

MONDAY, FEBRUARY 21, 2011

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at 9:30 a.m., Monday, February 21, 2011 for a regular meeting. Present were Jack Roose, Vice President and Greg Compton, member. Also present were County Attorney James Clevenger and Deputy Auditor Kelly Einspahr. Absent was President Kevin Overmyer. The meeting was opened in due form and the business before it heard.

PUBLIC HEARING
AMENDMENT TO ZONING ORDINANCE
ORDINANCE #2011-02-RURAL SIGNS

Plan Commission Director Ralph Booker presented Ordinance #2011-02 Rural Signs, an Amendment to the Zoning Ordinance, for consideration. Mr. Booker explained that currently the only off-premises signs allowed are billboards in commercial business corridors, and many businesses have requested placing signs in other areas. The proposed ordinance amends Article 3-Land Use Matrix, allowing rural outdoor signs in A1, A2 and A3 agricultural areas; Article 6 – Section 200, outlining sign standards, size limitations and distance requirements; Article 11, clarifying the permit process and requiring approval of the location by the Plan Commission; Article 13, defining rural outdoor signs and a listing of permitted, prohibited and exempt signs. The amendment was approved by the Plan Commission at their January 27, 2011 meeting.

Greg Compton moved, seconded by Jack Roose, to open the public hearing on Ordinance #2011-02-Amendment to the Zoning Ordinance – Rural Signs. Motion carried 2-0.

Public Input

Don Ecker, a resident at 4224 Pine Road and President of the Board of Zoning Appeals, asked who regulates signs along US 6. Mr. Booker replied that the state does not issue permits for signs along that highway, and regulation would fall under local jurisdiction.

With no additional comments from the public, **Greg Compton moved, seconded by Jack Roose, to close the public hearing. Motion carried 2-0.**

The board discussed passing the Ordinance on first reading to allow for further review and minor corrections to the text prior to the second and third readings.

Greg Compton moved, seconded by Jack Roose, to pass Ordinance #2011-02 on first reading. Motion carried 2-0.

PLAN COMMISSION
PLAN DIRECTOR RECOMMENDATION

Deb Griewank, President of the Marshall County Plan Commission, and Don Ecker, President of the Board of Zoning Appeals, reported that both boards have now completed an analysis of the Plan Director's position. The Commissioners had previously requested an evaluation to consider whether the position should be reduced to part-time.

Ms. Griewank stated that Mr. Booker is in the office every day attending to day-to-day duties, and noted that much of the work would have to be assumed by the department secretary if the director worked only part-time. During 2010, he issued 371 permits, generating \$41,000 in fees for the General Fund. In addition, he prepared several cases for litigation and worked on several special projects, such as defining county-owned properties

at Lake of the Woods. He also organized the Technical Review Committee, and continues to assist them as needed. In 2011, Mr. Booker will be working with the Town of LaPaz to revise land use and zoning along the US 31 corridor. Ms. Griewank stated that the Plan Commission is trying to be pro-active during this economic down turn, and the board recommended retaining the Plan Director as a full-time position.

The boards will be conducting their first annual evaluation during an Executive Session February 24, and have developed a new evaluation form, which they feel is better suited to the position. Mr. Clevenger recommended that the Plan Commission attorney review the evaluation form prior to the executive session. Mr. Compton suggested that they include a time management assessment in their evaluation.

On behalf of the BZA, Mr. Ecker supported the Plan Commission's recommendation, but questioned why the Commissioners were considering reducing the position to part time. Mr. Roose stated that there was some concern there was not enough work to warrant a full-time director during the current economic climate, and they wanted the boards to make a recommendation based on an evaluation of the duties.

Mr. Ecker reported that Mr. Booker investigated 45 code violations in 2010, and felt he was doing a good job with them. However, he recommended that the Commissioners consider increasing penalties to assist with enforcement.

Asked whether any comparison had been made with similar-sized counties, Mr. Ecker explained that it was difficult to compare the position to other counties. Marshall County has combined the Plan Director and zoning enforcement officer into one position, and many counties maintain two separate positions. He stated that Mr. Booker is experienced and willing to serve in a combined position. Mr. Ecker felt it was difficult to compare the pay, considering the unique combined position and the fact that other counties are involved in Area Planning, while Marshall County retains Advisory Planning, with no plans to change at this time.

The Commissioners thanked the Plan Commission and BZA for their efforts, and took under advisement their recommendation to retain the Plan Director's position at full-time.

SHERIFF TOM CHAMBERLIN
PRE-PAYMENT REQUEST

Sheriff Tom Chamberlin requested approval of a pre-payment request for \$2,900 to Outdoor World covering four covers installed on the new sheriff's department trucks. Installation will be completed by February 25 at a cost of \$725 per vehicle.

Greg Compton moved, seconded by Jack Roose, to approve the pre-payment request for \$2,900 to Outdoor World to purchase and install four truck covers. Motion carried 2-0.

The Sheriff reported that the four new trucks were working out well, citing increased gas mileage and the four-wheel drive option for inclement weather.

**EMA DISTRICT PLANNING OVERSIGHT COMMITTEE AND DISTRICT
PLANNING COUNCIL APPOINTMENT**

The board discussed with Sheriff Chamberlin his willingness to serve as the Commissioners' appointment to the District Planning Oversight Committee and District Planning Council, replacing Commissioner Greg Compton who was appointed in January, 2011. Mr. Chamberlin stated he has the time and is interested in serving on the committees.

Greg Compton moved, seconded by Jack Roose, to appoint Sheriff Tom Chamberlin to the EMA District Planning Oversight Committee and District Planning Council, replacing Commissioner Compton. Motion carried 2-0.

NEAL HAECK – HIGHWAY REPORT

Neal Haeck, Highway Superintendent appeared before the Board and presented the following:

Pierce Street Bridge #225: The LPA contract with INDOT in the amount of \$1,471,229 was presented for approval. County Attorney Jim Clevenger has reviewed the contract, and reported it is the standard INDOT contract, setting forth the respective responsibilities of the county and INDOT.

Mr. Haeck reported that the county's share of the project is currently 20%, but if available federal funds are high enough and bids come in lower than anticipated, the county's share could be reduced to 10%.

The project is set for a May bid-letting, and the contract must be returned to INDOT in a timely manner.

Greg Compton moved, seconded by Jack Roose, to approve the LPA contract with INDOT in the amount of \$1,471,229 for the Pierce Street Bridge #225 project. Motion carried 2-0.

Revised MVH Calculation: Mr. Haeck has contacted the Auditor of State to determine whether the County will qualify for increased MVH funds as a result of assuming additional road miles under the US 31 relinquishment agreements.

**DLZ – JEFF MILLION
13TH ROAD BRIDGE #89 UPDATE**

Jeff Million, Project Manager for DLZ on Bridge 89 reported that the project is running into weather-related delays. After two weeks off due to inclement weather, the contractor has poured the stem and hammerhead of pier three, and hopes to pour the cap within the next week. After demolishing the remainder of the old bridge, work can begin on pier two.

Mr. Million stated he has serious concerns that the project can be completed by the July 13 deadline. It will be difficult for the contractor to obtain a weather-related time extension, since they knew the bridge was a winter project. However, they could request a one or two week extension due to the difficulties with the coffer dam seal, but they must request it soon. He is hopeful that Isom may be able to get the project back on schedule by working simultaneously on several items.

The next progress meeting will be March 7 and the next update to the Commissioners will be March 21.

COUNTY ATTORNEY REPORT

County attorney Jim Clevenger presented his report:

Old Business:

Crowel-Drainage Board appeal: The Indiana Court of Appeals granted Crowel's new attorney an additional 30 days through March 7 to complete his brief. We will have 30 days to respond unless we also obtain an extension.

US 31 Relinquishment: INDOT has not yet responded to the follow-up items and revisions to the proposed agreement. He will arrange a meeting with Roger Ecker at LaPaz, Mr. Haeck and Mr. Roose, to follow up on discussions between the County and the Town of LaPaz. INDOT has sent a written proposal offering \$800,000 for Old US 31 north of Argos to just north of 16th Road, not including the Town of Argos.

Sheriff: Mr. Clevenger is working with Sheriff Chamberlin on an agreement with the Lake Maxinkuckee Association to provide a lake patrol. The agreement provides for the transfer of lake association-owned equipment to the county, and contracting with off-duty officers. The cost would be partially funded through a lake enhancement grant.

Kunkle v. Sheriff, Jail, et al: The attorneys for the plaintiff filed a motion to withdraw, which was granted by the Federal Court of Appeals. Kunkle will need to secure other counsel if he wishes to continue with his appeal.

New business:

Porter County Juvenile Center agreement: The 2011 juvenile services agreement is identical to 2010, but reduces the number of bed days to 300 rather than 650, at \$110 per day. The annual fee is \$33,000, down from \$71,500 in 2010.

Greg Compton moved, seconded by Jack Roose, to approve the 2011 contract with Porter County Juvenile Center for 300 bed days at cost of \$33,000. Motion carried 2-0.

AUDITOR'S REPORT

On behalf of the Auditor, Kelly Einspahr presented the following for consideration:

Minutes of the February 7, 2011 regular meeting and February 11 special meeting: **Greg Compton moved, seconded by Jack Roose, to approve the minutes of the February 7 and February 11 meetings. Motion carried 2-0.**

February mid-month claims: **Greg Compton moved, seconded by Jack Roose, to approve the February mid-month claims as presented. Motion carried 2-0.**

COMMISSIONER ITEMS

Mr. Roose announced that area legislators have scheduled a legislative update for Saturday, February 26 at 10:00 am in the Commissioners meeting room.

With no further business to come before the Board, **Greg Compton moved, seconded by Jack Roose, to adjourn the meeting at 11:00 a.m. Motion carried 2-0.**

Jack Roose, Vice President

Greg Compton, Member

Attest: _____
Penny Lukenbill, Auditor