

**Hancock County Board of Commissioners Minutes**

**August 30, 2010**

Commissioners met in regular session. Those present were Commissioner Derek Towle, President, Commissioner Brad Armstrong, Vice President and Commissioner Tom Stevens. Auditor Robin D. Lowder and Rosemary Melvin, Chief Deputy Auditor was also present.

Attorney Ray Richardson arrived at 7:58am.

The recording began at 7:31am.

**In The Matter of** )

**Hancock County Highway** )

**Change Order** - Engineer Joe Copeland appeared before the Commissioners to request a change order for 2010 traffic pavement marking, yellow and white in the amount of \$12,800.26. Commissioner Stevens made a motion to approve change order #1 for 2010 traffic pavement marking program in an amount not to exceed \$12,800.26. Commissioner Armstrong seconded the motion. The motion carried 3-0.

**Bid Date** - Engineer Joe Copeland appeared before the Commissioners to request setting a bid date for culvert replacement and ditch relocation on 600W between 300S and U.S. 52. The bid will be November 15, 2010 at 8:30 am. This will set the project for next summer when school is out. The Commissioners agreed with the bid date.

**Bridge #100** - Engineer Joe Copeland appeared before the Commissioners for permission to accept a proposal from Hoosier Pride Excavating, Inc. for labor only for repairing the bridge deck with latex modified overlay. The proposal is for an amount not to exceed \$100,000.00 and the County's expense will be \$50,000.00. Commissioner Stevens made a motion for the Highway Department to proceed with the repair of the deck on bridge #100 as set out in the proposal submitted by Hoosier Pride Excavating, Inc. in an amount not to exceed \$100,000.00 for labor only. Commissioner Armstrong seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Worker's Compensation** )

**Colonel Donnie Munden-** from the Sheriff's Dept. requested a clarification on the first seven days an employee was off, because of a worker's compensation claim. Did the employee use his own time or does the county pay the employee? The Commissioners agreed to discuss it and make a decision and amend the ordinance accordingly. It was agreed by the Commissioners all of the employees would follow the same policy.

**In The Matter of** )

**Ordinance for Sex Offenders)**

**Registration Fees -** Colonel Donnie Munden appeared before the Commissioners to present a proposal for an Ordinance allowing the Hancock County Sheriff to Charge Annual Sex/Violent Offender Registration Fees and Sex/Violent Offender Address change fees. Ray Richardson will review the proposed ordinance and present a revised ordinance to commissioners.

**In The Matter of** )

**Ordinance Providing for the Payment of Fines )**

**Commissioners-**discussed the amending of Section 10.99 of Chapter 10 of Title I of the Hancock County Code as follows: any person, firm, or corporation who violates any provision of this code for which a specific penalty is not specifically provided shall, be fined in an amount of \$100.00 for the first violation. The fine for subsequent violations shall be increased by \$100.00 for each violation to a maximum of \$2,500.00.

Fines shall be paid to the Hancock County Treasurer within 30 days. The sum of \$100.00 shall be added to fines not paid within 30 days.

Commissioner Tom Stevens introduced this as Ordinance No. 2010- 8C

**In The Matter of** )

**Mt. Comfort Park Plat** )

**Beam Longest & Neff-** Kelly Ross appeared before the Commissioners about the Mt. Comfort Park Plat. The Commissioners informed him he did not have the preliminary work completed. They instructed him to return when he had completed the work.

**In The Matter of** )

**Board of Finance** )

**Disclosure of Funds -** Phyllis Vest, Hancock County Treasurer, appeared before the Commissioners to set a date for the Board of Finance Meeting so it can be advertised. The meeting will be Tuesday September 7, 2010.

**In The Matter of** )

**Capital Improvement Plan** )

**CEDIT Expenditures** - Capital Improvement Plan for CEDIT Expenditures. Whereas, IC 6-3.5-7-15 requires the adoption of a capital improvement plan in order to receive CEDIT tax revenues, Now Therefore, the following plan is adopted for money that is paid through September 30, 2010, no matter when received:

1. One time economic development projects that can be paid back by the recipient either partially or in full.
2. Any other project that promotes economic development in Hancock County.
3. Any other purpose authorized by CEDIT law and as appropriated by the County Council.

Commissioner Stevens made a motion to approve the Capital Improvement Plan as read. Commissioner Armstrong seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Commissioners' Minutes** )

**Approval of Commissioners' Minutes of August 16, 2010** – Commissioner Stevens made a motion to approve the Commissioners' minutes. Commissioner Armstrong seconded the motion. The motion carried 3-0.

**Approval of Executive Session Minutes of August 16, 2010** – Commissioner Stevens made a motion to approve the Commissioners' minutes. Commissioner Armstrong seconded the motion. The motion carried 3-0.

**Claims** – Commissioner Towle, Commissioner Armstrong and Commissioner Stevens signed claims presented to them.

**In The Matter of** )

**E-911** )

**Letter of request** - Connie Hoy requested, by letter, that the Commissioners approve her acquiring a Home Depot credit card. The Commissioners requested more information about Ms. Hoy's need regarding the credit card.

**911 Awareness Program** - Connie Hoy requested approval to begin a 911 awareness program. The Commissioners requested more information about the program from Ms. Hoy.

**In The Matter of** )

**Synthetic Cannabinoids** )

**Proposed Ordinance** - The Commissioners discussed a proposed ordinance prohibiting the sale of substances containing synthetic cannabinoids or their use in public facilities. Attorney Ray Richardson agreed to draft an ordinance, suited for Hancock County, for the Commissioners to review.

**In The Matter of** )

**Branding Iron** )

**Requested Permit** - Mike Dale, Director of the Hancock County Planning Committee, appeared before the Commissioners requesting a temporary permit for the Branding Iron Restaurant to give them time to get the Restaurant up and running. The Owner of the Restaurant appeared and stated the reason for his request is to allow dining inside to avoid uncomfortable weather. During this time he will continue working to meet the requirements. Commissioner Armstrong made a motion to issue a twelve month permit to allow use of the dining room and the permit will be revisited in twelve months to determine if the property is ready for the issuance of a permit. Commissioner Stevens seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Community Corrections** )

**Reimbursement** - Pat Powers appeared before the Commissioners to request reimbursement of travel costs incurred by Beth Ingle for out of state travel to a Drug Conference. Commissioner Stevens made a motion to approve the out of State travel for Beth Ingle to attend the Drug Conference. Commissioner Armstrong seconded the motion. The motion carried 3-0. The actual claims will be presented to the Commissioners by the Auditor's Office.

**In The Matter of**     )

**Hancock County Sheriff)**

Commissioner Towle stated that he would be deferring questions regarding Sheriff Gray to Commissioner Armstrong.

**Appointment** - The Appointment to Perform Duties of Sheriff executed by Calvin Gray was read. Commissioner Armstrong made a motion to acknowledge receipt of the Appointment to Perform Duties of Sheriff. Commissioner Stevens seconded the motion. The motion carried 3-0.

The Statement is hereby made a part of these minutes:

**APPOINTMENT TO PERFORM DUTIES OF SHERIFF**

WHEREAS, Calvin Gray maintains that he is not guilty of any pending or future criminal charges; and

WHEREAS, Gray will not voluntarily resign the office of Sheriff of Hancock County; and

WHEREAS, Gray waives the right to appear before the Commissioners on this matter;

NOW THEREFORE, in consideration of the foregoing, Gray agrees that it is necessary to the public interest that there be a person appointed to perform all of the duties of the sheriff, as set out in Ind. Code § 36-2-2-13, and that the Commissioners should proceed immediately to appoint a person to perform those duties. Gray shall remain Sheriff of Hancock County through December 31, 2010, and shall continue to receive his full salary, health insurance, and all other benefits to which the sheriff is entitled, through that date.

DATE: August 25, 2010

  
\_\_\_\_\_  
Calvin Gray

Witness to Signature:

  
\_\_\_\_\_  
Gregory A. Brand

Printed:

Hancock County Board of Commissioners

  
\_\_\_\_\_  
Brad Armstrong

  
\_\_\_\_\_  
Tom Stevens

  
\_\_\_\_\_  
Derek Towle

**Appointment** - The Appointment of Donald Munden to Perform All of The Statutory Duties of Sheriff was read. Commissioner Armstrong made a motion to follow the document and appoint Donald Munden to perform all statutory duties of the Sheriff effective August 30, 2010 at 1:00 P.M. Commissioner Stevens seconded the motion. The motion carried 3-0.

The Statement is hereby made a part of these minutes:

APPOINTMENT OF DONALD MUNDEN TO PERFORM  
ALL OF THE STATUTORY DUTIES OF SHERIFF

WHEREAS, Calvin Gray (Gray), Sheriff of Hancock County, has been charged with a crime in the Hancock Circuit Court, and

WHEREAS, the Hancock County Board of Commissioners (Commissioners), have conducted a review of the charge against Gray with the two primary investigators, and

WHEREAS, Gray waived the opportunity to appear before the Commissioners regarding the matter of his continuing to perform statutory the duties of Sheriff of Hancock County, and

WHEREAS, Gray will not voluntarily resign the office of Sheriff of Hancock County, and

WHEREAS, Gray has executed an instrument agreeing that it is necessary to the public interest for the Commissioners to immediately appoint someone to perform all of the statutory duties of Sheriff of Hancock County, and

WHEREAS, the Commissioners have determined that the facts substantiate a finding that it is necessary to the public interest that the Commissioners immediately appoint a person to perform all of the statutory duties of Sheriff of Hancock County, and

WHEREAS, the Commissioners find that under the statute, Gray shall remain sheriff through December 31, 2010, and shall continue to receive his full salary, health insurance and all other benefits to which the sheriff is entitled through that date.

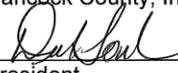
NOW THEREFORE, the Commissioners hereby

(1) determine pursuant to IC 36-2-2-13 that it is necessary to the public interest that the Commissioners immediately appoint a person to perform all of the statutory duties of Sheriff of Hancock County, and

(2) appoint Donald Munden to perform all of the statutory duties of the Sheriff of Hancock County effective August 30, 2010, at 1:00 P.M., which authority shall continue until revoked by the Board of Commissioners. Munden shall receive no additional compensation.

Adopted this 30th day of August, 2010.

Board of Commissioners  
Hancock County, Indiana

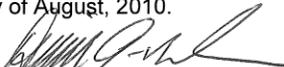
  
\_\_\_\_\_  
President

Attest:   
Hancock County Auditor

  
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I hereby accept the above appointment this 30 day of August, 2010.

  
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Donald Munden

Commissioner Armstrong made the following statement:

“Obviously this has been a situation that has been very tumultuous for the County to deal with. I commend everyone involved and how they have handled this. This solidifies the appointment. We appreciate the cooperation of Sheriff Gray. We appreciate the cooperation of Donnie Munden and his hard work in the mean time while we iron this out. This will assure the citizens of Hancock County, the Sheriff will be working business as usual with leadership throughout the end of Sheriff Gray’s term provided by Donnie Munden performing his duties. In the interest of public safety this had to be done and I think it was the best way we could manage the situation. And again I applaud everyone involved in this for commitment to the decision and I think this is what will be best for the citizens of Hancock County.”

Commissioner Towle made the following statement:

“Based upon the actions of the Sheriff, the Board of Commissioners and the hard work Commissioner Armstrong did to get this all squared away, we as the Board of Commissioners have determined that it is necessary for the public interest for the Commissioners to immediately appoint a person to perform the statutory duties of the Sheriff of Hancock County and we would like to appoint Donald Munden to perform all the statutory duties of the Sheriff of Hancock County effective August 30, 2010 at 1:00 P.M. which authority shall continue until revoked by the Board of Commissioners and you shall receive no additional compensation. Would you accept that appointment? If so sign The Appointment of Donald Munden to Perform All of The Statutory Duties of Sheriff.”

Donald Munden appeared before the Commissioners to accept the appointment.

**In The Matter of     )**

**Certification Training)**

**Contract** - Robin Lowder, Auditor appeared before the Commissioners on behalf of herself and Assessor, Carole Maynard to request approval of a Contract with Crowe Horwath for consulting services with respect to Phase II software Certification Testing required by 50 IAC 23 (the “Project”). The cost of the contract is \$4,000.00.

Commissioner Stevens made a motion for approval of the agreement to provide consulting service with respect to Software Certification Testing in an amount not to exceed \$4,000.00. Commissioner Armstrong seconded the motion. The motion carried 3-0.

The meeting was adjourned at 11:14 am.

The recording stopped at 11:14 am.

Hancock County Commissioners

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Commissioner Derek Towle, President

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Commissioner Brad Armstrong, Vice President

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Commissioner Tom Stevens

Attest: \_\_\_\_\_

Robin D. Lowder

Hancock County Auditor