

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD DECEMBER 10, 2012**

Comes now the hour of 8:30 A.M. on the 10th day of December, 2012, 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:

Joy Y. LeCount, President
David J. (Dave) Dolezal, Vice President
Jack W. Herendeen, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Gary Leatherman, Commissioner Elect
Chad Kline, Commissioner Elect
and Scott Perry & Bob Braley, News Media

Absent was: Dennis Graft, County Attorney

HEALTH DEPARTMENT VEHICLE PURCHASE

Judy Fox from the Health Department came before the Commissioners to get their approval to purchase a vehicle. The purchase has been approved by the state and they do have the money for it. Jack moved for Joy to sign the title to give to Judy. Dave seconded the motion and it carried, 3-0.

UNIFIED DEVELOPMENT ORDINANCE (UDO)

Scott Zeigler, Noble County Surveyor and President of the Plan Commission Board came before the Commissioners to discuss the UDO. Scott said it is his understanding that the UDO document is done. He said as far as the maps, Steve and the Plan Commission staff will work together to produce zoning maps that reflect the UDO as best as they understand it.

Scott said the Staff and Brad Johnson with Ground Rules are under the understanding that they are only to have dialogue with the Commissioners because of a letter Brad had received. Scott said they would like to have a letter sent to Brad that says that he can discuss issues with them as they produce the maps, and when they move forward with implementation. He said there is a whole list of things that need to be completed before we implement the UDO.

Joy said if the implementation date needs to be delayed in order to accomplish all of the things that need to be done, she didn't think the Commissioners would have a problem with that. Scott said hopefully at the next Plan Commission meeting we will know for sure where everyone is going. Dave asked what is on the list that needs to be completed. Scott said there are a lot of different forms they will have to get because of the changes in the UDO, there is a

location permit, etc. There was further discussion about some of the changes that were made since the last maps were generated.

Joy said she had talked to Steve Hook, GIS Director about the maps, and he is just waiting to get some direction on how to do the maps.

Dave asked what kind of questions they would have to consult Brad on. Scott said any questions that would arise. Joy said her concern is if Brad is going to charge us. Scott said they have to be able to talk with Brad or an attorney if they have questions.

There was discussion as to whether consulting Ground Rules after the UDO was finalized would have been included in the contract. Scott said if that was included in the contract, they would need permission for the Plan Commission to talk to Brad. Joy said she would call Brad to see if that was included in the contract. When asked, Scott said he would contact Steve Hook about the maps.

PAYROLL TO BE PAID 12/13/12 APPROVED

After reviewing the payroll from 11/16/12 - 11/29/12 to be paid 12/13/12 Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

KENDALLVILLE PLAN COMMISSION APPOINTMENT

Joy said the Commissioners need to make an appointment to the Kendallville Plan Commission. Joy said she had talked to Mayor Handshoe who recommended Mike Fitch (not the same Mike Fitch as our Highway Engineer). She said she talked to Mike and he agreed to serve. Dave moved to appoint Mike Fitch to the Kendallville Plan Commission. Jack seconded the motion and it carried, 3-0.

NOBLE COUNTY CONVENTION AND VISITORS BUREAU - APPOINTMENT OF TAMMY LUCE TO BOARD & THANK YOU FOR FINANCIAL SUPPORT

Joy reported that the Commissioners have an appointment to make to the Convention & Visitors Bureau and she would recommend Tammy Luce. Dave asked if she had agreed to take the position. Joy said she had. Dave moved to appoint Tammy Luce. Jack seconded the motion and it carried, 3-0.

The Commissioners received a letter from the Visitors Bureau thanking them for their support and a copy of their 2013 budget, (H.I.).

TOWN OF ALBION – LEACHATE DISPOSAL INVOICE

The Commissioners received an invoice from the Town of Albion in the amount of \$390.00 for the disposal of 6500 gallons of leachate from the landfill, (H.I.).

ASSOCIATION OF INDIANA COUNTIES - DUES

The Commissioners received a renewal notice from the Association of Indiana Counties, Inc. (AIC) for the 2013 dues in the amount of \$1,418.55, as well as a description of the services the AIC provides for the county, (H.I.).

CERTIFICATE OF LIABILITY INS. – COMCAST CABLEVISION OF FORT WAYNE, L.P.

The Commissioners received the above referenced certificate, (H.I.).

DNR – PROPOSED NOMINATION OF LUCKEY HOSPITAL TO NATIONAL REGISTER OF HISTORIC PLACES

The Commissioners received a letter from the DNR indicating that a request had been submitted to name the Luckey Hospital to the National Register of Historic places, and the Commissioners can send a letter of support. Joy said if we want to send a letter we need to do it soon. Jack moved to have Joy develop a letter. Dave seconded the motion and it carried, 3-0.

CLERK’S REPORT –NOVEMBER 2012

The Commissioners received the above referenced report which they reviewed, (H.I.).

IDEM CREATIVE COATINGS IN KENDALLVILLE - PART 70 OPERATING PERMIT RENEWAL

The Commissioners received notice from IDEM that the above referenced permit renewal had been applied for, (H.I.).

PUBLIC OFFICIAL BONDS – SHERIFF DOUG HARP & STEVE KIRKPATRICK, PLAN COMMISSION DIRECTOR

Dave moved to approve both bonds. Jack seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes of the *December 3, 2012* executive session Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

INDOT – NOBLE COUNTY TRANSIT SYSTEM IS COMPLIANT

The Commissioners received notice from INDOT stating that the Noble County Transit System is compliant, (H.I.).

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:22 A.M. and reconvened at approximately 9:46 A.M.

HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH SPRINGS FOR TRUCK #22

Mark said he needs to purchase a rear set of springs at approximately \$800.00. Dave moved to approve the purchase. Jack seconded the motion and it carried, 3-0.

PUG MATERIAL COST

Mark said previously that he thought the pug was going to be about \$35.00 a ton and it ended up being \$38.30 a ton, which is still a lot cheaper than the alternatives.

HIGHWAY DEPARTMENT SIGN

Mark said he checked on sign letters and parts for the Highway Department (for on outside of building). He said the posts are rotting out. Mark said he could get plastic lettering

installed which he was told would last about 20 years. He said they would re-drill everything and put totally new studs in for \$1150.00. Upon hearing that there is money to do it, Jack moved to approve the purchase. Dave seconded the motion and it carried, 3-0.

CR 75 E - ENTRANCE TO CHAIN O'LAKES STATE PARK

Mike said they had a final inspection on Wednesday for the CR 75 E project into the Chain O'Lakes State Park. He said INDOT pretty much said they weren't going to do any major re-construction of the shoulders. He said Sam Boggs, from the DNR was unable to attend the meeting but he had a couple of representatives there, and they agreed they would repair the drop-off's. Mike said they all felt that within the next year the shoulders would firm up and that problem would go away. He said the DNR staff wants a nice grass seeded shoulder, so they said they would maintain the edge until it firms up. Mike said he suggested to INDOT that they stripe the roadway and they agreed that would probably help define the edge of the roadway. He said because of the weather and the timing INDOT said they would do the striping with their own paint crews, but it will probably not be done until the spring. Mike said they will send us a letter stating what they are going to do. There was discussion about who would mow the shoulders.

ROAD EVALUATIONS

Mike said he had finished driving the county roads, including the lake and small town streets. He said he didn't see any major changes. Mike said he would get all of the data put together and hopefully he could get a colored map from GIS to Mark before the end of the year so he could start planning his projects for next year. He said he didn't see any major changes, and the road evaluations were about the same this year as last year. Mike said Mark had his guys do a lot of dura patching on some of the shoulders to take care of the edge cracking, and they are really keeping up on the excellent, fair and good roads. Mike said they spent a lot of funds patching the sunken areas of the roads. He said he didn't think the evaluations would need to be done for another 3 – 5 years.

BRIDGE #134 – LETTER TO INDOT

Mike presented a letter he had drafted to send to INDOT regarding the Bridge #134 project over the CSX railroad and the county's desire to terminate all activities on the project and listing the reasons they want to terminate the project, (H.I.). The letter is also requesting that INDOT assist Noble County in requesting that ALL costs that have been expended on this project be reimbursed by CSX.

Dave moved to approve to send the letter to Mr. David Armstrong at INDOT. Jack seconded the motion and it carried, 3-0. There was further discussion about the project.

BRIDGE #12

Mike said the letting for the Bridge #12 project will be in the spring. There was a brief discussion about the project.

SHERIFF'S BUSINESS - PAYROLL PROBLEMS & JAIL COMPRESSOR PROBLEMS

Sheriff Doug Harp came before the Commissioners to discuss some payroll issues to which the State Board of Accounts has taken exception. He said arranging the work schedule is a nightmare (for the 4/2 schedule). After further discussion Doug said the best thing to do, which some counties do, is to pay them at the first of the year for all of the holidays and then when the holiday comes, they will either be off or they will get regular pay if they work it. He said other employees could complain about that, but the Sheriff's Department is the only department that works 365 days a year. No decision made.

Doug said they have two compressors on the roof of the jail that are the original compressors and they may need to be replaced. He said a representative from TRANE will meet with him Thursday to go over the options and the costs to repair/replace them. Doug estimated it could be \$30,000.00 per compressor to replace them. He said the compressors are for heating and cooling. Doug said he would have a better idea of what is needed after he meets with them.

2012 ENCUMBRANCES

Auditor Jackie Knafel and the Commissioners went over the encumbrances for 2012.

General Fund – Sheriff - Gas Oil & Lube in the amount of \$38,000.00 – Dave moved to approve. Jack seconded the motion and it carried, 3-0.

Prosecutor – Education & Training in the amount of \$761.31 for a conference – Dave moved to approve. Jack seconded the motion and it carried, 3-0.

Jail Physician & Medical Software – Sheriff Doug Harp said he has two quotes for the medical software and he explained the need for the software. Dave expressed his concern that if we get something now if it would be what could be required in 2014. Gary said when he was still Sheriff they had already started looking at software for the nurses. Joy said she didn't think we could encumber money without an invoice or purchase order. Dave moved to deny the request. Jack seconded the motion and it carried, 3-0.

CEDIT Fund – Carpeting at South Complex in the amount of \$17,809.44 – Dave moved to approve. Jack seconded the motion and it carried, 3-0.

Probation – Gavel Software in the amount of \$409.80 for computer maintenance – Dave moved to approve. Jack seconded the motion and it carried, 3-0.

Probation Computer Maintenance - Gavel Software in the amount of \$4,963.68 – Dave moved to approve. Jack seconded the motion and it carried, 3-0.

Outside Maintenance – Karr Tuckpointing in the amount of \$176,601.00 – Jack moved to approve. Dave seconded the motion and it carried, 3-0.

Highway CCD Fund – Bridge #12 in the amount of \$33,266.00 – Jack moved to approve. Dave seconded the motion and it carried, 3-0; Bridge Repairs for Bridge #134 in the amount of \$203,670.57 – Jack moved to approve. Dave seconded the motion and it carried, 3-0; Bridge Inspections in the amount of \$44,331.26 – Jack moved to approve. Dave seconded the motion and it carried, 3-0; Bridge #134 in the amount of \$74,971.64 – Dave moved to approve. Jack seconded the motion and it carried, 3-0; Bridge #70 in the amount of \$26,000.00 – Dave moved to approve. Jack seconded the motion and it carried, 3-0; 1000 E Project in the amount of \$15,000.00 - Dave moved to approve. Jack seconded the motion and it carried, 3-0; Sign Grant in the amount of \$38,121.52 – Jack moved to approve. Dave seconded the motion and it carried, 3-0; CR 150 E Project in the amount of \$30,000.00 – Jack moved to deny because of no invoice or purchase order. Dave seconded the motion and it carried, 3-0;

Local Roads & Streets in the amount of \$7,482.00 for a plow for the new truck – Dave moved to approve. Jack seconded the motion and it carried, 3-0; New truck purchase in the amount of \$159,658 - Dave moved to approve. Jack seconded the motion and it carried, 3-0.

Gas Oil & Lube in the amount of \$37,000.00 – Jack moved to approve. Dave seconded the motion and it carried, 3-0.

TAX SALE PROPERTIES THAT DIDN'T SELL

Sheri Auld, Deputy Auditor in charge of tax sales came before the Commissioners to continue the discussion from last week regarding tax sale properties that did not sell at the tax sale. She said the Commissioners had asked her to send out some letters to see if people were interested in properties if the Commissioners would take title to them. Sheri said she expected more responses, and presented a list of the responses she had received so far, which she and the Commissioners reviewed, (H.I.). They then continued the review from the list of the properties that didn't sell which they hadn't gotten to last week. The Commissioners told Sheri they would like her to contact the surrounding land owners to see if they were interested in the properties. They also asked her to send some letters to people that had expressed an interest in some of the other properties.

TITLE FOR AMBULANCE THAT IS BEING TRADED IN

Marion reported that Tom Shoemaker, (EMS Director) needs the title signed for the old EMS he is going to trade in. Joy asked if he had a delivery date on the new EMS vehicle yet. Marion said she didn't know. Joy called Tom to see how many miles was on the old EMS. He couldn't get into the EMS to check the mileage, but he said it was 250,000 +/-, and it was the one that had the blown engine. After a brief discussion it was determined that the title would be held until next week for approval, pending information on the number of miles that is on the EMS.

JOHN MAYS - CONTRACT AGREEMENT

Marion presented the contract for John Mays, Systems Analyst (IT) which the Commissioners approved last week but did not sign. Joy signed it, (H.I.).

H. J. UMBAUGH & ASSOCIATES – LIGONIER REDEVELOPMENT COMMISSION

The Commissioners received a copy of the Tax Impact Statement that was prepared by H. J. Umbaugh on behalf of the Ligonier Redevelopment Commission and a statement disclosing the impact of amending the Ligonier Economic Development Area No. 2 and Allocation Area, (H.I.).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:16 P.M. recessed from day to day until the 17th day of December 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor