

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD APRIL 8, 2013**

Comes now the hour of 8:30 A.M. on the 8th day of April, 2013, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a Special session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
David J. (Dave) Dolezal, Vice President
Chad Kline, Member

Also present were:

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

HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH

UTILITY PERMITS

Mark presented Permit #UP-007-13 from Frontier Communications for work on S CR 500 E between E CR 200 S and E CR 250 S at the Rhonda and David Kessel residence and Permit #UP-008-13 from Noble REMC for work on CR 700 E between SR 8 and CR 415 N in Allen Township, (H.I.).

NEW TRUCK TO BE DELIVERED

Mark said he was notified last week that delivery of the truck they ordered last October has been moved back. He said it was supposed to be delivered at the end of March and now it will be around the middle of June before it is delivered. Mark said apparently some of the engineering changes we made extending the frame and putting a heavier axle under it kicked it out of the engineering area to be checked by the engineers and it got moved to the bottom of the list. He said his hope was to have the truck on the lot before we ordered another truck to see what was going to work and what wasn't. Mark said with this delay he would like to know for sure if he could get CEDIT money for the next new truck since he spent his truck money on the truck lifts, and if he could get permission to go ahead and take bids on a new truck. Chad asked if he would be ordering the exact same truck. Mark said he wouldn't. He said he would be ordering a tandem this time. When asked, Mark said it would replace truck #14 which is the most expensive maintenance truck. Dave asked if they rotate the trucks for spares or if they get rid of some of them. Mark said typically they will auction them off but found out about an alternate route that could possibly get us more money. Mark said the cost of a tandem axle set up like we are currently running would be approximately \$180,000.00 - \$185,000.00.

Auditor Jackie Knafel gave a report on the money in the CEDIT Fund. Jackie said she thought there would be money in it because of the amount of money we are bringing in. She said the CEDIT Fund needs to be revised for 14/15.

Dave moved to approve the expenditure of CEDIT money in the amount of \$180,000.00 - \$185,000.00 for a new tandem truck. Chad seconded the motion and it carried, 3-0.

CONSTRUCTION EQUIPMENT

Mark gave an update on the condition of the construction equipment and the repairs that are needed.

REQUEST TO RECONSTRUCT 300 S

Mark said he received a request to re-construct CR 300 S. He said the primary reason he is bringing this up is because the gentleman that made the request wanted to know what his options were. Mark said he explained what our financial situation is and what we had done to try to get more money in, and the fact that the road was not on the list to be reconstructed. He said the man wanted to know about getting tires and parts replaced on his car that had been broken because of the road. Mark said he tried to handle it diplomatically and he told the man if he knows the road is that bad he should probably slow down on it. He said he told him his next option would be to come to the Commissioners.

DRIVEWAY PERMIT ORDINANCE

Mike said he had been working on the Driveway Permit ordinance, (H.I.). He said the permit allows the Highway Department to reject a permit based on site distance. Mike said there is an appeal process where if the Highway Department rejects the permit they can appeal it to the Commissioners. He said the ordinance allows the county to put up hidden driveway signs.

Dennis said the only question he had was where it talks about regulations and requirements. He asked if there are written regulations and requirements for private entrances, approaches and that sort of thing. Mike said the site distance requirements, based on the speed limit, is right on the permit. Dennis asked if that is the only written regulations there are. Mike said hopefully if he rolls it into the standards, then once the standards are approved it would all be in one document. Dennis said if they change the standards it is easier to change them than it is to change the ordinance. Mike said he is trying to structure it so things that are going to stay constant will be in the ordinance and fees and things like that would be separate. Dennis said they could do a fee ordinance. Mike said he thought the driveway ordinance is in pretty good shape. He said the amendments loosened it up a little bit and allowed the hidden driveway signs which would allow some flexibility.

HIGH STREET & ALLEY IN LaOTTO

Mike said there are a couple of things going on with High Street. He said he met with Richard Wolf last week, and has submitted an application to build a storage facility on his property and he wanted to know where his driveway should be. Mike said part of the problem is that High Street on the east end doesn't run within the High Street right-of-way. He said it runs across Mr. Wolf's property. Mike said technically the only entrance he has would be on the west side of his property where he has access to High Street where it runs within the right-of-way, and then he has access to Grand Street on the west where the existing street exits his property. Mike said Mr. Wolf would like to have the street located off of his property. Mike said he didn't know who would pay for that and how it would get accomplished.

Mike said at the same time we have a request from JRW Properties who owns the old fire station, and they have a representative here today. He said they own the property on the north side of High Street and they would like to vacate the western portion of High Street to expand their building. Mike said Mr. Wolf was concerned about what impact that would have on his

access. He said Grand Street used to be the old railroad right-of-way. Mike said LaOtto Farm Supply purchased the property and it is now called Grand Street, so technically it is a private street. He said that is where some of his concern is. He asked if the west part of High Street is closed off, would Mr. Wolf be legally landlocked. Mike asked if LaOtto Farm Supply could legally come in and barricade that drive off at any time, and if so if Mr. Wolf wouldn't have any legal access. Mike asked if LaOtto Farm Supply would provide Mr. Wolf with a binding easement forever – Dennis said that is what it would have to be. He said the wording would be; "a perpetual easement running with the property".

Wade James was present and he said he had deeded ingress and egress to LaOtto Farm Supply's road. He said he has a letter from him that said if a portion of High Street was to be vacated he would grant any involved party recorded easement to that street. Mike asked why Mr. Wolf didn't have that document yet. Dennis said he wouldn't have it yet. He said he thought this is coming before the Plan Commission on the 17th, and that is one of the things they would have to look at as far as vacating the property. Dennis said they can't have Mr. Wolf landlocked.

Mark said if they went that route then the county wouldn't have to maintain Grand Street. He asked if the vacation is done and there is still a portion of High Street there if we would have to maintain that.

Wade asked if there is some way the community could work together to get High Street put where it should be. Dennis said we might want to get our Surveyor involved in this to see where it should actually be located. Mike asked who would work with LaOtto Farm Supply to make sure they would grant the easement to all parties that needed it. Dennis said the vacation would have to be conditioned on the easements being granted.

Rick Sherck, Economic Development Director was present. He said to him right now High Street is a road to nowhere. Rick said he would look at vacating all of it and giving it to the property owners that are attached to it and let them maintain it. He said to him having easement documents drawn up prior to the vacation of High Street would be premature. Dennis said he had said the vacation would have to be conditioned upon other things happening.

Mike said there is another access issue. He said the alley that runs between the properties has a guard rail in it and has been re-seeded and closed to the public, but it has not been vacated. He said that could serve as another access to those properties. Chad asked who put the guardrail up. Mike said Mr. Wolf didn't know who put it up. Mark said someone called a year or a year and a half ago and asked some questions about that. He said he told them we don't maintain that alley so he thought they would have to go through a different department. Mike said we don't maintain alleys, but they are a public way, and public ways are for the public and cannot be closed or gated. Chad said if the dumpsters in the alley are the Sit N Bull's, maybe they should be sent a letter to move them. He said the guardrails could have been in before they bought the property. Dennis said maybe someone should look at vacating the alley. Mike said if it is going to be closed it should go through a proper legal vacation process.

Rick said the concern he would have about vacating that is that it is used for deliveries for the Sit N Bull and it will be used by others for delivery and traffic flow as well. Mike said his concern would be if High Street was closed and there was a fire someone could be in trouble. Mike said public safety is a concern he would have. Chad said if we vacate all of High Street the alley would almost need to be opened up and accessed off of Collins Street.

Gary said the Commissioners would table this discussion until after the Plan Commission makes their decision.

**PHEND'S CARPET & UPHOLSTERY CLEANING -
QUOTE TO CLEAN CARPETS IN COURT ROOMS**

The Commissioners received a quote from Phend's in the amount of \$1,583.28 to clean the carpets on the third floor of the courthouse.

Auditor Jackie Knafel said Phil Jacob (Head Custodian) had asked her to give this to the Commissioners to get permission to spend over \$500.00. Chad moved to approve the request for carpet cleaning on the third floor. Dave seconded the motion and it carried, 3-0.

**IDEM - WHITESHIRE HAMROC
CONFINED FEEDING OPERATION**

The Commissioners received a letter from Whiteshire Hamroc informing them that they are planning to build a new confined feeding operation and giving some information on it, (H.I.). The Commissioners also received a copy of a letter from IDEM to Whiteshire Hamroc saying that they had received their application for the confined feeding operation, (H.I.).

MEDIACOM – RATE ADJUSTMENTS

The Commissioners received notice from Mediacom about some rate adjustments that they will be implementing on or about May 1, 2013, (H.I.).

**NOBLE COUNTY SHERIFF REPORT OF
COLLECTIONS FOR MARCH, 2013**

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

J & J LANDSCAPING - LAWN MOWING QUOTE

The Commissioners received an amended contract for annual maintenance from J & J Landscaping, LLC, (H.I.). Chad said it looks like they took the monthly charge off with billing to be on the last day for the services completed that month, and they added the weed control like it was supposed to be. Chad moved to approve the contract for annual maintenance for mowing, hedging, mulch, and weed control from J & J Landscaping in Avilla. Dave seconded the motion and it carried, 3-0.

**TOWN OF ALBION – INVOICE FOR DISPOSAL
OF LEACHATE FROM THE LANDFILL FOR MARCH**

The Commissioners received an invoice from the Town of Albion in the amount of \$360.00 for the disposal of 12 loads of leachate during March, 2013, (H.I.).

There was a brief discussion about e-mails that had been received from Sherry Labs regarding residential well monitoring and a contract that Weaver Boos had e-mailed to Dave which he couldn't open. Chad said it sounds like Sherry Labs and Weaver Boos need to communicate better.

MINUTES APPROVED

After reviewing the minutes of the *April 1, 2013* meeting, Dave moved to approve them as corrected. Chad seconded the motion and it carried, 3-0.

**UTILITY TRAC PLUS -
UTILITY BILL EVALUATION**

Jackie explained that Mary, Deputy Auditor, had received a call about this. She said we had this done a few years back on phone bills and it proved very profitable, because we had a lot of lines that weren't being used that we were paying for. Jackie said there was a water leak at one of our buildings and Mary never knew it until the bill came in and it was high. She said they would be able to monitor that type of thing and catch it before it got to the point of the bill. Jackie said there is no cost for the evaluation the first year and we don't have to go on after the first year. Jackie said she does not have a contract and we won't get one unless we decide to go on. Mary was present at this time, and she said she talked to Marissa, and it sounds like a really good thing. She said Marissa said there are a lot of counties on this in the state of Indiana.

Dennis asked if they gave any indication of what the cost would be the second year. Mary said they did not. There was discussion that they would put something in place to monitor the daily usage in the buildings. Mary said the Commissioners should really see what they can do. She said she saw an on-line presentation and she thought it could be set up for the Commissioners to see it. Dennis asked if Mary had talked to any of the counties that are on it. Mary said she had not.

After further discussion, Dave moved to proceed *without* signing a contract. Chad seconded the motion and it carried, 3-0.

CREDIT CARD APPLICATION – PROBATION AND IT DEPARTMENT

Jackie said she had a credit card application and a letter she had prepared to say that we would want a \$10,000.00 limit on credit cards for Probation and IT.

After further discussion Dave moved to approve credit cards for Probation and IT in the amount of \$10,000.00 each. Chad seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:35 A.M. and reconvened at approximately 10:00 A.M.

GEORGE BEALL – HEARING RE: UNSAFE BUILDING AT HIGH LAKE

Dick Adair, Building Inspector came before the Commissioners to discuss the George Beall property at High Lake. Dick said he had received no response from the lending agency regarding their intent. He said at one point in time they were going to have a crew go down and look at it to see whether it was salvageable or a tear down. Dick said he called them twice and told them he would let them in, but there was no response from them. He said there is a mortgage on the property for a little over \$24,000.00. Dennis asked Dick if he had given notice of the public hearing to Mr. Beall and the bank. Dick said he had. He said everyone had been given notice that we were having a hearing today that would determine whether we remove it or continued the hearing. Dick said Mr. Beall is wheel chair bound and lives in assisted living now and has no intention of doing anything with the house. Dennis asked about his brother. Dick said his brother had kind of been out of the picture for the last three months. He said the brother had been in the house and he said there was nothing to save.

Dennis asked Dick to give the Commissioners an update on where we stand on this. Dick said he has had issues with George over the years. He said some years back he had it torn apart to the point it was dangerous. Dick said he contacted some local contractors and they went in

and put it back together for him and drywalled it and fixed it up fairly nice. He said since then he decided he wanted to change things and he had three ceiling joists holding the whole system together right now and it is a mess. Dick said in February, 2012 a neighbor had called him and said he thought George had been tearing things apart in the house and was going to try to move into the garage, which is attached to the house and sits really close to the road. He said the garage has never been finished and is just in the framing stages and is poorly done. Dick said George gave him permission to enter the house and inspect it, and at that point in time he told George he thought it was unsafe for him to be in there. He said he had removed a lot of the wall coverings and support timbers, and there was exposed wiring and broken plumbing that was leaking into the house. Dick said he told George he was living in an unsafe condition and told him he needed to give him a plan on what he was going to do. He said on March 2nd he took 18 photos and officially condemned the house and ordered him to leave. Dick said at the time George was sick, and he worked with Health and Human Services on the Aging to get him a temporary placement in the Pilot House here in Albion. He said upon a health evaluation they found that George had mersa in an area where he had a hip replacement, and they put him in the hospital and then he went to a nursing home. Dick said during that time he communicated with George's brother Charles who made arrangements for George to get the medical attention he needed and got him housed properly. He said on February 4, 2013 he sent certified and regular mail to George and GMAC Mortgage Headquarters in Pennsylvania giving them until March 13th to contract for demolition with the process to be completed by March 28th, with a hearing set for today. Dick said on March 8, 2013 he received a call from Patricia Skeen on behalf of GMAC requesting additional time to obtain bids on repair or demo. Dick said they had e-mailed her twice and had gotten no response at this time. He said he didn't know what their intent is, but we need to move forward.

Gary asked if that would pose any particular problem with us with GMAC. Dennis said he would do an order and it would be sent to them to let them know that we are going to accept bids for the demolition and see what that does. Chad asked once the bids are accepted, would they receive the bill for tearing down the building or would we incur the cost. Dennis said initially we would bear the cost and then it would be a lien against the property.

Dick said he had a couple of people in that area that are interested in tearing it down for the materials they could salvage out of it, but he thought they would still want a fee. He said he didn't think it would cost much through the bid process to take it down because there is not that much there and it will not be hard to take down.

There was discussion as to whether the cement slab under the house should be left or removed during the demolition. Dick said they would have to cap off the sewer line too. After further discussion it was determined that the demolition could be bid both ways.

Dave moved to ask for two separate bids, one for demolition of the building and the other for removal of the slab. Chad seconded the motion and it carried, 3-0.

DAWN BARR – HEARING RE: UNSAFE BUILDING AT BEAR LAKE

Dick said Dawn was served notice and is aware that the hearing is this morning. He said when he was there a week ago she had asked if there were any organizations she could contact. Dick said he told her to call 211 because there is a group in Fort Wayne that does winterization and repairs. He said she called them and was told they only do them in Fort Wayne. Dick said he had her set up to do a winterization before we got to this point and she

didn't follow up on it. He said she asked if there was anybody else she could contact and he gave her the number for Habitat for Humanity out of Auburn. He said they came down and she filled out the form and they interviewed her, (H.I.). Dick said when the man from Habitat for Humanity stopped at the Building Department he wasn't there, but the conversation that he got was that they don't do that extensive of repairs on a house that is that bad, and the gentleman said if she wanted to get it fixed so it was livable she should contact some of the churches that do that kind of work. Dick said the house is in bad shape.

Dick said he doesn't want to kick anyone out of their house, but there are two young kids living there in some pretty poor conditions. He said he thought at this point we need to process this. Dick said right now the house is condemned and they are supposed to be out. Dick said she had asked for a few more days to get a place together, and Dennis had said in an e-mail that she could have an extension until the 15th.

Dick said the Habitat for Humanity had indicated that she could be a candidate to get a new home, but it would take months. There was discussion about required set-back lines and Dick said he thought she could meet those set-backs. There was also discussion about the demolition process. The Commissioners discussed an e-mail that Dawn's son had sent them.

Dennis said we could do an order today getting them to vacate the property and then to put it back on the agenda for April 15th. Dick said he might have more information from Habitat for Humanity by then.

Chad moved to extend the time to leave the residence until April 14th at midnight and that the Commissioners will address this again at 10:00 A.M. on April 15th if they are not out. Dave seconded the motion and it carried, 3-0.

CABINETS FOR HEALTH DEPARTMENT

There was a brief discussion about the cabinets that are needed for the Health Department (clinic) to be moved upstairs at the south complex. Dick said the company has the orders to build them, but they aren't built yet. Dave asked if they could use the cabinets that are downstairs. Dick said they couldn't, and he gave the reasons why. Gary asked if Cheryl is moving forward with the vanities. Dick said he would find out.

FURNACE AT WEBER ROAD ANNEX

Gary asked Dick Adair what his recommendations would be on the furnace at the annex. Dick said it is just a standard two-stage electric furnace. He said when it is on the single stage it is probably running about 50 amps and when it is on two-stage when it is cold, it is clear up to 90 amps. Dick said he didn't think that was very efficient. Gary asked if we should be looking at putting a heat pump in there. Dick said he would have to call TRANE and ask them some questions to see if it would work and if it would be cost efficient. There was discussion about the generator that is being discussed and what the impact of an added heat pump would do to what would be needed. Gary asked Dick to look into the possibilities of putting a heat pump in so we can maybe downsize on the size of the generator, plus look at the efficiency.

UDO DISCUSSION RE: REZONING

Nathan Miller, Plan Commission Director was present to discuss with the Commissioners some issues with the new UDO that may need to be addressed.

Chad said he thought there should be some discussion on the current lot minimum for A-1 zoning. He said the current lot minimum is 10 acres which is going to require us to rezone any

splits of property under 10 acres, which means we will see a lot of them. Nathan said basically anyone that would want to sell a chunk of land to someone else would have to go the Plan Commission, possibly twice, and before the Commissioners at least once for the rezoning. Dave said we would need to bring that down to 2 acres where it used to be. Nathan said he thought that is what the Health Department likes for well and septic.

Chad said he thought the intent was that A-1 would conserve farm ground for farm ground, and the problem is that everything is A-1 and you are looking at a month to 2 month process just to split off a piece of acreage. He said he thinks we are way too excessive on a 10 acre piece of property. Chad said his recommendation would be to move the lot minimum for A-1 to 2 acres. Nathan said that would spare most people from going through the Plan Commission for rezoning and then coming up here to get it certified and then going back through for a minor subdivision. Chad said with the amount of process it takes to split a piece of property he thinks we are hindering growth in our county. There was discussion about the differences in A-1, A-2 and A-3 zoning and also about RE zoning.

Dennis asked if the Plan Commission is going to initiate the changes. Chad said he thought the Commissioners could make a recommendation to the Plan Commission to make the changes. Dennis said since there a number of things and Nathan and Chad are the most familiar with it, why not originate it at the Plan Commission. Nathan said after the next Plan Commission meeting they would have a list of changes they are thinking about, and this could be added to the list. He told the Commissioner what is on the list to be discussed. Chad recommended they address the A-1 minimum lot size and also address confined feeding in A-1.

Gary asked if there could be a negative side to go from 10 acres to 2 acres. Chad said it comes down to the conservation of farm land and if you leave it at 10 acres then people are more likely to not separate their property. Dennis said it would make splitting a property more of a hassle, and they would be eating off 10 acres. Nathan said from what he had seen people just kind of throw their hands up and walk away. Chad said he had looked at several UDO's around the area, and none of them have a minimum lot size of 10 acres. He said DeKalb and LaGrange have a minimum of one acre. He said originally it was 2 acres and sometime during the UDO process it got changed to 10 acres. Nathan said he feels as if the intent of the zonings has kind of been muddled over time, and he gave reasons why he felt that way.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:59 A.M. and reconvened at approximately 11:15 A.M.

HANDBOOK AMENDMENT DISCUSSION

Present for this portion of the meeting were Auditor Jackie Knafel; Sheriff Doug Harp; Denise Lemmon, Councilwoman; Mark Goodrich, Highway Superintendent; Dave Baum, IT; Steve Hook, GIS Coordinator; Candy Myers, Recorder and Shelley Mawhorter, Clerk.

Jackie said she had e-mailed the proposed changes to the handbook as discussed by the department heads, (H.I.).

NOTIFICATION OF JOB OPENINGS - There was discussion about the notification of job openings and posting the openings in all county offices. Jackie said Dave Baum had said that he could send e-mails to all employees and also to the media. Chad said we would want to keep it internal for a period of time because of the hire within portion.

PART TIME HOURS - Jackie said we have had part-time cut off at 30 hours and it seems that 30 hours is being considered full time now, so she would like to have that cut back to 28 hours for permanent part-time employees.

EXEMPT EMPLOYEES - Jackie said she felt like Exempt Employees should be defined somehow. She said she thought it should be black and white because we have had issues for a long time. Jackie said exempt employees can work any hours they want to, and she thought the Commissioners could actually define that they are expected to work so many hours.

WORK HOURS - Jackie said we need to address the half hour lunch. Chad said he thought the Commissioners had amended that already. Jackie said there was a motion but no amendment had been prepared yet. She said that is when the Commissioners asked that the department heads make a list of what they would like to see changed in the handbook. Dennis said he thought we were waiting to address all of the amendments at one time. Chad said he thought the policy the Commissioners adopted for lunch hours was going to change the hours of the courthouse too, and he would like to see that amended.

Jackie said it was brought up that the 10-minute breaks were at the discretion of the office holder and the breaks are paid. Jackie said she looked into this more about taking the breaks in connection with the lunch time, (adding 2 - 10 minute breaks to half an hour lunch to equal a 50 minute lunch). She said she has a web-site called Fort Harrison that she can go to and ask HR questions. She said they stated that if the two ten minute breaks are taken in conjunction with the lunch time that they "may" not be paid. She said it didn't say that the breaks "shall not" be paid, but if they were not paid that would mean an employee would be working 7 hours and 10 minutes. Dave Dolezal asked if the lunch and breaks would run concurrently, if the employees have to clock in and out to differentiate their lunch from their breaks. Jackie said she didn't see why you could take a 10 minute break at 9:00 in the morning that you would get paid for, but if you took it with your lunch you wouldn't get paid for it. Chad said the only thing he was ever able to find was that the labor laws don't say that we have to provide a lunch or breaks. Jackie said that is right. She said we don't get paid for our half hour lunch. She said there are people that take breaks to smoke and that could affect their lunch time.

Gary said he doesn't want to get into micro-managing each department. He said the Commissioners have an expectation that the employees work 7 ½ hours. Doug said he thought there were a lot more important things to worry about than lunch. He said if he wanted to say his employees can do it consecutively, and as long as the work is getting done and they are working 7 ½ hours he really didn't care. Gary said he understood where Doug and everyone are coming from. He asked about smokers and if they would take their 10 minute breaks and then turn around and take a 10 minute break on each side of their lunch. Gary asked if we go to the software for time management, how would you punch that in for a lunch break. Doug said his question is if we want employees to punch in and out for lunch. He said he thought that should be between him and his employee if an employee is chronically coming back late from lunch. Gary asked how that would work when we go to time clocks. Dave Dolezal asked if we give a paid break and we don't have documentation that they took it, how do we know that they won't come back and say they didn't take their breaks because they weren't allowed to and now they want to be paid for it. Dave Baum said if it is a paid break you won't clock in and out. Chad said breaks are discretionary and we don't have to give breaks. Dave Dolezal asked if the proposed new time system is going to be logged in and out on a portal on the web, or do we have to go to a physical time clock. Dave Baum said there are a dozen different ways it can be done. He said Doug had asked if we want employees to clock in and out for lunch and is that

important. Chad said he thought it was because of the software and keeping track of a 7 ½ hour work day, because if you are there from 8:00 - 4:00 the software would say you worked 8 hours. He asked how the time clock would know if you took lunch or not. Dave Baum said he thought he might be able to build it into the program where it would say there was a built-in half an hour lunch time. Gary said it is going to be up to the department heads to manage their employees. He said he didn't want to get feedback that so and so is letting their people take an hour lunch. Jackie said she made it very clear at the department head meeting that if we are allowed to use the 10 minute breaks with our lunch and someone works through their lunch, they are only going to get 30 minutes of comp time to use, not 50 minutes. Dave Dolezal said he has seen too many lawsuits where an employee comes back after years and say they weren't allowed to take their breaks and if we have no documentation - Dave Baum said we need a means by which employees can give the Commissioners feed-back if they feel they are being abused.

Chad asked if we should even address breaks in the handbook. Dave Baum said another way to do this is to say that you get paid for the lunch and you work 40 hours a week. He said the employees would be paid less per hour. Dave Dolezal said he has an issue if someone puts down they were at lunch and they weren't, or if they say they are working and they are not there.

Doug said his whole purpose for the time clocks was to track when the employees come on, when they go off, and to know that they worked 7 ½ hours or 8 hours or whatever it is for payroll purposes. Dave Dolezal said the whole purpose of the new software program is for automated payroll.

Gary asked Dennis if the Commissioners could put something in the handbook that says the employees expected work week will be 7 ½ hours with a ½ hour unpaid lunch. Chad asked if it has to mention breaks in the handbook for the department heads to give breaks. Dennis said you would have a disparity between departments if you don't. Shelley said they run into that now. She said she thought in the department head meeting they were looking to all be on the same page. Shelley said they want to be consistent. Dennis asked what the 20 minute on-call lunch is and if it could be struck. Jackie said she thought it could be struck. Shelley said she is going to set a policy in her office and run with it, because she is not going to try to monitor ten women doing ten different things. Dennis said there are conflicting things in the handbook now the way it is. He read what the handbook says about breaks.

Chad read from Kendallville City's policy about lunch periods and breaks. Dennis said he didn't know that we need to have any mention of breaks at all unless we start seeing that someone is taking advantage of it or some of the department heads aren't allowing any breaks.

Denise asked Dave Baum if the software that we might be using will automatically put in the time that the employees get here. Dave said it could be a punch type system where when you touch it, the time stamp is marked, or you could have a log where you actually enter the time. Denise said she is sensitive to Dave's point about the future and coming back, so you want to be accurately logging the lunch time. Dennis said he thought if we leave it to the discretion of the department heads that could be an issue in the future as far as them coming back with a claim later on. Chad said that is why he asked if we should just take it out so it doesn't say a time. Dennis said we should just say it is up to the department heads to set that policy. He said they have to run their offices efficiently. Dave Dolezal said we need to put a limit on it by saying "not to exceed" or something. Dennis said we have that they have to work 37 ½ hours. Dave Baum said if what you want to do is make sure payroll is correct, then all you need to document is the time they come in and the time they leave.

COMPENSATORY TIME - Jackie said on page 18, the compensatory time off makes no sense. She said it might be a federal regulation, but it says it shall not exceed 240 hours and then it says it should be used over the next pay period. Jackie said there are not enough hours to use it in the next pay period. She used the Treasurer's Office as an example where at tax time there wouldn't be time for an employee to use any comp time.

PROBATIONARY WORK PERIOD - Jackie said they talked about the introductory period during their meeting. She said the Commissioners have always had the ability to override that, like if a dispatcher comes from Whitley County to Noble County and knows what they are doing. Jackie said even if someone from within the county (when taking a new county position) doesn't take the 10% less on pay, the department heads thought maybe they should be able to give them a small probationary period to make sure they are going to work out. Chad said the only thing he sees with that is that they may have been a 20 year employee and if they transfer to another office and can't do it, then they would be out of a job without having the ability to go back to the job they were doing before. Jackie said if we go to job classifications and the ability to have a higher paying job that could be what someone chooses to do.

PERFORMANCE EVALUATIONS - Jackie said it was brought up that the department heads need some schooling on how to do the performance evaluations.

SMOKING RESTRICTIONS - Jackie said she didn't know if anything needed to be added to the handbook about being 8 feet from the door when smoking. Dennis said it wouldn't be a bad idea to add that.

USE OF SICK TIME - Jackie said they would like to see the sick time policy go to where people could use it an hour at a time. Doug said with the new system, he thought everything will really need to go to hours. Chad agreed.

VACATION DAYS - Jackie said on vacation days they would like to add 1 day per year beginning the 9th year up to 25 days. She said that was a popular request from department heads.

TRAVEL POLICY - Jackie said she thought we should take the dollar amount out of the hotel and parking fees costs. She said she thought long distance calls could be taken completely out because most people carry cell phones. Jackie said she checked with the state and they still pay \$26.00 a day for food expenses. There was discussion about what different agencies and counties pay for meal allowance. Chad said the standard rate is \$46.00 a day. Jackie said our policy at this point is to go along with what the state's is. Chad said Kendallville adopted the amount through the salary ordinance instead of putting it into a handbook, and that way it is easily amendable yearly. He said he thought we should do that.

SHORT TERM DISABILITY - Jackie said we had amended that to start on the 8th day and employees can use 40% of their sick time (to add to the sick pay so they get full pay). She said there has been some questions if a person could use vacation time if they run out of sick time. Jackie said they had also discussed not putting a cap on the number of sick days that could be accrued, but to put a cap of 30 days or whatever for reimbursement when you leave. Dave Baum said he thought the issue with the vacation and sick time is if we have the ability to convert vacation time to sick time. He said that way if they were trying to deal with short term disability they could extend that out before they run out of sick time if they have vacation time on the books, and if they petition the Commissioners. Jackie said it would be totally up to the employees whether they wanted to do that and it wouldn't be mandatory. Dave Dolezal asked if they showed vacation pay if that would affect their disability pay as far as their status. Jackie said that might be something that needs to be checked. Dave Dolezal asked if the employee would have to expend their vacation days before getting donated days. Chad said they can't do

that right now. Jackie said we are only talking a 90 day period for short term disability. She said beyond that, it is long term disability and they are no longer our responsibility.

This discussion will be continued on April 22nd at 10:30.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:18 P.M. recessed from day to day until the 15th day of April 2013 by a motion made by Dave and seconded by Chad, which carried 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor