
Gibson County Board of Commissioners
Regular Session
July 5, 2023

The Gibson County Board of Commissioners met in Regular Session on July 5, 2023, at 4:45 p.m. at the North Annex Meeting Room.

Prayer was led by President Montgomery followed by the Pledge of Allegiance to the Flag.

Members Present: President Kenneth Montgomery, Vice-President, Nick Burns and Commissioner Warren Fleetwood

MINUTES: The minutes from the June 20, 2023, meeting were approved as presented. Commissioner Burns motioned to approve minutes, seconded by Commissioner Fleetwood. With no further discussion, the motion carried 3-0.

CLAIMS: Total claims presented on 7/05/2023 were \$37,781,501.85. Commissioner Fleetwood motioned to approve claims, seconded by Commissioner Burns. With no further discussion, the motion carried 3-0.

Department Reports

Sheriff's Department - Chief Deputy Ballard gave the Sheriff report. The "Doing Great Things" report was regarding recent storms and AT&T had brought in a portable device until cell service could be restored. Deputy Ballard feels cell service has now been restored. The new live jail construction camera has 265 viewers. There are currently 120 incarcerations.

Update on Jail Project – Owner's Representative George Ballard told Commissioners the cost to install solar panels will be around \$232,000. \$200,000 was previously pledged by Tenaska. RQAW feels the solar panels will save the county 8-10% on electricity at the Sheriff Center, Corrections Center, and the 911 Center. The Commissioners would like the Sheriff to visit the ARPA Committee and see if they will provide the extra funding for this project.

Animal Services – Sharon Werne told Commissioners the service is full as they recently worked a hording case. She requested the people of the community to think about fostering an animal. They have a first draft of what their new shelter will look like. It is a metal building that will face west toward the soccer field, the building is projected to have 38 kennels.

COMMISSIONERS OLD BUSINESS

ARPA Recommendations: Attorney Spindler told Commissioners that the Committee had recommended the following projects:

- \$36,000 for renovations to the Clerk's Office
- \$24,000 for renovations to the Belltower in the Courthouse
- \$18,080 for monument renovations on the Courthouse Square
- \$4,896 for shelving at the Sheriff's Office
- \$13233 for north side basement door replacement at the Courthouse

Commissioner Fleetwood commented that Clerk Smith was very helpful in working with Commissioners on movement of the shelves and George Pickersgill had been instrumental in monument repairs. The balance of the ARPA funds is \$1,074,925.

Commissioner Fleetwood motioned to approve the Committee's recommendations, seconded by Commissioner Burns. With no further discussion, the motion carried 3-0.

Second Reading of Ordinance Regarding Hiring Employees and Making Appointments –

Attorney Spindler presented this ordinance for second reading since the vote was not unanimous at the prior meeting. Attorney Spindler removed some positions that he did not feel were appropriate. He told Commissioners they could amend, approve, or reject the ordinance. He explained/read Exhibit A which listed approximately thirty Commissioner appointments. Commissioner Fleetwood motioned to approve the ordinance; Commissioner Burns wonders if Exhibit A could be altered; he would like more time to review the list and ensure its accuracy. Attorney Spindler feels Exhibit A can be altered at any time. Commissioner Fleetwood reiterated that the ordinance content is a compilation of Indiana Code as it applies to appointments; he feels this ordinance will provide guidance and benefit Gibson County government when new employees are hired. Attorney Spindler told everyone that the Indiana Association of Counties has a handbook that addresses appointed officials, and it recommends adopting an ordinance, so appointments are clearly stated; Attorney Spindler agrees with this recommendation. Commissioner Montgomery seconded the approval of this ordinance. With no further discussion, the motion passed on a 2-1 vote, with Commissioner Burns casting the nay vote.

Commissioner Court Appointment Ordinance Violations – Attorney Spindler told

Commissioners this ordinance pertains to hearing ordinance violations prior to going into judicial review by the courts. Attorney Spindler recommended Sharon Werne for this appointment and Attorney Spindler says they have vetted the conflict of interest with her serving as a board member on the Animal Services Board. There would be no conflict since Ms. Werne would not be issuing the citation. Commissioner Burns motioned to approve this new appointment, seconded by Commissioner Fleetwood. With no further discussion, the motion carried 3-0.

County Road 360 South –

Attorney Spindler sent letters to three property owners, but he has had no response. The letters were sent to these property owners because they have placed rebar-staked straw bales along CR 360 S, which are obstructing the road and causing a nuisance to other property owners that must access this road to get to their property. Attorney Spindler says this issue comes up a lot in municipal government and he is now asking Commissioner's for a new direction. He wonders if they wish to hire an outside engineering firm to conduct an expansion study of the road before taking further action. Commissioner Fleetwood feels it should be tabled until the Sheriff's department conducts a traffic study. Shannon Green, one of the property owners affected by the hay bales asked Commissioners to please take a stand on this issue; she does not feel the Sheriff can do anything on this matter. Commissioner Fleetwood feels when the county does pursue litigation, it should be with good reasoning, good support, and correct information. Attorney Spindler feels if they pursue litigation; it would be a nuisance offence and both studies (traffic and expansion) would be helpful. Attorney Spindler also wonders if the US Postal Service would be willing to help pursue this matter, since they are a federal entity. Ms. Green has spoken to the postal service; she feels they would support the cause. Attorney Spindler wonders if Commissioners would consider closing the road or making it a one-way road? Attorney Spindler will reach out to all three property owners again and let them know the County is pursuing litigation or the possibility of turning the road into a one-way or closure. Commissioner Montgomery motioned to initiate litigation by serving a nuisance cause of action against the property owners, if no resolution is heard by Friday of next week, seconded by Commissioner Fleetwood. The vote was 3-0. Commissioner Burns motioned for a third-party firm to conduct a road study as Attorney Spindler feels it would be weightier in a court of law, seconded by Commissioner Montgomery. The vote was 2-1 with Commissioner Fleetwood voting nay; he feels the Sheriff Department should conduct the road study first, but he is not opposed to a third-party firm study either. Attorney Spindler will research federal regulations that may help in this matter; Ms. Green will speak with Postmaster and keep them apprised of the situation.

HR Committee – Attorney Spindler had requested this agenda item due to deficiency items in handling personnel per last meeting’s suggestion by Insurance Representative, Brian Hancock. Attorney Spindler feels the Employee Handbook should be revised and he would like to form a committee for this project. He suggested the committee be comprised of Attorney Spindler, Judy Adams, Auditor Watkins, and whomever else the Commissioners deem appropriate. Auditor Watkins respectfully declined at this time. Commissioner Fleetwood asked if Attorney Spindler would ask Debra Marvel from the Highway Department to join the group. Judy Adams suggested adding Janesse Cloin from the Treasurer’s office as she also has some HR in her background; this would complete the four-person committee for now. Commissioner Burns motioned to approve the formation of the committee, seconded by Commissioner Fleetwood. With no further discussion, the motion carried 3-0.

COMMISSIONERS NEW BUSINESS

Approval of Engineering Firm for Decommissioning Work on the Gibson Solar Project – Tenaska Representative, Rick Reed told Commissioners the ordinance is a working document; they now need a decommissioning bond, which is reviewed every five years to ensure they are securing the money for restoration through the end of the project. An engineering firm is needed to complete and fulfill this purpose; the County must approve the Professional Engineering Firm for this job. He feels it would take some time for a local company to review the contract, but he feels this should eventually be done locally. At this time, they would recommend using Westwood as they have experience in decommissioning. Mr. Reed explained that decommissioning is spelled out in the ordinance, and property must be restored as it is now, like a coal mine reclaiming land. The ground will be returned to a useful state; and money must be held in an escrow account until the project is over so the land can be restored in the future. The decommissioning bond is reviewed every five years to ensure benchmarks are being met as full decommission cost is not certain at the beginning of the project. When this solar farm starts on the grid, money will be gathered throughout the project so the money will be in full by the time the project is over. There are safeguards and benchmarks in place throughout the project and all the way to the end. Westwood has the knowledge to get this decommissioning started. The Commissioners can revisit the PE every five years. If this company goes bankrupt, the money will be there to protect the county. Commissioner Montgomery motioned to approve Westwood as the PE to develop the decommissioning portion of the ordinance that will be reviewed every five years, seconded by Commissioner Fleetwood. With no further discussion, the motion carried 3-0.

Judicial Usage of Door on the Main Floor – Attorney Spindler this pertains to courthouse. This is not an action item for tonight but might evolve in the future. The Judges, their staff and jury may have a need to use another door, other than the south exit. The Judges have been working with Stephanie McKinney on this item.

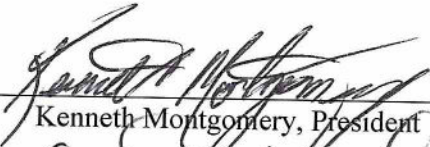
Signage for new PTS/Probation/PD building – Attorney Spindler says they are having some problems with deliveries. They would like some signage, but the building corporation meets tomorrow, and he would like to wait on this item.

Major Medical Leave (1) was approved by the Commissioners with a motion from Commissioner Burns seconded by Commissioner Fleetwood. The vote was 3-0.


Someone says the County did a good job cleaning up after the recent storms. He wonders if someone could be on duty at the Highway Department five days a week rather than the calls routing to Sheriff’s department on Fridays. Commissioner Burns told everyone that the Highway Department will be doing storm cleanup this week, rather than chip/sealing.

With no further discussions, Commissioner Burns motioned to adjourn the meeting, seconded by Commissioner Fleetwood. The vote to adjourn is 3-0.


Minutes from the July 5, 2023 Meeting.



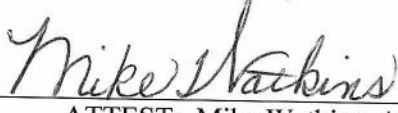
Kenneth Montgomery, President



Nick Burns, Vice President



Warren Fleetwood, Commissioner



ATTEST: Mike Watkins, Auditor