

CARROLL COUNTY COMET

Consolidation of the Delphi Journal-Citizen (Est. 1839) and the Flora Hoosier Democrat (Est. 1897).

Published each Wednesday at 114 East Franklin St., Delphi IN 46923
Periodical Class Postage Paid at Delphi IN46923 and additional mailing offices.POSTMASTER: Send Address Changes to Carroll County Comet,
PO Box 26, Flora IN 46929-0026 USPS 285-840Published by CARROLL PAPERS, Inc. PO Box 26, Flora IN 46929-0026
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MAIL SUBSCRIPTION RATES in Advance - Per Year

Carroll County, Service People and Counties which border Carroll - \$27.00.
All other Indiana counties - \$32.00; All other states - \$35.00.

Addresses changed for seasonal residences - Add \$3.00

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When both sides of an issue are able to agree, there is no issue. When they do not agree, each side tends to exercise its form of authority to bring about the desired result.

That's what is happening between Carroll Superior Court Judge Jeff Smith and the Carroll County Council.

Smith has hired a bailiff to fill in while his regular bailiff is on unpaid medical leave. He wants her to receive all the benefits and pay afforded his regular bailiff.

The county council wants all county-paid employees to be treated the same as outlined in the county personnel policy established by the county commissioners. Temporary or part-time employees are not entitled to full-time pay, benefits, and health care.

It's understandable that the judge would want a qualified person to fill the position until his full-time bailiff either returns to work or resigns, but sometimes a person who wants a job has to "play the game" so to speak.

For example, college graduates looking for a teaching position sometimes take a position as an aide to hopefully get noticed and offered a teaching job later. An aide is typically an hourly employee who does not receive benefits.

The person hired for bailiff should wait and see what happens with the job. If it becomes available later and she is offered it as a permanent position, then she would be entitled to the pay and benefits that position affords.

The issue is not whether the judge has the authority to mandate salary and benefits, but whether all county-paid employees should abide by the same set of rules.

Superior Court Judge Jeffrey Smith

Superior Court judgments are gathered from public records on file in the Carroll County Clerk's office on the second floor of the courthouse, Delphi.

The following cases were dismissed: Culligan of Delphi vs. Andrea Land and Vicki McKinney; Auto Owners Insurance Co. vs. Craig E. Macke; Main Street Capital Partners LLC vs. C&B Landholding LLC; Jon W. Cable, Aleta K. Cable, State of Indiana vs. Benjamin J. Smith; State of Indiana vs. William D. Smith; State of Indiana vs. Julie E. Hoffman; State of Indiana vs. Lynette M. Baltazar; State of Indiana vs. Stacy L. Dunham; State of Indiana vs. Jerry L. Hoaks; State of Indiana vs. Jason E. Guffey, et al.

Default judgements were entered for the plaintiff in the following: Excel Co-op, Inc.

vs. Jamie and Christiana Moss in the amount of \$606.14; Horizon Veterinary Service vs. Tina Parker in the amount of \$527.70; Eagle Atlantic Financial vs. Michael N. Stanley in the amount of \$7,047.61; Pat Meade vs. Kevin Milburn and Karen Milburn in the amount of \$4,726.54.

Judgments were entered for the plaintiff in the following: Michael L. Peters and Janet Sue Peters vs. Tina Hylton Ragan in the amount of \$1,227.61; Lee Click and Patricia Click vs. Tony Houser in the amount of \$1,225.83; Matthew D. Phillips and Christa D. Phillips vs. Jim Barna Log Systems Midwest, Inc. in the amount of \$220.

Judgments were entered for the defendant in Leslie Berkshire vs. Brian Powers.

Opinion: Judge explains reason for mandate

As Paul Harvey would say, "Now for the rest of the story." As a judge, I have learned that one must listen to both sides of a story. My side of the story is found in the Order for Mandate of Funds filed on Nov. 9. A copy of that order may be found

at http://mysite.verizon.net/jefrey_smith/mandate.pdf (Adobe Reader is required).

The following is a summary for those who do not have an Internet connection.

"The efficient administration of justice, which is the duty of

employees, especially when the temporary person is a long term worker.

* * *

Well, aren't we special. We would all love as county employees to feel "oh so special" and get those little bonuses. I AM a county employee and feel I am quite worthy of extra benefits. I plan to send my little wish list to the council, too. I am sure the taxpayers won't mind.

I do feel for the "bailiff" in question, as she was promised things that someone thought he could provide. She just got caught up in a power struggle.

As far as I can see, we may be required to have a bailiff by state law, but the law isn't going to determine how much we pay them or how many benefits we offer/provide. That goes by individual counties and their personnel policies.

* * *

I feel that Judge Smith should abide by the county personnel policy like everyone else. Just because he is the judge does not mean he can make his own rules and policies! I think our county council is doing a great job in trying to curb spending and keep county policies fair and equal to all.

The sign over the ramp to the parking garage entrance flashed a hostile yellow "full." Like usual, I ignored the sign and gave my Corolla a little gas proceeding up and onward regardless. Monthly parkers like me can override the entry gate system to this poorly designed parking structure in hopes of finding a parking spot. That was my intent.

At first blush it looked like there wasn't a single spot to even consider. Each and every row was full of cars squeezed into the stingy spots we parkers have to negotiate daily. In one case a car parked on a messy diagonal took two spaces. A large hand-lettered sign of complaint was stuck under the wiper blade. It blared the message "learn how to park."

I took my time on my second go around hoping that a reverse commuter might be leaving and that I might take a newly freed up space. But that wasn't happening. Then I spotted it, the spot I had missed on the first go around. It had started out the morning as a spot, it's only flaw being the huge concrete pillar wedged against its one yellow line marker. But then, the huge battered gray Ford van had backed into the spot next door. The large van missed its mark and the driver's side wheels were parked squarely over the yellow line defining this empty orphan spot ending at the concrete pillar.

I was late, so I was game. I maneuvered, I turned, I backed up a dozen times. And then I just inched, snuck, tucked, and crept into the little "non-space" space. Remarkably, the Corolla and I fit.

I'd like to say we, the car and I, had room to spare, but we didn't. In fact, there was no chance whatsoever of me opening my driver side door. Me and trench coat and briefcase negotiated the gearshift counsel between the two-bucket seats. Now seated in the front passenger spot, I pushed

Midwest Memo

by Alan Shultz

**Reversal**

the passenger door open against the concrete support pillar. It opened about eight inches or so. Next there was a claustrophobia dance and struggle. A few moments later I broke free of car, concrete and confine and emerged ruffled, full of cement dust, but parked. Before leaving I did two things. First, I admired my incredible job of doing the impossible, parking in a spot so small everyone else had rejected it. Second, I checked the van out that I had wedged up against. My point in checking out the van was to determine whether its driver could get in via his front passenger side door. There was no way he was getting into his driver's side door. My car was about three inches away. But his solution was on the other side where there was lots of room due to the fact he had missed his mark backing up. As I surveyed the van I noticed that it was a real working man's van. It was an old vehicle with lots of mileage and age and rust. On the dashboard there were coffee cups and food wrappers.

"This guy won't mind," I said to myself.

At the end of the day I learned otherwise.

At the end of the day, van gone, Corolla easily accessed, I found my car "keyed" on the driver side back panel, the spot the van driver would have encountered when he saw I was too close for him to get in on the driver's side.

The van driver was the one who had parked improperly. It was his error that put my car too close to his. And I get keyed.

An entire essay devoted to being keyed - how petty and self absorbed is that? Well, maybe. Except that the keying is symbolic to me. Those scratches on my car remind me of all the mean little swipes that get taken at folks who do their best to make a flawed situation work. The situation is reversed back onto them.

Oh well, winter is on its way. My car is gray. The slush will cover it all quite well.

HOW CAN YOU TELL IF IT'S GONNA BE A LONG, HARD WINTER?

"WHEN TH' FROGS GROW HAIR."
DEWEY SCHMELL
FERTILIZER SALES



"WHEN THE MAPLE TREES TURN BLUE."
HMA WHOOT
HOUSEWIFE



"WHEN TH' BIRD DOGS FLY SOUTH."
KENT SHUTE
HUNTING GUIDE



"WHEN THE WEATHERMAN SAYS MILD."
JUSTIN TYME
RETIRED

Circuit Court Judge Donald Currie

New filings are from public records available in the Carroll County Clerk's office on the second floor of the courthouse, Delphi. Other information regarding judgments and marriage dissolutions is gathered from public records found in the clerk's office.

Dennis R. Barrett, 48, pleaded guilty to forgery. He was sentenced to seven years in the Department of Correction with three years suspended, and in-home detention. The sentence

will run concurrent with his sentence in Tippecanoe County. He was given credit for 333 days served.

Matthew S. Watson, 24, pleaded guilty to burglary. He was sentenced to 12 years in the Department of Correction, with four years suspended, plus four years of probation. His sentence will run concurrent with his sentence in DeKalb County. He was given credit for 520 days served.

The following were found to be in arrears of child support: William Horn, \$1,467; Jason Daniels, \$6,256; Michelle

Henderson, \$13,317.83; Jon M. Morrow, \$19,926.39; and Michael S. Fultz, \$22,355.38.

The estates of Goldie Bowman and Jesse Sheagley were admitted, probate will only.

Ralph Hughes was named personal representative for the estate of Thelma I. Hufford.

Constance J. Garrison was named personal representative of the estate of Ray E. Garrison.

The following cases were dismissed: Kohl's Department Store, Inc. vs. Kathleen A. Miller; Patricia M. Stingley vs. Eric Howell;

neutrality. The question assumes the very issues in dispute as true.

What if the new bailiff is not a temporary employee? (I have never referred to her as a temporary employee.) What if the "higher wage package" is not a higher salary but the salary already approved by the council for the court's bailiff? What if Judge Smith as part of the judicial branch is not required to comply with the county personnel policy?

I would like to suggest some other possible questions:

1. Should the Superior Court bailiff, an experienced employee with a college degree who is working 36 hours per week and performing all of her duties as bailiff,

A. Be paid the higher salary approved by the county council as a fair salary for court's bailiff in the county salary ordinance; or

B. Be paid the wages originally intended to be paid to a high school student working a few hours each week after school and no benefits?

If B, should the bailiff quit?

2. Should the County Council A. Acknowledge that, based upon holdings of the Indiana Supreme Court, Judge Smith has the authority to employ necessary personnel, to fix their salary, and to require appropriations and payment and pay the previously approved and budgeted salary; or

B. Resist the mandate at considerable cost to the county?

Jeffrey R. Smith, Judge of Carroll Superior Court

Where to Write

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senator_lugar@lugar.senate.gov**Restaurant Inspections****Stephan's IGA**Routine inspection: 10/25/06
Summary of Violations: No violations noted
Wildcat Creek Bed & BreakfastRoutine inspection: 10/27/06
Summary of Violations: No violation noted**Maple Leaf Country Store**Routine inspection: 10/31/06
Summary of violations: No violations noted**Jenny's Family Restaurant**Routine inspection: 11/1/06
Summary of Violations: No violations noted**Delphi Mara Mart**Routine inspection: 11/2/06
Summary of Violations: No violations noted**McDonalds**Routine inspection: 11/2/06
Summary of Violations: 2 non-critical, 1 criticalCritical
The food employees preparing the food did not change their gloves while doing another task. Directed to correct by 11/2/06.Non-Critical
There were some food employees that were not wearing hair restraints. Directed to correct 11/2/06.

The utensil for the BBQ ribs was not properly stored in between use. Corrected.

The Stone House RestaurantRoutine inspection: 11/3/06
Summary of Violations: 2 critical, 1 non-criticalCritical
There was a bowl and a container of uncooked eggs being stored on top of onions in the refrigerated prep table. Directed to correct by 11/3/06.

There was a scoop being stored in the refrigerator on the shelf. Directed to correct by 11/3/06.

Non-Critical
The freezer in the baking area had an accumulation of frost. Directed to correct by 11/6/06.**Because the public has a right to know...**

In an effort to help our readers understand what government meetings are happening when and where, the Comet will now print upcoming meetings on a weekly basis.

Wednesday, Nov. 15
√Delphi Board of Works: 5:30 p.m.
Friday, Nov. 17
√Carroll County Council Special Meeting: 1 p.m., commissioners' meeting room
√Council Executive Meeting: 1:30 p.m., commissioners' meeting room
Monday, Nov. 20
√Commissioners: 9 a.m.
√Delphi City Council Special Meeting: 7 p.m.
Tuesday, Nov. 21
√Carroll school board: 7:30 p.m., administration office

Public Notices appearing in this issue of the Comet:

Sheriff Sale-Chinn	5B	443
Sheriff Sale-Bissell	5B	443
Sheriff Sale-Robinson	6B	443
Ward estate	5B	452
Fanster estate	5B	452
Sheriff Sale-Anderson	5B	453
Sheriff Sale-Rupp	5B	453
Summon-Baughman	5B	461
IDEM-Allbaugh	5B	461
Carroll School-Add'l Appro	5B	462
County Council-Add'l Appro	5B	461
Andersons	5B	461
Twin Lakes Inv-Zoning	5B	461

Questions concerning Indiana's Open Door and Public Access Laws may be directed to the state's public access office, at 1-800-228-6013.

Web poll

Tell us starting Wednesday at our web site, carrollcountycomet.com

Do you curb your eating a couple of days before the big Thanksgiving feast so you can "pig out" without guilt?

Yes

No