

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD NOVEMBER 12, 2013**

Comes now the hour of 8:41 A.M. on the 12th day of November, 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, News Media

**MICK NEWTON, EMA DIRECTOR – USE OF EMA VEHICLE
FOR PERSONAL USE IN AND OUT OF COUNTY**

Mick said he was here to ask permission to have use of his EMA vehicle for personal use in and out of the county. He said he e-mailed the Commissioners information that would explain his request. Mick said now he comes up any time there is an event in the county such as the Apple Festival. He said they activate to a level 4, which they can monitor from home. Mick said basically they just monitor the weather. He said if the weather is nice it doesn't take much monitoring. Mick said he makes sure he has contact information. Mick said all of his information and equipment is in his car, and he would like to have that with him. He said the last thing out of county he can remember doing was last year's Christmas party for the fire department. Mick said another example of what he goes to out of county is like when Topeka has their fundraiser. Dave asked Mick what it is he does when he parks his car at Wal-Mart. Mick said if he sees there is a potential for something he will park his car at Wal-Mart if they go to Edgerton where his grandchildren live, so if he has to get back quickly it is right there and is easier than going to his house and he can get to the Sheriff's Department faster. He said Mitch has given him a spot in dispatch which is their liaison position. He said you can't call on the phone and talk to a dispatcher because it is just crazy when there is something going on. Mick talked about when he was at his granddaughter's graduation and a severe thunderstorm warning came up and he was able to put out the Nixel alert out from over there, because he had his computer with him. Mick said he carries so much equipment with him such as triage equipment, communications equipment, and lighting equipment. He said Doug has made him a Special Deputy so he can stop and help direct traffic. Mick said these are all things he has done in the past, and with the change in the handbook he wanted to get a ruling on it. Dave asked Mick if he goes grocery shopping or clothes shopping for personal use if he takes his vehicle. Mick said he doesn't. He said he can't say he hasn't stopped to grab a bag of dog food at

Wal-Mart. Mick said if there isn't something going on the car sits at the house. Chad said he doesn't think Mick should use his car out of county for personal reasons and it didn't sound like he did. He said he didn't realize that Mick parks his car at Wal-Mart to leave town. He said he thought a lot of people think he parks his vehicle there because he is shopping. Mick said he tries to park at the far end, but he never thought of that. Chad said it makes sense to him for Mick to be able to use his vehicle because of the emergency necessity to respond to something immediately. Dave asked Mick what being a Special Deputy means to him. Mick said when Allen County gave us the vehicle it had red and blue lights and we would have had to pay to convert all of the lights, so Doug said since he stops and helps them with traffic and what have you, it was the easiest way to swear him in as a special deputy. He said he doesn't make traffic stops and he doesn't do police stuff. Gary said the Commissioners had to do something because there were too many vehicles out there. He said he transferred back to Noble County in '77 as a State Trooper when Mick was a policeman. Gary said he was always impressed with Mick's demeanor and work ethic and still is. He said Mick is a hard working guy out there for EMA and he gives 110%. Gary said the Commissioners don't want to restrict him from doing that job. He said as far as Mick driving the vehicle back and forth to work, he doesn't have a problem with it, because he will stop and direct traffic at crash scenes. Gary said he likes it when Mick represents EMA and he represents Noble County at so many functions, and he thinks that is fantastic and he would like to see that continue. Gary said to him, he thought we need to differentiate between simply having the vehicle for weather problems. He said how Mick uses the vehicle off duty is critical. Gary said he can't take advantage of it just for example to go to Wal-Mart to go shopping. Gary said when he was the Sheriff he very rarely used his vehicle when he wasn't on duty. He said he had his phone with him 24/7 and he functioned fine without the vehicle. Gary said he didn't think Mick would abuse using the car when off duty. Chad said he didn't think we would have to grant the position the use of the car. He said we could grant Mick the use of the car because of his work ethic and we could grant *him* the use of it and not the position. He said that doesn't mean that the next person to come in can continue the off duty use. Chad said what Mick does goes above and beyond what most other area EMA Directors do in other counties. Gary said we can't operate on the assumption of *what if* something is going to happen that I need that vehicle. He said there is a fine line and how do you balance it. Gary said as far as the Apple Festival he doesn't have a problem with it if he is actually working. Chad and Dave said when Mick is at the Apple Festival, Stones Trace, Marshmallow Festival etc, he is there promoting something he is really working. Dave asked if there is anybody else in the county that is in the unique position he is in that he has all of his equipment in his vehicle and if he would have to activate a response and he didn't have his vehicle it would significantly reduce response time. No one could think of anyone. Dave said he is willing to accept Mick's commitment to not abuse the vehicle and allow him to continue in the manner he has been using the vehicle and be very judicious about personal use. Chad said he is kind of the same way, but he doesn't know that out of county use would be necessary unless it is job related. Dave said he, like Gary really appreciates Mick's high commitment to his job and how much he takes the protection of the citizens of Noble County so seriously. Chad moved to allow *Mick, not the position* to have off duty in county only use of his vehicle. Dave seconded the motion and it carried, 3-0.

PAYROLL TO BE PAID 11/14/13 APPROVED

After reviewing the payroll from 10/18/13 – 10/31/13 to be paid 11/14/13 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

TOWN OF ALBION – INVOICE FOR LEACHATE DISPOSAL

The Commissioners received an invoice in the amount of \$300.00 for the disposal of 5,000 gallons of leachate in October, (H.I.).

WEAVER BOOS – SUBMISSION OF LANDFILL LEACHATE DISPOSAL DATA TO IDEM

Weave Boos Consultants sent the Commissioners a copy of the letter and the leachate collection information from September 2011-September 2013 that they sent to IDEM as had been requested, (H.I.). They noted that they had two corrections to the report.

IDEM – RESIDENTIAL WELL SAMPLING SCOPE FROM NEAR LANDFILL

IDEM sent the Commissioners a letter containing their comments on the Residential Well Sampling Scope that had been submitted by Weaver Boos on behalf of Noble County, (H.I.).

IDEM – NOTICE OF APPROVAL OF CONFINED FEEDING OPERATION – EUGENE & ANNA TROYER

The Commissioners received notice from IDEM of the approval of the above referenced Confined Feeding Operation, (H.I.).

BURNWORTH ZOLLARS QUARTERLY NEWS LETTER

Burnworth-Zollars Auto Dealerships sent the Commissioners a 4th Quarterly Newsletter, (H.I.).

CLERK’S MONTHLY REPORT FOR OCTOBER 2013

The Clerk submitted the above referenced report, (H.I.).

FEMA – RESILIENCE REPORT FOR NOBLE COUNTY

The Commissioners received a letter from FEMA regarding the Resilience Meeting they conducted for Noble County and communities under the Risk Mapping, Assessment, and Planning (Risk Map) program, (H.I.). The purpose of the meeting was to discuss local flood-related issues, identify potential strategies or actions to reduce flood risk, and provide information regarding potential resources or programs designed to support the Noble County community in the mitigation of flood risk. A resilience CD was included.

MINUTES APPROVED

After reviewing the minutes of the *November 4, 2013 executive session* Chad moved to approve them. Dave seconded the motion and it carried, 3-0. The Commissioners reviewed and made a correction to the *October 28, 2013* minutes. Dave moved to approve them. Chad seconded the motion and it carried, 3-0. Dave also moved to approve the minutes of *November 4, 2013* after he made a correction. Chad seconded the motion and it carried, 3-0.

UNITED WAY CAMPAIGN

Dave reported that he and some other representatives will be canvassing the county employees on Thursday for the United Way Campaign.

HIGHWAY BUSINESS – MIKE FITCH, ENGINEER & MARK GOODRICH, SUPERINTENDANT **300 S CULVERT REPLACEMENT**

Mark said the Highway Department is going to start the 300 S culvert replacement on their own. He said they will use a contractor from the 2013 annual bids and they will start today if Frontier gets their lines marked.

OUT OF COUNTY TRAVEL

Mark said he looked through the handbook and they do a lot of out of county travel. The Commissioners pointed out that is for business so it is ok. Chad said there is no personal use of vehicles outside of the county.

BUDGET

Mark said he had talked to Marc Fisher (Bookkeeper) and he thinks our budget will be cut by probably \$200,000.00 next year from the fund that has road repair and chip sealing in it. Dave asked what makes Marc think that. Mark said because we have \$645,000.00 that we budgeted in that account, and at the end of the year we will probably have around \$100,000.00 in it. He said we might have to cut something in that area. Mark said he wanted to let the Commissioners know that before they talk about the purchase of a distributor. Chad asked if we purchase a vehicle if that would mean we would do less roads. Mark said it would. Chad said he would rather not purchase a vehicle then. Mark said we still have to maintain our vehicles. Chad said if it does do gown we might have to look at an option of renting to get through the year. Dave asked when we would know this, and why would they be cutting it. Chad said they would be cutting it because the funding is not going to be there. Mark said the request for that fund was more than what the projected income is. Dave said we are getting additional money from the diversion of State tax. Mark said the truck purchases over the last couple of years have come out of the excess that was in this fund. He said our other funds are in good shape. Dave asked what our options are to not purchase the distributor and still get the job done. Mark said it would be to make repairs to it and keep it running. He said the distributor is still running but the quality of work we are getting out of it is quite a bit less, and they have more trouble each year. Chad asked if a new distributor could be placed on the chassis. Mark said, "Yes". Mark said he priced a tandem distributor rather than a single axle. He said the distributor could be purchased separately and it would be \$91,077.00 for just a distributor. Mark asked if we want to invest that amount of money and put it on a 1991 Ford body. He said it has low miles on it but it is still 23 years old and they are having more difficulty getting parts for it. Gary asked if we have a truck that is being replaced. He said he agrees with Chad that he has a problem buying a brand new truck that is only going to be used a month and a half out of the year and then it would sit the rest of the time. He said if we could use a road truck that is being replaced then we could pull the dump bed off and put the distributor on, and we would have a new distributor on a truck and you wouldn't have to put a bunch of money in the truck. There was discussion about the cost of just the distributor vs. the distributor and truck. Dave asked what makes Marc think we are going to get less in the fund next year. Mark said it was from the information Marc got from the State Board of Accounts. Mike said they see the pattern trend of

less gasoline being purchased at the pumps and prices going down, and that is where the money comes from. He said they are talking about alternative ways to get more money. The Commissioners agreed to wait until we see what the State is going to approve before they make a decision. Mark said one of the big things for purchasing a new vehicle is to improve the accuracy and quality of the work.

WALDRON LAKE DRIVE COURT ORDER

Mark asked Dennis if he had found out anything on the court order on the dead end road on Waldron Lake Drive. Dennis said it was appealed and it appears the Court of Appeals affirmed the Trial Court and then the Supreme Court would not hear it. He said he needs to pull the actual Court file and read the Court of Appeals decision. Dennis said the way it looks the order that Judge Probst ordered is the situation. He said it states that we have to maintain the driveway as driveways are maintained by Noble County. Chad asked how that works since we don't maintain any driveways. Mike said base on our ordinance all maintained roads have to be accepted by approval of the County Commissioners so it seems like we have a conflict. After further discussion, Dennis said it is a public driveway and that doesn't mean we have to bring it up to our standards. Mike asked what keeps people from all of the other non-maintained subdivisions coming in and asking a Judge write the same type of thing. Dennis said the way he views it, it is a public driveway which means it is open to the public. He said he didn't see that it imposes anything additional to the county. Dennis said as far as he is concerned right now, unless the Judge clarifies the order, we are doing what we have been ordered to do.

1000 E WETLAND MITIGATION SITE

Mike said they called Friday and said they would be planting 60 trees today at the wetland mitigation site. He said they are potted trees and they are 3' plus in height.

CONSTRUCTION STANDARDS

Mike said he is getting close to finishing the Construction Standards project. He said he had asked Engineering Resources to do some inspection and there were some CAD drawings that needed to be prepared. Mike said he asked for an estimated cost for their services, and they have a maximum-not-to-exceed amount of \$5400.00. Mike said they have spent about \$3,400.00 to date. He said he has to go through the drawings and make sure everything is on there that should be and then send them back to them for final revisions. Mike said he hopes to have all of the revisions done this week.

BRIDGE DECK SURFACE REPLACEMENT

Mike said we have six bridges according to our bridge report that needs the surface removed, the decks sealed, and then new surfaces put on them. He said the total cost of those projects is about \$245,000.00. Mike said the engineering could be done this winter and the construction next summer. He said he asked Engineering Resources to prepare a fee proposal for that. Mike said they broke the fee into five different sections, which he read. He said the total fee is \$54,650.00 for engineering and construction inspection for all six bridges. Mike said the next bridge we will do is Bridge #82 which we are going to submit for federal funds this year. He said we are going to have Bridge #70 which Butler Fairman & Seufert is completing the design on. Mike said hopefully that will be ready for construction next summer. He said we will have two pretty good sized projects going on at the same time. Mike said he thought we could do both of them. He said for example with Bridge #12 he had originally estimated \$350,000.00 for the engineering and it came in at \$235,000.00. Mike said when we got the final

claim last week it was \$225,000.00, which is \$10,000.00 less than they bid. Mike said with gas prices coming down he thought now was the time to bid these projects. He said hopefully the estimates will be coming in at less than what was expected. Mike asked for approval of the proposal for Engineering Resources, and if approved he will ask them to submit a formal agreement for signatures. Dave asked if it was for both construction standards and redacting the six bridges. Mike said it was. Dave moved to approve both things with Engineering Resources (Construction Standards and Bridge Deck Surface Replacement). Chad seconded the motion. Mike said Engineering Services did an excellent job on Bridge #12. He said they were very timely, they had the project completed very quickly and it is a very nice bridge. The motion carried, 3-0.

LOCAL FUNDING NEEDS BUDGET FOR ROAD/BRIDGE PROJECTS

Mike presented a spread sheet that shows a projection for projects from 2014 – 2021, (H.I.). He reviewed the budget with the Commissioners. Projects included on the list were; road striping; culvert replacement; bridge inspection; bridge #70; CR 150 Phase I; Bridge #12; bridge repair; and the projected budget for planned projects. Mike went through the expenditures for each year and showed how the end of the year funds kept dwindling down each year. He said Marc Fisher (Bookkeeper) said he tries to keep about \$2,000,000.00 in the fund because there is no other fund that the Highway Department has for emergencies. He said the way they are going they are going to need some additional funding. Dave asked for an example of emergency needs for funding. Mike said one year we had a real bad ice storm. He said any really bad weather incidence could take a lot of money.

MAIL BOXES

Gary said Mike had sent out an e-mail about mail box standards. He said back in the early 80's on 1000 N there were four teenagers in a car that lost it and hit a mailbox post made out of a railroad iron, and three of the four were killed. Dennis said the other one was severely injured. Mike said in the driveway permit they provide people with information on proper mailbox installation and they try to refer them to the US Postal Service. He said there isn't much more they could do. There was discussion about the dangers to people traveling roads where some of them are constructed from brick, railroad posts and cement.

PAVEMENT MARKINGS GRANT

Dave asked Mike if the Commissioners need to do something with the FY14 Grade Crossing Fund money for the Pavement Markings project. Mike said every two years we make a request for the funding and then we re-stripe the RR signs on the pavement and the cross bars at the tracks. Chad moved to approve the grant in the amount of \$5,400.00. Dave seconded the motion and it carried, 3-0.

CONTRACT & HIRING OF ZACH SMITH FOR HIGHWAY ENGINEER POSITION

Chad asked if the contract was for Zach is for 4 years. Dennis said it is. Dave said there will be a two year review. Chad moved to approve the contract and the hiring of Zach Smith as the new County Highway Engineer to be effective January 1, 2014, (H.I.). Dave seconded the motion and it carried, 3-0. Chad move to approve the part time use of Zach until January 1, 2014. Dave asked if he had agreed to the fee of \$250.00 a day as was discussed. Chad said he had. Dave seconded the motion and it carried, 3-0.

ANNUAL BID ACCEPTANCE

Mark said on the bids they have some missing printed notary's names and escalation clauses, and he asked if he could have permission to send notice to them that they have left those things off of their bids so they can fix them. Dave asked if they have the best bids. Mark said the bids are all usually accepted because we use whoever is closest. Dave asked Mark if he had been getting fuel prices daily. Mark said they got the first one this morning. There was discussion that gas prices are coming down, and that in southern Indiana and Kansas City it is in the \$2.70's. Mark said if we locked in prices today it would be \$2.87 for unleaded and \$ 3.27 for diesel. He said he was kind of surprised it was still that high. Mark said he talked to Steuben County who has been locking in prices for 10-12 years and he said usually mid to late December is when he locks in, and that tends to be consistently the best price. Chad asked Dennis if the items that are missing on the bids is something they can accept because it doesn't change the bids. Dennis said it is. Chad moved to allow the corrections to be made. Dave seconded the motion and it carried, 3-0. Chad moved to accept all of the bids as presented with the exception of the fuel bids (which we are waiting on Mark to lock in the prices). Dave seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:23 A.M. and reconvened at approximately 10:35 A.M.

UDO DISCUSSION

Present for this portion of the meeting were: Nathan Miller, Plan Commission Director; Teresa Tackett, Plan Commission Secretary; Randy Sexton, Noble County Surveyor; and Eric Cross, Surveyor's Office Technical Deputy.

Chad said it sounds like there are some issues with the Administrative Subdivisions in the UDO. Nathan said it is a sticky point. He said the problem comes down to timing. Nathan said it was his understanding that these were intended to go pretty quickly like in a couple of days. He said we have some that stretch back into September and two from October, and he is not sure what to do. Chad asked if the problem is that the prerequisites are not being met or the subdivision filing requirements based on the rules in the document are not being met. Nathan said on his end he goes through and looks at the prerequisites that are spelled out in the UDO and he can do it in about 10 minutes. He said he tries to do it the day of or the day after. Nathan said the Surveyor's Office has a separate process and he thought that is where they are not seeing eye to eye on how we approach this. Randy said he brought several examples with him. He said the Administrative Subdivision is a very unique situation, and in his opinion is considerably flawed from what it probably intended to do and it makes it very difficult. Randy said one of the things you need to look at is the fact that it is an Administrative Subdivision. He said the thing for guidance is that you have to look at the definition of a sub-division, which doesn't agree with its own ordinance, as the ordinance doesn't in numerous places. Randy said the definition under Subdivisions is the division of a parent tract or other piece of land into two smaller tracts, or the combination of two or more smaller lots into one lot so that now or in the future the sub-divider can transfer ownership, construct buildings, or establish use other than vacant, and create new building sites as further defined in the UDO. Randy said when you take that into account and apply it to the Administrative Subdivision he thought probably the intent was to make something that would just need a passing glance, but that isn't what the UDO says, and if you dig into the

requirements under 9.18 there are some significant things to be looked at. Randy said they have tried to work with the Plan Commission and the private surveyors to move them in a direction of getting the requirements that are necessary so the owners of the parcels of ground know what they have when they acquire them. He said the other thing that is says is that these things will be recorded, and when you get into that there are certain items that need to take place for the Auditor's Office and the Recorder's Office to be able to do the recording process. Randy said one of the issues we have had that he thought had been resolved is a name and a number on the subdivision, so you have a way to be able to track them. He said they also need to have the zoning and the set-backs. Randy said in the UDO it says pre-existing driveway cuts for a dissolved lot are encouraged to be vacated and removed including the apron in the right-of-way, and if the driveways aren't located on the drawings how would we know if something needs vacated. He said the same thing with a well and septic. Randy said he knows of another county that got into a lot of trouble when a lot was made and later an adjoining landowner was doing some digging and dug into the septic system of the adjoining lot. Randy said the adjoining lot owner was forced to put in a new septic system and was suing the adjoining landowner and the county for the cost of the new septic system because the plat had gone through an approved process, so that is why they want to have septic and wells located on the drawing. He said they check the plat to make sure the legal description closes and it meets the standards. Randy said Eric, his Technical Deputy goes through certain parts of the document to make sure it meets the criteria and puts a punch list together for him and they put their lists together and give it to the Plan Commission to help the Plan Director give comments back to the landowner and the surveyor. Randy said previously we had gotten Surveyors to put names and numbers on them and we just got in one for Mary Malle and it didn't have it. He read from what he had sent back to the Plan Commission to be addressed. Randy said that kind of gives an overview of some of the things we are looking for. He said with all of the regulated drains and other things that need to be taken care of in the office, it takes a lot of time for he and Eric to digest this and go over it and get it back. Randy said one of the things he and the Auditor have a concern with, and he would like to ask Dennis if a plat could be done without a dedication by the owners. He said the plats are being put together and recorded, and we are actually making transfers and there are no signature blocks for the landowners. Randy said this is the first county he has had with this situation. He said DeKalb County used the same person for their UDO and they didn't go this route. Randy said he thought it was a process that either needs to be eliminated or something else needs to be done. Chad said that is one of the things that we are having Brad Johnson address in regards to that whole section. He said his question is if things are being denied because of rules that are not in the UDO. Randy said not that he was aware of. Jackie said she is denying them when they come up here. Chad asked if the Auditor's Office could put together a the rules for their office which would then go back to Nathan and he would say it is not in their (Plan Commission) rules but you might as well do it in the process. Jackie said we had that meeting and the purpose of having it was to put a procedure in place. She said we are shooting ourselves in the foot. Jackie said we are giving \$320,000.00 to Economic Development and then people come across all of these obstacles. Jackie said we owe it to the taxpayers to make it so once they have done everything they are supposed to that it flows through the system. Jackie said the plat without a name and a number never even came to her office, and if it would have she wouldn't have accepted it because there is no signature of the landowner on it because the UDO doesn't say there has to be. Chad asked if each office could put together the process that their office requires and that could be something that Nathan could hand to them to show what

each office requires. Candy said she can record *anything* that comes into her office, but how would they be able to track it. Nathan asked how metes and bounds tracks get recorded. Randy said it is through a deed. Jackie said that would eliminate all of this because on the deed there are required signatures, a full legal description, etc. She said with Malle's they could transfer it with a deed. Randy said the other process would be to eliminate the Administrative Subdivision and just go through the regular subdivision process. Nathan said when he started in March he was told his job was to enforce and to interpret the UDO. He said his job is to enforce zoning. Nathan said anything in the UDO is primarily involving zoning. He said with the Administrative Subdivision process there are a lot of problems, and his hands are tied on what he can do and what he can require. Nathan said if there are other requirements beyond the UDO it is outside of his control. He said he has tried to follow it to the letter which doesn't address the issue, but it does meet the requirements he has. Nathan said for him to step beyond the rules in the UDO he didn't think was ok. He said we have caused a lot of pain for numerous people filing because they are told "Here are the rules in the UDO". Nathan said they follow the rules and then get denied or put off for 2 or 3 months with no real explanation. Nathan said he asked for advice from the Plan Commission and they told him to follow the UDO. Chad said he thought the original intent of the Administrative Subdivision was to be able to split off some ground to give to your kids without having to go through a long drawn out process. He said ultimately Nathan has his rules which are the rules of the UDO and he asked Dennis if the other offices can have their rules and requirements. Dennis said they could. He said the problem is if someone does what it says in the UDO it isn't going to transfer. Chad asked if a full beginning to end showing what each office requires could be provided to the people. Randy said like Jackie says, we are doing the taxpayers an injustice. Nathan said he would love to have this all sorted and have the people have a checklist of requirements, but his office is being held up. Dennis said all he could do is the same thing as if someone is building a house on it. He said you don't tell them how to do that, you tell them to go to the Building Department. Jackie said Teresa had called her about a subdivision that meets the requirements of a subdivision, but it was going to cross township lines and that can't happen either. She said some of those things should be put in the UDO. Randy said he thought one of the keys is to work with the consultants so you can get them to where they know what is expected and then they can just go down the list and know what needs to be done. Chad asked if we could just not recognize this section of the UDO. Dennis said the only thing they could do would be to change it or remove the parts they don't like. Nathan said we have two problems the way he sees it. He said we have the current people in the process, and how can he get them through the process to approval; and how can we fix it. Nathan said he needs to be able to deal with the people that are following the rules of the UDO. He said if other offices need to provide him with information on what they want that is fine. Nathan said to approve an Administrative Subdivision it has to meet very specific criteria and if all three areas are met he is required to approve it. He said he has people waiting 2 and 3 months for approval and they keep getting information saying they have to do this or change that, and it doesn't have anything to do with the UDO. Nathan said he hopes we have things in process to fix this, because it is really a nightmare. Randy said he knows that the things his office has asked for are in the UDO. He said he thought the Administrative Subdivision requires his signature, and he can't in good conscience sign the document without the items that he has asked for being taken care of. Nathan read from the UDO and he said because of the sentence he looks at it as a stand-alone item. Randy said he didn't think we could look at it that way. Nathan said that is where the impasse is. Nathan said Everett (Plan Commission Attorney) said an

alternative if an Administrative Subdivision is denied would be to go to the BZA for an appeal and they could rule if it was done appropriately or not. He said that is a process that would take at least another month. Gary asked if by the sentence that Nathan keeps referring to, if Randy Jackie or Candy requires something and they say they can't do it, if that is the impasse. Nathan said he has to have the Surveyor's Office sign off. He said they are supposed to base their Administrative Subdivision on the UDO, nothing else. Nathan said if it gets approved and passes through and it doesn't meet the Auditor's or Recorder's requirements that is another issue. He said he could give them a heads up, but he can't require a subdivision name or lot number before he approves it. Randy said the other alternative if it is seen that way, would be to require the Zoning Administrator's signature. He said then he wouldn't be liable for issues with the document. Randy said the problem is that currently it requires his signature, and he believes he is following the UDO and he can't conscientiously do that unless we handle it according to the UDO. Nathan said he thought he and Randy were in complete agreement that the UDO needs work. Randy said we could just flat out eliminate the Administrative Plat. Jackie said she wants to make it clear that she is not being difficult, but we are being unfair to the taxpayers. She said whether it is in the UDO or not, Nathan approves it and then it goes nowhere. She said it is not fair to the taxpayer that all of what is needed is not in the UDO. Chad said he doesn't want to approve the Administrative Plats and then say, however it isn't going to get approved anywhere else. He said we have to follow the UDO and the Plan Commission can't require anything more than what is in there. Chad said they could tell them what other offices require. Dennis said the Administrative Subdivision isn't accomplishing what they want as far as a final outcome. Randy said it says in the UDO that the subdivision will be recorded. Jackie said it wouldn't be changing the face of that parcel of ground just because it meets the rezoning and it is recorded. Dennis asked if there is a possibility for everyone to get together and develop a list of what is needed get the Administrative Subdivision and to be able to transfer the property or whatever. Chad said he thought it would be best to just eliminate it until it is re-worked. Dave said even though Nathan approves it if Randy can't approve it, it doesn't go and it has to be resolved. Randy said until recently, most of the consultants were getting it put together. Chad asked what the issue is with the one that has been put off since August. Nathan said it is two large lots that they were trying to combine and he didn't know what the issues are. Randy said there were some major surveying issues with it. He said he gave them a list of what needs to be done and he had not heard back from him. Dave said he understands that Nathan wants to follow the UDO, but if the end result is not accomplishing what the customer wants, then we are doing them a dis-service. Nathan said another way around it would be to record the survey with a deed and it would accomplish the same thing. Chad said what would make sense to him would be to provide to the people what is needed for the UDO, what is needed by the Auditor's Office, and what is needed by the Recorder's Office, etc. Chad asked if we could stream line that into a one stop shop and have everyone come to his office, if they could be provided through his office what the other offices require. Jackie said that is where they need to get that document because that is where it all begins, and that way they can make their decision based on what they want to do. Jackie said the Recorder had to record whatever is brought to her. Dennis said the question is if anyone would be able to find that document when they look for it in relationship to a specific property (Administrative Subdivision with no name or number), and there was further discussion on the issue. Dave asked what could be done in the best interest of the customers and if we could put forth a document that when they make their first point of contact they know what to do. Chad said he thought such a document

would be good when it comes to working with Brad to make this thing work. Dave said he wants to do what is best for the taxpayer and what is best for us. Gary said it is best for the citizens to know *up front* what is required. Dave asked how we could accomplish that. Randy said he thought with each office coming up with their rules. Gary said for residents to know what the expectations are when they come to Nathan's office would solve a lot of problems. Chad said each office involved should put together their list and get it to Nathan and then he could put it together. He said that document could be used until we could get the UDO changed. Scott Perry asked if it would be good for the public to hear that it is Nathan's job to tell a person that comes in, what he can do for them as far as zoning and the UDO, but there is a whole other list of things that that are required.

SURVEYOR – EXPENSE OVER \$500.00

Randy Sexton, Surveyor came before the Commissioners to ask to make a purchase of a GNSS Rover and related equipment, and a data collector to be able to collect the data off of the Rover, (H.I.). He said this is involving the GPS System they have and the total expense would be \$6,049.00. Randy said he had been to the Council and got some transfers approved for this. He said with the base station Eric can just go out and set up the rover and you don't have to have a second person to help. Randy said with the transfers he obtained, they have the \$11,231.00 for the Rover. He said in the 2014 budget they have \$5,000.00 for surveying equipment, and the company has offered to bring the data collection portion along so we can get the entire system working, with the idea of waiting until after the first of the year for payment on the data collector. Randy said he is asking for permission to acquire the rover now. Chad asked if it would make more sense if the company is willing, to purchase this as the entire pole with billing taking place after the first of the year and encumbering the \$11,231.00 for next year. Randy said that is something he would have to ask. He said he is asking for permission to spend money that is in next year's budget. There was discussion that if the State would cut next year's budget that Randy would have to find additional money from another fund. After further discussion Chad moved to approve both purchases with the \$4,818.00 to be paid after the first of the year. Dave seconded the motion and it carried, 3-0.

DAVE BAUM, IT – INTRODUCTION OF TRAVIS CRUPE HIS NEW EMPLOYEE & DISCUSSION **RE: SPACE NEEDS AT ANNEX -**

Dave Baum introduced Travis Crupe, his new technical assistant.

Dave Baum then discussed his wishes for space at the Annex on Weber Road, and he presented a map of the annex indicating the space he is asking for, (H.I.). He said he would like to create an opening in the wall between rooms 6 and 7 for David and Travis and any intern or part-time person that we might have, and between rooms 9 and 19 which will be their work space. Dave Baum talked about things that have been moved a couple of times by the Health Department already that will need to be moved again. Gary said he would like to get this all done and finalized once and for all. There was discussion about what is being stored in the rooms that are not being used for office space, and what rooms were empty. Dave Dolezal asked if there would be any electrical requirements. Dave Baum said they might need to run a couple of outlets down the wall between 9 and 10 and the restrooms. GIS was going to expand. Dave Baum said they will leave a desk and a little bit of equipment up there. He said they need some work space in each building. After much discussion, Chad said we should get some shelving to

put in room #11 and get it organized. There was discussion about making the building so it could only be entered with a key fob.

Dave Baum said if the Commissioners approve the layout, he has some money budgeted for furniture this year. He said he would like to take care of it while the money is still available. Dave said he made a request for furniture for next year too, and that was approved by the Council. He said they have furniture salvaged from other offices stored in room 18. Dave said he is keeping his desk, but David and Travis will need desks. He asked about spending money in his budget for furniture. Chad moved to approve the expenditure for furniture for IT with them staying within their budget. Dave Dolezal seconded the motion and it carried, 3-0.

**PROBATIONARY PERIOD WAIVED
FOR TRAVIS CRUPE, NEW IT EMPLOYEE**

Dave Baum asked that since Travis is being started at a lower based salary that is far below the upper end of the range, if he could not have to go through the probationary period and that we make his starting salary his salary and evaluate him in a year like we would everybody else. Dave Dolezal moved to approve the request. Chad seconded the motion and it carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:07 A.M. recessed from day to day until the 18th day of November, 2013.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor