

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD OCTOBER 28, 2013**

Comes now the hour of 8:27 A.M. on the 28th 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:

Jackie Knafel, Auditor
Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley & Scott Perry, News Media

**FINDINGS AND ORDER – JACK AND CHERYL
WONDERLY, UNSAFE BUILDING AT SILVER LAKE**

The Commissioners signed the above referenced document which was discussed and approved in last week's meeting, (H.I.).

PAYROLL TO BE PAID 10/31/13 APPROVED

After reviewing the payroll from 10/04/13-10/17/13 to be paid 10/31/13 Chad moved to approve it. Dave seconded the motion and it carried, 3-0.

**H.J. UMBAUGH & ASSOCIATES -
TAX IMPACT STATEMENT RE:
LIGONIER REDEVELOPMENT DISTRICT**

The Commissioners received a letter from H.J. Umbaugh & Associates as well as information from the Ligonier Redevelopment Commission regarding a Tax Impact Statement to disclose any potential impact of expanding the Warren Economic Development Area and capturing tax increment, (H.I.).

**DNR – BRIDGE #70 - CERTIFICATE OF APPROVAL
FOR CONSTRUCTION IN A FLOODWAY**

The Commissioners received a Certificate of Approval from the DNR regarding the replacement of Bridge #70, which will be replaced by Butler, Fairman & Seufert, (H.I.).

MINUTES APPROVED

After reviewing the minutes of the *October 21, 2013* meeting Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

**WEAVER BOOS - RESIDENTIAL WELL
SAMPLING, NOBLE COUNTY LANDFILL**

The Commissioners received a copy of a letter from Weaver Boos Consultants to IDEM regarding a request for modification to the Residential Well Monitoring Scope, (H.I.).

**PLAN COMMISSION – MONEY TO PAY
GROUND RULES FOR HELP WITH UDO**

Teresa Tackett from the Plan Commission said they are asking for up to \$4,000.00 to contract Ground Rules to help with work with some difficulties they are having with the UDO (Unified Development Ordinance). She said in particular the subdivision process needs some tweaking, and if possible if they would like to do some work towards confined feeding. Teresa said they want to harmonize the process between subdivisions and try to link them a little bit better. She said there is not really a clear way to do a subdivision because sometimes the types don't match up with the process. Teresa said Brad (with Ground Rules) had been contacted, and if we do it via web-cam it would save some money. Chad asked Jackie if she had a chance to look to see if she could find some money. Jackie said there is money in the Jail Physician fund that she could transfer to Professional Services. Chad said Nathan is going to get a contract from Ground Rules spelling out exactly what will be done before we begin. Chad said it is something we need to do, but he didn't see it happening this year, so we would have to encumber the money. He said the subdivision section of the UDO is rather confusing and that is why they want to get his expertise on it. Dennis asked if there had been any discussion with Brad on what he would estimate the cost to be. Chad said he estimated \$3,000.00 - \$4,000.00. Teresa said it could be \$5,000.00 but they are trying to keep it right at \$4,000.00. Chad said some of extra expense would be if he had to travel here. Dave asked what the goal is with Confined Feeding. Chad said the Plan Commission has a committee that is working to establish as much as they can to get confined feeding defined a little better. Gary asked if the end result is to mirror what the state's definition of confined feeding is. Teresa said she thought they were trying to reach a goal that works for Noble County. Chad said it is also to simplify things. He said they are going to have a public hearing in January just for discussion and then there will be a public hearing for adoption after that.

Dave moved to approve up to \$4,000.00 for modification of the CFO and subdivision portions of the UDO for Brad Johnson. Chad seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 8:49 A.M. and reconvened at approximately 9:00 A.M.

**HIGHWAY BUSINESS – MIKE FITCH, ENGINEER
AND MARK GOODRICH, SUPERINTENDANT
LPA VOUCHER RE: BRIDGE INSPECTIONS**

Mark presented the final LPA Voucher for the Bridge Inspections done by United Consulting, (H.I.). Mark said in order to keep our federal funding we have to keep the bridges inspected every two years. Dave moved to approve the voucher. Chad seconded the motion and it carried, 3-0.

BILL VANDERBOSCH – REQUEST FOR MAINTENANCE OF DEAD END ROAD

Mark said Bill Vanderbosh came in last week and requested that we start maintaining a dead end section of road at Waldron Lake which they hadn't maintained since he had been there. He said Bill brought some court documents in and Charisse did some research, (H.I.). Mark showed the Commissioners on the map where the portion of the road is. He said it is an easement, and from what he had read the courts got involved in it because people were blocking the access point off with their vehicles. Mark said the final paragraph says the County Highway would be responsible to maintain that section of road as a public driveway according to county standards. He said he had a couple of requests in the last year to maintain their public access and he denied them, but he didn't want to make a determination on the court document. Dennis said he would look the court order over and make sure it hasn't been appealed. He said it is interesting that the Highway Department never received a copy of the court order. Dennis said if it hasn't been appealed, it is a court order.

REQUEST TO PURCHASE BED CYLINDER

Mark requested permission to purchase a bed cylinder at a cost of approximately \$3500.00. He said it is for the dump truck to lift the bed up and down. Mark said currently they have two that are leaking and one is pretty bad. He said the cylinders will fit on any of the trucks, and he would like to purchase a new one to replace one of them and then send the bad one in to be rebuilt. Chad asked how many trucks the cylinders would fit. Mark said Doug thought they would fit on all of the tandems, so it would be 8 trucks. Dave moved to approve the purchase. Chad seconded the motion and it carried, 3-0.

BRIDGE #134 INVOICE

Mike said he investigated invoice #133 that they received last week regarding Bridge #134. He said that invoice was issued in error and the consultant is going to void it and reissue this invoice as #132 marked as a final invoice.

BRIDGE # 12 PAVED

Mark said they got the pavement on Bridge #12 last Friday. He said they have a few things to finalize and they think it will probably be open this week.

CULVERT FOR 300 S

Gary asked Mark if he had any information on a culvert for 300 S. Mark said he had been investigating how to put together something for quotes. He said Rich from LTAP told him that on a public construction job like that it needs to be sealed bids that come through the Commissioner's Office. He asked if that is for any amount. Dennis said not any amount. He said you only have to bid certain things. Dennis asked approximately how much the culvert would cost. Mark estimated \$10,000.00 - \$15,000.00. Dennis said it wouldn't have to be bid. Mark asked if he could take quotes on it and Dennis said he could.

PAVING

Mark gave an update on paving. He said he thought he has enough money left in this year's budget that if the weather permits he could put one lay of asphalt on 600 S between 50 W and US 33 next week. Mark said they have some culverts to get replaced which will be the biggest thing. He said they have the ditch work done.

CALL FOR PROJECTS MEETING

Mike said he and Marc Fisher are going to attend the Call for Projects meeting tomorrow at the Fort Wayne District. Mike said he had started updating the local funding needs spread sheet from last year. He said he is going to sit down with Mark and go through the income and

to put a schedule together to show what the federal funding would look like on projects we are going to submit on. Mike said it would go out to 2019. Dave Dolezal asked if we only have the additional funds (Highway funds) for two years. Mike said that was right. He said they are supposed to be working on continuing that but there is no guarantee. Mark said what he was told at a conference in June was that the money is now a permanent part of the budget and that it would take an act of Legislature to cut the funding out. He asked David Ober if that was right. David said they diverted funds from the wholesale gas tax, and they have taken the BMV, Department of Revenue, and Indiana State Police off of gas tax and put them in the general fund. David said it would take a bill to put them back, but he didn't think that was likely. He said we have more high efficiency vehicles on the road, so the gas tax is not a stable funding stream moving into the future. David said they are looking at some other methods of continuing funds. He said he didn't see the funding that was put in this year going away in the next biennium.

PUBLIC HEARING – LISBON ROAD (CR 415 N) SPEED LIMIT ORDINANCE

Now being the time for a public hearing on a speed limit ordinance for Lisbon Road (CR 415 N) from SR 3 to CR N 1000 E, to reduce the speed limit from 55 MPH to 45 MPH, Chad said he had driven that road and without even looking down he was going 45 MPH. He said he is sure people will be driving faster, but it didn't seem like it was an unreasonably low speed for that road. With no one being present to speak against the change, Chad moved to approve the adjustment of the speed limit from 55 MPH to 45 MPH on Lisbon Road or CR 415 N between State Road 3 and 1000 E. Dave seconded the motion and it carried, 3-0.

INDOT – REMOVAL OF BRIDGE ON NORTHPORT ROAD OVER STATE ROAD 9

Present for this portion of the meeting were: Mike Fitch and Mark Goodrich, Highway Department; Sheryl Prentice, Noble County CVB; Roberta Stone, Rome City Chamber; David Abbott, Rome City; Bill Etzler, ERI; Loren Kravig & David Gee, Region 3 A; Leigh Pranger & Brenda Conley, Town of Rome City; David Ober, State Representative; Jean Westrich, Vast Domain Foundation (Sylvan Springs); Jason Kaiser and Ben Shaffer, INDOT; and Sue Glick, State Senator.

Ben said INDOT is contemplating the removal of the Northport Road Bridge over State Road 9. He said the bridge is in need of repair and needs the deck replaced, which would be expenditures for INDOT. Ben said they are here to seek input and on the impact of removing the bridge and making it a T-intersection into State Road 9 to the east. He said they would like to spend money to remove the bridge so they don't have any future expenditures. Ben said they did some evaluation of traffic patterns, and they don't see a lot of impact on the movement of traffic trying to get to and from the different destinations there.

Chad asked what the latest traffic counts are going over the bridge. Jason presented a map showing the traffic count, (H.I.). Ben said there used to be a railroad that paralleled State Road 9 and that is why the bridge is there. He said there must have been some crash problems there back in '39 so the bridge was built over the railroad tracks and State Road 9. Ben said the railroad is long gone. Mike said INDOT owns and maintains the bridge. Ben said they maintain the connector and all of the area in between SR 9 and the connector road. Jason said there are 600 cars from 6:00 A.M. to 6:00 P.M. on an average day on Northport Road. He said on State

Road 9 they have roughly 5000 for the same time period. He said they usually assume another 50% of that would be occurring overnight, so it would be around 900 all day on Northport Road and probably 7500 on State Road 9. Chad asked if INDOT is aware of the development that is taking place at the northwest corner of the bridge. He said the old barn across from Sylvan Springs is being developed into a winery. Ben said Jason said they were not aware of that. Chad said it would probably significantly impact the traffic on the bridge and in that area. Ben asked if the majority of the traffic would come up SR 9 and use the connector road. Chad said people coming from Kendallville would use the Angling Road to Northport to come across. Ben said Jason had put together a diagram of what the future movements would be with the bridge being eliminated, (H.I.). Jason said they redistributed the traffic that was on the first map, and showed where it would most likely end up based on where traffic was coming from and going to on the first map. He said it is the peak hour count. Chad asked if they would create a turn lane on SR 9 to be able to turn onto Northport. Jason said currently there isn't enough traffic to necessitate that. Ben said the majority of the traffic is coming from Sylvan Lake usually going into Rome City. Jason said it seems like the largest movement was those going from Rome City and the ones getting to the housing that is east on Northport Road. He said it doesn't account for the winery that was mentioned. Chad said he thought that was going to significantly impact the traffic. Jason asked how big of a winery Chad was talking about. Chad said it would take up the whole barn and they are talking about using the second story as a reception hall. Ben and Jason said they could look at that. Mark asked if the eastbound lane would be taken down to grade and he asked on west where you come back into Northport if any changes would be made to the intersection or would it still be a stop intersection. Ben said he assumed it would probably still be a stop intersection. Chad asked what the cost estimate is on replacing the bridge and instead of scanning the old railroad right-of way, if they would extend the bridge all of the way to SR 9 and only span SR 9. Jason said all they have had to do so far is replace the deck, which would cost about \$700,000.00. He said if they were to try to shorten the span we would be talking about foundation work. Jason said it would save money in the future maintenance of the structure, but they don't have an estimate to do that. He said the estimate they have is to remove the structure and bring the road back down to grade, and that would be roughly \$400,000.00 for construction. Dave Dolezal asked if that would be fairly steep coming down to get it back to grade. Jason said it shouldn't be more than 4% grade, which isn't really that bad. Mark asked if the section of road that would be left on the west side would be cleaned up or if it would just be barricaded off. Ben said they would probably remove it and seed it. Jason said he did some research on the crash history of the area. He said left turning movements are the typical cause of crashes. Jason said they had one crash for a left turn from 2009–2012, and there would be less left turns at each intersection by making the change. Gary asked if there would be a deceleration lane on the southbound traffic. Jason said there wouldn't be any either way.

Dave Abbott said he is the president of the Rome City Town Council, and the town is opposed to this and would like to see the bridge repaired. He said he questions the safety of removing the bridge. Dave said it is a dangerous area and if the bridge is removed in his opinion it will open the door to a lot of potential accidents that we don't have now. He said he was curious as to where they were coming up with the sufficiency rating and the need for the deck to be replaced. Dave said he has seen other bridges that appear to be in less condition and are more heavily traveled. He said he would like to see more consideration given to the amount of repair that is really required and justifying that by the safety of the public. Ben said the bridge is in need of a new deck, and they can't just do an overlay because the deck underneath is in bad

condition. He said the deck has served its life and is decaying underneath, and would need torn off and a new one put on at a cost of \$700,000.00. Dave talked about comparable sufficiency ratings and overall ratings on other bridges. Ben said sufficiency rating is not the sole reason for doing work on bridges. Dave asked when the bridge was last inspected. Ben said they are done every two years and it was probably last done in 2012.

Dave Dolezal asked Jason, of the traffic going westbound on Northport what percentage of the traffic continues on west. Jason said the count showed 78 vehicles that continued on through from 6:00 A.M. to 6:00 P.M. Dave expressed his concern for rear-end accidents with people turning left. Jason said there would be less people turning left at the existing intersection if they go with the new scenario, but there would be some new southbound left turns at the new intersection.

Chad asked about the time table that requires the bridge decking to be redone or the bridge removed. Ben said they have money allotted for '16 with construction probably being in '17. Chad said there would be time to determine what the impact would be from the winery and traffic. Ben said this is very preliminary. Jason said they are here to get some initial input and to get the reaction of the Commissioners and Rome City.

Leigh Pranger, Rome City Town Manager expressed her concern about the one area and she talked about the differences in the speed limit there. She said they (INDOT) made St. Gaspers put in a decel lane and she would guess there are not 700 cars turning left on to St. Gaspers, so she didn't understand why they aren't automatically putting in decel lanes. She said there is no way there is 6'-8' on the shoulder, because unless they are hugging the center line you can't get around cars there. Leigh said we have about 5 different speed limits within a half mile area. She talked about site distance. Ben said they would have to make sure there was proper site distance there. Leigh said she can see it being a major problem. Jason said they are trying to find out how to make the best use of their money. Leigh said she understands that, but this is their community and having one fatality there is more than they are willing to give up.

Dave Abbott said what they are creating is a jog intersection. He said cost shouldn't outweigh what is best for the community. Chad said we have a bridge that sees an average of 600 cars in a 12 hour period. He said we (Noble County) were looking at spending 2 million dollars on a bridge that doesn't see 100 cars a day, and federal funding was going to support the building of that bridge. Jason said they are talking 10,000 - 15,000 cars on state highway roads. He said it is a bridge that is not serving state highway traffic. Chad said they are building a bridge over a state highway that doesn't serve state highway traffic all of the way down 69.

Mark said from the Highway Departments view you have to look at how to maintain roads to stay within the budget. He said he understands why they are doing what they are, but it isn't the design he was expecting.

Dave Dolezal asked if people making a right hand turn at the new intersection would have to wait behind the people making a left hand turn. Jason said that was right. He said there are 43 cars in a peak hour, which is less than one a minute, so they shouldn't have to wait too often. Dave asked if there would be consideration for a deceleration lane for southbound traffic turning onto Northport. Jason said he thought there would be more consideration for a passing lane than a right turn lane.

Gary asked if the traffic count on the Northport Road would warrant a flashing yellow light/red light if the bridge is taken out. Jason said the state is trying to get away from doing the flashing yellow one way and flashing red on the other way. He said they cause confusion because some people think the yellow flasher means it is a four-way stop and they pull out and

get hit. Jason said there would have to be a history of a crash problem there, and even then they would try other things first.

Leigh said the other issue that hasn't been checked is that the stoplight on SR 6 and the stop light in Wolcottville are not in sync, so when you are trying to pull out and go south onto SR 9 in the summer when there is high traffic, it is about impossible. Jason said typically they don't synchronize signals unless they are half of a mile apart or so. Leigh said definitely the speed limit will have to be addressed.

Chad said he would like for nothing to happen until the impact can be complete on what the winery is going to do when it officially opens.

Jean Westrick from the Old Sylvan Springs property which is now Vast Domain Foundation said they are also in the development stages. She said currently they have 6 Religious that are actually residing on the premises. Jean said they are planning moving their Franciscan Brothers into the convent, so they will be doing renovation on the convent and the chapel, which will be their Friary starting probably in the spring. She said somewhere down the road they are hoping to use the property, somewhat modeled after the Precious Blood Sisters that were there until about 1970. Jean said by 2016 when INDOT plans to start this project there will be a much better chance of having a good traffic count. She said they are hoping that within the next year they will have the chapel open to the public and they will have mass and other services there. Jean said you also have the winery, and when you look at the amount of acreage among the two of them, there is the potential for a lot of people to come that direction. Bob Braley said the area where they would be taking out the bridge is a development area. Jason asked Jean if she could give them a few more details on the retreat center which Jean did. She said her parish in Fort Wayne has a very large youth group, so it would be nothing to have 130-175 youth come in for a weekend.

Dave Ober, State Representative for Noble County said he appreciated INDOT making this a part of their preliminary process. He said his one concern is that the traffic study was taken at a time where the traffic count would be significantly less than what it would be during prime time for Sylvan Lakes. Dave said the biggest thing he is hearing here is that we are creating an opportunity for injury when there really isn't a necessity for that. He asked why they didn't see that this bridge needed work done before it was a \$700,000.00 problem. Jason said you can only do small repairs so many times, and this bridge has had small repairs made several times. He said the bridge was built in 1939. Dave said he would hate to see them spend less money and then have someone get killed at that intersection. Jason said they are not trying to increase crashes. He said initially they were thinking they could possibly reduce crashes. Jason said they saw the biggest movements were from the east side and that is why they designed it this way. Jason said now they are hearing a lot of other input that they have to consider. Chad said Rome City is taking their water and sewer out to that area, and that is where they are looking at their growth area. Someone (?) said it sounds like a lot of the development on the west side is going to impact the north intersection, regardless of whether the bridge is there or not. There was discussion about the number of access roads for the Vast Domain Foundation. Jason said if they would change the use of their facility they would be required to go back to INDOT and amend their driveway permit. Dave Abbott said the use isn't going to change but it is going to create a lot more traffic.

Chad said unfortunately this is not a good time because there is a lot of development that is not done yet, and it might be best to take some time to see how this development is going to impact this. Mike asked if INDOT's internal process requires public input on the final. Ben said

they would probably come back to the government locals. He said there wouldn't have to be a public hearing to make a final decision unless there is right-of-way needed. Mike said this is a unique situation since it was originally built for a railroad and the railroad hasn't existed for many years. He said there must have been a continuous need for the bridge because it wasn't torn down when the railroad was taken out. Mike said he sees the traffic on 9 only increasing over the years. He said having two access points gives two areas of potential conflict, and he struggles with the change. Jason said it is a very unusual situation where we have a county road going over a state highway.

Leigh said their highest traffic counts would be in July, and she suggested that another traffic count be done next July to make the count more accurate. She said they are also working on a bike trail and it would be nice if they didn't have to make a stop and go across. Leigh said any reconstruction in that area would mean that Rome City would need to consult with their engineers about the dam. She said she wouldn't want anything to compromise the structure.

Dave Abbott said the bike trail is part of the Governors Rails to Trails program that they are working on right now between Kendallville and Rome City, and the plans are to extend that north to tie into another trail. He said as the trail is extended and people will want to go to the winery, that would cause them to have to cross a state highway. Dave Dolezal asked roughly what is budgeted for maintenance on that bridge per year. Ben and Jason didn't know.

REMOVAL OF FLASHING LIGHT FOR 4-WAY STOP @ SR 205 & OLD 3 IN LAOTTO

Ben said there is a four way stop at the intersection of SR 205 and Old SR 3 in LaOtto and they have a flashing light there. He said the support poles are getting in bad condition and they would like to remove the flasher. Ben said the four way stop would remain. He said the school is gone now. Dave and Chad said they didn't have a problem with that.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:33 A.M. and reconvened at approximately 10:48 A.M.

PUBLIC HEARING RE: HELEN BAUMAN REZONING IN ORANGE TWP. & ACCEPTANCE OF RIGHT-OF-WAY FOR BAUMAN ESTATES

Teresa Tackett from the Plan Commission and Randy Sexton, Noble County Surveyor were present for this portion of the meeting. Teresa said the Plan Commission gave a positive recommendation on October 14th for the rezoning for Helen Bauman of 3.52 acres in section 33 of Orange Township from A-1 to RE. Chad asked Randy if this ordinance (UDO) was proposed to be changed to a 2 acre lot minimum for A-1 from the current 10 acres, if they would still want the rezoning. Randy said he didn't think it would make a lot of difference to them. He said Mrs. Bauman is going to retain the 3 ½ acres and is setting it up for some estate work for in the future for her daughter. There was discussion that 2.24 acres of the 3.52 acres is out of one parcel and 1.28 acres is out of another parcel for the rezoning and there is a plat for the 3.52 acres (Bauman Estate) with dedication of additional right-of-way.

Dave made a motion to approve. Chad seconded the motion and it carried, 3-0.

Jackie asked if we have an ordinance for taking the additional right-of-way. Chad said it is in the Comprehensive Plan and the UDO refers to that. Jackie said that is just a plan, not an

ordinance. Chad said it is a recommendation. Dennis said that's all that it is. Chad said it is not a requirement, it is a recommendation. Jackie asked if we can take another 10' or whatever. Chad said it is only on splits. Chad said that Scott had recommended that the travel plan be done as an ordinance instead of being in the Comprehensive Plan.

Dave moved to accept the additional 10' right-of-way on Bauman Estates. Chad seconded the motion and it carried, 3-0.

TITLES FOR SURPLUS EQUIPMENT

Jackie presented titles for a trailer and a truck from the Surveyor's Office that have been sold, (H.I.). Chad moved to have Gary sign the titles for a 1994 trailer and a 2000 Ford F350. Dave seconded the motion and it carried, 3-0.

LANDFILL DISCUSSION

Randy Sexton reported that on the 23rd Anne Weinkauf was up and did an inspection of the landfill, and she has closed the Permit 5701. He said it states in there that basically everything is in good shape for now and that we have been monitoring the area to the west and she is satisfied. Randy gave the Commissioners for their review, copies of both proposals, Phase I and Phase II of a possible project if the occurrence should re-occur. He said it would be his advice at this point in time that we don't do anything since the situation has been closed and there is nothing more to be done at this time. Randy said he thought we should have the proposals prepared in case something should redevelop in this area. Dave asked if she is going to give us something in writing. Randy said she did. He said on the third line down it says closed, and she signed off on it. Chad asked if we got prices on it. Randy said the estimated cost for Phase I is between \$3,000.00 and \$3,500.00 and on Phase II it was \$18,000.00 - \$20,000.00. Chad asked if it would make sense to continue with the request approval for Phase I. Randy said he would recommend getting approval for Phase I and move that direction in case there should be a re-occurrence. Dave asked what the cost would be for the permitting. Randy didn't have a cost for that. Chad asked if we should run this through Weaver Boos. Dennis said he thought they should be made aware of it. Chad said he would like to at least see the process get started so we have all of the permitting in order. Dave asked if that closes out the complaint. Randy said it does. Dave said he forwarded the letter to Jackie from Weaver Boos asking how much leachate we have pumped. He said they wanted it within 15 days.

HANDBOOK DISCUSSION

Present for this portion of the meeting were: Sheriff Doug Harp; Chris Moriarity and Terry Waikel, Sheriff's Department; Michelle Bricker, Treasurer; and Jackie Knafel, Auditor.

PART-TIME PERSON- Jackie asked if the Commissioners want to proceed with the part time person for the three locations or what are we doing. Chad said we need to get something that shows what their duties will be first. He asked Jackie to get with Doug and Mark and find out what the expectations would be of that person and the hours and duties. Chad asked if we should go ahead and advertise for it. Jackie said she could do it in house once she gets the information.

VACATION ACCRUAL - Jackie said after she made the changes the last time she e-mailed the Commissioners a new copy. She said on page 39 she inserted about the new accrual rates for vacation time. Jackie said she also did a graph that she added on page 40 that shows a schedule of when you start and what your vacation would be. She said Chad was in last week and they

discussed taking that out and just giving it to the employees as a handout. It was agreed that it should be a handout.

TAKE HOME VEHICLES – SHERIFF’S DEPT. – Sheriff Doug Harp gave a brief review of what was discussed at the meeting when Dave wasn’t here. He said he went back on their vehicle usage and took an average from 2003 - 2009 and then took the average from 2010 to the current date and they are actually down on what they have been using for fuel. Doug said he feels very confident with his staff as far as fuel usage. He said they have had times that he or Chad (Willett) or both, have brought people in and asked why they were running so many miles. Doug said they put them on notice that they needed to cut down on some of those miles. He said he feels very good about the way they have handled the budget, the usage of the cars, and so on. Doug said the policy in his department does allow for out of county usage, and he thinks that is critical and very important in terms of public safety, which is his primary mission. He talked about how when they use the vehicles they have all of their equipment they need with them and many times are just minutes from the county. Doug said the last time he was asked to get some information from other Sheriff’s. He said he sent a broadcast out to all of the Sheriff’s and he got 26 responses, (H.I.). Doug said the overwhelming majority of them have adjoining county use, if not further, and he read from the list what the other counties do. Doug said in the vast majority of cases, it was the decision of the Sheriff, which he thinks is the right call that the Sheriff’s should make those calls. He said that was the case when Gary was there. Doug said Gary limited usage at a time when the gas prices went high. Doug said they are not over budget and he feels that is the way it should be, and that Gary made that decision when he was Sheriff. Doug said he has enough common sense to know that if gas goes to \$6.00 a gallon or something like that, that is his call and he would have no problem with saying gas is off the charts and we need to do something to take care of that.

Chad said apparently there is a mis-communication between Commissioners and Sheriff’s in some counties. He said he talked to a Commissioner from Whitley County and theirs is a 50 mile radius from the county and their vehicles are GPS tracked. He said a DeKalb County Commissioner said they have a policy that does not allow them to drive their vehicles outside of the county. Doug said he talked to the Sheriff’s and that is what they told him. He said in the overwhelming number of counties in the state it is the Sheriff that makes those decisions. Doug said he thinks it should be his decision. He said they are not over the budget and they are not breaking the bank. Doug restated much of what he said during the last meeting when Dave wasn’t here. He talked about instances where he has responded while off duty.

Chad asked how many instances other officers had responded to when off duty. Doug said he didn’t have all of them in front of him. He said he thought Dunnifin got called out 11 or 12 times last year, and some of that would be as a detective. Chad asked if there is an off duty log. Doug said there is a log that they try to maintain and the Commissioners are welcome to see it if they want to. Doug said there are less State Police on the road than there used to be. He said typically the county has two officers on a good day. Doug said it is very rare that they are full staff because of vacation time, comp time, etc. He asked in this day and age, why we would want less of a presence in our community than we have now. Chad said that is not what we are doing. He said if we tell an officer that they have to drive a vehicle within the county only that increases the presence in our county, because otherwise they are going outside of the county. Terry said they have to drive through the county to get to the next county. Chad said when Gary took the vehicles to in-county use only, everybody on the west side of the county had

to start shopping in Kendallville rather than going to Goshen like they used to. He said the ones that live in the southern part of the county are going to Whitley County.

Chris said you are not going to get guys from Cromwell to take the extra 45 minutes to drive to Kendallville to go to Wal-Mart when they can get in their personal car and go to Columbia City or to Goshen. Gary said taxpayers are paying for the gas and the cars for their public safety in Noble County, not in Columbia City or Goshen. Chris said like he said the last time, there are many Noble County residents that drive to Columbia City, Allen County and surrounding counties to work. He said he sees the Noble County plates all of the time when he is driving outside of the county. Chris said just the presence and the way people drive when there is a police car around is 1000 times different than when there isn't. Doug said just last week we had another school shooting, and if he had 5 off duty people driving their cars they could respond right away. He asked if the active shooter is at Carroll High school and you have kids there, do you care if it is a Noble County Officer that is there? Gary said we are all concerned about public safety and Chris talked about visibility. He said if you have 6 unmarked cars, how much police visibility is that. Gary asked why not have the Chief Deputy in a marked car. Doug said he could stripe it. Chad said it was striped and then the decals were taken off.

Terry said they are saying it is because of finances and the tax payer's money, and now you are giving people more vacation time, and we still have to have coverage for those people that have more vacation. He said this is a safety issue and not a money aspect. Terry said he doesn't begrudge anyone extra vacation time, but if we are going to look at the money aspects of it then let's look at the money.

Dave asked if all of the people that are out driving have the authority to enforce all of the laws. Doug said if they are in a marked squad car state statute allows them to pull someone over and give them a ticket. He said if you are in an unmarked car and see something then you need to call it in. Doug said right or wrong, everybody that is in an unmarked vehicle in plain clothes has stopped a vehicle before, because it got to the point that the driving was so outrageous, so they stopped the person and got a marked car there as soon as they could.

Gary asked if there is documentation on off duty traffic arrests. Doug said it is probably in the log. Gary said where he is coming from, when talking about taxpayer money, he looks at it if he is a family of four or a senior citizen on a fixed income and he is paying for his gas and then they see a marked car going by with kids in the car, he struggles with that. Doug asked why Gary didn't restrict the use to in county when he first took office and started getting complaints. He said Gary received complaints on him when he was driving to his kids baseball games, but nobody complained when he left his wife and kids at the baseball game to respond to an active shooter situation. Doug said he can't understand why they are having this conversation. He said they are not coming in to ask for additional and they are not driving the wheels off of the cars.

Terry said it has been said many times that the use of the vehicles is part of the deputies pay. He said we are not taking pay away from anyone else in the county. Doug talked about the pay for the deputies and how underpaid they are. He said they made good progress in the commanders pay, but the deputies are still horribly underpaid.

Chris said he thought it was being over exaggerated on how much the cars are being used outside of Noble County. He said a person might take their car and go 10 miles, but only 4 of the 10 miles are outside of the county. Chris said some deputies don't even drive their cars at all when off duty. He said if he drives his vehicle to Fort Wayne he is probably driving 20-25 miles

out of county and probably 30-35 in the county. Chris said that is 30-35 miles that the county would be losing the visibility of the car on the road.

Doug said he didn't know what had changed. Gary said it is the gas prices that have changed. Doug again said if the gas prices go up he would do something. He reiterated that their usage has not gone up and he said that they had gotten credit cards where they could get gas wherever it is cheapest. Doug also talked about the fact that they are purchasing more fuel efficient vehicles.

Dave said he appreciates that Doug is reviewing the usage. He said he doesn't want to micro-manage his business. Dave said he did disagree with the statements that the deputies are horribly underpaid. Doug told Dave some of the things that had been discussed before regarding wages. He said the deputies pay compared to other counties is not good. Dave said he thought there has been improvement in the last two years, and he didn't know if other counties have longevity pay but that is part of their pay too. Dave said there are dollars and cents associated with this as there are dollars and cents associated with safety. He said he could see Doug's point of view.

There was discussion about how much money was encumbered from the previous gas budget. Jackie said they encumbered \$33,000 from last year for gas, oil and lube. She said to date we have spent \$98,000.00 and there is a balance of \$30,382.93 in gas, oil and lube. Jackie said she didn't know how far out Marc at the Highway Department had billed them for gas. Chad said assuming that we get another bill this year it appears they would have used more this year.

Dennis said his question for the Commissioners is how this would be enforced if it became policy. Gary said if a car is outside the county and they have a crash, obviously they would have a problem. Dennis said there would be a problem that they were outside, but how will it be enforced by the Commissioners. Gary said all they have is the handbook policy.

Gary said he is kind of on the fence. He said he had the luxury of having the use of the car when he was on the State Police, but he didn't use it often because he didn't want his family in it. Gary said if the guys are going to use the cars off duty out of the county, they should be able to have some kind of documentation to justify the use of the car. Doug said he hopes that at the very least, if they are off duty and see something they call in if they see someone speeding or something.

Dennis asked if there are any records that document how many miles are driven off duty. Doug said there has never been differentiation between duty miles and off duty miles that he can remember. Dennis said they call in when they go off duty, and they could easily say how many miles were on the vehicle and that could be entered in a log. Chad said they have to document their miles on duty and off duty the next day.

Dave asked if we have GPS on our cars. Doug said he thought the GPS is designed to know where the guys are at any given time for their protection.

Doug said the only thing that gets out of line is their medical budget. Gary said he would like Doug to show to them that this is not an entitlement by showing some kind of documentation of traffic arrests and other things off duty. He said if it is for public safety they may have to look at marking some cars.

Chad made a motion to add to take-home vehicles for Merit Officers ***“Within the county and adjoining counties”***. Doug agreed to get the Commissioners some information they have asked for. After further discussion Dave seconded the motion and it carried, 3-0.

Chad moved with that change being made to approve and adopt the handbook effective November 4, 2013. Dave seconded the motion and it carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:06 P.M. recessed from day to day until the 4th day of November, 2013 on a motion made by Chad and seconded by Dave which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor