

**WHITLEY COUNTY COMMISSIONERS  
OCTOBER 5, 2009**

The Whitley County Commissioners met in regular session on Monday October 5, 2009. The meeting was held at the Churubusco Town Hall in Churubusco, Indiana. Commissioners in attendance were Chairman Tom Rethlake, Vice Chairman Michael D. Schrader and Don Amber. Also in attendance for all or part of the meeting were Auditor Linda Gerig, County Attorney Dan Sigler, County Highway Supervisor Michael Barton, Todd Burggrave, Alan Tio, Greg Stalcup, Dave Hazen, Chad Fulkerson, Paul Buchanan, Sandy Bush, Andrew Helgesen, Sheriff Mark Hodges, Kim Wheeler, John Barrett, Sanitarian Scott Wagner, David Crabill and Chris Myers. Chairman Rethlake called the meeting to order at 1:00 p.m.

**IN THE MATTER OF MINUTES AND VENDOR CLAIMS:** The minutes of September 21 and the vendor claims for October 5, 2009 were approved as submitted.

**IN THE MATTER OF CEDIT REQUESTS:** Alan Tio, President of the Whitley County Economic Development Corporation, was present as a representative of the Economic Development Corporation Investment Board. The Board reviewed a request from Greg Stalcup to authorize the second phase of a three-phase CEDIT incentive package to support the growth of Sites Medical in Whitley County. As explained to the Investment Board, the project will establish SMed QA/Ops, a subsidiary of Sites Medical, which will provide support services for Site Medical's product development units. The project is expected to create 30 new jobs with a payroll of \$1,250,000 over the next three years. The Investment Board is recommending that the Commissioners and Council move forward with formalizing an agreement for the three-phase CEDIT incentive and award \$100,000 to support this project. Tio also reported on a request from Brian Emerick, Dave Hazen and Greg Stalcup to support their development of the OrthoVation Center at the corner of County Road 600 East and State Road 14. The project will establish a 20,000 sq. ft. expandable facility to house startup medical device product development and support companies. The request for CEDIT funds is to support infrastructure improvements at the site, which will be expandable to approximately 40,000 sq. ft. of tenant space. The Investment Board recommends a two-phase CEDIT incentive package. Phase one would be \$75,000 to be awarded in 2009 toward specified infrastructure improvements and phase two would be \$75,000 to be awarded in 2010 toward specified infrastructure improvements. The OrthoVation Center will initially house five to six companies, including DelPalma Orthopedics, Site Medical and Sound Ideas. Tenant companies now have fifteen fulltime employees and it is anticipated that the tenant companies will add forty-five new fulltime employees. The Investment Board recommends that the partners be required to provide documentation of actual fulltime employment by tenant companies to the Board for review for five calendar years ending December 31, 2014. The Board recommends that the Commissioners and Council formalize this agreement by means of a contract.

**IN THE MATTER OF COMMISSIONER REPORT:** Chairman Rethlake reported that the tile has been ordered to start the repair of the interior courthouse steps. Quotes are being obtained for windows. The Equine Hospital being constructed in Coesse is preparing to put in their driveway. Sanitarian Scott Wagner was present to discuss the sewer situation created by that construction. Wagner states that now would be time to install the manhole cover and eight inch pipe rather than cutting the driveway later. He was instructed to contact the City of Columbia City on any possible progress of running sewer to Coesse. Rethlake also reported that the repair work on the Courthouse dome is starting. Discussion continues on installing a panic device for the WIC/Immunization Clinic. Vice Chairman Schrader reported that Just Energy had made a presentation on their company as a natural gas provider through the NIPSCO Customer Choice Program. No decisions were made.

**IN THE MATTER OF COUNTY ATTORNEY REPORT:** Dan Sigler discussed an ordinance for wind devices that he had obtained from another county. Sigler feels this would be a good model to use.

**IN THE MATTER OF DOG NOISE COMPLAINT:** Commissioner Amber, along with residents of Smith Township, discussed the possibility of instituting an ordinance against dog noise. Amber had acquired a sample ordinance from another county and would like to follow up with Attorney Sigler. With an ordinance in place, the sheriff's department would be able enforce this violation. Amber was given permission to work with Sigler on an ordinance that would include damage to property or persons by domestic animals. Another complaint was made about roaming peacocks. This has been researched with the Department of Natural Resources and there are no statutes regarding them.

**IN THE MATTER OF WELL VARIANCE REQUEST:** Sanitarian Scott Wagner was present to discuss a well variance for the Doug and Cynthia Thompson property. In the construction of

the home, the well was placed only seven feet from the garage instead of the required ten feet. The well driller had not contacted the Health Department prior to installation, but is familiar with the requirements. Amber moved, seconded by Schrader, to approve the variance for Doug and Cynthia Thompson. The motion passed 3/0. In further discussion of the well driller, Wagner stated that this is a chargeable infraction by not applying for the well permit. The fine is \$500, but would need to be approved by Commissioners. Amber moved, seconded by Schrader, to allow Wagner to notify Kell Well Drilling of the violation of Ordinance #98-02 and order the payment of \$500. The motion passed 3/0.

**IN THE MATTER OF COUNTY HIGHWAY REPORT:** Supervisor Michael Barton was present to discuss fall work schedules for his department. Along with that schedule, milling will begin on county road 450 North between Blue Lake Road and 800 East.

**IN THE MATTER OF UTILITY PERMIT REQUESTS:** Utility Work Order #43605-22 for NIPSCO was approved for east side of Raber Road 1,248 feet south of county road 500 South.

There being no further business or public comment, the meeting was adjourned.

**WHITLEY COUNTY COMMISSIONERS**

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Tom Rethlake, Chairman

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Michael D. Schrader, Vice Chairman

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Don Amber, Member

Attest:

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Linda J. Gerig, Auditor