

## Randolph County Commissioners

April 18, 2022

The Randolph County Commissioners met at their regular meeting at 9:00AM in the Commissioners and Council Room in the Courthouse with the following members present: Board President Michael Wickersham, Tom Chalfant and Gary Girton. Also present was Randolph County Auditor Laura J Martin, Sheriff Art Moystner and County Attorney Meeks Cockerill.

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Michael Wickersham, President presided over the meeting.

Pledge of Allegiance

### **Chad Spence – Union City Housing project funds request \$350,000.00**

Mike said first item on the agenda is a Union City Housing project funds request of \$350,000.00. I received a notice that Chad was not going to be here this morning, but City Manager Steve Shoemaker is going to be representing Union City. So, we left this at the last meeting, we tabled it from our meeting two weeks ago. Union City I believe, presented at the council meeting after that meeting.

Steve said yes sir.

Mike said and their questions were asked and I presume, answered. One of them was I think why your bond period was only ten years.

Steve said it's actually 15 and that's the maximum amount of time that that type of a bond can be extended. So, it is pushing maximum term.

Mike said and you chose that type of a bond because of that's the only bond you could choose.

Steve said correct.

Mike said do you have anything you want to share with us in addition about this project.

Steve said I'm here to answer questions. The project is moving forward, things are scheduled.

Mike said well I think from my standpoint we address this really three ways. We can deny the request. We can fully fund the request, or we can, either by loan or grant. Or we could combine that by loan and grant. And I think I shared at our last meeting that I was inclined to grant funds and loan funds. And just to get the conversation started, I would propose that we grant \$200,000 from ARPA and loan \$150,000 from Windfarm. I know that the loan of \$150,000 from Windfarm would require the agreement by vote of council at their next meeting, but I don't know the status of the ARPA funds.

Meeks said the council has to appropriate the funds out of that.

Mike said they would have to appropriate the funds.

Meeks said they don't have to agree to, but to spending, they have to appropriate the funds.

Mike said so if they don't appropriate the funds?

Meeks said then you can't pay it.

Mike said we can't pay it.

Meeks said exactly.

Mike said so you have an empty promise then.

Tom said we can't ask, we can't tell them they have to.

Meeks said I suppose you would go to court and the judge would have to decide. But I think they'd have to appropriate it.

Gary said well I think the council needs to be involved anyway whether, no matter what. I say that no matter what, they need to have a say in this.

Mike said my rationale for the \$200,000 out of ARPA is that, and I've heard a lot of talk that the county has needs, and those monies can be used for county infrastructure, county needs. And I guess I think the housing project in Union City is as much of a county project as it is Union City's project. That's where my logic lies. I share that this morning. What are your thoughts Tom?

Tom said well I can see a loan but I guess I can't see a grant personally because of the needs of the county. There's a bridge over there right next to this housing addition that needs replaced very soon and that's something we have to address. We haven't even addressed any culverts that need replaced and we are hopefully going to find out what the status of those things are. And I just think that we've got. Our infrastructure demands us using this money as we can.

Mike said so you would propose loaning them how much.

Tom said well up to \$350,000 if we could.

Mike said from Windfarm, because we can't loan from ARPA.

Tom said right. I don't know if that's possible or not if we could loan that much. The terms, I guess I'd want a fairly short term, although I don't know if they can re-coop this money or not.

Mike said do you know if you can re-coop that loan.

Steve said when you say re-coop.

Mike said from the project, infrastructure.

Steve said I think over time that's possible, but on the front side, that's going to be pretty impossible.

Mike said my thought on the \$200,000 grant and the \$150,000 loan would be a payout of 5 to 6 years, \$25,000 a year. That's where I was thinking. And I think Union City probably could do that out of EDIT funds and still have some EDIT funds left to support your EDIT projects in the city. Gary what are your thoughts.

Gary said I think this is what we are providing money for is for your infrastructure basically.

Steve said that's correct.

Gary said and it's not for anything else.

Steve said yeah what we are talking about is the infrastructure of the project.

Gary said and I know we need other things in the county, but I think this is one that is needed, and I think it is one that's in front of us right now, and is in the process of being up and moving, and it does require funding in order to continue on. How we go about it, I'm not sure. I'm not opposed to the ARPA funds. I just hadn't thought too much about ARPA funds. I thought about Windfarm money and maybe a little EDIT money. But I do think that the county needs to be involved in this project because in a sense, it is a county project even though it's built within the city of Union City. And we definitely need housing because if we don't have housing, we're not going to have residents, and if we don't have residents, it comes back to we don't have road tax and so on to maintain our roads. So, we've got to look at the big picture in my perspective. I think we need to move forward, but exactly in what format, I don't know. I haven't made up my mind yet. But I'm not opposed to your recommendation Mike.

Mike said well, even with my, obviously my recommendation, unless we spend it out of EDIT funds, we're going to need council's agreement to go forward, both with ARPA and obviously with Windfarm. Different levels but still needs council's agreement. So, anything we decide today is going to have to wait until council's meeting in May, which is Wednesday, the first Wednesday in May because of election day. So, to your point Gary, we could wait until our May meeting to make a decision unless today we decide to fund this all out of EDIT. And I'm not in favor of that.

Gary said I'm not either.

Mike said and I presume you are not either Tom.

Tom said no I don't think we can.

Mike said so if you're not ready to act on it.

Gary said if we were to give them \$350,000.00 or so from EDIT, that would completely drain us.

Mike said so if you are not ready to act on it, then unfortunately I don't, I'm not sure any motion is going to go forward this morning with a positive decision.

Gary said and if we go out of Windfarm, from my perspective, I don't think we should. And the ARPA fund shouldn't be given without council approval.

Mike said well we, I don't think we can.

Gary said no, I know we can't, but I mean without their consideration but, so it's all going to take council approval in May. So, we can, from my perspective, I would take your proposal, consider it, and then make a decision on the first meeting of May, which is what, the 4<sup>th</sup> or, whatever the first, we meet on.

Mike said so we are putting this off for another two weeks it sounds like. Are you okay with that Tom? Yes Dave.

Dave Lenkensdofer said Mike can I have a little input on this.

Mike said sure.

Dave said the County Council unanimously approved a loan of \$350,000.00 the two funds we talked about was the Windfarm and the EDIT. There's \$105,000 in Next Era monies still available. I believe at the time, there was about \$300,000 EDIT and maybe \$490,000 in Headwaters II. And our recommendation was to take the monies from those two, and give our ARPA monies to county projects.

Mike said like Union City housing project.

Dave said you could consider that. But our other theory was that Modoc and Losantville, we loaned them the money for their infrastructure also. So, we are trying to stay in line with what we did with them. We loaned 500,000 to Modoc and then \$750,000 to Losantville for their infrastructure.

Mike said and they have a means of paying that back as soon as that project is approved because they have users of the system. And it will become part of the whole project and paid back. So, I think why your sharing this and you are saying we could go ahead and loan them \$350,000 this morning. One hundred and, how did you break that out?

Dave said there is \$105,000 still available from the Next Era windfarm monies.

Mike said is that the fund you said to loan it out of that.



Dave said yes.

Mike said we would loan them the balance of \$245 out of our EDIT fund.

Dave said that or I think there's some monies available in Headwaters II.

Mike said oh there is. But which did you, which fund did you.

Dave said we just talked the EDIT and the Windfarm.

Mike said you then voted unanimously that we should loan then \$245 out of EDIT then.

Dave said we agreed to \$350,000 EDIT total.

Mike said I guess I'm trying to define which funds you are talking about.

Meeks said they didn't, they didn't vote, they didn't tell the commissioners they had to use EDIT funds.

Dave said we just approved the loan of \$350.

Meeks said they'd recommend the loan at 350, however you can do it.

Dave said that is correct.

Mike said so what is, Steve is that all you got.

Steve said that's it.

Mike said that's all. What is your time frame on needing this approval Steve?

Steve said we've got equipment and pipe and things being delivered at the end of this month. So, I think sooner, rather than later would be better.

Mike said well that infrastructure total costs if \$700,000, and you are using \$350 of your ARPA funds for that.

Steve said yes, \$350 of are ARPA money goes to that. And we have a \$350 gap theoretically.

Mike said well the dilemma we have is we can give you approval to borrow \$350,000 this morning. If we don't then we table this until our May 4<sup>th</sup> meeting, which is the first Monday in May. And we could come back and say we are going to loan it to you then or we could come back and say we'd rather grant it to you than loan it to you. And then council could take it and they could agree with us and you'd have a decision on the 6<sup>th</sup> of May. Or they could say that we are not going to give you any money. We want it all loaned just as we said in April, and then

we would have to make that decision in the middle of May at our second meeting. So, unless we agree to loan it to you today, you may not have approval at least until the middle of May. And you may not get any better position than what you have right now.

Laura said and it takes a month to appropriate so it would be a month past that until they get their actual money.

Mike said regardless of how we do it. So, it would be middle of June then.

Steve said okay we'll take what's on the table. We'll take the loan.

Mike said you want the loan.

Steve said uh huh.

Mike said you okay with that Gary.

Gary said so we are taking it out of Next Era and Headwaters II.

Mike said that's what I would recommend.

Gary said is that what you are saying. Were those your comments Dave?

Dave said that's the way we'd like to do it. With either windfarm or EDIT. That's up to you guys, if you want to use EDIT funds as a combination.

Mike said want to make a motion. That's kind of your idea. I would vote in favor of Headwaters II and Next Era.

Gary said I'll make that in formal motion to do that.

Mike said we loan Union City for the infrastructure \$350,000, \$105,000.00 coming from Next Era and \$245,000.00 coming from Headwaters II. What interest rate do you want on the loan? Did you make a decision on that Dave?

Dave said no, I, isn't it 0 percent.

Mike said that's what we did in Modoc and Losantville.

Dave said I think you need to stay consistent.

Gary said I think so too because otherwise, basically the county is not giving them anything.

Mike said and what was the term. Did you determine a term?

Dave said we did not determine the term.

Mike said do you have a term to attach to your motion.

Gary said well it wouldn't be too far, what did we do for Modoc and Losantville.

Meeks said you said that from the sale of the bond proceeds that they are going to repay you. So, if there's no bond, then there's no repayment basically.

Tom said they would have to pay us out of their TIF or their EDIT funds. Union City, their only options would be TIF.

Steve said no our TIF funding is already spoken for, for the project.

Mike said so really is other funds.

Meeks said I do know they asked about the ten year. Why was it only ten year bond?

Steve said it's a 15 year.

Meeks said it's a 15 year.

Mike said and this type of bond, that's the longest it could go.

Meeks said correct.

Mike said and this is the only type of bond you could use.

Meeks said I do know the county council asked that.

Mike said would a 7-year term be appropriate I guess. That's 50,000 a year.

Tom said that's fine with me.

Mike said Gary made the motion.

Gary said yeah I can live with that.

Mike said we have a motion to loan Union City \$350,000 at zero percent interest for 7 years. Do I have a 2<sup>nd</sup>.

Tom 2nds. Two aye votes. Mike voted nay. Motion carried.

Meeks said so you still need to get council approval for the loan, because they said they wanted to loan. We're taking all Windfarm and I don't think the council said \$350,000 from Windfarm did they.

Mike said that they considered the Windfarm.

Meeks said considered the Windfarm. They considered and they still need approval from the county council.

Mike said to the terms as well.

Meeks said to the terms yeah. So, you will want to be here at the County Council.

Dave said Steve I don't see that being a problem.

Steve said okay.

**Jamey Neely – Rezoning Ordinance No. 2022-11**

Mike said Jamey Neely, Rezoning Ordinance No. 2022-11. Morning Jamey.

Jamey said morning.

Mike said Exotic car lot.

Jamey said yes, classic car, exotics.

Mike said you don't have a Z3 corvette do you out there anywhere.

Jamey said I can get you one.

Mike said a lot of people can get you one.

Jamey said that's a little higher on the end at the moment until I get this next step provided that I am trying to currently purchase some things.

Mike said I read through the documents that we were provided this meeting, the area planning commission.

Jamey said yes we missed the last one.

Mike said and it looked like of your request, your condition here re-zoning to this area applies so long as you own it, for so long as you operate this car lot. And then the recommendation from the other planning commission did not put that in the recommendation. They just recommended that it be re-zoned from A1. But then our ordinance says that in Section II, it was agreed by the Area Plan Commission and Jamey Neely that the zoning changes C3 will remain in effect until such time that the specified business ceases to be run by Mr. Neely or when the property is sold. At that time, the portions zone C3 will be turned back to the zoning designation of agriculture intensive. And that's the first time that I've ever seen that in a re-zoning ordinance. It was always been my understanding that once a property is re-zoned, or in the re-zoning of a property, it can't be conditioned for any reason.

Jamey said okay. I mean, I'm okay with it. I did the other to protect my neighbors and also the county in future. That was kind of the recommendation.

Mike said that creates a dilemma for me because I don't know what your relationship is with your neighbors. I don't know if you had conversations with your neighbor.

Jamey said I did, yes.

Mike said because once it's C3 without conditions, it can be an anything in C3, which sometimes is objectionable.

Jamey said yes.

Mike said and so I am not sure how to proceed.

Jamey said I was hoping that Randy Able. I was hoping he would be here because this was kind of his idea.

Tom said he was all over us about how much foresight we had to include this in.

Jamey said yeah I had no idea that this was going to create a problem honestly.

Mike said well I'm not sure it's allowed. I guess, and I've always been advised and have been since the early 80s that you cannot condition a re-zoning. Once it's re-zoned, it's re-zoned. And that is why the ordinance provides for someone operating a home business from a long zoning, for one thing, and I'm that probably, may not be allowed through the Indiana State Retail Automobile Licensing. I don't know how that works.

Jamey said basically what they need is the signature from our local zoning, and your signature saying I am approved to operate. They are not the ones even really saying that it has to be C3 to my understanding. That is the county, that is our county's guidelines.

Mike said our county's guidelines.

Jamey said I'm not sure that other counties have C3 cause that's pretty.

Mike said for me Mr. Neely, personally if the Area Planning Commission had recommended this BC3 period, I would be voting in favor of this ordinance. But I have a dilemma and I'm not sure, I haven't seen evidence that we are allowed to do this. And I don't see evidence in the Area Plan Commission's recommendation. I see it through you and you're being up front that I want to do this this way. But the Area Plan Commission is just a recommendation of C3 zoning.

Jamey said so because they put it in there that way you can't vote.

Mike said well the ordinance has it in there.

Jamey said I guess I am at a little bit of a loss. You know, I am already a month, months behind.

Mike said yeah I understand.

Jamey said the paperwork didn't get here, and now this stumbling block. It's cost me money in the long run.

Mike said wherefore it is recommended the Randolph County Commissioners by Area Plan Commissioner of Randolph County that the attached description of the geographic area mentioned above be re-zoned from A1 to C3. With that recommendation, I am not sure why the ordinance puts section II in there.

Tom said well because the Area planning director doesn't want, he wants it to revert back after Mr. Neely is done to it's original use. And that was the way it was passed by the Area Planning Commissioner. And I would think it's pretty much Area Planning Director's idea to do this, which he perceives as helping us create, stop any problem in the future once Mr. Neely is gone and somebody buys it. It can become a lot of different things.

Mike said I don't disagree with that if we can do it. I just don't know that we can do it.

Tom said well we've got an attorney here.

Meeks said I'm not the Area planning director's attorney.

Tom said he wasn't there either.

Meeks said I wasn't there either. Area Planning told me that they can but I think that's a policy change that shouldn't have been brought up in an ordinance that says now we can have, if you want to do these types of things, that we would be able to do them. And that would come in the form of an ordinance for all the cities and towns we have.

Tom so we could pass as a C3 and then we could go back and fix it later.

Meeks well if it's C3 it's C3.

Tom said well but we can always fix it with the policy change later can we not.

Meeks said well I think you need to, I think whatever you do, going forward you need that. If you passed this today, I think you are setting a precedent for sure.

