

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MAY 21, 2012**

Comes now the hour of 9:08 A.M. on the day 21st of May, 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
Chad Kline, Commissioner Candidate
and Bob Braley and Scott Perry, News Media

JOB CLASSIFICATIONS

Present for this portion of the meeting were: Jim Mowery, Prosecutor's Office; Michelle Bricker, Plan Commission; Dave Baum, IT; and Doug Harp, Sheriff.

Jim passed out a spreadsheet regarding the job classifications. He said last year the Department Heads continued to hear from the Council that the Council didn't feel like they had a good mechanism by which to evaluate different groups of employees. Jim said the Council is also struggling with merit increases. He said they (job classification committee) are looking at that as two different endeavors. Jim said they started with the classifications. He said of the department heads that were asked who wanted to be on the committee, the people on it are: Jim Mowery; Dave Baum; Michelle Bricker; Doug Harp; and Jackie Knafel, Auditor.

Jim said their current goal is classification, not dealing with individual job descriptions and evaluations. He said they began by looking at the salary ordinance. Jim said Dave Baum has been acting as the secretary and he generated the excel version of our current salary ordinance. Jim said they developed a list of criteria for generating classifications such as: do they supervise employees; is there licensing or education requirements to do the job; how significant is interaction with the public; and how significant are the liability issues they deal with daily. Jim said the easy part of the process is completed and that is what has generated the spread sheet. Jim said the process now would be to get with the department heads and go over the criteria for the different jobs and to see how they would fit into the different categories. Jim said they decided before they go any further to make sure they are doing what the Council wants them to do, and to make sure it is something the Council and Commissioners are going to be in favor of adopting and following.

Joy said she thought this is headed in the direction that the Commissioners had hoped. She said the concern that she personally has, is how we determine without some kind of

partiality, the value of a job as opposed to the value of another job in that same office that might have more responsibility. Joy said she thought that would be a tough thing to do internally.

Jim said if you take the Auditor's Office for example, there are six Deputy Auditor's and they do dramatically different things. He said it may end up that we have Deputy Auditor's that are spread in different categories, and if that is the case it would seem to justify a review from the Council to see if there should be different pay rates for the different positions. Jim said it is not to say that one position is more important than the other, but as Dave Baum has pointed out to them, the real value of an employee is what it would take to replace that employee. He said they are looking at getting a framework together to even start the examination. Jim said they have certain groups that say they would like to do evaluations and give merit raises, but to him that is 3 or 4 steps down in the process.

Jim said there has been discussion about hiring an HR person. He said he thought there should be someone or some group that will be responsible to continue the work on this and make sure it is being followed. He said the work will be significant and if it is not done, this will just die.

Joy talked about how they are doing the job classification at the library. She said ours would not be as simple as the library's, but it would be a starting point.

Jim said they have a meeting coming up where the whole concept will be discussed. He said the committee isn't concerned with whether we need an HR director or not. Jim said they are really interested in what they have done, but they want to make sure they aren't wasting their time to continue on with the classifications, because they all have important jobs and a lot of work to do.

Joy said regardless of whether we have an HR person, she thought this was something that should be continued.

Jack asked if the committee had checked with surrounding counties to see if they are doing anything like this. Jim said Auditor Jackie Knafel isn't present, but she was to have checked with some surrounding counties.

Joy asked from the committee's standpoint, what they thought. Jim said they were thinking about trying to get this done by budget time. He said we are facing a time where both boards are going to have a significant transition and we will have two very different boards next year. He said the committee didn't want to continue the work and then be told at the end that it really isn't what was wanted.

Joy asked Jim if the committee had discussed how the job descriptions would be developed internally. Jim said they hadn't. He said they are focused on trying to get the categories put together.

There was discussion about a joint meeting of the Commissioners and the Council at 7:00 P.M. on May 31st at the Weber Road facility.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:29 A.M. and reconvened at approximately 9:36 A.M.

HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH

CHAIN O’LAKES STATE PARK ACCESS ROAD (CR 75 S) – AGREEMENT BETWEEN INDOT & NOBLE COUNTY

Joy read the first three pages of the above referenced agreement aloud, leaving the General Provisions unread, (H.I.). Joy asked Mike if he had reviewed the entire document. Mike said he had. He said they are standard. Mike said the construction project is scheduled for an August 20, 2012 letting and they could start construction this fall and be completed next spring.

Jack said there are some trees pretty close to the road and he asked if it would be up to INDOT to cut them. Mike said he didn’t think they would be cutting any trees down. Jack said his concern is the big cottonwood trees that grow fast and are already pretty big around and they are already blocking the ditch.

Mark asked if the Highway Department could work with the park on the trees. Joy said the park has a crew that works inside the park. She suggested to Mark that he talk to Sam at the park. Jack said as time goes by, the trees will become a nuisance to the road.

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

BRIDGE #134 – ADDITIONAL FUNDS REQUEST

Mike said he had received an e-mail from Dave Armstrong regarding a request for additional funds for the Bridge #134 project.

PAVEMENT MANAGEMENT SEMINAR

Mark reported that he would be going to a pavement management workshop. Mike said he will also be going.

MARSHA MICHAEL - LETTER RE: CROMWELL ROAD & 869 WEST

The Commissioners received a letter from Marcia Michael regarding the poor condition of Cromwell Road and CR 860 West. Mark said he would contact her and let her know they are working on the Cromwell Road. He said 860 is in terrible shape, but it is one of them that costs too much to repair at this point.

MOWING

Mark reported that they have started mowing with two of the tractors. He said the tractor that had the tank problem is not being used yet. Mark said there is a rubber plug that was put in when they took one of the two tanks off to put the hydraulic system in. He said the rubber had cracked, and that is where the leak was, and they are probably looking at a \$5.00 or \$10.00 fix on the tank compared to a \$700 fix.

BED IS BAD ON TRUCK #1

Mark said the bed is bad on truck # 1 and it is shut down.

Mark said they have it set up with Brown & Sons to get the oil checked in all of the trucks one time for free. Mark said the oil check on truck #1 came back with high metals in the oil, which they said signified a good possibility of potential engine failure. He said they also had just put all of that work into that truck, and this is the first service after they re-worked the head on it. Mark said Brown's said that could have caused that. He said he told the mechanics not to do anything with the bed until they pull another oil sample on it.

Jack asked if we do dura patching with it. Mark said we don't and that it is just a spare truck. He said it is the oldest truck we have. Joy asked if that is the truck they are going to replace. Mark said he had hoped to replace truck #3.

Jack asked if the oil sample came back ok, if fixing the bed is something that could be done in-house. Mark said it could be, and he thought it could be fixed for less than \$1,000.00.

INTERSECTION OF US 6 & 300 W NEEDS MOWED

Joy asked Mark if he has contact with INDOT in Brimfield. She said at the intersection of U.S. 6 and 300 W in Wawaka, they really need to mow the right-of-way, because when you drive up in a car and are short, you can't see a car down in the dip to the west because of the tall grass. She said it is a dangerous situation, especially if you drive a small car. Joy said you have to pull up into the westbound driving lane to see.

CHAIN O'LAKES STATE PARK ACCESS ROAD (CR 75 S) – AGREEMENT BETWEEN INDOT & NOBLE COUNTY CONTINUED

David Armstrong from INDOT was here to pick up the above referenced agreement. Mike told David that Jack had brought to his attention that there are some large cottonwood trees that are real close to CR 75 S. David said INDOT wasn't going to do any clearing or maintenance of the roadway. Mike said Mark was going to check with Chain O'Lakes State Park. Mark asked if that is something we could go ahead and do if we thought it would help. David said "Yep". He said their plans had been sent to the central office for letting, so they should have the road all fixed up for the winter, and for several years.

SPEED LIMIT ORDINANCE – LIMA ROAD (OLD STATE ROAD 3) NORTH OF LAOTTO

Joy read the proposed ordinance aloud, and showed proof of advertising, (H.I.). After some discussion Dave moved to approve ordinance #2012-03, setting the speed limit on Lima Road just north of LaOtto at 45 MPH. Jack seconded the motion. There being no objections from the public, the motion then carried, 3-0.

CLAIMS TO BE PAID 5/21/12 APPROVED

After reviewing the claims to be paid 5/21/12 and getting answers to their questions Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

**CONTRACT WITH KARR TUCKPOINTING
FOR COURTHOUSE EXTERIOR UPKEEP**

The Commissioners briefly reviewed the contents of the contract, (H.I.). Jack made a motion to move forward with the contract in the amount of \$176,601.00. Dave seconded the motion and it carried, 3-0.

**BROWNFIELDS ASSESSMENT COALITION –
MEMORANDUM OF AGREEMENT**

The Commissioners received a copy of a memorandum of agreement between the counties of Adams, Allen (excluding Fort Wayne), LaGrange, Noble, Steuben, Wells, and Whitley, who have formed a coalition to apply for a U.S. EPA Brownfields Hazardous Substances and Petroleum Assessment grant.

Joy read from the agreement some of the requirements that will need to be met.

Dave asked what possible sites we have. Joy said she would assume the foundry sites across from Lisbon Road, which would be in Kendallville’s jurisdiction, but in Noble County.

Joy said it looks like all Noble County has to do is to provide the necessary permits, easements, and/or access agreements.

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

**PLAN COMMISSION - PROPOSAL TO COMBINE
PLAN COMMISSION & BUILDING DEPARTMENT
OR TO REMODEL PLANNING/BUILDING OFFICES -
POSSIBLE LOSS OF DIRECTOR & ADMIN. ASSISTANT**

The Commissioners received a letter from the Plan Commission with the above referenced proposals, and giving notice that there is a chance that the Plan Commission could lose their Director (Steve Kirkpatrick) and their Administrative Assistant (Michele Bricker) at the same time, (H.I.).

The first proposal would be to combine the Planning/Building Departments with one overall office/staff Supervisor. The second proposal would be to remodel the Planning/Building Offices, clarify duties/processes for each, and hire at least one 1/2 or 3/4 time Planning Zoning employee. No action taken.

**OPPOSITION TO REZONING OF HOWARD
REX PROPERTY IN NOBLE TOWNSHIP**

The Commissioners received several letters from property owners in the area of the Rex property, voicing their objection to the rezoning of the property from B-3 to HI,

(H.I.). According the Plan Commission Director there is no rezoning being requested at this time, but the concern is if the Unified Development Ordinance would get passed.

**THE SCHNEIDER CORPORATION -
CERTIFICATE OF LIABILITY INSURANCE**

The Commissioners received the above referenced certificate showing that the Schneider Corporation has liability insurance, (H.I.).

**NATIONAL INSURANCE SERVICES –
HEALTH INSURANCE**

The Commissioners received information from Carol Johnson who is with National Insurance Services of WI, Inc., about the implementation of practical solutions that address the escalating cost of health care for cities and counties, without changing providers, (H.I.).

**CERTIFICATE OF INSPECTION – BOILERS IN
COURTHOUSE & AT PROSECUTOR’S OFFICE**

The Commissioners received three certificates of inspection for the courthouse boilers, two of which were for hot water heating and the other for the expansion tank, (H.I.). They also received a certificate for the Prosecutor’s Office for the hot water heating, (H.I.).

**IDEM – TOWN OF AVILLA PERMIT APPLICATION FOR
IMPROVEMENTS TO WASTEWATER TREATMENT PLANT**

The Commissioners received notice from IDEM that they had approved the above referenced permit, (H.I.).

IDEM – PERMIT ISSUED FOR UHL FUEL DEPOT

The Commissioners received information from IDEM informing them that a permit for Uhl Fuel Depot had been issued to allow them to discharge non-processed wastewater to Henderson Ditch, (H.I.).

TREASURER’S REPORT – APRIL 2012

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

**INDIANA ASSOCIATION OF COUNTY COMMISSIONERS
MANDATORY ANTI-NEPOTISM POLICY – ANTI-SMOKING POLICY**

Joy said she received from the Indiana Association of County Commissioners Executive Director, notice that by the first of July the Commissioners must have enacted a mandatory anti-nepotism policy. She said the Commissioners also have to address some on-site smoking issues by July first as well. Joy said there can't be smoking within 8 feet of an entrance where the public comes in to a public building.

EMC INSURANCE – PERSONAL PROPERTY

Auditor Jackie Knafel presented the list of buildings and building contents which are to be covered by insurance, that now has the Cromwell EMS building and contents, and the Public Defender's Office listed, (H.I.). Dave moved to approve the list of buildings and contents to be insured through EMC Insurance. Jack seconded the motion and it carried, 3-0.

RECESSED & RECONVENED

The Commissioners recessed their meeting at approximately 11:12 A.M. and reconvened at approximately 11:17 A.M.

UNSAFE BUILDINGS & JUNK AT BEAR LAKE

Present for this portion of the meeting were: Dick Adair, Building Inspector; Steve Kirkpatrick, Plan Commission Director; Tammy Goodrich; Betsy Thompson; Jack Thompson; Elisabeth Erazo; Debra Cupp; Shelly Cupp; Lee Rottinghaus; Bobbie Nix; Judy Weisenburger; Alice L. Buckles; Penny Agler; Leota Rhodes; and Mark Goodrich.

Joy asked who would be the spokesperson (for the “Noble County Blight” members, as Lee Rottinghaus had said they were called when she asked to meet with the Commissioners). Lee said she would be the spokesperson. Joy asked how they ended up coming here today. Lee said they would like to talk about the ordinance for condemning unsafe and dilapidated properties as well as the junk ordinance. Lee presented an agenda, (H.I.). She then read a prepared statement, prepared on behalf of seven property owners representing one million dollars of value in Noble County Real Estate (at Bear Lake), (H.I.). Part of the statement indicated that they believe we need tighter ordinances, especially when it comes to dilapidated and dangerous structures, not just because of the property value issues, but because of safety issues.

Lee asked about the Tucker property on 6th street. She said they understand it has already been condemned, and she asked if there is a deadline for when it should be removed. Joy said there is no deadline at this point, because the county has been months trying to notify the second owner and she believed that had happened in the last couple of weeks. She said Mr. Tucker is working on getting that removed, but she didn't know what his schedule was.

Dennis said the property hasn't been condemned yet. He said there had been an earlier hearing set but there wasn't notice given to the other owner. Dennis said the problem is that we weren't able to find her, but recently Dick was able to find her living in Michigan, and she has been given notice of the new hearing date. He said in the interim Mr. Tucker is working with Dick to try to make arrangements to tear it down and have it moved away.

Lee asked about the Hatton property on 6th street. Dick said he has been unable to talk to Mr. Hatton. He said he has talked to a neighbor across the road. Dick said he had been told that Mr. Hatton intends to tear the house down and keep the garage. He said he would have to give him a limited amount of time to do it. Dick said it is condemnable and it is falling down.

Lee said they have several properties that the owners acknowledge are problems. She said she understands that there are resource limitations, but what do they do as homeowners to get the blighted properties removed. Lee said Mr. Hatton might avoid Dick for weeks or months, and it is unsafe for the children living in the neighborhood. She said it is a public health and

safety issue. Lee said they are more than willing to help. She said it is not very acceptable to those who keep up good properties and live in the neighborhood.

Joy asked Lee how long she had lived there. Lee said she is a vacation home owner and she owns two other properties on the lake. When asked by Joy how long she had owned the properties, Lee said she has owned one property for about two months and the other for about six months. She asked if that is material. Joy said it is, because these properties existed in that condition when she purchased her property. She said it is not a surprise.

Joy said they have property owners on both sides, and we have to consider the circumstances of all of the property owners.

Lee had more questions about the Hatton property. Joy said the issues are worked out between the property owner and Dick. She said the county doesn't have funds to take the building down. Lee said they are offering their assistance and asked if there was something they could do. Joy said we have to let the process do its thing. Lee said she is just asking for a consistent process. She said we have to be fair to all homeowners. Joy said we have an ordinance that outlines the process. Lee asked if the ordinance is on the web site. Dick said it is.

Dick said he wrote Mr. Hatton a letter three or four weeks ago indicating that he needs to get inside the home. He said Mr. Hatton was supposed to meet with him one day at 2:00 and he got called to work, so he asked the neighbor to respond for him. Dick said the neighbor told him that Mr. Hatton wants to tear the house down this year but he wants to save the garage that is back behind, and he is already working on repairing the garage. Dick said the maximum amount of time he could give Mr. Hatton to get started tearing the house down is 60 days.

Lee asked if there is any way they could receive written follow-up for complaints they have filed regarding what is being done on unsafe buildings and junk. She said Steve is good to respond. Richard said they document the process as they go and they are free to come in and view where they are at on different ones. He said it is all public record.

Lee questioned if there could be any help from the trustees, state, non-profit agencies, etc. for funding to take down condemned buildings. She was told there is no money available from any of the agencies that the Commissioners are aware of.

Tammy said she hears two things coming from Lee. She said she says she is willing to help and offer assistance, and the other thing is that she is just about removal, removal, removal. Tammy asked Lee if she really wanted to beautify or is she just wanting to get rid of. Lee said she was specifically talking about the Tucker and the Hatfield properties. Tammy told Lee if she starts picking on one property she is going to be picking on the whole lake.

Someone asked Lee about the photographs of homes she posted all over her blog for everybody, with pictures of homes she considered blighted for everyone to see.

Tammy said she has a shed that was built with the roof where if you looked at it from the outside you would think the roof was caving in, but the man that built it built it that way.

Joy told those present that she thought they needed to have a community meeting in their area and get everyone there that has an interest, because some of the things that have been brought to the Commissioners are things that they cannot address.

Lee asked if it is necessary for someone filing a complaint to be identified. Dennis said it is a requirement of the BZA and they are the ones that would have to be talked to. Lee asked if there is an ordinance on property tax arrearage. Joy said there is a state law.

Elizabeth Erazo said when she saw the web-site it was troubling to her. She said she went and talked to her community members and let them know that their houses were on the web-site and were up for discussion today. She said over the weekend she got over 40 signatures on a petition, and she read the petition aloud. Elizabeth said that she thought all of the people

that signed the petition are year around residents who take their responsibilities as residents and voters very seriously. She presented the petitions and a copy of what was on the internet (about the blighted homes).

Bobbie Nix said she was not aware of the web-site until it was already up. She said her concern is that Jack and Betsy Thompson had to tear down their condemned home and Randy Tucker doesn't have to. Dennis once again explained the process of the notification of the second landowner and the hold-up it has caused on the Tucker property.

Betsy Thompson said there was no money for them when they had to tear down their house, and that they had to sell a car and take their senior citizens savings to do it. Joy emphasized that there is no money for Mr. Tucker to tear his house down either.

Joy said each one of us have our own property rights that need to be respected. She said the Commissioners have to treat everyone the best they can, and to work within the guidelines of authority that they have. Joy said she thought the staff is doing the best they can, with the amount of money they have.

Jack said Bear Lake is not the only one that is having problems with this. Joy said prior to the junk ordinance being implemented January 1, 2011, starting in 2004 there were 90 complaints, and of those 90, 6 were from Bear Lake. She said since the ordinance has been implemented there had been 58 complaints and 25 of them were from Bear Lake. Joy said 43% of the complaints that Steve (Plan Commission Director) had dealt with since the ordinance went into effect are from Bear Lake. She read where the rest of the complaints came from.

Dave asked if there had been any attempt to start a Home Owners Association. He said it sounds like both sides want to get things resolved, but you have to have some kind of personal relationship that needs to start at the local level.

There was discussion about the East Shore Conservancy District which apparently only deals with the east side of the lake. Bobbie said she went to them and asked about the Tucker house and she was told they only deal with the beach. She said their main concern is safety.

EMA - COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

Mick Newton, EMA Director came before the Commissioners to have the Comprehensive Emergency Management Plan for Noble County approved. Joy told Mick that Dennis thinks the document needs to be promulgated.

Dennis said with the new promulgation form that they have it talks about updates in the future so we wouldn't have to do this again. He said the old one didn't say that, so he would feel more comfortable if we did it again.

Mick asked what the procedure is. Dennis told Mick he could just re-draft the promulgation and bring it in to a Commissioners meeting.

DAVE BAUM – SPACE AT OFFICE COMPLEX SOUTH

Dave Baum said he was here to see who was going to be located where at the south complex (so he could complete the wiring).

Dave Dolezal asked Dave Baum if he was an advocate of the IT Department moving to the south complex. Dave Baum said he had gone over that in his mind. He said there is no good answer, but the best answer given the current situation is for them to be there.

Jack asked if IT spends more time in the courthouse itself. Dave Baum said they have more users in this area than anywhere else. He said they do a lot of their support remotely. Dave Baum said they have to support everybody. He said the Sheriff and here have the two largest user bases, and neither of them have space that is really appropriate for what they need.

Jack said the Commissioners had tried to make the south complex handicapped accessible. Dave Baum said the Weber Road facility is already handicapped accessible. He said there are no stairs or anything.

Dave Dolezal asked Dave Baum if he would utilize the downstairs at the south complex. Dave Baum said downstairs would be basically a lab, storage and where they work on equipment. He said upstairs would be used for office space. There was discussion about what space Dave Baum thought he would need if IT moved to the south complex.

Dave Dolezal said if the Health Department moved to the Weber Road they would be on one level. He asked Dave Baum if IT moved to the south complex if GIS would then move into his area upstairs. Dave Baum said all he would need upstairs would be a desk and a computer.

Dave Baum said all he was asking for was the space currently being used by the clinic. He said they (IT) don't need the space used by the rest of the Health Department.

Joy suggested that some time in the next two weeks the Commissioners have a special meeting because they don't have time to discuss this in their regular meetings.

Dave Baum said he just wants to know what he needs to do. Joy asked Dave how "where people are located" would make a difference in what he does. Dave said if they are going to move his operation, now is a good time for them to start looking at taking advantage of moving some of the stuff while they are doing stuff at the south complex. Joy asked if the wiring would be different if he was located there than it would be if the Health Department were there. Dave Baum said not substantially. Dave said if he is going to relocate he has to plan for that, and he would like to do it while he has the extra people this summer.

LONG RANGE PLANS

Dave Dolezal said he has a list of long range plans that he would like to discuss at a later time. He said one of the issues would be take-home cars and who has them and why, which sparked a brief discussion.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:07 P.M. recessed from day to day until the 29th day of May 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor