

RE: George Royal III Petition to vacate
Homeland Security Resolution and Ordinance
Keeling Internet Service
Re-appointment to Health Board
Resignation and new appointment to the Wabash River Heritage Comm.
Use of Hospital sale money
Credit Card Ordinance
Vacation Calendar
Pen Products
Internet switch/VanAusdall

Minutes-Vermillion County Commissioners October3, 2006

The Vermillion County Commissioners met in the Commissioners Courtroom, Courthouse, Newport, Indiana.

President, Tim Wilson called the meeting to order and led in the Pledge to the Flag.

Roll call was taken: Present were President Tim Wilson, Harry Crossley and Dennis Marietta. Also present were Attorney Jon Spurr, Auditor Sherrie Koma and Deputy Auditor Amy Tolbert.

A motion to approve the minutes of the September 5, 2006 meeting was made by Commissioner Crossley and seconded by Commissioner Wilson. All were in favor.

Old Business:

George F. Royal III petition to vacate the East Part of the West half of Sycamore Street between NW corner of Lot 23 to the NE corner of Lot 23. Attorney James A. Bruner was there representing his client George F. Royal III and Donna Royal. Attorney Bruner stated that the street in question was platted in 1912. He had numerous exhibits to show the commissioners. He had copies of the deed, the original plats, aerial photos and pictures. Attorney Bruner stated that they are dealing with the portion of the road on the West side of Crown Hill Avenue. Along the North edge is a street that was indicated as Sycamore Street and runs from Crown Hill west along the quarter section line. Mr. & Mrs. Royal own the metes and bounds ground that is on the North side of that road and own the lot 23 as shown on the plat, that borders along Sycamore Street on one side and on the West end is Short Street, another public street in the platted subdivision. Attorney Bruner stated that the petition filed by Mr. & Mrs. Royal is asking that the western portion of that road, dedicated as a public road in 1912, be vacated, that goes across their property only. He stated that a number of other vacations have been granted in that same subdivision. Commissioner Crossley

stated that in the past, what the commissioners have done is that if there are protests then they do not close it. He said they have received 7 letters opposing the vacation of the closure of the road. He said they sent the county surveyor, Jared Dreher, out to survey the road. Commissioner Marietta, Commissioner Wilson, and Highway Superintendent Bill Clark went out personally to view the property. Attorney Spurr read the statute that stated anyone is allowed to petition, they are entitled to a hearing, at the end of the hearing the Commissioners may, by ordinance, vacate the public way. It's up to their discretion whether they do or do not vacate it. Commissioner Marietta asked what would happen if Mr. Usleman would petition to vacate his portion. Attorney Bruner stated that the Royal's would be landlocked. If the Royal's vacate their portion, Mr. Usleman will not be landlocked nor will Sisson Farms. There are public roads that lead to Sisson's property. West Poplar Street and Short Street remain open public roads. West Poplar Street travels from Crown Hill 1000 feet back into Sisson's property. One of the opposing letters said they would be landlocked. This is not true. There is a 1000 feet of West Poplar Street and 400 feet running North and South of Short Street that remains an open public road. At the present time, it happens that Mr. Sisson has it gated and closed, according to Attorney Bruner. It also happens that Mr. Sisson has built a pond that straddles the road. He closed that road but doesn't want this road closed. The 185' of Sycamore Street that the Royals wants closed is not passable as a road. Commissioner Crossley asked how Mr. Uselman would get to his property. It was stated again that the Royals only want to close the portion north of their lot. Mr. Usleman would not be landlocked. The Sisson farm property would not be landlocked because they have 1000 feet of West Poplar and 400 feet of Short Street that they can use to go back to their property. Commissioner Marietta asked Highway Superintendent Bill Clark if the roads mentioned were recognized county roads. He said does not know if there is any kind of road that exists there other than what's on paper. Mr. Royal states that the mentioned roads have never been vacated; therefore they are still public roads. Mr. Usleman said that he only knows of one road, Sycamore Street. Mr. Royal said that there is three, West Sycamore, West Poplar, and Elm street; East Poplar and East Sycamore. Mr. Usleman said just because they are on the map does not mean they are recognized as a county road. Commissioner Crossley said in order to treat everybody equal they cannot allow this closing. This is what they have done in the past and if they allow it they will have several other petitioners from the past come back and file remonstrance if they feel the Commissioners have made the wrong decision. Commissioner Marietta asked if there was in fact a right of way coming from the west going east on West Sycamore. Attorney Bruner stated that the road does not go anywhere past the Royal's property. It does not go to a public road; it was platted to go back to the subdivision that has since been vacated. Commissioner Marietta asked where the gate in question was located. Attorney Bruner stated that it is on the other public road that goes back through Sisson's property that provides access to all of that area that the Usleman's and Sisson's are saying they wont be able to get to. Mr. Usleman stated that there is no public road that goes through Sisson farms. Attorney Bruner stated that it has never been vacated. Commissioner Crossley stated that he talked

to the fire department and they said that they need the road for access in the event of a fire or medical emergency. Mr. Royal said that the fire department does not need public access; they can go wherever they need to go in order to get to an incident. He said that they can cut the gate down or they can cut fences down. Attorney Bruner stated that where the road is would be impassable for a fire truck. Mr. Usleman said he can get his full size pick-up down that road, he also said the county surveyor was there and drove his truck clear back to Malone's property. Attorney Bruner asked if they went through the opening in the fence or between the trees. Commissioner Crossley said that he and Bill Clark went back there, and the fence was on the corner, the big tree was on the side and they went up the angle through it. Mrs. Royal said that is not the road. Mr. Usleman said yes it was, it was in between the stakes. Mrs. Royal stated the pink stakes were down in the pond. Mr. Royal said they were actually on Short Street when they cut through there. There was discussion as to where the road actually ran. Mr. Royal stated the road runs through his pond and that Mr. Uslemans culvert is actually where the road should be as well. Mr. Usleman stated that the culvert drains his pond that it's his overflow for his lake and that is part of what they are maintaining. Mr. Royal said the question is not where the road is, the question is where the road goes and it goes nowhere. There is no way, unless the county is going to put a lot of money into it to fill the hole, that this road is safe for passing. Mr. Royal is concerned with who will be to blame if someone gets hurt? If it's a county road and a public way then it needs to be fixed and the other roads opened as well. He also stated that is not fair that he cannot vacate this road but the other roads are impassable due to the gates and the pond that the neighbors have put up, yet they have never vacated those roads. Mr. Royal stated he is not trying to limit anyone's access, that they have access through three different roads. Mr. Usleman argued that they gate is not a public road because it has never been used as a road. Mr. Royal said it is a road because it is platted and has never been vacated. Councilman Randy Dreher asked why not just close the whole road. Everyone would have access. Mr. Usleman said he would go for that but that his property is in the subdivision and that Mr. Royals is not. They would have to make a lane into their property. Mr. Usleman said he just wants access to that property, they are not taking semis, or bulldozers back there. He also stated that someday their grandchildren may want to develop the property and that shouldn't have to cut a new road to get back there when there is already a road. Mr. Royal said there is already a road named Elm street that can be used. Commissioner Wilson requested order in the court and Attorney Spurr said that Mr. Royal can file his petition, that gives him the right to stated the circumstances of his case, then anyone can object and then the Commissioners just have to decide whether to close it or not to close it. There are not petitions to close other roads at this time. Mr. Usleman said he just wants access. Commissioner Marietta said it's tough to make a decision if they are going to allow gates on other right a ways. Commissioner Crossley made a motion to not close the road, seconded by Commissioner Wilson. Commissioner Marietta chose to abstain. They suggested that the unhappy party take it to circuit court. Commissioner Marietta said if we don't close that one then we can't close any of them. The Commissioners will

have Surveyor Dreher go out and check the other roads. Mr. Usleman suggested they close the other roads. They told him he would have to file a petition to do that. Mr. Usleman said the county does not maintain those other roads so they don't need them. Mr. & Mrs. Royal both said the county does not maintain Sycamore either.

Homeland Security resolution was read at the last meeting. Commissioner Wilson read it again. He also stated that if they don't pass this there is a chance they will hold up grant money. Commissioner Wilson made a motion to accept the Resolution; Commissioner Marietta seconded it. It was assigned with Resolution #3 (Not #10 as stated in the meeting) and Ordinance # 12.

Keeling Internet Service. Mr. Griffin was present to discuss the Internet contract that had been given to the Commissioners a few meetings back. Mr. Griffin was not present at the last meeting as scheduled and he apologized. He discussed the questions the Commissioners had recently asked. The Commissioners did not want automatic renewal they want Mr. Griffin to present his bid again when his term was up. Mr. Griffin also clarified that if something would happen to the tower on the roof of the courthouse and damaged the courthouse, they would be reliable. The contract originally read that the Commissioners would be responsible. Mr. Griffin also stated that he would have to change the wording that refers to the phone companies. He said they are going to go with multiple phone companies so they don't have the kind of problems that they are having at the moment. Commissioner Wilson asked if his service has been down for the last couple of weeks. He said the dial up portion has been yes. Mr. Griffin said the service that is on the contract is a totally different service than dial up. He said it's a much better service compared to a phone line. Commissioner Marietta stated that he was confused, he thought we were saving money with this deal, but it turns out we are paying more. Commissioner Wilson said that it had started out that way. Auditor Koma asked if we were definitely signing this contract. She said she wanted to stay where she is at and wondered why we were changing things when they weren't broke. She also stated that several offices had some concerns as well, such as firewall protection, security and who pays for all the needed equipment. Commissioner said they reason they were doing this was because we were originally going to save some money and to offer service to the residents of Newport. Councilman Randy Dreher asked if the whole county would be able to use the service. Mr. Griffin said no, Newport only would be able to utilize the service. Councilman Dreher then asked how this would benefit the county. He stated that he pays taxes and feels it unfair that only a select few people will benefit from it. Attorney Aukerman told Councilman Dreher that they are trying to save the county money. Councilman Dreher then questioned the savings again, because it was just stated that the new service would end up costing the County more. Councilman Dreher asked Attorney Aukerman if he had Internet service at this time, and he said yes, dial-up. Councilman Dreher said that is all he had too and it was all that he could get. . Attorney Aukerman suggested he move to Newport. Mr. Griffin stated, as a reply to an earlier

question, that there will be sufficient security and that will can still be behind the firewall we currently have. Commissioner Wilson said they would have a special meeting with all the office holders and to see what exactly the costs and savings will be. The meeting will be on Tuesday October 24, 2006 at 7:00p.m.

New Business

Re-Appointment to the Health Board. Commissioner Crossley made a motion to re-appoint the same members of the Health Board, Dr. Albright, Dr. Summerville and Joyce Clark, seconded by Commissioner Marietta. All were in favor.

Commissioner Crossley read the letter of resignation of Mike Craig from the Wabash River Heritage Commission effective today. He suggested Jim McFall and Diane McIntosh. Commissioner Crossley made a motion to appoint Jim Mcfall and to use Diane McIntosh as the alternate. Commissioner Wilson seconded the motion. All were in favor.

Mike Carty sent a letter regarding the use of Hospital money for future medical needs. The Commssioner agreed to read it over and discuss it at the next meeting.

State Board of Accounts sent a letter regarding the use of credit cards by county employees. Attorney Spurr had an Ordinance ready that Commissioner Wilson read. Auditor Koma will find out who has credit cards and report back to the Commissioners at the next meeting. Commissioner Marietta wondered how it was budgeted and also thought a board should be formed to look into central purchasing to save money. It was decided to discuss this further at the next meeting.

Vacation Calendar. Auditor Koma stated that the handbook states we are to get Christmas day and the day before or the day after. Commissioner Marietta asked if this was a mandate and asked that Auditor Koma read the whole section so he can understand what they were talking about. The Commissioners asked Auidtor Koma to ask all office holders which day they preferred, the Friday or the Monday and then they would discuss it at the next meeting.

Pat Hambright spoke up regarding the Credit card policy and said that the State Board of accounts had a policy in place that the county is to use. The Commissioners were aware and said Attorney Spurr was taking care of it.

Pam from Pen Products was present. Pen Products is an agency with the Indiana Department of Corrections. They were established in 1917 by State

Legislature to provide meaningful employment for offenders while they are incarcerated inside our State facilities. They do this in various ways and she passed out a folder with information for the Commissioners to look at. She said they make furniture, cleaning chemicals, jail clothing, mattress for the jails, and all the regulatory signs for INDOT. She said they could make any county signs we need. She said they just want a chance to bid. Auditor Koma said she will send the bid forms to her.

Auditor Koma stated that the switch for the Internet service has gone bad and VanAusdall wants \$1754.00 to repair it. The Commissioners suggested she ask around and go with the lowest bid. Prosecutor Alexander said she would pay half if they would get it done immediately. Commissioner Wilson made a motion to accept the service be done by VanAusdall with the Prosecutor paying half the bill. Commissioner Crossley seconded it. All were in favor. It was then suggested that some get with Building Maintenance Supervisor Clarence Williams about maintenance on the cooling tower.

Commissioner Wilson made a motion to adjourn. Seconded by Commissioner Crossley. All in were in favor.

Read in full and approved by the Vermillion County Commissioners on the 6th day of November 2006.

Attest: _____
Sherrie A. Koma, Auditor