

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MARCH 2, 2020**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, March 2, 2020. Present were Commissioners, Kevin Overmyer, President; Stan Klotz, Vice President and Mike Burroughs, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Superintendent Jason Peters presented six road bore and right-of-way cuts from Marshall County Fiber, LLC on 11th Road in various locations between Michigan Road and US 31, in Center Township, for installation of fiber optic conduit and cable. **Stan Klotz moved, second by Mike Burroughs, to approve the six road bore and right-of-way cuts from Marshall County Fiber, LLC on 11th Road in various locations between Michigan Road and US 31, in Center Township, for installation of fiber optic conduit and cable. Motion carried 3-0.**

Superintendent Peters presented a road bore from Surf Air Wireless on Nutmeg Road between Linwood Road and 12th Road, in Center Township, for fiber optic communications. **Mike Burroughs moved, second by Stan Klotz, to approve the road bore from Surf Air Wireless on Nutmeg Road between Linwood Road and 12th Road, in Center Township, for fiber optic communications. Motion carried 3-0.**

Superintendent Peters provided a department update stating that he is working with Attorney Clevenger to add new verbiage to the road cut application; the State salt contracts will be released today for pricing; and are in the process of sending out RFP's for the Call for Projects, Bridge #232 Randolph Street and Bridge #11 Union Road.

Attorney Clevenger stated that he met with Superintendent Peters to discuss the 5C Road property and suggested meeting in an executive session concerning the Highway's use and the neighbor's use of driveways on county right of way or easement and possible prescriptive easement claims or defense thereof.

HEALTH DEPARTMENT

Public Health Nurse Lisa Letsinger requested permission to apply for the ISDH Immunization Vaccines for Children Grant stating that it is a federal reimbursable grant in the sum of \$60,601.86 to be used for storage equipment, language lines and contract nursing to expand clinics. The grant period is from July 1, 2020 through June 30, 2021, with potential funding through 2024 with a cooperative funding agreement between Centers for Disease Control and Indiana State Department of Health. **Mike Burroughs moved, second by Stan Klotz, to allow the Health Department to apply for the ISDH Immunization Vaccines for Children Grant in the sum of \$60,601.86.**

Ms. Letsinger informed the Board that they are having bi-weekly calls with the State for updates concerning the Coronavirus, explaining that there are travel alerts in place, no cases currently reported in Indiana, supportive care would be similar to influenza treatment, recommends washing hands and disinfecting, any suspected cases will be tested through the State. Further suggesting the Emergency Management Plan be reviewed and updated.

Maintenance Supervisor Doug Masterson stated that they have hospital strength disinfectant and hand sanitizer supplies to be dispensed to each Office.

PLAN COMMISSION

Director Ty Adley provided an update to the Solar Task Force. Further stating that the members will be Commissioner Stan Klotz, Adam Thada, Chris Kline, Don Heckford, Ed Allyn and Council's appointment to be named at their next meeting. Meetings will begin by the end of the month.

MARSHALL COUNTY ZONING ORDINANCE 2020-08 AND ORDINANCE 2020-09

Director Adley requested approval of Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A, including articles pertaining to Solar Energy; and Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C., Application Amending Fee Ordinance (Ordinance 2012-17).

Mike Burroughs moved, second by Stan Klotz, to suspend the rules and pass Ordinance 2020-08: An Ordinance Amending Ordinance 2007-10 commonly known as the Marshall County Zoning Ordinance, Exhibit A, including articles pertaining to Solar Energy on second and third reading. Motion carried 3-0.

Stan Klotz moved, second by Mike Burroughs, to suspend the rules and pass Ordinance 2020-09: An Ordinance Establishing Fees Required by the Marshall County Zoning Ordinance, In Article 11, Section 010, C., Application Amending Fee Ordinance (Ordinance 2012-17) on second and third reading. Motion carried 3-0.

ATTORNEY REPORT

Old Business:

Jail Expansion Project: The project is still on hold. Last Thursday, the inmate population was down to 213. Indiana Court Services is meeting with the Judges, Probation, Community Corrections, Prosecutors and Public Defenders on Wednesday to review pretrial procedures and programs.

The bill that includes the establishment of a fourth court for Marshall County is still progressing through the Indiana General Assembly.

Jail Lawsuits

ACLU Lawsuit: Attorney Clevenger submitted additional information to Betty Knight and Lisa Baron who have in turn passed it along to lawyers for the ACLU. We are trying to arrange a jail

visit this month for the ACLU Representatives. Presumably our inmate count will be below permanent bed capacity and after viewing our facility, the federal class action case can be stayed for a time.

Damage Claim Lawsuits: No new case filings since the last Commissioner Meeting and are currently holding at 21 cases. Attorney Clevenger is working with Lisa Baron concerning strategies for defending the pro se cases.

Solar Energy Regulations: Attorney Clevenger requested attorneys Rick Hall and Thomas Engle of Barnes & Thornburg to provide information, suggested policy considerations and possible additional regulations for plus 10-acre solar energy farms. These items will be provided to the Solar Task Force.

Opioid Litigation: Attorney Clevenger has shared updates with the Commissioners on the County's claim. Indiana Attorney General has joined 12 other Attorney Generals to contest the establishment of a negotiation class in the Multi District Opioid Litigation pending in Ohio Federal court. The Indiana Attorney General initially declined to get involved with the opioid litigation, but now he prefers to do the negotiation for the local Indiana governments that are part of the litigation.

New Business:

Highway – 5C Road Gravel Pit: This item was discussed earlier in the meeting.

AUDITOR REPORT

February 17, 2020 minutes: Submitted for approval. **Stan Klotz moved, second by Mike Burroughs, to approve the Commissioner minutes of February 17, 2020.**

Motion carried 3-0.

March monthly claims: **Mike Burroughs moved, second by Stan Klotz, to approve the March monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

AT&T FirstNet: Commissioner Overmyer explained that AT&T FirstNet phones have top priority to the airwaves over the public for emergency responders. The Auditors Office is working with the Departments to update the cell phone list. Attorney Clevenger will be reviewing the contract.

Ordinance 2020-11: An Ordinance Establishing a Marshall County Park and Recreation Department and Repeal of All Ordinances in Conflict Therewith: Discussion was held concerning Article Five and the ability of the Board to acquire land. **Mike Burroughs moved, second by Stan Klotz, to approve Ordinance 2020-11: An Ordinance Establishing a Marshall County Park and Recreation Department and Repeal of All Ordinances in Conflict Therewith on first reading. Motion carried 3-0.**

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Burroughs moved, second by Stan Klotz, to adjourn the meeting at 9:11 am. Motion carried 3-0.**

Kevin Overmyer, President

Stan Klotz, Vice President

Mike Burroughs, Member

ATTEST: _____
Julie A. Fox, Auditor