

WHITLEY COUNTY COMMISSIONERS

September 18, 2017

The Whitley County Commissioners met in regular session Monday, September 18, 2017 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 Schruppf, Commissioner Don Amber and Commissioner Thomas Western. Others in attendance were County Attorney Matt Shipman, County Attorney Dan Sigler, Auditor Jana Schinbeckler, Betty Mills, Michael Mills, Tim Dygert, Barbara Bratt, Barb Hohenstein, Judy Richards, Flora Workel, Mary McOmber, Tyler Roebuck from IN Whitley County, Josh Lopez, Katie Wherry, Rita Harness, Emily Studebaker, Alayne Johnson, Chad Banks, Henry Janda, Joe Lopez, Kevin Ousley, John Meister, Kelley Sheiss, Linda Thomson from the Post & Mail, Pam Ousley, John O'Connell, Doug Driscoll, Mary Hartman from the Peabody Public Library, Sarah Lopez, Joe Sheets, Planning Director Nathan Bilger, Joan Null, Stanley Crum, Susan Lawrence, Maintenance Supervisor Mark Sturtevant, EMA Director Amy Biggs, Paul Mills, Keith Schuman, Priscilla Schuman, Thormereek Township Trustee Gene Heckman, County Recorder April Whetstone, Scott Sigerfoos from Lutheran Health Network.

Chairman Schruppf opened the meeting with the Pledge of Allegiance.

IN THE MATTER OF THE COUNTY ATTORNEYS: County Attorney Dan Sigler stated that he reviewed the specifications for the bids for the Cyclical Reassessment. Sigler also reviewed the contracts for the multi hazard mitigation plan for the EMA Director Amy Biggs and stated he just has a few questions for her regarding the contracts. Attorney Matt Shipman informed the Commissioners that Mark Sturtevant gave him the bids for the jail chiller and he has reviewed them and they are appropriate.

IN THE MATTER OF THE ZONING CODE TEXT AMENDMENT: Planning Director Nathan Bilger stated that he has met with Matt Shipman and Dawn Boyd, the legal counsel, to go over some concerns that were raised in regard to the overlay. Most of the changes took place under Section D. which is the duration for the changes to the Zoning Code text. The overlay district shall be in effect as long as it may take Whitley County to undertake a detailed planning effort that results in changes to the Zoning Code text, not to exceed twelve months after the adoption of the ordinance. If it is not repealed by the end of the twelve months, the district shall expire on September 17, 2018. In regard to technical changes, Section C. 4 was reworded for clarification and added 1,320 feet on each side of the centerline of State Road 9 between County Roads 200 South and 500 South. Commissioner Schruppf asked if Nathan believes he can come up with an acceptable ordinance within the twelve month span. Nathan indicated that twelve months will be enough time, it may even take less time. The residential component of this, is going to be a much bigger discussion because it is not as defined. This may result in updates to the comprehensive plan and if the Planning Department feels there are not certain areas that are not functioning well. Attorney Matt Shipman stated that he believes Section C. 4(c) could potentially be challenged and believes it needs re-written and these changes would need to be approved again through the Plan Commission. Commissioner Western made a motion to approve Ordinance 2017-10, seconded by Amber with discussion. Commissioner Amber asked if the motion included Matt Shipman's recommendation to change Section C. 4(c) and Western stated that it does include the recommendation. With no further discussion, the motion passed with all in favor.

IN THE MATTER OF THE MARTIN RILEY JAIL CHILLER PROJECT BID AWARD: Maintenance Supervisor Mark Sturtevant informed the Commissioners that attorney Matt Shipman did review the bids and gave his approval for them that they were all acceptable bids. Commissioner Amber stated the based on the print specifications and addendum outlined by Martin Riley Architects and Engineers, Commissioner Amber made a motion that the Whitley County Board of Commissioners award the Whitley County jail chiller replacement project to Shambaugh & Sons in the amount of \$201,607.00. Commissioner Western seconded the motion and it passed with a 3/0 vote. Commissioner Schruppf asked when they can begin the project and Mark stated they can start any time after the Commissioner's approval.

IN THE MATTER OF THE APPOINTMENT REQUEST: Stanley Crum came before the Commissioners with his re-appointment to the Wood-Land-Lakes RC&D Board. The President stated in the letter that he has been an asset to the board and wants to thank the Commissioners for appointing him and for their continued support. Stanley expressed that he does have some concerns in regard to the Wood-Land-Lakes Council. Stanley stated that Lisa Ledgerwood has retired from her position and they would like to hire another person soon. Commissioner

Amber made a motion to approve Stanley Crum as their appointment to the Wood-Land-Lakes Board, seconded by Western and passed with a 3/0 vote.

IN THE MATTER OF THE CONTRACT REVIEW & APPROVAL FOR MULTI HAZARD MITIGATION PLAN AND CREDIT CARD REQUEST: EMA Director Amy Biggs provided copies to the Commissioners from two different vendors for the multi hazard mitigation plan. The two proposals for the plan were from The Polis Center out of Indianapolis and Christopher B. Burke Engineering, LLC. This is a five year plan that is a requirement under Federal law in order to receive reimbursement in funding should the County have an emergency that requires immediate action by FEMA or the State of Indiana. This comprehensive review looks at all of the potential hazards within our County and puts in place key stakeholders which is comprised of emergency management, first responders and other appointees as needed as well as our adjacent Counties. This provides input how best to manage and mitigate these types of hazards. This is a lengthy project and a portion of the project is funded by a grant. The County has \$16,738.02 in grant funds that has been awarded to Whitley County to pay for this project. The remaining amount of the proposals can be met through in-kind match, meaning zero dollars come out of County funds. The in-kind match comes from the individuals that are part of this committee. The total cost of the project is approximately \$22,000.00. Amy had a chance to speak with both agencies that presented proposals for this project and in discussions with the Whitley County Emergency Advisory Counsel, they did recommend Christopher B. Burke Engineering, LLC for the project. This plan/project has to be completed by 2019. Commissioner Amber made a motion to approve Christopher B. Burke Engineering, LLC for the multi hazard mitigation plan, seconded by Western and passed with a 3/0 vote. The second request Amy had was for the Emergency Management department to receive their own County credit card due to the increase in trainings and online purchasing for grants. The card will be kept in their safe within their office. Amy asked that the card limit be \$5,000.00 due to the trainings and purchases online for grant purposes. Commissioner Amber made a motion to approve the credit card request for EMA, seconded by Western and carried with a 3/0 vote.

IN THE MATTER OF THE PART TIME EMPLOYEE FLU SHOTS: County Auditor Jana Schinbeckler presented the request to the Commissioners to pay for the part-time employee flu shots again this year. Commissioner Amber made a motion to approve paying for the part-time employee flu shots and stated that they will cover the expense for part-time employees until further notice. The motion was seconded by Western and carried with a 3/0 vote.

IN THE MATTER OF THE RIGHT-OF-WAY PERMIT REQUESTS: The first right-of-way request was from Nipsco to provide a gas main and potential service hookup to specific addresses. These addresses were on to bury the necessary cable, pedestals and attachments under roads West Center Drive, North Center Court and North Circle Court. Commissioner Amber made a motion to approve the request, seconded by Western and passed with a 3/0 vote. The second request was from Century Link for County Road West 200 South and this is the relocation of their cable due to a County Bridge improvement project. Commissioner Amber made a motion to approve the request, seconded by Western and carried with a 3/0 vote. The third request was from Century Link as well to bury the necessary cable under East Business 30. This permit request is to provide fiber facilities to Reelcraft. Commissioner Amber made a motion to approve the request, seconded by Western and passed with a 3/0 vote.

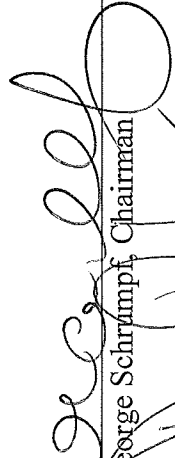
IN A MATTER OF MINUTES AND CLAIMS: The minutes from the September 5, 2017 regular meeting were reviewed. Commissioner Western made a motion to approve the minutes, seconded by Amber and passed with a 3/0 vote. The minutes from the September 7, 2017 special Commissioner meeting were reviewed. Commissioner Amber made a motion to approve the minutes, seconded by Western and passed with a 3/0 vote. The Commissioner's reviewed 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 September 5, 2017 through September 18, 2017 were reviewed by the Commissioners. A motion to approve the claims was made by Commissioner Amber, seconded by Commissioner Western and passed with a 3/0 vote.


IN THE MATTER OF OTHER BUSINESS: Commissioner Amber updated the Commissioners on the lightning strike that happened at the Highway Department. He stated that the cost to Solid Waste was \$6,550.95, the Highway \$5,913.00 for a total of \$12,464.00 and there is another possible \$1,000.00. There were discussions on who would be responsible to pay the \$1,000.00 deductible. Commissioner Amber thought the Commissioners budget should pay for the deductible. Amber made a motion to pay the \$1,000.00 deductible and reimburse the departments who paid for the damages. With further discussion, Commissioner Amber withdrew his motion to see if the County receives an invoice for the deductible and the Commissioners will address it at that time. Members of the public spoke in regard to agriculture and the concern for the lakes in Whitley County. Rita

Harness, who lives on Shriner Lake, stated that after the sewer system for the lake was put in place the lake was cleaner and she is asking the Commissioners to consider their lakes when they approve their ordinances. She also provided them with a picture of what can happen to the lakes if they are not properly cared for. John O'Connell, the President of Whitley Water Matters, stated that a number of people signed up for water testing at the lakes. John stated that they appreciate Nathan Bilger's effort to bring the Planning & Building Commission into alignment with the comprehensive plan of 2011. The members of Whitley Water Matters believe the comprehensive plan of 2011 holds a lot of merit for the future of Whitley County. John stated that Whitley Water Matters is disappointed that the overlay was approved and they are opposed to it. He is asking the Commissioners to have a moratorium on future AGP zones since there is a twelve month overlay in place. Attorney Matt Shipman stated this is more of a legal issue and John needs to go back to the Plan Commission and make this request. Kelley Sheiss thanked the Commissioners and Nathan for their time and effort on this issue. The steering committee was able to bring both sides of the situation together and bring their recommendations forward. Henry Janda stated he believes the steering committee did not really look at the entire County. He believes the steering committee needs to be much larger and include representation from other parts of the County. He stated the Commissioners need to decide what they want the County to be and have this looked at with a very broad perspective. John Meister stated he is not anti-farmer or anti-CAFO he is simply pro Whitley County diversification and development. He stated that the Extension Office has identified that 70% of all violations for water runoff relate to the runoff of manure after the application into ditches and streams leading into lakes. There is no home rule control over manure application management like there is in other locations where CAFOs are located. He is asking the Commissioners to be supportive of a healthy balance within the County and take everyone into consideration when they are making their decisions. Joe Sheets stated that he has an issue with the comprehensive plan. The plan includes adding 35,000 new homes but according to Joe, the population has went down in Whitley County. Commissioner Schrumpp recommended that Joe speak with Planning Director Nathan Bilger in regard to his concerns to the comprehensive plan. Josh Lopez stated he lives on Crooked Lake and thanked the Commissioners for all they have done. He appreciates that they are implementing management with the overlay and taking a twelve month period to review it. He asked the Commissioners where they want to see the County in the next twenty years and asked that they consider that when they make any future decisions.

There being no further business and no further questions or comments from the public, Chairman Schrumpp adjourned the meeting at 2:20 pm.

WHITLEY COUNTY COMMISSIONERS


George Schrumpp, Chairman


Don Amber, Vice Chairman


Thomas Western

Attest: 
Jana L. Schinbeckler, Auditor

