

**Morgan County Commission Meeting  
April 3, 2014**

**Members present:**

Commissioner Brad Close, President  
Commissioner Stacy Dugan  
Commissioner Robert Ford

**Also present:** Jody McClintock, County Administrator; Ginger Johnson, Commission Secretary; Glorious Sagle; Melissa Waugh; Jazz Clark, Morgan Messenger; Kim Michael, Tax Office; Trish Strader, Journal Newspaper; Jerry Ortel; Sara Green; Larry Schultz; Marilyn Jarboe; Linda Pritchard; Eric Pritchard; Hannah Stewart & Megan Scott, Morgan County Starting Points; Randy Poffinberger, Animal Control; Alice Lantz; Mark Cowles; Barb Wolfe and Kevin Sites

The meeting was opened by Debra Kesecker, Honorable County Clerk, at 9:30 a.m.

**Administration Items**

**Re-appointment of Thomas Shade to Building Commission**

On a Stacy Dugan/Bob Ford motion, the County Commission made a motion to re-appoint Glenwood T. Shade to the Morgan County Building Commission to serve a five year term. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Request of Exoneration**

On a Bob Ford/Stacy Dugan motion, the County Commission approved the clerical exoneration from the Assessor's Office. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Nancy Cross- Request of Exoneration due to taxpayer error**

On a Bob Ford/Stacy Dugan motion, the County Commission voted to approve the exoneration due to taxpayer error. President Close voted nay, Commissioner Dugan voted nay and Commissioner Ford voted nay. Motion carried. Request denied.

**Signing of the CNB Letters**

On a Stacy Dugan/Bob Ford motion, the County Commission approved and signed the CNB letters authorizing Kimberly Michael, Chief Tax Deputy, to transfer funds from the County Commissions Fire Recovery Certificates of Deposit to a Checking Account.

**Agreement for cost of audit for 2 years**

On a Stacy Dugan/Bob Ford motion, the County Commission approves the cost of the audit in the amount of \$24,560. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

### **County Commission's Volunteer of the Year**

Commissioner Dugan explained that Beth Curtin has taken care of a lot of duties for the Economic Development Authority during this transition of finding a new Director. Commissioner Dugan suggested the County Commission honor Beth Curtin as their Volunteer of the Year. The County Commission agreed to honor Ms. Curtin.

### **Agenda Items**

#### **Hannah Stewart & Megan Scott- Starting Points- Proclamation for Child Abuse & Neglect Month**

Hannah Stewart & Megan Scott approached the Commission with a proclamation for child abuse and neglect month. On a Stacy Dugan/Bob Ford motion, the County Commission proclaims April 2014 as Child Abuse & Neglect Prevention Month and urges all residents to engage in activities whose purpose is to strengthen families and communities to provide the optimal environment for healthy child development. President Close voted yea and Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

#### **Public Hearing for the purpose of receiving public comment on the final drafts of the amendment to the Morgan County Dog Leash Ordinance relating to the control of dangerous and vicious dogs**

The County Commission held a public meeting for the purpose of receiving public comments on the final drafts of the amendment to the Morgan County Dog Leash Ordinance relating to the control of dangerous and vicious dogs.

The following residents approached and spoke their concerns:

**Sara Green-** Ms. Green didn't speak about dogs. Ms. Green requested the County Commission provide the County Commission meeting recordings on the county website. Ms. Green stated that when you work and cannot attend the Commission meetings, its hard to know what your elected government is doing.

**Larry Schultz-** Mr. Schultz stated that there is a belief in the courthouse and county that a dog has to show a habit of biting before something can be done, this ordinance straightens that out, when you see a child like Evan Waugh that was attacked by a dog, we cannot let this continue to happen. The ordinance is fair and I request that the ordinance gets passed.

**Marilyn Jarboe-** Ms. Jarboe stated that she has been bitten three times by her neighbors dogs and she is the one that feels like a criminal. She would call Animal Control and do what they told her to do, she couldn't even walk in her neighborhood because she was scared of an encounter with the dogs. She has had multiple trips to the Emergency Room and the third time she was bit, she had to get 10 stitches and

missed four days of work. She has taken the dogs owners to court and currently the case in the appeal process, she has lived in fear for seven years because of these dogs. She was the victim and the victims need help. She is in favor of the ordinance.

**Eric Pritchard**- Mr. Pritchard read aloud a statement he had prepared. The statement read as follows: This proposed ordinance is illogical. The proposed legislation excludes punishment for certain dog bites only when on the dog owners property, but does not exclude the potential similar bites when on a leash. Thus, a dog, on a leash and protecting his owner, can readily be declared dangerous and vicious and executed. Subsequent to an excluded bite, the dog can be declared dangerous and vicious because the definitions do not consider the exclusion. Thus, an innocent dog can be declared dangerous and vicious. The judgement of a dog's character for danger and viciousness may be done where the dog has rationale for appearing dangerous. Such a judgement is detrimental to the dogs owner and not judicial and lacks due process, which apparently not available under this legislation. Giving a low-ranking and probably untrained county employee discretionary power to declare dogs dangerous and to execute said dogs if this employee thinks is needed irrespective of where the dog is simply a legislative abuse akin to a bill of attainder. The form of this proposed ordinance is not biblical. It certainly is not new testament as it does not require turning the other cheek. It certainly is not old testament as it calls for more than an eye for an eye. This legislation calls for revenge, which is contrary to the philosophy of law that goes back more than a millennia. Consequently, there must be an intermediary means of correction- neutering if possible. This will likely mitigate the danger and viciousness while not producing more human misery.

**Mark Cowles**- stated he is not in favor of the ordinance at all, its trying to fix something that isn't broken. He sympathizes with the victims but making new laws does not make people do their jobs. We have a Sheriff Department and Animal Control, we have a leash law, amending the leash law is putting a lot of power in the Animal Control officer with no qualifications or degrees. Capturing the dog or killing a dog should not be in the hands of an employee. Let the courts decide, not one individual, be fair to all parties involved. Take the power out of Animal Control and put it back into the courts.

**Jim Dupont**- stated that he sympathizes with everyone on this issue. His wife has been chased by a pit bull. Mr. Dupont suggested that the Commission create a committee of six individuals, three that agree with the ordinance and three that disagree with the ordinance and let the committee review and make revisions to the ordinance. Mr. Dupont asked why the current leash law is not being enforced?

President Close thanked everyone for their comments and stated that the decision will be made at the next County Commission meeting on April 17, 2014.

**Debra Kesecker, County Clerk- Requests new computers**

Debra Kesecker, County Clerk presented an invoice to the Commission for their review and approval for her to purchase 5 new computers for the County Clerk's office. On a Brad Close/Stacy Dugan motion, the County Commission approves funds in the amount of \$7849.24 for the purchase of 5 new computers. President Close voted yea and Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried. Funds will come out of the County Clerks budget.

President Close recused himself and left the meeting.

**Connie Perry- Requests matching funds for grant application for Morgan County Library & funds request for Morgan County Library**

Connie Perry approached the Commission to request matching funds for a grant application and a funds request for the Morgan County Library. Ms. Perry stated that the library will be doing two fundraisers to try to raise money. On a Stacy Dugan/Bob Ford motion, the County Commission approves funding in the amount of \$20,000, which is \$10,000 for the new heating and cooling system and \$10,000 for the budget for 2015. Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

President Close returned to the meeting.

**Approval to Replace/Hire Full Time Maintenance Employee**

On a Stacy Dugan/Bob Ford motion, the County Commission approves the hiring of Nelson Gaither as a full time maintenance employee. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Estate of Jack Ritter**

The Estate of Jack Ritter was postponed until the April 17, 2014 County Commission meeting.

**Dave Barton, Health Insurance Discussion & OPEB Liability Actuarial Engagement Decision**

On a Stacy Dugan/Bob Ford motion, the County Commission approves the OPEB (other post employment benefits) actuarial services. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

The County Commission held a work session with Mr. Barton regarding (OPEB) other post employment benefits. Mr. Barton will follow up with the Commission.

**Consent Agenda**

On a Stacy Dugan/Bob Ford motion, the County Commission approves the consent agenda. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Executive Session regarding pending litigation- Jack W. Hiles Executor of Estate of Jack W. Hiles vs. Morgan County Commission (& others)**

President Close participated by telephone conference call. Commissioner Ford was not present. On a Stacy Dugan/Brad Close motion, the County Commission went into executive session to discuss a legal matter at 1:30 pm. President Close voted yea and Commissioner Dugan voted yea. Motion carried.

On a Stacy Dugan/Brad Close motion, the County Commission came out of executive session at 2:30 pm. President Close voted yea and Commissioner Dugan voted yea. Motion carried. No decision was made.

**Recess**

On a Stacy Dugan/Brad Close motion, the County Commission made a motion to recess the meeting. President Close voted yea and Commissioner Dugan voted yea. Motion carried.