

May 1, 2012

Commissioners met on this day with the following members present: John Richwine and Jeff Hardin and Steffanie Owens. Also present were Auditor Kathy Stoops-Wright, Deputy Auditor Jane Lyons, Commissioners Office Manager Linda Smith and County Attorney Jerry Shine.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioners approved the minutes of April 3, 2012 and April 5, 2012 upon motions made by Steffanie Owens and seconded by Jeff Hardin. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF FIRST OF THE MONTH CLAIMS

Commissioners Owens made a motion to continue this meeting until 1:30 p.m. for the approval of the May 1, 2012 claims. There are some that she needed to check with the SBOA for approval. Motion seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF PUBLIC HEARING AND APPROVAL OF RESOLUTION NO. 2012-BC-R-04, ESTABLISHING A CUMULATIVE BRIDGE FUND FOR MADISON COUNTY, INDIANA UNDER I.C. 8-16-3-1 ET. SEQ.

A public hearing was held on the establishment of a Cumulative Bridge Fund. Chuck Leser, County Highway Engineer, gave the Commissioners an update on all the expenses that the Cumulative Bridge Fund occurs throughout the year and the need for the Fund. Commissioner Richwine asked if anyone from the public would like to speak on this establishment. There was no response. Motion was then made by Jeff Hardin and seconded by Steffanie Owens to approve Resolution No. 2012-BC-R-04, Establishing a Cumulative Bridge Fund for Madison County, Indiana. Motion carried unanimously.

IN THE MATTER OF UPDATE ON THE PERMITS FOR THE WINDFARM PROJECT

Ken Ellis, Planning Commission Director, gave a brief update on the permit activity on the Windfarm's 56 towers. All permits for the towers should be done by July, 2012. Mr. Ellis reported that in 2011 - \$154,419.76 was collected on permits and in 2012 - \$132, 589.10 was collected on permits totaling \$174,160.00. There is \$10,500.00 remaining for any future additional permits as needed.

IN THE MATTER OF ANDREW JOHNSON CUMMINS BRIDGE DEDICATION

Commissioner Richwine announced that there will be a dedication of the Andrew Johnson Cummins Bridge at the Strawberry Social event in Alexandria, Indiana on June 9, 2012 at 8:00 a.m.

May 1, 2012

**IN THE MATTER OF MEMORANDUM OF UNDERSTANDING BETWEEN
MADISON COUNTY COMMISSIONERS, BINGHAM, FARRER & WILSON AND
SANSBERRY, DICKMAN, FREEMAN AND BUILTA, ANDERSON CORPORATION
FOR ECONOMIC DEVELOPMENT AND ELWOOD REDEVELOPMENT
COMMISSION**

Commissioners entered a Memorandum of Understanding with the above attorneys for the acquisition of Title to the Plastech property situated in Elwood, Indiana. Motion to approve the attached MOU made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is executed by and between the Madison County Commissioners (County), Bingham, Farrer & Wilson, P.C., and Sanberry, Dickmann, Freeman and Bulta (Attorneys), the Anderson Corporation for Economic Development (ACED) and the Elwood Redevelopment Commission (ERC). RECITALS:

WHEREAS, the County and the Attorneys previously entered into an Agreement for the acquisition of Title to the Plastech property situated in Elwood, Indiana, wherein the Attorneys would be paid the sum of Forty Thousand Dollars (\$40,000.00) on the sale of transfer of the property to a third party from the sale proceeds, together with any out of pocket expenses incurred by them for items such as court costs, filing fees, publication fees, title search fees, and the like; and,

WHEREAS, while this process has been continuing ACED has expended the approximate sum of Twenty Thousand Dollars (\$20,000.00) for environmental examinations and consultations with various professionals and the Indiana Department of Environmental Management; and,

WHEREAS, since the project was begun, the City of Elwood has created the ERC which stands ready, willing and able to receive title to the Plastech property, market the same, and ultimately sell the same to a third party; and,

WHEREAS, the parties hereto agree that the sales price shall not be less than Four Hundred Thousand Dollars (\$400,000.00) unless expressly agreed to in writing by all the parties hereto, and

WHEREAS, the parties hereto wish to establish the methodology of distributing the net proceeds from the ultimate sale of the Plastech property.

NOW THEREFORE, the County agrees to transfer the Plastech property to the Elwood Redevelopment Commissions by Quitclaim Deed and the ERC agrees to accept title to said property and market the same for ultimate sale.

Upon the ultimate sale of the Plastech property, the ERC agrees to pay at the time of closing all closing costs associated with said sale which includes, but is not limited to, the actual title closing costs, the full attorney fees due and owing the attorneys, the costs incurred by the ACED in the environmental activities it contracted and completed on the Plastech property, and the sum of \$25,000.00 to the Elwood Redevelopment Commission. Then after, the net proceeds from said sale shall be distributed as follows:

- A. Madison County: 14.871%
- B. City of Elwood: 51.846%
- C. Pipecreek Township: 1.136%
- D. North Madison County Public Library System: 3.395%
- E. Elwood Community School Corporation: 28.5678%
- F. East Central Indiana Solid Waste District: .184%

May 1, 2012

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the dates set forth on their respective executions.

DATED: May 1, 2012

MADISON COUNTY, INDIANA
BOARD OF COUNTY COMMISSIONERS

BY: S/John Richwine
JOHN RICHWINE, President

APPROVED BY:

S/Gerald Shine
GERALD SHINE
Madison County Attorney

DATED: _____

ELWOOD REDEVELOPMENT
COMMISSION

BY: _____
TOM AUSTIN, President

DATED: _____

ANDERSON CORPORATION FOR
ECONOMIC DEVELOPMENT

BY: _____
ROB SPARKS, Executive Director

DATED: _____

SANSBERRY DICKMANN FREEMAN &
BUILTA

BY: _____
J.R. BUILTA, Managing Partner

DATED: _____

BINGHAM, FARRER & WILSON, P.C.

BY: _____
JAMES W. WILSON, Managing Partner

May 1, 2012

IN THE MATTER OF LETTER OF ENGAGEMENT WITH WAGGONER, IRWIN AND SCHEELE ASSOC.

Commissioners enter into a Letter of Engagement with Waggoner, Irwin and Scheele, Associates for consultation on HR issues throughout the rest of the year. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF NACO RX DISCOUNT CARD PROGRAM UPDATE

Shawn Swindell, Human Resources, gave the Commissioners a brief update on the NACO RX Discount Card Program. She stated as of March 2012 the citizens of Madison County have purchased approximately 74,000 prescriptions using the discount cards, with a cost of those prescriptions at approximately \$3,300,000 with a savings of approximately \$206,000 to the citizens. There has approximately 26,000 users towards the program.

IN THE MATTER OF DISCUSSION REGARDING LITIGATION MATTERS BETWEEN THE COMMISSIONERS AND THE COUNCIL

County Attorney, Jerry Shine reported to the Commissioners that the ongoing litigation between the Commissioners and the County Council. The Mediator has notified them by phone that the mediation has been set for Thursday, May 3, 2012 at 9:00a.m. The Mediator has recommended that the representative from each body be the President. Commissioner Owens made a motion to approve Commissioner President John Richwine be the negotiator on behalf of the Board of Commissioners. Motion was seconded by Jeff Hardin. Motion carried unanimously.

IN THE MATTER OF RELEASE OF UNSAFE BUILDING LIEN

Commissioners approved a release of an Unsafe Building Lien on property located in Union Township due to the property being sold on the Commissioners Certificate Sale and the Deed being issued to the buyer all delinquent taxes and liens are to be removed. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF YOUTH CENTER SHELTER CARE LETTER OF TRANSMITTAL FOR THE CONTRACT

Gary Williams, Superintendent of the Youth Center, came before the Commissioners for approval of the Letter of Transmittal for the Shelter Care Contract with the State of Indiana. Gary Williams stated that in the future there may not be a Contract because the State approved less and less beds each year. Motion to approve made by Steffanie Owens and seconded by Jeff Hardin. Motion carried unanimously.

May 1, 2012

**IN THE MATTER OF APPROVAL OF ORDINANCE NO. 2012-BC-O-06,
ESTABLISHING SPEED LIMIT ON VARIOUS ROADS**

Commissioners approved the following Ordinance No. 2012-BC-O-06, Establishing Speed Limit on Various Roads. Motion to approve made by Steffanie Owens and seconded by Jeff Hardin. Motion carried unanimously.

AMENDING ORDINANCE NO. 2012-BC-O-06

**ORDINANCE ESTABLISHING MADISON COUNTY SPEED
LIMITS AMENDING ORDINANCE NO. 2002-BC-O-11**

WHEREAS, the Board of Commissioners of Madison County, Indiana has determined it to be in the best interest and safety of Madison County and the citizens thereof for the establishment of speed limits along certain County Roads in Madison County, Indiana; and

WHEREAS, the Board of Commissioners of Madison County, Indiana did on the 3rd day of September, 2002, enact Ordinance No. 2002-BC-O-11 establishing various speed limits in Madison County, Indiana; and

WHEREAS, the Board of Commissioners of Madison County, Indiana has enacted Ordinances establishing additional various speed limits in Madison County, Indiana; and

WHEREAS, the Board of Commissioners of Madison County, Indiana has determined that it would be in the best interest and safety of Madison County and the citizens thereof to amend said Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MADISON COUNTY, INDIANA:

1. That the various County Roads at the designated locations thereof be and are hereby established and designated a certain speed limit as follows:

Road	Location	Speed Limit
CR 900 South	From CR 300 West to CR 225 West	45 MPH
CR 225 West	From CR 900 South to CR 950 South	45 MPH
CR 950 South	From CR 225 West to CR 100 West	45 MPH
CR 100 West	From CR 950 South to CR 1000 South	45 MPH

2. All provisions of Ordinance No. 2002-BC-O-11, as amended, not modified herein shall remain in full force and effect.

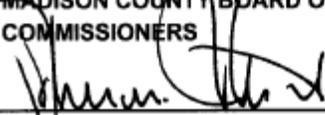
3. That this Amending Ordinance be in full force and effect from and after its passage and legal publication.

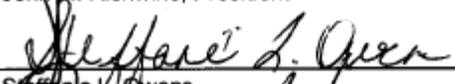
PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this

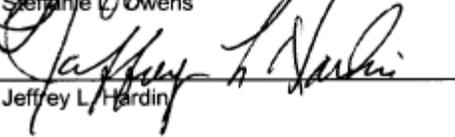
1 day of May, 2012

MADISON COUNTY BOARD OF
COMMISSIONERS

By:


John M. Richwine, President


Stephanie L. Owens


Jeffrey L. Hardin

ATTEST:


Kathy Stoops-Wright, Auditor

Publish: Anderson Herald Bulletin
Elwood Call Leader

May 12, 2012
May 19, 2012

**IN THE MATTER OF ANNUAL REPORT OF THE BOARD OF COMMISSIONERS OF
MADISON COUNTY TO THE STATE SUPERINTENDENT OF PUBLIC
INSTRUCTION FOR THE YEAR ENDING APRIL 30, 2012**

Commissioner Richwine made a motion to enter the Annual Report to the State Superintendent of Public Instruction into the minutes. Motion seconded by Jeff Hardin. Motion carried.

IN THE MATTER OF CREDIT/DEBIT CARD TAX BILL PAYMENTS

Kelly Gaskill, Treasurer, requested a Service Agreement with Power Play be approved for credit/debit card tax bill payments. There is no cost to the County, the only cost is a 3% customer convenience fee. Commissioners questioned Mrs. Gaskill on why the tax statements didn't state that the taxes could be paid by credit/debit card before they were mail out. County Attorney, Jerry Shine recommends that the Commissioners look over this contract and come back at 1:30 with a decision.

May 1, 2012

IN THE MATTER OF COMMISSIONERS SALE

Jerry Shine reported to the Commissioners that since they have been thinking about having a Commissioners Sale on County owned property, they advertise a list in the newspaper asking if anyone would be interested in purchasing a property and sell the ones that someone has shown interest in purchasing.

IN THE MATTER OF APPROVAL OF TREASURER OFFICE STAYING OPEN ONE EXTRA HOUR FOR TAX COLLECTIONS

Commissioners approved the Courthouse staying open an extra hour on May 10, 2012 from 4:00 p.m. to 5:00 p.m. for tax collections. Motion to approve made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

Meeting was continued until 1:30 p.m.

Meeting was reconvened at 1:30 p.m.

IN THE MATTER OF APPROVAL OF SERVICE AGREEMENT WITH POWER PLAY FOR CREDIT/DEBIT CARD PAYMENTS

After review of the Service Agreement with Power Play for credit/debit tax bill payments, the County Attorney recommended this Agreement for approval. Motion to approve Agreement as long as the Treasurer adds the information about the credit/debit card payments to the future tax statements made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF CLAIMS

Steffanie Owens stated to the Board that there are a few claims that they have denied after speaking with the SBOA. So a motion was made to approve the May 1, 2012 claims with the exception of the ones that were denied which are marked on the docket sheet in the Auditor's Office. Motion seconded by John Richwine. Motion carried unanimously.

May 1, 2012

IN THE MATTER OF TERMINATED ITS EMPLOYEES

ITS Director, Jerry Branson, came before the Board stating that the ITS employees that were terminated by the County Council at the April 3, 2012 meeting were not paid out their accumulated vacation and sick days within 10 day, the law allows them to receive 3 times the amount. He will be requesting that from the Council at their next meeting.

The next regular meeting will be May 15, 2012 at 10:00 a.m.

There being no further business the meeting was adjourned.

BOARD OF COMMISSIONERS

