

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JULY 29, 2013**

Comes now the hour of 8:34 A.M. on the 29th day of July, 2013, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a special session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
David J. (Dave) Dolezal, Vice President
Chad Kline, Member

Also present were:

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

MINUTES APPROVED

After making a correction to the *executive session minutes of July 25, 2013* Chad moved to approve them as corrected. Dave seconded the motion and it carried, 3-0.

After making corrections to the *July 22, 2013 minutes* Dave moved to approve them as amended. After further discussion and corrections, Dave rescinded his motion and made a new motion to approve the minutes as amended. Chad seconded the motion and it carried, 3-0.

IDEM – WOLFPACK CHASSIS LLC

The Commissioners received notice that IDEM has approved a New Source Construction and Minor Source Operating Permit for Wolfpack Chassis LLC in Kendallville, (H.I.).

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

The Commissioners were notified that Alan & Sue Hochstetler have applied for a Confined Feeding Operation Permit in Section 7 of Orange Township, (H.I.).

CLERK'S REPORT – JUNE 2013

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

WEIGHTS & MEASURES REPORT – JUNE 15 – JULY 14, 2013

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

**BOARD OF ZONING APPEALS – NOTICE OF VARIANCE
REQUESTS TO BE HELD @ AUGUST 7, 2013 MEETING**

The Commissioners received notice of several variance requests that will be heard at the Board of Zoning Appeals August 7th meeting, (H.I.).

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 8:54 A.M. and reconvened at approximately 9:06 A.M.

LEATHERMAN CONSTRUCTION – PROPOSAL TO REPAIR DAMAGE TO SIDEWALKS

Phil Jacob, Head of Maintenance came before the Commissioners to discuss the proposal that was received from Leatherman Construction to repair the sidewalks that were damaged by Karr Tuckpointing when they did the tuckpointing on the courthouse, and to repair other sidewalk sections that are in need of repair, (H.I.). Karr has already paid Leatherman Construction to repair what they damaged. There was also discussion about new benches around the courthouse, and the possibility that some citizens might want to donate benches. The proposal was tabled until next week.

HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH PAVING

Mark said he would like to add 415 N (between SR 3 and 1000 E) to the list for this fall, and 600 S (between 50 W and US 33) next year. There was discussion that 415 N is near Kendallville and is heavily traveled. Chad asked if there are any drainage improvements that would need done. Mark said he had talked to the Drainage Foreman about that this morning and they will make sure the drainage is what it should be. When asked by Gary, Mark said he thought it would cost approximately \$185,000.00 for 415 N. Mike said he felt if this isn't addressed this year, it will be much more costly to address it in a couple of years.

There was also discussion about what should/could be done on CR 300 S and Swan Road. Chad asked if the Highway Department could address the drainage issues this year. Mark said they could do that and try to do the road next year.

Dave asked what kind of distance Mark is talking about on 600 S. Mark said it is about 2 - 2½ miles. Mark talked about the advantages and disadvantages of the different kinds of road surfaces. The Commissioners agreed Mark could move forward with paving on CR 415 N.

EQUIPMENT

Mark said he has been having trouble with equipment this year. He talked about the problems with the 1991 distributor and he said it would be in our best interest to get one next year. Mark said the new trucks are totally computerized to where you pre-set the spray rates and you can move to a different road and push a button and not have to calculate everything. He said he put money in the budget for a new dump truck for next year. Mark said a distributor would cost \$165,000.00 - \$185,000.00, which is about the same price as a new dump truck. He said he does have a spare dump truck but he doesn't have a spare distributor. Dave asked what kind of increase in productivity Mark foresees with a new distributor. Mark said there wouldn't be an increase in productivity. He said that it would mainly be the dependability of the equipment, and not having truckloads of oil sitting around that can't be used. Mark was given permission to look into the prices for a new distributor.

WESTERN STAR – NEW TRUCK

Mark said Western Star did return to work last week. He said the anticipated delivery date for the truck is September 28th.

ROAD WORK IN ADDITIONS

Mark said they are going to start working on the roads in some of the additions, and he told which ones he would start with.

TWO-WAY STOP SIGNS AT ALLEN CHAPEL ROAD (CR 1000 E) & LISBON ROAD (CR 415 N)

Mike presented a proposed ordinance for the above referenced stop sign. Mike said he thought when the four-way stops were put in more than 20 years ago, the traffic counts in each direction were probably pretty even. He said since then, things have changed. Mike said based on the recent traffic study information and the stop sign warrants he recommends that the intersections be put back to a two-way stop. He said we will put up precautionary signs for a while stating that cross traffic does not stop. There was discussion about keeping the intersection clean to maintain site distance. Chad moved to approve the ordinance for publication to remove the stop sign on CR 1000 E and CR 415 N. Dave seconded the motion and it carried, 3-0.

750 E 415 N – WASHOUT

Chad told Mark that he had been notified about a washout on CR 750 E & 415 N.

HEALTH DEPARTMENT – FEE ORDINANCE CHANGE FOR DEATH CERTIFICATES – DATAMARK SOFTWARE FOR BIRTH AND DEATH CERTIFICATES

Linda Gray from the Health Department was present at this point to discuss a new fee ordinance for the Health Department, (H.I.). She said the only change is the death certificate fees. Linda said they had been \$10.00 and the state has raised the coroner's fee by \$2.00 for every death certificate, so they want to change the death certificates to \$12.00. Dennis said he thought we could do an ordinance just saying we are amending the fee schedule for the death certificates. He said that would be much cheaper to advertise and would accomplish the same thing.

Linda said DATAMARK is the software company that does the birth and death records. She said the hospital, funeral home, and coroner sends them death certificates and birth certificates. Linda said when she gets them she downloads them into the State program and to their program. She said if there are any amendments they are also downloaded. Linda said she has five filing cabinets full of index cards for death certificates and birth certificates which people doing genealogy look at. She said the changes are not made on them. Linda said she would like to purchase a software program for \$1,000.00 which is an added addition to what they have now. She said she would like to have a public computer for all research to be done and get rid of all of the index cards. Linda said they wouldn't be able print or look at any information that they aren't allowed to, and if they want something she could print it out for them. She said there are a lot of name changes, and fathers coming in and adding their names to birth certificates, and that would be updated as soon as it comes in.

Dave moved to approve the DATAMARK software purchase for \$1,000.00. Chad seconded the motion and it carried, 3-0.

PICTOMETRY UPDATE

Steve Hook, GIS Coordinator provided the Commissioners with an update on the 50/50 cost-share agreement with MRBC (Maumee River Basin Commission). He said he sent the updated form to Rodney Renkenberger, Executive Director with the MRBC and he needs to change his position from President to Executive Director and just put one line for his

signature. Steve said if the Commissioners are in agreement with the changes, he will make them and send the document back to the MRBC.

Steve reported that Albion & Ligonier are on board with contributing to the Pictometry update. He said Rome City, Avilla, and Cromwell will be making their decisions at their August meetings. Steve said he sent an e-mail to Mayor Handshoe from Kendallville, giving her a brief history and telling her what the request is, and he hasn't received anything back from her yet. Chad said he will talk to her.

MULTI-HAZARD MITIGATION PLAN

Steve said as part of the Multi-Hazard Mitigation Plan there was a mandate for him to share some of his GIS information with the community. He said on page five it talks about updated county GIS data and a shared server for municipalities. Steve said he doesn't have a way to share a server with them. He said what he would like to pursue is a stand-alone map viewer which would give them access to about 120 of our GIS layers. Dave asked Steve if he would still be administering what they have access to. Steve said he would be, and they would have read only access to it. The Commissioners agreed Steve could proceed with it.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:25 A.M. and reconvened at approximately 10:42 AM.

EMA – DISTRICT 3 MUTUAL AID AGREEMENT

Mick Newton, EMA Director and Teresa Griffiths, Assistant Director came before the Commissioners to discuss the District 3 Mutual Aid Agreement, (H.I.). Mick requested that Noble County sign the agreement. He said most of the counties in the district have signed it, and he thinks it is important that we get on board with it.

Chad said he felt that if this agreement is not in place, some of the departments will be apprehensive about coming. Dave said he thought we would be the recipient of benefits, especially if Allen County signs on.

Chad moved to sign the District 3 Mutual Aid Agreement. Dave seconded the motion and it carried, 3-0.

UNITED WAY

Jackie said she received a call from the United Way and they are going to grill hamburgers and hot dogs August 22, 2013 and they asked permission to use the courthouse lawn. Jackie said she would verify with them to make sure they are definitely talking about the courthouse lawn and not the corner that belongs to the town.

COUNTY CREDIT CARD

Jackie said Dave Baum tried to use the County credit card this morning and he had a problem because he isn't listed on the account. She said they sent her a form for Gary to sign so Dave Baum, Stacey Beam, and she (in case she has any billing questions) would be added to the authorization. Chad moved to approve for Gary to sign the form authorizing Dave Baum, Stacey Beam and Jackie Knafel to have access to the Noble County credit card. Dave seconded the motion and it carried, 3-0.

IDEM – LEACHATE AT LANDFILL

Jackie presented a letter that came in today from IDEM re: an inspection that they did July 9, 2013 at the landfill, (H.I.). The letter indicated that Noble County was given 90 days to accomplish the immediate prevention of offsite leachate migration.

Dennis asked who is working on the plan. Chad said Randy (Noble County Surveyor) had created a plan. Gary asked if we could go out and take pictures to show that it is being mowed now and that it isn't wet. There was discussion about the conversations that were held at the landfill on July 9th when IDEM was present. Chad said they didn't say we couldn't use Randy's plan. He just said they didn't know if it would work. Dennis said he wants to have a plan to IDEM in writing within the 90 days, which could include pictures showing that it is dry there now. There was further discussion about what could be done to satisfy IDEM.

ASSESSOR – INVOICE RE: FAILURE TO APPEAR FOR PTABOA HEARINGS

Kim Miller, Assessor came before the Commissioners to talk about creating an invoice to be sent to people who are scheduled for a PTABOA hearing and do not show up. She said she had been waiting on the State to send her one, and they said it was up to the County to create one. She said there is a \$50.00 fine if they don't show, so she needs something to send in those cases. The Commissioners questioned whether the public is aware of the fine. Kim said it is all on the form they fill out when they request a hearing. There was discussion as to whether there would have to be an ordinance done or not. Dennis checked the Indiana Code and he said it says "a \$50.00 penalty shall be assessed" if they don't appear, so no ordinance would be needed. He said he doesn't know who would enforce that. Chad asked Kim to ask the State for more information.

TAX SALE UPDATE

Sherri Auld, Deputy Auditor in charge of the tax sales came before the Commissioners to give them an update on the tax sale properties. She said the county now has the tax deeds for the properties listed, (H.I.). She went through the properties one by one and explained who is interested in each property and what is going on with each of them.

Sheri said there is an issue with the Steve Bauman property. She said that is the county's property at this time and the father of Jessica Huff, who is interested in obtaining half of the property, is saying that Jessica owns the property, and he has started putting junk vehicles on it. The Commissioners said those vehicles should be removed, and Sheri said she would contact Ligonier's Code Enforcement about that.

There was discussion about whether the county should do the required surveys for properties that will be split, or if the people interested in the property should acquire the surveys. There was also discussion that if the splits didn't go before the Plan Commission before the deeds splitting the property are recorded, then the property would be a non-conforming property and could not be built on.

Randy Sexton, County Surveyor was present at this time, and the Commissioners asked him if he would have time while on county time to do the surveys, and bill for the service based on his fee with the money to go back into the Surveyor's account. Randy said he could do that.

Chad moved to turn the William and Ruth Dunbar property over to either Glenn or Mike Mast; the Kevin & Angela Sneed property to Meadow Lane Land Owner Association; the Mary Lou Ott Huntley property to Jason Brooks; the Vance & Patricia Murdock property to Raymond Gleason; and the US Railroad Vest Corp. (021-100672-00) to Mary Jane Merritt, all pending payment of fees that were incurred. Dave seconded the motion and it carried, 3-0. Chad said we will wait for the surveys on the other properties. He asked Sheri to schedule a meeting with Jessica Huff and Ciro & Teresa Balmares after she contacts Ligonier's Code Enforcement.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:46 A.M. and reconvened at approximately 2:00 P.M.

COMMISSIONERS RECOMMENDATION OF SALARIES TO NOBLE COUNTY COUNCIL

Jackie presented a spread sheet to the Commissioners which shows employees salaries for 2013 and what has been asked for in 2014 (none for file). She said she also showed what it would cost for PERF. Jackie and the Commissioners briefly reviewed the spread sheet. Jackie said she is supposed to provide the information to the Commissioners and they are to make a salary recommendation to the Council. No action taken.

HANDBOOK DISCUSSION

The Commissioners and Jackie discussed portions of the handbook. There was much discussion about the *Business Travel* portion of the Monroe County Handbook.

Business Travel - Chad moved to change the **reimbursement section** in the handbook to match that of Monroe County's with the exception of removing the section regarding *travel time* in the initial paragraph where it says see also section 5-9 re: travel time; in Section 10-1-3 under *reimbursement for meals* it would be that employees would be reimbursed for actual meal expenses not to exceed \$30.00 including tax and tip, per 24 hour period away from Noble County; under 10-1-1 (C); it also refers to section 5-9 regarding *travel time* and that should be taken out; under 10.1.3 *reimbursement of meals* it should be that employees will be reimbursed for actual meal expenses according to the Noble County Salary Ordinance; Section E 10.1.4 *reimbursement for lodging* should say lodging expenses are not reimbursable for any stay within 50 miles of the Noble County line - There was discussion about meal allowances and the motion eventually died because of time limitations and the lack of a second.

CGI COMMUNICATIONS

Erica Simpson from CGI Communications came before the Commissioners to talk about the business sponsorship portion of the video website contract the Commissioners entered into with them. Erica said as part of the program, there will be business logos listed along the side of the program, and she is going to be meeting with those businesses this week. She said they sell them sponsorship if they want to be a part of the program, and they create videos of their business as part of the video series that will be on the county's website. When asked, Erica said the advertising cost's anywhere from \$1,300.00 - \$5,000.00, it is a one-time cost, and it is good for two years. Gary asked if a business in Noble County wanted a video that they could use for their business as well as being on the county website, how long their video would be. Erica said it would be 30-90 seconds, depending on what the business needs or wants. She said normally

they are 60 seconds. There was discussion about non-profit and community organizations such as the Rotary Club getting space on the web-site at no charge. She said if they wanted a video they would have to charge for that. Erica asked why the Commissioners decided to do this project for the county. Chad said he wanted to try to come up with something to better promote the county. He said we really don't have a good way to promote our county and show why it is a good place to live. Chad said when people are looking to move to our county they really don't get on the county web-site to see what we have to offer, and that is why he is glad it will be on other web-sites such as Economic Development, tourism, etc. Erica said if the county wanted to add a quality of life section that could be done and she would encourage it. There was discussion about: how many residents work within the county; schools in the county; how the county has weathered the economy; economic development and new businesses; murals on sides of buildings within cities and towns; bed and breakfasts; windmill museum; age brackets of county population; and things such as the State Park, Apple Festival, Bluegrass Festivals, etc. that bring people outside of the county in.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 3:38 P.M. recessed from day to day until the 5th day of August, 2013.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor