

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD NOVEMBER 18, 2013**

Comes now the hour of 8:32 A.M. on the 18th 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
Chad Kline, Member

Also present were:

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

Absent was:

David J. (Dave) Dolezal, Vice President

CLAIMS APPROVED

After reviewing the claims to be paid today's date Chad moved to approve them. Gary seconded the motion and it carried, 2-0.

**PUBLIC HEARINGS RE: PERIODIC MAINTENANCE RATE
INCREASES – PALMER, PARKER, & BEAL WATERSHEDS**

The Surveyor's Office sent notices of the above referenced public hearings, (H.I.).

**TOWN OF ALBION & CHAMBER OF COMMERCE –
ANNUAL TREE LIGHTING CEREMONY ON
COURTHOUSE LAWN APPROVED**

The Commissioners received a request from Beth Shellman, Albion Town Manager for the Albion Chamber of Commerce and the Town of Albion to hold a tree lighting ceremony annually on the courthouse square, (H.I.). Chad moved to approve the tree lighting annually. Gary seconded the motion and it carried, 2-0.

**TOWN OF ALBION – REQUEST FOR LETTER OF SUPPORT
FOR TRANSPORTATION ENHANCEMENT FUNDING TO
RESURFACE PART OF WEST MAIN STREET (300N)**

Beth Shellman, Albion Town Manager sent the Commissioners a letter requesting that they write a letter of support to be sent with Albion's application for Transportation Enhancement funding, (H.I.). Chad moved to write a letter of support for the Town of Albion for the street grant. Gary seconded the motion and it carried, 2-0.

TREASURER'S REPORT – OCTOBER 2013

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

RE-APPOINTMENT TO KENDALLVILLE PLAN COMMISSION BOARD - MIKE FITCH & JOHN BLUME

Chad said it is not 100% sure that the appointments are needed, but in case they are Kendallville wanted the Commissioners to go ahead and do it. Chad moved to approve the re-appointment of Mike Fitch and John Blume to the Kendallville Plan Commission Board if the appointments are needed. Gary seconded the motion and it carried, 2-0.

ASSESSOR – CONTRACT FOR CONSULTANT TO DO APPRAISALS

Kim Miller, Assessor said the Commissioners had asked her to go to the Council to see if they would approve the money. She said she wanted to know if she could proceed. Kim said she and Dennis are working on the final contract. Dennis said first of all we have to ask contractors to submit bids because it is hiring a professional appraiser, and there is a statute that specifically requires that there be a notice asking people to submit bids. She said Kim has to work on establishing exactly what it is that she wants them to do, and then we will see if we get any responses other than the one person. Dennis said they received proposed contract forms from the state which he and Kim had reviewed. He said the major paragraph that we need to address is paragraph 2 which spells out the duties and otherwise it is a pretty standard contract. Kim said it is noted that this is not reassessment. Chad asked if the bid requirement was found after the Council met. Dennis said it was.

After further discussion, Chad moved to approve the bid process for a consultant for appraisals for the Assessor's Office. Gary seconded the motion and it carried, 2-0.

GROUND RULES - CONTRACT FOR ADDITIONAL WORK FOR UDO

Chad asked Dennis if he had looked over the contract with Ground Rules for the additional work Brad is going to do regarding the UDO. Dennis said he had and it is fine. He said it is similar to what had been approved in the past when they did Draft G (of the UDO). Chad said his question was regarding the "lump sum" payment. He said his understanding was that it was going to be based on a "work payment". Chad said originally they were thinking \$4,000.00 was on the high end, and that was if travel was needed as well. He said now the travel is on top of the \$4,000.00. Dennis said \$4,000.00 is the minimum. He said if he does anything additional or has to use a land use law attorney or planner, those would be additional too. Dennis said he thought he (Brad Johnson from Ground Rules) should have an idea of what he is going to have to do and should be able to say he could do it for X amount of dollars. Chad said he just put in the contract what the Commissioners approved and he didn't know that is what we want to pay. Dennis said it could easily be \$1,000.00 for one day for him to come here. Chad said they are supposed to be clarifying that part with him because that is not what we talked about.

MICK NEWTON, EMA DIRECTOR – STORM DAMAGE

Mick Newton, EMA Director came in to give the Commissioners an update on the storm damage from yesterday. Mick said there is one house with major damage and a barn with a roof caved in. He said there is a lot of minor damage. Chad asked how long it took them to get the poles back up. Mick said they are back up this morning. He said at 5:30 this morning the REMC was showing there were 536 customers without power. Mick said there were nine (9) power poles that were snapped off about three feet above the ground. He said quick thinking of the family to go to the basement of the house where there was major damage probably saved them.

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH

PURCHASE OF TIRES

Mark said he would like to request permission for the purchase of various tires with money that is left in the account in the amount of \$17,013.77, (H.I.). He said at the end of the year they try to use all of the money available in certain accounts and hopefully the next year they could turn that money into road money. Chad moved to approve the purchase of tires in the amount of \$17,013.77. Gary seconded the motion and it carried, 2-0.

PURCHASE OF BLADES

Mark said he has \$8,000.00 left in the blade fund. He asked if he could get permission to spend that on blades for the underbodies and the snow plows, or if the Commissioners want prices first. Mark said he didn't have time to break down what is needed yet. Chad moved to approve the purchase of blades with the remaining balance in the fund. Gary seconded the motion and it carried, 2-0.

CULVERT REPLACEMENT ON 300 S

Mark said the culvert replacement on 300 S went very well. He said the surface on that will most likely remain gravel through the winter season so it can settle. Chad asked if that is the only culvert that will need replaced before they reconstruct the road. Mark said it is not. He said he knows there are at least three 12" pipes and there is a 4' pipe that is in question.

STORM

Gary asked if any of the Highway Department got called out last night to take care of trees. Mark said they had two on-call guys and one of them went out with the first wave that went through. He said with the second wave at 4:00 he had one crew out until 9:30 - 10:00 and he had two other crews that were out part time and he was out until about 9:30. He said originally the guys on call got called out and then he had two crews out. Mark said the electric company was busy last night. Chad asked if it was the wind after the storm that did the most damage. Mark said it was.

APPLICATIONS FOR FEDERAL FUNDING FOR BRIDGE #82 & CR 150 E

Mike said as one of the requirements for the applications is a financial commitment letter from the local agency. He presented the letters for the two projects, (H.I.). Chad moved to approve the signatures for the letters for grant applications for Bridge #82 & CR 150 E after Gary's name is corrected. Gary seconded the motion and it carried, 2-0.

AGREEMENT FOR ENGINEERING FOR REPLACEMENT OF BRIDGE DECK SURFACES RE: BRIDGES #62, #63, #65, #66, #69 & #80

Kurt Heidenreich from Engineering Resources, Inc. was present for this portion of the meeting. Mike said the agreement is for the six bridges that we are going to be putting new

surface on. He said the schedule calls for the end of March for a bid date. Mike said it is basically the same standard agreement we used for Bridge #12. Dennis reviewed the contract and said it was ok. Chad moved to approve the contract with Engineering Resources for the replacement of six bridge decks. Gary seconded the motion and it carried, 2-0.

Mike said the railings on the bridges are in good condition but they don't meet current crash tests. He said there are some estimates to replace them that almost doubles the project costs, so he made a decision not to deal with the railings at this time. Mike said they are similar to about 90% of the railings in the county, so at some point in the future that is something that we are going to have to deal with. Kurt said the county is not required to meet the federal standards. He said the county could set their own standard for what they feel is appropriate for their guardrail standards. Mike said typically we pay close attention to those railings that are on a slight curve. Mark asked if the approaches would be adjusted too. Kurt said they will work on the bridge deck and right off the bridge deck. He said they would taper it in and the asphalt would be extended off some distance. Gary asked if the bridge deck would be concrete or asphalt. Kurt said they will be asphalt. He said they want to approve a membrane similar to Bridge #12's. Mike said the membrane is the key. He said when the bridges were built they didn't have the technology to seal them. Mike said they have found that salt leaches down through there and sits on the concrete and eventually gets down into the steel and it causes serious problems. He said they will remove the asphalt, put down the membrane and then put the asphalt back down, and hopefully it will extend the life of the bridges for another 100 years. Kurt said they will put a stainless steel flashing in it so water drips outside of the beam and not down face of it. Mike said there are one or two bridges that have utilities attached to the side of the bridge. He said they will work with them to see if there is a better method of attachment so they don't collect debris on top of the lines against the bridge structure. Gary asked who has the say so when utilities are put on the side of the bridge, about how they are to be put on. Kurt said he was sure they just put the utilities on the top because it was easier.

**ZACHARY SMITH - PART TIME ENGINEER -
FULL TIME ENGINEER BEGINNING 1/01/14**

Jackie said she didn't know how she was supposed to do payroll with Zachary. She asked if he would be turning in claims until he starts full time or if she needs to have him fill out part time paperwork. Mike said he would be through a contract for the part time portion so he will be submitting a claim and he would be paid out of the same fund he is. Chad said that is just for the part time portion until the end of the year and he asked Zachary if he was ok with that. Zachary said he was.

**TOWN OF ALBION – REQUEST FOR LETTER OF SUPPORT
& FINANCIAL SUPPORT FOR COUNTY'S PORTION OF
TRANSPORTATION ENHANCEMENT FUNDING TO
RESURFACE PART OF WEST MAIN STREET (300N)**

Beth Shellman, Albion Town Manager was present for this portion of the meeting. She presented some information about the project. Beth said part of their West Main Street project is actually CR 300 N. She said the town limits on the south side of the road stop at Weeks Street, and from Dale Orr's property all of the way out to the first curve, the south half of the road is the county's. Beth said in addition to the county supporting the project, she wanted to see if the county would be willing to assist with the funding on the portion that is in the county road right-of-way. She said she has an estimate from their engineer that it would be right around

\$70,000.00 and their local match is \$277,000.00. Beth said this will be in 2016. She said they had estimated that the county portion of that was approximately 1000 feet of the total project. Chad asked if the Commissioners were to get approved for both of the federal funding grants that we put in, if we would be able to have funding available for this as well. Mike Fitch said he thought so. He said our biggest projects are next year and we don't have much going on in 2015. Beth said she has several pictures of the road, which she didn't bring with her, but the shoulders are almost nonexistent and there are alligator cracks across the road. Mark Goodrich said on the county's portion, the road is a mat. Chad asked if the goal is to place curbs. Beth said they are actually going to widen the street surface itself. Mike said they are about 20 - 22' wide now. Beth said they are going to widen them to 24'. Mike said there are curb sections that will start when you get to the apartment driveway, and then there will be curb and sidewalk on the north side. Chad asked how the determination was made for what the County's portion would be compared to the Town's. Beth explained how it was determined. Mark said we figured what percentage of the road we have. Mike said \$70,000.00 is a rough estimate. He said he took the total project and took a cost per foot of roadway and applied it towards the county's portion. Beth said the Town hired an engineer to do this. She said they hired Mike to do it. Gary said it definitely needs improvement. Beth asked if she should get back on the agenda for the funding portion of her request. Chad said that would probably have to be done after the town knows that the project is going to happen. Mike said he would wait until after the Town gets the approval and then we would want a written inter local agreement to spell out the terms. Gary signed the letter of support for the project, (H.I.).

**VACATION OF PUBLIC WAY IN JONES ADDITION
TO BRIMFIELD IN ORANGE TOWNSHIP -
BRIMFIELD UNITED METHODIST CHURCH &
SAMMY K. & MYRNA L. ARNOLD**

Scott Zeigler, Land Surveyor, said he is representing Sam Arnold and the Brimfield United Methodist Church for the vacation request. He said they are asking to vacate a portion of Albion Street, a portion of Summit Street, and a portion of an alley. Scott showed the Commissioners on the survey what they were asking to be vacated. He said the area that is cross hashed is a current asphalt parking lot and driveway for the church. Scott said that portion is improved by private individuals. He said the Church would like to build a storage building and a pavilion to the northeast of their building. Scott said they don't believe there are any adjoining landowners that use or need any portion of what they are requesting be vacated. Scott said the only portion would be that portion of Summit Street where they tried to square up vacated land. Scott said there are four findings that the Plan Commission had used in the past and he went through each of the four findings and explained that they don't believe they would be hindering orderly development in the neighborhood; there are no public utilities; they don't believe any individual would be aggrieved by the vacation because no one is using it for access to their property; and it wouldn't hinder public access to a church, school or any other public place. Scott told who all they notified, and he said they placed the public notice in the Albion New Era and the Kendallville News-Sun. Chad asked Mark Goodrich if he saw any issues. Mark said he didn't. He said it is mainly all parking lot now. Chad said the remaining portion that is platted as a road isn't a road. He said it is all grass. After further discussion, Chad moved to approve the vacation of Albion Street and the single alley going east and west between

lots 12 & 11 and 15 & 16, including the 26' of Summit Street. Gary seconded the motion and it carried, 2-0.

Scott asked if the Church could proceed with getting a building permit since the vacation has been approved or if they have to wait the 30 days. Sam said he would take it back to the church and it might take them 30 days to decide what they are going to do.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:54 A.M. and reconvened at approximately 10:10 A.M.

COMMON CONSTRUCTION WAGE HEARING

Central Noble School Corp. submitted a request for the Commissioners to appoint someone to a Common Construction Wage Hearing on their behalf, and they suggested Randy Myers who had agreed to serve, (H.I.). Chad moved to appoint Randy Myers to the Central Noble School Corporation Common Construction Wage Hearing. Gary seconded the motion and it carried, 2-0.

DESTRUCTION OF RECORDS - REQUEST TO HIRE COLLEGE STUDENTS

Shelley Mawhorter, Clerk said they had a destruction of records meeting last week and she requested that the Commissioners approve paying for four college/high school boys to move, clean out, and tear apart the stuff that is on the 4th floor, at the annex and at the Public Defenders Office, the things that we know can be taken away. She said she would go to the 4th floor and mark the stuff per the retention schedule so it can be gotten rid of. Chad said he didn't know if the Commissioners have the ability to grant the approval for hiring part time people. Shelley said they do if they hire them as a contract employee. She said they probably wouldn't work more than 20 hours each, and they could be paid by a claim instead of by payroll. Chad asked if we have the funding for that. Shelley said she thought there was money in the part time budget and she asked Jackie. Jackie said it is the Council's part time budget. She said if the Commissioners are ok with it we could get their approval in December. Gary asked what we we going to do with all of the stuff. Shelley said some things are sent to recycling. She said there are some things that should not be taken to recycling because of the nature of the material. Chad said we should rent a truck to come in and shred what needs shredded. Shelley said they have talked about cleaning up the fourth floor ever since she came here '99 and it has never been done. Gary asked how many boxes of stuff would come from the 4th floor. Shelley said it is not just boxes. She said there are books that need to be pulled apart and the paper taken out. Shelley said maybe what can't be gotten rid of could be put on shelves. There was discussion about how much of the stored materials at the Public Defender's Office could be gotten rid of. Chad said he thought we have enough material to check into getting someone here to shred what needs to be shredded. Gary agreed and he asked that Shelley look at the retention schedule to see how much could be gotten rid of. He said he wouldn't want to see it get hauled downstairs and then have it sitting there. Chad said to check with the people that do shredding, because they may bring people and say they will pull all of the stuff out for us. Shelley said she would find out what it costs to have them come; if we need to do anything ahead of time for them or if they will do it; and where the shredder would set.

VOTE CENTERS

Shelley said the Election Board voted last week, 3-0 to go to vote centers. She said by Indiana Code, there has to be a majority count by the Commissioners and the Council for them to move forward. Shelley said Indiana Code says for every 10,000 registered voters we must have 1 vote center. She said Noble County has just under 30,000 registered voters and the plan is to have 8 vote centers in the 2014 election. Shelley said there would be two in Kendallville; one in Ligonier; one in Avilla; one at the Rome City Fire Department; one at the Cromwell Community Center; one at Blessed Sacrament (Albion); and one at Merriam Christian Chapel. Shelley said the whole concept of vote centers is early voting. She said we would have satellite centers open. Shelley said by Indiana Code there would be one in the courthouse for 28 days prior (to the election). She said for two weeks prior they would be stationary in Kendallville and Ligonier, and then we would move around the county on Monday, Tuesday and Wednesday, which would allow us to use the same machines. She said we have 82 vote machines, but once she uses them for early voting or absentee voting, they can't be used again on election day. She said going to Vote Centers will save the county \$9,400.00 per year, just for poll workers. Shelley said that doesn't include mileage or meals. She said everything we do about vote centers can be amended. She said if we go to vote centers there is \$40,000.00 in the 2013 budget that Candy (previous Clerk) had been able to get, and she needs to get a contract to be able to encumber that money or it will be lost. Shelley said she was here to ask the Commissioners to move forward with vote centers. She said Dave is not here, but he sent an e-mail to everyone in reference to vote centers (none for file), and she knows there are concerns, one of which is that there is not a vote center in Swan Township and she doesn't know that there will be. Shelley said everything they do with vote centers from the time it is decided to go with them can be reviewed. She said an amendment to the plan can be sent at any time to change locations or whatever we need to change. Shelley said part of looking at a vote center is parking; handicapped accessibility; the use of the building; and if enough space is available. She said she is willing to re-look at the vote center process if needed, but she is not willing to say there will be any changes. Chad said he agrees with Dave in regards to the fact that he thinks there needs to be something down there, and he had thought that from the beginning. He said you are talking that the entire southern part of the county will only have one place to vote, which doesn't help the people that are on the far east side and may be commuting to Fort Wayne. Shelley said she is not unaware of what Chad is saying. She said we are obviously giving Kendallville more choices because they are the biggest population. Chad said it surprises him that Cromwell and Ligonier are so close together and they have two, but then there is hardly any once you go south of Albion. Shelley said that could change. She said the plan could be changed at any time. Chad said he understood that, but if the Commissioners go through with this they are approving the plan as it sits. Shelley read from the proposed resolution and she said she didn't know if it says the Commissioners are approving the plan so much as it says they are approving for them to move forward with the vote centers. She said that is the resolution all of the other counties are using. Chad said to him it makes more sense for the first time around to have too many and not enough. He asked how we make the determination to say we should have had one this place. Chad said he thought to make that determination based on "we lost votes" is a bad determination. He said if we lose any votes we are not doing what is right for the voters or those who are running for the offices. Shelley said the intent of the vote center is not to lose votes. She said for people that vote, she finds it hard to believe that they won't drive to vote. Jackie said she was on the vote center committee. She said she thought the ideal situation

would have been to put them in the three schools. Jackie said she thought if people are committed to voting, they are going to go wherever they need to.

Chad said there is only one of the eight vote centers south of Baseline Road and the other seven are north of Baseline and that concerns him. He said the majority of the voters are probably north of the Baseline Road, but to have seven vote centers north of the Baseline and only one south of it seems like a disservice to the voters. Shelley said she doesn't have the ability to change that. Shelley said no matter what plan we vote on, we don't know until we go through an election whether this is good, bad, indifferent, under kill, or over kill. She said 2014 is the best scenario year to go, because historically Noble County votes 6,000 less in an off presidential/governor race than we do during a presidential election. Shelley said to put it off, puts it off until 2016 if we go. Chad said he doesn't have a problem with vote centers. He said he does have a problem with the location of them. Chad said he would rather see more locations and then see them dwindle rather than putting a few in and then step and say we should have had more. Shelley said she could promise that she won't have more than eight because she is already over killing with eight. She said she could promise that she would bring this back to the vote center committee and the election board in reference to the location of the vote centers. Shelley said she can't promise that the locations would change. Shelley said there is something going on right now that might change things on the west side, and that would be an amendment to the plan. Gary said you can't please everybody. He said he looks at it like our first goal is to save the county money and the second goal is that if it is something we are going to move forward with, he would rather have the learning experience happen in 2014 and not in a major election. Candy said this is not a reinvention of the wheel. She said those that were pilot counties are still doing it and there are more that have come on board since the pilot counties. Shelley said Switzerland County is the only county that she knows of that that may go back. She said they have 7,100 people and they only used one vote center because that is all that was required. Candy said if you do go to vote centers, you are going to have the satellite voting, which is another option for people to get out there and vote. Chad said again that his concern is that the southern half of the county is not being very well represented with a place to vote. Gary asked how many potential voting days that would be with the satellite voting. Shelley said there would be two satellites and election day. Shelley said using vote center locations for satellite voting cuts down on the confusion of where people are to vote on Election Day. She said satellite voting is an option that can be moved around and is not set in stone. Gary asked if public opinion was enough, if the plan could be amended. Shelley said it could be. She said we can amend where we are at up to the time we send out notices. She talked about all of the things they plan to do to educate people and to let them know where they could vote.

Chad move to approve becoming a vote center county with strong emphasis that the southern part of the county be looked at for voting centers. He said he knows he doesn't have that control and he is in favor of vote centers, but he would strongly suggest that vote center locations be looked at and amended. Gary seconded the motion and it carried, 2-0. Shelley said she would let the Commissioners know when the committee meets again.

HUNTERTOWN WATER & SEWER ORDINANCE

Present for this portion of the meeting was David Ober, State Representative.

Gary said it had been brought to his attention that back in October Huntertown established an ordinance for their water and sewer to have their own treatment facilities. He said in their ordinance they established a radius of four miles outside its corporate boundaries to give

them exclusive control of water and sewer within that four mile radius. Gary said the four mile radius goes approximately ½ mile north of the Town of LaOtto in Noble County. Bob Braley said LaOtto has their own sewer system which is the LaOtto Regional Sewer District. Chad said we are not quite sure how they could establish a zone that encroaches on another sewer district, let alone enforce something that is outside of their city limits. David Ober said this is the reason he is here this morning. He said there has been a long struggle between Hometown and Fort Wayne and the utilities. David said that issue will probably go on as long as he is alive or longer. He said a similar situation happened in Chandler Indiana with the city expanding outside of their corporate limits for a sewer or utility system like this ordinance. David said the courts struck it down. He said he thought since this encroaches over into Noble County the Commissioners could at least make it known that they find it improper to pass an ordinance that encroaches into their county. David said he thought a letter to the IURC stating their opposition would go quite a long way. Chad said he agreed with that, and he asked if Dennis should draft the letter. He said this Fort Wayne City/Hometown thing has been a year after year battle and he isn't sure what they think they are going to accomplish by enacting this ordinance. David said he empathizes with them, because there will come a time when Fort Wayne will try to annex Hometown, and he thinks Hometown is trying to stave off that eventuality. He said the struggle is likely to get worse before it gets better. David said Hometown is trying to maintain their identity and keep from being annexed into Fort Wayne. Gary said it is hard for him to accept the fact that Hometown can create an ordinance that encompasses Noble County. Chad said he thought the LaOtto Sewer District should be made aware of this. David said he personally will be authoring a letter to the IURC on this topic as well. He said he didn't feel Noble County needs to wade into the war between Hometown and Fort Wayne, but if they sit back and wait for a new development in LaOtto and for Hometown to start making waves, that is not necessarily a good situation. David said he said he thought making sure the IURC is made aware that Noble County is opposed to the ordinance is an appropriate course of action. Chad said he doesn't have a problem with their ordinance as long as it stops at the Allen County line.

Chad move to draft a letter imposing Hometown's ordinance that encroaches into Noble County addressed to the Indiana Utility Regulatory Commission (IURC). Gary seconded the motion and it carried, 2-0.

UDO CHANGES

Nathan Miller, Plan Commission Director said the Plan Commission made some recommendations for amending the UDO pertaining to article 9.07 for Temporary Improvement Location Permits and article 11 under the definitions for Farm Animal, adding some verbiage there. He said the problem they had with 9.07 was that under the old ordinance people were allowed to place a mobile home or some sort of temporary living unit in the event of some kind of catastrophic damage to their house. Nathan said the new UDO didn't allow for that unless they go for a special exception, which added at least 30 days for getting moved into some kind of temporary structure. Nathan said 9.07 A-2 was put in place for placement of manufactured homes as temporary dwellings. He said the Plan Commission looked it over and approved the verbiage. Nathan said under definitions for Animal Farm they had a gentleman call a while back and asked if he could do shrimp farming, and evidently no one thought of shrimp farming in Noble County, but evidently it is very doable. He said after a lot of discussion with the Plan Commission it was decided to put in "shrimp, tilapia and other animals used for aquaculture, etc". Nathan said the Plan Commission wanted to keep it simple and say that it is a permitted

use of agricultural land to do something like that. He said both of the proposed changes were recommended by the Plan Commission.

Chad moved to approve the amendments to the UDO under the Temporary Improvement Location Permit 9.07 and also adding some verbiage in the definition of a farm animal to include aquaculture. Gary seconded the motion and it carried, 2-0.

There was discussion about changing the acreage in A-1 from 10 acres to 2 acres and removing Confined Feeding from A-1. Chad moved to approve the changes to submit to the Plan Commission for review, reducing the A-1 agricultural zoning to a 2 acre minimum and removing confined feeding from A-1 use. Gary seconded the motion and it carried, 2-0. Chad said confined feeding should only be allowed in one zoning so they use all of the same set-backs.

CONTRACT WITH GROUND RULES TO HELP WITH CHANGES TO UDO

Chad asked Nathan if he had received any further clarification for the proposed contract. Nathan said he had an update from Brad but he hadn't scrutinized it yet. He said Brad told him he made a few adjustments and he thought it was mostly to the time line. Nathan said he didn't talk to him about the dollar amount yet. He said he was curious to know how he came to our "maximum" dollar amount since we never really told him the dollar amount. Chad said before the Commissioners sign a contract he wanted to have that worked out. He said Brad talked about \$4,000.00 being the high end and that included travel, and now he is separating travel out and it would not be included in the \$4,000.00. Nathan said he would talk to Brad and he would let Chad know what he finds out Wednesday at the Plan Commission meeting.

HEALTH DEPARTMENT - SANITATION POSITION EMPLOYEE

Present was Cheryl Munson, Noble County Health Department Nurse.

Chad said the Commissioners received a letter today from Dr. Gaff. He said if Dr. Gaff's position would change, the Commissioners decision is to not allow him on our property. Cheryl said with that being said, what should they do if he comes back again, because he has come back once. Chad said he thought the Commissioners need to draft something. Dennis said it should be something to the affect that he would be trespassing and could be arrested. Chad moved to draft a letter to prevent this person from being on county property with the exception of the Courthouse. Gary said if that person needs to come in to that building - Dennis said he would have to get prior approval from the Commissioner's. Jackie asked if the letter is sufficient if he does - Dennis said it would spell out also the notice that law enforcement gives for trespassing. Cheryl asked if permission is granted if there was some way to let them know that the permission had been granted. Dennis said he would want it to be done in writing and for a specific time frame. Chad said it would have to be the Commissioners granting the permission. He said Dr. Gaff would have to request it. Gary seconded the motion and it carried, 2-0.

WECARE CLINIC CONTRACT

Jackie presented a contract with WeCare for the Commissioners approval, (H.I.). Dennis reviewed the contract and Chad moved to approve it. Gary seconded the motion and it carried, 2-0.

FUNDS LEDGER – AUGUST & SEPTEMBER

Jackie presented the funds ledger showing that the Treasurer and the Auditor balanced for August and September, 2013, (H.I.). Chad moved to approve the initialing of them. Gary seconded the motion and it carried, 2-0.

ENCUMBRANCES

Jackie asked the Commissioners if they knew of any encumbrances they might need other than for the sidewalks. Chad said he didn't know that there was anything that they hadn't paid for yet. He said he noticed that the roads hadn't been striped yet.

REQUEST FOR EVENING SESSION ON 1000 E/LISBON ROAD

Chad said he had a request in regards to changing, moving or having an evening discussion on 1000 E and Lisbon Road (2-way stop). He said there are concerns that many of the people that would like to be a part of the session could not be a part of it because of their work hours. Dave asked if there is a possibility of having an informational meeting without having it be a public hearing. Dennis said the problem would be getting out the notice. Chad said if they could hold a meeting just for public input, he thought the Social Media could make a comment about it and it would spread. After further discussion there was an informational meeting set for Friday November 22nd at 7:00 P.M. at the South Complex.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:36 A.M. on Monday November 18, 2013 and reconvened at approximately 7:00 P.M. on Friday November 22, 2013 at the South Complex.

ALLEN CHAPEL ROAD (1000 E) AND LISBON ROAD (CR 415 N) 4-WAY STOP TO 2-WAY STOP - PUBLIC INPUT

Present were: Gary Leatherman and Chad Kline, Commissioners; Adam Taulbee and Mike Taulbee, Public; and Bob Braley, News Media.

Adam said he lives on the NW corner of 1000 E and Lisbon Road. He said he and his wife's biggest concern is safety. Adam said they are both there and see the traffic every day. He said there will be fatalities because you can't see very well to the north off of Lisbon Road. Adam said with the commercial truck traffic, he is hoping convenience is not the only reason that this is going to happen. Gary asked Adam when he moved in to his home. Adam said it would have been the second week of July last year. Gary asked Adam since he had moved in, how many crashes he was aware of that had happened there. Adam said he remembered three for sure during the winter, but he works a lot of hours and isn't home when they all happen. Chad asked Adam if the majority of the crashes are rear end crashes. Adam said for the most part. He said it is people that can't get stopped. Chad asked if most of the crashes are on 1000 or on Lisbon. Adam said most of the time they are on 1000 because people can't get stopped. He said he is worried about people pulling out in front of other people. Adam said if someone is pulling out off of Rosemary onto 1000 and someone is coming full speed, now we are not talking a fender bender, we are talking a serious crash. He said people fly down that road and the speed limit is 45. Adam said back by the Windmill Museum the speed limit is 35 so there is a speed break. He said he is worried about speed issues. Chad asked Adam if he thought

there is more traffic on Lisbon Road compared to Waits Road and 300 N. Adam said 300 N probably has less than Lisbon and Lisbon probably has less than Waits. He said he would say there is more commercial traffic on Lisbon Road than there is 1000 because of the scrap yard. Chad asked if most of the traffic starts on 1000 and then turns onto Lisbon or if they come across Lisbon. Adam said for the most part it is people coming from the north turning east or west. He said he was curious as to how this was brought up to begin with. Chad said it was done by a request. He said someone can make a request and then we will study the request and the Engineer will put together a study and a recommendation. There was discussion that the traffic count from a speed study does not support a 4-way stop, and that it didn't when the 1000 E project was initially done. Adam reiterated that his biggest concern is safety. He said any time you change stop signs it is an ongoing problem. Chad said the Commissioners are trying to get as much input and advice as they can. Gary asked which way the majority of the scrap haulers are going. Adam said they are turning from the west going north onto 1000. He said that is an awful lot of truck to get moving on a road where the traffic doesn't stop, especially with the hillside for the trucks turning from the west to the north. Gary talked about the site distance on each road from the intersection. He said there is more site distance than there is on several state highways. Adam said he never sees traffic backed up at the 4-way stop, and he didn't see it as an inconvenience. Adam thanked the Commissioners for their time and said he appreciated them having the meeting at night so he could be there.

Mike Taulbee said as the former Street Commissioner in Kendallville he was involved with the Dowling Street change and they are still having crashes there. He said it was his goal to keep a clear, safe path of travel at all times. Mike said he thought changing the stop sign would not create a safe path of travel. He asked if a traffic study had been done. Chad said there was one done, and when asked by Mike Chad gave the traffic count numbers. Mike asked if it recorded the speed. Chad gave the average speed going each direction on the two roads. Mike said there was a lot of speeding, and that was his point. He said he thought if they opened that up they are asking for trouble. Chad told Mike they can't put a stop sign in place to regulate the speed. Mike said he realized that. He said they spent \$1500.00 on flashing lights and people don't look at flashing red lights, and people crash that have lived there all of their life. Mike said when they change that people don't see a stop sign. He said they put big flags on theirs and they had police cars out there and people still crashed and ran the stop sign. Mike said he thought it would be a big mistake. He said he knows from experience that when you change signage the cross traffic does not stop because they don't see it. Gary said no matter what you do at an intersection, people have other issues on their mind and they are going to make a mistake. Mike said if you take the traffic sign away people are going to be confused and there are going to be a lot of traffic accidents there. There was discussion about a traffic study done in 2008. Gary said he was looking at what Keith Lytton, the County Highway Engineer said in a recommendation back in December of 2008. Gary read what Keith had said and that Keith had said in his opinion he thought the intersection could be changed with proper controls. Mike said now that they have reconditioned the roads in Industrial Park, they are going to have more traffic coming up there to use the roads which they didn't have before because the roads were so bad. He said there would be more truck traffic. Mike said he thinks it would be a mistake, because it works now, and if it isn't broken don't fix it.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 7:25 P.M. recessed from day to day until the 25th day of November, 2013.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor