

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS JULY 5, 2011

The Rush County Board of Commissioners met in regular session, Tuesday, July 5, 2011 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Tom Barnes called the meeting to order, Marvin Cole made the motion to approve the minutes of the June 20, 2011 meeting as presented. Ken Masters seconded the motion. Motion carried.

DISCOUNT PRESCRIPTION CARDS

Lola Materna, Indiana Representative, of Patient Assistance appeared before the commissioners to discuss the offering of free discount prescription cards. Materna reported that these cards are currently offered in our border counties of Shelby and Henry.

The commissioners forwarded Materna and Patient Assistance to the Insurance Committee. The commissioner instructed Jerry Sitton to make sure there was no conflict with the current existing prescription card being offered to the uninsured public by the county. Sitton informed both the commissioners and Materna that the committee will not be meeting until after July 14, 2011.

BLUE RIVER COMMUNITY HARVEST FOOD PANTRY

Kathy Gibson, of Carthage, sought approval to close down a portion of the county road to have a 5-K run on Saturday, August 20, 2011. The time for the event is 8:00 to 10:00 a.m. Gibson explained that the 5-K is to raise funds for the Blue River Community Harvest Food Pantry.

Gibson provided a detailed map outlining the route to be used. Gibson also noted that the Town of Carthage has given approval of their outlined area.

Jerry Sitton, Highway Superintendent informed Gibson that the highway department does not sit up any of the road signs. It was advised that signs would need to be set up at least one day prior to the event to notify the public.

Discussion was held concerning the 550 and 900N intersection. Tom Barnes stated that he had no problems with the route as long as the Town of Carthage provided the officers.

Ken Masters made the motion to endorse the 5-K event on August 20, 2011 from 8:00 to 10:00 am using the presented route, with the stipulation that road signs are set up the day prior to notify the public. Marvin Cole seconded the motion. Motion carried.

REQUEST OF NOISE ORDINANCE

Donna Hannon along with her son Bridger of Carthage appeared before the commissioners to address concerns of their area. Donna Hannon provided details explaining how the property owners across from theirs have interrupted their quality of life due to the noise and the dirt of the neighbors ATV's and dirt bikes. Hannon requested the commissioners to provide ordinances to address at least the noise.

Sheriff Jeff Sherwood stated that their department has worked with the Hammon's regarding the noise issues of the neighbors.

Ken Masters asked County Attorney Leigh Morning for advice. Morning advised the commissioners that this was a private issue. Morning explained that enforcing a noise issue in the county would be more difficult than in the city.

Hannon proposed decibel levels. Ken Masters proposed a meeting with both parties. Tom Barnes stated that he sympathizes with them, but to pass an ordinance would infringe upon the rights of others.

Following further discussion the commissioners informed the Hannon's that they are not a court of law and it is unfortunate that the relationships has deteriorated to this level. The commissioners cannot address this situation, it will take the courts.

Tom Barnes stated that he was sorry that they can't help more than they want to today. Barnes pleaded common sense for everyone.

Donna Hannon shared her disappointment. Hannon stated that she doesn't want to pay attorneys since she has two (2) children to get thru school. Hannon thanked the commissioners for their time.

AREA PLAN

Bill Todd, Area Plan Director, was questioned by Tom Barnes if he had released the bond for Smith Estates yet. Todd responded No, but also questioned if everything is complete. Leigh Morning responded that all questions were answered. Morning informed Todd that he only needed to file a claim to release the bond.

Todd reported that Mayor Bostic has asked him to serve on a committee to receive suggestions on the building at Veterans Memorial Park. The timeline is July 15, 2011.

Todd reported of the flood study in progress.

SHERIFF

Jeff Sherwood, Sheriff, reported forty-one (41) inmates incarcerated in the Rush County Jail.

Sherwood questioned if the EMA position has been advertised. Deborah Adams responded that yes it had been advertised in the July 2, 2011 Rushville Republican newspaper and is also listed on the county website.

HIGHWAY

Jerry Sitton, Highway Superintendent, had nothing to report

AUDITOR

Deborah Adams, Auditor, received approval on payroll claims for the payroll ending July 8, 2011 on a motion by Ken Masters, seconded by Marvin Cole. Motion carried.

Bi-Weekly claims submitted June 29, 2011 were approved on a motion by Marvin Cole, seconded by Ken Masters. Motion carried.

Adams asked for the commissioners recommended county employee salaries for the 2012 budget year. Ken Masters spoke that Purdue has given 1% to 3% Ken Masters made the motion for 2% recommended salary increase. Marvin Cole seconded the motion. Motion carried. Masters did finish by stating, he asked that the council uphold the increase decision of the commissioners, stating, if we keep going we will be ten years behind.

The commissioners signed a surety bond for Constance Cameron, Deputy Clerk on a motion by Marvin Cole, seconded by Ken Masters. Motion carried.

Adams reminded the commissioners and those in the audience of the public hearing scheduled for Wednesday, July 6, 2011 at 6:00 p.m. in the Assembly Room. The public hearing is in reference to the transfer of property on Perkins Street between 6th and 7th street.

Adams asked who would be attending the Rush County Soil and Water Conservation District Incentives Program and Wildlife Habitat Incentives Program. The meeting is scheduled Monday, July 18, 2011 at 6:00 pm. Ken Masters will attend.

Adams shared a note from the Rush County Historical Society thanking the commissioners for their past support and asking for their continued support.

RUSH COUNTY SOLID WASTE MGMT DIST.

The commissioners approved the assignment of the tax sale certificate of parcel #70-07-31-384-001.000-011 formerly know as the White Felt property located on 810 W 6th Street to Rush County Solid Waste Management District. Ken Masters made the motion for the auditor to sign and complete the assignment. Marvin Cole seconded the motion. Motion carried. Bill Todd questioned the property east of the current property and how this can be obtained back from the DNR. The commissioners shared that at this time they do not want to take on more

than what is necessary for their project. Bill asked for the approval to research the area. The commissioners responded that yes Todd could research the property east of the current assigned property.

EMS

The commissioners reviewed the June EMS run report received from Raleigh Fire Department

COURTHOUSE

Tom Barnes signed the Report of Inspection on a motion by Marvin Cole, seconded by Ken Masters. Motion carried. Deborah Adams reported that the Report of Inspection for the courthouse elevator was found with no violations. The signed report of inspection is required by Indiana Department of Homeland Security.

RUSH MEMORIAL HOSPITAL

Leigh Morning informed Tom Barnes that she will need to meet with him at 3:00 pm. Ken Masters made the motion for Tom Barnes to act on behalf of the board of commissioners to acquire buildings on Conrad Harcourt Way and outlined in Resolution 2011-4. Marvin Cole seconded the motion. Motion carried.

RESOLUTION 2011-4

A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, certain real property has become available that will benefit Rush Memorial Hospital; and

WHEREAS, the Board of Commissioners of the County of Rush, Indiana, is the legal entity which in which title to real property is held for Rush Memorial Hospital; and

WHEREAS, it is in the best interests for the citizens of Rush County and for the patients of Rush Memorial Hospital and its physicians for Rush County, on behalf of Rush Memorial Hospital, to acquire this property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Rush, Indiana, as follows:

1. The Board of Commissioners of the County of Rush, Indiana, shall acquire Fee Simple Title to the following described Real Property:

All that part of the following described real estate that lies West of the West right- of-way line of Cherry Street as said street is now located, containing in said part 1.15 acres, more or less.

Part of the Northwest Quarter of Section 32, Township 14 North, Range 10 East, in the City of Rushville, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 32; thence South 00 degrees 02 minutes West 992.2 feet along the West line of said Northwest Quarter to a point in the extension of the South line of Conrad Harcourt Way in said City; thence South 89 degrees 40 minutes East 599.0 feet along the South line of Conrad Harcourt Way to an iron pipe stake; thence North 89 degrees 46 minutes East 271.20 feet along the South line of Conrad Harcourt Way to an iron pin set at the Northeast corner of a 2.008 acre tract deeded by Rushville National Bank to Miami Valley Lutheran Housing Association of Indiana III, Inc. and recorded November 23, 1987, in Rush County Deed Record No. 135 at Pages 750-751; said iron pin being the TRUE place of beginning of this described tract; thence North 89 degrees 46 minutes East 319.90 feet along the South line of said street to a ¾" rebar; thence South 00 degrees 05 minutes West 407.27 feet to a ¾" rebar on the North line of the Belmont Addition to said City of Rushville; thence South 89 degrees 19 minutes West 319.92 feet along the North line of said Belmont Addition to an iron pin at the Southeast corner of said 2.008 acre tract; thence North 00 degrees 05 minutes East 409.78 feet along the East line of said 2.008 acre tract to the TRUE place of beginning, containing 3.00 acres, more or less.

2. The President of the Board of Commissioners is authorized to execute any and all closing documents necessary to effectuate this transaction.

3. The purchase price and all closing fees shall be paid by Rush Memorial Hospital.

Resolved this 5th day of June, 2011.

/s/ Thomas H. Barnes
Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/ Ken Masters
Ken Masters

ATTEST: /s/ Deborah C. Adams
Deborah C. Adams,
Rush County Auditor

WENDEL PROPERTY

Discussion was held concerning the Wendel property in Moscow. The fence is not down as instructed on the May 1, 2011 deadline. The deadline was extended to June 1, 2011 and the fence is still in place. Weeds are growing and rubbish has once again appeared.

Leigh Morning reported that she has sent the requested letters to Wendel's attorney and has received no response, called and received no response. It was noted that the attorney for Wendel's is Newhouse & Newhouse.

Discussion was held concerning the fence that is located on the Wendel property and as described neighbor's pitted against neighbors.

Ken Masters stated that we are not a court of law; we should wash our hands of the matter. Masters finished with making the motion to eliminate our involvement in this community dispute. Marvin Cole seconded the Motion. Motion carried.

FLOOD GATES

Discussion was held concerning the flood gates. It was reported that the flood gate committee has not heard from the insurance company.

Ken Masters did make the motion to resend his motion to put up flood gates. Marvin Cole seconded the motion. Motion carried.

More discussion will be held at the next committee meeting.

ELECTION SITES

Tom Barnes reported that notice has been received from the state concerning election sites. Barnes will turn the information over to the Election Board Chairman

Motion to adjourn was received from Ken Masters. Marvin Cole seconded the motion. Motion carried.

<u>/s/Tom Barnes</u>	<u>/s/Marvin Cole</u>	<u>/s/Ken Masters</u>
Tom Barnes, Chairman	Marvin Cole	Ken Masters

ATTEST:

/s/Deborah C. Adams
Deborah C. Adams, Auditor