

RE: County Administrator Position
Keeling Inc.
Telephone Contract
Pre-disaster mitigation plan
Public Roads/Right a ways-George Royal
Water Line Easements-George Anderson
Yearly Appointments
Bid Contracts
2007 Holiday Calendar
Commissioner Meeting Schedule
Thomas & Bobette Crafton-Rezoning-John Koma
Coroner Darren Tucker-IN State Coroner Assoc. Grant for laptop
Redevelopment Committee Appointment
Technology Coordinator-Jerry Hawkins
Police Car bids

Minutes-Vermillion County Commissioners December 5, 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 November 6, 2006 meeting was made by Harry Crossley, seconded by Dennis Marietta.

Unfinished Business

County Administrator Position: Wilson asked Koma if she had anything on the County Administrator Position and Koma said not at this time, she is still working on it.

Keeling Inc: No one was present to discuss the contract. Wilson asked Spurr if he got a copy of the contract, he said he had one emailed to him at 2:45 this afternoon and has not had a lot of time to look it over. He did notice that the dates on it were wrong, because everything was drafted as being signed in November. Spurr also stated that it looked like they made a lot of other changes but he didn't see the three that the Commissioners wanted changed. Spurr said he just didn't have time to sit and read it like he would like to. Crossley asked when Spurr was supposed to have received the contract and Spurr said he asked that he get it at least on the previous Friday so he would have the weekend to look it over. Wilson asked if this was third or fourth time Spurr had asked for the contract be delivered to him a few days prior to the meeting nights. Spurr said it was probably about the sixth time this has happened. Wilson asked the other Commissioners what they wanted to do and Crossley said that they don't have a contract at this time so there isn't much they can do. Wilson said he hates to keep putting this off, he doesn't want to deprive the people of Newport but do we really want to put anything on the roof of the courthouse? Did we not tell the cable TV people no a few years ago? Are we going to cause problems for future Commissioners if we start selling off the roof of the courthouse? Marietta said its really a moot point at this time because no one from Keeling is present. Wilson said lets move on then. Koma said she wanted to mention that the Council voted against switching to Keeling at their last meeting. Wilson said Mr. Keeling is not here to represent himself. Spurr said if he is remembering correctly its about the fifth or sixth time he has got the contract within hours of the meeting and Spurr has told him over and over to get

the contract to him with enough time to read it thoroughly before the meetings, and it always seems to come on the afternoon of the meetings or even moments before the meeting. Wilson said then we just move on.

Telephone contract: Wilson said our contract has expired and were paying almost three times what we were paying. The commissioners looked over the proposals. One proposal was Enterprise Net Group, which is what North Vermillion schools use at this time. Their estimate is 863.62 per month. Spurr said he read that to be a maximum price, because each contract mentions bonuses and rebates and different amounts we can get credited depending on call volumes. The Health department's portion would be 256.29. The contract we did have, which is expired, would be \$1210.26 and the quote from enterprise is \$1119.91 total. Crossley asked if North Vermillion had any problems with them. Koma said no and that North Vermillion sent a letter stating that have not experienced any negative issues concerning their contract. Crossley suggested we go with the low bid. Wilson made a motion to go with Enterprise Network Group, seconded by Marietta.

Bobette was present to discuss a resolution she needs the Commissioners to sign. She said they are required by Federal Government to have a pre-disaster mitigation team and plan on file with FEMA in order to be qualified to receive grant money for assistance if we would have a problem. She said she just needs it signed. Wilsom made a motion to sign the memorandum, seconded by Crossley.

George Royal was present and said that still nothing has been done out there. Crossley said the gate is unlocked, its not been taken down but its unlocked. Royal said that Jared Dreher, surveyor, has not been out there, there are no stakes out there so he knows where the public access is. Crossley asked Bill Clark if he has been out there. Clark said yes, he painted the lines on the road, he measured off and painted lines on the road where the boundaries were. Crossley asked Spurr if knew what the definition of a right a way was and Spurr said he didn't know he was supposed to do that. Crossley thought Dreher had asked him to do that and Spurr said no. Royal said there are not stakes out there; there was one orange line on the road out there that is the only line he saw. He said that when the surveyor was sent out to his place, stakes were but at each end and in the middle, all the way down, so you actually know supposedly where the road goes. Royal said he doesn't agree with that but as he said from the beginning that it doesn't matter where the road is because the bottom line is the road goes nowhere. He also wanted to mention that he put that piece of fence back up on his property and he would be very happy to have anyone come out there in a pick up truck and show him that you can drive down sycamore lane instead of in his yard because now the fence is back up. Crossley said he was out there with Bill Clark and the got through. Royal said yes but you would have had to go through his yard, they couldn't of stayed on the road where he staked it, or the supposed road or whatever you want to call it. Crossley said it was a right of way. Royal said that is how Jared went out there; they all went out through his yard. Royal said he has the stakes back up and would like to invite anyone to come out and try to get a truck through there. He said if you can get through there with anything bigger than a golf cart.. Royal said he just wants to know if anything is going to be done or not. He works all day and then he has to come up here. Crossley said like he said at the last meeting, we are not opening up any more new roads and if you want to know exactly where the county right of way is, he will have Dreher go out there and mark it, but they are not opening up any new access roads. Royal said if that is a county access road and he's dug a pond in that road, then it's his responsibility to fill that in unless you gave him permission to do it. Crossley said that was done before he was Commissioner. Royal asked if gave the neighbor across the street permission to build a garage on East Sycamore Lane and Crossley said no. Royal said then if were not going to get these open and were not going to resolve these problems and I have to sue to try to close what I want closed. Crossley asked whose pond was at the end of his road. Royal said it was but he didn't dig it, the coal mine was there originally, and it has eroded out for the last 100 years since that place was plotted into a subdivision, it was all plotted

at the same time. All five of those roads therefore are equal. Royal said they were all plotted at the same time, they all go exactly to the same place and right now he doesn't know what to do and said if the Commissioners aren't going to do anything about that..Crossley said we told you what to do, we told you to go upstairs and if the Judge overturns it, he overturns it, if he doesn't then the ruling stands. Royal said he cant, it's not legal. He said there is not one case in the state of Indiana where you have closed...it works the other way, if you would have closed it and Mark had a problem then he can take it upstairs but according to the attorney, there is no leg for me to stand on, there is not one case that has ever been there. Royal said he is in limbo on that part of it. Royal said his next step is, if were not going to anything about the five roads that they have illegally closed without going through due process like I did, then it becomes a discrimination matter because if your not going to do it for me and they have done it illegally when you've sent me through due process to do it the correct way and your not going to do anything about all these illegal.... Crossley asked when the other people closed their roads, is it in the records. Royal said no, none of those roads have been vacated. Spurr said generally speaking if you have a right a way there and somebody has put something in the right of way, you could go and demand that they remove it. He said its up to you guys whether you want to put a road in or not. If you want to put a road in, you can put a road in and if someone has unfortunately put up a garage, then they may get their garage torn down but you don't have to clear the right of way just because somebody wants it cleared, if you don't intend to put a road there, you don't have to do anything. Royal said, but its still public access, and he should be able to drive down there, it's the public, it's the county. Spurr said there is a difference between the county having a right to put a road in if it wants to and the county developing a road or maintaining a road for the public to drive on. Royal said that is his point, how can they say those roads are any less undeveloped than his road. Spurr said he has not personally been out there. Royal said that is the problem, he cant get anyone to personally come out there and explain to him where Ryan Sissons white rock ends and that gate is, is any different than where his white rock is and his grass starts. What is the difference between those two places, they were all platted at the exact same time, and they are all on the same map. They have illegally blocked them off, dug a pond in them, built garages in them and nobody wants to do anything about it. Royal said as far as pursuing it upstairs, as your attorney said, it works the other way. If you would have closed it and Mark had a problem, he could take it upstairs. Royal said what he is finding out right now legally it can't go upstairs. Spurr said the difference is this, you wanted to come and close a road in front of your house and the neighbors all came and argued against closing the road and the Commissioners decided not to close the road. Royal said a section of the road, not the whole road. Spurr said but the decided not to close it, now what you want them to do is go and tear down things that are on county right a ways. Royal said, no he is not. Royal said that Wilson told him he had no right to dig a pond in the middle of a county road, and he didn't dig it, it has eroded there over the last 100 years. Royal said his neighbors actually dug a pond in the middle of it and you are not going to do anything about it after telling me no. Spurr said there is a difference between a right of way and wanting to close a road, you wanted to close a road and they said no. Royal said that they are all roads, why are they not all the same. Spurr said some of them are rights of ways; we have a right to put a road there if we choose to. Crossley asked Royal how long that road had been there. Royal said the same amount of time as the rest of them, since 1912. Crossley said they haven't used those roads, they haven't been developed. Royal said they haven't used the one past his house either, the portion he wants vacated. Royal said it had to take atleast 80 years for the corner to erode out of that pond, therefore that road has not been used for the last 80 years. He said no one went down there and dug it out, it eroded. He said the road has never went past his white rock, anymore than its gone past Ryan's white rock, it's not a road. If you are saying theirs is not a road, then mine is not a road, that's all I'm saying, make a decision, are they all roads or are they all not roads. Spurr said the decision was made not to grant the petition to vacate. Wilson asked how long the road has been that way, and Crossley said ever since the houses have been there. Royal also stated that the county does not maintain that road, even from the blacktop into his

house, to the white rock. The county has never done anything out there according to Royal. George Anderson said he knows Mark Uselman and he knows Mark takes care of the road. He said he knows that Mark paid for the blacktop. Anderson said he plows the road. Royal said he plows his blacktop. Anderson said he has plowed that road, even before Royal lived there. Royal said he does not plow if off the blacktop, he stops at his property line and that is where he wants to close the road. Anderson said he is not going to argue, he just telling him what he knows about that property. He has walked back there, and he knows that road is well taken care of, regardless of who takes care of it for people to go back and forth on the road. Royal said the blacktop is what is plowed, that's what he plows. He stops at white rock, where the white rock starts, he stops. Spurr said your petition was denied, that's the end of it, and you could appeal it upstairs if you want to. If your attorney tells you that you don't have a leg to stand on then maybe you should listen to your attorney. Royal said he understand that, his concern now is the other roads. He said he has just as much right to drive around that block then and I can't do that because of the pond they built. Spurr said they are not deciding to open up those other roads. Royal said that's okay and to just put them on notice, he will be filing a lawsuit again Vermillion County and the Commissioners for discrimination because those roads are exactly the same as the one you are considering mine as, being as how they were platted at the same time, I have just as much rights as those other people and I will be pursuing it that way now.

New Business:

Rockie Express Pipeline. Koma said he wouldn't be here tonight.

George Anderson, water line easements. Anderson said they are having a problem with water down in the section where we live. He said there is about 9 or 10 residents having problems with water. Anderson said they have petitioned the Clinton Township Water cultivation to bring them water and they have to pay a certain amount of money to get them to come down. He believes the price to be around \$4500.00. He said they are having trouble finding easements that come down through there. Anderson said they have petitioned the landowners to give them the easements. He said the have been fighting this problem since July. He said they have been at the courthouse several times trying to find out if there is an easement, and we cannot find any easements. Anderson said he understands that on the West side of Rangeline Road, there is an easement so people can come down through there, but not on the East side. Anderson wants to know if there is anyway they can get some help. Spurr said the county could grant an easement within its own right a way, part of the problem is that we cannot find records as to exactly what the right of way is, we know where the road runs but we don't know how far to either side of the paved road the right of way goes. Spurr said they clearly have the power by statute to grant an easement within their own right of way. If your going to have to go over private land then you will have to talk to the private land owner or possibly pursue a condemnation action but if you are already getting water I don't know if we are going to be successful. Anderson said they are not getting any water and he has dug three deep wells. Spurr said it might be possible for them to force an easement if the landowners wont agree to it. Anderson asked do we do that. Spurr said the first thing to do is look at where the existing lines are that run by the road and it would be logical that the right a way would run equal distance on either side of the pavement. Spurr asked if it could fit between the ditch line and the side of the road. Crossley said he has no objections to that but it depends on where other lines are buried. Anderson said all the lines are already marked. Spurr said that the Commissioners could give them an easement by a resolution then. Crossley said there are no water lines running down that side of the road. Spurr said to go ahead and make the resolution and just not do it right a way maybe advertise it as being part of and upcoming meeting so then if somebody had an objection that you don't have a right of way to that ditch they can come here and tell you why. Anderson that is what they would like to have is the easement within the counties rights a way. Spurr said but with the absence of records we probably should advertise that were going to do

that. Ed Kanizer asked how far away from the road the digging would have to be. Crossley said they could not cut the road. The Commissioners asked Spurr to prepare the resolution and have it ready for the next meeting and it will be advertised.

Yearly Appointments. The Commissioners agreed to make the yearly appointments on December 29 at 8:00 a.m.

Bid Contracts. The Commissioners opened bids for county contracts and decided to discuss them at the meeting on the 29th.

2007 Holiday Calendar. The Commissioners approved the 2007 Holiday Calendar. Crossley made a motion to accept the calendar, seconded by Wilson.

Commissioners Meeting schedule. The Commissioners approve their meeting schedule with one change, July 4th is on a Tuesday, so that meeting will be held on Monday July 3rd. Crossley made a motion to accept, seconded by Marietta.

John Koma was present to discuss the 2 acres that were rezoned to the Craftons. Koma said an agreement had been reached in April between the county and Thomas and Bobbie Crafton to rezone their property. This would allow them to put up a fence and move “junk” into an area that would be hidden. Koma reported that nothing has been done at this time. Zoma is asking the Commissioners to rescind the zoning change so the litigation could be pursued against the Craftons. Koma said that he has spoken with Bobbie Crafton and she had given the excuse that her husband had been sick. The Commissioners asked Koma to send them one more notice.

Coroner Darren Tucker asked the commissioners to sign a memorandum of understanding which would allow him to receive a laptop computer at no charge. He explained that the Indiana State Coroners Association has secured a grant through the National Highway Transportation Safety Administration that will provide laptops to all 92 county coroners, provided all 92 counties sign the memorandum. Tucker said the State is moving towards making electronic documentation mandatory. Tucker said this would save the county money in the future. The commissioners signed the memorandum.

Redevelopment Commission Appointments. The appointments were made to the Redevelopment Commission with one person appointed from each of the county’s five townships. Appointments were Jeff Sisson from Clinton Township, Doug Andrews from Helt Township, Bob Ellis from Vermillion Township, Connie Cohen from Highland Township and Paul Roads from Eugene Township.

Technology Coordinator. Jerry Hawkins reported that as a result of the Technology audit, he would suggest the county hire a technology coordinator. Hawkins asked the commissioners to review the recommendations and said more details would be provided in a future meeting. He said he has done some research and believes that this position can be created with very little impact on the general fund.

Bid for Police cars. The commissioners received one bid proposal from Wilson Ford in Clinton for police cars at a cost of \$22,450.00 each. They discussed waiting until the December 29th meeting to see if more bids would come in but ultimately decided to go with Wilson Ford to allow adequate time to encumber the money. Marietta made a motion to accept, seconded by Crossley.

Mike Craig asked that the Commissioners assign someone to turn on adequate lighting on meeting nights. He is worried about the liability issues if the building is too dark. Wilson said he would do that.

Kristy Lamb was present and had some questions about the Redevelopment Board. She wanted to know if this was a new position and wanted to know what

exactly the board did. Spurr said its not a new position, its just been inactive for some time. Spurr said Ed Cole is the person to ask for an explanation of what the board does. Wilson said he would see if could that information and get it to Lamb as soon as possible.

Dennis Marietta made a motion to adjourn, seconded by Harry Crossley.

Read in full and approved by the Vermillion County Commissioners on the 2nd day of January 2007.

Attest: _____
 Sherrie A. Koma, Auditor