

## MINUTES OF THE CLINTON COUNTY COMMISSIONERS

Tuesday, March 16, 2021

9:00 A.M.

The Clinton County Commissioners met for a regular meeting on Tuesday, March 16, 2021 at 9:00 a.m. at the Clinton County Courthouse, 125 Courthouse Square, Frankfort, IN 46041.

Commissioner Josh Uits called the meeting to order with the following members shown to be present or absent:

### PRESENT

Josh Uitts  
Jordan Brewer  
Mark Timmons

### ABSENT

Others in attendance were Commissioner Assistant Jerri Sexton, Rick Campbell, Rich Kelly, Jon Hussey, Brett Barton, Liz Stitzel, Ken Hartman, Britt Ostler and others shown to be present in the minutes. Commissioner's Assistant Jerri Sexton recorded the minutes.

### **IN THE MATTER OF THE PLEDGE OF ALLEGIANCE**

Commissioner Uitts led the pledge of allegiance.

### **IN THE MATTER OF PUBLIC COMMENT**

There were several employees from the Sheriff Department to speak in regards to the E-Cigarette, the no smoking policy, and Commissary Funds. Those who spoke are as follows:

Terry Richey stated that his concerns are with the building itself and the money that will need to be spent for repairs and maintenance with an already tight budget. He hates to see the program go away because their department's budget is most affected.

Brian Pollard stated having been a guard and now maintenance, since E-cigs have been in place the inmates don't do the damage they normally would do to the building. This includes damage to light fixtures and water damage. Since having e-cigs there has been a lot less damage to the building.

Kevin Alber Jail Chaplain, read letters, one being from his wife who is the jail clerk and the adult education director at the jail. The letters stated that supplies and books for the education program are provided through the Commissary funds. The Commissary Funds generated by commissary sales also provide Bibles and other religious reading materials, and pay for chaplain conferences. If the Commissary Funds are limited or restricted how will the county provide funds to purchase these things.

Natasha Douglas, Jail Commander provided stats regarding fights at the jail. Stating in 2018 there were 35 inmates injured from fights and 5 assaults on staff. In 2019 they were down to 23 inmate fights with injury and 7 assaults on staff members. In 2020 they were down to 15 fights with injury and 5 assaults on staff members. She believes the e-cigs are a major benefit to their facility and an inmate's only release from receiving bad news. They have not had some of the past issues since bringing e-cigs into the facility. It is also a way to control bad behavior by taking away this privilege.

Jonathan Greiner, Deputy stated that police training is very important and very expensive and is paid for through Commissary Funds. He stated that if there is anything we could do to offset the taxpayer funding of these things we need to take full advantage of it.

Chase Miller, Assistant Jail Commander stated that K-9 Lambo was purchased through the Commissary Funds, and if it was not for e-cigs he would not have a K-9 in the jail. He stated he has been there for 3 years and he has not seen any one of the Commissioners come to the jail and meet with the staff to see what their day to day life is like. He stated that having e-cigs are important to the jail and how it makes their job safer.

Ashley Kelly presented flyers to the Commissioners with E-Cigarette information.

Sheriff Rich Kelly spoke in regards to the benefits of having E-Cigarettes, stating it can be used as a behavior control tool making it a safer facility.

**IN THE MATTER OF ORDINANCE 2021-05**

Commissioner Uitts stated that he had learned E-Cigarettes were being sold to inmates when he was provided a Commissary list of items that can be sold. This goes against a county ordinance of not being allowed to smoke. The Commissioners were not informed when this program began. The goal is not to take away funds for training or IT needs. He understands they use Commissary funds to pay for training, but the Commissioners only receive something that is turned in once a year stating how much the commissary brings in sales, but they have no idea of how the money is being spent. Both Commissioner Timmons and Brewer stated they wanted to keep the non-smoking policy consistent on all county properties. Commissioner Brewer motioned to make an amendment to Ordinance 2012-04 to include E-cigarettes as well as nicotine based products, Commissioner Timmons seconded the motion. Motion carried 3-0.

**IN THE MATTER OF THE SKATING RINK**

Tracy Baber stated she is still interested in obtaining the land the Skating Rink sits on but it is owned by the county. Both appraisals for the land came back at \$30,000. Tracy is agreeable to pay the \$30,000 for the land and Tom will draft the paperwork that will also state that if Tracy decides to sell, the county has first rights of refusal. Commissioner Brewer motioned to move forward to sell the land to Tracy for \$30,000, Commissioner Uitts seconded the motion. Motion carried 2-1.

**IN THE MATTER OF THE LANDFILL UPDATE**

Marty Grant, operations manager of the landfill updated the commissioners on future events. They have the Spring Clean Up on April 24th. This will be advertised on the radio and social media. They will be building a 14,000 square foot facility this summer that will take 1 ½ -2 years to complete.

**IN THE MATTER OF DEMO BIDS FOR MANSON ELEVATOR**

Tom Little opened bids for the Manson Elevator Demo and they are as follows:

Green Demolition Contractors, Inc.	\$ 72,800.00
CDS Demolition	\$ 89,000.00
Ridenour Excavating, LLC	\$112,000.00
Campos Construction	\$120,000.00

The Commissioners will take these under advisement and make a decision at the next meeting.

**IN THE MATTER OF BF&S SALES DISCLOSURE**

Ron Francis of BF&S presented the sales disclosure for parcel 12-09-17-400-008.001-020. Commissioner Uitts signed the sales disclosure and Rick Campbell will sign them for now on. They have secured all but the Whitehead parcel on the west side.

**IN THE MATTER OF PARKVIEW FIRE & SMOKE ALARM UPGRADE**

Chris Overman updated the commissioners on the outdated Fire and Smoke alarm system that will need upgrading at Parkview for safety reasons. Apex’s quote for the new fire system is \$35,231, and \$600-\$800 per year for full inspection. Commissioner Uitts stated that we can ask the council for additional funds or take it out of maintenance and repairs but the system needs upgraded soon.

**IN THE MATTER OF HIGHWAY UPDATE**

Rick Campbell presented the speed reduction ordinance for 250 W to the commissioners. It will reduce the speed to 40 mph. Commissioner Timmons motioned to approve Ordinance 2021-04 reducing the speed limit to 40 mph on 250 W. Commissioner Brewer seconded. Motion carried 3-0.

Rick reported they are patching roads and hauling stone to start spreading next week.

**IN THE MATTER OF AREA PLAN**

Liz Stitzel reported that we will need to have a mower in place soon. She stated that there is a Hillisburg property not in compliance, they have done work without a permit and ultimately have destroyed the septic system. She would like to tag them with a fully repair or tear down order. Commissioner Timmons motioned to go forward with tagging the property, Commissioner Brewer seconded the motion. Motion carried 3-0.

**IN THE MATTER OF OLD BUSINESS**

Marty Wessler presented to the Commissioners an amendment to the agreement between the Board of Commissioners and Wessler Engineering for the I-65/SR-28 wastewater and water supply project. They are amending the scope of work with the construction of a water tower and a booster station. This is an increase of \$420,000. Commissioner Timmons motioned to approve the amendment to the agreement, Commissioner Brewer seconded. Motion carried 3-0.

Commissioner Timmons motioned to approve the J.G. Case Construction pay app #10. Commissioner Brewer seconded. Motion carried 3-0.

Resolution 2021-03 Authorizing Local match commitment and submittal of the EDA Application. Commissioner Brewer motioned to approve Resolution 2021-03. Commissioner Timmons seconded the motion. Motion carried 3-0.

#### **IN THE MATTER OF NEW BUSINESS**

INDOT is switching to DocuSign and needs a Resolution designating a single legal signer for legal contracts and agreements and other such documents. Commissioner Brewer motioned to make the President of the Board of Commissioners, which is currently Josh Uitts the legal signer of these documents. Commissioner Timmons seconded the motion. Motion carried 3-0 to approve Resolution 2021-04.

#### **IN THE MATTER OF DEPARTMENT HEAD REPORTS**

Sheriff Kelly reported that the Merit Board will meet on Wednesday to select two people for merit positions.

#### **IN THE MATTER OF COMMISSIONER REPORTS**

Commissioner Timmons would like to have no pet signs placed on the courthouse lawns.

Commissioner Uitts stated he had met with RQAW to work with them on getting an architectural study on the Regions building, the Jail and the Parkview Home to go forward with a facilities bond to start making the necessary upgrades to these aging buildings.

He met with Hinshaw Roofing and asked them to give a quote to completely re-roof the courthouse.

Commissioner Uitts reported that it has come to his attention that attorney fees are being paid through the Commissary Funds and that is not appropriate, and it is his recommendation that the county attorney Tom Little seek injunctive relief to have that ceased. Commissioner Brewer motioned to authorize our county attorney to file injunctive relief in reference to all the expenditures from the Sheriff's Commissary Fund and any proceeds generated from Commissary sales until such a time it can be ascertained exactly what the monies are being spent on, in particular the attorney fees, also add that we will have relief sought that would include cessation of interference from the Sheriff's office in the State Board of Accounts investigation and any Indiana State Police investigations, and lastly that the E-Cigarettes and smokeless tobacco be added to the injunction relief should they not comply with the Ordinance by April 5, 2021. Commissioner Timmons seconded the motion. Motion carried 3-0.

#### **IN THE MATTER OF CLAIMS**

Commissioner Timmons motioned to approve the following claims as submitted, Commissioner Brewer seconded. Motion carried 3-0.

Friday claims dated March 5, 2021 in the amount of \$27,877.73  
Friday claims dated March 5, 2021 in the amount of \$6,741.54  
Friday claim dated March 12, 2021 in the amount of \$91,932.55  
Bi-weekly claims dated March 16, 2021 in the amount of \$366,843.07  
Court claims dated March 16, 2021 in the amount of \$13,146.55

#### **IN THE MATTER OF PAYROLL**

Commissioner Timmons motioned to approve the payroll as submitted, Commissioner Brewer seconded. Motion carried 3-0.

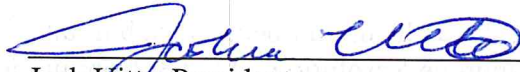
Payroll dated February 26, 2021 in the amount of \$ 421,979.88  
Surplus dated March 16, 2021 in the amount of \$3,532.91

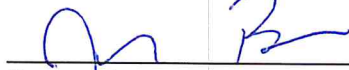
#### **IN THE MATTER OF COMMISSIONER MINUTES**


Commissioner Timmons motioned to approve regular meeting minutes dated March 1, 2021, seconded by Commissioner Brewer Motion carried 3-0.

Without any further business to come before the Board of Commissioners, Commissioner Timmons motioned to adjourn the meeting, seconded by Commissioner Brewer at 10:10a.m. Motion carried 3-0.

THE BOARD OF COMMISSIONERS OF CLINTON COUNTY

  
Josh Uitts, President

  
Jordan Brewer

  
Mark Timmons

ATTEST:

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Britt Ostler, Auditor