

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD JUNE 3, 2013**

Comes now the hour of 9:00 A.M. on the 3<sup>rd</sup> day of June, 2013, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a regular session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President  
Chad Kline, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor  
Dennis Graft, County Attorney  
Denise Lemmon, Councilwoman  
and Scott Perry & Bob Braley, News Media

Absent was: David J. (Dave) Dolezal, Vice President

**SRO FOR CENTRAL NOBLE**

Chad Willett, Chief Deputy Sheriff came before the Commissioners to inform them that the COPS grant that had been discussed for an SRO (School Resource Officer) is no longer in the works. Sheriff Harp noted in the letter Chad submitted that the federal grant process was very time consuming and there were many changes to be made, (H.I.). He said each of them took time to get done, and after making all of the changes he was told that the confirmation e-mail from the Federal Government would take 7 - 10 days, which put them past the target date to submit the grant application.

Chad explained that Sheriff Harp then contacted Central Noble and came up with a system that would either mirror the Federal Grant Program or would mirror what we currently have with West Noble and Officer Lemon. He said the second option, with going on how we are with West Noble, would save a couple of thousand dollars with the three year payout. Chad said the COPS grant will not be possible for the SRO this year, but the SRO program itself is moving forward with Central Noble. There was discussion that the School Board had not voted on the proposals yet during a public meeting.

Gary said based on that information he would say the Council probably wouldn't be able to do anything until after the School Board takes action. He said he would recommend that if the School Board wants to go that way that there is some kind of Memorandum of Understanding.

Chad Kline said the grant said that after the third year they would have to assume the fourth year. He said the question is if the school is going to assume the fourth year or what they are going to do and those things need to be worked out.

Denise Lemmon said she thought before the Council could talk about it they would have to see the memorandum or contract.

Jackie Knafel, Auditor asked Chad Willet if the memorandum of agreement was for the school to pay for 180 days. Chad said that is one of two options that the School Board will have to consider. He said the other one would be to mirror the COPS grant.

**KENDALLVILLE POLICE DEPARTMENT –  
AGREEMENT FOR USE OF THE FIRING  
RANGE AND TRAINING FOR PROBATION**

Stacey Beam, Chief Probation Officer was here to continue the discussion from last week regarding the above referenced agreement. She said she had talked to Jackie and to Lance Waters about the liability situation. Stacey said Kendallville had now changed the agreement to reflect what we have covered in our insurance.

Stacey said she remembered why it was they were going to Kendallville for the training instead of the Sheriff's Department. She said when they first started the push to carry weapons it was because Kendallville Police Chief Wiley had gone to Judge Kramer and told him that the officers are not safe and they needed to carry and his department would give them free training. She said the Sheriff's Department couldn't do that for them. Stacey said it would cost them money because they would have to do it on their off time, and Chief Wiley allows Lance to do the 40 hour training during the week. She said the Sheriff's Department does other training for them, so they do use both of them, but Lance has now trained all of her office and everyone is very comfortable with them. She said she checked with Shafter at the Sheriff's Department to make sure there were not any hard feelings, and he said there weren't.

Chad said the contract says they are paying \$100.00 per person and he asked if it wasn't free any more. Stacey said she thought they have always paid that for range rental. She said it comes out of user fees.

Chad moved to approve the contract with the Kendallville Police Department for the use of the range. Gary seconded the motion and it carried, 2-0.

**AMENDMENT TO PUBLIC DEFENDER BOARD  
AND AGENCY ORDINANCE #2000-14 &  
COMPREHENSIVE PLAN**

Jim Abbs, Chief Public Defender was present to further discuss the above referenced amendment, which he and the Commissioners had discussed last week. He talked about the CHINS funds that they could receive if they get into compliance.

Chad moved to approve Ordinance #2013-02 to amend Ordinance #2000-14 for the Noble County Public Defender's Office. Gary seconded the motion and it carried, 2-0.

**CLAIMS APPROVED**

The Commissioners reviewed the regular claims to be paid today's date and the special claims that have already been paid. Jackie said she had a special claim for the Sheriff's cars in the amount of \$103,105.00. She said normally we send a check with them when they go to pick them up. Jackie said this time they sent a claim up with the title information but we never paid for them because they did it differently.

Chad moved to approve the claims with the additional claim #1284 for the Sheriff's cars and also the monthly claims. Gary seconded the motion and it carried, 2-0.

**SRI INCORPORATED - TAX SALE  
SUPPORT SERVICES ADDENDUM**

The Commissioners received an addendum from SRI which would increase their fee \$5.00 per parcel for one year only for handling the tax sale, (H.I.). SRI sent a letter explaining the reason for the need of a one-year increase for 2013.

Chad made a motion to approve the contract addendum for SRI Inc. for the tax sale with the increase in fees. Gary seconded the motion and it carried, 2-0.

**DAVID WINEBRENNER VARIANCE REQUEST**

The Commissioners received notice of variance request from David Winebrenner that will be heard at 7:00 P.M. by the Noble County Plan Commission/Board of Zoning Appeals, (H.I.). The request is to allow a 30' setback from the edge of the ROW instead of the required 50', to construct an 8 X 16 deck with an 11' handicap ramp.

**NOBLE COUNTY COMMUNITY FAIR CORPORATION –  
REQUEST FOR 20,000.00 FOR THE YEAR 2014**

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

**CERTIFICATE OF INSURANCE – MICHAEL  
J. & MELISSA J. MERONEY**

The Commissioners received a Certificate of Insurance from the Erie Insurance showing that Michael & Melissa Meroney have general liability & automobile insurance, (H.I.).

**NACO – DUES ADJUSTMENT**

NACo (National Association of Counties) notified the Commissioners that there would be a change in the county membership dues for 2014, and the dues would be \$951.00, (H.I.).

**BETH MALLOY & ASSOCIATES LLC –  
EVALUATION OF PROPOSALS**

Karen Goldner from Beth Malloy & Associates LLC sent a letter to the Commissioners telling them that she had worked for twenty years in local government, managing economic and community development programs and serving as a City Councilperson in Fort Wayne, (H.I.). She also said she managed two private equity groups and she thought she could use her experience to help communities evaluate proposals.

**MINUTES APPROVED**

Chad moved to approve the minutes of the *April 29, 2013* minutes. Gary seconded the motion and it carried, 2-0.

**HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH  
LPA CLAIM VOUCHER FOR BRIDGE INVENTORY**

Mike presented an LPA invoice for United Consulting for bridge inventory, (H.I.). Mike said it is for the bridge inspections. He said they did the field inspection a couple of weeks ago and they are putting together the report now. Mike said it is a four-year program. He said they inspect the bridges in the first two year and in the second two years.

Chad moved to approve the Claim Voucher. Gary seconded the motion and it carried, 2-0.

### **FIBER OPTIC UTILITY PERMITS**

Mark presented Permit #UP-020-13 from Noble REMC for work on CR 700 E between State Road 8 and CR 100 N, and Permit #UP-021-13 from Ligonier Telephone Company for work on CR 500 N between CR 750 W and US 33, (H.I.). He said they are fiber optic permits and the Commissioners like to review them. Mark explained what the permits are for. The Commissioners voiced no objections.

### **LARGE CULVERT REPLACEMENT**

Mark said they have two large culverts that are going to need replaced. He said one of them is on 500 E south of Baseline. Mark said it is a 7 ½ X 13' culvert and it will cost between \$28,000.00 and \$30,000.00 plus we will have to get a contractor to work with us on that, which might be another \$2,000.00. He said the other culvert is on 500 E south of 600 N and it is a 7' culvert that will cost approximately \$14,000.00.

### **MECHANIC REPLACEMENT**

Mark said there is a person within the Highway Department that has applied for the vacant mechanic's position. He said he doesn't have a degree but he has had some diesel and hydraulics training. Mark said he would try to get the Council's approval to hire another individual. He said he would like to get the Commissioners permission to transfer a truck driver into the mechanic's position. Mark told Gary and Chad about some other changes he would like to make in other positions at the Highway Dept. Gary and Chad agreed that Mark could move the men around as he sees fit. Gary asked Mark if the person he wants to put in as a mechanic would need additional training. Mark said he could step in right now with the knowledge that he has. He said he would like to see some of the mechanics get some electronics training.

### **TRUCK LIFTS**

Chad asked if the new truck lifts are done yet. Mark said one lift is installed and they are starting to tear the other one out today. He said we are not going to be able to use the new lift right now because they had to take out more soil than they thought they would because of the oil, so they had to put a lot more concrete in and it has to cure for another week.

### **INDOT – BRIDGE #134 PROJECT**

Mike said he had received an e-mail from INDOT and they wanted a letter saying that we concur with the Do Nothing Alternative on the Bridge #134 project, which he prepared, (H.I.). Chad moved to approve the letter. Gary seconded the motion and it carried, 2-0.

### **BRIDGE #12 PRECONSTRUCTION MEETING**

Mike reported that he had set up a pre-construction meeting for June 13<sup>th</sup> at 10:00 A.M. at the Highway Dept. for the Bridge #12 replacement project which was awarded to PRIMCO.

### **STRIPING QUOTES**

Mike said he would work on getting the striping quotes done this week. He said we do about 30 miles a year which is about 1/3 of what we stripe. Mike said our budget won't allow us to do any more roads, but with the new budget we might be able to add some roads.

### **PERMITS & CONSTRUCTION STANDARDS**

Mike said he and Charisse are going to work out some details over the next couple of weeks, and hopefully he will have the permits and construction standards done by the middle of June.

### **COBBLESTONE SECTION III ROADS**

Mike said he would like clarification on the Cobblestone roads. Chad said he saw in the paper that the Board of Works approved for Kendallville to put up \$3,000.00 for a contract with the Noble County Highway Department to complete surface work on Ballenshire and Wellington Streets in Cobblestone. Mike asked if the Commissioners are okay with the Highway Department putting the surface on. He said they got \$3,000.00 from Granite Ridge. Mike said it would take about two weeks to do it and our cost will be about \$6,000.00. Gary asked Mark if he feels comfortable with the cul-de-sac back there. Mark said he did. He said he went and looked at it and he didn't see where they would have any trouble with it.

Chad moved for the Highway Department to proceed with the final surface on Ballenshire in the Cobblestone addition. Gary seconded the motion and it carried, 2-0.

### **MIKE FITCH – RESIGNATION**

Gary told Mike that sadly the Commissioners received his e-mail. Mike said he thinks there are a lot of things that need to be done and he would hope that the resources are available to bring on a full time person. He said he would still be available to take on special projects and things. Mike said he enjoys doing the road evaluation program which should be done about every other year. He said there are a lot of day-to-day activities that he just doesn't have time to take care of. Mike said with the new funding he thought there might be an opportunity to put some additional skills into the department, and hopefully the county will have the resources for a full time engineer.

Chad told Mark that since he is already on the schedule to talk to the Council today to ask for Mike's replacement as well. Mark said Councilman Jerry Jansen had expressed an interest in having a full time engineer.

Gary asked Mike if he would be willing to help with interviews and credentials when the Commissioners start the process to hire someone. Mike said he would be glad to help.

Gary told Mike he had done a very good job. Mike said, when asked, that the effective date of his resignation will be in July or August.

### **STEVE SCHERMERHORN – DRIVEWAY PERMIT**

Steve Schermerhorn was present for this portion of the meeting. Mark said it was in Steve's driveway permit that he needed a culvert before he put the driveway in, and he presented a copy of the permit, (H.I.). He said apparently a contractor came in while he was on vacation and put in the driveway without a culvert. Mark said Steve would like a variance so he doesn't have to put a culvert in.

Steve told the process he went through to get the driveway permit. He said on Friday he was going on vacation so he called Wednesday and was told that his permit had been approved. Steve said he had drawn a map and what he wanted to do was to add an alternate so he would have a circle drive where he could come in his existing drive on 850 and go out on 100. Steve said he has a culvert on the driveway at 850 but he doesn't have one at 100. He showed some pictures he had taken and explained them. He said he has 120 acres and it all drains into the Buffey and he went and got some maps and they all drain to the west. Steve said he didn't want to go in and cut up his drive to put in a culvert that he didn't feel was going to flow water to the east.

Steve said he didn't envision any water flowing over the roadway. Steve said he was going to take pictures after the heavy rain the other day but there wasn't any water ponding so it wouldn't show anything. Chad said it looks like the road slopes away from his driveway. Steve said that was correct that it slopes to the east going around the curve. Chad said then the water

flows down the road and not onto his property. Steve said it doesn't come onto his property off the road. He said it goes to the other side. Steve said he was hoping to get an exception so he didn't have to cut up his driveway for a culvert that he didn't think would get any water.

Mark said we are attempting to re-establish ditches along the roads to help the drainage. He said it is important to have the culverts in place in drives or we are wasting our time to a large degree. Mark agreed that there is not a lot of water that flows through there. He said when the inspector goes out and looks at them if there is a swale or any kind of ditch there before, we require a culvert which gives us the opportunity to do any drainage that may be needed. Mark said he has to support his inspector on this. He said what they would really like to establish on the driveway permits is to work things out and get a solution before the driveways are put in.

Chad asked if the contractor saw the permit. Steve said he did not. He said the driveway was put in and it looked wonderful and then he got a call that it was rejected. Steve said it did say on the permit he needed a culvert and he is hoping that he could get some kind of exception. He said he drove down his road, 850 N and there are 18 driveways that come onto 850, and two of them had culverts, so he thought there must be some kind of exemption. Steve said his driveway is lower than the roadway. He said if there ever was a problem the water could flow over his driveway.

Gary asked if there was any standing water from the rain we got the other night. Steve said there wasn't any water and that is why he didn't take any pictures. Gary said there is a culvert under the original drive if there was ever enough water that it could flow that way.

Mike said he didn't know the thoughts of our inspector, but there is a slight swale there. He said the flaw is that the contractor didn't get a copy of the permit, which is unfortunate. He said he and Charisse talked this morning, and it should be on the permit that if there is going to be a contractor involved the Highway Department has to have his name, address and phone number. Mike said a contractor should never install a driveway without having a permit in hand. Mike said if this was a well defined ditch and had drainage he would say the pipe would have to be put in. He said in this situation if the Commissioners decide not to require a pipe he didn't think the Highway Department or drainage would suffer that greatly. Mike said if we ever do come through there and have to do ditching it could be done at that time.

Chad said if five years down the road if ditching is needed because of drainage issues, they could put a culvert in at that time. Dennis proposed approving a variance subject to that condition. When asked if that would be agreeable to him, Steve said it would be. Mike said we need to change some policies and make sure the contractor's have a permit in hand before they start working.

Mark said Steve drove down 850 and only two driveways had culverts under them. He said that does create a drainage problem. Mark said we need to have everything set up on the roads as we go. He said we can't let anything else come in there that is out of place as we try to improve the roads. Mark said if we can get the drainage to where the water is getting away from them it is going to help with maintenance. Chad said that is why he would be willing to allow a variance until the time a ditch improvement is needed. Steve said he was fine with that. Mark said unless there is a drainage issue they won't cut yards up unless they have to

Chad moved to approve a variance to the driveway to allow not having the culvert until the time work needs to be done by the Highway Department. Mike said that is permit #NCD-034-13. Gary seconded the motion and it carried, 2-0.

### **DAWN BARR – UNSAFE BUILDING @ BEAR LAKE**

Dennis reported that Diane Miller filed a petition for judicial review for Dawn Barr and Diane has now filed to dismiss it with prejudice. He said we were set today as far as deciding what was going to happen next with the building. Dennis said he and Dick had talked. He said Dawn has moved out and they are in the process of trying to sell the building and the person that is looking at buying it will take down the building if they buy it. Dennis said he and Dick discussed tabling this for 30 - 60 days to see what happens. He said that is what he would propose.

Chad moved to table any further action on the unsafe building on Dawn Barr's property for 60 days until August 5, 2013 at 10:00 A.M. Gary seconded the motion and it carried, 2-0.

### **RICHARD HATTON - UNSAFE BUILDING @ BEAR LAKE**

Chad called the Building Department to see if there had been any progress on the unsafe building on Richard Hatton's property at Bear Lake. He reported that the house is down and gone. Dennis asked if everything had been leveled and seeded. Chad said Dick (Building Inspector) was there on May 30<sup>th</sup> and took pictures. He said the house is removed but the foundation is still there because they are going to put a patio area in. Chad said there is still some trash there but they are going to get it taken care of. He said Dick said he is fine with it and he is requesting that the file be closed. Dennis said he will prepare an order.

### **RECESSED & RECONVENED**

The Commissioners recessed their meeting at approximately 10:27 A.M. and reconvened at approximately 10:41 A.M.

### **DONAHUE/HERCEG ENGINEERING/ARCHITECTURE**

Tim Wall from Donahue/Herceg & Associates came before the Commissioners to introduce himself and to talk about the company. He presented a brochure, (H.I.). Tim said they have done major restorations to the St. Joseph County 1855 courthouse and the LaPorte County courthouse.

Gary asked if they have any ongoing projects in this area right now. Tim said they are working with the City of Garret, doing some renovations on their city hall. Tim said the Donahue family has done a lot of waste water projects in Fort Wayne. Gary asked where the bridge over the Elkhart River in the brochure is. Tim said it is in Goshen. He said it is an existing bridge that was re-built and included a bicycle path under the bridge that they had to work with. He said they would be interested in helping the county if he could. Gary thanked Tim for stopping by and directed him to the Highway Department so he could talk to the Highway Engineer and leave some information there.

### **PAYROLL - DIRECT DEPOSIT**

Jackie Knafel, Auditor said she is going to have to order more checks for payroll. She said Mary wanted her to ask if the Commissioners had any thoughts about going direct deposit for everybody or if they want to leave it as an option. Chad asked how much the checks would cost. Jackie said the checks were around \$600.00 for 5,000 of them the last time, and she thought it was 2010 when they ordered them. After talking about the pros and cons, Chad asked if we could do a survey to get a couple of reasons as to why people are not choosing direct deposit without having a name on them. Jackie said she would send that out.

### **1997 CHEVY CAVALIER TITLE**

Marion said she had the title for car that was the Plan Commissions. Chad said he didn't know if they had sold that yet. Jackie said Nathan sent her an e-mail asking that she get it signed.

Chad made a motion for Gary to sign the title. Gary seconded the motion and it carried, 2-0.

### **CEDIT PLAN**

Jackie asked the Commissioners to look over the CEDIT Plan with the new figures on it. She said she left GIS at \$50,000.00 simply because we took the other out, but she said she can change it to \$38,000.00 if that is what the Commissioners want.

### **MINUTES APPROVED**

Chad moved to approve the minutes of the *May 13, 2013* meeting. Gary seconded the motion and it carried, 2-0.

### **FURNITURE BIDS**

Chad reported that the furniture bids were done. He asked if we should have LEAP and the Noble House, (both non-profit agencies) who are interested in what is left, send a representative in with Phil and take turns selecting what they would like from what is left. After the CGI teleconference and a brief discussion, Chad moved to approve the donation of the remaining office furniture that didn't sell to the two not for profit agencies that had expressed an interest.

### **CGI COMMUNICATIONS TELECONFERENCE**

#### **RE: COMMUNITY VIDEO NETWORK**

Nicole Rongo, Program Manager of CGI Communications called to set up a teleconference. She said she would try to help the Commissioners understand how they can utilize their program whether the county is looking to promote tourism, educate and welcome future families, or recruit new businesses or industry. Nicole said she will explain how and why this is available to the County at no cost. She said so far they have Johnson and Steuben Counties on board and they are reaching out to a few more counties to fill a few more spots for their summer production queue in the state of Indiana. Nicole said they got started working with municipalities over 20 years ago. She said they have always been an organization that helps government entities showcase and promote themselves. The Commissioners viewed a welcome video that they did for Lake County California. She said they would provide an introductory for Noble County the same way. Nicole said in addition they would work with creating additional chapters providing the county with an additional tool they could use to effectively gauge and communicate with their on-line audience and educate and answer questions about the county. She told how the process works. Nicole said the reason they can do this at no charge to the county is by having advertisers. She said they didn't like it that non-profit agencies couldn't take advantage of their program. Nicole said they have partnered with almost 300 counties in a very short amount of time, and that is because they have made it very simple for them to get involved. She told the Commissioners what would be needed from them if they decided to go with this. Chad asked if they get the economic development people involved in the



video. Nicole said if that is something the Commissioners want written into their script then they will include that. She said they write the scripts, and then the Commissioners have editorial control and they could reword it any way they feel comfortable. Nicole said she will be sending information to the Commissioners today, and they need a fairly quick turn-around so they know who is in and who is out, because they are in the midst of their busy filming season. Chad said the Commissioners will have a decision by next Monday.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:34 A.M. recessed from day to day until the 10<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Gary Leatherman, President

\_\_\_\_\_  
David J. Dolezal, Vice President

\_\_\_\_\_  
Chad Kline, Member

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