

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 24, 2014**

Comes now the hour of 8:43 A.M. on the 24th day of March, 2014, 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:

Jacqueline L. Knafel, Auditor
Marion S. Cavanaugh, Deputy Auditor
and Bob Braley & Scott Perry, News Media

Absent was:

Dennis Graft, County Attorney

CLERK'S REPORT – FEBRUARY 2014

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

WEIGHTS & MEASURES REPORT – FEB. 15 – MARCH 15, 2014

Art Buchanan, Weights and Measures Inspector submitted the monthly Weights & Measures report as noted above, (H.I.).

FLOOD SAFETY AWARENESS WEEK

Mick Newton, EMA Director, came before the Commissioners to ask that they proclaim March 24, 2014 – March 28, 2014 as Flood Safety Awareness Week as was requested by the Maumee River Basin Commission, (H.I.). Chad moved to adopt the proclamation. Dave seconded the motion and it carried, 3-0.

**NOBLE COUNTY HEALTH DEPARTMENT
2013 ANNUAL REPORT**

The Commissioners received the 2013 annual report from the Noble County Health Department, (H.I.).

MINUTES APPROVED

After reviewing the minutes of the *March 17, 2014* meeting Dave moved to approve them as corrected. Chad seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – ZACK SMITH **DISTRIBUTOR BODY**

Zack said they worked on the distributor body last week getting it prepped for the new truck. He said Mark talked to a representative of the company we are purchasing the new system from and he told Mark they could take a tour of the facility and they would have their staff on hand to answer questions. Zack said Mark is looking at taking as many as four guys there so they could better familiarize themselves with the workings of the unit. This will be discussed further next week when Mark is present.

EXPENSE OVER \$500

Zack said Mark is requesting permission to get the hydraulic pump for the Volvo grader that was rebuilt. He said Mark was told it would not exceed \$3,500.00.

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

DRAINAGE PROBLEM ON RICHMOND STREET IN WAWAKA

Zack said he is working with Randy (Noble County Surveyor) to solve a drainage problem on Richmond Street in Wawaka where it is fairly flooded. He said they put some material down to lift the road so residents can get in and out until the problem can be addressed.

ROADWAY PLAN

Zack said the roads are starting to heave up in the middle. He said he and Mark are going to do a full survey of the roads this week and next week so they can put together their plan for the year. Zack said they want to get this done so they can secure a grinder for the in-house work.

HIGHWAY SUPERINTENDENT WORK

Zack said Mark understands that he needs to get rid of some of the actual labor work load and work on some of the management things that he has fallen behind on. He said Mark is working hard on freeing up his time to do more managerial things.

BRIDGE #70

Zack said they received the descriptions last week for the right-of-way purchases for Bridge #70, and he went out last week with Mark and met with all three landowners involved to let them know what is going on. He said they gave them a draft of the documents so they would understand the offer. Zack said all three landowners are supposed to sign the paperwork today. He said he has a conference call with the Norfolk Southern Railroad today to go over any potential issues. Zack said he doesn't see any problems with the progress on Bridge #70.

NEW TRUCKS & BIDS ON OLD TRUCKS

Zack said he thought based on our minimum offers on the trucks we are getting rid of that we will get more than the trade-in values. He said we have four or five bids and they still have until Friday. Zack said the new trucks are ordered and they expect to get them in June.

CSX RAILROAD COORDINATION RE:

BRIDGE #134 & BRIDGE #136

Zack said he met with Fort Wayne INDOT last week and got a lot of good background information on how we should approach the LPA process and the railroad. He said he had been working with United Consulting and Beam, Longest and Neff to coordinate everything.

NOBLE COUNTY HIGHWAY STANDARDS

Zack said he presented the Highway Standards to the Plan Commission on Wednesday at their meeting. He said there weren't any major issues. Zack said Randy has a copy and he is waiting for him to get comments back to him. He said there will be a consultant review via the Plan Commission. Zack said he should have a finalized draft very soon.

HIGHWAY EMPLOYEE SAFETY POLICY

Zack said there is nothing new on the policy at this time.

BRIDGE INSPECTION PROPOSALS

Zack said he took the ERC (Employee in Responsible Charge) training last week and he will be a certified ERC for all of the funding requirements. He said he thought it would be good for all four of them (Zack and Commissioners) to fill out separate grading sheets and then take the average of all of them. Zack said he thought we would have 6-10 bidders and they will have to grade each one. He said once we receive the bids we need to have a selected consultant within 6 weeks or we could lose the funding.

OCRA FUNDING

Zack reported that he is meeting with OCRA (Office of County and Rural Affairs) tomorrow to look at potential funding sources for planning, etc.

CR 300 S

Zack said he talked to SME and we should have a proposal for next Monday's meeting.

LPA CALL FOR PROJECTS

Zack said before we could re-apply for federal funding for Bridge #134 we would have to pay back the money that was put on hold due to no action required. Chad asked if they wouldn't allow the project to move forward. Zack said David Armstrong said if we want to do anything with that in the next 10 years, the money would have to be reimbursed before we could apply for funding. He said based on that he is switching the scope to look at Bridge #136 for federal funds and maybe see if we could get CSX to pick up Bridge #134. He said bridge #136 would be the most expensive of the two projects. Chad asked Zack if the railroad chooses not to participate if there is another bridge project he has in mind. Zack said we have bridges that have higher traffic counts that we could use local funds for and not have to deal with the railroads. Zack said he would have bridge #16 and bridge #82 ready for submission once the new ratings are in.

FDR PROJECTS

Zack said he didn't think we could receive LPA funding for FDR (Full Depth Reclamation) projects and he explained why.

EQUIPMENT MANAGEMENT & PURCHASING PLAN

Zack said they were able to pull an inventory of all of our equipment out of some software that Charisse uses, and now they just need to put together all of the information they want to track on a template.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:24 A.M. and reconvened at approximately 9:45 A.M.

TAX SALE CERTIFICATE DISCUSSION

Sheri Auld, Deputy Auditor in charge of tax sales came before the Commissioners to continue the discussion on what to do with the tax sale certificate properties. She said the Garden Park Subdivision developer has passed away and she tried to get in touch of the Son to no avail, but the Son's office staff did some research and found out there is no Home Owners Association for that area. Sheri said that is the easement property under Preston Place Partnership.

Gary said when asked that he and Dave went and checked the Woodcock property (parcel #126) and it is very steep and the property is not very big. Chad checked on the Beacon website and found out it is 60' X 90'. Gary said if it was on flat ground it would be different. Dave said it is not a lakefront property either.

Dave moved to have Dennis petition the court for Parcel #26, Lots 92, 93 & 94 at Oak Cliff Park. Chad seconded the motion and it carried, 3-0.

Sheri reported that she is getting commitment letters back from people saying that they will pay the attorney fees and other applicable fees associated with obtaining the tax sale certificate properties.

The Commissioners will go look at parcel #28 at Sand Point Addition, High Lake before making a decision on it.

LAWN CARE QUOTES

There was only one quote received for lawn care and it was from Rookleif Lawn and Landscaping from Wolcottville. The Commissioners reviewed the quote which included mulching, etc. Dave said whoever mowed last year did a good job. There was discussion as to why we didn't receive more quotes and why the person that mowed last year didn't quote. Jackie said she advertised earlier than usual and maybe people weren't looking for it yet. She said she thought we spent \$10,105.00 last year. Jackie said she could call the person that mowed last year or she could re-advertise. Chad said he would like for Dennis to look at the bid. After further discussion Gary said the total price for at the jail and the South Complex, which includes mulching, hedge shaping, and also mowing of the wooded area twice a year, is \$15,160.00 for the season if 25 mowings are done at each location. Chad moved to take the bid under advisement. Dave seconded the motion and it carried, 3-0.

UDO CHANGES

Present for this portion of the meeting were: Nathan Miller, Plan Commission Director; Teresa Tackett, Plan Commission; and Rebecca Schroeder, Public.

Nathan presented a copy of the proposed changes to the Confined Feeding Standards in the UDO, (H.I.). He said at last Wednesday's meeting the Plan Commission moved to make a positive recommendation to make the changes. Gary asked what the problem was with it. Chad said there are real problems with what they have currently. He said it doesn't define what Confined Feeding is very well, and based on an interpretation of what it is we have a lot of properties that are not conforming with the current definition. Chad said there were some issues with set-backs and they changed that. Nathan said it has to be 250 feet from the property line and if there is a house on the property it needs to be at least 500 feet from the house. Chad said before, it was 500 feet from any property line. Chad said another thing is that the Confined Feeding has set numbers. He said both Confined Feeding and Raising of Farm Animals have actual set numbers, and the numbers are specific to IDEM numbers. Nathan said anyone in A-1, A-2 or A-3 has the right to raise farm animals (under Raising of Farm Animals), but when they hit the number listed it would trigger Confined Feeding and they would have to go through IDEM. Chad said the approval at the Plan Commission was to remove confined feeding from A-1, which he thought was very important to do. He said the only thing they heard at the Plan Commission meeting was that none of them were interested in holding the process up for the minor change in the Confined Feeding Standards in Article 5.12 where it talks about having a "truck maneuvering area" which a lot of times is a drive that circles the building. Chad said

according to the definition, that drive is included in the 250' set-back so the building itself would have to be further away if it has a drive that goes all of the way around it. He said they will probably be having some future discussions to remove that as well, Nathan said in the proposal Confined Feeding, based on IDEM numbers was removed from A-1, so General Agricultural would not allow for any kind of Confined Feeding operation that has IDEM numbers or more. He said that is related to the A-1 acreage change that the Commissioners had tabled sometime back. Dave asked if it is just Intense Agriculture. Nathan said A-3 would be Intense Agriculture or Confined Feeding basically. Chad said there was a typo under Intense Agriculture in Article 2 regarding the minimum lot width. He said it had said 1500 square feet and now it is 150. Gary asked if very many people would have to re-zone from A-1 to A-3. Nathan said only if they wanted to expand. Chad said the changes would not affect anyone currently.

Dave moved to approve the changes as presented. Chad seconded the motion and it carried, 3-0.

Nathan also brought the new UDO maps that will reflect the changes brought about by the changes the Commissioners just voted to accept. Chad moved to un-table the previous discussion on the maps. Dave seconded the motion and it carried, 3-0.

Chad said the only thing now that is affected is the two acre lot minimum. He said what the Commissioners just approved removed confined feeding from A-1 and under Article 5 removed it under 5.12 as an allowable, so the only portion that is now left is changing the lot minimum from 10 acres for A-1 to 2 acres and amending the maps to show the changes. Chad said anything that was rezoned in the last year from A-1 to RE will stay the same and they will have to petition to move back to A-1. Nathan said everyone else between 2 and 10 acres will be rezoned to A-1 by default. Chad said the original intent of the ten acres was to conserve agricultural land, but if you have under 10 acres you are only allowed to develop 40% of your property for agricultural purposes. He said in his opinion that does not conserve agricultural use of properties. Chad said in his opinion this will allow for the conservation of the agricultural lands because they will still be able to use it for agricultural purposes.

Dave moved to approve the proposed change for acreage reduction for agricultural A-1 District as presented. Chad seconded the motion and it carried, 3-0.

Chad talked about other changes that are being looked at in the UDO.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 10:51 A.M. recessed from day to day until the 31st day of March, 2014 on a motion made by Dave and seconded by Chad which carried, 3-0.

Gary D. Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor