

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD AUGUST 19, 2013**

Comes now the hour of 8:34 A.M. on the 19th day of August, 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
Jackie Knafel, Auditor
Dennis Graft, County Attorney
and Scott Perry & Bob Braley, News Media

PAYROLL TO BE PAID 8/22/13 APPROVED

After reviewing the payroll from 7/26/13 – 8/08/13 to be paid 8/22/13 Dave moved to approve it, (H.I.). Chad seconded the motion and it carried, 3-0.

CLAIMS TO BE PAID TODAY APPROVED

After reviewing the claims to be paid today's date Chad moved to approve them, (H.I.). Dave seconded the motion and it carried, 3-0.

BOND FOR RICHARD ADAIR, BUILDING INSPECTOR

The Commissioners received the above referenced Public Officials Bond from Allied Insurance, (H.I.). Chad moved to approve it. Dave seconded the motion and it carried, 3-0.

WEIGHTS & MEASURES REPORT – JULY 15 – AUGUST 15, 2013

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

TREASURER'S REPORT – JULY 2013

The July Treasurer's Report was received by the Commissioners, (H.I.).

JAIL INSPECTION REPORT

The Commissioners received a copy of the Jail Inspection Report for an inspection that was done July 18, 2013, (H.I.).

LEATHERMAN CONSTRUCTION - PROPOSAL FOR STEEL DOOR, FRAME & INSTALLATION

The Commissioners reviewed the above referenced proposal they had received previously from Leatherman Construction to remove and dispose of the existing wood door and frame and to provide and install a new steel door and steel frame, threshold, etc. in the amount of \$1,835,00, (H.I.). Chad moved to approve the proposal. Dave seconded the motion and it carried, 3-0.

E-911 FUNDING & EMS DISPATCHING

Mitch Fiandt, E-911 Director came before the Commissioners to bring them up to date on E-911 funding. He said the state 911 board met last week, and they approved a 1.4% increase for the next fiscal year which will raise our annual distribution from \$542,859.00 to \$564,573.00 starting next month. Mitch said they voted on distributing excess funds last week and we will receive \$33,867.34 in additional funds.

Mitch asked if the Commissioners had any questions about the first EMS report that he sent them last week (none for file). There were no questions.

Mitch said everything is going pretty well. He said they have had a few glitches but everything they ran into last month, Parkview addressed immediately, and things are going as had been anticipated. Gary asked Mitch if other than the minor glitches they have had with the system, if the lack of the roll-backs surprised him. Mitch said it does. He said they thought they would have more. Mitch said they just had their first one over the weekend. He said the period from July 22nd to August 15th was extremely low activity for the EMS. Mitch said that is usually some of their busiest times. He said between the county and Kendallville we transferred 150 - 160 ambulance calls to them (Huntington Dispatch) and we didn't receive any roll-backs. Mitch said a lot of the operational issues they ran into were just things that had been overlooked in their meetings, such as stand-by for fire scenes and police scenes, coroner call-outs, etc.

HIGHWAY BUSINESS – MARK GOODRICH UTILITY PERMITS

Mark presented the following utility permits: #UP-039-13 from Northern Indiana Public Service Company for work on C 400 S between Old SR 3 and New SR 3 in Swan Township to update gas lines; #UP-040-13 from Frontier Communications for work on N CR 75 E between E CR 100 N and E Baseline Road at the Jane Leatherman residence; #UP-041-13 from Noble REMC for work on CR 300 S, 525 W and High Lake Road between CR 500 W and Pence Street in Noble Township for rebuilding overhead power lines with new poles, anchors and conductor going to High Lake; and #UP-042-13 from United Telephone Co./CenturyLink for work on W Harper Lake Road between CR 900 W and 950 W, (H.I.).

JAY & MARY PAINTER – REMOVAL OF TREES AT BIG LAKE

Mark reported that Jay and Mary Painter who live at Lakeshore Drive at Big Lake came in last week and talked to him about removing the two remaining trees adjacent to their property. He said they want to build a new garage and they are afraid to because of the trees. Mark said they had talked to the Highway Department in 2010 and the Commissioners in 2011 about getting the trees removed and were denied. Mark presented pictures of the trees. He also presented a picture of a tree that had been uprooted in the same area. Mark said except for a

few dead limbs on the one tree they are healthy. He said Mike had said in a situation like this where we have trees we can't take down we should come to the Commissioners.

Chad said he talked to the Mayor of Kendallville to see what their policy is, and she said if a tree is living and in good condition they have to petition to the Board of Works, and the Board of Works would have to accept to take the tree down. He said the Board of Works would have to investigate the tree, and they would take it down if it is dead or rotted. Mark said if there is a hazard, typically if we have the equipment and they want the tree taken down we do it, but we aren't going to touch something like that. Chad said he asked the Mayor if a tree was to fall in a right-of-way, and she said their homeowners insurance would cover it.

Mark said he told them he didn't know if we would do anything since the trees were alive. He said Mr. Painter told him the insurance guy said to keep track of the limbs and take pictures of them. Mark said he didn't see anything but normal tree growth that is of concern. Chad said with that kind of leaning you would think the power company would want to take them down. Mark said they contacted Columbia City Electric the last time, and they didn't want to take them down. Mark said he would get in touch with them and tell them they will need to petition the board if they want them taken out.

Gary asked who would determine if a tree is actually dead or not. Dennis said if there is a controversy he would contact the Soil & Water Conservation District or the Purdue Extension Office and they could refer us to someone if they don't do that.

ROAD IN ADDITION

Mark said an individual had called from an addition and he was unhappy about the road conditions, and he wanted to know if he talked to his neighbors and they got the money if they could pay to get their road repaved. Mark said we haven't done a lot of that and he didn't know what the issues would be to take private money to help fund something like that. Mike said there are state statutes that allow county government to enter into contracts. He said it is a county maintained road. Mike said as far as he knew the county doesn't have an ordinance to cover cost participation, but a lot of counties do have them. Dennis said he wouldn't want them to go ahead on their own and have someone do it, but he didn't see a problem with sharing or some kind of agreement that allows it as long as Mike or someone from the Highway Department is involved with supervising it. Mark said he would let them know they could look into that.

Dave asked Mark if it has ever happened before, where citizens have wanted to cost share on a road. Mark said there is a road in Wawaka that was done that way.

UPDATE ON ONGOING PROJECTS

Chad asked if all of the chip sealing is done. Mark said they are done with the first run. Chad asked if they have started on the culvert on 500 down by Baseline. Mark said they started on it this morning. He said he has a crew up on 1050 N wedging, and he has people out sweeping the chip seal roads trying to get some of the loose stuff off of them.

Chad asked if everyone is back out mowing. Mark said they are mowing, but he is down to two mowers right now because a car drove by one of them last week, and a rock came out of a tire that shattered the windshield, so they are in the process of getting that replaced.

Dave asked if the lifts are working fine. Mark said they are. He said they are really happy with them.

FINAL BRIDGE INSPECTION REPORT

Mike reported that he has a meeting at 2:30 this afternoon with United Consulting on the final bridge inspection report.

TWO-WAY STOP – CR 415 N & CR 1000 E INTERSECTION – PUBLIC HEARING

Present for the public hearing were: Ray Scott, Jane Swogger, Doug Harp, Michelle Bricker and Hertha Myers.

Gary said there had been a request to make the above referenced intersection a two-way stop. The Commissioners received a letter addressing concerns about changing the intersection from a four-way stop to a two-way stop, (H.I.). Dave also presented a traffic study that Ray Scott brought in that he thought was done in 2008.

Ray said the report that he had presented earlier he had gotten from Mark Pankop (former Commissioner) and were from conversations back in 2010. Chad said the report was stamped 12/10/2008. Ray said the report indicated at that time they didn't see any major issues with making that a through road on 1000 E. He said with the completion last year of Dowling Street in Kendallville which has become a major east/west expressway through the northern part of Kendallville north of the railroad tracks, and the fact that they are completing the roads in the east industrial park and completely re-building Production Road which feeds out into 1000 E that changed. Ray said if you go out through there, especially around 3:00 – 3:30, a lot of the traffic coming out of the East Industrial Park goes south on 1000 E. He said if you go north of 6 on 1000 E there is not a stop. Ray said the fact of the increased traffic going north and south lends credence to the fact that it should be a through road with the stop on the east/west.

Gary asked if we have had an updated traffic study done. Mike said he had a study that was done by Region 3A on July 7th and July 8th of 2013. When asked, Mike said there was a little bit of increase in traffic from the study done in 2006, which is expected. He said when he was asked to look into this he looked at the study done by Keith (former Highway Engineer) and he wanted to get more current data. Dave asked if there are still more vehicles southbound than there is northbound on 1000 E. Mike said the northbound and southbound count is about equal. When comparing the two traffic studies, it seemed like the traffic count had almost doubled.

Michelle Bricker said on the study that was done in July, the automotive manufacturing typically has a routine shut-down, and she wondered if the shut-down may have occurred during the traffic study time period, which would have affected the numbers.

Jane said she thought what the Commissioners had not taken into consideration was that 1000 had gotten tremendously more busy, but so has Lisbon Road. She said there are two big businesses on that road - Kendallville Iron and Metal and Meyers Apple Orchard, which sometimes the traffic is non-stop. She said people go past her house at 50 – 55 MPH and they would never make that stop. She said she mows three corners, and people blow those intersections both ways all of the time. Jane said there are no stops north of 6 but there are no businesses on those roads. Dave said if people are blowing the stops, that is an indication to him that they have the site distance to clear the intersection. Jane said there is going to be a race track from the industrial park to 3. Dave said he thought it was interesting that the average speed hasn't changed over the years. He said it is around 53 MPH that people travel on that road.

Hertha said they do slow down when they get to the Windmill Museum because they know that the speed limit is going to change to 35 MPH. Jane said it is 30 MPH all of the way out on Waits road to 1000, because it is still considered Kendallville. Hertha said she found it ironic that the people on Waits Road had to stop on 1000 and when the road was redone, she thought the people from the state knew what they were doing and put the stop where it was most

needed. She said the hill from Swogger's driveway to the intersection of 1000 and Lisbon is steep. Hertha said it was hard to make the stop, especially when it is slippery.

Mike said with the condition at 1000 and Waits Road, the reason for the stop sign being placed at 1000 and Waits Road is because there was a steep hill on 1000. Mark said when 1000 was built to federal highway standards, they had to cut the hills down to get the site distance. He said there was a recent traffic study done, and it shows Waits Road on the west approach having 550 cars per day. He said that is a two-way stop and the report indicates there was only one accident in 2012. Hertha said it is all residential. Mike said the risk factor or safety factor for a road is the number of vehicles that travel it.

Hertha Meyer respectfully requested that another traffic count be done in late September or early October, because five days a week there will be four schools with busses on the road. She said she also has about 80 cars a week coming to her business six months out of the year, August - January. She said the study was done in July and they didn't have any customers then. Dave said he had talked to Hertha's son Rick, and Rick had wanted him to mention that if we do make this a two-way stop, his recommendation would be that north and south of that intersection on 1000 E should have a demarcation informing the drivers that the next intersection is 415 N/Lisbon Road. He said Rick's concern is that if a truck driver misses the turn to Iron & Metal or the orchard, he doesn't want people going up further on 1000 E and trying to turn around in someone's driveway or in an intersection. Dave said he didn't think that was an unusual request.

Dave said in the traffic study done in 2008 it indicated there were 9 accidents in a five-year period. He asked if there is a count from 2009 to present. Mike said he could get that from Region 3A and Doug Harp said they could probably get it at the Sheriff's Department.

Jane talked about people that had gone into the ditch and how dangerous the intersection is. Chad said he had talked to a lot of people that want the stop signs there to control the speed and we can't use a stop sign for that. He said there have also been people that talk about vehicles coming over the hill and not stopping for the intersection, and again that is a speed problem, not an intersection or site distance problem.

Gary said he talked to an officer that is on that road quite a bit about this intersection and he said to him it wouldn't make a difference if it was a two-way stop or a four-way stop. He said the officer didn't think a two-way stop would be an increase in speed from a four-way stop. Jane said then why did they have an officer sitting at the end of their drive who in an hour stopped seven people for blowing the intersection.

Hertha asked who it was that requested the two-way stop. Chad said it was a private individual that requested it. He said when the request came in, it was forwarded to have a study done, and based on the study results, that resulted in a public hearing

Mike said prior to the request of the individual he had at least half a dozen people ask him why that is a four-way stop. Mike said he went through the study and information put together by Keith Lytton, the former Highway Engineer in 2008, and his study recommended that it be changed to a two-way stop. He said it is warranted for a two-way stop but does not meet the warrants for a four-way stop. Mike said the primary reason is that the difference between the Lisbon Road and the 1000 E traffic is too great. He said he doesn't know why that wasn't done as part of the project.

Chad told Hertha the traffic study done in 2008 was done on October 28th and 29th. Hertha said at that time she did not have a retail business because Baker's Apple Orchard was open at that time and now they aren't. She asked if the federal government had done a speed

study when the 1000 E project was done. Mike said they didn't, and that was his question why one wasn't done. Mike talked about other intersections within the county that are like this one, and he said the traffic accidents aren't any more than at this intersection.

Hertha asked if the intersection is changed to a two-way stop and the accident rate becomes higher, if the intersection would be put back to a four-way stop. Mike said they would have to investigate the cause of the accidents.

Auditor Jackie Knafel asked Mike why the intersection wasn't changed to a two-way stop in 2008 when the study warranted it. Mike said he didn't know if the minutes of the Commissioners meeting would indicate they just didn't approve it or what.

Dave said Adam and Samantha Taulbee had sent an email to the Commissioners, which they had read. (nothing for file) Dave said it seems to him that the limiting factor is the site distance on westbound Lisbon Road. He asked if there is anything prior to 1000 before coming over the hill that indicates there is a stop ahead. Hertha said there is a "stop ahead" sign.

Mike said regardless of the results of this request, he thought there are some issues on Lisbon Road that need to be addressed. He said he would look at reducing the speed starting 1000 feet east of 1000 and maybe even Lisbon Road all of the way to 3. Mike said it didn't make sense to him that 1000 is posted at 45 and the side street is technically 55.

Jane said it is too bad that we can't calculate the "Almost" accidents where people have gone in the ditch and almost been hit and the thing that needs to be addressed is the safety of the public. Gary said you can put up all of the signs to control any intersection in the county, and it comes right back to a person's driving and common sense on how they react at an intersection.

Doug said if the Commissioners do look at going to the two-way stop, he thought it would be critical to keep the weeds cut down.

Hertha asked if there were more comments than the letter Mike had received and the email the Commissioners had received. Chad said he actually put something on face book, and the comments he got were almost 50/50. He said the people that were for it understood the reason for it, and the people that didn't want it was because of the speed. Chad said you can't use a stop sign as a speed tool. He said one of the things that was suggest was that flashing lights be placed at the intersection for up to six months, with the reds on Lisbon and the yellows on 1000, and maybe go a step further and add flashing lights to the "stop ahead" sign.

Dave said if we are going to spend the money to make that a major thorough fair we certainly wouldn't want to be stopping traffic. He said he would like to know what the accidents were between 2009 and present. Chad said he thought a traffic study in the busy time probably is warranted in mid October.

Gary said when he compares the site distance at that intersection with major intersections on state highways they have considerably less site distance.

Chad moved to postpone this hearing to get a traffic study done in October and to get the accident reports from 2009 to present. Dave seconded the motion and it carried, 3-0. Chad said in addition to the number of accidents, he would also like to know what types of accidents they were. There was discussion about putting up signs that say cross traffic does not stop.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:20 A.M. and reconvened at approximately 10:41 A.M.

JACK WONDERLY UNSAFE BUILDING @ SILVER LAKE

Dick Adair, Building Inspector said Wonderly's were in and said they would have the building torn down by now. He passed around pictures he had taken Friday to show that nothing had been done. Dick said the neighbors are afraid little kids will get in there and get hurt.

There was discussion that the letter to Jack came back, and Chad said he hand delivered the paperwork to Jack's son. Dave asked how long we gave them to get the building taken down. Chad said we gave them two months. Dick said this is the end of the two months. He said the next step would be set a hearing date to let it for bids. Dave asked Dick what he estimated the cost to be to get rid of the building. Dick said he thought it would be in the \$4,000.00 range.

Dennis said now we have to find that the building is unsafe and order that it be removed, and then we have to give them time to remove it. He said at this point we need to declare the building is unsafe and notify them and give them additional time to remove it, and we could fine them because they haven't done anything.

Chad moved to impose a \$4,000.00 fine and to order that the structure be removed by October 19, 2013, and that another hearing be set on October 21, 2013 at 10:00 A.M. Dave asked if the fine would be stayed if the structure is removed. Chad said he didn't have a problem with that. Dave seconded the motion and it carried, 3-0. Dennis will prepare an order for the Commissioners signature on August 26th.

PITNEY BOWES – CERTIFIED MAIL SERVICE

Shelley Mawhorter, Clerk came before the Commissioners to talk to them about the certified mail service she is purchasing from Pitney Bowes. She said this is supposed to save us money, and she thought it would if we ever get it moving. Shelley said every time she is ready to move forward something comes up. She showed the Commissioners what the certified mail would look like, noting that there is a bar code that would be tracked through the postal service. Shelley said she would only get notification once a week that the mail has been served. Shelley said her office needs daily notice and she said she couldn't believe other counties would want it once a week, and they don't, they get it every day. She said to get notice every day we will need another bar code or number so when we scan it there is at least a cause number on it so we can attach the service to the right case. She said what she would like to have signed today is a notification that gives us the ability to have a bar code with a cause number that they can scan, and it will roll right into the CSI system. She said Pitney Bowes has been working with CSI to make things work together. Shelley said right now when they get a green card back, they hand write the cause number on it and put it in the system; use a cert return; type in who signed for it, the date, and their initials. She told how the bar code works with the weekly notice versus the daily. Shelley said just this morning one of the Judges called to see if someone had been served. She said it will be an additional one-time payment of \$3,330.00 for the second bar code that will allow her to do the daily tracking of what has been served.

Dave asked what this would do to the "per piece" cost of certified mail. Shelley said it wouldn't affect the "per piece" cost. She said it is a one-time cost. Shelley said if she needs to find the money for this she will find it somewhere in her budget. There was discussion that the new certified mail system would save about \$2.00 per piece of certified mail.

Dennis asked if Shelley gets this and she scans the bar code if it automatically makes an entry. Shelley said it does.

Chad moved to approve the one-time payment of \$3,330.00 for the additional bar coding system from Pitney Bowes. Gary asked if another department wanted to send certified if they would have to have their own bar code. Shelley said she didn't know. There was discussion that the service Shelley is asking for today will only benefit her office, but the certified mail package that had already been purchased would benefit everyone. Dave said it seems crazy to have to add a second bar code to get information that should be available through the original bar code. Shelley said she is willing to put this off one more week to get the answers to the questions the Commissioners have. Chad said he wondered too why one bar code wouldn't work. He withdrew his motion. Chad said maybe it is a CSI (computer company) question and not a Pitney Bowes question.

TAX SALE DEEDS

Dennis said he had the tax sale deeds prepared that the Commissioners approved. He said the only question he had was if the one that is supposed to go to Rome City is still going to go to Rome City or if it is supposed to go to the Noble Trails entity that Dr. Gaff had talked to them about. Chad said he thought we should hold off on that one, because Dr. Gaff said they should be ready to be in business in a couple of weeks. Dennis said Rome City is the only one we had been in contact with.

The Commissioners signed the deeds to individuals as was voted on in the July 29, 2013 meeting.

Dennis said we still have some tax sale properties from 2012 that the county took title to that haven't been dealt with, and he asked the Commissioners what they want to do with them. Sheri Auld, Deputy Auditor was present at this time to answer any questions the Commissioners may have, and each 2012 tax sale property the county had acquired was briefly discussed.

Chad moved to approach the adjoining landowners with the exception of the Skinner Lake tax deed to see if they are interested. Dave seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes of the *July 15, 2013 & August 12, 2013* meetings, Dave moved to approve both sets of minutes. Chad seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:26 A.M. for lunch and reconvened at approximately 1:16 P.M.

HANDBOOK DISCUSSION

TAKE HOME VEHICLES – Chad said that we don't have a policy in the handbook about take home vehicles. The Commissioners reviewed the list of employees that take vehicles home and the reasons for them having them. (no list for file). There was also discussion that employee's outside of law enforcement have to pay \$3.00 a day to have a take home vehicle, and that they don't pay the \$3.00 on holidays and weekends. Chad said even if someone uses a car for just a day or two, they are supposed to be charged.

Chad read from Monroe County's policy "law enforcement officers may exercise de minimis use of county vehicles that are assigned as take home vehicles for reasonable and limited personal transportation within the county". Dennis said he wouldn't mind seeing

something like that. Chad read further "during such use the officer shall maintain radio contact". Gary said to him you can't justify a law enforcement officer driving their vehicle outside of the county, other than to say that they don't make enough money and that is part of their pay. Chad said he thought there should be some guidelines to be followed about take home vehicles.

After much more discussion about what should be and should not be allowed, Chad moved to add a ***USE OF VEHICLES AND EQUIPMENT*** section to the handbook as written, (H.I.). Dave seconded the motion and it carried, 3-0.

TRAVEL POLICY - There was much discussion about reimbursement for transportation, lodging and meals. There was also discussion about the verification of expenses for which reimbursement would be requested. Dave moved to adopt the new travel policy as presented today, (H.I.). Chad seconded the motion and it carried, 3-0.

COMMISSIONERS RECOMMENDATION FOR SALARIES

The Commissioners discussed whether they were going to make a recommendation to the Council on salaries. Chad said it was his recommendation to look at where the salary range should be for certain departments or employees, based on what is being proposed for job classifications. He said he thought it would be nice if all employees got a raise but the county could probably not afford it. Chad said he thought if you look at deputies, especially the sergeants, the sergeants need to have a larger separation of pay (now \$500.00), because they have a lot more responsibility. Jackie said we don't have that classification in place yet. Chad said he thought there should be a larger separation of pay between a sergeant and deputies. Mike Toles, Noble County Councilman was present at this time, and he added some of his thoughts. There was much discussion about pay for those who put their lives on the line and whose family time can be disrupted at any time. There was also discussion about exempt/non-exempt employees. There was discussion about merit raises, and the fact it could depend on if you were liked by the person doing the evaluation and other factors. Mike said when you do comparisons of salaries with other counties you also need to figure in health insurance benefits which vary from county to county. He said Noble County has a Cadillac insurance policy.

Chad said he thought maybe we should look at special areas and compensate them a little more accordingly. He said he didn't think across the board raises are where we should go, and he didn't think elected officials should get a raise. There was discussion about giving raises based on what an office holder or elected official says about the value of their employees during budget time, and the fact that there are other employees that have to do things before that employee that is considered so valuable, and they may not be recognized for what they had to do when talking about raises. There was also discussion that someone might go to bat to get a valuable employee more money, and then when that person leaves their replacement isn't nearly as deserving of that amount, but they get it because it goes with the position. It was noted that Noble County ranks low in pay in most areas when compared with counties that have similar populations. There was discussion about grants being given for new employees, and sometimes the grants run out and the employee is still here. Jackie said there is a certain amount of liability that is taken on by the county that is not included in the grants.

Chad moved to make a recommendation to give special emphasis to law enforcement on raises and see what can be afforded for the rest. Dave seconded the motion and it carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 3:34 P.M. recessed from day to day until the 26th day of August, 2013.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor