

Owen County Board of Commissioners Meeting

Minutes – November 8, 2024 @ 9:00 AM

Commissioners present: Gary Burton, Robert Curry and Joel Lowe

Also present: County Attorney Dana Kerr

Meeting was called to order by President Gary Burton.

The Opening Pledge of Allegiance was recited, and Prayer was given.

Approval of Minutes for October 16, 2024, meeting

- **Motion** by Curry to approve the minutes, seconded by Lowe 3/0 approved

Approval of Payroll and claims

- **Payroll Summary: Total \$606,184.46**
October 18, 2024 - \$297,572.24
- **Claims:** \$233,876.63 (-8,988.00) \$224,888.63 does not include all out of cycle claims. Holding off on a claim from Gordon Flesh for Covid Thermometers
- **Claims (inclusive of payroll): Total amount \$533,500.85** motion by Curry seconded by Lowe 3/0 approved
- **Payroll:** November 1, 2024 - \$308,612.22 motion by Lowe seconded by Curry 3/0 approved.
Discussion about adjustments needed for claims processing and All Pending State Board of Accounts Audit.
- **Total Claims and Payroll: \$831,073.09**

Financial Report

- **Note:** No Financial Report was presented at this meeting as Auditor Sheila Reeves was unavailable.

Toshiba Contract Renewal

- **Presentation:** Larry Dull from **Toshiba Business Solutions Incorporated** explained the **5-year contract** renewal, including: Replacement of outdated machines with new models across eight county departments:
 - EMS Building
 - Circuit Court I
 - County Clerk
 - County Assessor
 - Purdue Extension
 - County Prosecutor
 - Circuit Court II
 - Highway Department

- Enhanced functions such as higher paper capacity and dual scanning.
- Maintenance services covering toner, parts, maintenance, and travel, billed on a per-impression basis only. (\$.004 mono chrome & color)
- Effort to maintain pre-inflation rates, thus saving the county costs.
- **Cost Summary:**
 - Toshiba Fleet Refresh (8) Units 63-month lease.
 - Cost: \$859.65 per month per machine.
- **Discussion:** Clarified machine allocation, lease terms, and consolidation of departmental billing.
- **Motion to Approve Toshiba Contract:** Made by Curry seconded by Lowe 3/0 approved
- **Motion for Approval for Burton to sign contract:** Made by Curry seconded by Lowe 3/0 approved

Highway Department

- **Yearly Bids:** A bid came in through the mail and was opened as normal mail. It is marked with the date received but wasn't handled in the usual way. Will be placed with other sealed bids in the Auditors Office.
- **Bridge Maintenance and Road Repairs**
 - **Lingal Road Traffic and Repairs:**
 - **Traffic:** 9,481 vehicles reported in one week. Estimated \$2,000 plus try to get with INDOT to cover costs due to high traffic volume, including multiple heavy trucks. Concerns about bridge stability and the need for re-inspection to confirm safety.
 - **Tower Road Bridge (Bridge 14):**
 - **Status:** Awaiting signage for height limit (6'6") and weight limit (3 tons). Reopen bridge upon installation of new signage.
 - **Motion to Approve Signage Installation for Tower Road Bridge:** Made by Curry seconded by Lowe 3/0 approved.
 - **Bridge 15 - Slip Line Repair Proposal:**
 - **Purpose:** To provide immediate load-bearing support with minimal closure.
 - **Cost Estimate:** \$153,000, with plans to fund through the 2025 budget.
 - **Motion to Approve Preparation for Bidding on Bridge 15:** by Lowe, seconded by Curry 3/0 approved
 - **Road Improvement Initiatives**
 - **Hyden Road Paving Proposal:** Pave 2/10 mile of Hyden Road, addressing a hazardous hill section used by school buses. To be covered by available 1173 budget funds.
 - **Motion to Approve Hyden Road Paving** made by Lowe seconded by Curry 3/0 approved.
 - **Community Natural Gas Cut on Freeman Road:**
 - **Issue:** New pipeline installation requires cutting into recently paved road.
 - **Requirement:** Restoration by Community Gas using B&B Paving for consistency in quality.
 - **Motion to Approve Road Repair Requirement by Community Gas** by Curry seconded by Lowe 3/0 approved.

- **New Road Projects and Grant Requests**
 - **Community Crossings Grant for Pearl Street:** Proposal for Addition of Pearl Street, Freedom, into 2025 Community Crossings Grant, focusing on a small section near the community center. Importance of addressing drainage and road pitch issues to prevent flooding in the area.
 - **Motion to Approve Pearl Street Addition to Grant:** by Curry seconded by Lowe 3/0 approved.
 - **Proposal for Road Closure:** Brandy Wrightsman is requesting that she has 2 parcels of property, one containing a road that only serves her property. There was an issue in 2000 that was not transferred correctly.

Adoption of Ordinance 2024-21: Shooting Range Regulations

- **Purpose and Background of Ordinance 2024-021:**
- **Owen County Commissioners** introduced Ordinance 2024-021 in response to increasing community concerns about safety issues arising from projectiles (such as bullets, arrows, and slugs) unintentionally leaving the boundaries of established shooting ranges. Several incidents had been reported where projectiles crossed property lines and entered neighboring properties, creating a serious public safety hazard.
- **Commissioners recognized** the lack of specific local legislation to regulate shooting ranges and prevent projectiles from leaving these premises. Existing legal avenues, such as trespassing laws, were determined to be insufficient due to difficulties in identifying individual shooters and proving liability beyond reasonable doubt. The ordinance aims to hold shooting range operators accountable for ensuring that all projectiles remain within the range property and to establish specific guidelines, penalties, and enforcement mechanisms to mitigate risks to public safety.

Section 1: Definition of a Shooting Range

- This section defines “shooting range” using Indiana Code reference IC 14-22-31.5-3, covering any designated area used for firing weapons at targets (such as silhouettes, skeet, trap, paper, steel, etc.) with firearms including archery, rifles, shotguns, pistols, and muskets. This definition clarifies that all ranges for such activities, regardless of weapon type or target, fall under the ordinance.

Section 2: Regulations for Shooting Ranges

- **A. Containment of Projectiles:**
 - **Requirement:** All projectiles (bullets, arrows, slugs, etc.) must remain within the property boundaries of the shooting range.
- **B. Hours of Operation:**
 - **Hours:** Shooting ranges may only operate between 8:00 a.m. and 11:00 p.m.
- **C. Distance from Residences:**
 - **Restriction:** Discharge of firearms is prohibited within 300 feet of any residence.
- **D. Distance from Occupied Structures:**
 - **Restriction:** Similar to the residence rule, firearms cannot be discharged within 300 feet of any occupied building.
 - **Exceptions:** The rule does not apply if the structure is part of the shooting range itself, allowing for controlled environments like shooting range buildings or observation towers.

- **E. Projectile Release Direction:**
 - **Requirement:** Projectiles must be fired parallel to the range surface.

Section 3: Exceptions to the Ordinance

- **A. Defense of Life or Property:** Firearms can be used defensively without violating the ordinance.
- **B. Hunting Activities:** The ordinance does not apply to hunting activities, allowing responsible hunting within legal guidelines.
- **C. Law Enforcement Duties:** Peace officers performing official duties are exempt.
- **D. Managed Hunts for Deer Control:** Regulated hunts to control wildlife, under government supervision, are permitted.
- **E. Use of Blanks:** Firearms using blank cartridges for theatrical, sporting, or ceremonial purposes, such as military funerals, are exempt.

Section 4: Penalties for Violations

- **A. Individual Violations:**
 - First offense: \$50 fine. Second offense: \$100 fine. Subsequent offenses: \$200 per offense. Each day of violation and each projectile leaving the range counts as a separate offense, emphasizing that each act poses a separate safety risk.
- **B. Range Operator Violations (Projectile Leaving Property):**
 - **Immediate Suspension:** Range operators must immediately halt operations if they become aware of a projectile leaving the range.
 - **Proof of Remediation:** To resume operations, operators must provide evidence to the County Commissioners of new measures taken to prevent further violations.
 - **Fines for Continued Operation:** First offense: \$2,000. Second offense: \$5,000. Third and subsequent offenses: \$10,000.

Section 5: Joint and Several Liability

- This clause establishes that both the range owner and the range operator (if they are separate individuals or entities) are jointly and severally liable for penalties.

Section 6: Civil Actions for Enforcement

- The County Attorney is authorized to bring civil actions to enforce compliance with this chapter. All enforcement costs are to be borne by the violator.

Section 7: Injunctions

- **The ordinance grants** the court the authority to issue mandatory or prohibitory injunctions against any range or individual in violation, compelling compliance with the ordinance. This provision ensures that legal tools are available to immediately halt dangerous practices if necessary.
- **Community Concerns:** The ordinance was introduced largely due to complaints from residents who had experienced or observed projectiles crossing onto their properties.
- **Commissioner Remarks:** Commissioners recognized that the ordinance could potentially inconvenience range operators but deemed the measures essential for public

safety. The ordinance provides clear requirements and opportunities for operators to make necessary adjustments before fines or suspensions occur.

Final Approval

- **Motion to Approve Ordinance 2024-021:** by Curry seconded by Lowe 3/0 approved.
- **Changes during reading:** Numbers were off in a section Kerr corrected as he read and will send a corrected copy to the Auditor.
- **Implementation:** The ordinance will be published twice before coming into effect, as required for ordinances imposing penalties.
- **County Attorney:** Kerr will send notices to all known shooting ranges in Owen County, ensuring that range operators are informed about the new requirements.
- **Purpose:** Address safety concerns regarding projectiles leaving shooting range boundaries.

Personnel Policy Updates

- **Policy 507: Overtime Adjustments:** Requires exhaustion of overtime funds before comp time usage. Simplifies tracking and payroll processes.
 - **Motion to Approve Policy Update:** by Lowe seconded by Curry 3/0 approved.
- **Policy 509: Bereavement Leave Modifications:** Removed 150-mile restriction for extended leave. Allows bereavement leave for miscarriage or stillbirth. Leave must be taken within 3 months of date of death.
 - **Motion to Approve with Amendment to Remove Last Sentence:**
“Bereavement leave will normally be granted unless, these are unusual business needs or staffing requirements”. By Lowe seconded by Curry 3/0 approved.

Legal Contract for County Attorney Dana Kerr

Terms of the Proposed Contract:

- **Commissioner Burton States:** I know we have new people coming on, but we cannot start a new year without legal counsel for reorganization. With that being said it is a two-year agreement same as it's been for the last several years.
- **Duration:** Two-year contract covering 2025 and 2026 to provide continuity and long-term legal support.
- **Compensation 2025:** Rate remains consistent with the previous term, keeping costs steady for the initial contract year.
- **Compensation 2026:** A 5% rate increase is built into the contract, reflecting standard adjustments for inflation and additional costs. Commissioners noted that this increase would be discussed and formalized during 2025 budget hearings to ensure alignment with county financial planning but other than that the agreement is the same as it was when we signed, and Dana Kerr was brought on as counsel.

Scope of Services:

- **Legal Representation:** Kerr would continue to represent the county across a range of legal matters, including ordinances, policy reviews, public hearings, litigation, compliance with state and federal regulations, and contractual reviews.

- **Emergency Legal Needs:** The contract also includes provisions for addressing urgent legal issues that may arise unexpectedly, ensuring that the county has timely access to legal support without needing a separate emergency agreement.
- **Compliance and Risk Management:** Kerr will oversee compliance efforts to ensure county practices align with state laws, reducing potential liabilities.
- **Kerr does not represent the Owen County Council.**
- **Commissioner Lowe's Concern:** Lowe voiced a position that, while legal representation is necessary, selecting the County Attorney should ideally fall to the incoming board in 2025, given the timing and potential changes in administration.
- **Motion to Approve Legal Contract:** by Curry seconded by Lowe though Lowe abstained from voting. 2/1/1 approved.

Closing Remarks and Adjournment

- **Commissioner Comments:** No additional comments noted.
- **Motion to Adjourn:**
 - Motion made and passed unanimously.