

## WHITLEY COUNTY COMMISSIONERS

October 15, 2018

The Whitley County Commissioners met in regular session Monday, October 15, 2018 at 1:00 pm in the Commissioners' Room located on the first floor of the Whitley County Government Center. Commissioners in attendance were Chairman George Schrumpf, Vice Chairman Don Amber and Commissioner Thomas Western. Others in attendance were County Attorney Matt Shipman, County Auditor Jana Schinbeckler, County Coordinator/HR Director Angela Campbell, Henry Janda, Barbara Hohenstein, Betty Mills, Tom LaRue, Chelsea Boulrisse from IN Whitley County, John Meister, Emily Studebaker, Julie Jensen-Kelley, Debra Darr from Whitley County Council on Aging, Planning Director Nathan Bilger, John O'Connell, Tim Dygert, Paul Mills, Alayne and Zach Johnson, Thorncreek Township Trustee Gene Heckman, Susan Lawrence, Sonya Emerick, Brian Emerick, Mary Hartman from the Peabody Public Library, Nina Rodocker, Joan Null, Bob Rodocker, Dale Hinslea and Whitley County Treasurer Laurell Schroeder.

Chairman Schrumpf opened the meeting with the Pledge of Allegiance.

**IN THE MATTER OF THE PRESENTATION OF THE Y CORPORATE CHALLENGE SPIRIT AWARD:** Julie Jensen-Kelley presented the Spirit Award to the Commissioners that the County team was awarded due to their participation in the YMCA Corporate Challenge.

**IN THE MATTER OF THE COUNTY ATTORNEY:** County Attorney Matt Shipman informed the Commissioners of a few different issues regarding the tax sale coming up on October 18, 2018. Last week County Treasurer Laurell Schroeder, County Auditor Jana Schinbeckler and Attorney Shipman attended hearings related to the tax sale. The first hearing was for the old cardinal grain building. The previous owner gave the property to the Columbia City Redevelopment Commission and they are in the process of trying to remediate the property. Due to there being contamination issues, the City Redevelopment Commission requested that Judge Rentschler order the property to be removed from the tax sale. The Judge granted their request for removal from the tax sale. The second hearing related to the tax sale was for an individual who is trying to argue that the County cannot charge him property taxes. The judge denied all of his requests and his property remains on the tax sale list. In regard to the Brownfield Property item on the agenda, it does not get reviewed and approved by the Commissioners, and it would be the Property Tax Assessment Board of Appeals. In the matter concerning the dog barking ordinance, the Sheriff requested that the Attorney determine where the funds need to be deposited for violations. The current ordinance does not specify where the funds should be deposited so as a result they get deposited into the General fund. Commissioner Amber made a motion for Attorney Shipman to work with the Sheriff for ordinance 2009-08, seconded by Western and passed with a 3/0 vote. Attorney Shipman has also investigated enough that he feels confident for the Commissioners to create a grass clippings on the roadway ordinance. Commissioner Western mentioned that the County Highway mows the sides of the roadways and puts grass clippings on the road. Commissioner Amber stated that he needs to speak with the Highway Department because if they are not able to prevent it then maybe there should not be an ordinance adopted.

**IN THE MATTER OF THE ZONING CODE AMENDMENT & AMOS YODER SUBDIVISION:** Attorney Shipman stated that the Plan Commission has certified the zoning amendments related to the confined feeding operations. The Commissioners could have a public hearing on the zoning amendments but they are not required to. The three options that they have without doing a public hearing are to adopt the ordinance that has been recommended by the Plan Commission, amend it or reject it and send it back to the Plan Commission. If the Commissioners adopt it, it is effective immediately. If they reject it, it goes back to the Plan Commission and they can revise it and if they amend it, the Plan Commission has forty five days to ratify the amendments or deny the amendments and send it back to the Commissioners. Commissioner Amber made a motion to not have a public hearing, seconded by Western and passed with a 3/0 vote. The Commissioners and Attorney Shipman thanked everyone who has been involved in the past year for creating this zoning ordinance. The proposed ordinance number is 2018-07. Commissioner Amber made a motion to change the ordinance certified to them with the following changes: omit Section 5.23 opening paragraph in its entirety which is the residential overlay and omit RD-01 in its entirety. The following sections would then be moved to Section 5.22: Section RD-02 becomes RS-04, DF-03 becomes RS-05, RD-04 becomes RS-06 and RD-05 becomes RS-07. Commissioner Western seconded the motion and the motion carried with a 3/0 vote. Planning Director Nathan Bilger then presented the plat for the Amos Yoder Subdivision. The Plan Commission has approved the plat. Commissioner Western made a motion to approve the plat, seconded by Amber and passed with a 3/0 vote.

**IN THE MATTER OF THE BID FOR CLEANUP:** Scott Wagner from the Health Department presented a bid for cleanup of the Boseker property located at ~~741 S~~ 910 E Anderson Road. The bid was in the amount of \$3,650.00 from Whitley Environmental. After going through the court it was ordered to be cleaned up. Mr. Boseker was notified of all the hearings and did not attend. Commissioner Amber made a motion to accept the bid, seconded by Western and passed with a 3/0 vote.

**IN THE MATTER OF THE TRANSIT ASSET MANAGEMENT PLAN & GRANT SIGNATURE:** Debra Darr from Whitley County Council on Aging presented the Asset Management Plan for Council on Aging for informational purposes to the Commissioners. Debra also presented her grant to the Commissioners which has already been approved but needs signed by the Chairman. Commissioner Amber made a motion for Chairman Schrumpf to sign the grant, seconded by Western and passed with a 3/0 vote.

**IN THE MATTER OF RIGHT-OF-WAY PERMITS:** Five right-of-way permit requests were presented to the Commissioners for approval. County Highway Engineer Brandon Forrester has reviewed and approved all five of the permit requests. The first request was from Aqua Indiana to install a new sanitary sewer service for 7515 S 800 E-92 Fort Wayne, IN 46814. Commissioner Western made a motion to approve the request, seconded by Amber and carried with a 3/0 vote. The second request was from nipsco to install a gas service on East 400 South. Commissioner Western made a motion to approve the request, seconded by Amber and passed with a 3/0 vote. The third request was from CenturyLink to bore under 600 N to replace existing 3pr bsw that cannot be repaired. Commissioner Western made a motion to approve the request, seconded by Amber and passed with a 3/0 vote. nipsco had another request to provide gas to a new subdivision on County Line Road. Commissioner Amber made a motion to approve the request from nipsco, seconded by Western and carried with a 3/0 vote. The last request was from Tri-Star Businesses for Mr. Burnell Gump. They would like to direction bore under 350 East and place a tile from the new garage to the sewer across 350 E. Commissioner Western made a motion to approve the request, seconded by Amber and passed with a 3/0 vote.

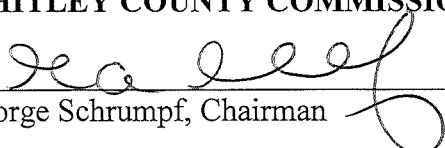
**IN THE MATTER OF MINUTES AND CLAIMS:** The minutes from the October 1, 2018 regular Commissioner meeting were reviewed. Commissioner Western made a motion to approve the minutes, seconded by Amber and passed with a 3/0 vote. The Commissioners reviewed the minutes from the Executive Session on October 10, 2018. Commissioner Amber made a motion to approve the executive session minutes, seconded by Western and carried with a 3/0 vote. After reviewing the payroll claims, Commissioner Amber made a motion to approve the payroll claims, seconded by Western and passed with a 3/0 vote. The claim distributions from October 1, 2018 through October 15, 2018 were reviewed by the Commissioners. Commissioner Western made a motion to approve the accounts payable claims, seconded by Amber and carried with a 3/0 vote.

**IN THE MATTER OF THE HUMAN RESOURCE DIRECTOR/COUNTY COORDINATOR:** Human Resource Director/County Coordinator Angela Campbell presented a request to the Commissioners from Joan Western to place Christmas Gnomes on the Courthouse Square. The gnomes would be placed on the Courthouse Square from the second week of December thru the first week of January 2019. Commissioner Amber made a motion to approve the request. His motion included that Joan needs to coordinate the placement of the gnomes with Mark Sturtevant and the County is not financially responsible for any theft or vandalism to the gnomes. Commissioner Western seconded the motion and the motion passed with a 3/0 vote.

**IN THE MATTER OF OTHER BUSINESS:** Commissioner Amber informed Commissioner Schrumpf and Western that he may not be able to attend the November 5, 2018 meeting. Commissioner Schrumpf presented the proposal from Mediacom for fiber and servers for the County. Commissioner Amber made a motion to approve the Mediacom proposal and to pay the bill for their services out of On Site Off Site Improvements from Cedit, seconded by Western and carried with a 3/0 vote.

There being no further business and no further questions or comments from the public, Vice Chairman Amber adjourned the meeting at 1:50 pm.

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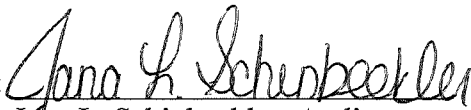
  
George Schrumpf, Chairman

Don Amber, Vice Chairman



Thomas Western

Attest:

  
Jana L. Schinbeckler, Auditor

