

**MINUTES
MARSHALL COUNTY COUNCIL MEETING
MONDAY, MAY 11, 2009**

BE IT REMEMBERED: That on Monday, May 11, 2009, the Marshall County Council met in a public meeting at the County Building, Plymouth, Indiana, pursuant to the call of the County Auditor. Present were the Honorable: Matt Hassel, President; Don Morrison, Vice President; Ralph Booker, Ward Byers, Rex Gilliland, Fred Lintner, and Judy Stone, members; and Penny Lukenbill, Auditor. The meeting was opened with the Pledge to the Flag.

FORMER GARNER TRUCK STOP PROPERTY

Dennis Thornton, past president of the BZA, along with North Township resident Lowell Price, appeared before the Council to express concern about substantial debris remaining after demolition of the former Garner Truck Stop property on US 6 at Lilac Road. Mr. Thornton stated that the demolition crew indicated that the owners had only contracted for the removal of two loads of debris, and they estimated that approximately 10 to 12 loads remain. In the meantime, the rubble is unsightly, unsafe and a health hazard.

Ralph Booker reported that the Plan Commission sent a letter on May 8 informing the owners they were in violation of the zoning ordinance, and he indicated that the BZA would also consider the matter. Wes Burden of the Health Department stated that when the Board of Health meets on June 9, he will ask them to send a letter to the owners giving them 30 days to remove the remaining debris. If they do not take action, he will seek permission from the Court to clean up the property and add the costs as a lien to their tax bill.

Mr. Thornton stated that one contractor estimated that it would take less than \$15,000 to clean up the remainder of the debris.

Mr. Thornton also asked for clarification that the property is the former Garner Truck Stop, to eliminate confusion that the Garners still own the property. Council members agreed that the property should be referred to as the US 6-Lilac Road property.

**SHERIFF JON VAN VACTOR –
RESTATEMENT OF COUNTY POLICE PENSION PLAN**

Sheriff Van Vactor explained that the IRS requires that the County Police Pension Plan be updated with all the amendments every five years in order to remain qualified. The restatement was approved by the Merit Board at their April meeting, and now needs to be ratified by the County Council.

Fred Lintner moved, seconded by Don Morrison, to approve the restatement of the County Police Pension Plan. Motion carried 7-0.

Council then discussed the 8-year vesting period. They expressed concern that if a person from outside the department would be elected and serve two terms as Sheriff, he/she would qualify for a pension. They would rather see it changed to a 10-year requirement. The Sheriff will present this matter to the Merit Board for their consideration.

ADDITIONAL APPROPRIATIONS

The Council considered the following additional appropriation requests:

Health Department: Ralph Booker moved, seconded by Rex Gilliland, to approve the Health Department request for additional appropriations of \$20,000 for the Bioterrorism Grant and \$3,400 for the Tobacco Free grant. Motion carried 7-0.

Ward Byers moved, seconded by Don Morrison, to table action on the additional appropriation request of the Health Department for \$20,000 for Unsafe Building Demolition to allow time for the owner of the former truck stop at US 6 and Lilac Road to complete the clean up at his own expense. Motion carried 7-0.

LEPC: Judy Stone moved, seconded by Ward Byers, to approve the LEPC request for an additional appropriation of \$3,000 for additional training. Motion carried 7-0.

TRANSFER REQUESTS:

GENERAL FUND: Extension: Don Morrison moved, seconded by Ralph Booker, to approve Extension’s transfer of \$989.10 from Secretarial to Clerical. Motion carried 7-0.

Superior Court #1: Judy Stone moved, seconded by Fred Lintner, to approve Superior Court #1’s transfer of \$2000 from Clerical to Overtime. Motion carried 7-0.

AUDITOR’S REPORT

Minutes of April 13, 2009: Judy Stone moved, seconded by Ward Byers, to approve the minutes of the April 13, 2009 meeting as presented. Motion carried 7-0.

Miscellaneous: The Auditor called attention to the notice of the annual meeting called by the State Board of Accounts on Saturday, June 27.

Tax Collection update: The DLGS has approved the county’s request to set a first installment tax deadline of July 10.

COUNCIL BUSINESS

The council will meet with elected officials and department heads on Monday, June 1 at 7:00 pm to discuss recommendations for the 2010 budget. Mr. Hassel stated that department heads will be looking for guidance regarding possible raises.

ADJOURNMENT

Following the day’s regular business, all documents and ordinances were signed. With no further business to come before the council, **Rex Gilliland moved, seconded by Ward Byers, to adjourn the meeting at 9:40.** Motion carried 7-0.

Matt Hassel, President

Don Morrison, Vice President

Ralph Booker

Ward Byers

Rex Gilliland

Fred Lintner

Judy Stone

Attest: _____
Penny Lukenbill, Auditor