Tom said I think without the language, if we just make this.

Meeks said without the language I mean, I would have to see what was presented at the meeting with or without the language.

Tom said the way it was presented, it was with.

Meeks said with the language, so I think it comes to you with the language.

Gary said has there not been any others. When I served on the Area Plan there were two or three that come before and they discussed that in the one meeting, and I don't remember what came before the commissioners.

Meeks said I can tell you Bob Oliver told me exactly what he told Mike, you could not do those.

Mike said I've been involved in the Area Planning since the early 80s.

Gary said I know but I'm mean I'm talking about.

Mike said we as Commissioners have not asked for an ordinance that conditions.

Gary said we have not.

Mike said we have not.

Meeks said I have not seen one since I've started. I can tell you that.

Gary said there was discussion on some before.

Meeks said we've had discussion, oh wouldn't it be nice. And Bob Oliver would have said oh we can't do that. That Van Dam was the one that came and said oh no you can do that. And so, nothing happened since.

Mike said you are saying, and you had this meeting?

Tom said yes.

Mike said you are saying that the Area Planning Commission voted to recommend this to be C3 on the condition that when Mr. Neely stopped or sold the property, it would revert to A1.

Tom said right.

Mike said even though the written recommendation does not say that.

Tom said I would say that's probably a clerical error. That was the intent of the motion, and why it didn't get included in that, I don't know. But I know, if Randy wrote that or do you write, prepare these and maybe did Jason prepare that.

Meeks said I didn't prepare it.

Tom said Jason was not at the meeting.

Laura said it comes to me from Randy so I'm assuming Jason writes it.

Tom said he's, I think he probably did.

Meeks said is Randy in the office today. Why don't we call him and see if he can come in.

Mike said I think at a minimum, if we pass this as written today that leaves us one vote closer. Typically, it takes three votes to pass an ordinance. Many times, we suspend the rules and can pass it at one meeting. And if this didn't have this, we probably could do that today. So, I think at this point, we'll table you for later in the meeting. We'll move on and then if Randy gets here, we'll sort this out.

Jamey said okay.

Mike said I apologize. I think I need to be clear.

Jamey said I was under the understanding in doing that it would be much more helpful if, I was trying to do things right.

Mike said yeah I understand that. And it is, it is if you can do it. And many times, justice doesn't make sense. And this is, when it comes to zoning, is that. If we could just move on down the agenda, we'll talk with you later. Thank you.

**Mike Haffner – Utility agreement**

Mike said Mike Haffner we have Utility agreement.

Mike Haffner said okay we just got a bore under 300 East at 720 North, just north of Winchester. Looks like they are just boring straight under the road into service.

Mike said okay you recommending this.

Mike Haffner said recommending that.

Gary said I'll move approval.

Tom said is this, is this just Frontier.

Mike Haffner said this is Frontier.

Tom said I'll 2<sup>nd</sup>. All aye votes. Motion carried.

Mike Haffner said and then we had talked about County Road 850 South between 3 and 4 West of potentially paving that where they've did so many road cut-outs. This is the road that they gave us some money to chip and seal. But in my opinion, chip and seal is just not going to fit



with so many cut-outs. So, I've got a proposal from Indiana Earth Works, which would be basically E&B when they are finishing up projects over there a \$145,000 to do that mile.

Gary said that's from 3 to 4.

Mike Haffner said that's 3 to 4. Now the road goes clear to 5, but for that section of road there, chip and seal will finish out that.

Gary said I think that's a good idea.

Mike Haffner said I'm recommending due to the severity of all the cut-outs, that we pave that section.

Mike said those cut-outs were caused by what.

Mike Haffner said the cut-outs was caused by the solar.

Mike said how much was the solar paying us for this repair.

Mike Haffner said well they allowed \$80,000 to chip and seal the rest of them areas. Now we can apply that 80,000 to this, and we would be obligated to pay the balance or I can appropriate, we've got, I can appropriate some additional into my 73. So, we have funds available.

Mike said so it would cost us around \$65,000.

Mike Haffner said yeah.

Gary said so you cost was just for the paving. It wasn't for the chip and seal on the rest of it. Or was it for the whole thing.

Mike Haffner said basically yeah, and then I would chip and seal between 4 and 5 to just finish out that section.

Gary said but that would be above this bid. That would be over and above this quote.

Mike Haffner said yeah. They wasn't travelling between 4 and 5 so it's not their obligation to pay for that section.

Gary said well it needs to be done. I was on it awhile back and it's in bad shape. And I agree with you, chip and seal is not going to solve the problem.

Mike Haffner said yeah.

Mike said I'm not sure we made, do we need, do you just want a vote on that?

Mike Haffner said no I, I've got a paper to authorize.

Mike said sounds like a good idea.

Mike Haffner said and why they are there, it's going to be a lot cheaper to get that outfit to do it. So just basically making sure you guys agree.

Mike said okay anything else this morning.

Mike Haffner said just basically updates. They are milling and filling some of the bad spots of last year's paving. And it was scheduled to do the rest of the paving on 1200 and 300, but with the weather, that just keeps backing that off. So, I'd say as soon as the weather breaks that they will complete all the work. And they said within a week they would be able to get to this project. I did have another employee give us two-week notice this morning, so now that makes us down two. And I've got three more that basically have told me within a month that they would be leaving. So, our final number chances in June 1<sup>st</sup> if the three follow through with it, we'll be down five employees by June 1<sup>st</sup>.

Mike said unless you replace the two that have left.

Mike Haffner said do what.

Mike said you have two leaving now, so if you replace them by then, you'll be down three.

Mike Haffner said yeah, well yeah. I'm going to be advertising to try to find replacements as well as the assistant superintendent position. But do we want to advertise that a minimum of three years' experience in construction management to try to get somewhat more qualified. But it's going to be awful tough at the wages because anybody that's coming from management side of things, this position only pays in the lower 40s. And it's going to be tough to fill this position with any type of experience for anything less than 60, in my thinking, and that's well above my pay scale. I've talked to several and it seems like anybody that's got any kind of construction management experience, they are all making a lot more than what this position is presently paying. So, you are forced to basically take somebody with absolutely no experience, which is doable. It just, how do we go about advertising this job and the after-hour calls, we need to, Tom and I had talked briefly, and I'm not got all of it. But I did talk to Joe Copeland and some neighboring counties how they do their after-hour calls. And it seemed like most counties, there's volunteer call people, but they get a minimum of four hours of pay in each event. And we're just not structured for that. So, we're just gathering information, but naturally, that's something that is causing me some grief. When you have to go out there at 3 o'clock in the morning to cut a tree down that takes 3 or 4 hours, that's awful tough for me to do that alone. But yet, I'm struggling to find employees to be able to call because you pay for 18 bucks, go out there, and they don't want to go out there. So, let's just say I'm struggling getting people to answer the phones to help out.

Mike said what is our policy now on after hour calls.

Mike Haffner said our policy now is basically, if it's managers go out, we get comp time. If it's an employee that I call out, it's just straight time.

Mike said actual straight time.

Mike Haffner said actual straight time.

Mike said so what would it take to guarantee them let's say two hours. How does that work.

Laura said would probably take a salary ordinance.

Mike said salary ordinance.

Laura said I would say. And I'm just guessing. I don't know that for a fact.

Mike said I don't think that would be inappropriate, guarantee a minimum two hours.

Gary said what type of calls do you receive.

Mike Haffner said you see stop signs being down, you see trees being down, you see a culvert collapse. Basically, we're talking these are mostly sheriff calls that the road condition is either impassible or unsafe. High water, naturally if it's mother nature and you know you've got a storm coming in, you have a little time to prepare, and I can say hey there's a high chance of something happening so we can get high water signs made up. A few days ago, we had potential 70 mile-an-hour wind, and I had two or three guys more or less say well if you need me, I can try to come, but they didn't want to be on a normal call out situation.

Tom said during normal working hours, do people use chain saws by themselves or are they always in a pair when somebody is using a chainsaw.

Mike Haffner said no we are always by ourselves, and that's a safety concern. I'm on medication, and when I bend over, I get dizzy sometimes.

Tom said well even at night especially, if you are cutting a tree off of the road, I hate to have one man there by himself.

Mike Haffner said yes and if it's a tree and certainly a larger, I mean there's a difference if it's just a small branch that you might need to make one cut and just drag it off the road. But you know, the sheriff's departments are pretty good about giving me a heads up how large it is. Now if it's so large you can't deal with it, then we have to get the big equipment out. Or we've had to barricade the road closed until daylight when we can handle it better. So, each individual case is somewhat different. It's probably not the best thing to send one person out by himself. Sometimes you are dealing with power lines that's not reported as well. I don't have a recommendation at this time. I'm just giving you information. This is a concern and we need to come up with a game plan.

Mike said can you talk to your people and find out if a two-hour guarantee would open then up a little bit to that opportunity.

Mike Haffner said yeah I would definitely do that.

Mike said I think that would be, I wouldn't think that would be unreasonable. It might not be enough but.

Mike Haffner said it's a starting point.

Gary said so do you think it's better to go outside to get assistant than it is to try to train somebody inside.

Mike Haffner said I'm concerned about the future. You always have people that might have the capability of eventually taking over the top spot, and then you've got people that might make a good assistant, but just don't ever have the mentality of what it might take to be the number one spot. And I think we've kind of researched that area and used up, I don't think at this time, that we have anybody internal that is, that will be able to take that top spot over. I definitely have some people that we can promote up and work, and hopefully, one of these days, they might be able to achieve that. But I'm concerned about that. You never know what's going to happen in two or three, four years. But I'm just saying it's a struggle keeping employees. It's a struggle keeping department heads throughout the county. And I don't think the highway's any different than any other department of the county. And hopefully, all wages would be looked at, but the highway department, you know, we just had a stint that we had to give out a pretty massive increase. But yet, it was talked about we are going to have to get this up to 20 bucks an hour. Well a forty-some cent each year is not going to cut it. And I think the future of this CDL you are going to have to be in that \$25 an hour bracket. It's just unfortunate, but for us to keep qualified people, and even look to get higher skilled level like paving, \$25 an hour is really the real number. And when you are at \$17, that's a tremendous ways away from skill set, because every one of these employees are going for \$22 plus and hour jobs.

Mike said okay we hear your pain.

Mike Haffner said okay.

Mike said I would offer them, see what the two-hour guarantee if that helps them, a couple hours.

Mike Haffner said yeah I'll put some feelers out then bring it to you next meeting.

Mike said and as far as any other employee, I'd just put out the word that we are hiring, and if the right candidate comes along, you got the right candidate.

Mike Haffner said and just see what qualifications they have when they come in.

Mike said okay. Very good. Thank you.

**Randy Abel - Ordinance 2022-11**

Mike said Randy, we've been discussing the rezoning ordinance of 2022-11 and I kind of raised an issue in that I saw in the Jamey's petition that he was conditioning this so long as he owned the property, and so long as he operated this custom car lot out there. And then I noticed that the recommendation from the Area Planning Commission didn't have those conditions in it.

Randy said it should have.

Mike said it don't. So, the ordinance does.

Randy said yes.

Mike said the recommendation does not. So that, and Tom said the vote was that the condition be there. Which raises the issue that I didn't know we could condition zoning.

Randy said yes you can condition zonings, special exceptions, conditional uses, anything like that can be conditioned.

Mike said well I understand special exceptions, conditional uses and variances can be conditioned. But changing from an A1 Intensive to a C3 so long as Jamey Neely owns this property, I wasn't aware you could do that. And I guess I don't know what authority we can do that on.

Randy said it's the same thing in the code, Indiana Code. I'll look it up if you need the reference to it.

Mike said well I guess I'd like Meeks to know that reference so he could advise me.

Meeks said I talked to Jason. He said you could do it. So, if you get me the reference.

Randy said yes.

Meeks said he said that there's authority.

Mike said we can do it even though our ordinance doesn't provide for it.

Meeks said well I asked him about that and he said our new ordinance will have that in there.

Mike said okay.

Meeks said that he ordered three years ago.

Mike said this is the one the lady is working on.



Meeks said yeah I don't know how far along they are. According to Jason, there's authority that you could. I called him.

Tom said there's been a change in statute then.

Meeks said I didn't ask about change in statute. I just asked if we could condition it.

Tom said you just got a difference of opinion in attorneys then apparently.

Meeks said well I think difference, well Bob hadn't done it. I mean, they've had the changes in the statute. There's changes in statutes every year.

Randy said I think this has been in existence for a long time.

Meeks said I don't know.

Mike said so I don't quite understand how the public is protected by this.

Randy said basically this is what's considered spot zoning.

Mike said I understand that.

Randy said in spot zonings, and we did have your neighbor, I don't know what your neighbor's name is but he did come in.

Jamey said he owns the farm ground. He lives miles from me and he agreed he had no opposition. He was just questioning, asking what was going on because I had no way, I had not been able to contact him. But my other neighbors directly across the road from me, full support, next to me, the ones that it would really affect, had no opposition.

Randy said the concern that the one gentleman had that came to the meeting was, he says his business he liked, he thought it was, I mean obviously, it says in here it's not going to be huge, it's just that one small area. He was concerned that a big car lot could come in there after he was done with it. And I think that's what happens a lot of times when we have these spot zonings, the neighbors are not aware of what could go in. They just think, I talked to this gentleman, I know what the business is, I know what's going in, I'm fine with the individual that owns it now. What they don't understand in these spot zonings is, when you go to a C3, any of those uses in C1, C2, C3, can go in there without a hearing, without any oversight.

Mike said sure. That's because the zoning's been changed.

Randy said what this allows is for oversight for the next use so the County can say or the ABC can say we think the next use is appropriate also.

Meeks said it's basically doing a variance.

Mike said I understand that.

Randy said it's basically like, so if he did a special exception, when it's abandoned for a year, it goes back to whatever it was, the use before. So rather, special exception is probably a better, better thing to do. But we don't have that option in this case, because that use is only listed in that C3. So, you can't go and do an A at special exception because we don't have it listed under special exceptions. The new ordinance that we are working on will have car lots listed in Ag for a special exception. And then that way, when it's a discontinued use, it goes back, I mean, it's not going to be able to stay Ag, but this case we don't have that option because it's not in our ordinance right now.

Jamie said the things in Ag are actually some of those are worse.

Mike said so how does it work, you said if the next use comes in, the Area Plan Commission can determine if it's appropriate or not.

Randy said the way we are right now?

Mike said no the way if we pass this ordinance the way it's written.

Randy said so what happens is if he gets a new site, which he said if he expands, he might go to a different location, if he moves his business, then it goes back to Ag Intensive which you are now. Ag Intensive.

Mike said well what were you saying about the next use. For instance, if I buy it, how am I, how do I know that this use is only for Mr. Neely.

Randy said because once he moves his business, which is a car lot, it goes back to Ag Intensive.

Mike said how do I know that.

Randy said how do you know he moves his business?

Tom said the realtor has to tell the prospective buyer. And if he doesn't, how's this prospective buyer protected from a, you know, he's going to be using.

Mike said a spot zoning, conditional zoning I guess. That's what I don't quite understand.

Randy said it'll be filed on his deed in reference to his deed, on the transfer on the deed.

Mike said it'll go with the deed?

Randy said it'll be filed in reference to the deed, just like we do a restrictive transfer.

Mike said oh when somebody does the title search.

Randy said the title search you'll find this along with.

Meeks said they'll do a title search that's on now.

Mike said I understand. So, it'll become part of the title policy. Well that answers that then.

Randy said yeah we've done a few of these but not very many. We like to eliminate having to do spot zoning. We'd rather do a special exception in these cases.

Mike said well the last one I know is a car lot out on 300 West, north of 32, out by where the Cafo is now. And that, I don't believe that was conditioned.

Randy said might now have been.

Mike said that was before I was a Commissioner. I was on the Area Planning Commission and we did not recommend it because it was spot zoning. But the commissioners over-rode our recommendation and voted in favor of it for economic development reasons. That lasted about three months, and they weren't doing exotic cars so.

Randy said I mean we've had one we've actually had to return back to AG that was a car lot on.

Mike said 300 West probably.

Randy said 300 West.

Mike said there's a Cafo out there.

Randy said yeah. So, it kind of eliminates some of those efforts that have to be done later on to correct things.

Mike said well you've answered our questions, or my questions. I don't know if you have any questions Tom or Gary. Mikes said well we have Ordinance 2022-11, an ordinance to amend rezoning map of Randolph County. And we have been presented this ordinance by the Area Plan Commission giving us a recommendation for approving a zoning change for Mr. Neely's lot, from AI in Agricultural Intensive, to C3, Commercial Regional, with a condition that if Mr. Neely ceases doing his business there or sells the property, it will automatically revert back to AI, Agricultural Intensive. I'd entertain a motion to approve ordinance 2022-11 by title only after the first reading.



**ORDINANCE NO. 2022-11**

**AN ORDINANCE TO AMEND THE ZONING MAP OF RANDOLPH COUNTY, INDIANA**

WHEREAS, Jamey E. Neeley, in Randolph County, Indiana, having heretofore filed a petition with the Area Planning Commission of Randolph County, Indiana requesting an amendment to the Zoning Map of Randolph County, Indiana;

WHEREAS, the Area Planning Commission of Randolph County, Indiana held on May 20, 2022, pursuant to notice, a public hearing on said petition, as provided by law; and

WHEREAS, the Randolph County Commissioners, have received the Area Planning Commission's report of a Favorable Recommendation of said petition to amend said Zoning Map as follows;

NOW THEREFORE, BE IT ORDAINED BY THE RANDOLPH COUNTY COMMISSIONERS, RANDOLPH COUNTY, INDIANA that said Zoning Map (APC2022-11-Z) be, and the same is hereby amended as follows:

Section 1. The following described real estate located in Randolph County, Indiana, which is now zoned A-I (Agricultural, Intensive) shall hereafter be zoned C-3 (Commercial, Regional) that is an area measuring 130' x 444', on the east side of the property, and is a portion of the property that is described by the legal description attached hereto and marked as Exhibit "A" and is designated by the accompanying GIS map.

Section 2. Furthermore, it was agreed by the Area Planning Commission and Jamey Neeley that the zoning change of C-3 will remain in effect until such time that the specified business ceases to be run by Mr. Neeley, or when the property is sold. At that time, the portion zoned C-3 will return back to the zoning designation of A-I (Agricultural, Intensive).

Section 3. This Ordinance shall be in full force and effect upon passage by the Randolph County Commissioners, Randolph County, Indiana.

Tom made a motion to approve Ordinance 2022-11 after the first reading. Gary 2<sup>nd</sup>. All aye votes. Motion carried.

Gary said I'll move we suspend the rules and have the 2<sup>nd</sup> and 3<sup>rd</sup> reading by title only approved today.

Mike said I have a motion to suspend the rules, which is an appropriate motion since we voted unanimously on the first reading of ordinance 2022-11. Do I have a second?

Tom seconded.

Mike said and a second in favor of suspending the rules and having the 2<sup>nd</sup> and 3<sup>rd</sup> and adoption of this ordinance after the 2<sup>nd</sup> and 3<sup>rd</sup> readings today.

All aye votes. Motion carried.

Mike said does someone want to move to approve Ordinance 2022-11.

Tom moved to approve. Gary seconded. All aye votes. Motion carried.

Mike said Ordinance 2022-11 is hereby adopted.

**Ordinance 2022-06 Amend Text of the Unified Zoning Ordinance 3<sup>rd</sup> reading**

Randy said so you had recommendations last time for the sign ordinance, I think you said 25 foot and something about the maintenance. You would not be opposed to further changes right, like increasing the sizes and different things.

Mike said well I think we're ready for the reading of the sign ordinance this morning, and that would be the third reading, which would allow us, would take care of the things that you passed at the Area Planning Commission meeting before. The only thing it doesn't do that I'm aware of is it still restricts signage to 15 feet. I would be in favor of changing that.

Randy said okay. I think there's other changes others want also. So, I mean in Wednesday's hearing, I'm hoping we hear from the different cities. I just wanted to get more of the county's feeling on that, that you would not be opposed to going like larger signs.

Mike said I wouldn't.

Randy said well I mean, I think the issue that we are going to have, and this is always the issue, if you have something that's bigger, it's harder to make it smaller. I mean it's just hard to go that direction.

Mike said same thing with taller and shorter.

Randy said yeah exactly. With 15 foot, that's why we're having so much issues here. And my whole thing has been, don't just keep handing out variance, change the ordinance. And so, I think what maybe I'm hearing is that we'd rather go back to what we had before. But without messing, I mean we don't obviously want to get, mess into that free speech area.

Mike said I understand.

Meeks said it's only residential. So, it's on the residential is the free speech. You can regulate commercial speech. But as to the residential portion of that zoning ordinance, unless if it's bigger, I'd say we cannot go smaller.

Randy said okay. I've seen in other ordinances where it specifically says free speech and it'll list it in all districts. Ours doesn't do that but, I really didn't see how we had a restriction on free speech before.

Meeks said commercial speech, we can regulate if we want to. I mean we might not want to so, I don't particularly, because I think you don't get those lawsuits like we had before. I would say smaller is, the county would support that, but bigger, it's up to you guys.

Mike said another thing I think we need to remember is that one size does not fit all. And that's why we have variances. So, we need a certain level of standardized signs, and then if the situation presents itself, then we have opportunity to vary that. The idea of eliminating variances, I don't think you want to do that. I think you still want room to be able to adjudicate whether a variance is appropriate here. A little like Mr. Neely's, a variance, I agree with you, that would be a good place for a variance if you could do it. But obviously you can't. We're correcting that. But we are still putting in a variance and it makes more sense for it to be a special exception in my mind than it does to back the zoning off when he leaves. I just say that to remember that I guess. I think if the Area Planning Commission recommends greater changes to the zoning ordinance, or to the sign ordinance, I'm not probably going to have any real issues with that. Okay. Do you want to go ahead act on Ordinance 2022-06 and amendment to text of the Unified Zoning Ordinance third reading? This has to do with the zoning, the sign ordinance. I presume you want us to continue with this at this time.

Randy said yes. Winchester has already passed it. We've already got signs permitted and going up.

Mike said so for the third and final reading of Ordinance 2022-06 an ordinance to amend the text of the Unified Zoning Ordinance in Randolph County Indiana.

**ORDINANCE NO. 2022-06**  
**AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING**  
**ORDINANCE OF RANDOLPH COUNTY, INDIANA**

WHEREAS, the Area Planning Commission of Randolph County, Indiana, has recommended that the text of the Unified Zoning Ordinance of Randolph County, be amended;

WHEREAS, the Area Planning Commission of Randolph County, Indiana held, pursuant to notice, a public hearing in the Commissioner's Room of the Randolph Center for Family Opportunity, Winchester, Indiana on February 23, 2022 on the proposal to amend the text of the Unified Zoning Ordinance and has, by vote, made a Favorable Recommendation to amend the text of the Unified Zoning Ordinance of Randolph County, Indiana in a manner consistent with Proposed Amendment 2022-1-A which is attached hereto as Exhibit A;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF RANDOLPH COUNTY, RANDOLPH COUNTY, INDIANA that the text of the Unified Zoning Ordinance of Randolph County, Indiana be amended in a manner consistent with Proposed Amendment 2022-1-A which is specifically set out in Exhibit A, which is attached hereto, incorporated herein by reference and made a part of this Ordinance.

Gary said I'll move approval of Ordinance 2022-06 by title only for the third reading.

Mike said I have a motion to approve and adopt. Do I have a second?

Tom seconded. All aye votes. Motion carried.

Mike said does it goes into effect when Meeks? This one don't have penalties.

Meeks said this one doesn't have penalties. After you put that in the newspaper I think.

Mike said we have council here do you have anything else to share Dave?

Dave said actually I don't today.

Mike said Missy you have anything to share.

Missy said no.

**Other Business:**

**Art Moystner, Randolph County Sheriff**

Art said I'd share this morning I've had one of my employees share with me that he's applying out. It will take us a bit to replace this one once he leaves.

Tom asked what organization is this?

Mike said brings us to Art Moystner, Randolph County Sheriff.

Art said it's a deputy. He's been with us 8 years. He is a current firearms instructor and an instructor in a couple other areas. So, there is a lot of training that leaves when he leaves.

Tom said is he going to a similar position elsewhere?

Art said it would be a law enforcement position. He is applying to the State Police, which we cannot compete with the State Police. I'm well aware of that. I just think if some of our benefits or pay, if it was a little bit higher, I don't think they would be looking because they want to stay local. That makes it difficult for them. So, I would just parrot the same thing Mike's having an issue with.

Mike said you think more wage than benefits.

Art said I think it's a combination. They, when we sat down and talked, some of the things that he told me was, he puts in a lot of time in training. That's all given as compensatory time, or time off. He's not an officer who takes a lot of time off because he enjoys his job. So, the absence of an overtime pay, the absence of any time of incentive pay to take on being an instructor, and doing things of that nature, because the instructors don't receive any compensation for doing that, other than the compensatory time from teaching. So, there's things that he brought out with that. But pay is one of the issues that a lot of them are looking at. And obviously, our county employees took a bit of a hit on the insurance a couple years ago. So that makes it a little tough. I wanted to share that. Do you guys have any questions for me?

Mike said well we could do that, I mean if we changed the salary ordinance, you could pay overtime.

Art said and that would be one of the things that I think would help in lieu of just an overall salary increase.

Mike said so I do have a question.

Art said yes sir.

Mike said the sheriff's department users want local administrator access to machines within their department.

Art said correct.

Mike said administrator access greatly increases security risk in many ways including but not limited to. So, what does local administrator access give to the sheriff department users that they don't have by not having it.

Art said one of the things that Adam and I have talked about several times that we've tried to fix is some of the programs that they use for investigations, such as one of the prime examples would be the crash report. When the state pushes out an update for those machines, the users cannot get that update without administrative access. So that means either Adam or myself has to sit down with every machine to update that machine every time they push out an update. We have that with the crash report, with the body camera program, any of those programs we use for the day-to-day operation of the sheriff's office, when they update those, we can't get that, E ticket is another one, we can't get that into the machine without administrative privileges.

Mike said so how many users are we talking about at the sheriff's department?

Art said you are talking about, there's already five of us, so you are adding 12. It would be the patrol officers is who I am looking at. I'm not looking at it for anyone else in the jail, just the patrol officers.

Mike said why do the, the patrol officers, are they investigators.

Art said they do investigate at times yes. Some of the investigations do not get turned over to detectives until it hits a certain threshold. So, the officers will investigate some of their own, but they do all of the crash investigations. And then uploading the various programs that need updated within the systems is the issue we are getting into.

Mike said well you've had this conversation with Adam and Adam is here this morning, but I am presuming Adam shared with you the cyber security risk involved in this.

Art said he did.



Mike said so are you not buying that or are you willing to take that risk for the county.

Art said I believe there is some risk to that. I also know this wasn't an issue before because before we had the officers had the ability to upgrade their machines before we switched to Five Star.

Mike said and we didn't have any cyber-attacks.

Art said we had not had any issues. I'm not saying that won't happen, but I just know that the way it's set up now without them having access to that, Adam doesn't have the time to do it. I don't have the time to do all the machines.

Mike said and the other four don't either.

Art said they do not.

Mike said and five of you as a team, don't have time to do all the machines.

Art said we do not. Two of us are the administration. The other three were given because of the investigatory nature that they do, were given access things because they are all three detectives. So, Ken and I are the only two that administrate the machines. And with it running 24/7 365, we can't update all the machines when they need updated.

Mike said well I guess it's, the more administrators you have, the more risk you have.

Art said I don't disagree.

Mike said that's the key. And if Five Star is recommending that users do not have local administrative access to the work stations to reduce the risk of cyber security. We're being asked as Randolph County Government to acknowledge that the risks as stated in that Five Star Technology Solutions has put forth the best effort in minimizing the risk with it's recommendation against requested configurations. So, Five Star is saying we should not give the 12 deputies the additional administrator access.

Art said I understand that.

Mike said and we need to give them written authorization that we are ignoring their advice and we are going to give them that if we want to abide by the sheriff's request.

Art said and I would share that I have asked for alternate solutions or suggestions in how to get beyond this where we didn't have to do that. We have yet to come up with anything.

Mike said I don't think there probably is one. Adam is there one?

Adam said yeah do you mind if I chime in here a little bit.

Mike said not at all.

Adam said any kind of big change I make in our network obviously has to go through the proper chains. And so, we've definitely talked about this a lot. And this came straight from Five Star when they heard that we were going to make this change. There are tools out there that you can use to update. If we can set up a clear chain of when updates are going to happen and things like that, with some of these programs, we could probably use some of those tools in the long term to get that. Right now, that doesn't solve our problem. And so, my, what I would say, is just my recommendation would be go ahead and approve this now with the thought of let's get some tools in place that do this the right way. And get some sort of line of communication in place for when updates are going to happen so we can prepare for those and get those pushed out ahead of time.

Mike said so if we have two and maybe three having access to create some of the security issue already, why does 12 make a difference, other than just numbers.

Adam said it, so it's like if you have a passcode to get into a room. If I have 12 passcodes that everybody knows, versus one passcode that everybody knows, they're more vulnerabilities to that passcode right. It's, the more surface you have that can be attacked, the more likely you are to get breached.

Mike said so basically numbers.

Adam said and this is, and really it would be different if we were saying officer A is going to have administrative rights to computer A. But really what we are saying is all officers have administrative rights to computer A and computer B.

Mike said and B.

Adam said right. That's way different and it's definitely different than what we normally do.

Mike said you're okay with somebody having computer access to your computer.

Art said I am.

Mike said okay. So, you're recommending we go ahead and acknowledge that we've received your advice we should go ahead and sign.

Adam and I'll take it on myself to go and try to find a solution that's better for us to get those updates pushed out. I'll talk to the sheriff and we'll try to figure out if maybe the crash software, or somebody, somebody out there can let us know when some of these updates are happening. If we can get those updates ahead of time, I can push those out the day they happen. And that way, we don't have to do a lot of this stuff.

Art said and the state pushes those updates so getting them to tell you ahead of time when things are coming is pretty difficult.



Mike said you mean your investigators can't find that out.

Art said no.

Adam said and my, where I'm coming from is you know, this is software that the whole entire state is using. So, I can't believe that the state police, for example give all of their state police officers admin rights to every single machine in the state police force.

Art said and they probably don't. They probably give individuals.

Mike said so I would agree with Adam, I think we ought to broaden the, relieve the sheriff's department of the additional work and open this up. So, we probably we ought to take action on this.

Tom made a motion to approve the sheriff's deputies to have admin rights to the computers as requested by the Sheriff.

Mike said this says Randolph County Government acknowledges the risks as stated above and that 5 Start Technology Solutions have put forth the best effort minimizing the risks with its recommendation against the recommended configurations. We have a motion to follow this direction. Do I have a second?

Gary seconded. All aye votes. Motion carried.

Mike said I've been kicked off the Randolph County system.

Adam said I know. I set up your computer and needed your password to reset so I could set your new computer up. So, I got it over here for you as soon as were done. If you need it right now, I can get you on right now.

Mike said you need to reset my password because I forgot it. I told you that a couple weeks ago.

Adam said I've got all that back there for after this meeting.

Mike said well I'll meet you after the meeting. Okay. Anything else this morning Art.

Art said no sir I do not.

Mike said okay thank you. Thank you Adam.

### **Minutes of January 17 & 28, 2022**

Mike said we received two sets of Commissioner minutes, and hopefully had an opportunity to review. And is there any additions, corrections or deletions to them. If there's not, I'd entertain a motion to approve the January 17<sup>th</sup> and January 28<sup>th</sup>.

Gary made motion to approve. Tom seconded. All aye votes. Motion carried.

**Regular Claims \$462,764.88**

Mike said brings us to our regular claims which we received a copy of via email in the amount of \$462,764.88. I'd entertain a motion to approved the Regular Claims.

Gary moves to approve regular claims as presented. Tom seconded. All aye votes. Motion carried.

**Payroll Claims \$224,951.97**

Mike said brings us to Payroll Claims in the amount of \$224,951.97. I'd entertain a motion to approve the payroll claims.

Gary moves to approve payroll claims as presented. Tom seconded. All aye votes. Motion carried.

**Payroll Deduction claims \$258,016.04**

Mike said also have a Payroll Deduction claim in the amount of \$258,016.04. This we received a copy of via email. I'd entertain a motion to approve the payroll deduction claims.

Gary moves to approve. Tom seconded. All aye votes. Motion carried.

**Town of Lynn \$150,000.00**

Mike said we have a request from the town of Lynn and claim for \$150,000.00 and this is the loans that were given to the town of Lynn for their water tower. I'd entertain a motion to approve this claim.

Gary moves approval of the claim for the Town of Lynn's water system as presented. Tom seconded. All aye votes. Motion carried.

**Randolph County United claim \$18,837.00**

Mike said next is Randolph County United claim in the amount of \$18,837.00. This is the April draw for Randolph United. I'd entertain a motion to approve that claim.

Gary moved approval of the Randolph County United claim. Tom seconded. All aye votes. Motion carried.

**Randolph County United Tourism claim \$1,996.00**

Mike said next item is the Randolph County United Tourism claim in the amount of \$1,996.00. I'd entertain a motion to approve that monthly draw for Randolph County Tourism.

Gary moves to approve this claim as presented. Tom seconded. All aye votes. Motion carried.

**MPX Claim \$27,000.00**

**MPX Claim \$9,628.15**

**MPX Change Order 03C-02**

**Pyramid Claim \$4,000.00**

**Pyramid Claim \$233.28**

**Pyramid Claim \$2,280.00**

**Pyramid Claim \$8,000.00**

**Pyramid Claim \$1906.24**

**Cobalt Civil Claim \$3905.25**

Mike said the next nine claims from MPX Claim of \$27,000.00 down to the Cobalt Civil Claim of \$3,905.25 has been tabled for several weeks. And I presume, based upon our last meeting, we will continue to table that until those matters are resolved.

Meeks said just the questions, at our executive session, we talked about that MPX claim and I have a letter. Are you guys alright with sending that to MPX?

Gary said yes.

Meeks said and would one of you want to sign the letter to Pyramid or would you like me to sign that.

Mike said well I think your indication that if you sign it then it'll go to the legal department, I would recommend that we sign it. Do you want to sign that Gary?

Gary said yeah I think we all should.

Mike said we all should sign it.

Meeks said I will put that all three of you, send it to Laura and if you guys could stop there and sign it.

Mike said put it on our letterhead. And we still don't have Cobalt civil claim, we don't have necessarily dispute with them that that's retainage with them I believe, so until this is resolved, we are going to table that.

Gary said and the north tower, there may need to be corrections.

Mike said right. Okay.

**J&K Communications Claim \$18,650.00**

Mike said that brings us the J&K claim of Communications Claim of \$18,650.00 which that claim is for allowances.

Gary said they've been here working. They were here last week.

Mike said so do you have a move.

Gary said I move approval of this claim of J&K.

Mike said and this is application number 4 for PSC equipment.

Tom seconded. All aye votes. Motion carried.

**Comp time reports**

Mike said brings us to our Comp time report that we received a copy of via email. Anybody have any questions or comments about this comp time.

Gary it's up a little but not terrible.

Mike said the sheriff's comp time for Sheriff's department, not just sheriff but sheriff's department would be \$56,238.00 and the jail would be \$23,956. Anybody have any comments or questions.

**Lease agreement – Treasurer's office**

Mike said it takes us to our Lease agreement for the Treasurer's office, which we just need to sign this don't we. We approved this least last time.

**Randolph County EDIT plan**

Mike said next item is the Randolph County EDIT plan. And that has the modifications for the equipment.

Gary moves to approve the Randolph County EDIT plan as presented. Tom seconded. All aye votes. Motion carried.

Mike said and that Edit plan meeting is scheduled for Thursday night.

Meeks said Thursday.

Gary said the 21<sup>st</sup>.

Mike said so you are planning to be there. Good cause I need you as my proxy, because I don't plan to be there.

**Area Planning Commission attendance report**

Mike said Area Planning Commission attendance report. Congratulations on the perfect attendance Tom. That's good. Any other comments or questions about the attendance report.

Gary said yes I was a little concerned on our BZA appointment records, he only attended one meeting out of three.

Mike said you are talking about second one.

Gary said yes.

Tom said was that Drew Cleveland.

Mike said yes.

Tom said yeah he had a, I know he had conflicts with those two nights. Really I don't think it's a problem.

Gary said no but it's pretty important when they had a BZA out because of all the paperwork has to be done in order to have those meetings, and if somebody doesn't show up. Well two out of three is not a very good record in my opinion.

Mike said I think the February 22<sup>nd</sup> they didn't have a meeting. They only had four there I think. They chose to continue that one. Do you want somebody to reach out to Drew.

Gary said well I think we should.

Tom said well I talked to him about it. I could mention our concern to him. I think, like I said, he had conflicts with those two nights. He had some night meetings, I'll see if it's going to continue to be a problem or not with him.

Mike said okay. That work for you Gary.

Gary said yes.

### **Airport Board Appointment**

Mike said Airport Board appointment. We did receive Bill Richmond's letter of resignation. And that was also, I shared, not the letter, but I shared that information with Greg Sickels, board president. And he's going to share with the other board members to see if they know or can come up with somebody that would fill those shoes. And I would announce to those in the room today that we are looking for an airport board member. It comes with the valuable compensation of \$55.00 a quarter I believe.

Tom said I thought it was a meeting.

Mike said I think it's a quarter. Is it a meeting?

Meeks said I believe so.

Mike said you're from council, you would probably know. Can you check that for me Angela?

Angela said I will.

Mike said thank you.

### **Electronic map data application**

Mike said we have an electronic map data application.

Laura said this comes with a waiver. It's for our county mitigation plan so she just made a copy so I would remember what it was called.

Mike said so it's requesting that because it's our multi hazard mitigation plan, that we are being asked to waive the fee for the county project, which only makes sense. So, we need to give Vantage Point Consulting electronic map data information as stated in the application. And give it to them for free. I'd entertain a motion to do such.

Gary moves to approve. Tom seconded. All aye votes. Motion carried.

### **ARPA Plan approval**

Mike said there's a slight change to the ARPA plan. Since our last signing and passage of the ARPA Plan, we have been advised that our grant to L&M Water company putting us in a infrastructure position requires us doing reporting both on our part, and on the water company's part. And we've been advised that it would be much simpler to move that project from infrastructure to lost county revenue. And that's what the Auditor is recommending we do. And that's what this plan does. It moves the \$291,408.00 for the L&M Water project to go to lost revenue. So, if we are in agreement with that, I would entertain a motion to approve this amended plan and pass it today.

Tom said I move approval even though it makes illogical sense.

Mike said well it does. It saves Auditor's department lots of hours of work in reporting.

Tom said well that part is logical. The rest of it doesn't seem to.

Laura said and I will just say like when Angela put it in infrastructure, it comes up asking her a lot of questions about the infrastructure project that we don't know because it's not our project. Talking to Barnes and Thornburg, also L&M has to report this information, not only us, and we are responsible if they don't. So, Barnes & Thornburg are recommending that we remove it also when I asked the question.

Mike said I thought they were, that's who I was referring to, that Barnes and Thornburg were recommending their way.

Tom said when it comes to government grants, it's not very logical.

Mike said the grants still there, it's just how you want to define it. One saves us a lot of time and basically money.

Tom said if somebody's reading these minutes ten years from now, I don't think they would, like I said, it doesn't have to make sense.

Mike said did you make a motion to approve.

Tom said yes I did.

Mike said do you want to second that Gary.

Gary said I will. All aye votes. Motion carried.

**Probation Department grant request**

Mike said last item on the agenda is the Probation Department grant request. This is a grant that the probation department seeks for drug free Randolph County in the amount of \$3,000. There's no match, and we are being asked for internal purposes only out of the department because of the state board of accounts. They have a record of this grant to approve it. I'd entertain a motion to approve this grant.

Gary moves to approve. Tom seconded. All aye votes. Motion carried.

**Meeks Cockerill, Highway easement**

Meeks said well I have an easement here for Jim Shaffer. It's a highway easement that they have signed. I need you to sign that Mike.

Mike said is that the one that Curtis Cunningham had.

Meeks said yeah Curtis called you about it and I think Curtis dropped it off on Friday. And then the one, I had sent the easement out on Sunday with the new language for the fiberoptic one, and I got an email back from Chris this morning, wanting to add language about crop damage. Do you want to do that? Specifically, could we add a crop damage language to reimburse the farmer in the event that maintenance needs to be done during the growing season.

Tom said I think that's in there and we, we're not going to go on their property.

Meeks said and you have talked, and I hate to put something in there to have the farmers started questioning.

Tom said I mean I think the farmers are okay with it.

Meeks said if they are okay with it, I'd say we don't mess with it then.

Mike said I would agree.

Meeks said okay. I will let him know that.

Tom said and unless he needs it to get them signed, I don't know why, because it's already in there I thought.

**Gary Girton – Communication towers**

Gary said on the public safety tower systems, they were here last week. I talked to one of the techs they put one section of the units in the jail room. I checked those out, Wednesday and



Thursday. That section is working. The other, the rest of it will be put in this week, and finished up. Then it's going to be turned over to Chris to do a county check. And then, Art did they talk to you about reprogramming the radios so that they'll go ahead and put you guys on before the new radios come.

Art said they have not.

Gary said they talked to Chris about it. So, I don't know.

Art said I can check with Chris later today, but I have not heard anything from them no.

Gary said okay. Since the radios, they've changed the dates again. Now they're saying the radios, at the present time, the ETA for the radios to their shop is 5/31/22. But they would like to go ahead and put this system on line by reprogramming the radios.

Tom said so we'll get up and running.

Art said I think part of it is about half the radios we currently have, maybe a little more than half are not going to be able to be reprogrammed.

Mike said well I hope not.

Gary said I don't know.

Mike said I was going to say I wouldn't want to buy all new ones if they could be reprogrammed.

Gary said I don't know. I just know what this email told me I got Friday evening.

Art said I don't think that's a possibility

Mike said maybe some of them can be. And that would test the system I guess.

Gary said that came from Ted Hurley whose, that's his part.

Art said I think we might have six that they can put the program in to where we can use them. They won't work 100 percent but they might be able to get a few of the frequencies in. But the radios are old enough that they don't interface with the system.

Gary said lets just see what I've got Friday evening. They said they had talked to Chris about the radio reprogramming. I'm just relaying that information.

Art said I'll get with Chris.

Mike said okay. Ceann maybe be able help me on this. Ceann you forwarded me an email from Steve Barnes, and I may have gotten the email from Steve as well. Steve Barnes from New



Lisbon Communications Company is requesting information on ARPA funds. He is hearing that if the county does not take advantage of ARPA funds we are losing out on million dollars of broadband Infrastructure funds from which he is hearing from other counties. Steve has the following questions: Amount of ARPA funds awarded and then what is still available, what are the actual dates that the county has been given for ARPA appropriations and when we are told it has to be spent, what percent is there for broadband expansion, is there a county grant writer to apply for these funds, or is one needed to be hired. And I guess bullet point one and bullet point two, I think we can answer. We've not made a determination as to what percent there is for broadband expansion. And to say the county has an official grant writer, I don't believe we do. And I'm not aware of a million dollars of broadband out there, other than I do know that there are several companies looking at Randolph County and have been awarded millions of dollars for broadband, on their side of it is. So, I share this today because I'm a little at a loss. I don't know where we are on that, other than I do recall, I don't know if that's changed either, but I do recall that our current broadband project does not meet the standard for ARPA funds because it's not fast enough. I don't know if that's changed or not. Ceann do you have anything to add on that.

Ceann said yes. We actually took that issue to the technology committee meeting last week. The committee discussed that. I know Councilman Lenkendofer was there, Mr. Girton, and Adam has joined our group so we are super excited about that.

Mike said is he volunteering.

Ceann said yes.

Mike said okay that's good.

Ceann said so it's good of him to do that, and it's helping us move forward. The next step with that, Steve was there and he asked some questions of the group. And so, we are going to work on with Steve a concept, and a proposal of looking at possibly ARPA money being used to get internet out to the speedway and to the county barn, that would qualify for ARPA. And so that would be brought as a proposal to the Commissioners and Council to consider. So that's, anybody else have anything to add to that.

Mike said so do you, I presume you know then, as reported by Dave maybe, of how much funds we have, and how much is available, and when we have to spend that.

Ceann said we talked about when we have to spend it. We talked about that. We did not talk about how much money was left over to my, we did not talk about that.

Mike said but I think Dave has that information. He could report directly to your committee on that.

Dave said yeah it's just the idea. It's about \$450,000 between the two projects and it really needs to come back to the County Council and the County Commissioners.

Mike said \$450,000 for fiber to the race track. That's less than what I thought.

Dave said and the county barn, county highway.

Tom said if it goes to the race track there should be some agreement about the road lease and the people what live back there maybe hooking up. The lease is expiring on the road back there. They own the road and hopefully they will extend that lease to the race track in lieu of maybe getting fiber.

Mike said okay.

Tom said is there a million dollars outside the \$4.7 million that we're eligible for.

Mike said it says millions of dollars, millions of dollars. Yes Adam.

Adam said yes so, I spoke with my Dell rep on Thursday and they were bringing up the same things. It must be something going around because they're going to sent me some information about how to obtain more funds and what other counties in this area are doing with those funds. I guess he has a report that has some information on it. So, once I have that, I'll get it to you guys so you can see some of that information too.

Mike said I think we had a provider showing up at our meeting. If I could get to my email. I thought I could tell you. But he's a, I don't think it's Watch, but he's a communication company that he's earned grant money to provide services in Randolph County. And I think he's coming to our meeting in May if I recall. Didn't I share that with you. I shared that email with you I think.

Tom said somebody besides New Lisbon and Watch is working in our county?

Gary said I thought there were two. There was Mercury and LTD. There were three or four that got it. But see the problem with that federal spending process, those guys have min, max...

Tom said ten years.

Gary said ten years the max. And they suggest to have it down to five years. But if they don't, then they go back out and have to go through again. So, they could be around here for ten years before anything happens.

Tom said yeah it's sort of a game.

Gary said and there's three or four of them involved. But the interesting thing was, according to the FCC, according whoever is regulating all this, it's the northwest corner of the county. There's no need up there. It's fully covered.

Mike said well their speed, the last I knew, their speed was 30 up and 25 down or some, it was really slow.

Gary said who's that.

Mike said the federal governments. Well that was when they came out we're number in the, Randolph County is number one in the state. It sounds like our technology committee and the expertise on that committee will guide us through this and you are going to bring us something on that so.

Ceann said yes that's the plan.

Mike said we don't have a grant writer in the county so we would probably be looking for somebody to do that for us if we wanted to pursue a grant.

Ceann said if that opportunity is out there, then yes.

Mike said okay.

**Citizen Comments**

None


**Adjournment**

Mike said I'd entertain a motion to adjourn.

Tom made a motion to adjourn. Gary seconded. All aye votes. Meeting adjourned.

Reviewed and signed this 1 day of August, 2022.

RANDOLPH COUNTY COMMISSIONERS

  
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ATTEST:

  
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Laura J Martin, Auditor of Randolph County