

**MIAMI COUNTY BOARD OF COMMISSIONERS  
25 NORTH BROADWAY  
PERU, INDIANA 46970  
AUGUST 6, 2007**

Commissioner Hawley opened the meeting.

The Board reviewed the Health Department Budgets and the 144 salary requests for all departments.

**SMOKING ORDINANCE**

Mike Wilson and the Board discussed the County Smoking Ordinance. Mr. Wilson said he feels the Ordinance is well written and would support it but he has a few questions. He pointed out that 25% of seating areas is vague. He also feels private clubs should be included. Mr. Wilson also asked why the Ordinance had a mention of Tobacco Bars since Miami County has none. He would not like to encourage one moving in. Commissioner Hawley stated that the County couldn't write as detailed an Ordinance to cover every scenario. He also explained some of the problems with including private clubs. Commissioner Hawley said the County Health Board and the County Council would need to review and approve this Ordinance before they hold a public hearing.

**REQUEST FOR ROAD SIGN**

The Board received a request from North Miami School Corporation to have a bus stop sign placed at 1000 North and Washington Street in Deedsville. A motion to allow this signage was made by Commissioner Boyer. The motion was 2<sup>nd</sup> by Commissioner Deeds and passed 3-0.

**OPERATION PULL OVER PAY**

Sheriff Roland and Phil Oliver discussed the issue of how to pay the over time for Operation Pull Over without running the County budget in the red. It was noted that this is a separate pay from the normal time card accumulation and should not count as the normal over time. They questioned whether or not the personnel policy should be changed. If the policy is changed it should read that Traffic Safety Funds provided by any source other than County funds at an established rate should be paid separately. The Auditor will look at how to correct this issue.

It is noted that the blitz for Operation Pull Over will be held on August 24, 2007 through September 9, 2007. It was also stated that possibly noting in the Personnel Policy that we follow the Fair Labor Standard Act policy for Law Enforcement would be beneficial.

**ESTATES AT EAGLES POINTE PARKING**

The Sheriff informed the Board that the County lost a case in Superior Court on a parking violation. Judge Banina said there are not enough signs and the curbs are not painted yellow to identify no parking zones. Commissioner Hawley said he would talk to Judge Banina and explain that the City of Peru has the same issues, curbs are not painted and the signs are on one side of the street.

**FIRE WORKS LAW**

Sheriff Roland told the Board that the State Statute has changed to allow local governments to restrict fire works to a few days prior to the 4<sup>th</sup> of July and New Years Eve. He wanted to know if the County is going to address this. He has one resident every year that has very large explosions that he gets calls on. Commissioner Hawley said the Board would ask David Grund to look at the new law to see how restrictive the County can be.

**ANNEX BUILDING REPAIRS**

The Board received a quote for repairs to sheeting under the rubber roof, lights and wiring for the Annex entryway. A motion to move forward was made by Commissioner Boyer. The motion was 2<sup>nd</sup> by Commissioner Deeds and passed 3-0.

**YMCA/MIAMIGO**

Dave Quick brought the Board the July report. The Board reviewed the agreement between the BOC and the YMCA, the Certificate and Assurances and the legal notice to the newspaper to hold a hearing. A motion was made by Commissioner Deeds to allow Commissioner Hawley to sign the documents. The motion was 2<sup>nd</sup> by Commissioner Boyer and passed 3-0.

**RQAW/GARY FISHER**

The Board and Mr. Fisher discussed the next step in the jail project. The Board asked about one or two access entries to the new jail. Sheriff Roland said he prefers only one, but the Board then suggested a gated 2<sup>nd</sup> entrance. That option was acceptable to Sheriff Roland. The Board and Mr. Fisher discussed the location of the jail on the North Miami site. The Board wants to make sure they leave enough area for further growth on the grounds. In the future it could be possible to have a Government complex, 9-1-1, EMA, and even possibly the Highway garage located on the grounds. A motion was made by Commissioner Deeds to accept the pre design and to move to the schematic design phase. The motion was 2<sup>nd</sup> by Commissioner Boyer and passed 3-0.

The Board was given a tentative schedule of the meetings to be held in this process. Commissioner Hawley said he feels the Board needs to either accept the site recommended by the jail study or recommend another site. Commissioner Boyer stated that as long as 12 years ago the Sheriff brought the jail over crowding issue to the Board. This process has been very public and the Board has never intended to cram a jail down anyone's throat. Commissioner Boyer said he promoted keeping the jail downtown, but due to the cost it became clear that is not feasible. With the purchasing of land and the change of traffic flow it would be too disruptive and expensive. The Grissom site is too marketable for an industrial site to cut off a piece for a jail complex. He stated that the North Miami site is close to the Court House and said this was a long and hard decision to make but he moves that the North Miami Industrial Site for the new jail. The motion is 2<sup>nd</sup> by Commissioner Deeds. Commissioner Hawley clarified by telling the grounds just north of 200 north and Mexico Road is the site and not where the signs opposing the project is located. The site has 23 acres more or less. The motion passed 3-0.

It is noted that the Board has officially accepted the pre design and asked RQAW to move forward with the necessary steps. Commissioner Hawley also noted that MCEDA recommended the North Miami Site as the site for the new Miami County Jail. The Board will call a jail committee meeting for August 15, 2007 at 9:00 am in the GAR room.

**EMA CONFERENCE**

Mike Peconga told the Board there is a conference on October 12, 13, and 14 in Indianapolis he would like to attend. He said LEPC pays for the conference but he feels it is important for him and Chris Marks to attend. Commissioner Boyer moved to allow the EMA Administrator and his assistant to attend this conference. The motion was 2<sup>nd</sup> by Commissioner Hawley and passed 2-0. (Commissioner Deeds was out of the room.)

Mr. Peconga also informed the Board that he will be attending a support team meeting in October. The meeting will be in Auburn, Indiana.

**PRAIRIE DITCH**

The Board discussed the request from MCEDA to have the County share the expenses to collect data in the Prairie Ditch. IDEM will not accept any data that has been presented. Our data shows no flooding in 100 years. Once gages are placed a 2 or 3-inch rainfall can be noted and the data can be compiled to reach a reasonable conclusion. Commissioner Deeds moves to place the funds in the CREDIT budget for the next year to match the funds requested. The motion was 2<sup>nd</sup> by Commissioner Boyer. Commissioner Boyer would also like to see the Board also apply the additional amounts in the 2009 and 2010 budget years. The motion passed 3-0.

**ATTORNEY ISSUES**

David Grund and the Board discussed some of the issues brought before the Board this morning. He will look up the Statutes for fireworks and he explained the parking violation issue at the Estates at Eagles Pointe. Mr. Grund also said the Operation Pull Over funds would not be a policy change. The Auditor suggested paying out on a separate pay sheet. This would eliminate any confusion for the payroll deputy. Mr. Grund agreed. Mr. Grund reported that the Deer Creek Township Trustee hearing is an ongoing issue. The Judge will determine whether a Township Trustee has the ability to limit the pay for poor relief. He will report back when the judge makes his determination.

**PAYROLL**

Commissioner Boyer moves to approve the payroll. The motion was 2<sup>nd</sup> by Commissioner Deeds and passed 3-0.

**MINUTES**

A motion to approve the minutes was made by Commissioner Boyer. The motion was 2<sup>nd</sup> by Commissioner Deeds and passed 3-0.

**HIGHWAY ISSUES**

Ken Einselen gave an update on the construction on 550 east and 400 south. The Board and Mr. Einselen discussed the request from North Miami for the school bus sign. After some discussion a motion was made by Commissioner Boyer to replace the "children playing sign" request to a "school bus stop ahead" sign. The motion was 2<sup>nd</sup> by Commissioner Deeds and passed 3-0. Commissioner Boyer moves to recess until 1:30 pm. The motion was 2<sup>nd</sup> by Commissioner Deeds and passed 3-0.

**Recess**

Reconvene at 1:30 pm

Commissioner Hawley called the Board back into session.

The Board received an IDEM notice of a Proposed Air Permit for the Peru Utilities Power Plant.

The Board received a notice from the AIC for a workshop on HB 1478 on August 29, 2007. This concerns the Local Option Income Tax. No action taken.

The Board received an introduction letter from General Preservation Corp. They are out of Columbus, Ohio and specialize in exterior restoration.

The Board received a letter from Cynthia Rosenbaum concerning 1350 south east of US 31. No action taken.

The Board received a letter from Highway Safety Services concerning centerline painting.

Commissioner Hawley stated that Angie Bever from Community Corrections said her people could paint the Annex building walls and stairways. Commissioner Boyer cautioned to use people with experience painting or it would cost more to clean up after they completed the job.

**DNR LETTER**

The Board received a letter from DNR regarding Lover's Lane. The letter is to amend the application from a culvert to a box beam structure.

A motion was made by Commissioner Boyer to sign the claims for bridge inspection. The motion was 2<sup>nd</sup> by Commissioner Hawley and passed 2-0. Commissioner Deeds was absent for this vote.

**SIEMAN'S BUILDING TECHNOLOGIES**

The Board received the contract for support services. Jacob Bowman has reviewed this contract and the recommendations were made and corrected. The motion to allow Commissioner Hawley to sign the contract was made by Commissioner Boyer and 2<sup>nd</sup> by Commissioner Hawley. The motion passed 2-0. This contract covers from August 31, 2007 to August 31, 2008.

**ROAD COUNTS**

The Board received and reviewed road traffic counts for Eel River Road, Moyes Lane and Business 31 South. No further action was taken.

**IVY TECH PARKING LOT**

Commissioner Hawley told the Board that IVY Tech contacted him about the paving of their parking lot. It is the agreement that they would order material and the County will provide the man power and equipment. Sam Waltz said he had an agreement with Phend & Brown to have the millings off of the West Main Project. Trent Jones bought the millings off the first phase and the 2<sup>nd</sup> phase won't be completed until around Labor Day. This is too late to do what IVY Tech wants done. The Board discussed the situation and feels it is best to set the base and let it settle for a year prior to black topping the area. No further action was taken.

The Board discussed the PTABOA Board but no action was taken.

A motion to adjourn was made by Commissioner Deeds. The motion was 2<sup>nd</sup> by Commissioner Boyer and passed 3-0.

Adjourned

**THE MIAMI COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_, CHAIRMAN  
GARY D. HAWLEY

\_\_\_\_\_, VICE CHAIRMAN  
GREGORY DEEDS

\_\_\_\_\_, MEMBER  
C. CRAIG BOYER

Attest: \_\_\_\_\_, Auditor  
Brenda Weaver