

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD JUNE 11, 2012**

Comes now the hour of 9:07 A.M. on the 11<sup>th</sup> day of June, 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 @ 9:58  
Jack W. Herendeen, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor  
Jacqueline Knafel, Auditor @ 3:00  
Dennis Graft, County Attorney  
and Scott Perry & Bob Braley, News Media

**PAYROLL TO BE PAID 6/14/12 APPROVED**

After reviewing the payroll from 5/18/12 - 5/31/12 to be paid 6/14/12 Jack moved to approve it. Joy seconded the motion and it carried, 2-0.

**TOWN OF ALBION - INVOICE FOR  
LEACHATE DISPOSAL FROM LANDFILL**

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.).

**IDEM - PARKER HANNIFIN PERMIT RENEWAL**

The Commissioners received notice from IDEM that Parker Hannifin in Albion has applied for renewal of their air permit, (H.I.).

**HUMANE SOCIETY REPORT - MAY 2012**

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

**EMC INSURANCE CO. - LOSS CONTROL INSIGHTS**

The Commissioner received the Loss Control Insights from EMC Insurance Co. which contained some information on lost time injury costs, avoiding ADAAA claims, chemical hazard protection for workers, etc.

## **TREASURER'S REPORT - MAY 2012**

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

### **MINUTES APPROVED**

After having reviewed the minutes and making corrections as needed, the following actions were taken: *April 26, 2012* – Jack moved to approve them. Joy seconded the motion and it carried, 2-0; *May 2, 2012* - Jack moved to approve them. Joy seconded the motion and it carried, 2-0; *MAY 7, 2012* - Jack moved to approve them. Joy seconded the motion and it carried, 2-0; *May 9, 2012* - Jack moved to approve them. Joy seconded the motion and it carried, 2-0.

### **HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH** **STATE HIGHWAY ROAD CLOSURES - BASELINE ROAD** **@ SR 9 AND CR 400 E @ SR 8 FOR CULVERT REPLACEMENT**

Mark said someone from the State Highway Department called to let him know they would be closing the above referenced roads for culvert replacement. Mark said they told him they would contact the Sheriff's Department about the closures.

Jack asked how long the roads are supposed to be closed. Mark said just for one day.

### **SIGN PROJECT**

Mark said that Mike Delp told him they would be done by Wednesday with the sign project. He said Mike told him he was short approximately 100 signs which would have to be ordered. Mark said Mike told him they would be back in a few weeks to finish.

Joy said when we met with him he thought they would have extra signs. Mark said they do have extra signs. Joy asked if they are going to return them. Mark said he wanted to know if we would want to buy them. He said he called Mike, and Mike asked him to find out how much they would cost. Mark said Mike told him if there was extra money left in the federal project that would pay for them. He said if not, it is up to us whether we want to buy them. Mark said most of them are stop signs.

Mark said they are trying to get a list compiled of the complaints they have had. He said the township drivers are out today. There was discussion about concerns that had been brought up about the sign project. One of those concerns was about a couple of areas where three-way stops were changed to four-way stops. Joy, Jack and Dennis said they can't just put signs up where there had never been any before, because we don't have an ordinance to have them there. Another concern was a stop sign that was added on a through road. Mark said there was a T intersection where they removed a stop sign. He said apparently there are a few state signs that have been replaced also, and they shouldn't have been.

Jack said they left the old posts and put signs back on them in some places. Mark said Jill said they were short on money. Mark said the purpose of the project was strictly to get the high reflective signs up, so she left posts up on a lot of them.

Joy said she would contact Jill (Palmer, Schneider Corp.) and let her know about our concerns, and to ask for a meeting before the project is finalized.

## **WEDGING**

There was discussion about some wedging that had been done. Jack said what they put down looks good.

## **SHOP FOREMAN POSITION**

Mark said the position for a shop foreman has been advertised internally. He said he thought there were a couple of men from within the Highway Department that are interested.

## **TRUCK HOIST PROBLEMS**

Joy asked Mark to get some information on truck hoists to see what we could use to replace the one we currently have. Mark said he was thinking about getting the company that LaGrange County had been working with to come down and give a recommendation of what would work there. He said there was another lift that he had heard a lot about and that company is in Fort Wayne. Jack said getting that replaced is something that has to be done. Mark said he would make some phone calls today.

## **900 W 200 N - DETOUR AROUND CROMWELL FOR CROMWELL DAYS**

Mark said he had a request from Clark Reed, Maintenance director at Cromwell, to use 900 W and 200 N as a detour around Cromwell during Cromwell days. He said we had allowed that before. Mark said he had a release form that looks like what the state uses.

## **SIGN PROJECT CONTINUED**

Mike Fitch, Highway Engineer was present at this time. He said the sign project was coming to a close. He said they still have some signs to order, and as soon as they come in they will finish the project.

Joy told Mike about the concerns that had been discussed earlier, and the fact that some three-way stop signs had been changed to four-way stop signs without the Commissioners having adopted an ordinance to do so. Mike said at the end they are going to re-evaluate everything and pass an ordinance to cover all of the signs. He said he would contact Jill Palmer about the concerns.

## **BALLENSHIRE ROAD IN COBBLESTONE**

Mike said that last week he and Joy met with Scott Derby and Dave Lange, Planning Director from Kendallville. He said they had a good discussion about Ballenshire Drive in Cobblestone. Mike said currently there are 20 homes on that street and the surface coat on that street is not complete. He said the developer, Sturges Development Corp has sold all of the lots that they owned in Cobblestone to various building businesses. Mike said Granite Ridge bought all of the lots on Ballenshire Drive. He said we are looking for an avenue to finish the street. Mike said there was no bond set up for that work. Mike said we are working with Kendallville, who is the planning agency that approved the project. He said we don't really have a tool that he knows of to force the original developer to come back and finish the street. Mike said he thought there were ten lots that have homes on them. He said he assumed when they purchased the lots, part of the cost of the lot was for the street. Mike said he was talking to Kendallville to see if Granite Ridge has any liability when they sell a lot to pick up part of the cost of finishing the street. Mike said Kendallville went through their records, and they are not sure how homes were allowed to be built without any bonds being created for the roads. Joy said there is a letter from Keith Lytton (former Highway Engineer) from September of 2005 where he has indicated that at that point the county was not going to approve anything until certain things happened. She said the next week the city gave them permission to start building homes there.

Joy said the only responsibility we had was for the driveway cut permit. She said some of the homeowners there had obtained driveway cut permits and some of them hadn't. Joy said she didn't think the house that is being built there now has a permit.

There was discussion about the process for getting roads approved. Mike said he would think Granite Ridge would be a player now because they are selling the lots. He said he would think that some of the revenues that are received from the sale of the lots would be to improve the roads.

Mike said he estimated it would cost between \$15,000.00 and \$20,000.00 to put the surface on the road. Joy said there was a little spur off of that road that should be included. Mike said he included it in.

Mike said at the conclusion of their meeting, they agreed that the city Plan Commission attorney and our attorney would get together and make a recommendation on how we should proceed.

Jack said former Commissioner Mark Pankop said the roads were supposed to be brought up to Kendallville's specifications. He said Kendallville was supposedly going to annex that in.

Mike said he thought part of the issue was the two-mile planning zone. He said it basically states the county Highway Department would be responsible to oversee the construction of the street to make sure it meets Kendallville's standards. Mike said we did do that. He said we inspected the streets before the base was put on, and the file shows that we took cores and there were some things that we requested that they fix. Mike said the base core is in good shape. He said we asked for a maintenance bond but we had no leverage to force the developer to do it. Mike said they basically drug their feet and then sold all of the lots off.

Joy said the agreement was that Dennis (Graft, county attorney) and Doug Atz who is Kendallville's attorney would sit down and see what could be worked out.

Mike said to him, the ultimate solution would be to go back and look at the two-mile jurisdiction agreement to see if there is something that could be adjusted to prevent this from happening again. He said he thought Kendallville should require a bond for the roads before any building permits are issued.

## **BRIDGE #134**

Mike said he talked to Greg Rider from INDOT about Bridge #134. He said they had a meeting a month or so ago, and they thought the railroad's fair share of the project was somewhere around \$800,000.00. Mike said Greg was trying to get information to back that up. He said Greg told him if the 20% max for the whole project was \$500,000.00, that is all he could justify. Mike said he told Greg he thought the Commissioners would be happy if the railroad paid 100% of the local match.

Joy said the day Mike and the Commissioners met with him, she thought there was a lot higher figure discussed. Mike said they were looking at the additional right-of-way cost and adding that to the local match. He said initially we were going to fund the right-of-way acquisition costs and he suggested putting the costs in there so we would get 80/20 for the right-of-way, and they did that. Mike said based on the new estimate for the additional third track, our local match is 530 some thousand dollars. Joy asked if that included a buy-out. Mike said it is the total project cost.

## **BROOKSIDE ADDITION**

Mike said he was going to get an estimate that is very specific on what repairs we want and what costs would be involved and then he will send them out for quotes. He said he wanted to get the Commissioners the numbers first so they will know what the cost is, and then we could adjust it based on our budgets. Dave asked if that is at Baby Mountain. Joy said it is.

## **SHARE THE ROAD SIGNS**

Mike said Mrs. Smith had sent a letter to Dave about some "share the road" signs she would like to have put up. He said according to Charrise (Wolf, secretary at Highway Department) the Commissioners have approved putting up some signs like "deer crossing" and things like that that have been requested by property owners, and we have installed them in the right-of-way. Mike said it would be the same kind of sign. He said it is an information sign.

Jack asked if we provide the "handicapped" signs. Mark said we have not been. He said he didn't think they were federally approved.

Mike said the "share the road" signs are the same as the "stop ahead" signs and the "deer crossing" signs. He said typically the "share the road" signs are a county wide system where you have certain roads that are designated as bike routes, and you put the signs along the bike routes. Mike said until we get some kind of a bike route system, his recommendation is not to put the signs up. Dennis said they should not be put in the county right-of-way.

Dave said he would contact the Smith's and let them know that at this point in time, if they want to put the signs up they would have to be out of the county right-of-way.

Mike said he supports bicycling, but he thought there was a misunderstanding about putting the signs along the roads. He said probably 90% of the roads in Noble County are not of sufficient width to encourage bicycling.

Mark asked if it creates liability to the county to put the signs up. Dennis said it could, if they are on our right-of-way.

Mark said last fall a lady called and wanted deer crossing signs, which the county doesn't do. He said in the past it had been allowed for people to purchase them from the Highway Department. Mark said that happened, and about two weeks later they got a call from the Sheriff's Department that someone had defaced a sign. Mark asked what they are supposed to do

in a situation like that, and how do you hold the property owner responsible to take care of the signs. Joy said she didn't think we should issue any more of the signs, because she didn't know where you would quit putting them. Mark agreed. He said even if people are paying for them, you are still putting signs all over the right-of-way, and we don't have a wide right-of-way anyhow.

Dave said it is a proven fact that the fewer signs there are, the less accidents there are. Joy said even ASHTO standards say to put as few signs up as you possibly can to get by with.

There was also discussion that because the new signs are higher there is a need to clear limbs and brush from in front of them. Mike said that is something that the drivers should be catching. He said whenever they are driving and they see a branch or something close to a sign, they should start trimming.

Dave moved to not allow private signs of any kind in the public right-of-way without prior approval from the Commissioners. Jack seconded the motion and it carried, 3-0.

### **USED ASPHALT FOR PAVING**

Dave asked Mark if he had found a place to put the ground asphalt with a spray additive that sets up real fast. Mark said he talked to Brandon about that last week. He said there was a drive paved on 200 S using that material and they said it looked really good. Mark said he is probably going to put some of that on the Cromwell Road. When asked by Jack, Mark said the cost is \$30.00 a ton. He said surface hot mix is \$55.00 a ton and #9 binder is \$46.00 or \$48.00. Mark said pug is \$37.00 a ton. He said there was some of the used asphalt put in down by Dexter last year. Mark said semis pull out of there and onto the edge all of the time and it seems to be holding up really good. He said he would work it in on one of the roads this year.

### **MOWERS**

Jack asked if all of the mowers are out now. Mark said there are still only two of them out. He said there is a problem with the air conditioner on one of them. He said when the part for it came in it was the wrong part. Mark said the best solution would be to take the cabs off the mowers because without the air conditioning there is just no ventilation. Jack said we need to get the mowers out there. Mark said they have had the camp crew out cleaning some of the intersections with weed eaters.

### **DAVE BAUM, IT – SOUTH COMPLEX** **WIRING & REALLOCATION OF SPACE**

Dave Baum, IT came before the Commissioners to inform them that they are almost done with their work on the upstairs of the South Complex. He said there is a lot of heavy stuff that will have to be moved to do the carpeting. Dave said he thought the Commissioners should be thinking about moving some of filing cabinets from the upstairs to the downstairs. Dave said they should have the wires pulled downstairs a couple of weeks after they are done with the upstairs.

Dave asked if the Commissioners had given any more thought to the reallocation of space. Joy said the Commissioners would be meeting next week and that will be one of the topics.

## **DOUG HARP, SHERIFF – OVERTIME**

Sheriff Doug Harp came before the Commissioners to see if there were any questions regarding payroll. The Commissioners told Doug that they were pleased with the reduction in overtime this pay.

## **MINUTES APPROVED**

After having reviewed the minutes and making corrections as needed, the following actions were taken: *May 14, 2012* - Dave moved to approve them. Jack seconded the motion and it carried, 3-0; *May 21, 2012* - Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

## **NUNC PRO TUNC – SECOND ON MOTION TO APPROVE LPA CLAIM VOUCHERS DURING MAY 14, 2012 MEETING**

While reviewing the minutes of the May 14, 2012 minutes it was determined that there was no second to the motion to approve two LPA Claim Vouchers. Dave moved to approve the LPA Claim Vouchers. Jack seconded the motion and it carried, 3-0.

## **TRANE - WORK AUTHORIZATION - EXPENSE OVER \$500.00**

Auditor Jackie Knafel reported that Phil Jacob, Head of Maintenance had brought up a work authorization from TRANE. She said while TRANE was performing an inspection (on the courthouse heating and cooling system) they found a leak on liquid line 2, (H.I.). Jackie said the cost to fix the leak is \$1,638.00 and Phil wanted approval to spend over \$500.00. Jack moved to approve the expense. Dave seconded the motion and it carried, 3-0.

## **AGREEMENT FOR GIS PROFESSIONAL SERVICES BETWEEN NOBLE COUNTY & TOWN OF ALBION**

Present for this portion of the meeting were: Steve Hook, GIS Coordinator and Beth Shellman, Albion Town Manager.

Joy asked Dennis if he had reviewed the agreement, (H.I.). Dennis said he had and the agreement is fine as far as the form, as long as it is fine with Steve.

Joy said the agreement outlines the responsibilities of the town and the county, and outlines the compensation and defining who will pay what, etc.

Jack asked if Beth and Steve are both satisfied with the agreement. They said they were. When asked by Joy, Beth and Steve said they used different documents to take parts from, and Beth said she had the town attorney look at it.

Beth said the agreement is going to be reviewed after a year. She said they start with their training tomorrow morning. Beth said they started out with a pilot project, which is

Northridge, and they will be able to test it and then eventually do the entire town. Beth said she thought it would be an ongoing agreement.

Jack asked if \$15.00 an hour is sufficient. Steve said that is what we are currently paying John Mitchell, who would be doing the work.

Joy said her recommendation would be to try this for a year and at the end of the year review it to see how it is working. Jack made that a motion. Dave seconded the motion and it carried, 3-0.

### **MINUTES APPROVED**

Continuing with the minutes, Jack moved to approve the minutes of the *May 29, 2012* minutes as corrected. Dave seconded the motion and it carried, 3-0. Dave moved to approve the *executive session minutes for June 4, 2012 and May 14, 2012*. Jack seconded the motion and it carried, 3-0.

### **ESTABLISHING POLICY PROHIBITING NEPOTISM**

The Commissioners briefly discussed a policy prohibiting nepotism. (No paperwork for file). Dennis talked about the state statute that says there must be a policy by July 1, 2012. He said the Commissioners can make it more stringent than the state statute if they want to.

There was discussion that a coroner is not required to be a doctor in order to hold the position. Dennis said they just have to be certified. When asked by Joy what the infraction would be if this isn't done by July 1<sup>st</sup>, Dennis said the State Board of Accounts would forward the information to the Department of Local Finance, and they may not approve the unit's budget.

### **STATE SMOKING LAW**

Joy said the Commissioners also have to do something with the state statute that prohibits smoking within 8' of the entrance(s) of all county buildings. Dennis said again, the Commissioners can make it more stringent if they want to. He said the county will need to enforce the policy and inform the employees of the new laws. Dennis said no ordinance is required unless the Commissioners want to make their policies more restrictive (than the state's).

There was discussion about what would be considered a public entrance and what wouldn't be. Dave asked if the Highway Department could make the signs. Joy said she would rather make the whole campus non smoking. Dennis said the statute doesn't say who could make the signs or even what size they have to be. He said the signs have to be conspicuous and say something to the effect that state law prohibits smoking within 8 feet of the public entrance.

Joy asked who would enforce the law. Dennis said the Health Department can; The Albion Police Department; and the guards downstairs.

Dave expressed his concern about the county having to pay for all of the signs that will have to be posted and that no one would pay any attention to them anyhow. He also said it would be something to mow around and something people could walk into.

Joy asked if the Commissioners would want to do like Central Noble has and ban smoking from all of our properties. She asked that Jack and Dave think about it this week.

There was also discussion as to whether smoking in all county owned vehicles should be prohibited too. Dennis read where the state statute will prohibit smoking in a vehicle owned,



leased or operated by the state if the vehicle is being used for a government function. Joy thought that might be in the current policy, but upon looking at that policy she found that it is not, and that the current policy only covers all public buildings. No action taken.

**SRI, INC. - SERVICES MASTER AGREEMENT RE:  
TAX SALES, COMMISSIONER SALES, ETC.**

The Commissioners received the services master agreement from SRI, Inc. for services they provide such as tax sales, certificate sales, development of preliminary unlawful homestead list, etc., (H.I.). Joy said until the Commissioners sign an addendum, they will not be obligated to anything by signing the agreement.

After having some questions answered by Sheri Auld, Deputy Auditor who works with SRI for tax sales and other services, Dave moved to adopt the SRI agreement for another year. Jack seconded the motion and it carried, 3-0.

**RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 12:05 P.M. and reconvened at approximately 3:00 P.M.

**UNSAFE BUILDING AT BEAR LAKE -  
RANDY TUCKER OWNER**

Dick Adair, Building Inspector was present to inform the commissioners that the house owned by Randy Tucker at Bear Lake is down but the debris is still there. Randy has been in contact with people to dispose of the debris but has not been able to find a resource. Randy's nephew works for a disposal company and he is waiting on a dumpster from the company. The commissioners are giving Randy 4 weeks to dispose of the debris and Dick will check on the property at that time. If the property is not taken care of in this time frame then the commissioners can reconvene the public hearing and impose the necessary fines per Indiana Code. Dave Dolezal made a motion to allow Randy Tucker until the end of the day on July 6, 2012 at 3:15 PM. Jack Herendeen seconded the motion. Motion carried 3-0.

Jack Herendeen made a motion to continue the public hearing for the unsafe building until July 9, 2012 at 3:15 PM (if necessary). Dave Dolezal seconded the motion. Motion carried 3-0.

**PHOTOGRAPHER TO TAKE PICTURES  
FROM CLOCK TOWER**

Phil Jacob was present to inform the commissioners that a photographer is coming tomorrow morning to take pictures from the clock Tower. The commissioners recommended that the individual sign a waiver of liability.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 3:27 P.M. recessed from day to day until the 18<sup>th</sup> day of June 2012.

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Joy Y. LeCount, President

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David J. Dolezal, Vice President

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Jack W. Herendeen, Member

ATTESTED: \_\_\_\_\_  
Jacqueline L. Knafel, Auditor