

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom on Wednesday March 8, 2023 at 11:00 a.m. with the following members present: Steve Dellinger, Joe Wiley, Bobbi Plummer, Debbie Walker; Henry County Auditor and Joel Harvey; County Attorney.

Steve Dellinger called the meeting to order with the pledge followed by a prayer, led by himself.

Bobbi Plummer made a motion to approve the minutes from the previous meeting. Motion was seconded by Joe Wiley and carried 3-0.

Bobbi Plummer made a motion to approve the claims. Motion was seconded by Joe Wiley and carried 3-0.

Bobbi Plummer made a motion to approve the payroll. Motion was seconded by Joe Wiley and carried 3-0.

Bobbi Plummer made a motion to approve monthly reports from In-Tech for January and February 2023. Motion was seconded by Joe Wiley and carried 3-0.

Steve Dellinger acknowledged a notice from IDEM stating that there was a new Sanitary Sewer Construction Permit Application for Shovel Ready Sites in New Castle, IN. The application was submitted by Mr. Corey Murphy, President of the EDC.

Corey Murphy was skipped on the itinerary because he had no updates for the commissioners.

Brian Clark, Henry County Coroner, stated that in the month of February there were 15 Coroner Cases, 8 of which needed a scene investigation and autopsies. Brian took a moment to thank Mandy Fleming and Lucas Raines from Henry County EMS for helping him with the transition into the Coroner's Office.

Joe Copeland discussed it being that time of the year for Pacer Ratings for all of the roads in Henry County. This is something that is required in order to receive the Community Crossings Matching Grant Funds. He stated that it has to be done every two years and it has to be submitted by December 1st 2023. The last time this was done, SJCA did it and Mr. Copeland asked them to give him an estimate of what it would cost to do the Pacer Ratings again this year. SJCA sent Mr. Copeland a Task Order with a cost of \$50,000.00 that covers each road in the county. Joe Wiley made a motion to accept SJCA's Task Order No. 8 to do the Pacer Ratings on all the county roads for \$50,000.00. Motion was seconded by Bobbi Plummer and carried 3-0.

Joe Copeland discussed the sign project that was done in the eastern and western part of Henry County. This project has been completed and the state approved the signage. INDOT requires a form called IC 639 which is Recommendation for Acceptance of the Project, to be signed by the commissioners.

Joe Copeland discussed uniform rental at the Highway Department. The contract with Cintas needs to be renewed and the company that they were using requested a 60-month contract to which Mr. Copeland declined. Cintas offered a 36-month contract for a lower price than what the department has been paying in hopes to keep their business. The contract allows the employees of the Highway Department to get 11 shirts and 8 pairs of pants with the option to launder them as well. Bobbi Plummer made a motion to accept the 3-year Cintas agreement providing uniforms to the employees of the Highway Department. Motion was seconded by Joe Wiley and carried 3-0.

Sheriff John Sproles announced that he believes that all of the outstanding bills from 2022 have been paid and he is confident that there will be no more surprises. Mr. Sproles added that the Jail Inmate Population is decreasing, they were averaging 222 inmates per week and now they are down to an average of 193 per week. Sheriff Sproles stated that the prosecutor is doing a really good job moving cases through and that there have been quite a few meetings between the two departments.

Sheriff Sproles spoke about the new food service contract with Tiger that the commissioners signed in December 2022. The food is terrible. He stated that he has been interviewing other companies. Sheriff Sproles asked if this is something that can be signed by the Sheriff or if the commissioners would have to sign off on it. Tiger Correctional Food Services has served the inmates bologna 13 meals in a row. Joel Harvey, Henry County Attorney will be looking into this matter for Sheriff Sproles.

Sheriff Sproles also stated that there has been some confusion with vehicle registrations. He said that there are only about 18 vehicles that have proper registration and no titles. Bobbi Plummer informs him that the titles are kept in the Auditors Office and he can get the list from Kayla, the commissioners secretary, if needed.

Sheriff Sproles spoke about the shortage of road deputies in the county. The Sheriff's Department has a total of five road deputies that have to go to the academy. Sargent Landon Dean was hired yesterday as the Middletown Chief of Police. Sheriff Sproles is suggesting hiring laterals from other departments and using their date of hire from the previous department as a base for their matrix pay. Joel Harvey agreed to begin the process of looking into changing the policy immediately.

Sheriff Sproles discussed the vehicle maintenance for the Sheriff's vehicles, he is requesting clarification on whether or not he should bring his vehicles to the Highway Department when they are in need of maintenance. Steve Dellinger clarified that the department really needs to find someone more qualified to work on newer cars in a timely manner and they should no longer rely on the Highway Department.

Sheriff Sproles states that signage is needed for the new jail because people are having a tough time finding it. Steve Dellinger suggests asking the state to add the County Jail to their signage that is already placed.

Glenn Vann requested permission to apply for a USDA grant for repairs of the three county office buildings. He stated that there will have to be a match dedicated to the grant before being approved. Bobbi Plummer stated that they could not use the new bond for the match yet, but there are other possibilities for it. Bobbi Plummer made a motion to allow Glenn Vann to continue the process of applying for the USDA grant to repair the three county office buildings. Motion was seconded by Joe Wiley and carried 3-0.

Tim Welch and Angela Cox are requesting to use the Training Center at 527 N Hillsboro Road as a storage facility. They have gotten the estimate of between \$80,000.00 and \$90,000.00 for a temperature-controlled storage facility. Bobbi Plummer stated that if they can get an estimate to the commissioners by the next meeting, they can use their funding or the GO Bond to approve this request.

Butch Baker discussed the Motorola Spillman contract providing GIS to emergency vehicles. He explained that it began in 2019 and it is a very good and important system to have but it is very expensive. The annual maintenance for the software is now due and will cost \$76,233.53 per 3-years. Bobbi Plummer made a motion to accept the contract with Spillman GIS for a total of \$76,233.53 per 3-years. Motion was seconded by Joe Wiley and carried 3-0.

Bobbi Plummer made a motion to approve the 20-year lease between the Henry County Commissioners and the YMCA allowing them to stay on the county's property. Motion was seconded by Joe Wiley and carried 3-0.

Bobbi Plummer made a motion to approve a letter of commitment for the FY2024 DOC JRAC Grant for the probation department. Motion was seconded by Joe Wiley and carried 3-0.

Bobbi Plummer made a motion to approve the Recission of Disaster Emergency Declaration for EMA for the formal process of ending an emergency situation. Motion was seconded by Joe Wiley and carried 3-0.

Rick Ware spoke about Rails for Trails. He had some concerns that terms of the agreement were not being followed and they were taking advantage of the property owner. He wanted to on the record state that, Rails for Trails has done sloppy work in the past.

Steve Dellinger announced that ARP Committee Meetings have been changed from monthly to quarterly. The 2023 meetings will take place on May 24th, August 23rd, and November 15th at their normal meeting time of 1:00 p.m. Bobbi Plummer made a motion to approve this change. Motion was seconded by Joe Wiley and carried 3-0.

Bobbi Plummer made a motion to adopt Ordinance 2023-03-08 (003) Providing for the Regulation and Abatement of Public Nuisances. Motion was seconded by Joe Wiley and carried 3-0.

ORDINANCE 2023-03-08(003)

AN ORDINANCE PROVIDING FOR THE REGULATION AND ABATEMENT OF PUBLIC NUISANCES

WHEREAS the COMMISSIONERS OF HENRY COUNTY, Indiana, wishes to establish an ordinance to address the problem of public nuisances within the County

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF HENRY COUNTY, INDIANA, that previous ordinances regarding nuisances are hereby amended and stated within this ordinance

That the Commissioners of Henry County, hereby incorporates by reference the Indiana Code 32-30-6-5 regarding nuisances and causes of action concerning nuisances, as amended

A nuisance is defined as that found in Indiana Code 32-30-6-6 as follows: Whatever is: (1) injurious to health; (2) indecent; (3) offensive to the senses, or (4) an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of the property, is a nuisance and the subject of an action. (As amended)

- (A) If any person maintains, uses, creates, causes, places, deposits, opens to a nuisance to be or remain on any property shall be guilty of a violation of this ordinance. The following is a list of nuisances which shall be considered a violation of this ordinance as follows:
- (1) Accumulations of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, or non-running automobiles not placed in a building.
 - (2) Accumulation of lawn clippings, branches, leaves, etc. that are collected in the process of conducting business as a landscaper or property maintenance company may must be contained within a area that is shielded from view of neighboring property owners or the view from any public street, road or highway until it can be properly disposed. The collection of such materials shall not exceed 10 feet in height.
 - (3) Any condition which provides harborage of rats, mice, snakes and other vermin.
 - (4) Disagreeable or offensive odors and stenches as well as the conditions, substances or other causes which give rise to the emission or generation of smoke, soot, steam, or burning in barrels, burning tree leaves that generates air contaminants or gases. Any burning conducted during unfavorable conditions such as temperature inversions, or stagnation, shall be considered as a disagreeable or an offensive odor and stench.
 - (5) Carcasses of animals or fowls, not disposed of within a reasonable time after death.
 - (6) Buildings, structures or other places and locations where any violation of federal, state or city law is conducted, maintained, or performed.
 - (7) Accumulations of stagnant water.
 - (8) Unused refrigerators and/or other appliances, except those which are brought for resale by a party in the usual business of the sale or repair of such appliances. Such appliances shall be held in a location that is not in view from any public street, road or adjacent property used as a residence.
 - (9) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsatisfactory condition of disrepair that it is a

menace to the health of the people residing in the vicinity thereof or presents a more than ordinarily dangerous fire hazard or danger of collapse causing injury or harm to any persons in the area or damage to adjoining properties.

- (10) The unauthorized obstruction of any public street, road, alley, or sidewalk; and
 - (11) The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial waste, or other substances
- (6) If a nuisance exists within any area under the jurisdiction of the Henry County Planning Commission, The Zoning Administrator or the Building Inspector shall send written notice by U.S. Mail, or personal delivery to the property owner or occupant of the property creating the nuisance. The notice shall be postmarked 10 days before any compliance action will be taken unless the County Attorney or the Attorney for the Planning Commission, along with the Zoning Administrator determines that an emergency condition exists requiring action to proceed without notice.

(C) Civil Zoning Violation

- 1. Any person who uses property in violation of this Zoning Ordinance is deemed to have committed a civil zoning violation and may be issued a citation by the Zoning Administrator or his duly authorized designees pursuant to Subsection E(1)(h) of this Section.
- 2. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed by Subsection 2 below, provided a warning ticket had first been issued pursuant to Subsection E.2 of this Section.
- 3. The monetary fine for each civil zoning violation shall be One Hundred Dollars (\$100.00) and for a repeated civil zoning violation, the following fines shall apply:

First Citation	One Hundred Dollars (\$100.00)
Second Citation	One Hundred Twenty-Five Dollars (\$125.00)
Third Citation	One Hundred Fifty Dollars (\$150.00)
Fourth Citation	Two Hundred Dollars (\$200.00)
In Excess of 4	Three Hundred Dollars (\$300.00)

- 4. All fines prescribed by this Section for civil zoning violations shall be paid to the Zoning Administrator, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Planning Commission. All fines thus received shall be deposited with the Henry County Auditor and placed in any fund(s) created to support compliance efforts of the Henry County Zoning Code.
- a. The Zoning Administrator and/or his duly authorized designees may issue a civil citation to a person who commits a civil zoning violation or to the legal owner, the contract vendee or any person or entity with a possessory interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, First Class U.S. Mail or by placement in a conspicuous place on the property where the civil zoning violation occurs and shall serve as notice to a person that he has committed a civil zoning violation. Failure to accept or acknowledge receipt of any citation shall not be a reason to deny notification of said violation.
- 5. No citation shall be issued unless the person who commits a civil zoning violation or the legal owner, the contract vendee or any person or entity with a possessory interest in the real estate upon which the violation occurs has been issued a warning ticket, postmarked, or posted on the property not less than ten (10) days before the issuance of the citation, allowing said person to correct the violation and come into compliance with the prescribed zoning ordinance or regulation.

6. The warning ticket shall include:

- a. Date;
- b. Name and address;
- c. Section number of code in violation and name of code;
- d. Nature of violation;
- e. Place and date the violation was observed;
- f. Specific time allowed to bring the violation activity into compliance;
- g. Name, business address and phone number of the person issuing the warning ticket;

7. The citation shall appear on a standardized designated form and shall include:

- a. Date;
- b. Name and address;
- c. Section number of code in violation and name of code;
- d. Nature of violation;
- e. Place and date the violation was observed;
- f. Amount of fine assessed;
- g. Time, manner, and location to pay fine;
- h. Notice that each day is a new violation;
- i. Name, business address and phone number of the person issuing the citation; and
- j. Statement to violator of right to elect trial.

B. Trial for Civil Zoning Violations

1. A person who receives a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the Zoning Administrator. The returned copy of the citation shall serve as a notice of the person's intent to stand trial, and additional monetary fines prescribed in Subsection (3) of the County Zoning Ordinances shall be stayed upon receipt of the notice. The notice shall be given at least seven (7) days before the date of payment set forth in the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the designated enforcement entity in the Circuit or Superior Courts of Henry County, Indiana. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.
2. If a person who receives a citation fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of his intention to stand trial as prescribed in Subsection 1 above, the designated enforcement entity may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in Subsection (3). A person adjudged to have committed a civil zoning violation is liable for the Court costs and fees, including attorneys' fees.
3. In proceedings before the Court for a civil zoning violation, the Indiana


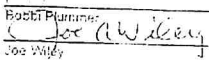

Rules of Trial Procedure shall govern. The designated enforcement entity has the burden of proving the civil zoning violation by a preponderance of the evidence.

4. Seeking a civil penalty as authorized in this Section does not preclude the designated enforcement entity from seeking alternate relief from the Court in the same action or from seeking injunctive relief or any other remedy in a separate action for the enforcement of Indiana Code IC 36-7-4 or any ordinance adopted or action taken under Indiana Code IC 36-7-4.
5. A change of venue from Henry County shall not be granted in such a case, as provided in Indiana Code IC 36-7-1014.

C. General Penalties – Court Actions

1. Whenever in any Title or Section of the Henry County Development Code as amended, or in any ordinance amendatory thereto or supplemental thereto, the doing of any act or the omission to do any act or to perform any duty is a violation, any person found liable by a court of competent jurisdiction for such violation shall be subjected to a fine of ten thousand nine hundred (\$2,500) for each such violation, act or omission.
 2. For violations continued or renewed, each day's violation shall constitute a separate offense.
 3. In addition to the penalties prescribed in Subsections 1 and 2 above, the designated enforcement entity may upon or abate any violation of the Zoning Ordinance and Land Use Regulations by appropriate action.
 4. Reasonable attorney's fees incurred by the designated enforcement entity may be assessed against the violator as a general penalty in addition to the prescribed fines defined in this Section.
- (C) This Ordinance shall become effective on the 08th day of November, 2023.

ADOPTED BY THE HENRY COUNTY BOARD OF COMMISSIONERS
on this day 24th of October, 2023


Steve Chittenden

Bobbi Plummer

Joe Wiley

Bobbi Plummer made a motion to adopt Resolution 2023-03-08 (003) Amending Henry County's Written Plan for the Expenditure of Coronavirus Local Fiscal Recovery Funds. Motion was seconded by Joe Wiley and carried 3-0.

RESOLUTION NO. 2023-03-08(003)

A RESOLUTION AMENDING HENRY COUNTY'S WRITTEN PLAN FOR THE EXPENDITURE OF CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS

WHEREAS, the American Rescue Plan Act of 2021 ("ARP"), was enacted on March 11, 2021.

WHEREAS, ARP, among other things, established a Coronavirus Local Fiscal Recovery Fund, which provides for the disbursement of revenue from the United States Treasury to local governmental units to assist local governmental units in remedying the negative fiscal impacts stemming from the COVID-19 Public Health Emergency, and

WHEREAS, the Coronavirus Local Fiscal Recovery Fund, established under 42 U.S.C. § 803, provides for distribution of revenue to counties throughout the United States; and

WHEREAS, revenue received from the Coronavirus Local Fiscal Recovery Fund may only be utilized for the specified purposes set forth in 42 U.S.C. § 803 (c); and

WHEREAS, on November 17, 2021, the Board of Commissioners of Henry County ("Board of Commissioners") adopted Resolution 2021-11-17-013, in which it established a written plan for expenditure of sums received through the Coronavirus Local Fiscal Recovery Fund and allocated the sum of one million dollars (\$1,000,000.00) to contribute to the cost of improving the sanitary sewer line that will serve the new Henry County Jail and Rehabilitation Center; and

WHEREAS, on January 26, 2022, the Board of Commissioners adopted Resolution 2022-1-26-1, in which it amended the written plan for expenditure of sums through the Coronavirus Local Fiscal Recovery Fund and allocated the sum of six hundred thousand dollars (\$600,000.00) for the payment of premium pay for certain Henry County employees (subject to the terms of a Salary Ordinance adopted by the Henry County Council), ten thousand dollars (\$10,000.00) as a hiring bonus for new employees accepting employment as jail officers at the Henry County Jail and Rehabilitation Center after such facility is opened, fifty thousand dollars (\$50,000.00) to retain an employee whose job duties will consist of selecting and writing grant applications on behalf of Henry County in part, to obtain additional funds for the purpose of addressing the negative effects of COVID-19, four hundred thousand dollars (\$400,000.00) to obtain one or more antibalances for use by the Henry County Emergency Medical Service, and eight thousand seven hundred dollars (\$8,700.00) to obtain an assessment of the physical condition of certain buildings owned by Henry County for the purpose of determining any necessary modifications or repairs to the buildings, including repairs or modifications necessary to respond to the public health emergency with respect to COVID-19; and

WHEREAS, on February 23, 2022, the Board of Commissioners adopted Resolution 2022-2-73-2, in which it amended the written plan for expenditure and allocated the sum of up to One Hundred Seventy Thousand Dollars (\$170,000.00) for repairs and improvements to the HVAC and ventilation systems at the Henry County Justice Center and up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for digitizing records of the Board of Commissioners, County Council, County Auditor, and County Surveyor, and

WHEREAS, on March 23, 2022, the Board of Commissioners adopted Resolution 2022-3-23-8, in which it amended the written plan for expenditure and allocated the sum of up to One Hundred Sixty Three Thousand Dollars for the staffing of the JCAP program at the Henry County Detention Center, the sum of up to Forty Seven Thousand Three Hundred Eighty Seven Dollars (\$47,387.00) for the acquisition of a new vehicle and related equipment for use by a K-9 officer in the Henry County Sheriff's Department, and the sum of up to One Hundred Forty Five Thousand Four Hundred Ninety Five Dollars and Twenty Four Cents (\$145,495.24) for the acquisition of body worn cameras for officers and reserve officers of the Henry County Sheriff's Department, and

WHEREAS, on April 27, 2022, the Board of Commissioners adopted Resolution 2022-4-27-11, in which it amended the written plan for expenditure and allocated the sum of up to Nine Thousand Dollars (\$9,000.00) for the acquisition of a trailer and other necessary equipment for the creation of a mobile point of dispersion for use by the Henry County Health Department and allocated the sum of up to Eleven Thousand Dollars (\$11,000.00) for the acquisition of two hardcovered lap top computers and software and equipment necessary for the creation of identification cards by the Henry County Emergency Management Service, and

WHEREAS, on May 25, 2022, the Board of Commissioners adopted Resolution 2022-05-25-12, in which it amended the written fiscal plan for expenditure and allocated the sum of up to sum of up to Twenty Seven Thousand Five Hundred Dollars (\$27,500.00) for the purchase of equipment by the Henry County Coroner for the operation of a morgue in the former Henry County Jail, the sum of Six Hundred Sixty Thousand Four Hundred Thirty Three Dollars and Eighty Eight Cents (\$660,433.88) for the repair and improvement of highways, the sum of One Hundred Sixty Five Thousand One Hundred Ten Dollars and Ninety Seven Cents (\$165,110.97) for the improvement and repair of buildings, ponds or infrastructure at Memorial Park, and the sum of One Hundred Sixty Five Thousand One Hundred Ten Dollars and Ninety Seven Cents (\$165,110.97) for assistance to volunteer fire departments located in Henry County in acquiring vehicles, supplies and equipment, the sum of up to Forty Thousand Dollars (\$40,000.00) for the cost of establish the Hero 911 software application for use to monitor and implement to protect persons in local school buildings (if implemented by local school corporations) and County

buildings, and to provide one year of monitoring and the sum of up to Five Thousand Dollars (\$5,000.00) for landscaping at the Henry County Courthouse; and

WHEREAS, on June 8, 2022, the Board of Commissioners adopted Resolution 2022-06-08-15, in which it amended the written fiscal plan for expenditure and allocated the sum of up to One Hundred Ten Thousand Dollars (\$110,000.00) for the creation of a fund to support and administer a Workforce Retention and Recruitment Program, as described in Indiana Code § 36-1-29-5-1, *et seq.*, in cooperation with the City of New Castle, and

WHEREAS, on July 27, 2022, the Board of Commissioners adopted Resolution 2022-07-27-16, in which it amended the written fiscal plan for expenditure and allocated the sum of up to Sixty Thousand Dollars (\$60,000.00) for the purchase of one or more vehicles for use by the Henry County Building Inspector and the Henry County Weights and Measures Inspector, and

WHEREAS, on September 28, 2022, the Board of Commissioners adopted Resolution 2022-09-28-19, in which it amended the written fiscal plan for expenditure and allocated the sum of One Hundred Thousand Dollars (\$100,000.00) to contribute to the cost of the South Henry Regional Waste District Expansion project, the sum of One Hundred Thousand Dollars (\$100,000.00) to the cost of extending sanitary sewer service to the intersection of State Road 109 and Interstate 70, and the sum of Twenty Five Thousand Dollars (\$25,000.00) to the payment of legal and professional fees in connection with the administration of revenue received through the Coronavirus Local Fiscal Recovery Fund; and

WHEREAS, on October 12, 2022, the Board of Commissioners adopted Resolution 2022-10-12-21, in which it amended the written fiscal plan for expenditure and allocated the sum of Three Hundred Thousand Dollars (\$300,000.00) to be paid to New Castle Henry County Emergency Medical Services to assist in offsetting costs due to increased responses to calls for service in unincorporated areas of Henry County for ALS service and the additional sum of Thirty Thousand Dollars (\$30,000.00) for the acquisition of a vehicle for use by the County Building Inspector, and

WHEREAS, on November 9, 2022, the Board of Commissioners adopted Resolution 2022-11-9-22, in which it amended the written fiscal plan for expenditure and allocated the sum of Eleven Thousand Sixty Dollars (\$11,060.00) to contribute the cost of the annual membership dues for Henry County to participate in the Eastern Indiana Regional Planning Commission; and

WHEREAS, on November 22, 2022, the Board of Commissioners adopted Resolution 2022-11-22-24, in which it amended the written fiscal plan for expenditure and allocated the sum of up to Fifty Thousand Dollars (\$50,000.00) for the acquisition of new timekeeping software, and

WHEREAS, the Department of Treasury has adopted a Final Rule regarding the calculation of reduction of revenue that provides that a recipient can utilize funds to replace lost revenue up to the amount of actual loss calculated or can elect a standard allowance for revenue loss of up to Ten Million Dollars (\$10,000,000) over the period of performance, and

WHEREAS, subject to certain exceptions, funds allocated to lost revenue may be broadly utilized for the provision of government services, and

WHEREAS, the Board of Commissioners wishes to amend the written plan for expenditure to provide for additional uses of revenue received through the Coronavirus Local Fiscal Recovery Fund.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Henry County, Indiana, as follows:

1. Henry County hereby adopts the written plan for expenditure of revenue received from the Coronavirus Local Fiscal Recovery Fund, as set forth on the attached "Exhibit A"
2. Henry County allocates the sum of up to Forty Five Thousand Dollars (\$45,000.00) for the acquisition of twenty (20) Viking VP500 Series Portable 700 800 MHz 1024 CH M2 Keypad BH Phase 2 Radios, including chargers and programming
3. Henry County further designates each of the amounts detailed on the attached "Exhibit A" as replacement of lost revenue and finds that each are necessary for the provision of government services, as such term is defined in the Final Rule
4. The remaining sums received by Henry County through the Coronavirus Local Fiscal Recovery Fund may be utilized for any of the purposes set forth in 47 U.S.C. § 803 (c). The written plan for expenditure will be amended from time to time as determined by the Board of Commissioners of Henry County in advance of any other expenditures and will be appropriated for use upon approval of the Henry County Council.

REPEALER: All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful, or which by operation of law shall be deemed unenforceable, shall be omitted, but the rest and remainder of this resolution, to the extent feasible, shall remain in full force and effect.

EXHIBIT A

WRITTEN PLAN FOR EXPENDITURE OF FUNDS RECEIVED THROUGH THE CORONAVIRUS LOCAL RECOVERY FUND

The sums received by Henry County, Indiana from the Coronavirus Local Fiscal Recovery Fund, shall be utilized for the following purposes.

