

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD FEBRUARY 27, 2012**

Comes now the hour of 9:02 A.M. on the 27th day of February, 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
Dennis Graft, County Attorney
Bob Braley & Scott Perry, News Media
Eric Wolf, Observer
Chad Kline, Commissioner Candidate
and Karla Elliott, Commissioner Candidate

**SHERIFF DOUG HARP – GOVERNOR’S COUNCIL
ON IMPAIRED & DANGEROUS DRIVING GRANT**

Sheriff Doug Harp came before the Commissioners to get their approval on the above referenced grant in the amount of \$2,000.00, (H.I.). Joy explained that Dean Gillespie brought this to her last week and she signed it, and she told him it really needed to be approved in a Commissioner’s meeting.

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

The Commissioners discussed some of the Sheriff’s Department claims with Doug while he was here.

PERSONAL PROPERTY TAX - STATE APPEALS

Kim said the charges from Mark Giaquinta are \$7,000.00 so far, for three personal property state appeals which he has been handling for her (with the Commissioners permission and Dennis' recommendation). She asked where the money would come from, because she needs to turn in a claim, and it couldn’t come from reappraisal.

Kim explained the three cases Mark had been working on. She said one of them had been settled because the plant had actually closed shortly after March and they had the actual market value for the sale. When asked, Kim said for 09/10 they had 12 businesses that filed for abnormal obsolescence for a total of \$21,000,000.00 plus. She said there were four that went to the Indiana Tax Review Board. Kim said there were two more appeals that she might need help

with. Dennis is going to talk to Kim today to determine which direction to go with the other two appeals.

Dave moved to approve payment of the claim from the un-appropriated general fund. Jack seconded the motion and it carried, 3-0.

Jackie Knafel, Auditor came in at the end of the meeting and said she had calculated the 17-T (correction form) for the appeal that had been settled, and it would be over \$40,000.00 that we would be giving back. Dennis said they should check to see what the likelihood is of winning the other appeals, and how much more it might cost us for Mark's fees.

LAWN CARE QUOTES

Auditor Jackie Knafel came before the Commissioners to see if they wanted to get started on getting lawn care quotes. The Commissioners told her to proceed as usual with advertising for the quotes.

CHAIN O'LAKES FESTIVAL – USE OF COURTHOUSE LAWN & RESTROOMS

Jackie said that she had a request from the Chain O'Lakes Festival Committee for use of the Courthouse restrooms and the lawn during the festival which will be held June 6 through June 9, 2012, (H.I.).

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

QUOTES FOR INSURANCE RENEWAL - BLACK & RAMER INSURANCE

Jackie said Jarrod Ramer from Black & Ramer Insurance had been in and left a quote for renewing the county's insurance. She said there were 80 pages to it, so she only gave Joy a copy.

HIGHWAY BUSINESS – MARK GOODRICH

BARRICADES FOR RAILROAD CROSSINGS

Mark said he checked with the previous Highway Superintendent, and he said we had not supplied barricades for closed railroad crossings in the past, unless it was an emergency situation. Mark and the Commissioners agreed it would be best not to do it.

TRUCK #9

Mark said they had sent truck #9 out to be diagnosed, and it was discovered that 4 injectors are bad, and the recommendation was to replace all 8 of them at a cost of \$1,840.00 for the injectors, with the Highway Department doing the work.

Jack moved to approve the replacement of the eight injectors. Dave seconded the motion and it carried, 3-0.

**LETTER TO UTILITY COMPANIES RE:
UTILITY PERMITS**

Mark presented a copy of a letter that was sent to the utility companies explaining what the Noble County Highway Department expects from them when they obtain a utility permit, (H.I.). There was a separate letter sent to NIPSCO because of some problems that need to be resolved, (H.I.).

HIGHWAY DEPT. WORK CREW

There was discussion about the Chain O'Lakes Work Crew that is assigned to the Highway Department going to the Library and cleaning the sidewalks and the parking lot before they come to the Highway Department. Mark said he was told the Library has a contract for the camp crew to go to the library before they go to the Highway Department. There was discussion that no one in the county knew about the arrangements and there was concern that they would be using the same work crew for both things, and how the county is being charged on the days they go to the library first. Joy will contact Chain O'Lakes and the library to get some answers.

SIGN PROJECT

Mark reported that the sign project is supposed to start this week.

TRUCK #3

Mark gave an update on Truck #3 that was damaged when a plow came loose. Mark said he has a couple of the Highway Department men working on the repairs.

**INSURANCE MONEY RE:
REPAIRS TO TOTAL PATCHER**

Mark said that we received an additional \$409.37 from the insurance company for extra repairs made to the Total Patcher.

ROAD SCHOOL

Mark asked permission to attend Road School on March 7th and to take two of his employees with him. The Commissioners were in agreement with the request.

ROAD SIGNS & POSTS

There was a brief discussion about the new road signs and posts that will be installed, and whether the new posts will be strong enough to accommodate the new signs.

TRUCK #9

Mark said they had been diagnosing truck #9 and found out that it needs an electronic control which would cost \$2,898.00. Mark said \$550.00 of that would be a core deposit which we will get back.

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

GROUP INSURANCE

Mark said Marc Fisher, Bookkeeper at the Highway Dept. said at one time group ins. was taken from the general fund, and he would like to see about getting it done that way again.

DURA PATCHER

Mark told the Commissioners about the Dura Patcher he purchased at an auction. He said they hadn't used it yet because they have to get the electrical set up on it. When asked, Mark said it is basically like what we already have. He said they started it up and ran it for a while and it sounded good. Mark said the issue the previous owner had with it was that the man that had ran the machine for them left and went to another job, and no one knew how to run it. He said when they got it back here to the shop, it still had tar in it. Mark said there were some minor things that the previous owners didn't understand about it.

Jack asked if it is ready to go now. Mark said outside of the electrical hook up it is ready to go.

SMALLEY LAKE - SOUTH KECK DRIVE

Joy said she had a call from Annette LeMaster who lives on South Keck Drive at Smalley Lake. She said her concern was that an area farmer has rented some pasture land and they are bringing their beef truck in. Mark said he had talked to Mr. Snider about it, and he had a list of complaints, one of which is that they are blocking the traffic and he didn't think the trailers were properly lighted. Mark said he told Mr. Snider he would talk to the person about blocking the road. Joy said she told Mrs. LeMaster that the Commissioners couldn't stop commercial use of the road. She said Mrs. LeMaster's complaint is that it is the only way they have in and out. Joy said she asked Mrs. LeMaster if it is for long periods of time, and her reply was that it isn't more than 20 – 30 minutes that they have a truck there. Joy said as wet as it is, they can't get the heavy truck out in the field or they would get stuck.

DRAFT G OF UNIFIED DEVELOPMENT ORDINANCE (UDO)

Present for this portion of the meeting in addition to those listed above were: Steve Kirkpatrick, Plan Commission Director and Randy Sexton.

Joy said the Commissioners received a copy of Draft G of the Unified Development Ordinance (UDO) which was certified at 12:01 A.M. this morning, (H.I.). Joy said it is her understanding that according to the Indiana Code that today they have four options. She said they can accept it; they can reject it; they can amend it; they can decide that they need further consideration (since they haven't had time to read it). Joy said she thought the Commissioners should set a public hearing date. She said the Commissioners had been telling the public that they would be given time to make any additional comments that they want to, and she had been looking at the calendar as to when they might do that. She gave suggestions for dates as follows:

March 12 in the Dekko room from 7:00 – 8:00 P.M. at the South Office Complex;

March 30 in the upstairs meeting room at the South Office Complex from 8:00 - 10:00 A.M.;

Monday, April 16 in Commissioners room from 2:00 – 3:00 P.M.;

April 26 work session for Commissioners to review written public comments at 8:30 A.M. in the

Commissioner's room;
May 2 additional work session if needed;
May 14 Public Hearing from 10:30 - 11:30 A.M. (during Commissioners meeting)

Dave moved to take no action today and to consider the proposed ordinance based on the dates given. Jack seconded the motion and it carried, 3-0.

Joy requested that copies of the UDO be put in all of the public libraries in the county. Steve said he would take care of that.

Joy asked for a brief breakdown on the changes to the maps that had occurred, which Steve gave.

CLAIMS APPROVED

After reviewing the claims to be paid today's date, Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

CERTIFICATE OF INSURANCE – MICHAEL & MELISSA MERONEY

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

WEIGHTS & MEASURES REPORT - JANUARY 16 - FEBRUARY 15, 2012

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

HUMANE SOCIETY REPORT – JANUARY 2012

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

MEDIACOM - CONTACT INFORMATION

The Commissioners received a request from Mediacom for some updated information including the request for e-mail information, (H.I.). Joy said to put the Auditor as the e-mail contact person.

IDEM – LANDFILL ISSUES

The Commissioners received a letter from IDEM regarding the Statistical Evaluation Report of the August 2011 Sampling Event, and discussion regarding additional information that is needed, (H.I.). The Commissioners also received a letter from IDEM regarding the Methane Monitoring Schedule, (H.I.).

Joy said we are having additional leachate at the landfill, and she had talked to Beth Shellman, Albion Town Manager, and Beth said she thought the town could accept more leachate for disposal, but she would like to have the request put in writing.

There was discussion about some areas where water is standing, and that water is standing in people's yards too. There was talk about replacing a driveway pipe and other things that could be done to improve the situation at the landfill.

Jack said he thought we should agree to one more load of leachate disposal for the time being, and then see what happens. There was discussion about having some water sampling done also.

IDEM – KENDALLVILLE IRON & METAL

The Commissioners received notice from IDEM that they had requested additional information from Kendallville Iron & Metal to go with their request for a permit renewal, (H.I.).

IDEM – CITY OF LIGONIER

The Commissioners received information from IDEM about a permit they had issued to the City of Ligonier for construction of a sanitary sewer system, (H.I.).

PROACT INC. - PRESCRIPTION DRUG DISCOUNT CARD PROGRAM

The Commissioners received information from ProAct Inc. indicating that they can provide an average savings of 47% for Noble County residents compared to the 24% that NACo says (on their website) that they saved Noble County residents, (H.I.). The information also says that ProAct savings are not contingent upon an association membership. No action taken.

PLAN COMMISSION 2011 YEAR END REPORT

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

KARR TUCKPOINTING – COURTHOUSE EXTERIOR MASONRY PRESERVATION, MAINTENANCE & REPAIR

The Commissioners received a letter from Karr Tuckpointing thanking them for letting Karr inspect the courthouse, (H.I.). They received a second letter from Karr thanking them for allowing Karr to submit a proposal concerning repair and maintenance of the Noble County Courthouse, (H.I.). In addition to the proposal, Karr submitted a Statement of Contractor's Qualifications and a CD, (H.I.).

The Commissioners will review this information on March 14, 2012 at 11:00 A.M. See that file for the Karr proposal and related paperwork.

STAR TEAM – FIRST FRIDAY EVENTS

Steve Hook came before the Commissioners to talk to them about use of the courthouse lawn and in one instance the use of the courthouse for the Star Teams First Friday events. The dates as given by Steve were: April 20th use of courthouse; May 4, June 1, July 6, August 3, September 7, October 5 and October 26, use of the courthouse lawn.

Dave moved to allow the Star Team to use the courthouse on April 20, 2012 and to use the courthouse grounds on the other occasions. Jack seconded the motion and it carried, 3-0.

**RECORDER – REQUEST TO PURCHASE
LARGE SCALE SCANNER**

Shelley Mawhorter, Recorder came before the Commissioners to request permission to purchase a WideTEK 25 large scale scanner, (H.I.). She said right now, if she scans a plat or a survey, most of the times it can't be read because it is so small.

Shelley said it would cost about \$12,000.00 and she would take it out of her Perpetuation Funds. She said Dave Baum, IT had looked at it and they had discussed it. Shelley said she would prefer to have this scanner rather than a book scanner, because it will do what she wants and it is smaller than a book scanner. She said she doesn't have room in her office for a book scanner.

Shelley said she doesn't have the capability to print the bigger copies in her office, but GIS does if we need it. Shelley said other offices could use the scanner also.

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

**MINUTES APPROVED – FEBRUARY 6, 2012,
FEBRUARY 13, 2012**

February 6, 2012 – Dave moved to approve them as amended. Jack seconded the motion and it carried, 3-0. February 13, 2012 – Jack moved to approve them as amended. Dave seconded the motion and it carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:42 A.M. recessed from day to day until the 5th day of March 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor