARD OF COMMISSIONERS, Madison County, Indiana solicited input from the public, and from that input made necessary adjustments to the ADA Transition Plan, and

WHEREAS, the BOARD OF COMMISSIONERS, Madison County, Indiana has reviewed the process and the completed study thoroughly and is satisfied with the services performed, information contained therein, and methodology applied, and

WHEREAS, the BOARD OF COMMISSIONERS, Madison County, Indiana has received this document for their records and will keep it on file in the town offices for future reference;

NOW THEREFORE, BE IT RESOLVED by the BOARD OF COMMISSIONERS, Madison County, Indiana that:

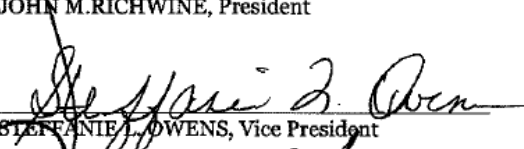
1. The final document is hereby approved and adopted to be utilized as a guide for moving Madison County, Indiana toward compliance of the required ADA standards and regulations.
2. The County will fully consider the schedule of modifications contained therein and will direct its consultant to provide amended copies of the plan reflecting modifications to be made in the near future.

This resolution takes effect upon passage.

PASSED AND ADOPTED by the BOARD OF COMMISSIONERS, Madison County, Indiana; this 19 day of February, 2013.

BOARD OF COMMISSIONERS
OF MADISON COUNTY, INDIANA


JOHN M. RICHWINE, President


STEFFANIE L. OWENS, Vice President


JEFFREY L. HARDIN, Member

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IN THE MATTER OF APPROVAL OF GRANT FOR EMAS

Commissioners approved a pass through grant for EMAS Hasmat tem to bring them compliant for Type II team. This is 100% funded from the State. Motion to approve grant made by John Richwine and seconded by Jeff Hardin. Motion carried unanimously.

**IN THE MATTER OF APPROVAL OF ORDINANCE NO. 2013-BC-O-02, AN
ORDINANCE ESTABLISHING A SYSTEM OF REIMBURSEMENT FOR COSTS AND
EXPENSES ASSOCIATED WITH OPERATION OF MADISON COUNTY
HAZARDOUS MATERIAL RESPONSE TEAM.**

Commissioners approved Ordinance No. 2013-BC-O-02 for reimbursement for the Hasmat team. County Attorney Jim Wilson read said Ordinance by title only. Commissioners thought they had already passed this once before but it could not be located. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

ORDINANCE NO. 2013-BC-O-02

**AN ORDINANCE ESTABLISHING A SYSTEM OF REIMBURSEMENT FOR COSTS
AND EXPENSES ASSOCIATED WITH OPERATION OF MADISON COUNTY
HAZARDOUS MATERIAL RESPONSE TEAM**

WHEREAS, the Board of Commissioners of Madison County created the Madison County Hazardous Material Response Team; and,

WHEREAS, the Madison County Hazardous Material Response Team will incur expenses in responding to incidents and in effectively and efficiently performing its mission and responsibilities in guarding against the potential for catastrophic personal injury and property damage resulting from an incident involving the use, storage, handling, transportation, or disposal of dangerous, hazardous, or toxic materials and substances in Madison County; and,

WHEREAS, the costs and expenses associated with the operation of the Madison County Hazardous Material Response Team could become burdensome on the taxpayers of

Madison County; and,

WHEREAS, it is the desire and intent of the Board of Commissioners of Madison County to establish a reimbursement and fee system whereby the entities and individuals involved in the use, storage, handling, transportation, or disposal of dangerous, hazardous, or toxic materials and substances pay the costs and expenses associated with the operation of the Madison County Hazardous Material Response Team.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Madison County as follows:

ARTICLE I

1. Person shall mean individual, partnership, co-operative, firm, company, corporation, association, trust, estate, government entity, or any other legal entity or their legal representatives, agents, or assigns.
2. Responsible party shall mean the person liable for reimbursement for costs and expenses associated with operation of the Madison County Hazardous Material Response Team.
3. Substances considered as dangerous, hazardous, or toxic are those which are:
 - a. Listed in the latest edition of the U.S. Department of Transportation "Guidebook for Hazardous Material Incidents," or
 - b. Listed in the latest edition "Dangerous Properties of Industrial Materials" by H. Irving Sax and contain the terms - dangerous, hazardous or toxic in the THR (Summary Toxicity Statement), the Disaster Hazard Statement, the Fire Hazard Statement, the Explosion Hazard Statement, or the Acute Toxicity Statement, or
 - c. Listed in the latest edition of the "Condensed Chemical Dictionary" by Gessner G. Hauley and/or the words dangerous, hazardous, or toxic are used in the "Hazard" explanation used to categorize the substance.
4. Response shall mean any and all instances when one or more members of the Madison County Hazardous Material Response Team are called out to the scene of an incident involving the presence or suspected presence of dangerous, hazardous, or toxic substances.

ARTICLE II

Any person that uses, stores, handles, transports, or disposes of any dangerous, hazardous, or toxic substances or materials or any substances or materials reasonably believed to be dangerous, hazardous, or toxic in such a fashion or manner so as to necessitate a response by the Madison County Hazardous Material Response Team shall be liable to the County of Madison for reimbursement of the costs and expenses made necessary by such response of the Madison County Hazardous Material Response Team pursuant to the provisions of this Ordinance.

The Coordinator of the Madison County Hazardous Material Advisory Board shall prepare a billing pursuant to this Ordinance and shall submit such billing to the party responsible for paying the costs and expenses identified in this Ordinance no later than thirty (30) days following any reimbursable responses of the Madison County Hazardous Material Response Team.

The person responsible for reimbursing the County of Madison under the provisions of this Ordinance shall tender payment in satisfaction of the aforementioned billing no later than thirty (30) days following receipt of the billing prepared and issued by the Coordinator of the Madison County Hazardous Material Response Team.

Any person who fails to reimburse the County of Madison within the aforementioned thirty (30) days, shall be deemed to have violated this Ordinance and shall be subject to a penalty equivalent to five percent (5) of the total billed amount for every day that the responsible party fails to tender reimbursement to the County of Madison.

If a person objects to the aforementioned billing by the Coordinator of the Madison County Hazardous Material Response Team, the responsible party must file with the Madison County Board of Commissioners a written objection to the billed amount. Upon receipt of such written objection, the Madison County Board of Commissioners shall place the matter on the agenda of its next regularly scheduled meeting and shall allow the responsible party an opportunity to object to the billing. The Madison County Board of Commissioners shall then deliberate and issue a written opinion concerning the appropriateness of the billed amount. If the responsible party objects to the decision of the Madison County Board of Commissioners, a petition requesting judicial review of the decision of the Madison County Board of Commissioners shall be filed with the Madison County Circuit Court no later than thirty (30) days from the date of the decision of the Madison County Board of Commissioners. The Madison County Circuit Court Judge shall conduct a hearing on the petition as expeditiously as is consistent with the Court's calendar. The decision of the Madison County Circuit Court Judge shall be final unless the responsible party or the Madison County Board of Commissioners appeal that decision pursuant to the appellate procedure for appeals of any civil matter.

ARTICLE III

Any time that the Madison County Hazardous Material Response Team is called to the scene of an accident, the responsible party shall reimburse the County of Madison (at replacement cost) for any Hazardous Material Response Team equipment or supplies which are damaged, lost, spent, destroyed, rendered irreparable, or "used up" in responding to or managing the incident; provided that any reimbursement under this paragraph shall be limited to equipment and supplies which are listed on the "Equipment and Supply Inventory List" of the Madison County Hazardous Material Response Team which shall be kept on file at the offices of the

Coordinator of the Madison County Hazardous Material Response Team. In addition to the reimbursement obligations contained in Paragraph 1 of Article III, the responsible party shall be billed by the Coordinator of the Madison County Hazardous Material Response Team at the following rate schedule:

Hazmat Truck first hour = \$500.00

Hazmat Truck per hour after first = \$ 150.00/hour

Hazmat Response Vehicle first hour = \$150.00

Hazmat Response Vehicle per hour after first = \$50.00/hour

Mobile Command Vehicle (if required) per first hour = \$500.00

Mobile Command Vehicle per hour after first = \$150.00/hour

If Traffic Control is required for scene Control will be reimbursed at the rate of \$25.00/hour per person.

ARTICLE IV

In the event that the Madison County Hazardous Materials Response Team responds to an incident outside of the boundaries of Madison County, the responsible party shall be billed the sum of Two Thousand Dollars (\$2,000.00) per incident response. This charge shall be in addition to any and all charges for which the responsible party may be held liable under Article III of this Ordinance. The provisions of Article II of this Ordinance shall also be applicable to this out-of-county assessment.

ARTICLE V

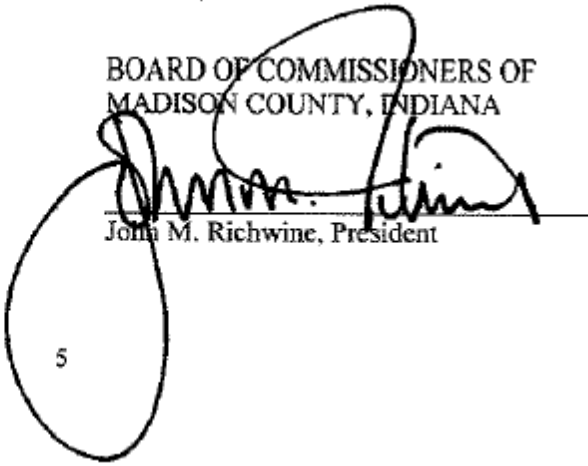
All fees collected will be placed in the non-reverting fund "Hazmat Sustainment Fund.

ARTICLE VI

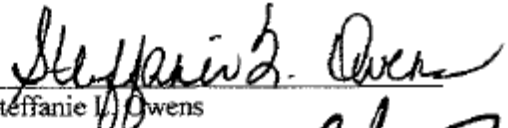
In the event that any portion of this Ordinance is declared invalid, unconstitutional, or otherwise null and void, the Madison County Board of Commissioners specifically intends that the remaining portions hereof shall continue to have full force, effect, and validity until or unless declared otherwise.

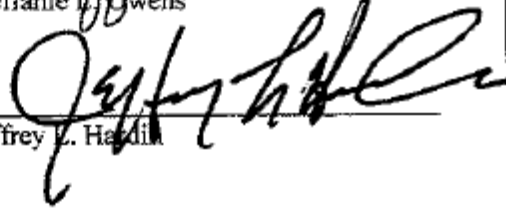
THIS ORDINANCE HAVING BEEN APPROVED AND ADOPTED by the Board of Commissioners of Madison County on this ____ day of _____, 2013.

BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA


John M. Richwine, President

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Steffanie L. Owens


Jeffrey L. Hardin

ATTEST:


Auditor of Madison County, Indiana

February 19, 2013

IN THE MATTER OF APPROVAL OF CUMULATIVE BRIDGE FUND RATE

Commissioners set the Cumulative Bridge Fund Rate for Public Hearing and approval of Resolution for March 19, 2013, 10:00 a.m. at the regular scheduled meeting. Motion to set date by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF MOONSVILLE FARM AGREEMENT

Commissioners stated that they were going to advertise for bids for the Moonsville Farm Agreement for 2013.

IN THE MATTER OF REPORT FROM THE HIGHWAY ENGINEER

Chuck Leser, County Engineer, reported to the Commissioners that the County only receives \$850,000.00 a year for bridge repair and for the 8th Street bridge it will cost approximately 16 million dollars.

IN THE MATTER OF AFSCME CONTRACT CHANGES

Commissioners approved the changes for the AFSCME Contract upon motions made by John Richwine and seconded by Jeff Hardin. Motion carried unanimously.

IN THE MATTER OF SUPPLEMENTAL AGREEMENT WITH GORDON FLESCH AND THE CLERKS OFFICE

Kris Lutz, Chief Deputy in the Clerk's Office, presented a Supplemental Agreement to the Commissioners with Gordon Flesch for a new copy machine for the Clerk's Office. Motion to approve made by Steffanie Owens and seconded by Jeff Hardin. Motion carried unanimously.

The next meeting was rescheduled for Monday, March 4, 2013 at 10:00 a.m.

There being no further business the meeting was adjourned.

BOARD OF COMMISSIONERS

