

STATE OF INDIANA)
 SS)
 COUNTY OF CLAY)

Council President Larry Moss called the regular meeting of the Clay County Council to order on Monday, May 4, 2015, at 6:00 p.m. Council members present were Larry Moss, Michael McCullough, Toni Carter, John Nicoson, Pat Heffner, and Jason Britton. Jackie Mitchell was absent. Auditor Jennifer M Flater made a record of the proceedings, to wit:

Larry Moss led the Pledge of Allegiance and gave the opening prayer.

A motion to approve the April 6, 2015, regular meeting minutes was made by Toni Carter and seconded by Jason Britton. Motion carried 6 ayes.

IN THE MATTER OF ADDITIONAL APPROPRIATION

Larry Moss read the following:

COUNTY EMERGENCY APPROPRIATION ORDINANCE

Whereas, It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Sec.1. Be It Ordained by the County Council of Clay County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds names and for the purposes specified, subject to the laws governing the same:

		Aye	Nay
COUNTY GENERAL			
COMMISSIONERS			
Other Services and Charges			
Contractual Services	\$ 8,676.00	6	_____
CAGIT CERTIFIED SHARES			
Personal Services			
Process Civil Server	\$ 12,000.00	6	_____
CUMULATIVE CAPITAL DEVELOPMENT			
Capital Outlay			
Salt Building	26,975.00	6	_____

Presented to the Clay County Council, read in full and adopted this 4th day of May, 2015.

AYE	NAY
<u>Larry Moss /s/</u>	_____
<u>Toni Carter /s/</u>	_____
<u>Jason Britton /s/</u>	_____
_____	_____
<u>John Nicoson /s/</u>	_____
<u>Michael McCullough /s/</u>	_____
<u>Patricia Heffner /s/</u>	_____
Members of the Clay County Council	

ATTEST: Jennifer M Flater /s/
 Jennifer Flater, Clay County Auditor

Paul Sindere explained the Commissioner's had made this request last year, however, we had not received a bill until March. Therefore the additional had not been spent in 2014 and the money was not encumbered. Mike McCullough made a motion to approve the additional for \$8,676.00 for contractual services and was seconded by John Nicoson. Motion carried 6 ayes.

Sheriff Paul Harden explained the request for Civil Process Server. The 2015 budget was about half of the 2014 budget. The paper work has increased and we have two people for the part time position. Toni Carter made a motion to approve the additional \$12,000.00 for Civil Process Server and was seconded by Jason Britton. Motion carried 6 ayes.

Paul Sindere explained the request for a floor and electrical work on the salt building at the Highway Department. Pat Heffner made a motion to approve the additional \$26,975.00 for the salt building and was seconded by Mike McCullough. Motion carried 6 ayes.

IN THE MATTER OF AMENDED SALARY ORDINANCE 10-2015

Larry Moss read in its entirety:

ORDINANCE 10-2015

AMENDED SALARY ORDINANCE

An ordinance setting compensation for certain County Employees, for the fiscal year 2015.

Be it ordained by the County Council of Clay County, Indiana as follows:

GENERAL FUND

Commissioners

Payroll Corr \$ 25.92 thru \$1,367.37
See attached for specific Job description

CAGIT

Jail

Matron \$833.24

COMMUNITY CORRECTIONS

Executive Director Corr \$212.15
P/T Home Det/Surveillance \$519.25
P/T Home Det/Surveillance \$620.69

Presented to the Clay County Council, for first reading 4th day of May, 2015.
Approved by the following vote on May 4, 2015.

This ordinance will be placed on the June agenda for second reading and final passage.

IN THE MATTER OF ORDINANCE 11-2015 ORDINANCE ENACTING A CODE OF ORDINANCES FOR CLAY COUNTY

Larry moss read in full the following:

ORDINANCE NUMBER 11-2015

ORDINANCE ENACTING A CODE OF ORDINANCES FOR CLAY COUNTY, INDIANA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF CLAY COUNTY, INDIANA, DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent Ordinances of Clay County, Indiana are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of Clay County, Indiana and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Indiana empower and authorize Clay County, Indiana to revise, amend, restate, codify and compile any existing Ordinances and all new Ordinances not heretofore adopted or published and to incorporate such Ordinances into book form; and

WHEREAS, the Board of Commissioners and County Council of Clay County, Indiana have authorized a general compilation, revision and codification of the Ordinances of Clay County, Indiana of a general and permanent nature and publication of such Ordinances in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of Clay County, Indiana and for the immediate preservation of the public peace, health,

safety and general welfare of Clay County, Indiana that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS AND COUNTY COUNCIL OF CLAY COUNTY, INDIANA:

Section 1. The general Ordinances of Clay County, Indiana as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of Clay County, Indiana."

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

TITLE I: GENERAL PROVISIONS

10. Rules of Construction; General Penalty

TITLE III: ADMINISTRATION

- 30. Employees and Officials
- 31. Organizations
- 32. Personnel Policies
- 33. Finance; Taxation and Funds
- 34. Council and Commissioner Districts
- 35. Emergency Management
- 36. General Policies

TITLE V: PUBLIC WORKS

- 50. General Provisions
- 51. Solid Waste
- 52. Water Wells, Pumps and the Like
- 53. Sewers

TITLE VII: TRAFFIC CODE

- 70. Off-Road Vehicles
- 71. Local Option Annual Excise Surtax; Local Option Annual Wheel Tax
- 72. Overweight and Other Restricted Vehicles; General Parking; Authority
- 73. Traffic Schedules

TITLE IX: GENERAL REGULATIONS

- 90. Animals
- 91. Health and Sanitation; Nuisances
- 92. Fire Prevention and Protection
- 93. Fair Housing

TITLE XI: BUSINESS REGULATIONS

Reserved

TITLE XIII: GENERAL OFFENSES

- 130. Synthetic Substances and Cannabinoids
- 131. Littering

TITLE XV: LAND USAGE

- 150. Road Access
- 151. Uniform Numbering System
- 152. Flood Hazard Areas
- 153. Buildings
- 154. Storm Water Drainage
- 155. Disaster Debris Management

TABLE OF SPECIAL ORDINANCES

Table

- I. Agreements and Franchises
- II. Bonds
- III. Real Estate Transactions
- IV. Vacations and Closures

Section 3. All prior Ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this Ordinance except as they are included and re-ordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this Ordinance, nor shall such repeal affect the provisions of Ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain

persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other Ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Board of Commissioners and County Council of Clay County, Indiana, and the Auditor of Clay County, Indiana, is hereby authorized and ordered to maintain a copy of such Code of Ordinances on file in the Office of the Auditor of Clay County, Indiana.

Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the Ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of Clay County, Indiana, and shall take effect at the earliest date provided by law.

Approved by the Board of Commissioners of Clay County, Indiana this 4th day of May, 2015.

Tony Fenwick /s/
Tony Fenwick, President

Paul Sinderson /s/
Paul Sinderson

Bryan Allender /s/
Bryan Allender

ATTEST:

Jennifer M. Flater /s/
Jennifer M. Flater
Auditor, Clay County, Indiana

Approved by the County Council of Clay County, Indiana this 4th day of May, 2015.

Larry J. Moss /s/
Larry J. Moss, President

Toni Carter /s/
Toni Carter

Jackie Mitchell

Michael D. McCullough
Michael D. McCullough

Jason Britton /s/
Jason Britton

Patricia Heffner /s/
Patricia Heffner

John Nicoson /s/
John Nicoson

ATTEST:

Jennifer M. Flater /s/
Jennifer M. Flater
Auditor, Clay County, Indiana

Larry stated this is the recommendation from the State to all Counties to have their ordinances in a book.

Motion to suspend the rules was made by Mike McCullough and seconded by John Nicoson. Motion carried 6 ayes.

Motion to adopt Ordinance 11-2015 Enacting a Code for Clay County Indiana Revising, Amending, Restating, Codifying and Compiling Certain Existing General Ordinances of Clay County was made by Jason Britton and seconded by Toni Carter. Motion carried 6 ayes.

IN THE MATTER OF ORDINANCE 12-2015 AUTHORIZING A LOAN FROM TERRE HAUTE SAVINGS BANK FOR PURCHASE OF ROAD GRADER

Larry moss read in full the following:

**ORDINANCE NUMBER 12-2015
ORDINANCE AUTHORIZING A LOAN FROM TERRE HAUTE SAVINGS BANK FOR
PURCHASE OF ROAD GRADER**

WHEREAS, the Board of Commissioners of Clay County, Indiana desires to purchase a 2000 Road Grader for the Clay County Highway Department, with the cost being \$120,000.00 of which \$60,000.00 will be paid in cash with the balance to be paid through a loan with Terre Haute Savings Bank.

WHEREAS, the loan amount is \$60,000.00 for the Road Grader with the anticipated loan interest rate being 1.875%.

WHEREAS, it is the intent that such loan will be fully paid in one payment in one year from the date of the loan, being approximately May, 2016.

NOW, THEREFORE, be it ordained as follows:

The Clay County Council approves the loan from Terre Haute Savings Bank, for the purchase of a 2000 Road Grader for the Clay County Highway Department, with the loan amount of \$60,000.00 with applicable interest, with repayment in 12 months, and authorizes the Council President, Larry Moss, and Commissioner President, Tony Fenwick, to execute such loan documents with Terre Haute Savings Bank on behalf of Clay County, Indiana, and allow such bank security in the Road Grader being financed until the loan is fully paid.

Approved by the County Council of Clay County, Indiana this 4th day of May, 2015.

Larry J. Moss /s/
Larry J. Moss, President

Toni Carter /s/
Toni Carter

Jackie Mitchell

Michael D. McCullough /s/
Michael D. McCullough

Jason Britton /s/
Jason Britton

Patricia Heffner /s/
Patricia Heffner

John Nicoson /s/
John Nicoson
ATTEST:

Jennifer M. Flater /s/
Jennifer M. Flater

Tony Fenwick said he was able to get a loan with THSB with an interest rate of 1.875% for one year for the purchase of a Road Grader.

Toni Carter made a motion to suspend the rules and pass on first reading, seconded by John Nicoson. Motion carried 6 ayes.

Mike McCullough made a motion to accept Ordinance 12-2015 as presented, seconded by Jason Britton. Motion carried 6 ayes.

IN THE MATTER OF RESOLUTION 8-2014

Larry Moss read the following resolution:

Resolution 2015-8

A RESOLUTION TO ALLOW TRANSFER OF FUNDS FROM RAINY DAY FUND TO COUNTY GENERAL FUND

WHEREAS, An emergency exists, and it has become necessary to borrow money to enhance the above funds in need of money for cash flow purposes.

WHEREAS, there is sufficient money on deposit in the Rainy Day Fund that can be temporarily transferred.

WHEREAS, There are sufficient funds to be levied from the collection of property taxes in County General Fund to reimburse Rainy Day Fund by the conclusion of Fall, 2015 settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CLAY COUNTY effective May 4, 2015, that the amount of \$500,000.00 be transferred to County General Fund, from Rainy Day. These funds shall be repaid from proceeds of tax collection by December 31, 2015. This resolution prepared in accordance with IC 36-1-8-4, to be forwarded to State Board of Accounts, and Department of Local Government Finance upon passage.

ADOPTED this 4th day of May, 2014.

Michael D McCullough /s/
Michael D McCullough

Larry Moss /s/
Larry Moss

Jason Britton /s/
Jason Britton

John Nicoson /s/
John Nicoson

Jacqueline Mitchell

Toni Carter /s/
Toni Carter

Patricia Heffner /s/
Patricia Heffner
Clay County Council

ATTEST:

Jennifer M Flater /s/
Jennifer M Flater, Clay County Auditor

Pat Heffner made a motion to accept Resolution 8-2015 as read, seconded by Jason Britton. Motion carried 6 ayes.

IN THE MATTER OF ADJOURNMENT

There being no further business, Pat Heffner made a motion to adjourn seconded by John Nicoson. Motion carried 6 ayes.

Members of the Clay County Council

Attest:

Clay County Auditor