

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 31, 2014**

Comes now the hour of 8:46 A.M. on the 31st 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 and Scott Perry, News Media

Absent was:

Dennis Graft, County Attorney

DONATION OF SICK DAYS TO SHERIFF'S DEPT. EMPLOYEE

Sheriff Doug Harp came before the Commissioners to ask permission for sick days to be donated to an employee whom he said is a very good employee and has been there since October of 2010. He said she has a daughter who had cancer which required two different surgeries and she had used a lot of her days for that, and now her husband has cancer and will have to receive treatments in Indianapolis. Chad asked if she currently has any sick days. Doug said she used them all with her daughter and she hadn't abused anything. Dave asked if she had vacation time left. Doug said he thought she had some vacation but he wasn't positive. He said Dave had mentioned the Family Medical Leave Act, and generally he thought that was for a long term thing. Dave said it can be set up for a day here and a day there and you can just take days off as necessary. He said he would like to see us use some kind of uniform system rather than the Commissioners having to micro-manage and the department heads having to come in. Dave said it is always a terrible situation that someone is going through.

Doug said there are people that wish to donate sick time to her that make more money than she does, so it would be saving money. Chad moved to approve the donation of sick days after she has exhausted all of her personal, comp and any vacation days that she may have. Dave said to be fair, he thought if she wanted to reserve five days - Chad said with the exception of five days of vacation. Dave seconded the motion. Doug said in the past he didn't think we have factored in having to use vacation and personal time, and he would make a pitch to keep it that way. Chad said most of the people that come in to request the time have zero time. He said he is willing to approve the donation of sick days, but if an employee has 15 vacation days they would have to use some of that before requesting sick days.

After much discussion, Gary said he wants to see a policy that the Commissioners don't have to oversee all of the time. He said they could put a policy out there and the department

heads would be able to follow the policy in determining if one of their employees would be allowed to have donated sick days.

Following further discussion, Dave said he should rescind his second and recommend that we go with what we have until we change what we have, and he would like to see a clear policy and he would like to see the Family Medical Leave used as it should be.

Later, Chad rescinded his previous motion and made a motion to allow the donation of sick days for the Sheriff's employee. Dave seconded the motion and it carried, 3-0.

Gary said the Commissioners want to have a policy that the department heads can understand and that can be applied fairly.

FORMER SHERIFF'S DEPT. CONFINEMENT OFFICER ASKING TO BE RE-EMPLOYED

Doug said he has a confinement officer that left employment after being employed from October of '05 to November of '13 that stayed on as a part time employee and has now asked to come back to employment. He asked if he would keep his seniority and if his probation period would be waived. Chad said the handbook addresses the seniority and benefits, and he thought he could only be gone for 6 months. He said as long as he returns within the 6 months he can retain his seniority. Dave asked if there is a position available. Doug said there is.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:05 A.M. and reconvened at approximately 9:17 A.M.

HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH UTILITY PERMITS

Mark presented the following utility permits all from Frontier Communications: #UP-005-14 for work on N CR 650 W between US 33 and W Noe Street in Sparta Township at the Elias Cabello residence; #UP-006-14 for work on N CR 75 E between E CR 100 N and Baseline Road in Jefferson Township at the Henry Frech residence; #UP-007-14 for work on S CR 90 W south of W CR 100 S in Noble Township for work for Daryl Klemp; #UP-008-14 for work on E CR 500 S, between S CR 200 E and S CR 300 E in Green Township for Billy Campbell; and #UP-009-14 for work on E CR 600 S between S 400 E and S 800 E in Green Township, (H.I.).

PLUGGED TILE - RICHMOND STREET IN WAWAKA

Mark reported that Phil from the Surveyors Office told him they have a contractor lined up to jet the tile that is plugged on Richmond Street today, to take care of the drainage problem.

TOUR OF ETNYRE PLANT

Mark said he is looking at the possibility of going to Etnyre (to tour the plant where the truck we are purchasing is made). He asked if there would be a problem with taking a couple of the men out of state overnight for the tour. Chad asked Mark if he would have the money in an education fund. Mark said they would have. He said if it works out, it sounds like most of it would be paid for because the representative from Southeastern Equipment wanted to get a van and take a couple of other counties, and they would pay for the motel. When asked, Mark said he would take the full time operator and the part time operator. He said to see it assembled and to understand all of the different components is invaluable information to have. Chad said it

would be good for them to see the process. He said those who end up working on it might want to see it as well.

DRIVEWAY CULVERTS AT LISBON

Mark said there are a couple of driveway culverts at Lisbon that are broken down. He said one is on Greenwood Drive and the other one is on Oak Street. Mark said the one on Oak Street they apparently got a hole in their drive so they filled it which blocked off the culvert and is causing water to sit there. He said we don't have an ordinance or a good policy in place to deal with such things. Mark asked if the Commissioners would support the Highway Department in requiring them to replace a culvert. He said when they put a drive in they had to put a culvert in. Mark said technically it is their drive and they should have to replace the culvert. Dave asked if that is in the driveway ordinance. Zack said he looked at the driveway ordinance, and the way he read it the Commissioners have the power to regulate it. He said he was going to see what Denny (County Attorney who was not yet present) thought. Chad said if we require a culvert in the first place, he didn't see how it would be any different that they would have to maintain the culvert. Zack said it would be good to have an overall direction on how to deal with this issue in the future. Chad said we should probably make sure that the driveway ordinance has the language that says they must maintain it. There was discussion as to who would be responsible for upkeep if the driveway culvert becomes blocked because of silt going through it. Mark asked if the Highway Department should go out and pull the pipe and repair it. Chad said we didn't put it there and if there wasn't a driveway there it wouldn't be an issue. Gary said if we require the culvert and we are running the drainage that way, and it is our drain that fills their culvert - Zack said it is in our right-of-way and we gave them a permit for it. He said it is a complicated issue that they would like to have a policy for. Gary said he could see it if the owner of the property did something intentionally to plug the culvert, like crushing it or filling the end of it, then the burden would fall back on the property owner. He said if there is just typical runoff going through a culvert and it somehow becomes blocked at no fault of the property owner, then that is a separate matter. Mark said we don't have the equipment to clean culverts. Gary asked if blocked culverts are a problem, if a jet-back would pay for its self over time versus the labor of going out and digging up and putting in a culvert. Mark said it would be a benefit over time just to keep the water from creating road issues. Gary said he would like some numbers to show the approximate cost of replacing driveway culverts versus the expense of buying the equipment. Dave said if the homeowner is responsible for it but doesn't have the means to do it and we have the equipment, maybe we could come up with a policy that we will do it and assess them a fee for doing it. He asked what would cause it to silt all of a sudden. Mark said our ditches haven't been maintained correctly for years and years. He said we don't have the equipment or the manpower to keep up with it. Mark said on the driveway permit it says that if you are putting a driveway in it is your responsibility to clean the ditch, if it isn't clean, and to put the pipe in properly and then it should be inspected. Dave asked if we have a policy in place for if we see an obvious problem with water over the road and there is a driveway that doesn't have a culvert. Mark said there are situations like that and we haven't done anything with them.

Gary asked if the homeowner did something to the culvert in Lisbon. Mark said he hadn't gotten in touch with the property owner yet, but a neighbor said they got a hole in their driveway where the culvert was rusting out and they filled the hole in with gravel so they could get in and out, and that plugged the culvert up. He said he wanted to make sure he had the Commissioners backing before he did too much. Chad said we wouldn't require someone to put

a culvert in for a driveway and then not expect them to maintain it. Gary told Mark he should go out and talk to the property owner and explain to them that it is their responsibility to maintain the pipe, whether they have a contractor come in and do it or we do it and assess them the cost.

BRIDGE #70 R-O-W PURCHASE

Zack reported that all three landowners signed the right-of-way deeds. Dave asked Zack how much we saved by doing the right-of-way purchase in house. Zack said the original scope of the right-of-way documents was just under \$20,000.00 for the engineering. He said the revised scope was closer to \$8,000.00. Zack said we paid Mike Fitch \$3,000.00 (for legal descriptions) and there was a cost of \$500.00 for the purchase of each right-of-way, so we did it for around \$4,500.00. He said he would be able to do what Mike did from now on. Zack said they also changed the proposed right-of-way to make it more uniform, which should help with general maintenance in the future.

TRUCK & EQUIPMENT SALES

Zack said they got bids on all pieces of equipment and the total of all bids was \$5,395.00 which is \$645.00 more than we would have gotten on a trade-in.

Jackie pulled the titles for the trucks. Chad moved to approve for Gary to sign the titles for a 2003 Ford and a 1997 Ford. Dave seconded the motion and it carried, 3-0. The titles will be kept in the Auditor's Office until the trucks are paid for.

CSX RAILROAD BRIDGES

Zack said he had been talking with CSX and they are putting together an offer to bring to the table to use as a resolution on all three (railroad bridge) projects. Zack said he told them he would push for funding for Bridge #136, but they will be bringing offers for all three bridges. The other two bridges are #134 and #135. He said hopefully he would have something from them by next week. Zack said he is working with INDOT on the Bridge #136 project.

COUNTY ROAD STANDARDS

Zack said the road standards are still under review by the County Surveyor and the Plan Commission Consultant for the UDO.

BRIDGE INSPECTION PROPOSALS

Zack said he should have all of the bridge proposals in by Friday. He said he will put together a rating package for everyone and he has scheduled extra time for next Monday to do the rating.

CR 150 E PROJECT & CR 300 S

FDR ENGINEERING PROPOSAL

Zack said with the lack of funding from the LPA he didn't know how soon we would be able to do 150 E unless we get funding support from somewhere else. He said if he doesn't see it being done in the next couple of years, he didn't know if it would be worth spending the \$17,000.00 at this time (for the engineering), (H.I.).

Zack said at this point the request is for \$12,100.00 for laboratory testing, mix design testing and engineering/reporting for just the CR 300 Project. There was discussion about the sampling that would be done. Zack said he sees this as a one-time cost to get the FDR program moving. Mark said after the initial project the Highway Department will be able to do a lot of the testing themselves to save money.

After discussing where the money would come from, Chad moved to approve the expense of \$12,100.00 to cover the cost of laboratory testing, mix design testing and engineering/reporting for CR 300 S from Soil and Materials Engineering, Inc. Dave seconded the motion and it carried, 3-0.

OFFICE OF COMMUNITY & RURAL AFFAIRS – FUNDING

Zack said he had met with the Office of Community & Rural Affairs last week, and he thinks there are some funding options for projects. He said most of the funding has to be directed to low and middle income areas, so he is working with Steve Hook in GIS to pull information off the 2010 census.

LPA CALL FOR PROJECTS

Zack said they have released the dates of April 14 - May 12 for accepting applications with a June 16 award posting date. He said he will be submitting applications for Bridge #136; Bridge #147; Bridge #16; and Bridge #82. He said he also looked into some road projects last week and Baseline Road from 600 E to 700 E site distance issues he thought would qualify and the intersection of 50 W and 100 N. Zack said the goal is to hit all funding avenues and that is why he has six projects scoped. He said he doesn't foresee being awarded all six projects.

ROAD IMPROVEMENT PLAN

Zack said the preliminary drive through is in process. He said he is working with GIS data from Mike Fitch and the historic traffic counts along with how the roads are failing. Zack said he would prioritize what projects need to be done and show the proposed fix. Dave asked if there are still plans to rent a grinder to do some things in-house. Zack said ideally that would be a long term plan. He said they would have to see the condition of the roads and priority wise if we need to bandage more things just to get through the year. Zack said if we have a lot of partial depths that need done it could be done cheaply in-house. He said that is what the plan will tell us. Zack said the main thing he is looking at is what the failure mechanisms are. Mark said CR 150 N out by the power plants is crumbling, and if the roads crumble they can't logically be patched and will need reconstructed.

Mark said 500 W between 100 and 200 N was used last week for a detour because of an accident on US 33. He said he was out there this morning and the edges of it are crumbled up in some large areas. Mark said things like that will help determine how long they will need a grinder for. When asked by Dave where the traffic counts on the roads come from, Zack said he is using historic counts done by Keith Lytton when he was the engineer and they were done between '05 and '07. Zack said he is going to check with INDOT on the US 33 road accident where the traffic was re-routed to see if there is anything we can do. He said he doesn't know if there is a provision for that since it was an emergency situation that caused the traffic to be re-routed onto county roads.

SALT BIDS/PURCHASE

Mark said we go through the state bids to get our salt. He said our salt is about gone and they will probably put 2000 tons on the state bid. Mark said hopefully we won't need all of that but it would be nice to get some re-stocked into the salt shed.

REZONING IN JEFFERSON TOWNSHIP – KIRK & REBECCA SICKAFOOSE

Nathan Miller, Plan Commission Director and Kirk Sickafoose were present for this portion of the meeting. Nathan said the Plan Commission gave a favorable recommendation for the rezoning from A-1 to A-3 so they can proceed with a Confined Feeding Operation. Kirk said he currently has a permit to put a building up but he would be out of compliance as soon as he put it up. Chad said no one was present to speak against the rezoning. Nathan said he had five comment cards come back and they all approved or were in favor of the rezoning.

Dave moved to approve the rezoning request of Kirk and Rebecca Sickafoose from A-1 to A-3. Chad seconded the motion and it carried, 3-0.

MINUTES APPROVED

Dave said he didn't see anything wrong with the minutes of the *March 24, 2014* meeting and he moved to approve them. Chad seconded the motion and it carried, 3-0.

PAYROLL TO BE PAID 4/03/14 APPROVED

After reviewing the payroll from 3/07/14 - 3/20/14 to be paid 4/03/14 Dave moved to approve them as presented. Chad seconded the motion and it carried, 3-0.

REZONING IN PERRY TOWNSHIP TABLED – JOHN & LEONA TROYER

Nathan Miller, Plan Commission Director and John Troyer were present for this portion of the meeting. Nathan said they (Plan Commission) are doing a subdivision and a rezoning for Hidden Meadows School Addition for John and Leona Troyer.

John said a lot of this was contingent on things happening with the rezoning. He said the transfer of ownership of some ground has not been done yet and they also need a variance for some road frontage. John said it is an Amish school that is off the road and they technically don't want a 90' strip of ground going back for a driveway to the school, so he needs to get a variance. He said they don't want to rezone the property if they are not going to get the variance for the school. John asked that the rezoning be tabled until they obtain a variance, and then go from there.

After determining that the variance request would be heard on May 7th Chad moved to table the rezoning request until May 12, 2014. Dave seconded the motion and it carried, 3-0.

KONE, INC. - DUMBWAITER INSPECTION AT PROSECUTOR'S OFFICE

The Commissioners received a copy of the inspection report from KONE Inc. for the inspection that was done on the dumbwaiter at the Prosecutor's Office, (H.I.).

TOWN OF ALBION – GRACE CHRISTIAN CHURCH VARIANCE REQUEST

The Commissioners received notice of a variance request made by Grace Christian Church, which will be heard on April 16th by the Albion Board of Zoning Appeals, (H.I.).

MEDIACOM - CHANNEL LINE-UP CHANGES

Mediacom notified the Commissioners of changes that will be made to their channel line-up beginning on or around April 1, 2014, (H.I.).

MUNICODE - ORDINANCE CODIFICATION

The Commissioners received information from Municode regarding the codification of county ordinances and getting started with the process, (H.I.). The letter indicated that Municode will supply 20 copies of the new Code with binders and tabs, and asked that the Commissioners choose between four colors for the binders and four colors for the stamping. The letter also

talked about creating a permanent repository of ordinances not yet codified, which could be done at a cost of \$35.00 per ordinance.

LICENSE TO SOLDIERS AND SAILORS TO VEND, HAWK AND PEDDLE GOODS

Jackie said there was a Veteran in here last week wanting this license to pass out information in Noble County at fairs and things, to make sure he is covered legally. She presented the paperwork that had been prepared. Jackie said that is what he can post but he still has to meet the requirements of the State of Indiana. No action taken.

FEBRUARY 2014 AUDITOR/TREASURER RECONCILIATION

Jackie presented the above referenced document and she explained that they were off \$3,407.57 and she gave the reasons why, (H.I.). Jackie said they balanced on March 1st.

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

LAWN MOWING QUOTES

Jackie said she contacted the person who did the mowing last year and they did not see the advertising for this year and they do want to bid on it. Chad said he thought we should change the scope of what we are bidding out anyways.

ALLSTATE BENEFITS - EMPLOYER'S ACCEPTANCE OF VOLUNTARY INSURANCE PROGRAM - AMERICAN HERITAGE LIFE INSURANCE COMPANY (AHL)

Jackie said she and Mary talked to David Graham, an insurance broker. She said instead of having nine or ten options for employees, he has all of the paperwork from all of the agencies whether it be Nationwide, Conseco, AFLAC or any of those, and he can go through with an employee and weigh their options. Jackie said after he had been here he called and said there were three employees that he could save a considerable amount of money. He said when people/companies come in, employees may go ahead and take those options, not really realizing they might already have something in place and they would be doing double duty. Jackie said he is a broker that can represent all of the people/companies. She said he had Allstate information too. Jackie said one person is now paying \$116.80 out of their paycheck and he said for \$51.00 they could have four times the coverage; another person had \$52.00 worth of coverage and could have the same thing for \$24.00 worth of coverage; and another was now spending \$80.00 and could have it for \$45.00 or a much better policy for \$65.00. She said that was just three employees information that he looked through. Jackie said he would send out a folder to everybody and he wouldn't come in and talk to anybody unless they want him to. She said there is paperwork for the Commissioners to sign and she would have Dennis look through that when he gets here. Gary asked if there is a fee associated with it or if it is his responsibility as a broker. Jackie said there is no fee for the county. She said he would look at what they have right now and weigh all of their options, and he has the paperwork for all of the companies that are in here at this point where he could give them a better plan with the same company. Jackie said instead of having 9 or 10 companies come at you all at once, he is kind of a broker for all of them. Gary said he thought it would be a great tool for the employees because many of them

don't understand insurance. Jackie said she would have Dennis look over the paperwork before the Commissioners sign it.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:33 A.M. and reconvened at approximately 10:47 A.M.

REPAIR OF BUILDING DEPARTMENT VEHICLE

Dick Adair, Building Inspector said he had quotes to get the truck so he could at least get it sold. He said it is a slave cylinder. Dick said he is going to be getting rid of the truck because they are getting a car from the Sheriff's Department. He said when the part time inspector was out in the white truck doing inspections, he went to stop at an intersection and the clutch wouldn't go in. Dick said in order to get it so we can sell it we would have to fix the slave cylinder, and everyone is telling him that the master cylinder should be replaced at the same time because they have to drop the transmission to change them. He said the quote from Quality was \$392.43 and the parts store here in Albion said it would be \$395.00 or \$365.00, depending on who they used to do it. Dave asked what the truck is worth once it is fixed. Dick said he didn't know. Chad asked Dick if we get it fixed why he would get rid of it. Dick said because they are all telling him that when fixing the slave cylinder you should go through the whole transmission and replace the clutch and other things, and that is about \$1,000.00. After some discussion as to whether it would be better to fix the truck or sell it "as is" Dick said he would go ahead and put it on Craig's list and sell it "as is". Chad asked Dick to get a scrap price for the truck. Dave asked Dick if he was going to keep the Ranger. Dick said he was going to keep it for now because it has lower mileage and is more economical.

GEORGE BEALL TAX SALE PROPERTY

Dave asked Dick if the storage building that is on the George Beall tax sale certificate property at High Lake is something that goes with the property. Dick said it does. Dave said he thought that was a fairly decent lot and worth some money. Dick said there are two lots there.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:55 A.M. on a motion by Chad to recess until 12:30 P.M. Dave seconded the motion and it carried, 3-0. The Commissioners reconvened their meeting at approximately 12:42 P.M.

ADMINISTRATIVE SUBDIVISION DISCUSSION

Present for this portion of the meeting were: Everett Newman, Plan Commission Attorney; Nathan Miller, Plan Commission Director; Randy Sexton, Noble County Surveyor; Mark Goodrich, Highway Superintendent; Zack Smith, Highway Engineer; Judy Fox, Health Department; Alice Quinn, ISDH; Traci Little from Huntington County; Candy Myers, Recorder; and Michelle Bricker, Treasurer.

Gary said we are here to clarify the steps to be followed for an Administrative Subdivision. Chad said there had been some obvious issues between different departments.

Randy said there are three main issues that he feels are lacking on what we need to have on the plats. He said he thought we have the ability to require those things under 9-18-D-3-I. He said most of the Administrative Subdivisions we have seen so far are for future residential

purposes. Randy said some people say it is just for division of land. He said most consultants just ask him to tell them what is needed and they will work with him. Randy said we need to be able to track the plats, and in the meeting we had last year between the departments it was discussed that it needs to have a name, the lots need to be numbered, and it needs to have the proper signature block so it can actually be transferred as a plat. He said the other items that are probably more important, is to make sure the property is buildable in that it has access off the road and it has a letter from the Health Department to make sure it could have a septic put on it. Randy gave an example of one that is in the works right now and how it could possibly be a problem. He read from the definitions in the UDO what it says about subdivisions. He said they might be Administrative Subdivisions, but they are still a division of land. Randy read from 9-18-D-3-I in the UDO that says they can ask for "any other information necessary to support a thorough review of the proposed adjustments of lot lines as requested on the application form or from the Zoning Administrator". Randy said they had a meeting last year involving all of the departments and came up with what needed to be on these, and he thought that was the direction we were headed. Randy said recently we had an Administrative Subdivision that was recorded without the proper signatures on it. He said he has three more that are ready to be reviewed and he doesn't know what to do with them.

Chad asked Everett from a legal standpoint - Everett said as far as a subdivision goes, he would interpret where it says in the definition of a subdivision "a sub-divider can establish a use other than vacant or create a new building site". He said "can" means it has the possibility of it. Everett said it doesn't guarantee that in the future they would be able to use that use. Everett said he is moving more in the Surveyor's direction than he had in the past having re-read through it, but the power of the Zoning Administrator is to waive the requirements of the Administrative Subdivision that have no meaning, and it says "as further determined by the UDO". He said the UDO says that for an Administrative Subdivision as long as the Zoning Administrator puts it in writing he can waive the requirements. Everett said he thought if you have a situation where the body of the ordinance conflicts with the definition, the body of the ordinance is what would control. He read what the body says about an Administrative Subdivision, and he said their future intent to use it for residential purposes at that point is nobody's concern and if they make a non-buildable lot they made a mistake. Chad said he understands that Randy wants to have these things, but if Nathan doesn't ask for the additional information, do we have a legal right to refuse them. Everett said if they meet all of the requirements and we don't approve it we could be sued. He said you can't add additional requirements. Chad said he is not saying that those additional requirements may not be necessary. Randy said his issue is that he is being asked to sign on the plat, which means liability, without being provided the information to make a full decision on whether it should be done or not. He said he has no problem with it the way it is as long as he doesn't have to sign it. Everett told Randy his only role at that stage is not to determine if it meets survey standards. He said his role is to make sure it meets the ordinance standards. Randy said he doesn't have a problem with that, but he didn't want to be sued individually for something that he didn't think was correct and he was told to sign. Everett told Randy that when he signs it he is signing that they have met the requirements, so you aren't promising anything beyond what is there, if it is written that way. Chad said in the discussion before, just because it doesn't meet the Auditors, the Records or the Highway Departments requirements that is not our issue or our problem. He said it if meets the UDO's requirements - Randy said he is not sure why the Surveyor is being asked to sign the documents. He said he thought the Zoning Administrator should sign them. Everett said it was just to keep a check on

the Zoning Administrator because he has so much discretion. He said without that, the only check is to go before the BZA and say he is not following the rules properly.

Jackie said she has a question as to why we even have an Administrative Subdivision. She said she doesn't want to see Administrative Subdivisions in her office because it is not changing the face of the property or the ownership of the property. Chad said he didn't know why Jackie would need to see it. Randy said he agreed with Jackie. He said it is just causing people to have to spend money. Everett said he thought the review was designed to make sure that when people were doing divisions of land that when they eventually went to use the land for some purpose, it hasn't moved so far along that it can't be corrected if they are doing something that is not correct. He said if you have divisions of land without going through the Plan Commission there is no way of knowing that division is taking place. Everett said he thought part of the problem was that we defined lots, plots and plats all different ways, both in the statutes and the zoning ordinance, and that leads you to the kinds of situations that we have. He said a good example is that if you read the definition of subdivision that he is signing, it says that every division of land results in a plat, and that is where he was moving more towards the Surveyor's direction. Everett said if you put a really strict definition of the word "plat" then you end up in the kind of situation we have now. Everett said we are working with Brad Johnson on regularizing the subdivision ordinance to make sure the concepts get in there. He said his concept was initially that if we are doing a Simple Subdivision and it has two empty acreages described as metes and bounds that it didn't require anything more than the Plan Commission knowing about it. He said the way it is written you would have at least one lot left that they would call a plat. Everett said we need to eliminate that language. Jackie said just because they say that the property may be residential, that doesn't mean it eventually would be. She said it is hard to say that we are charging \$75.00 for something that may, or may not ever happen, and that is where her confusion is. Randy said someone needs to help him get past this when he looks at an application that says the proposed use is residential use and the intended date of development is 4/04/2014. He asked if he is supposed to review it like it may or not happen. Everett asked at the time of the UDO he didn't think we had forms for everything. He said there is supposed to be a separate application for an Administrative Subdivision.

Randy asked what the timing is to get this issue resolved. Chad said hopefully Brad will get something to us soon and we can start working on it. He said it took over a year with the confined feeding. Everett said if Randy knows he is only going to certify that they are in conformance with the UDO (on the Administrative Subdivisions) we could speed something through and at least we could get past that hurdle. He said then if everyone is agreeable we could go back and devise a structure to have open land handled more formally. Chad said the question is still going to be if the intended use is residential, if we have the right to require additional information. Everett said the solution is to write it up so it is clear that when we say plat we mean this and when we say lot we mean that, etc. After further discussion Everett said it is entirely possible to have a legal split and rezoned into two non-buildable lots the way it is written. He said it is the application that needs to be different. He said he thought the application form should be revised so it fits the requirements.

Jackie said she would like to rescind her prior request that there be a subdivision name and lot numbers, because she is no longer going to be seeing the Administrative Subdivisions because they don't change the face of the property.

Dave asked Randy if this proposed change helps resolve the issue with several pending applications. Randy said "Yes". He said he is not comfortable. Randy said he thought there are

a lot of issues and a lot of things that need to be handled. He said we either need to do away with it or completely change it, but basically he is going to sign off that he has checked items 3-A through H.

Dave asked who would change the application form. Everett said Nathan would. He said the Zoning Administrator devises the forms and the Plan Commission approves them. Randy asked if there is going to be something on the form where they know this may or may not allow them a residential building site. Everett said probably not. He said if you develop a piece of land without checking to see what you can use it for in advance, you take the risk that you are not going to get to use it for that purpose. Everett said if someone comes in and applies for something and says they want to put a house there, they should be told to check it out to make sure they can do that. He said they need to understand that a buildable lot and a dividable lot are not the same thing.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 1:21 P.M. and reconvened at approximately 1:39 P.M.

SICK DAY DONATION POLICY

Present for this portion of the meeting were Michelle Bricker, Treasurer and Candy Myers, Clerk.

Gary said the Commissioners are here to try to figure out if there should be a policy to oversee the donation of sick days; if we don't want to have donation of sick days; what is right and what is wrong. He asked how long the donation of sick days had been in place. Chad said it had been in place for a while but people never had to come before the Commissioners to get sick days donated until recently. Jackie said she gave some sick days to an individual a long time ago, and when they came back to work they came back with more sick time than she had, because they weren't off as long as they had expected. She said that kind of soured her on the whole process. Jackie said she thought there should be a better way like a pool or something that someone could manage and as needed it would go out. Dennis asked who would make that determination. Jackie said the sick days would just go into a pool and when an employee didn't have sick time they would get them. She said she didn't know that we have ever monitored what was talked about this morning, and that was whether the employee had exhausted everything.

Chad said if there was to be any sick time donation it would make the most sense to him that there shouldn't be a donation of sick days to someone that has 25 days of vacation days. He said he would have a really sour taste if he donated sick days to someone and they got off their sick leave and then took a three-week vacation. Dave said you earn the sick days and they are payable to you and now someone is able to re-direct the pay to someone else and it was never intended to be that way. He said it should go to you and you only. Dave said if he is off and someone wants to take a collection up for him that is fine because it is outside - Jackie said the reason she lobbied for the short-term insurance is that if someone came back to work they would possibly have sick days left to use on future doctor visits they may need. She said she thought it should be in black and white what the policy is so it isn't open for interpretation, because that is what we have had so many times. Chad said he thought any donation of sick time is going to be open to interpretation. He said even if you make a policy, the policy wouldn't fit everyone. Dave said you open yourself up to "you gave it to them why don't you do it for me", where if you do the FMLA it is pretty much black and white and an individual gets the

opportunity to expend all of the days whether you call them sick days, personal days or whatever, up to and including a week of their vacation which they are allowed to reserve by law, or they can expend them if they choose to. He said there is a misconception that is has to be consecutive days and that is not the case. Dave said it is probably not that easy to administer, but it is getting documentation saying that what they are saying is true and that they aren't going to the Dominican Republic. Jackie said the only thing it says you have to take consecutively is with a birth or an adoption

Michelle said Family Medical Leave or any law says this is your minimum requirement. She said you can have a policy that would go above and beyond that, you just can't go less. Michelle said if her daughter had cancer and she needed help with her four kids she would want to be there to help, but the **law** says if they live in your home and are under 18 years of age.

There was discussion about changing to PTO (paid time off) instead of having sick days, personal days and vacation days. Chad said Paula said her firm (?) does not recommend donation of sick time because of the fact that it is totally up to interpretation and abuse. He said the laws are no different in that it is all in a person's interpretation.

Gary said if we would go to PTO time and you donate time, you wouldn't know if it was comp time, sick time or what that would go into that pool. Chad said then it wouldn't matter what you take the time for. He said we wouldn't have to worry that they don't live in your home. Chad said it would just be paid time off.

Dave said if someone wanted to give it away, they should take the pay and give it to that person, because now you would be redirecting your pay to another person and there could be a tax difference and he didn't even think that is legal. Michelle asked Chad how Kendallville does it. She said she knew they had a pool that they draw from under extreme circumstances. Chad said it has to be approved by the BZA and they listen to it on a case by case basis.

There was much discussion about having sick days in a pool and how they would/should be administered from that pool and that if you go with PTO time people would probably use more of their time off and they probably wouldn't donate anything. Dave said he didn't think it should be used as a savings account and he asked why they aren't paid off at the end of the calendar year and start a new calendar year. Chad said if someone had time off with a serious medical issue they wouldn't get enough time in a single year's worth of anniversary time to address it. Dave said then they would go on disability or comp, depending on what the illness or injury is.

Michelle said it is a different animal when you are dealing with FMLA and when you are dealing with a family member that needs care, than a personal illness, so what are you going to do. Chad said if you go to PTO it wouldn't matter because it is paid time off regardless of whether it is vacation, sick, etc. Michelle said she understood that, but for someone who is out of time, are they treated differently. There was further discussion about the FMLA and how it works. Dave said the Commissioners are trying to put some type of decency into the process and make it a process that is followed consistently.

Jackie said she didn't know why anyone would go on FMLA for themselves if they could go on short term disability. Michelle said it would have to be determined if everyone would be required to fill out the FMLA or if it would be left as an option. When asked, Jackie said short-term insurance is for 90 days and then they would go on long-term insurance.

Michelle said she thought it was good to be able to give that little bit extra to protect if we can do it legally and consistently. Chad said he thought part of the policy should be that

donated days are for emergency use only. He said for someone that has a pre-planned doctor's appointment he didn't know if that would really constitute a sick day donation. Chad said he would draft something up with some of the points that had been discussed today until they can amend the handbook. Gary said he would like to start there until they can get the amendments worked out. When asked by Dave, Chad said he would check with Paula to see what she can do for us and what the cost would be. Gary said we should check with a couple of other entities too. Dennis said he has a lot of other county's handbooks and he would check to see how they addressed this.

LICENSE TO SOLDIERS AND SAILORS TO VEND, HAWK AND PEDDLE GOODS

Jackie showed Dennis the paperwork she made up for a Veteran that came in and wanted to hand out literature and said he needed something to post, (H.I.). Dennis said there is a statute and he looked it up and gave Jackie the information. Jackie then presented the form she came up with, (H.I.). Dave moved to approve the license requested by Cory Fender. Chad seconded the motion and it carried, 3-0.

TIM SCHLOTTER - ASSESSED VALUE & PTABOA BOARD

Tim Schlotter was present, and when asked he said he was here about taxes. He said he went to the tax board (PTABOA) last year because his assessed value went up \$12,000.00. Tim said the tax board agreed with him that it went up way too much and they brought it down, and then she (Assessor) raised it again. Tim said the problem he is having with either the Commissioners or the Council is that he found out that the Assessor hired someone from Ohio with his tax dollars to come over to tell her what our assessed value should be. He said he is questioning why that is so. Chad told Tim they do "trending" which looks at the sales averages. Tim said there have not been any sales in downtown Kendallville and yet they are raising his rates. He said he has one usable floor, a dirt floor basement and an upstairs that was an American Legion 75 years ago. Tim said the building they are comparing his to has a cement floor basement and an apartment that they are getting \$800.00 a month for. He said his building has already been made obsolete and yet they have raised it again. Tim said it is getting really old having to fight this battle over and over again. Chad said he thought the legislature just passed a law that says if you win at PTABO they can't raise it up for so many years. Tim said the only people that can put pressure on this woman is the Commissioners or the Council. Chad said it doesn't matter, because she is elected. There was discussion that she doesn't have any opposition in the upcoming election. Jackie said she gets the Corrections of Errors (C of E's) from the Assessor's Office and she has noticed that it is the same people having C of E's year after year and she doesn't understand that either. Tim said he bought a property for \$9,000.00 and she assessed it for \$65,000.00 and she said she wasn't going to take Sheriff's sales and he had to prove to her that he bought it through a realtor. Chad said the Commissioners have no control over it. Tim said he was told she was getting actual appraisers to do the appraising from Ohio. Chad said the person we hired does not live in Ohio. Dennis said he is from Angola. Chad said unfortunately, our trending keeps going from company to company so you have different people looking at things. Tim said the Assessor told him the State has mandated

that the prices have to come up. Dennis said when it goes up it is their burden to establish that it should be raised. He told Tim to come in with his photographs. Chad said he will have to appeal again this year. Tim said Kendallville is dying because they have made bad decisions over there. He said it is ridiculous the amount of work he has to do to appeal and they just make you do it the next year. Tim said he had appraisals and they told him they were 6 months out of date. He said they are making it not fun to live in Noble County, and he was born here.

LAWN MOWING QUOTES

Jackie said she took out the once per season trimming of all shrubbery and removal of all trimming debris; once per season application of wood mulch; and once per season application of weed control. There was discussion about taking an optional quote for mulching once a year.

Chad moved to reject the lawn mowing bid that was received and to re-bid with different specs. Dave seconded the motion and it carried, 3-0.

ALLSTATE BENEFITS - EMPLOYER'S ACCEPTANCE OF VOLUNTARY INSURANCE PROGRAM - AMERICAN HERITAGE LIFE INSURANCE COMPANY (AHL)

Jackie presented the Employer Acceptance form that had been discussed earlier to Dennis for his review. Jackie said this is from a broker and he will come in and evaluate everything we have. Dave asked if the employee does this on their own time. Jackie said they would. Gary said there is no cost to us. He said the employees just meet with him and if it looks like he can save them money then they just go from there. Dennis asked if it is supplemental insurance and he was told that it is. Dennis said if they want to do that it is great.

Chad moved to approve the voluntary insurance acceptance program with David Graham with All State Benefits and American Heritage Life Insurance Company. Dave seconded the motion. Gary asked if David is a broker and Jackie agreed he was. Gary asked if he can represent the insurance carriers we already have approved for here and none other. Jackie said All State would be another option, but he is not affiliated with All State. She said she can't say that he is not a salesman for All State, but he is an independent broker and compares all of these things. Gary asked since All State is not one that is approved to come in, if we agree to this and he comes in and sells All State, do the other insurance carriers all of a sudden scream "foul"? Jackie said we have other people coming in all of the time as another option. After further discussion the motion carried, 3-0.

VEHICLE PURCHASES

Gary said the Commissioner are thinking about having the Department Heads come to the Commissioners when they are thinking about putting a request in their budget for a vehicle. He said it would come to the Commissioners and they would have one line item for vehicle purchases and they would oversee it. Chad said he thinks we need to ask the departments to provide us with all of the information about their vehicles and we need to have a replacement plan in place. He said the problem we have now is that we are allowing our vehicles to get to the place where the best place for them is in a scrap yard, and we need to stop that. Chad said he thought the Commissioners should have a plan in place so we can get vehicles on a rotation. There was further discussion about how it would work, and that it would only include the Surveyor, the Plan Commission, the Building Department and the Maintenance Department.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 2:57 P.M. recessed from day to day until the 7th day of April, 2014 on a motion from Dave that was seconded by Chad and carried, 3-0.

Gary D. Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor