

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JANUARY 14, 2013**

Comes now the hour of 8:39 A.M. on the 14th day of January, 2013, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a special session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
David J. (Dave) Dolezal, Vice President
Chad Kline, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Scott Perry & Bob Braley, News Media

**CLERK – 2013 INFINITY VOTING SYSTEM
ANNUAL MAINTENANCE AGREEMENT**

The Commissioners received the 2013 Infinity Voting System Annual Maintenance Agreement for the Clerk's Office, (H.I.). After a brief discussion with Shelly Mawhorter, Clerk and Candy Myers, prior Clerk about the voting machines Chad moved to approve the agreement. Dave seconded the motion and it carried, 3-0.

**IDEM – AIR PERMIT APPLICATIONS – COURIER
KENDALLVILLE, INC. & ERIE HAVEN INC.**

The Commissioners received notice from IDEM that the above referenced companies, both in Kendallville, have applied for air permits, (H.I.).

**HERTHA MEYER - APPOINTMENT TO
ALCOHOLIC BEVERAGE BOARD**

Chad moved to appoint Hertha Meyer to the Alcoholic Beverage Board for a one year appointment. Dave seconded the motion and it carried, 3-0.

JIM COOK - APPOINTMENT TO PTABOA BOARD

Chad moved to appoint Jim Cook to the PTABOA Board. Dave seconded the motion and it carried, 3-0.

TOM GRIFFITHS - APPOINTMENT TO PLAN COMMISSION BOARD

Chad moved to appoint Tom Griffiths to the Plan Commission Board to serve the remaining three years of the unexpired term of Jim McFarlin. Dave seconded the motion and it carried, 3-0.

DEPARTMENT HEADS – WORK HOURS

Present for this portion of the meeting were: Jackie Knafel, Auditor; Shelley Mawhorter, Clerk; Candy Myers, Recorder; Stacy Beam, Probation; Greg Bricker, Security; Michelle Bricker, Treasurer; Kim Miller, Assessor; Mick Newton, EMA; Cheryl Munson, Health Nurse; Dick Adair, Building Inspector; Judge Laur; Dave Baum, IT; Seth Tipton, Public Defender; Sharon Leitch & Tina Shultz, Superior Court Employees; and Amy Smith, Superior Court II employee.

Auditor Jackie Knafel said there was a Department Head meeting last Wednesday. She said through the years since we have worked to 4:30 there have been people suggest that we go back to getting off at 4:00. Jackie said with technology being what it is, there are more things out on the web that people can utilize. She said Greg might be able to help with this. Jackie said we have not had the volume of people coming through the doors from 4:00 - 4:30.

Greg said he had kept track, and for 32 working days he marked down everyone that came in and went upstairs after 4:00. He said there were 31 people, including Mondays and Tuesdays which are Probation's late days, and he realized after doing it for a while that some of them were going upstairs to pay fines and court costs and then going back to Probation for a meeting.

Dave asked Greg what the time period was that he kept track of the people. Greg said it was November through Christmas.

Shelley said during that time period it was tax-paying time, which means that there were a limited amount of people coming in to pay taxes. Greg said that was also the time that was very busy for people doing exemptions.

Jackie said it has always been a concern about us working 37 ½ hours and we would be willing to go to a half hour lunch, and if the Commissioners would allow the employees could use their two 10 minute breaks for a total of 50 minutes for lunch if they do not take breaks. Jackie said after the Department Head meeting she asked them to talk to their employees and make sure that is what they would want to do, and she hadn't heard any negative feedback about it.

Sheriff Harp said in December he only had two people from 4 – 4:30 and the gun permits they processed doubled from last December to this December, and they still only had two additional people come through.

Shelley said if you go by the handbook in place right now it says anything over 30 minutes for lunch would be unpaid and there are two ten-minute breaks to be used at the discretion of the department head. Shelley said it wouldn't even be an amendment to the handbook.

Jackie said one of the questions she received was if they only took 30 minutes for lunch and didn't use the two 10 minute breaks if they could use the breaks for comp time. She said she was very specific that it would not be comp time.

Chad asked if the employees mark down when they leave for lunch and when they come back. Jackie and Shelley said they do not. Michelle said in her office she asks her employees to write down their start time, when they go for breaks, and when they leave for lunch.

Gary asked Doug with the new software they are looking at for the Sheriff's Department if someone in the office does not leave for lunch if it will automatically be figured in, if it would be lost time, comp time or what. Doug said he hadn't been having people clock in and out for lunch, but he could make it so it could be tracked. Jackie said the work sheet that Doug sent her from that system does have an "in" and "out" time, so it does have the capability of doing that.

Chad asked Doug if he had done anything with the system. Doug said he went ahead and purchased it because the one they have now keeps crashing. He said there is an ability to add to it if other departments want to add to it. Doug said the time clocks are there and in place. He said he is waiting on them to get the employees built into the software and then they will be up and running.

Dave asked Doug if the system he purchased has the capability to handle the entire county. Doug said it does. There was much discussion about the capabilities of the system, other counties that are using it, etc.

Gary said he understands the reasoning to going back to 4:00. He said the only concern he has is that in the absence of the time management software it is only as good as the department heads and how they handle their department. He said we all know a few can ruin it for everybody.

Chad said that once Doug has the system up and running and has used it for a while he thought it would be good for all of the Commissioners and possibly the department heads to see how it works.

Gary said he thought the Commissioners should take this under advisement and revisit it in a few weeks.

Bob Braley said he thought the hours change originated with the Council. Chad said that was right but it is the Commissioners building and the Council didn't have the authority.

Jackie and Shelley talked about the fact that if someone needs something after 4:00 that most of the time someone is available to stay over to accommodate them. Shelley said she had a call over the weekend from someone that needed a birth certificate because they were going on a cruise and couldn't find theirs. She said her office doesn't handle birth certificates, but she called Linda Gray who works in the Health Department, and Linda came and helped them.

Chad said the Commissioners would take this under advisement and get back to those present. There was much discussion about the amount of hours that are actually worked and the fact that the handbook needs amended regardless of what is done.

DAVE BAUM – IT BUSINESS

Dave said in December he sent to seven companies that we do business with asking for a Request for Proposal (RFP) for seven pieces of office equipment that need to be replaced. He said he received seven proposals back. Dave handed out some Vendor Comparison sheets and a Financial Data sheet he had prepared regarding the RFP's he received, which he reviewed with the Commissioners, (H.I.). Dave said he would like to get to where he would have essentially one vendor dealing with primary office equipment rather than the three or four we have now.

Dave Dolezal asked if we own the printers we are replacing, and if so, what will we do with them. Dave Baum said Ricoh was the only one who offered money for the old equipment, and they offered \$3500.00 for it. He said the other vendors would dispose of the equipment but offered no money.

Dave said Ricoh has been very good and have given us excellent service. He said they are cheaper because they have most of the state's business. Dave Baum went through the list of vendors and gave the pros of each. He said he has nothing against any of the vendors, but he would recommend Ricoh because of the price and the service.

Dave Dolezal moved to approve the purchase of seven printers from Ricoh with the \$3500.00 for the old equipment. Chad seconded the motion and it carried, 3-0.

Dave Baum said the Sheriff's Department has a used vehicle, and if IT is moved from the courthouse they will need something to go from building to building. He asked the Commissioners to keep that in mind.

Sheriff Doug Harp asked if it is ok for IT to get the vehicle. Gary asked if they have some vehicles that are ready to be cycled out. Doug said they do have and he explained what they have that will be cycled out. He said he didn't care if IT got the car as long as the Sheriff's Department doesn't get shorted in the end as far as buying vehicles. Doug talked about a vehicle that he let the Surveyor's Office have last year that was probably worth \$5,000.00 - \$6,000.00.

Gary said he thought it was more logical to buy equipment for the cars out of the Garage and Other's account or Commissary Fund rather than buying it from the CEDIT Fund, just because the purchase price of the new vehicles comes back less than the \$115,000.00 allowed in CEDIT. Doug said the jail population is going down and the Commissary accounts aren't as good as they have been in years past.

Gary asked what kind of mileage they are getting on the new Chargers. Doug said he thought for the most part they are getting around 22 miles per gallon. He said the Crown Vic's only get about 16 miles on a good day. Doug said he would look to see where they are on the budgets. When asked by Gary, Doug told what the mileage is on each of the cars being cycled out.

Gary asked about trading in the current county vehicle and keeping one of the Sheriff's cars to be used as the county car, because of the mileage on the county car. There was further discussion about that possibility.

Dave Dolezal asked if the Image car being considered for IT had a capital outlay initially. Doug said he didn't know if it was one that was confiscated or not. He said he would have to check.

Gary asked for a list of cars, the mileage on the cars, and the trade-in values for the vehicles being replaced as well as a dollar amount on the new cars. The Commissioners took Dave Baum's request under advisement until they get more information.

SHERIFF HARP - HANDBOOK

Doug said last year they requested a second opinion for a medical issue. He said at the time they couldn't find anything in the handbook about that, and it was a topic of discussion for the past Commissioners. Doug said he was looking through the handbook and he found a couple of things in it that address that, but it is in the Prerequisite Employment Hiring that it discusses those issues, and he doesn't know why it is there. He said it should also be in a different section of the handbook as well. Chad said the Commissioners are going to work on the handbook. _

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:54 A.M. and reconvened at approximately 10:04 A.M.

HIGHWAY BUSINESS – MARK GOODRICH **MISSING LAP TOP COMPUTER**

Mark said they had a lap top computer come up missing. He said they use it for diagnostic testing and the mechanic that used it last thought sure he had hooked it up to the charger. Mark said there was no evidence of forced entry or anything, but that doesn't mean someone couldn't have a key. He asked why they would take the lap top and not take the charger. Mark said they went out and looked and can't find it. Mark reported that Dave Baum in IT said he has a used lap top they could use. There was discussion about the employee's routine when using the lap top.

TRUCK UPDATE

Mark reported that truck #14, a regular truck is down because of low power and not starting, and truck #4 which is a spare truck is down while the bed is being rebuilt. He said they still have 3 spare trucks running. Mark said the bucket truck went down last week because of a piece that broke in the transmission. He said it shouldn't take much to fix it.

REQUEST TO MOVE CR 100 W - NORTH OF 900 N - JOEL MECHLINBERG

Mark said he had talked to a gentleman (Joel Mechlinberg) late in the summer or early in the fall that wanted to move CR 100 W. He said he told Joel he had no interest in moving the road. Mark said Joel wasn't content with that and asked what the next step was. He said he told Joel he would check with the engineer (Mike) and if he agreed with him then he (Joel) could approach the Commissioners. Mark said Mike thinks it would be doable. He presented a copy of an e-mail from Mike as well as a copy of a map showing the location of the property, (H.I.). Mark said he told Mike he was a little concerned with us doing this type of work because of possibly running into trouble with the local contractors. Mark talked about permits, utility relocation and other things that could be necessary which the property owner would be responsible for. He said he told Joel that the county couldn't absorb any of the costs. Mark said he told Joel the estimated cost for the county to put the road in (\$36,494.15). He said he thought Joel should get a quote from a contractor and have it done and the county would make sure it was done properly.

When asked, Mark showed the Commissioners what portion of the road it is on the map he had presented that Joel wants to move, and where Joel wants to move it to. Mark said Joel needs to put in two irrigation systems that would cost him in excess of \$300,000.00 a piece. He said if he could save putting one of them in by moving the road, it would save him \$300,000.00.

Gary asked if there are just summer trailers back that road. Mark said there are four or five full-time residences. Chad asked if any of them had been notified. Mark said they had not. While the Commissioners were reviewing the map Joel walked in. Gary asked him about his property lines. Joel showed where his property lines are. Chad asked if there was a swamp area on his land. Joel said there is a small portion of wetlands there which he thought was a tenth of an acre.

Dave asked what kind of traffic there is on the road. Joel said it is not a heavily traveled road. He said there are four houses on it.

Dennis asked Joel if he had talked to any of the neighbors. Joel said he hadn't. Dave asked if 100 W was gravel. Mark said it is gravel. Chad asked if it would be replaced with gravel. Mark said it would be.

Chad asked Joel what the maximum amount is that he would be willing to pay to have the road built. Joel said when he met with Mark he had mentioned \$35,000.00. He said that is a healthy check to write, but to put pivots up he could save the \$35,000.00. Joel said the county would go from half a mile of gravel road maintenance down to a quarter of a mile. He said he thought it would benefit him by keeping the dust out of the cattle barn. Joel said the main benefit is that it would be one big field rather than two smaller fields.

Joel asked if there is a fee to bore the soil which is what Mark had said they would want done. Mark said there is a fee, and if there is a problem with the soil, he would have to do whatever is necessary which could be quite a bit of extra cost. He said if there are any utilities that would have to be moved Joel would also have to pay for that. Mark said his guys would really like to build a road like this, but he didn't think the Highway Department would have the time to build it, and he suggested that Joel get an estimate from API or Niblock to build it.

After further discussion the Commissioners told Joel there are several steps to be taken: the landowners in that area would need to be notified; there would have to be a public hearing to allow surrounding landowners to speak; there may have to be permits, etc. The Commissioners and Dennis asked Joel to let them speak to the Highway Engineer to get a better understanding of what will be needed. Dennis said there could be so much that would be needed that it could make it cost prohibitive. Joel said he would like to have an idea of what it would cost before he continues with this.

FRED'S COURT IN MEADOW LANE 5TH ADD.

Mark said a lady called in from Fred's Court and wanted to know what it would take to get the road accepted. He said according to the minutes of the December 17, 2007 meeting, it looks like it has already been accepted. Mark said there was a three year maintenance bond and it should have been inspected toward the end of the three years, but he thought it slipped through the cracks when Keith Lytton, the previous Highway Engineer moved on. Dave asked what kind of shape it is in. Mark said it is a good road. He said the signs are all up and the roads are well built. Mark said if it was okay with the Commissioners they could begin to plow snow there and when Mike Fitch, Highway Engineer comes back he could check it out. The Commissioners had no objections.

TAX SALE PROPERTY UPDATE

Sheri Auld, Deputy Auditor in charge of the tax sale came before the Commissioner to continue her update on the tax sale properties that did not sell at the tax sale. She presented some updated information, (H.I.). Michelle Bricker, Noble County Treasurer was also present.

Sheri said she has about 13 certified notices on her desk that are going to be mailed out today, because they have to be received no later than Friday. She said there is a certificate letter that will be sent to them explaining what the process is and the fact that they have until the 18th of February to redeem the property. She said if the properties are not redeemed then the next step would be for the County to petition the court for the county to get a deed to it, and then convey ownership to the people that expressed an interest in acquiring title to it.

There was discussion that the Courthouse will be closed February 18th and that the redemption date on the letters should be changed to the 19th.

Dave asked if any of the properties have environmental issues. Sheri said the only one was R & L industries and the person interested in acquiring the property is aware of it. Dave said his concern is having the county taking title to it and then being stuck with it.

Dave asked what if there is a sewer lien on some of the properties that we don't have jurisdiction over. Dennis said they have been assigned to us, and they are liens that we are to collect then.

Sheri said the lady in charge of the sewer liens understands that if the Commissioners go through with this process the liens would be erased. Dave asked if we take title to the properties if we have a guarantee that the people that said they are interested in the properties will take them. Sheri said she didn't have anything in writing. Jackie said there would be no guarantees. She said there are costs involved with transferring deeds and she asked if there is any provision as to whether it would be the new owner's expense or the county's expense. Sheri said she would assume that it would be the new owner's responsibility. She said it is the same as when we do a tax deed and the new owner has to pay the expenses. Chad said he thought there would have to be surveys to split some of the properties. Dennis said those costs would have to be incurred by them. Chad asked if the people interested in the properties are aware of that. Sheri said she told them there could be a surveying expense.

Chad moved to proceed with the letter to the tax sale property owners with the date of February 18th being changed to the 19th. Dave seconded the motion and it carried, 3-0. Sheri will report back on the 25th of February.

HEALTH DEPARTMENT APPOINTMENTS – DR. TERRY GAFF, HEALTH OFFICER & DR. WARRENER, BOARD OF HEALTH

The Commissioners received records of appointments for the above referenced offices, (H.I.). Gary said Dr. Gaff would like to be the Health Officer to replace Dr. Warrener. His appointment would be from February 1, 2013 - December 31, 2016. Dave moved to appoint Dr. Gaff to be the Noble County Health Officer. Chad seconded the motion and it carried, 3-0.

Chad moved to appoint Dr. Warrener to the Noble County Board of Health from February 1, 2013 - December 31, 2016. Dave seconded the motion and it carried, 3-0.

Chad said he thought it would be good for the Commissioners to go out to the Weber Road Annex with Dr. Gaff to go over any ideas/concerns. That meeting has been scheduled for 3:30 this afternoon.

4-H WEEK PROCLAMATION

Doug Keenan from the Extension Office came before the Commissioners to talk about 4-H and to ask that they proclaim January 27 – February 2, 2013 at 4-H week. Chad moved to make the proclamation. Dave seconded the motion and it carried, 3-0.

STAR TEAM – FIRST FRIDAY EVENTS

Steve Hook and Kelly Tieman came before the Commissioners to ask their permission to use the courthouse square for the events as outlined in the brochure he presented, (H.I.). He said there is one event on the first Friday of May where they ask to use the inside of the courthouse. He said they use the rotunda for their kick-off dinner and they also ask for permission to use Circuit Court for a presentation.

Dave asked if there would be security so people could use the restrooms. Steve said they didn't have security last year. He said he had talked to security and they (Star Team Members who are county employees) just used their key fobs to let people in that should be let in and that kept the courthouse secure. Gary asked Steve to ask Judge Laur about using the court room.

After further discussion Dave moved to approve the STAR 2013 First Friday Events as presented. Chad seconded the motion and it carried, 3-0.

GIS – REQUEST FROM MAUMEE RIVER BASIN (MRBC) COMMISSION FOR BUILDING OUTLINES

Steve Hook, GIS Director said he had received a request from Rodney Renkenberger from the MRBC for our building outlines. He said they would use them for reviewing their mitigation steps for buildings that fall within the MRBC floodplain areas. Steve said our building outlines are only updated through 2003. He said Rodney said the MRBC had some money available. Steve said he would like to do a 50/50 cost share. Steve said we could either do the update in-house or we can use a program through Pictometry. He said he has a quote from them and he thought that would be the best way to go. Steve said instead of focusing on the eastern 1/4 or 1/3 of the county we could do the whole county for \$13,468.88 total. Chad asked if the MRBC would pay half to do the entire county. Steve said when he talked to Rodney he said he wouldn't have a problem letting us use their 50% for the entire county.

Gary asked how the building outlines would benefit the county. Steve said the Assessor, the Sheriff's Department, the Plan Commission and the EMA Director could use it and he told how they could each use it.

Chad asked Steve if this would come out of his budget. Steve said there is money in the CREDIT fund that he thought could be used. Auditor Jackie Knafel confirmed that. There was discussion about other projects Steve might need money for.

Chad moved that pending a contract or letter from the MRBC stating that they would reimburse half of the cost, that the request be approved in the amount of \$13,468.88 to have ChangeFindr do complete building outlines. Dave seconded the motion and it carried, 3-0.

GIS BUSINESS

Steve said every year there is a boundary and annexation survey that has to be filled out for the Census Bureau. He said if there are any boundary changes to the county or any of the municipalities corporate limit lines it has to be reported. Steve said he verified with Jackie that there had been no annexations last year, and he can fill out the report on line.

Steve said there will be a webinar on January 22nd for newly elected officials to help familiarize them on how to use the Beacon website.

Steve said from time to time there is a training that he would like to attend. He asked if he should notify the Commissioners about attending them. Chad told Steve that as long as he stays within his budget he didn't need to know about every single one of them.

Steve talked to the Commissioners about some boards that he is on such as the Noble County EDC Board. He asked if it is ok with the Commissioners for him to attend these meetings which are mainly during working hours. There were no objections. Dave told Steve to use his own judgment.

Steve said he had been asked to participate in Junior Achievement this year and he asked if that would be something the Commissioners would allow. The Commissioners thought it was a good idea to help the kids out.

**COUNCIL ON AGING – TRANSIT GRANT
OPERATING DATA & QUARTERLY REPORT**

Gregg Parker, Executive Director of the Council on Aging and Noble Transit introduced himself to Gary and Chad and presented the above referenced reports, (H.I.). He said the Commissioners are the pass through agent for their 5311 Rural Transit Grant funds, and that is why he is here. When asked, Gregg said they currently have 16 vehicles and they will be getting a new one next week.

Chad asked if the grant covers operating expenses. Gregg said it doesn't, and he explained where they get their operating funds. Gregg said the usage and the average miles per trip were slightly down and there was discussion as to the reasons why.

Chad moved to allow Gary to sign the voucher request for State reimbursement. Dave seconded the motion and it carried, 3-0.

CLERK'S REPORT – DECEMBER 2012

The Commissioners received the Clerk's report for December, 2012, (H.I.).

**UNSAFE BUILDINGS - SHERRY BATES & RANDY
TUCKER; REGINA HAMPSHIRE; RICHARD HATTON**

Dennis presented two Findings and Orders and a Supplemental Findings, Notice and Order re: the above referenced owners of unsafe buildings.

Dennis said the amount had been changed in the Supplemental Findings, Notice and Order for Sherry Bates and Randy Tucker because of the additional cost being beyond what had been estimated for the dumpster. Dave moved to approve the Supplemental Findings, Notice and Order for Sherry Bates and Randy Tucker in the amount of \$2914.93 for removal of demolished materials from their property. Chad seconded the motion and it carried, 3-0.

Dennis said the two Findings and Orders are just changing the date to reconvene the hearings on January 28, 2013 instead of December 31, 2012 for Regina Hampshire and Richard Hatton. Dennis said Gary just needs to sign them.

TREASURER'S REPORT

The Commissioners received the Treasurer's Report for December, 2012, (H.I.).

CANDY MYERS - RECORDER'S BOND

Dave moved to approve the surety bond for Candy Myers, Recorder. Chad seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:48 A.M. and reconvened at approximately 3:40 P.M. at the Weber Road Annex.

**TOUR & DISCUSSION AS TO USE OF SPACE
AT THE WEBER ROAD ANNEX**

The Commissioners met at the Annex with the following people for the tour and discussion: Gary Leatherman, Dave Dolezal and Chad Kline, Commissioners; Dr. Terry Gaff,

Health Department; Dick Adair, Building Inspector; Phil Jacob, Head of Maintenance; and Shelley Mawhorter, Clerk.

There were several options discussed, including moving the Health Department to the former offices occupied by the United Way and moving the Clinic upstairs to where the rest of the Health Department just moved from, all at the South Complex. There was also discussion about moving the Personal Property portion of the Assessor's Office that is at the annex to another portion of the building. Numerous options were discussed about properly utilizing space to optimize space for current and future storage needs. All present did a walk-through to determine the best course of action for an ADA compliant bathroom.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 4:35 P.M. recessed from day to day until the 28th day of January 2013, by a motion made by Dave and seconded by Chad, which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor