

**MIAMI COUNTY COMMISSIONERS
25 NORTH BROADWAY
PERU, INDIANA 46970
765-472-3901
NOVEMBER 17, 2008**

Commissioner Hawley opened the meeting.

TOBACCO AWARENESS

Dick Fulmer introduced himself as the new President of the Miami County Tobacco Awareness group. He came to let the Board know the opinion of the Tobacco Awareness group concerning the Smoking Ordinance the Board has drafted. They encouraged the Board to put major consideration to pass the last Ordinance presented to the public in the hearings. Mike Wilson also said the Board has had this on the table for 2 years and it is time for a decision either yes or no. They have turned in petitions with over 3,000 names. Mr. Wilson said 34 businesses and organizations endorse the last ordinance and the Board has received 200 letters concerning this. Mr. Wilson said this Ordinance is the best one to protect the workers in our county. He also said this ordinance is the one with the greatest likelihood not to be challenged.

Commissioner Boyer asked if the Coalition is working on State legislature as hard as they are Miami County. Mr. Wilson said the State organization is but they are confined to Miami County. Mr. Don Dice was introduced as the new Vice President of the group. Commissioner Deeds agreed with Commissioner Boyer concerning where this should start. He feels the State is the best place for it but said Kokomo has one and some surrounding cities, but no County has adopted an ordinance of this type to date. Commissioner Boyer said the Commissioners wanted to put it on a ballot as a referendum and they found they cannot do that. He feels this is the fair way to handle this issue. After some further discussion the Board thanked them for their commitment to this issue but took no action.

WALTON PUBLIC LIBRARY

Mr. Southern told the Board that he represents the Walton Public Library. He has Miami County citizens that live at the Estates at Eagles Pointe that have asked to be allowed to use the Walton Library. He said the cost is \$30 if they are out of county and when they find out the fees they chose not to use the library. He said most are military and would like to know if there is some agreement that could be reached to allow them to use the library. Cass County financially supports the Library but Miami County does not. No action was taken.

SHERIFF REPORT

Sheriff Roland brought his weekly report to the Board for review.

MAINTENANCE PERSON FOR THE NEW JAIL

The Sheriff received the resumes and applications for the maintenance position at the new jail. The top 3 will be chosen and then a background check will be done. Commissioner Deeds moved to hold an executive session concerning personnel to review the applications. The motion was 2nd by Commissioner Boyer and passed 3-0.

IT ISSUE/OVERSIGHT

John Powell brought the order approval for the Court system to the Board for signature. A motion was made by Commissioner Boyer to allow Commissioner Hawley to sign the document. The motion was 2nd by Commissioner Deeds and passed 3-0.

BUSINESS 31 SOUTH

Mrs. Mimi Berkshire told the Board she had some concerns over what she read in the paper concerning the work to be done on Business 31 South. Commissioner Hawley explained what was said that was misinterpreted by some. The pavement will be the same width. The issue was the right of way acquisition done by the State in the 1930's. The documents were not filed in a timely manner and were ruled invalid by the Courts. The documents were filed in the 1960's. Mrs. Berkshire thanked them and asked them to keep the residents in that area informed when the work is to begin.

MIAMI GO/YMCA

Dave Quick brought next years operating grant to the Board for signing. The amount is approximately \$145,000. Commissioner Boyer moved to sign the operating grant and the capital grant for the purchase of a new vehicle. The motion was 2nd by Commissioner Deeds and passed 3-0.

DRAINAGE ISSUE ON SOUTH MERIDIAN ROAD

Mr. Weller asked the Board if they had come to any conclusion about the water problem in front of his house. Commissioner Deeds explained that the next step will be to verify the County right of way and to get the County Attorney involved. Commissioner Deeds stated that there are some court cases that say the Counties only have right of way where the pavement is. They will have Ken Einselen do a search to see if he can find documentation of the County right of way. Mr. Weller was assured that the County will continue working on this issue.

OTHER CITIZENS CONCERNS ABOUT BUSINESS 31 SOUTH

The Board heard concerns about Bunker Hill Pike and school buses that use the road. The Board told the gentlemen the same thing they told Mrs. Berkshire. The men said the passing lane is used by buses, and they feel the Board should not remove it. Commissioner Hawley informed them that no decision has been made. The consulting firm is looking at all options and will bring them options to review before any final decision will be made.

The question was raised about paving Ellis Road. The Board explained the funding issues and that they are paving as much as they can but it is less and less every year. The Board explained some of the issues with right of way acquisition and that it would be helpful if land owners would donate the right of way needed. The County does not have the money to repurchase some of the right of way that is already used by the road.

One of the gentlemen asked if there is anything the Board can do about the junk yard on Logansport road. He said it is a mess and needs cleaned up. The Board directed the men to the Plan Commission.

HIGHWAY ISSUES

Sam Waltz brought a utility easement permit request from Embarq. This is for cable installation on 750 North, west of Wildman. Commissioner Deeds moved to allow the cable installation on 750 North. The motion was 2nd by Commissioner Boyer and passed 3-0.

Mr. Waltz told the Board that he sanded bridges and his crews have been cutting brush from 850 South to 500 South.

He said they are also cleaning up the summer equipment for storage.

Mr. Waltz asked if the dirt pile at the jail will be available next spring. He will need some additional dirt for Wallick Road. They are going to put a pipe in and there will not be enough dirt due to the additional length of the pipe. The Board said the highway department can use as much as they need.

Mr. Waltz and Jon Foust discussed the salt the County uses and how it is ordered.

BUCKLAND REAPPRAISAL

The Board received a bill from Buckland & Associates for appraising of 10 buildings. This is an update for insurance purposes. Commissioner Boyer moved to pay the claim and Commissioner Deeds 2nd the motion. Commissioner Deeds also requested a copy of the claim be sent to our agent. The motion passed 3-0.

STATE ROAD 16

The Board received a CD from Weintraut & Associates for the State Road 16 project between Miami and Cass County. Commissioner Boyer moved to appoint Ken Einselen as Miami County's representative for the project. Commissioner Deeds 2nd the motion and it passed 3-0.

Commissioner Deeds moved to have Ken Einselen research the right of way on Meridian Road between 900 South and 1000 South. The motion was 2nd by Commissioner Boyer and passed 3-0.

CIRCUS HALL OF FAME ISSUE

Ken Einselen will meet at 1:00 pm with Tom Dunwoody concerning a federal aide project. There are questions about delays due to fund raising and restroom facilities. The plan is to make this a year round facility. No action taken by the Board.

ISSUES FOR FUTURE REFERENCE

Commissioner Hawley brought the issue of doors and windows as well as sky lights at the new jail project to the Board for information. He encouraged the Commissioners to stay on top of this issue. This concerns change orders and the steel contractor.

SHUCKETT & ASSOCIATES

The Board received a bill from Shuckett & Associates for \$3,500. This is for legal fees concerning the Estates at Eagles Pointe issue. Commissioner Boyer will speak with the Assessor about this claim.

CCI CHANGE ORDERS

Commissioner Deeds moved to allow Commissioner Hawley to re sign the change orders. CCI had misplaced the originals. The motion was 2nd by Commissioner Boyer and passed 3-0. This is change order #001. A motion to pay another change order was made by Commissioner Deeds and 2nd by Commissioner Boyer and passed 3-0.

MODERN GRAPHICS CLAIM

The Board received a bill for flyers used for the public in the 100 year celebration of the Court House. Commissioner Boyer moved to pay the bill. Commissioner Deeds 2nd the motion and it passed 3-0.

LONGIVITY PAY FOR EMPLOYEES

A motion was made by Commissioner Boyer to approve the payment of longevity. The motion was 2nd by Commissioner Deeds and passed 3-0.

MINUTES

Commissioner Boyer moved to approve the minutes as submitted. The motion was 2nd by Commissioner Deeds and passed 3-0.

MUSEUM BROKEN WINDOW REIMBURSEMENT

The Board received a check for the broken window at the Museum. The Auditor will put the money back into the line item the window was paid out of.

TOURISM COMMISSION

The Board has been asked to appoint 2 more members to the Tourism Commission. The Commission is having trouble getting a quorum together to do business. No action was taken at this time.

Commissioner Hawley informed the Board there is a push to create an animal shelter in the County. The person would like the County to provide the ground and they would build the building. The Board suggested the group present a plan as to how this would work before they would consider any action.

MCEDA/JIM TIDD

Mr. Tidd told the Board they are finalizing an Agriculture Plan. This is a sub plan of Economic Development. They are working on an Ag Day next year. They will be looking at establishing an Ag Council.

Commissioner Boyer moved to adjourn. Commissioner Hawley 2nd the motion and it passed 2-0. Commissioner Deeds left for another meeting.

THE MIAMI COUNTY BOARD OF COMMISSIONERS

_____, **PRESIDENT**
GARY D. HAWLEY

_____, **VICE PRESIDENT**
CRAIG BOYER

_____, **MEMBER**
GREGORY DEEDS

Attest: _____, **Auditor**
Brenda Weaver