

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD DECEMBER 16, 2013**

Comes now the hour of 8:35 A.M. on the 16th day of December, 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:

Jackie Knafel, Auditor
Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley & Scott Perry

**2013 HOMELAND SECURITY SUB-GRANT
AGREEMENT EDS# C44P-4-071B**

Mick Newton, EMA Director came before the Commissioners to get their signatures on the above referenced grant agreement, (H.I.). He said it is a grant that the Commissioners had approved for him to apply for to buy some extra radios, and they finally sent the contract Friday. It is in an amount not to exceed \$9,992.00. Dave moved to approve the grant for the purchase of radios and batteries. Chad seconded the motion and it carried, 3-0. Dave asked Mick where he was getting the radios. Mick said he was getting them from J & K Communications in Columbia City. He said the new digital FM the Highway Department is using works well.

**WAIVER OF 10% REDUCTION OF PAY & DONATION
OF SICK DAY FOR TIM LOCK, NEW JANITOR**

Phil Jacob, Head of Maintenance came before the Commissioners to ask that they waive the 10% reduction in pay for Tim Lock, the new janitor. He said he has been here about six weeks and he is doing a really good job. (Tim was a janitor prior to taking this job). Chad moved to approve the elimination of the 10% reduction in pay beginning with the next pay. Dave seconded the motion and it carried, 3-0.

Phil said Tim was sick December 12th with the flu and he asked if he could donate him a sick day. Chad moved to approve for Phil to give Tim a sick day. Dave seconded the motion and it carried, 2-1 with Dave being opposed.

SNOW BLOWER IN REPAIR SHOP

Phil informed the Commissioners that with the amount of snow we got over the weekend it was hard to tell where he was at and he got into some stones in the landscaping and broke a shaft. He wanted to let the Commissioners know it was an expense that would be coming up.

SNOW REMOVAL CONTRACT

Jackie said that Pulver's no longer wants to plow the parking lots at the Prosecutor's, Annex, South Complex and Public Defender's Office. She said Pulver's had contracted with Derick Lough some last year and Phil came up and asked her if it is ok for him to get Derick to come in to plow the snow until we get someone. Phil came back up and he said he had forgotten to get quotes, but Derick Lough is willing to do it, and Derick is going to get him a price. The Commissioners approved for Derick to plow the parking lots as needed until they get the price for Phil, which they will review at that time.

CLAIMS APPROVED

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

TREASURER'S REPORT – NOVEMBER 2013

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

MINUTES APPROVED

After reviewing the minutes of the *December 11, 2013 Executive Session* and making a correction of the time to 10:18, Chad moved to approve them. Dave seconded the motion and it carried, 3-0. Dave moved to approve the minutes of the *November 25, 2013* minutes as presented. Chad seconded the motion and it carried, 3-0.

INDIANA PIPELINE AWARENESS ASSOCIATION (INPAA) – PIPELINE SAFETY PROGRAM

INPAA sent the Commissioners some information on a pipeline-safety program they will put on, where critical emergency response planning information will be presented, (H.I.).

TOWN OF ALBION – INVOICE RE: LANDFILL LEACHATE DISPOSAL

The Commissioners received an invoice from the Town of Albion in the amount of \$390.00 for the disposal of 6,500 gallons of leachate from the landfill in November, (H.I.).

PUBLIC HEARINGS RE: PERIODIC RATE INCREASES FOR THE PARKER, BEAL & PALMER WATERSHEDS

The Commissioners received notice of the above referenced periodic rate increase public hearings which will be held January 13, 2014, (H.I.).

**ENVIRONMENTAL ASSESSMENT & FINDING OF NO
SIGNIFICANT IMPACT RE: CITY OF LIGONIER
WATER IMPROVEMENTS PHASE II**

The Commissioners received information from the State Revolving Fund Loan Programs of the above referenced assessment and findings regarding a loan the City of Ligonier applied for re: a project they have going on at their wastewater treatment plant, (H.I.).

CODIFICATION OF ORDINANCES

Chad said he would be talking tomorrow with a company that does on-line codification of ordinances. He said they place them all on line and they are searchable by key words. Chad said hopefully he would get a presentation and see what kind of money it involves. He said Kendallville has theirs on line and all you have to do is type in a couple of words and it brings the ordinance up. Chad said he thought it would be a good way for the Commissioners to find out what ordinances may need to be adjusted or changed. Dennis said it would be a good way to look them up when you have a question about something.

**SHERRY LABORATORIES ACQUIRED BY
ELEMENT MATERIALS TECHNOLOGY**

The Commissioners received notice from Sherry Laboratories that they had been acquired by Element Materials Technology in March 2013, and that their name will change to Element Materials Technology, (H.I.).

**HIGHWAY BUSINESS – MARK GOODRICH, SUPERINTENDANT
MIKE FITCH, ENGINEER & ZACK SMITH, PART-TIME ENGINEER
SNOW PLOWING**

Mark gave the Commissioners an update on the snow plowing over the weekend. He said the guys worked hard and did a good job.

GAS PRICES LOCKED IN

Mark reported that he locked the fuel prices in on Friday afternoon. He said he locked in 40,000 gallons of gas at a market price of \$2.81 plus \$.18 tax for a price of \$2.99 which is a little bit lower than last year. Mark said we paid \$3.192 a gallon and last year we locked in our summer blend at \$3.19 and our winter blend at \$3.330 so we came out ahead on that as well. He said if the Commissioners are happy doing it this way, he would like to continue to follow the market and the trends so he would have a better idea of what is going on next year and maybe save a little more.

COMPACTOR PURCHASED

Mark said they did buy the compactor that was discussed last week. He said it is the same brand that we had before and had so much trouble with, but they changed from a Honda motor to a Robin because they had trouble with vibration, and they went from a 2 cycle to a 4 cycle and it is a lot easier to start. Mark said they put some sand down and they all ran it for quite a while and liked it, so he purchased it.

COMP TIME MAXIMUM

Chad reminded Mark that if anyone gets maxed out on 40 hours of comp time he will have to pay them overtime after the 40 hours. Mark said that will really hurt them. Chad said if it gets to be an issue that it is going to be too much of a hit on the overtime, then the Commissioners can look at it. He said they exempted the Sheriff's Department. Dave asked how

many of his men that would affect. Mark said after this weekend it will probably affect about 1/3 of them. Chad said before it was 240 hours of comp time that they could max out at and that is a huge payout and having that much time off is a lot of time for someone to be taking away from the office. Mark said with the increase in the vacation hours that will help there, but it would be nice if they were in the 60 - 70 hour range.

OVERTIME

Gary asked how Marc (Fisher) gets so much overtime. Mark said Marc comes in at 7:00 and Charisse comes in at 7:30 and any time Charisse is off, he covers until 3:30 and he works through his lunch to watch the phone and stuff, so he gets an hour any time Charisse is off. He said Charisse gets quite a bit of overtime too, and he is working on keeping someone in the office more to try to get that overtime down. Mark said they might not have the answers people are looking for but it is a warm body in the office. Dave asked if they could have a phone recorder in the phone over the lunch hour and they could take a message and call them back. Mark said they could do that. He said after the first of the year Zack will be there in the office and he could potentially take care of it some too.

PLOWING ON VORHEES STREET IN LaOTTO

Ray Leiter from LaOtto called to say that he needs to go to the doctor and his street (Vorhees) has not been plowed. Mark said they don't plow all of the streets in LaOtto, and he would have to check on that one. Chad looked on GIS and said it is a dedicated street. Mark called the driver for that area and asked him to go back down and plow it. He said he would have Charisse check to see if we are supposed to be plowing that street. Mark said some of the streets people expect to be plowed are not county maintained. He said we paved that street when the sewer was put in. Mark reported later in the meeting that he received a text from the office that said Voorhees Street is not on the books for maintenance. Chad asked Mark to Call Ray and explain that to him. Mark said he knew we had plowed that in the past, but there are a lot of question marks out there. He said he would talk to Charisse to find out where she got her information.

SIGN ON MCKINNEY DRIVE

Dave reported that he had received a phone call about a sign on McKinney Drive north of Avilla that had been hit and needs replaced. Mark said he had called the Highway Department a couple of times. He said we don't maintain that road. Dave asked whose sign it is. Dennis asked who put it up. Mark said it was put up when New 3 was constructed. Chad said it would have been done by the state. Dave asked Mark to check it out.

STOP SIGNS AT 1000 E/LISBON ROAD INTERSECTION

There was a brief discussion about the possibility of putting up signs on Lisbon Road thirty days before the change (stop signs to be removed on 1000 E) to alert the public that cross traffic affective on the date determined will not stop. Gary asked about the possibility of using rumble strips on Lisbon Road to warn the people before they get to the sign that says cross traffic doesn't stop. Mike said the problem with those is that if anyone lives nearby they make an audible noise and could be an annoyance to the neighbors. There was further discussion about ways to alert drivers prior to the stop signs being taken down, that the traffic on 1000 would not be stopping. There was also discussion about making sure the weeds are kept down in the right-of-ways and the best way to keep the weeds down.

DRIVEWAY PERMITS

Mike said he would like to continue the discussion on driveway permits. He said Charisse gave him two driveway permits to look at. Mike said the first one is a circle drive and

neither driveway meets stopping site distance requirements, and there is a location on the property that they could put in a new driveway that would meet stopping site distance but it would interfere with his garden. Chad asked if there was a permit at the time the driveway was initially installed. Mike said there wasn't any record of a permit. Chad asked if it was because it was done prior to the driveway permit process and Mike said it most likely was. Mark said they thought the house was about 100 years old. Mike said our driveway ordinance allows driveways to be constructed that don't meet the stopping site distance. He said the property owner has to request a variance and then as part of that we will put up a Hidden Drive sign at their cost. Mike said they are building a pole barn and that is how it came to us.

Mike said the second one is a single drive and it has a pipe under the drive that is ok, but the drive is 157' short of the site distance on the north side. He said Charisse said she has two more where the driveway site distance is ok, but neither one has a pipe.

Chad asked Dennis how much we are able to do to someone that has a driveway that was put in prior to the driveway standards, to make someone because they are putting a pole barn on the property bring it up to those standards. Dennis said they really aren't changing the driveway itself. Chad said to make someone put in a pipe when it wasn't required when the driveway was initially installed - he thought if we were doing any ditch work we would have to install the pipes and then the landowner would have to take care of it from that time forward. Mike said he thought we would find that most of these were constructed prior to the driveway permit ordinance. Dennis said he doubted there was an ordinance prior to 2002.

Zack said what we are doing right now is that we are not issuing the permit so they can't get their building permit. Chad said he didn't know that we could do that if their driveway was constructed before the ordinance was in effect. He said if they were going to make changes to the driveway then we could tell them what they need to do. Mike agreed that if a driveway was put in before the permit process was in place we couldn't do much unless they wanted to change the driveway. Dennis read from the ordinance. He said if the driveway has been there and used that way for 20 years he thought we have a problem with telling them they have to change it now, because it would be grandfathered.

Mark asked if it wouldn't be to our advantage not to do anything with that driveway. He asked if it is short on site distance and we don't require them to change it if that puts any liability on us. Dennis they would be put on notice that it didn't comply and there was a potential danger there. Chad said he thought we could make recommendations. Dennis said there could be a change to the ordinance to specifically cover that situation. Mike said in the past the Highway Department didn't even go out and look at these driveways at all. He said they only looked at new ones. Mike asked by going out and inspecting the driveway and finding that it is short of site distance if that adds any additional liability for us. Dennis said it could. He said they would sue us and make us a party too if they became aware of the fact that it was inspected and there was that recommendation. Mike said he thought it would be best to pull back and re-think if we should even go out and do the inspections. Chad said he thought we should because if someone is going to put up a monstrous building that really should have a change in their driveway or if they are going to put up a building and their intent is to use a farm lane, he thought we should still do the inspections. He said he didn't know if we would have an ordinance with a fee for the inspection or if we would increase the building permit fee to include the inspection. Mike said the inspector would then discuss it with the Highway Engineer and the Highway Engineer would make the decision on whether changes would need to be made or not. Chad said they could pay the upfront inspection fee and if a permit is needed that fee could

go toward the permit cost. Dennis said he thought we should be looking at the driveway ordinance if we are going to be looking to bring it more in compliance with the UDO, as far as if there are new structures being built where there is already an existing driveway. He said if we are going to say they need to do something with their driveway then we need to do something with our ordinance to incorporate that in. Mike said if someone has lived there for a long time they understand about the short site distance. He said if they sell the property, then he thought there should be something in the paperwork or transition that alerts the prospective buyer that the site distance is short.

Mark asked if we would be allowed to require people to put a culvert in for a field entrance where they are going to build a house. Chad said they would have to change their driveway use so we could. Mike said we need to have everything in writing so everybody understands what the reasoning is for it. Dave said if they are adding a building and using an existing driveway they know what the site distances are. He said a farm lane is not a driveway, it is a farm lane.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:59 A.M. and reconvened at approximately 10:23 A.M.

ASSESSOR - BID OPENING FOR APPRAISAL CONSULTANT

Dennis announced that there was to be a bid opening at 9:30, but no bids were received because one of the requirements was that they be level III certified. He said since that time he has submitted some additional things to the state and now they are saying that they don't think the person needs to be level III certified. Dennis said they are trying to get an appraiser for appeals only, and some consulting relative to some computer spread sheets, not relative to reassessments, and that is where the state is confused. Chad asked if we don't have to have bids for that then. Dennis said he didn't think we would have to bid it because the law talks about an appraiser relative to reassessments or annual adjustments.

PROSECUTOR'S ENCUMBRANCE REQUEST

Jackie said that last week when they talked about the encumbrances, the Prosecutor had submitted a letter saying that they wanted to encumber money in Education & Training to be used for the winter conference. She said there was no account numbers or anything. Jackie said she looked at the conference registration and it had IV-D Standing Committee. She said she couldn't get Steve (Prosecutor) or Jim Mowery so she assumed it was Child Support and that is where she took the \$1700.00 to encumber. Jackie said she got a call that they had wanted it out of the Prosecutor's budget, and they wanted to encumber \$3,000.00. She said there is \$3,000.00 in that budget, but the figures they gave her only add up to about \$2,400.00 and she didn't see how we could encumber more than the letter said to. Chad said also, they asked for more money per meal than our handbook allows. He asked what the balance is with the hotel and conference. Chad said he didn't know why they even needed meals if the conference included them. Dennis said they would need a few of them. Jackie said she got \$2343.00 with registration, hotel and food. Chad moved to approve the encumbrance of \$2343.00. Dave seconded the motion and it carried, 3-0.

CONFIDENTIAL SHREDDING – SHREDDING OF OLD RECORDS

Shelley Mawhorter, Clerk said she had talked to Confidential Shredding and they charge by the pound, and if they have to tear anything apart they charge extra. She said there are things on the fourth floor already that need to be torn apart, and there are things at the annex that need torn apart. Shelley said she thought the things from the fourth floor could be taken to the annex to be torn apart. She said they are going to send her a quote and they need a week's notice before they could come. Shelley said if we could have it all ready by the first of the year, then they could come to the annex and shred it. She talked about things that she knew of that could be gotten rid of, and empty boxes that could be broken down and stored. Chad asked how many kids Shelley is planning on having come in. She said two of them right now, but we are talking about a window of time when they are home from college, but she didn't think it would be an issue to get a couple more. Shelley said she could pay for one of them from her Perpetuation Fund, because a great deal of the records are hers. Jackie said she has \$500.00 in part-time pay that she could use. Shelley said this would not be paid out until next year. She said it would be paid by a claim. Chad said it would probably be good to get as many in here as you can so it can be done quickly. Chad asked Shelley to check with the Historical Society before destroying any of the older books to see if they are interested in them. He said he thought they would scan them. Shelley said she would use the list for the retention of records so she doesn't get rid of anything that is supposed to be kept forever.

Chad moved to approve for part-time help for the removal of unnecessary records from the courthouse, the Public Defender's Office and the Weber Road property, and to pay them \$9.00 an hour. Dave seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:50 A.M. and reconvened at approximately 11:04 A.M.

ROAD CONSTRUCTION STANDARDS

Present for this portion of the meeting were: Mike Fitch, Highway Engineer; Zach Smith, Part Time Highway Engineer; Mark Goodrich, Highway Superintendent; Everett Newman, Plan Commission Attorney; and Nathan Miller, Plan Commission Director.

Mike presented the Noble County Construction Standards he had prepared, which he said is mostly for new construction. He said the purpose is to give an overall summary of the standards. Mike said the intent is to make this into an ordinance and he is not sure exactly how that works as far as making changes. He said as Zach works with these he will probably find things that need to be changed, and he would like to make it as easy as possible for him. Mike said normally they don't change a lot, but the first year they might come across several things. Zach said his thought would be to have annual or semi-annual changes. Mike said the standards and the UDO would need to be blended together.

Chad said right now if there is an issue on a driveway they will have to go before the BZA because the driveway rules are in the book, and if it doesn't match what the book says then they have to go through the BZA to get a variance. He said if the Highway Department says it is ok, then that is what should stand. Mike said for instance there is something in the UDO that says the maximum height of the lights is 25 feet. He said he doesn't know where that came from or what kind of light fixtures they are talking about. Mike said from a Highway Department

standpoint they look at what has been presented from the developer and make a decision as to whether that is acceptable for the Highway Department. He said you get into issues of whether it is design or what it is. Mike said he doesn't know why things like the light issue was put in the UDO. He said Kendallville has street light standards that they have adopted, and that is what the developer has to put in.

Mike talked about the purpose of the construction standards. He said under Design Standards he thought it was important to say how all "new roads" are designed and constructed and how all "existing roads" approved for maintenance should be maintained. Mike also talked about dedication of right-of-way in plats, and the widths of right-of-way required according to the Thoroughfare Plan, which is part of the county's Comprehensive Plan.

Nathan said he and Mike had discussed the enforceability of the section in the Comprehensive Plan that refers to roads and maintenance. He said it looks like the Comprehensive Plan is suggesting a layout for a full out Thoroughfare Plan. Mike said maybe some language needs to be changed in the Comprehensive Plan. He said most of them he has seen say roads, new construction and development "shall comply" with the Thoroughfare Plan.

Mike talked about the general requirements of plan submission. He said the problem is that the UDO does not specifically talk about a plat. He said Nathan would have to look at the UDO and decide what kind of plans/drawings he needs for the plat. Nathan said he thinks it is in there but you have to search around to find it. He said he kind of thinks it would be easier if we just said to refer to the Highway Standards for construction.

Mike said he thought there is a need to put some information in the standards about design requirements for street lighting. Mike said he did tables to show the minimum standards for roads in the three types of plats, and with the different types of roads, which he went over. He said he tried to pick what he thought was a reasonable standard for Noble County after reviewing standards for several other counties.

Mike said Storm Drainage according to the standards should meet the requirements of the Storm and Erosion Control Ordinance and will be submitted to and approved by the Noble County Surveyor. Mike said street name and traffic signs would be provided and installed by the Highway Department and the cost would be reimbursed by the developer. There was discussion about the best way to make sure the Highway Department gets reimbursed.

Mike said the developer sends us plans, and if the Highway Engineer doesn't have the time to review the plans, or if there is a bridge involved and we have to hire a consultant, he thinks the developer should pay for that. He said it is the same with construction inspection. There was discussion as to whether this could be billed through the Plan Commission. Mike said he would check with Elkhart County because they just updated their standards last year, and they have a \$500.00 review fee and then it is another \$500.00 for the secondary submittal. Jackie said that would be a lot simpler way of doing it, and it could be done by an ordinance. Chad said Steuben County charges \$1,000.00 for vacations, to cover the expenses for reviewing them and the office time it takes to handle them.

Nathan said in the UDO they do have some things about lighting and sign standards that references county policies. He said he thought he would be revising that whole section to meet up with the Highway Departments requirements. Mike said they could refer to the Highway Construction Standards. He said our standards are going to be according to the INDOT ASHTO standards.

Mike talked about the standards for driveways, the types of driveways, and the number of driveways a person could have. He said the purpose is to try to control the number of driveways

that access county roads. Mike said statistics have shown that the more access points there are, the more potential there is for accidents. He said in driving around the county he has seen a lot of circle driveways and multiple driveways that to him are unnecessary. Dave asked if the number of driveways determine the speed limit in rural areas. He said when he drives around in the country there are 30 MPH speed limits all over the place. Mike said part of them don't meet the strict definition of what is called an urban area or a rural district. He said if all of the driveways had been put in with the proper site distance they wouldn't have that. Mark said the previous engineer considered it to be a federal regulation that if there are seven driveways within a quarter of a mile then the speed limit is automatically 30 MPH whether we post it that way or not, so he had the signs put up. Chad said there are areas where you can't even get down to 30 MPH before you are out of the 30 MPH zone. Everett said part of this is because in the state there is an urban speed limit that is defined as anything where you have a certain number of houses over 1/4 of a mile. He said they thought if an officer is able to issue a ticket for going over 30 MPH there should be a sign that warns people. Mike said one of the critical things to him is to make sure we have good access points and they are safe. Nathan talked about the possibility of cleaning up the UDO in this area. He said it will be up to the Plan Commission, but he is hoping they can make it so the UDO basically says that all driveway permits would go through the Highway Department, so that people could just deal with one office.

LOAN FOR PURCHASE OF I-RECORD SYSTEM FOR THE SHERIFF'S DEPARTMENT

George Bennett from Campbell & Fetter bank presented paperwork for a loan for the purchase of an I-Record system for a digital video/audio recording system to be used when doing interviews at the Sheriff's Department, (H.I.). George explained the loan paperwork. Chad said the loan amount is \$17,775.00 for five years with a 2.49 % interest rate. He moved to approve the terms and sign the loan, keeping the loan local. Dave said that is a lot better than the out-of-state rate that was 7%. Dave seconded the motion and it carried, 3-0. Gary signed the paperwork.

ROAD CONSTRUCTION STANDARDS CONTINUED

Mike said he thought there was something in the UDO that was excellent that says "The intent of all new developments is for the county to accept those roads for maintenance". He said he thinks the statement is proactive in making sure that when the roads are built, they are built to our standards so there would be no question if we are going to maintain them or not.

Mike said we don't have an inspector that could be on site full time during new construction of subdivisions, but there are certain things spelled out when they have to call the Highway Department to have them present. He talked about the maintenance bond that would be required. Dave asked about the part where it says the bond amount could be raised. He asked in what instances it would be raised and asked why someone would agree that it could be raised during the project. Mike explained what conditions would cause them to raise a maintenance bond. He also talked about the performance bonds and letters of credit.

Mike talked about the different permits that are issued by the Highway Department. He said with the right-of-way cuts sometimes it is better for us to do the repair to the road because some of them don't patch the road very well. He said in that case we will keep track of our time and material and they will reimburse us. Mike reviewed the driveway permit process. He also

discussed fees for developers regarding reviewing the plans, etc. and what is required in the construction drawings.

Gary asked about a vertical curb. Mike explained the differences in curbs.

Nathan asked the Commissioners if we are going to have mailbox standards. Chad said we aren't. Chad and Dennis said people need to check with the post office regarding mailboxes.

Gary told Mike that he appreciated all of the work he had put into the standards.

Dave said there are people that leave their trash cans in the ditch all of the time. Mark said if it creates a water issue the Highway Department will stop and take it out of the ditch.

There was discussion that there would have to be an ordinance done for the standards because it includes fees, and also discussion about holding a public hearing to discuss the standards before they are adopted.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:37 P.M. recessed from day to day until the 23rd day of December, 2013 on a motion made by Chad, seconded by Dave which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor