

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JUNE 18, 2012**

Comes now the hour of 8:32 A.M. on the 18th day of June, 2012, 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:

Joy Y. LeCount, President
David J. (Dave) Dolezal, Vice President @ 9:53
Jack W. Herendeen, Member

Also present were:

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

**STAIR LIFTS FOR PROSECUTOR'S OFFICE –
QUOTE FROM MICHIANA LIFT EQUIPMENT**

Phil Jacob, Head Custodian came before the Commissioners with a quote from Michiana Equipment, Inc. in the amount of \$10,400.00 for two Commercial SL-1000 stair lifts manufactured by Savaria for the Prosecutor's Office, (H.I.).

After looking at the lifts on the internet and finding out from Jackie Knafel, Auditor that they could find the money, Jack moved to approve the purchase of the stair lifts. Joy seconded the motion and it carried, 2-0.

TO BE PAID JUNE 18, 2012 APPROVED

After reviewing the claims to be paid today's date and getting answers to their questions Jack moved to approve them with the exception of the one for Kim (the Assessor, for Nexus, claim #007898 in the amount of \$261,090.00) which the Commissioners will hold for more information. Joy seconded the motion and it carried, 2-0.

BURN BAN

Mick Newton, EMA Director came before the Commissioners to see if they want to discuss the burn ban that had been declared (June 12, 2012). Joy asked if we received enough rain to lift the ban. Mick said he went this morning and made a count of the fire calls they have had from June 6 - June 18, 2012 and he presented some information he had put together, (H.I.).

Joy asked Mick to make some calls and get some additional information, including talking to surrounding counties. Mick said he attached a copy of LaGrange's ban and he said they explained to him that only unattended campfires were not allowed. He said they told him

that if they have an attended camp fire like the fire rings at the Chain O'Lakes park they are allowed. Mick said LaGrange also put on their ban that grilling on gas and charcoal grills is permissible.

Joy said she had a long conversation with the state park manager and indicated to him that since that is state property she didn't know what kind of authority we have. She said she didn't know what happened in Steuben County but she knew they had a ban. Mick said he heard on the news that Pokagon State Park was joining in with the county on what they were doing. Joy said that is exactly the position they took here. Mick said he would make some phone calls before he comes back at 10:30.

MINUTES APPROVED

After reviewing the minutes of the *June 11, 2012 executive session* Jack moved to approve them. Joy seconded the motion and it carried, 2-0.

CLERK'S REPORT – MAY 2012

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

PARKER WATERSHED SYSTEM PERIODIC MAINTENANCE RATE INCREASE HEARING

The Commissioners received notice of a public meeting that is to be held June 25, 2012 at 2:00 P.M. regarding the above referenced hearing, (H.I.).

JAKE'S LAWN SERVICE INC. – CERTIFICATE OF LIABILITY INSURANCE

The Commissioners received the above referenced certificate from ACORD, (H.I.).

EMC INSURANCE COMPANIES – NORA AND PAUL MUSSER TORT CLAIM

The Commissioners received a copy of a letter from EMC Insurance Companies to the attorney for Nora and Paul Musser, indicating that they have determined the Musser's claim is groundless and without merit and they are denying the claim, (H.I.).

DAVE BAUM, IT – COPIES

The Commissioners received a copy of an e-mail from Dave Baum to county employees regarding reducing the cost of printing, (H.I.).

NOBLE COUNTY OPEN BURNING BAN – ALAN & NANCY ERWIN

The Commissioners received a letter from Alan & Nancy Erwin who run the concessions in the Chain O'Lakes State Park, voicing their concern about the impact the burning ban has on their business, and asking that the Commissioners visit the park to investigate the conditions there, (H.I.). The letter stated that the Commissioners should consider exceptions to their decision.

Joy said they discussed that Thursday with the Director of the State Park and it was determined that the park could make their own decision internally, but the Commissioners weren't going to make any exceptions.

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH MOWERS ALL WORKING NOW

When asked by Joy, Mark said all of the mowers are running now.

SIGN PROJECT - LPA CLAIM VOUCHER

Mark presented an LPA claim voucher for the sign project in the amount of \$6,742.36 for construction inspection done by Schneider Corporation re: the sign project, (H.I.). Joy said the federal share of that is 90%.

Joy asked Mike and Mark if they are satisfied with the project since we are getting to the end of it, and she asked if there would be some kind of meeting at the end of the project. Mike said there would probably be a final sign-off with Schneider. He said Wayne (Baker) had been keeping up on most of the issues which should be brought up to the Schneider Corporation. Joy asked Mike if he had gotten in touch with Jill Palmer (Schneider Corp.) last week about the three-way stop signs. Mike said they had already taken care of them. He said they pulled the extra signs out.

After further discussion Jack moved to approve the claim. Joy seconded the motion and it carried, 2-0.

LIMBS IN WAY OF SIGNS

Jack said he had noticed that since the signs are higher there are some limbs that are hiding the signs and need to be trimmed. Mark said he told the guys to watch for the limbs and if they can't cut them, and if not to write down where there are limbs that need cut.

HIGH WATER SIGNS

There was discussion about the High Water signs and whether they would be folded up when there is no high water. Mark said the Highway Department made the old signs that folded up, and he was planning on doing that with the new ones.

Mike said the High Water signs are informational signs and the standard practice is to leave them up all of the time. He said they are similar to the icy bridge signs. Mike said it creates a lot of extra labor to have to put out the signs, as needed, and there are plenty of other things that need to be done during high water times.

DETOUR AROUND CROMWELL FOR CROMWELL DAYS

Mark presented paperwork for the detour around Cromwell for Cromwell days, (H.I.).

Jack moved to approve it. Joy seconded the motion and it carried, 2-0.

Mark said the paper from the state is to relieve us of any responsibility if something should happen because of the detour.

TRUCK LIFTS

Mark presented a copy of a quote in the amount of \$120,897.61 that he had received from USA LIFT for an in ground scissor lift, (H.I.). The ECOLIFT installs in a shallow 34 inch pit, operates with 7 gallons of hydraulic fluid, and incorporates the Continuous Recess feature which allows the operator to position the front lift under the vehicle's axle while the lift is retracted in the floor. Joy asked Mark if he said there is one in Fort Wayne like it. Mark said there is and the man he talked to said they just finished installing one two weeks ago at the north bus shop for Fort Wayne Community Schools on Cook Road.

Mark said there is a representative from Rotary Lift coming today that has a different kind of lift and he is going to give us an estimate. He said they use the piston style like we have, only it is a stage system that would all be above ground and it won't have the cylinders so there wouldn't be environmental issues. Mark said the representative estimated \$120,000.00 to \$130,000.00 on that one as well.

There was discussion about the different kinds of lifts and some of the pros and cons of each type.

Mark said he talked to a man from Gasoline Equipment and they are going to send us an estimate on what it would cost to replace the two rear cylinders on the lift we have and keep the lift we have.

Jack asked if we replace one lift, which one would it be. Mark said it would be bay 2. He said bay 1 had a lot of work done on it a few years ago, and he didn't know why it couldn't be fixed up. Mark said if we go with a new system we could keep the old pump.

Jack said the mechanics had told him that the pump is not going to last very long. It was determined that the pump runs both lifts, and that Mark should check on the price of a new pump.

Mark said one idea on funding this would be that Marc Fisher, Bookkeeper at the Highway Department had mentioned something about the possibility of transferring their insurance to the general fund. He said Marc said that would give them approximately \$250,000.00 that they could purchase something like the lift and then have extra funds to do some extra construction work. Mark said if they could keep the \$250,000.00 each year they could probably reconstruct approximately 4 miles of road a year.

Joy asked Mark to get the rest of the information on the lifts and the Commissioners will talk about it again next week. There was discussion about replacing the seals on the lift to get us by to the first of the year if needed because of the budget.

EXTRA STOP SIGNS PUT UP DURING SIGN PROJECT HAVE BEEN REMOVED

Mark gave the location of the signs that had been placed through the sign project that shouldn't have been, and he said they had been removed.

ESHELMAN – QUOTE TO HAUL SLAG

Mark said Eshelman's had the low quote of \$5.50 a ton to haul the slag for us. He said the slag will cost us \$4.00 a ton. When asked by Joy, Mark said we would purchase 200 ton. Joy asked how the cost compares to other materials. Mark said it costs \$7.50 a ton for pea gravel; \$15 plus for a ton for #11 limestone if delivered; and \$12.00 if we pick it up. Mark said on some of the roads he thought we need a bigger stone than pea gravel because of the bleeding problems we are having.

Joy asked what the mileage of a round trip (to pick up the slag) would be. Mark said it would be 70 miles round trip. He said it would cost about \$47.60 for fuel per load, plus the wear and tear on the trucks.

Joy asked Mark when he wants the slag here. Mark said he would like to have it by the first of July. Dave moved to have Eshelman's haul the slag. Jack seconded the motion and it carried 3-0.

CHIP SEALING

When asked by Jack, Mark said he was going to start chip sealing around July 9th. He said they should have everything finished and ready to chip seal this week, except where they placed the culverts. Mark said he wants to let them settle for a while so they don't have a dip where they patch the road.

FUEL CONTRACT

Mark said Marc Fisher contacted the Co-Op and they said they could work with the county and probably sell the extra fuel that we haven't needed this year, and we wouldn't have to worry about any kind of penalties or buying the contract out.

POST DRIVER - EXPENSE OVER \$500.00

Mark said they are in need of a new post driver because the one they have is to the point that it is broken down more that it is running. He said it would cost \$3,990.00. Mark said it is a four cycle. He said with the square posts it would make it a lot easier because they have to drive the short stub in. Mark said they would have the money because of the money that has come in from selling the scrap sign posts and signs.

Jack talked about a different kind of driver than what we have now that he saw at Road School. He said it was operated by compressed air. Mark is going to do some more investigating on post drivers. He said he thought the compressed air driver would be lighter.

CONTRACT FOR SALT

Mark said we got all of the salt we had contracted for this year. He said Marc Fisher did some checking and found where we could get the salt \$3.00 a ton cheaper at Detroit Salt and he would like to contract for 1,000 ton from them. Mark said that would give us about 20,000 ton, which is 4,000 tons more than they usually contract for. He said they normally contract for 16,000 ton.

Dave moved to enter into the contract with Detroit Salt Company. Jack seconded the motion and it carried, 3-0.

INSURANCE & BUDGETS

Auditor Jackie Knafel asked if the Commissioners want to make a decision about whether or not they wanted to put the Highway Department's insurance in the General Fund. She said budgets are due by the end of the week. Jackie said the Highway Department would still be paying the liability insurance on their vehicles and for their Worker's Comp.

Mark said by taking the insurance out of the general fund they would have more money for the roads. Jack asked if anything would be put in jeopardy to put the insurance in the general fund. Jackie said there is a potential to move some things around. Joy said the Commissioners could make a recommendation to the Council, because they are the ones that will have to make the decision.

Joy said what we are faced with at the Highway Department is that we have trucks that are costing us an arm and a leg to repair, we have major repairs otherwise that need to be done, and we have roads that are beyond repair.

Joy said another option would be to move the trucks into CEDIT, but that could only be done about once. The Commissioners will discuss this further during their budget conversation this afternoon.

LINE STRIPING CONTRACT

Mike said he had been working on the line striping contract which he should have finalized next week. He said he marked the roads that need to be striped and he will take out the ones that are going to be re-done. Mike said there will be two contracts this year, one now and one in the fall after the chip and seal projects are done. He said he would also check the 2013 projects so they aren't striped this year either. Mike said they have \$45,000.00 for the first contract but will have to find another \$45,000.00 for the second one. He said we have to catch up because we haven't done any striping for a couple of years or so.

BROOKSIDE ADDITION

Mike said he is waiting on an estimate from API on Brookside Addition.

SWAN TOWNSHIP TRUSTEE – THANK YOU

Dave said Jerry Fanger, Swan Township Trustee wanted to thank Mark for his assistance in getting the Gregg Cemetery cleaned up.

LETTER RE: “SHARE THE ROAD SIGNS”

Dave said he did send a letter to the Smith's about the Share the Road signs.

FUNDING & BOARD MEMBER APPOINTMENT FOR NOBLE COUNTY REDEVELOPMENT COMMISSION

Present for this meeting were: Scott Pounds, Craig Bender, and Steve Hagen from the Noble County RDC and Rick Sherck from the Noble County EDC.

Scott said they need to have a school board member appointed to the RDC (Redevelopment Commission) board. He said it is a two-year term and John Wicker from East

Noble School and Chris Mershman from West Noble School have both expressed an interest in serving. Scott said the RDC Board's recommendation would be John Wicker.

Joy asked how the board member distribution is around the county. Scott said 2 are from the west side, 2 are from the central area, and 1 is from the east side.

Jack moved to go with the recommendation of John Wicker. Dave seconded the motion and it carried, 3-0.

Scott said a second issue is the broader use of funds. He said they had run into some road blocks going through the process of trying to get the RDC up and running, and they would like to have some of the funds available to them to do some education and to do some consulting of professionals in certain circumstances. Joy said they have used some of the funds for education in the past. Steve Hagen said he had a copy of the minutes from October 26, 2009 where the Commissioners allowed the RDC to use 5% of their annual budget for education and promotional used. He said in fairness, they wanted to come back to the Commissioners. Steve said he didn't know where this (an undisclosed project the RDC is working on) is going to go or how much it will cost.

Joy asked if the annual budget the Commissioners are paying the RDC from the CEDIT Fund was \$20,000.00. Scott and Jack said they thought it was \$25,000.00. There was discussion as to whether the money that isn't being used is accumulating or not.

Rick said the \$20,000.00 that comes from CEDIT goes to pay the annual Regional Partnership dues.

After reviewing the current CEDIT plan, Joy said there is no money in it for the EDC. Rick said he knew there was a 2-year commitment in 2008 or 2009. Jackie said project # 7 in the 2010 - 2011 CEDIT Plan is for \$25,000.00 over the two years. She said if the whole \$25,000.00 is not spent then it reverts back to un-appropriated funds.

Rick said he didn't think it would be wise for them to have another account to manage for economical development. He asked if the county could hold the money here. Jackie said they would have to set up a special fund. Jackie said it could be put back in the CEDIT Plan and then expended to the EDC, and then what they did with it would be up to their Board.

Joy asked if the Commissioners would look at some level of funding this year and next year, which they didn't give (in the 2012-2013 CEDIT plan) how much they thought they would need.

Scott said they don't know at this point. He said they are looking at rehabilitating and developing some existing buildings and properties and getting them filled. Steve said there is a reason it is called a Redevelopment Commission. He said it is often used for demolition and redevelopment.

Joy asked what the sources for Redevelopment Commissions are in other settings. Steve said they are just getting started financially. He said once they get going and have designated an area and have business in that area, then any taxes created from the increase in assessed valuation are captured by the RDC and then utilized by the RDC to benefit that area.

Craig said the original intent as he understood it was to look at and make an option on ground. He said when you look around and see the vacancies that exist, he is not so sure that they shouldn't redirect their efforts and take a look at incentive of some sort to maybe improve those sites, and let people know what may be available out there. Craig said he thought they were supposed to learn from other communities that had been successful with the same situations and have those individuals come in and talk to them and learn what might be out there and how to incent things to happen. Scott said it would be education for everyone involved.

Steve said they have a couple of things in mind that are kind of premature to talk about, and that is why they are here today. He said they anticipate they will have some expenditures and the Commissioners will be partners in the process.

Joy said she thought the Commissioners intention was to provide them with the \$25,000.00. She asked Jack and Dave if they were willing to reinstate the \$25,000.00 that would have been for 2010 and 2011.

Dave moved to restore the \$25,000 the Commissioners had anticipated spending in the 10/11 CEDIT plan. Jack seconded the motion. (no vote on motion - 10:54)

Joy said the Commissioners would be working this afternoon on amendments to their 2012 - 2013 CEDIT plan. She asked what it was that those present were asking for. Steve said looking at the expense train that he typically sees of that stuff, he thought \$25,000.00 would be sufficient to get them to the point that they all have something to look at and the Commissioners could make a decision if they want to invest more. There was discussion as to whether the RDC would want all of the money now or half this year and half next year.

Jackie asked if this would be paid on a claim basis or if we would just give it to them. Joy said she would prefer to give it to them and let them keep track of it, and then when they come back they would have to justify that what they had done was worthy, and the Commissioners would have to determine if they are willing to kick in more money.

Dave asked Joy if we were talking about them getting \$37,500 this year and \$12,500 next year. Joy said she was talking about them getting \$25,000.00 this year to pay up what we had promised them before, and then another \$25,000.00 whether we pay it all this year or half of it this year and the rest of it next year. Steve said with what they have planned he thought their expense cap would be \$25,000.00 this year. He said there may be other use for funds after this year.

Jack moved to include \$25,000.00 in the amended 2012-2013 CEDIT Plan to be paid over two years. Dave seconded the motion. Steve asked if that would come into the RDC fund. Joy said the RDC would have to establish a fund, and they would have to submit a claim to get the money.

Scott asked if the same 5% restriction would be placed on the money. Joy said she didn't care how they spend it as long as it is spent within the guidelines of the law.

The motion then carried, 3-0.

Dave moved to allow the RDC to set up their own fund, and to spend the money that goes into that fund according to the Indiana law. Jack seconded the motion and it carried, 3-0.

Steve said the Commissioners need to re-appoint the current board members. Joy asked who they are. Scott said they are Roger Diehm, Rebecca Schroeder, and Scott Pounds.

Dave moved to re-appoint Scott, Rebecca and Roger to the RDC board. Jack asked if they are all willing to accept the re-appointment. Upon hearing that they are, Jack seconded the motion and it carried, 3-0.

NOBLE COUNTY EMERGENCY MANAGEMENT PLAN (CEMP) PROMULGATION

Present were Mick Newton, EMA Director and Terresa Griffiths

Mick Newton, EMA Director said the county's Comprehensive Emergency Management Plan, describes the strategies of how we would respond to a large emergency, and if we exceeded

our capabilities what process we would go through. Mick said it is a strategic plan and in general it is a “how to” plan. Mick said he updated a complimentary plan called the Noble County Strategic Plan which really lays out how we will design our exercises and training to meet the goals they have set in the CEMP. He said they went through a recent very comprehensive update because the federal government went from 4 mission areas to 5 mission areas. Mick said the new letter of promulgation says that we will do the constant updates. He said this has been done by a group across all 11 counties in their Homeland Security District, so all of our plans are very similar now. Joy said it requires us to make periodic updates to our county Comprehensive Emergency Management Plan, which we have done. She said it outlines the responsibilities of the participants including taking part in activities and real emergencies, sharing equipment, etc.

Dave moved to approve the document. Jack seconded the motion and it carried, 3-0. (See copy in Auditor's vault).

NOBLE COUNTY BURN BAN CONTINUED

Joy said the request for the burn ban came after the Commissioners were out of their regular meeting last week, at the request of the fire chiefs across the county. She said Mick came to her and asked that we implement a declaration to restrict burning in the county. Joy said they went on-line and indicated to the media what the circumstances were. She said in order for the ban to have any teeth, the Commissioners will have to enact it today during an official meeting. Joy said they need to know if the circumstances that warranted this in the first place are still in existence.

Mick said based on his research this morning very little has changed since last week. He said for at least next week, the National Weather Service says we aren't going to see any relief, (H.I.). Mick said he contacted 6 of our 8 fire chiefs to get their opinions, and they all thought the ban should be extended. He said they don't take it lightly making that kind of decision, but they think the ban should be kept on.

Joy asked if we want to amend the wording similar to what LaGrange had in their ban, which would ban the burning of unattended camp fires, brush, trash, burn barrels, and fireworks. LaGrange's ban allows grilling on gas and charcoal grills.

Mick said he asked the fire chiefs when he talked to them if their communities still planned to have their 4th of July fireworks. He said Kendallville's chief said they would still hold theirs because they shoot them out over the lake. Mick said the rest of them said they would postpone the fireworks if the conditions remain the same.

Dave asked if they have fire rings at the state park. Jack said they do. He said every week about 90% of the fire pits have fire in them. Jack said that is one thing they do out there. He said something could catch fire, but he didn't think it was likely.

Dave asked if we would have to wait for a board meeting to deactivate the burn ban. Joy said we wouldn't have to wait for a meeting if the Commissioners designate someone the authority to lift the ban after they have consulted everyone to make that decision.

Dave moved to give Joy authority to lift the ban after talking to Mick, the Commissioners and everyone that should be consulted. Joy asked if the Commissioners should amend the wording. After some discussion and no amendments, Jack seconded the motion and it carried, 3-0.

Dave moved to officially enact the burning ban for Noble County until further notice. Joy seconded the motion and it carried, 2-1 with Jack being opposed.

TOM SHOEMAKER, EMS DIRECTOR –
PURCHASE OF AMBULANCE & 2013 BUDGET

Tom Shoemaker, EMS Director said he was here to get approval to purchase an ambulance. He said all of Parkview Health negotiated a common vendor and that will save us about \$10,000.00. He presented a quote from Demers Ambulances in the amount of \$135,987.00 for a 2012 Demers Mystere X 170E Type 3 4x2 ambulance, (H.I.). Tom said it did not include the trade-in of the 2006 Ford E450 that has 210,000 miles on it. He said traditionally they get around \$5,000.00 for trade-ins.

Tom said one of his goals was to do a remount, but to get the safety seat, oxygen, suction, all of the electricity and the heating and air conditioning and ventilation controls it just drove the cost up and it didn't make sense to keep the older box. He said the last three ambulances we have purchased have been aluminum boxes. Tom said this will be the fourth and they have six ambulances.

Jack asked if they are going with a Chevy. Tom said they are and he gave the reasons why. Jack said we went to a 450 on the floor. Tom said we did, and this will be comparable. Joy asked if what we bought last year were Chevy's also. Tom said they were Ford E450's.

Joy asked if the units are from Canada. Tom said they are made in Canada but there is a dealer in Van Wert Ohio that sells them. Dave asked if they are pretty much ready to go when we get them. Tom said they put their road safety system in them and install the radios. Jack asked where they would pick it up. Tom said they will pick it up at Van Wert.

There was discussion about the fuel usage comparison and what the DEF tank is for. There was also discussion as to whether the budgeted amount next year should be \$45,000.00 instead of \$40,000.00.

Dave moved to give Tom permission to order the ambulance. Jack seconded the motion and it carried, 3-0.

Tom said Joy and Dr. Janssen (Councilman) represent the county on the Advisory Council, and the board had talked in detail about the budget. He said one of the things the Advisory Council suggested was to use a 5-year average, (H.I.). Tom said the goal of Parkview Noble Hospital is to be a partner with Noble County and share the cost to provide EMS services to the community. He said they don't collect nearly what they bill. Tom said they collected about 30% in 2011 of what was billed. He said more people are on Medicaid, and that pays 10 cents on the dollar. He said the second thing is that most insurance companies have increased their deductibles and people aren't able to pay them, and that is going to bad debt. When asked by Dave, Tom said that the 30% includes what is paid by insurance. Tom said the county helps pay for the gap between what is billed and what is collected. He said next year they are asking for \$178,901.00 in subsidy and \$145,000.00 for the ambulance. Tom said he thought the ambulance would be less than that. There was discussion about what had been paid in the past.

Tom said one of the things they are doing is to do away with the 24-hour shifts, so there is an increase there. He said they don't think it is safe for someone to be up for 24 hours. Dave asked if that will reduce the overtime cost. Tom told the Commissioners about the federal government rules for payment for employees working 24 hour shifts, including overtime. Jack

asked if that would increase the number of employees needed. Tom said they would need four more employees, but you would do away with the 24-hour salary.

Joy said that is an increase of right at \$39,000.00. She said what they are asking for is \$323,901.00 next year, and this year we are paying \$284,908.00.

When asked, Tom said they will be working 12 hour shifts. He said they would work four days one week and three days the next week. Tom said the schedules could vary because they are going to give the employees options. He said one employee said they would like to work three 12 hour shifts a week.

SMOKING BAN DISCUSSION

Joy said if she understands the smoking ban, all we have to do is comply with the state law. Dennis said that was correct. He said all we would have to do is post signs and give the employees notice. There was discussion about whether there would be any affects on employees that chew. Dennis said the ban is solely about smoking.

Joy said our current ordinance does not prohibit smoking in county cars. She said if we want to prohibit that we will have to change our ordinance. Dave asked if we could change that at a later date if we want to. Dennis said we could by doing a new ordinance.

Jack moved to follow the state law and ban smoking within 8' of public entrances, post the signs, and notify the employees. Dave seconded the motion and it carried, 3-0.

NEPOTISM POLICY

Joy asked if we would be covered to follow the same nepotism law the state has. Dennis said we would have to do an ordinance to that affect for the Commissioners to sign.

Jackie said she would like to see something in Noble County's nepotism policy that would allow an elected official to stay in that office when their term is up, if it is agreeable to the person taking office. She said in her instance if her daughter (who works in the Auditor's Office) would become Auditor in two years when her term is up, she thought it would be an asset for her to be allowed to stay and work in the Auditor's Office because of the knowledge she has about it versus bringing in someone new who knew nothing about it. Jackie said she thought she knew a lot about the office when she began because she had worked closely with the Auditor's Office when she worked in the Treasurer's Office. She said if Shelley (the previous Auditor) hadn't been across the hall, she would have been in a world of hurt.

Joy said the Commissioners would finish this up next week. Dennis said they would have to decide on the three categories, if they are going to exempt anyone or not.

GROUND RULES – LETTER REGARDING THE UDO (UNIFIED DEVELOPMENT ORDINANCE)

The Commissioners received a letter from Bradley E. Johnson, President/Principal Planner of Ground Rules regarding the contract the Commissioners have with Ground Rules to develop the UDO, (H.I.).

Joy said the Commissioners had sent a letter to Ground Rules requesting that they provide us with electronic copies of Draft G, the current draft, and two hard copies. She read the letter aloud that had been received in response to that letter. The letter indicated that Ground

rules would like the Commissioners to reconsider their decision to conclude the contract. Bradley said that Ground Rules had greatly exceeded the contractual limits of the agreement and they had suggested that an additional services agreement be executed to mitigate a portion of those additional costs. He said they were willing to significantly reduce their rates as a fair way to proceed and the feedback from the county was that the county is unwilling to pay for any additional work completed. Bradley said without additional compensation they would provide hard copies and an un-editable electronic copy of Draft D, the extent to which they were paid. He said because they hold a copyright on their documents until the project is fully completed by their firm and adopted by the client, the county would not be granted license to use any draft without written authorization from Ground Rules. Bradley indicated that if the Commissioners are satisfied with Draft D, the cost for the requested materials would be approximately \$380.00 plus shipping, and the county should confirm in writing that they are willing to pay for that service. He said they would prefer working with the county to calibrate the ordinance in a way that the county would support all the way through completion.

Joy said Bradley had been invited to come up and meet with us prior to the Plan Commission meeting on the 20th (June), and he chose not to make time in his schedule to do that. She said he has not been timely on numerous occasions to respond to requests we have made.

Joy said she didn't know if it was in our interest to adopt a copyrighted zoning regulation. She said she wants a zoning regulation to fit Noble County, not one that is protected by copyright.

Dave asked if we hadn't paid beyond our original contract. Dennis said he owns the thing until it is adopted. Dave asked if we paid him beyond Draft D. Dennis said he didn't know. Joy said he provided us with Draft E, and F which we did not request, and now we have a Draft G which she assumed was requested by the Plan Commission.

Jack asked if the Plan Commission could shed some light on the letter. Joy said she thought part of the problem was that he (Bradley) never wanted to communicate directly with the Commissioners. She said she didn't think it was best to continue to communicate through a third party. Dave said he wants to meet with us.

Dennis said his advice would be to wait until after the 20th to set up the meeting.

Joy said we sent him a letter in March of last year and we finally heard from him in August, and by then he had produced a draft we never asked for.

MINUTES APPROVED

After reviewing the minutes of the *JUNE 11, 2012* Meeting Jack moved to approve them as corrected. Dave seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 12:24 P.M. and reconvened at approximately 1:48 P.M.

PAYMENTS TO GROUND RULES

Jackie reported that we have paid Ground Rules \$122,097.82 since May 1, 2006. Dennis said part of that was for the Comprehensive Plan and the rest is for the UDO.

BUDGET DISCUSSION

The Commissioners went over their budget and the budget requests they had received to see if any changes were needed. See the file for the proposed budgets they are submitting to the Council, (H.I.).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 4:20 P.M. recessed from day to day until the 25th day of June 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor