

MINUTES OF THE CLINTON COUNTY COMMISSIONERS

February 19, 2020

9:00 A.M.

The Clinton County Commissioners met for a regular meeting on February 19, 2020 at 9:00 a.m. at the Clinton County Courthouse, 125 Courthouse Square, Frankfort, IN 46041.

Commissioner Josh Uitts called the meeting to order with the following members shown to be present or absent:

PRESENT

Josh Uitts

Scott Shoemaker

ABSENT

Steve Woods

Others in attendance were Commissioner Assistant Jerri Sexton, Rich Kelly, Ken Hartman, Dennis Dunlap, Chris Overman, Brett Barton, Kevin Myers, Greg Miller, Ron Gascho, Renee Crick, and others shown to be present in the minutes. Commissioner's Assistant Jerri Sexton recorded the minutes.

Commissioner Uitts opened the meeting with the Pledge of Allegiance.

IN THE MATTER OF PUBLIC COMMENT

Megan Woodruff spoke on behalf of many others abutting landowners in regards to Solar Panels and how they would affect surrounding homeowners property values and farm grounds. They believe a setback of at least 500 feet from homes and 300 feet from property line is a must and within those setbacks, pine trees should be planted and maintained by the tenant in order to enclose and conceal the solar panels.

Jessica Whitesell stated she is concerned that there are no caps on development and no caps on spread or limitations of new projects coming in and has concerns about the agricultural area and where these solar farms are placed and how close they can be from one project to another and the expansions of these projects.

Billy Metcalf stated he would be surrounded on three sides and is concerned about drainage, environmental damage and the effects on animals.

Ryan Woodruff would like to see more research done on the solar company. He believes there to be hundreds of lawsuits against this company. He is also concerned about property values and homeowners should be properly compensated.

Mike McGowen stated he wanted to make Frankfort a 2nd Amendment Sanctuary county.

Kandy Storms stated she emailed the Commissioners her concerns about the emergency appointment of the Sugar Creek Township Trustee. Commissioner Uitts explained the process that was taken for the emergency appointment.

George Irwin asked if the energy from solar was going to be shipped to Ohio and why would it not benefit the community here. He also asked why the solar panels have to be in the county and not the city. Commissioner Uitts addressed Mr. Irwin by stating lots of products are made and shipped everywhere and not just kept in the counties where they are made. The benefit to the county would be the tax revenue.

Andy Robertson believes the document that will be presented for 2nd Amendment Sanctuary calls for the nullification of State and Federal laws and wants the Commissioners to take a close look at it.

Darlene Howe stated she had read that solar kills about 3,500 birds a year and that it does affect the habitat.

Melissa Davis stated she had a son serving overseas and would agree to following the laws of the land regarding the 2nd Amendment until that law went against the Constitution of the United States.

Steve McGowan stated he feels the government is trying to chip away at our rights until we don't have any and gave his opinion on what he thinks of Socialism.

Mr. Howe stated he did not move into the country to look at glass. Commissioner Uitts stated that the county is not under the same residential zoning protections that the city is. The zoning is most likely A1 agriculture district.

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Amanda Woodruff asked if anyone has gone to some of the communities where they have put in solar farms 3-5 years ago and what do they look like, what have they done for their community? Have they done their research to make sure that is where we want to be headed as a community. Commissioner Uitts stated they have not and the meeting on February 26th is strictly a special meeting for zoning and they are not entertaining any kind of plan right now.

Reggie Morgan asked if LIT is part of our taxes. Commissioner Uitts stated LIT is Local Income Tax not property tax and that County Council are the only ones that can raise income taxes.

IN THE MATTER OF 2ND AMENDMENT

Rita McCall turned her time over to Pastor Darin Stidd who requested that the Commissioners consider passing an ordinance to make Clinton County a 2nd Amendment Sanctuary County to protect 2nd Amendment rights and uphold constitutional rights should tyranny arise at some other level of government, and to not allow county employees and other government agencies to enforce unjust and unconstitutional laws in our county.

Commissioner Uitts stated he had consulted with Judge Mohler, and Judge Hunter via telephone on their opinion of what the Commissioners can do. He also consulted with legal counsel at the AIC Conference. The consensus is that when the Commissioners took office they took an oath to uphold the Constitution of the United States and the Constitution of the state of Indiana. To quote our judges " We are a nation of laws and we are not a nation of men and women that can decide what laws they want to follow and do not want to follow." In the judges eyes the correct forum for this conversation to take place is in the State House where the laws are going to be made. After consulting with Barnes and Thornburg at the legislative conference, even if the Commissioners wanted to pass an ordinance the Commissioners do not have the constitutional authority to do so. The Commissioners do not have the power to tell the prosecutor who to prosecute or the Sheriff who he can arrest.

Commissioner Shoemaker addressed the Red Flag Law and that he does believe in confiscating firearms of people who are criminals, mentally ill and in crisis and that have shown they could potentially harm themselves or others. He stated he would never approve the ordinance as is due to Section 4, paragraph 5. There was a lengthy discussion between Mr. Stidd and Commissioner Shoemaker.

Commissioners stated that they could schedule a special meeting to discuss this matter further at a later date.

IN THE MATTER OF RBJ LED SOLUTIONS

Ryan from RBJ stated they have replaced the lighting at Parkview with LED lighting and would like to do an Audit for the Courthouse and other county owned buildings. They will contact the Commissioners office and set up dates and times with offices to do the audit.

IN THE MATTER OF ANIMAL CONTROL

Genie Newhart presented the Commissioners with an animal control financial report for January. They only had 34 dogs in house at the end of January. February 29th they will have a Spay-ghetti dinner at the fairgrounds.

Nancy Elsea reported that there were 28 animals at large reported, 2 bite reports, 4 welfare checks and 2 neglect calls for the month of January. She stated she was getting so much cooperation from the county and city for assistance.

IN THE MATTER OF LIBRARY BOARD APPOINTMENT

Greg Williamson requested for the Commissioners to re-appoint Annie Bacon to the Library Board of Trustees for four more years. Commissioner Shoemaker motioned to re-appoint Annie Bacon to the Library Board of Trustees, Commissioner Uitts seconded. Motion carried 2-0.

IN THE MATTER OF HIGHWAY

Kevin Myers reported this week they start to get back on the gravels to grade and put gravel on them because of traffic and also our own damage from plowing. The last day to get quotes for the shop truck is Friday, so far they have one. He will send out a reminder email to the other dealers to see if they are interested,

IN THE MATTER OF AREA PLAN

Liz Stitzel reported that Tom is following up with the Auditors office about the Jefferson School liens. Liz has put together a bid for the Manson Elevator that will be ready when the Commissioners decided to call for bids. Liz asked if the Commissioners would like to issue a condemnation order for the house at 3330 Michigantown Road. Commissioner Shoemaker motioned for a condemnation order on 3330 Michigantown Road, seconded by Commissioner Uitts. Motion carried 2-0. Commissioner Shoemaker suggested getting bids to see what the cost would be to tear down a portion of Manson Elevator.

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IN THE MATTER OF OLD BUSINESS

ADP Proposal-Britt stated she really liked the program, it would make timekeeping more efficient with less human error. She thinks the department heads would really like it as well, they could make adjustments to employees time as needed. Some of the employees that work in the field would have access to clock in and out on their phones and employees could see their time and W2's on their phones. Commissioners would be able to see Overtime and crucial information that they need to see. Clark Beard stated that he, Alan Dunn and Jeff Chynoweth also attended the presentation and was very impressed with what the program can do and that it reduces liability. The biggest concern for the Council is that it is a large expense. Alan Dunn would like the other four councilmen to hear the same information so they can work together to make a decision on a very important matter. The Commissioners agree to table this matter until after ADP brings this to the Council.

IN THE MATTER OF NEW BUSINESS

Rose Pest Solutions Contract-Probation Office-Commissioner Shoemaker motioned to approve agreement with Rose Pest Solutions, Commissioner Uitts seconded. Motion carried 2-0.

Employee Bond Signatures-Commissioner Uitts and Commissioner Shoemaker signed employee bonds.

Commissioner Shoemaker motioned to approve Ordinance 2020-03 for the Backflow prevention program. Commissioner Uitts seconded. Motion carried 2-0.

Charles Malinowski and Matt Lowry from Malcon Malinowski Consulting Inc. presented the Commissioners with a proposal for fuel excise tax refund. The fuel excise tax paid by EMS and Highway Departments are eligible for a significant refund provided by the Indiana department of Revenue Fuel Excise Tax Refund Program. The Commissioners will review and take under consideration and bring up at the next meeting.

IN THE MATTER OF DEPARTMENT HEAD REPORT

Rhea Harris reported she had a service agreement that needs approval for a check folder. Commissioner Shoemaker motioned to approve service agreement, Commissioner Uitts seconded. Motion carried 2-0. Rhea addressed Kandy Storms concerns over the process of the appointment of a new Sugar Creek Township Trustee.

Rhea reported that the Secretary of State offered all the counties a cyber security program called Fire Eye that used to be optional but is now mandatory which does not replace what we currently have but adds another layer of security monitoring. It will be free for three years. She warned if anyone gets malware or anything like that to call the Secretary of State's office.

IN THE MATTER OF COMMISSIONER REPORTS

Nothing to report

IN THE MATTER OF MINUTES

Commissioner Shoemaker motioned to approve the Commissioners regular meeting minutes dated February 3, 2020, and the Executive Session Minutes dated February 10, 2020. Commissioner Uitts seconded. Motion carried 2-0.

IN THE MATTER OF CLAIMS

Commissioner Shoemaker motioned to approve the following claims as submitted, Commissioner Uitts seconded. Motion carried 2-0.

Friday claims dated February 7, 2020 in the amount of \$61,821.46
Friday claims dated February 14, 2020 in the amount of \$10,542.32
Bi-weekly claims dated February 19, 2020 in the amount of \$714,864.04
Court claims dated February 19, 2020 in the amount of \$22,012.78
Surplus dated February 14, 2020 in the amount of \$5,343.26

IN THE MATTER OF PAYROLL

Commissioner Uitts motioned to approve the following payroll claims as submitted. Commissioner Shoemaker seconded. Motion carried 2-0.


Payroll dated February 14, 2020 in the amount of \$ 390,816.54
BOH Payroll dated February 14, 2020 in the amount of \$784.49

Without any further business to come before the Board Commissioners, Commissioner Uitts motioned to adjourn the meeting, seconded by Commissioner Shoemaker at 10:47a.m . Motion carried 2-0.

THE BOARD OF COMMISSIONERS OF CLINTON COUNTY



Josh Uitts, President



Scott Shoemaker

ATTEST:

Britt Ostler, Auditor