

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD OCTOBER 21, 2013**

Comes now the hour of 8:32 A.M. on the 21<sup>st</sup> day of October, 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

**CLAIMS APPROVED**

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

**NOBLE COUNTY CONVENTION AND VISITORS  
BUREAU – PROPOSED CHANGES TO BY-LAWS**

The Commissioners received notice from the Convention and Visitors Bureau that they have proposed some changes to their By-Laws, (H.I.). The letter indicates that the Commissioners would have to approve the changes.

**WEIGHTS & MEASURES REPORT – SEPT. 15 – OCT. 15**

The Commissioners received the above referenced report which indicated that there were 4 Gasoline, Kerosene and/or Diesel Meters rejected out of 129 that were inspected, (H.I.).

**IDEM – CONFINED FEEDING OPERATION  
APPROVAL - ALAN & SUE HOCHSTETLER**

The Commissioners received correspondence from IDEM indicating that they have been authorized to construct and operate one poultry confinement building and one solid manure storage facility, (H.I.). IDEM also submitted a correction to the CFO approval regarding the number of horses that had been approved, (H.I.). The number of horses allowed has been corrected to 12 total horses.

**IDEM – VICTOR REINZ VALVE SEALS, LLC IN AVILLA -  
APPROVAL OF FIRST AMENDMENT TO PERMIT**

The Commissioners received notice from IDEM that they had approved a First Administrative Amendment to a permit for Victor Reinz Valve Seals, LLC re: the addition of six

new FKM molding presses and the removal of 2 ACM molding presses, and one (1) part spraying operation Mold/Part spray #2, (H.I.).

### **MINUTES APPROVED**

After reviewing the minutes of the October 14, 2013 minutes and making a correction Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

### **TOBIAS INSURANCE GROUP – HEALTH INSURANCE**

Gary said he received a letter from Tobias Insurance Group whom he had spoken to Dan several times, and finally Keith Saunders called him. He said this all started after we had approved the insurance for next year. Gary said he explained to them that it had already been done, and they sent some information. Jackie said she usually keeps a file of companies that are interested in bidding. She said she didn't know if the Commissioners are interested in putting the insurance out for bids or not, but it should be started early in the year.

### **LANDFILL DISCUSSION - PLAN FOR WORK AT LANDFILL & RESIDENTIAL WELL MONITORING**

The Commissioners talked about a discussion they had with Noble County Surveyor Randy Sexton about putting a plan together for work at the landfill. The Commissioners also received a letter from Mike Maxwell with Weaver Boos consultants regarding a request to limit residential well monitoring to just arsenic at four residences surrounding the landfill. Mike said IDEM verbally communicated that they didn't have a significant issue with reducing the monitoring, but they suggested that we evaluate the need to continue to monitor for arsenic. Mike included a draft of the letter he proposed sending to IDEM. Chad moved to approve for Weaver Boos to send the letter to IDEM. Dave seconded the motion and it carried, 3-0.

Dave asked if Bonar was going to do the pump replacement at the landfill. Chad said they already did.

Dave asked if we ever came up with a plan for Mr. Ebey and his trees. Gary said that would be addressed in the spring.

### **HIGHWAY BUSINESS – MIKE FITCH, ENGINEER & MARK GOODRICH, SUPERINTENDANT BRIDGE #134 – LPA CLAIM VOUCHER**

Mark presented an LPA Claim Voucher for preliminary engineering for the replacement of Bridge #34. Mike said he would check to see why this isn't the final claim. Chad moved to approve the signature for the LPA Claim Voucher for Bridge #134. Dave seconded the motion and it carried, 3-0.

### **PURCHASE OF HYDRAULIC PUMP FOR VOLVO TRUCK**

Mark requested to purchase a hydraulic pump for a Volvo truck. He talked about all of the problems they are having with hydraulic pumps, and he said they will get one repaired and keep a spare on the shelf, but they need to purchase a pump for the truck that is down. Mark said it is a 4-6 week wait for the pump and the driver isn't too happy his truck has been down so long. Dave moved to approve the purchase of the hydraulic pump for the Volvo truck in the amount of \$3500.00. Chad seconded the motion and it carried, 3-0.

### **PIPE REPLACEMENT ON 300S**

Mark said they have a large pipe on 300 S east of 650 E that should be replaced, and the cost of the pipe is \$16,336.00. He said the pipe is 9' high and 75' long. Mark said he would like to get quotes from local contractors to have them put the pipe in. He said his concern is with the way the weather is he is afraid they would be in the middle of the project with the road torn up and not be able to make the repairs they need to. Chad said it is going to take some good money to get 300 S to a good draining road. He said he would hate to put a new surface down and then have to come back later and tear it up. Gary asked if there is any kind of procedure in place to inspect culverts. Mark said not at this point. He said we have a computer inventory of the culverts now, and Mike has been wanting to get with our Drainage Foreman and go out and look at all of the pipes to see what shape they are in, and to rate them and try to estimate how long they will last. Mike said he had talked to Randy Sexton (Noble County Surveyor) and he said he has a preliminary list of all of the pipes that are on legal drains. He said he will get the list from him. Chad moved to approve the purchase of the pipe in the amount of \$16,336.00 and to allow for quotes to be taken for the installation. Dave seconded the motion and it carried, 3-0.

### **DISTRIBUTOR SPECS**

Mark said he has the specs ready to be sent out for the Distributor. He told the Commissioners about some of the changes that had been made to the specs to make it so they could use it more than a couple of months out of the year. Mark said the truck is a standard tandem axle with a 350 horse 10 speed transmission and it won't be a heavy truck like we use for the routes.

### **FRONTIER - DAMAGE TO EQUIPMENT**

Mark said he and Mike met on Friday with a team of representatives for Frontier re: their claim for damage done to some of their equipment when the county mowed the roadsides. Mark said he wasn't real happy with the outcome. He said they are going to look at eliminating the current bill, but they are not willing to accept any responsibility for the boxes. Mark said they said if we tell them what boxes are potentially in our mowing range they will attempt to mark them. Mike said they explained that they are a "for profit" company and they bought the system in Noble County and Verizon didn't place the boxes, so we pretty much have what we have. He said we explained that our biggest problem is typically boxes that are within a five or six foot zone where we mow or at intersections and he asked if they could be moved back or protected in some way. Mike said the gentleman said that they don't have the budget to move them back. Dave said it is in our right-of-way and they are telling us we are responsible for any damage done by us. Mark said they were. Mike said he didn't think our utility permit specifically states where the pedestals have to be. Chad asked if we could add wording to our permit that says if it is placed in the right-of-way that we are not responsible for damage to their equipment. Dennis said it shouldn't even be permitted in the first place. Mark asked if we could do an ordinance where we are allowing them to put their equipment on our right-of-way and due to that fact and because there is no rent being charged, that we wouldn't be responsible for any damage. Dennis said that ordinance wouldn't be worth much because they haven't agreed to it. He said if we do it in the future as far as permitting, then they are going to be bound by it. Mike said if the permit says they have to stay a certain distance off the roadway and if the lines aren't buried deep enough per the permit and we get into them, he didn't think they have a case for a claim. He said the same thing goes for the boxes. Dave said he didn't think that just because the boxes were where they were when they bought the company, that doesn't eliminate their responsibilities.

## **BRIDGE #12 ON 400 S**

Mark said he got a call last week from Engineering Resources that the major construction is done on Bridge #12 and they are going to get the paving done. Mike said they are going to be putting down the asphalt approaches this week. He said there are some soft spots from all of the heavy trucks going on there that they will address when they do the asphaltting.

## **CR 1000 E PROJECT - WETLAND MITIGATION SITE**

Mike said he got a response back from INDOT and they don't know of any funding available for that. He recommended proceeding with the recommendations. Mike said the first thing Earth-Source would do is to plant the trees which would cost \$1980.00 and it would be done this fall, (H.I.). He said the inspection and report, which also includes mowing, will be \$3375.00 per year, and he would recommend approving Earth-Source's proposal to complete the work, (H.I.). Gary asked if there is any money left in that fund. Mark said there is a little over \$10,000.00 left in it.

Chad moved to approve for Earth Source to complete the mitigation work. Dave said he hoped they plant the species of trees that are doing well. Dave then seconded the motion and it carried, 3-0.

## **ESTIMATES FOR BRIDGE SURFACE REPLACEMENTS**

Mike said he asked Engineering Resources to put some estimates together for bridge deck surface replacement projects. He said based on our bridge inventory, there are six bridges that have concrete bridge decks with asphalt surface that need replaced. He said the average cost is about \$35,000.00 per bridge deck which would come to about \$210,000.00. Mike recommended asking Engineering Resources to prepare a proposal for the specs and plans for these projects.

## **CALL FOR PROJECTS - 150 E & BRIDGE #82 ON 600 S**

Mike said he started working on the Call for Projects. He said he was putting in the information on CR 150 E, and Bridge #82 is the next bridge in line for replacement and it is on 600 S between SR 9 and SR 33. Mike said it is a fairly important bridge because 600 S gets a lot of traffic. He said as part of the application, they need a financial commitment letter, and INDOT has a sample. Mike said if we could get letters of support that would be helpful. There was discussion about people/companies that might write a letter of support. Mike said the INDOT District is having a meeting on the call for projects on October 29, 2013 at Fort Wayne. He said this is to go over filling out applications. Mike said this is the first year they have had on-line applications.

## **200 N & SR 5 - FOUR-WAY STOP**

Chad said he had received a question regarding INDOT making the intersection of 200 N & SR 5 a four way stop. Mike said he got an e-mail from the Fort Wayne District and they are definitely going to make it a four-way stop. Chad said it is surprising that they would stop the state road traffic for a county road. Dave asked if there is a site problem there for the cross traffic. Mark said there isn't. Mike said they said they did a traffic study and came up with a recommendation to make it a four-way (4-way) stop.

## **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:50 A.M. and reconvened at approximately 10:03 A.M.

## **JACK WONDERLY UNSAFE BUILDING AT SILVER LAKE**

Present for this portion of the meeting were Dick Adair, Building Inspector and Tyler Wonderly, son of Jack Wonderly.

Dick said Tyler is making some progress. He showed the Commissioners pictures that had been taken this morning. Dick said Tyler had gotten rid of a lot of the brush so you can at least get in there and work. He said Tyler needs some more time, and he recommended that we give him at least 30 days or to the end of the year. Dick said Tyler's intent is to get the trailer out of there, get the lot cleaned up, and put a "for sale" sign on it. Tyler said this has fallen in his lap. He said he is a maintenance man and is going to school to be an electrician and he has a 10 month old baby, and his plate is full. He said he has taken some vacation days to get done what he has. Tyler said if he could get some help he thought he could get the trailer down and the lot cleaned up in 30 days. After further discussion Chad moved to give Tyler until December 31<sup>st</sup> to get the property cleaned up and then we will hold a public hearing on Monday January 6, 2014 @ 10:00 A.M. Chad seconded the motion and it carried, 3-0.

## **COUNTY UDO MAP DISCUSSION**

Present for this portion of the meeting were: Nathan Miller, Plan Commission Director; Everett Newman, Plan Commission Attorney; Auditor Jackie Knafel; Sam Arnold; and Scott Lawrence.

Nathan said the UDO was approved in June of 2012 to take effect January 1, 2013. He said at that time the Commissioners had made some modifications to the map but they weren't necessarily harmonized with the UDO that was approved. Nathan said two months ago the current Commissioners approved to recognize the maps of June 2012 as the official maps. He said since then they have gone through a number of changes on the maps to make them the most accurate that we can, according to how the UDO is laid out now. Nathan said that includes changing anything that was tagged as A-4 and rolling it back to A-1; changing parcels that were under 10 acres from A-1 to RE; and the Plan Commission also asked that any right-of-way that has been deeded to Noble County be changed to Open Space which limits development in those areas and really fits the way the parcels are laid out. Nathan said the Plan Commission just had a hearing last Wednesday where they approved the new maps and made a positive recommendation to accept them here today. Chad said during the public hearing there were two requests for changes and one was from Merry Lee, which opened some eyes up and some problems we know we have in the UDO. He said they were in Open Space based on their current operation and their request was to change to A-1 because they mostly operate under an agricultural type setting. Chad said the problem is that there were two parcels that fall under 10 acres that are being used as agricultural use, but we can't change them to agricultural use because they are under ten acres. He said the same thing falls with any property that is under 10 acres; it is either changing to something or RE, Rural Estate. Chad said Rural Estate has limitations. He said you can't farm it with the exception of 40%. He said if you think back to the rezoning that we did for Iden two or three weeks ago, the parcel of property that was under 10 acres is used 100% for agricultural use, but if someone bought the property thinking they could use it for agricultural use they could only use 60% of it for agricultural use. Chad said the intent of the UDO was to conserve "ag" ground and that is why they made A-1 10 acres. He asked if we are really conserving ag ground by having A-1 a ten acre lot minimum, causing anything under 10 acres to go to a Rural Estate which now hinders the property use for farming or agricultural purposes. Jackie said from an assessment point of view, they get a lot better assessment rate if they are using it for agriculture. Nathan said this has also caused a lot more re-zonings to come

through. Gary said there are small tracks with less than 10 acres, that because of this will slide into RE, even though there are no buildable sites on them. He said even though it is all agricultural and maybe not a building site, that makes it RE and it falls into a 500' set-back. He asked if it penalizes any farmer that has 80 acres adjacent to it. Chad said currently the way the UDO reads in regards to set backs "Yes". He said the UDO says it is not a recommended adjoining zoning to A-3. He said there is going to be some adjoining of RE to A-3. Dave asked if it is the confined feeding operation that has to observe the set-back. Chad said that is correct. He said there will be some proposed changes in the confined feeding set-backs. Everett said we want the maps and the text in the ordinance to correspond, and we need to get back to where we change the maps and the text in the ordinance at the same time. Chad asked if the Commissioners could make a recommendation for a change in the UDO and have the Plan Commission hold a public hearing. Everett said the Commissioners can initiate a change and the Plan Commission must act on it. After further discussion, Nathan said by law, he is supposed to be working off of maps from June of 2012 with a lot of known errors. He said he and Chad had talked with Brad Johnson about working out some of these issues. Nathan said when you fix one thing it creates a new problem somewhere else. He said Brad is going to help them work through all of that and make sure that all of the changes are done correctly so that everything is harmonized again. Nathan said what we need to address is the map problem, because he is supposed to be using maps that he knows has a lot of errors. He said if the Commissioners feel we need to address the A-1 issue at the same time they can go back to a hearing and re-work it, but that is looking at probably two or three months of working with maps from 2012. Nathan said what he would like to see is for the Commissioners to approve the new maps today, and then ask the Plan Commission to do a public hearing to reconsider the minimum acreage for A-1. Chad asked if the maps were approved today which would change all properties under 10 acres to RE, but the use of the property is A-1, would the property owner have to come back if the lot minimum was changed, to request for their property to be changed from RE to A-1? Mr. Newman said if they want to have that zoning designation and not worry about the non-conforming use they would. Nathan asked if the Plan Commission set a public hearing regarding changing the acreage minimum, if they could request some sort of procedure to be put in place to at least look at parcels. Everett said you could do something with special exceptions. He said that would be the easiest way to do it rather than going through a rezoning procedure. Everett said if you have a map that is different than what the ordinance says, that is where litigation is possible. Gary said he hates to kick the can and the maps down the street for two more months or something, but he thought we should look at having a hearing to change the text in the UDO first so that is clear, and then officially do the maps. Everett said if anything is done that is going to change the maps, then we would have to have another set of maps. He said the Commissioners have 90 days to vote on accepting the new maps, but if they go past the 90 days they are automatically approved. Dennis said the Commissioners can table this until then. Everett said if the Commissioners initiate some kind of action requiring the Plan Commission to do something, they have to have a public hearing within 60 days. He said it isn't something we have to initiate right this minute, but every day that goes by when somebody comes in for something about their property we have to tell them that at the moment we have to use the old map. Dave asked what makes the most sense at this point. Everett said his opinion is to make the maps consistent with what the ordinance says now. He said he likes things simple and zoning is complicated enough without adding another issue. Everett said then if something is changed regarding the text, we can change those portions of the map which conform to that

change of the text. Dennis agreed that what Everett is saying makes the most logical sense. He said he understands Nathans problem, but he thought that needed to be addressed through public hearings to see if we want to change the wording of the UDO. Dennis said he thought everyone was aware when the UDO was approved that there would have to be a lot of amendments to it down the road. He said otherwise we are going to have people coming in all of the time to get things rezoned. Chad said he thought we were still going to have that. He said if we change them to RE and they don't show up to the public hearing if the A-1 lot minimum gets changed to request that their property go back to an A-1, then they will have to come back once they find out that they are in RE when they want to be in A-1. Dave said he thought Everett said there was a way to handle a special exception like that. Everett said if we wanted to we could do a text change. He said it would be a lot easier to get a special exception instead of going through a rezoning. Dave said that still creates a lot of work and cost for the tax payer. Everett said it isn't a lot. He said it is \$75.00 and if they want to do it right it would cost a little more than that. Jackie said some of those people have already paid the \$75.00 and now you are going to flip it around and they would have to pay the \$75.00 again. She said she thought there should be another way around it so they wouldn't have to pay again. Everett said there is a way to get around it. He said you send out 30,000 notices. Jackie asked how many people would understand the letter you would send anyway. Everett said there has to be a certain amount of average intelligence that is presumed. He said there are other ways to do it if you are going to do a large scale change. Everett said you could put a quarter page add in the paper and a posting on the internet, and maybe pick up 20% of the people. He said he doesn't know how many RE's we are talking about. Everett said if it is 200 we could send out notices, but if it is 2,000 that isn't going to work. Chad asked if it made more sense to look at the current maps and see what is zoned agricultural and just leave it as agricultural zoning and change it from an A-2 to an A-1 or an A-4 to an A-1. Everett said a lot of this is theoretical and we are not having a lot of people asking for exceptions and rezoning. He said we don't have so much pressure that we can't do this in a judicial manner. Chad asked Nathan if the A-1 lot minimum could be changed in the next two months, if that would create a huge hindrance on his office. Nathan said he has had a number of calls, but nothing is started yet. Everett said in theory, zoning is how do we want this piece of land to be used from this point forward. Jackie said she had an assessment that was done on agricultural and when someone bought the property it went from \$1,600.00 an acre to \$7,000.00 an acre and that is a big jump and is discouraging to people. Scott said one thing he would encourage this group to do is to ask the question if we are going to go ahead and grandfather in an RE, how that impacts the other zoning components as written. He asked if we should be grandfathering one group in and not treating all of the groups equally. Scott asked that they read through what the implications are if you have an RE, how that impacts the neighbors around you. Dave asked for an example of that. Scott said an RE would have the greatest amount of protection, if you will, from the other types of zoning. He asked if it is fair to somebody that wants to be in A-3 and everybody got grandfathered in as an RE. Scott said if he would want to be in A-3 he would have to jump through much more complicated barriers because the guy next door, even though he was doing agricultural activities on his 9.9 acres, is RE and that creates a whole new set of barriers that he has to go through. Gary said that is what he was thinking about earlier. He said we are talking about probably the majority of farms we have now a days. Gary said if the simple dairy operations want to expand and they have a neighbor that is thrown into RE it is going to stop or hinder that expansion if they can't get the set-back. Chad said they would have to go through a BZA hearing for a variance

request. Nathan said even if we address there are still going to be a number of things that have slipped through the cracks, because the maps of 2012 and with the maps he has today, all of the parcels were rezoned with a broad stroke just meeting the criteria, not necessarily looking at existing use. Everett said the maps are a broad stroke device. He said there is no way you can do a zoning map that will rezone all 30,000 parcels to their optimum zoning on a case by case basis. Everett said what you do is you do zoning districts or zoning concepts, and you look at the whole county and look at where those zonings and concepts should be. He said where people have difficulties they can either get a variance, a special exemption or a rezoning. Everett said you can't write an entire ordinance geared to all of the exceptions that you can think of. Dave asked if it would make it clearer that RE would not include farming agriculture. Everett said we have two infinite things that we can never reconcile. He said we want people to have use of their property, but we want them to use it in a certain way. Chad said and we want to conserve ag land. Everett said we want to conserve agriculture but if someone wants to sell it off as a lot that is ok. He said you can't do that. Everett said this board sets the policies which balance that out. Jackie said you would be eliminating the ability for the next purchaser to come in and farm part of that. Dave said that would require a rezoning. Jackie said that is discouraging them from buying that 10 acre tract because they might as well go out and buy another 10 acre tract which is already zoned agricultural. She said then you are buying up more farm ground. Chad said in his opinion it would be worth waiting at least the 90 days to determine first if the Plan Commission is going to approve a text change to the A-1 minimum. After further discussion, Chad moved to table the maps and to address them within 90 days. Dave seconded the motion and it carried, 3-0.

#### **VACATIONS OF PUBLIC WAYS (10:55)**

Dennis said all vacations have been referred to the Plan Commission and he didn't think they should have been, because there is a statute that specifically states that if it is a vacation of public way, those have to be brought before the Commissioners. He said he didn't know if there is any way we could still have the Plan Commission just do a preliminary and still make some recommendations or have some input, and then the formal hearing would still be held before the Commissioners. Chad said according to the statute it doesn't matter what the recommendation of the Plan Commission is, where with most recommendations that come from the Plan Commission if we don't act on them they are automatic. Everett said the petition is actually filed in this body (Commissioners) and then you have 30 days to act on it according to the statute. Nathan asked if the Plan Commission is the most valuable body to address that. He said it seems like there are a number of things that need to be reviewed before the Commissioners make a decision. Nathan asked if it would be better to have a review committee or something. He said with the subdivision they look at things with the Technical Review Committee so the Highway Department can weigh in, the Surveyor's Office can weigh in and things like that. Chad asked if we charge for a vacation in regards to the certified notices to be sent, etc. Marion reported that they have to pay for the certified mailings, the legal advertising of the hearing, and to have the vacation recorded. Jackie said the way we are doing it now is that the Plan Commissions advertising also includes the date of the hearing with the Commissioners. Chad said he didn't want someone to have to pay the \$75.00 to the Plan Commission and then come up here and pay even more money. Nathan said if the Plan Commission just has it as an agenda item to make a recommendation, there wouldn't be a need for them to do advertising or to notify surrounding land owners. Dave said he would appreciate

the advisory opinion of the Plan Commission and the Technical Review Committee. Chad asked if someone could submit their vacation request here and pay the fees, and then get sent from here to the Plan Commission to go out to the Technical Review Committee. Dennis said again that the hearings have to be held within 30 days. Gary and Dave said they would want to be able to make an informed decision.

Dave moved that any vacation of Public Right-of-Way would follow the procedure to start in the Auditor's Office, notify the Board of Commissioners and Technical Review Board, and the Board of Commissioners would consider the advisory opinion of that board within the 30 day time period when making a decision. Chad seconded the motion and it carried, 3-0.

There was discussion that the vacation for the Brimfield UM Church and Sam & Myrna Arnold, which was scheduled to be heard October 28<sup>th</sup> would have to be started over. Sam asked for clarification of what he needs to do. Dennis said there needs to be a petition filed in the Auditor's Office to start the 30 day process. There was then some explanation about discussion that had been held at the Plan Commission meeting regarding improvements to a plat.

Marion asked how soon before the hearing the surrounding land owners have to be notified. Dennis said it didn't say, and that it just said they had to be notified by certified mail. Everett said it should be a reasonable time. There was discussion as to where the Auditor's Office would get the petition. Sam asked for guidance on what he was supposed to do. Nathan told Sam he should have all of the information in the packet that he had at the Plan Commission last week.

Jackie said she didn't know why since this vacation has already started the process that we can't let it go through. Dennis said it is because the law states what the law states. Jackie said she would have no idea what to charge the man. She said we have to charge for the certified mail which is \$6.11 per minimum and for the advertisement she doesn't know what that is going to cost. Dennis said we don't have to have him pay something up front. He said we would bill them after we know exactly what the cost is.

Sam asked if he needs to get an attorney to draw a petition up. Chad told Sam he could use the same petition he had used at the Plan Commission. He said the question is whether or not the Auditor's Office is going to require the petitioner to do the advertising or if they will do it and then bill the petitioner. Jackie said it would be great if they did their own advertising and notification and then we wouldn't have to charge them anything. Dennis said that would be the best way to do it. Nathan said you would have people coming in very confused on that. Chad said the question is if the Auditor's Office can do it and bill the petitioner. Jackie asked what we would do if they don't pay and the Commissioners have already granted the vacation. She said she thought the Commissioners need to put into a policy that it is the petitioner's responsibility to advertise, to show proof of advertising and to show that they have notified the adjoining landowners. Chad said they have to come here first with the petition request to get a date, and then they have to advertise the hearing.

## **ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:33 A.M. recessed from day to day until the 28<sup>th</sup> day of October, 2013 by a motion made by Dave, seconded by Chad, which carried, 3-0.

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Gary Leatherman, President

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David J. Dolezal, Vice President

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Chad Kline, Member

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