

Board of Commissioners  
September 7, 2010 – 8:45 am

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Claims

Logsdon made a motion to approve claims. Gogel seconded. All in favor.

Minutes

08/03/2010 minutes; Logsdon made a motion to approve. Gogel seconded. All in favor.

08/18/2010 minutes; Logsdon made a motion to approve. Gogel seconded. All in favor.

PSC

David Buse, Sales Manager at Perry-Spencer Communications, discussed the current contract with the commissioners. In exchange for the use of the two Spencer County towers, PSC provides four wireless internet connections to the EMA/Courthouse, the Sheriff's Department, the Highway/Engineer, and the SWMD. The prosecutor's office also is provided internet service at \$56.25 per month, a 25% discount. The agreement allows the county connections at 1.5 Mb speeds, where available.

Buse presented three options to the commissioners:

1. Keep the accounts the same as they are currently.
2. Upgrade the EMA/Courthouse, the Sheriff's Department, and the Prosecutor's office to a faster 3Mb service that requires the purchase of new equipment, but the monthly fee would remain the same – free for the four locations and discounted for the Prosecutor's office. Currently the Highway/Engineer and SWMD do not qualify for the 3Mb signal.
3. Upgrade as stated in option two, replace the existing lease agreement with a new 60-month term lease, and waive the cost of the new equipment. Also, the Highway/Engineer and SWMD would be upgraded at no charge when the 3Mb service is available in Chrisney.

Gogel made a motion to approve option three. Logsdon seconded. All in favor. Buse will have the agreement sent to Lueken for review.

Workman's Comp Insurance

Agent Ron Pund, who handles the county's workman's comp insurance, reported two safety meetings have been held at the highway. Painter said he has not had any problems with the coverage. Pund said he would be available whenever needed.

Indiana 15

Thomas Mosley of Indiana 15 discussed a grant opportunity to clean up the United Energy brownfield site (Troy Refinery). Grants may be up to \$200,000 with a 20% match of money, labor or services. Applicants may request a waiver of the 20% match based on hardship. The grant application is due by October 15 and a public hearing is required at least two weeks before the submission of the application.

Logsdon stated the property would never sell unless the county takes action. Mosley said the clean up would not make the property residential ready but it would make it commercial ready. Logsdon made a motion to have Indiana 15 submit the application. Gogel seconded. All in favor. The public hearing is scheduled for 3:00 pm at the September 21 meeting.

K2 Ordinance

Prosecutor Wilkinson presented the Ordinance to ban the sale of K2 or Spice as follows:

WHEREAS, The Board of Commissioners of Spencer County have been made aware that substances containing synthetic cannabinoids, which include substances containing one or more of the following chemical compounds:

- (1) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
- (2) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
- (3) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073; or
- (4) Any other equivalent compound or derivative

("Products") have been marketed, sold, and offered for sale to the residents of Spencer County, including minors; and

WHEREAS, the citizens of Spencer County and various elected and law enforcement officials have noted an increased use of such Products, currently marketed and sold under the name of K2 and Spice; and

WHEREAS, Indiana law provides that the County Executive may enact Ordinances to promote and protect the safety, health and welfare of its citizenry; and

WHEREAS, The Products containing synthetic cannabinoids have not been tested by the Food And Drug Administration (U.S. Department of Agriculture) or other governmental agency for human consumption and may contain chemicals detrimental to the health and welfare of those who may ingest them; and

WHEREAS, medical studies and treatises note deleterious health risks and adverse effects associated with synthetic cannabinoids and the Products; and

WHEREAS, several states and municipalities throughout the United States have banned the Products and synthetic cannabinoids as a danger to public health and welfare; and

WHEREAS, the smoke emanating from the burning or incineration of the Products may cause adverse effects on bystanders or those in the vicinity of such activity; and

WHEREAS, the Board of Commissioners of Spencer County believe it is in the best interests of its citizens to prohibit the sale, marketing, or offering for sale of the Products within Spencer County, Indiana, to protect the health, safety and welfare of the citizens and children of Spencer County.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Spencer County, Indiana, as follows:

1. Products containing synthetic cannabinoids ("Products"), such as K2/Spice, or similar products which contain one or more of the following chemical compounds:
  - (1) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
  - (2) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
  - (3) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073; or
  - (4) Any other equivalent compound or derivative shall not be sold, marketed, or offered for sale within Spencer County, Indiana; and
2. Products containing synthetic cannabinoids ("Products") may not be burned, incinerated or ignited in any public place or on any property owned, leased or controlled by Spencer County.

Persons or entities violating the provisions of this ordinance shall be subject to the penalty imposed for a Class B infraction, as set forth in Indiana Code 34-28-5-4. Accordingly, this ordinance shall be enforced by the provisions of Indiana Code 34-28-5.

This Ordinance shall be in full force and effect upon publication pursuant to Indiana law.

Commissioner Meeting 09/07/2010 cont.

Logsdon made a motion to approve Ordinance 2010-09. Gogel seconded. All in favor.

Chamber of Commerce Unemployment Report

Rininger reported Spencer County is ranked 83<sup>rd</sup> in the state for unemployment, with a rate of 8.2% unemployment.

Burn Ban

Discussion was had on the implementation of a burn ban for the county under the advice of EMA Director Perdue. Logsdon made a motion to approve a proclamation implementing a burn ban for Spencer County through September 14, which will automatically extend for another seven (7) days if conditions warrant. The ban may be rescinded under the advice of EMA Director Perdue. The implementation and the end of the ban will be announced on local radio stations. Gogel seconded. All in favor.

Highway Report

CR 1400 & St. Peters Church Road – Superintendent Painter stated the contractor has requested a change order on St. Peters Church Road and CR 1400 for \$15,837.50. Painter and Engineer Lloyd agreed with the request. Logsdon made a motion to approve the change order under the recommendation of Painter and Lloyd. Gogel stated he is concerned if the price is fair for the amount of work but would second the motion. All in favor.

Signage Grant – Painter stated there might be a grant available for the signage. The county is mandated to have a plan in place by 2012 for the replacement of the signs. Logsdon asked Painter to find out if “in-kind” work can be used for the match amount.

Discussion was also had on the completion of the culvert over Johnnys town Road, roadside mowing and the equipment building specs.

Legal Report

Highway Equipment Building – Lueken stated he and Council Attorney Wetherill agree the highway equipment building can be funded out of the Cumulative Bridge Fund.

Alley Vacation – Lueken discussed the petition to vacate an alley in Mariah Hill. Logsdon made a motion to set a hearing on the vacation for September 21 at 2:30 pm during the next commissioners’ meeting.

Employee Health Fair – Logsdon made a motion to sign the agreement with Perry County Memorial Hospital to have a Health Fair for employees and their spouses who are covered by county health insurance. Gogel seconded. All in favor. The following services will be available for eligible employees and their spouses: Blood Pressure, BMI, Glucose, Lipid Profile, PSA (for males 50 or older) and FOBT. The tests will cost the county \$34 per person.

Union Steward Change – Steve Walker was selected to serve as the union steward for the highway department.

Property Maintenance Hearing - Watkins

Soil Waste Director Steinkamp discussed the serving of notices on Glenn and Kimberly Watkins. She said the original complaint was filed on March 26 and the notices have been ignored. Lueken stated the commissioners now have the authority to hire contractors to clean and mow the property. The bill will then be sent to the property owners. If the bill is not paid then the cost of the clean up and mowing will be added to the taxes on the property. Logsdon made a motion to continue with the process as stated in the procedures for the property maintenance ordinance. Gogel seconded. All in favor. Lueken and Steinkamp discussed the liability of the contractor hired.

Holiday and Payday Schedule for 2011

Auditor Shelton submitted the following Holiday and Payday Schedule for 2011 for approval:

<b>2011 Holiday Schedule</b>		
<b>Day</b>	<b>Date</b>	<b>Holiday</b>
Monday	January 3, 2011	New Years Day
Monday	January 17, 2011	Martin Luther King
Monday	February 21, 2011	President's Day

Friday	April 22, 2011	Good Friday
Tuesday	May 3, 2011	Primary Election - City
Monday	May 30, 2011	Memorial Day
Monday	July 4, 2011	Independence Day
Monday	September 5, 2011	Labor Day
Tuesday	November 8, 2011	Election Day - General
Friday	November 11, 2011	Veteran's Day
Thursday	November 24, 2011	Thanksgiving Day
Friday	November 25, 2011	Thanksgiving Day After
Friday	December 23, 2011	Christmas Eve
Monday	December 26, 2011	Christmas Day
Friday	December 30, 2011	New Years Eve

**2011 Pay Day Schedule**

1	January 14, 2011	
2	January 28, 2011	
3	February 11, 2011	
4	February 25, 2011	
5	March 11, 2011	
6	March 25, 2011	
7	April 8, 2011	
8	April 21, 2011	Thursday
9	May 6, 2011	
10	May 20, 2011	
11	June 3, 2011	
12	June 17, 2011	
13	July 1, 2011	
14	July 15, 2011	
15	July 29, 2011	
16	August 12, 2011	
17	August 26, 2011	
18	September 9, 2011	
19	September 23, 2011	
20	October 7, 2011	
21	October 21, 2011	
22	November 4, 2011	
23	November 18, 2011	
24	December 2, 2011	
25	December 16, 2011	
26	December 29, 2011	Thursday

Discussion was had as to why Primary Election Day and General Election Day were holidays since the courthouse is no longer a polling place. Logsdon made a motion to table the discussion until next meeting when Clerk Harney can be present. Gogel seconded. All in favor.

American Cancer Society Fundraiser

Auditor Shelton asked if a group of county employees could hold a one-day silent auction in the commissioners' room to raise money for the American Cancer Society. Shelton stated no electioneering would be allowed. Gogel made a motion to allow. Logsdon seconded. All in favor.

Letterboxing Request

Carol Evrard, Children's Librarian for the Spencer County Library asked if the courthouse could be used as a destination in a "Letterboxing" event in conjunction with the Rocktoberfest, Saturday, October 2. The box would be hid outside on the courthouse lawn. The commissioners agreed to allow the courthouse to be a destination.

Commissioner Meeting 09/07/2010 cont.

Inmate Health Insurance Coverage

Logsdon asked for the CRS inmate catastrophic health care coverage to be put on the agenda for the next meeting.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 10:48 am.

Board of Commissioners,

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President  
Attest:

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Cindy Shelton, Auditor

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