1. Up to \$ 1,000,000.00 for the cost of legal and financial advisory services, (authorized in Resolution 2021-11-17-013)- remaining amounts reallocated in number 16 below.
2. Up to \$ 1,000,000.00 to contribute to the cost of a new sanitary sewer line that will service the Henry County jail (authorized in Resolution 2021-11-17-013)
3. Up to \$600,000.00 to provide premium pay to certain eligible employees of Henry County, subject to the terms of a salary ordinance adopted by the Henry County Council (authorized in Resolution 2022-1-26-1).
4. \$10,000.00 to provide hiring bonuses for new employees accepting employment as jail officers at the Henry County Jail and Rehabilitation Center after such facility is opened or for new employees hired as Deputy Sheriffs (authorized in Resolution 2022-1-26-1 *amended*).
5. \$50,000.00 to retain an employee whose job duties will consist of selecting and writing grant applications on behalf of Henry County in part, to obtain additional funds for the purpose of addressing the negative effects of COVID-19 (authorized in Resolution 2022-1-26-1).
6. \$400,000.00 to obtain one or more ambulances for use by the Henry County Emergency Medical Service (authorized in Resolution 2022-1-26-1).
7. \$8,700.00 to obtain an assessment of the physical condition of certain buildings owned by Henry County for the purpose of determining any necessary modifications or repairs to the buildings, including repairs or modifications necessary to respond to the public health emergency with respect to COVID-19 (authorized in Resolution 2022-1-26-1).
8. Up to \$170,000.00 for repairs and improvements to the HVAC and ventilation systems at the Henry County Justice Center (authorized in Resolution 2022-1-26-1).

9. Up to \$750,000.00 for digitizing records of the Board of Commissioners, County Council, County Auditor, and County Surveyor (authorized in Resolution 2022-2-23-2).

10. Up to \$163,000.00 for the staffing of the Jail Chemical Addiction Program (JCAP), including the retention of a director, counselor and part-time administrative assistant (authorized in Resolution 3-23-2022-8).

11. Up to \$ 47,387.00 for the acquisition of a new Chevrolet Tahoe and related equipment to allow the vehicle to be used by a K-9 officer in the Henry County Sheriff's Department (authorized in Resolution 3-23-2022-8).

12. Up to \$ 145,495.24 for the acquisition of body worn cameras, software and service for use by road officers, court house officers and reserve officers in the Henry County Sheriff's Department (authorized in Resolution 3-23-2022-8).

13. Up to \$9,000.00 for the acquisition of a trailer and other necessary equipment for the creation of a mobile point of dispersion for use by the Henry County Health Department (authorized in Resolution 4-27-2022-11).

14. Up to \$11,000.00 for the acquisition of two hardcovered lap top computers and software and equipment necessary for the creation of identification cards by the Henry County Emergency Management Service (authorized in Resolution 4-27-2022-11).

15. Up to \$25,760.00 for the acquisition of equipment necessary to operate a mortgage in the former County jail building (Authorized in Resolution 5-25-2022-12).

16. The sum of \$ 660,433.88 for the repair and improvement of highways, the sum of \$165,110.97 for the improvement and repair of buildings, ponds or infrastructure at Memorial Park, and the sum of \$ 165,110.97 for assistance to volunteer fire departments located in Henry County in acquiring vehicles, supplies and equipment. (Authorized in Resolution 5-25-2022-12).

17. The sum of up to \$ 400,000.00 for the cost of establish the Hero 911 software application for use to monitor and implement to protect persons in local school buildings (if implemented by local school corporations) and County buildings, and to provide one year of monitoring. (Authorized in Resolution 5-25-2022-12).

18. The sum of \$5,000.00 for landscaping at the Henry County Courthouse (Authorized in Resolution 5-25-2022-12).

19. The sum of up to \$170,000.00 for the creation of a fund to support and administer a Workforce Retention and Recruitment Program, as described in Indiana Code § 36-1-29-5.1, *et seq.*, in cooperation with the City of New Castle (Authorized in Resolution 6-08-2022-15).

20. The sum of up to \$60,000.00 for the purchase of one or more vehicles for use by the Henry County Building Inspector and the Henry County Weights and Measures Inspector (Authorized in Resolution 07-27-2022-16).

21. The sum of \$100,000.00 to contribute to the cost of the South Henry Regional Waste District expansion. (Authorized in Resolution 09-28-2022-19)

22. The sum of \$100,000.00 to contribute to the cost of extending sanitary sewer service to the intersection of State Road 109 and Interstate 70. (Authorized in Resolution 09-28-2022-19)

23. The sum of up to \$25,000.00 for the payment of legal and professional fees in connection with the administration of revenue received through the Coronavirus Local Fiscal Recovery Fund. (Authorized in Resolution 09-28-2022-19)

24. The sum of Three Hundred Thousand Dollars (\$300,000.00) to be paid to New Castle Henry County Emergency Medical Services to assist in offsetting costs due to increased responses to calls for service in unincorporated areas of Henry County for ALS service (Authorized in Resolution 10-12-2022-21)

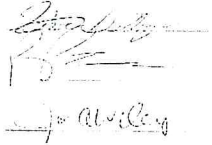
25. The additional sum of Thirty Thousand Dollars (\$30,000.00) for the acquisition of a vehicle for use by the County Building Inspector (note in Resolution 2022-07-27-16, the sum of up to Sixty Thousand Dollars (\$60,000.00) was allocated for the purchase of vehicles for use by the Weights and Measures Inspector and the Building Inspector. The vehicle acquired for use by the Weights and Measures Inspector was purchased for Forty Seven Thousand Dollars (\$47,000.00). Thus, additional amounts are required to purchase a comparable vehicle for use by the Building Inspector.) (Authorized in Resolution 10-12-2022-21)

26. The sum of Eleven Thousand Sixty Dollars (\$11,600.00) to contribute to the cost of the annual membership dues for Henry County to participate in the Eastern Indiana Regional Planning Commission (Authorized in Resolution 2022-11-9-22)

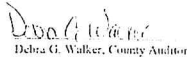
27. The sum of up to Fifty Thousand Dollars (\$50,000.00) for the acquisition of new time keeping software. (Authorized in Resolution 2022-11-22-23)

28. The sum of up to Forty Five Thousand Dollars (\$45,000.00) for the acquisition of twenty (20) Viking VP500 Series Portable 500-800 MHz 10.24 CH M2 Keypad BH Phase 2 Radios, including chargers and programming.

ADOPTED BY THE BOARD OF COMMISSIONERS OF HENRY COUNTY, INDIANA, THIS
8th DAY OF March, 2023.



ATTEST:


Debra G. Walker, County Auditor

Bobbi Plummer made a motion to adopt Resolution 2023-03-08 (004) Authorizing Transfer of Real Estate to Ivy Tech Community College of Indiana. Motion was seconded by Joe Wiley and carried 3-0.

RESOLUTION NO. 2023-03-08(004)

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL ESTATE TO IVY TECH COMMUNITY COLLEGE OF INDIANA

WHEREAS Henry County, Indiana is the owner of the real property, consisting of approximately 3.99 acres, commonly known as 3325 South Memorial Drive, New Castle, Indiana ("Real Estate"), and

WHEREAS, the Real Estate is currently occupied by Ivy Tech Community College of Indiana ("Ivy Tech") pursuant to a long term lease and is utilized by Ivy Tech for providing post-secondary education and job training, and

WHEREAS, the cost of maintaining the improvements on the Real Estate has become burdensome for Henry County, and

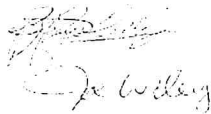
WHEREAS, Henry County is willing to transfer the Real Estate to Ivy Tech, subject to Ivy Tech agreeing that the Real Estate can only be used for providing post-secondary education and vocational training for a specified number of years and further agreeing that if the Real Estate is sold or conveyed within a specified period of time, that Henry County would receive a portion of the proceeds from the sale, all as described on the Conditional Quitclaim Deed attached as Exhibit "1" to this Resolution

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Henry County, Indiana, as follows:

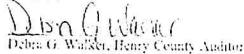
Henry County shall transfer the Real Estate to Ivy Tech Community College of Indiana by way of the instrument attached as Exhibit "1" to this Resolution.

ALL OF WHICH IS RESOLVED this 8th day of March, 2023.

BOARD OF COMMISSIONERS OF HENRY COUNTY



ATTEST:


Debra G. Walker, Henry County Auditor

CONDITIONAL QUITCLAIM DEED

THIS INDENTURE WITNESSETH that the Board of Commissioners of Henry County, Indiana ("Grantor") QUITCLAIMS to Ivy Tech Community College of Indiana ("Grantee"), for the sum of Zero Dollars (\$0.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, real estate in Henry County, in the State of Indiana, more particularly described as follows:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT

(the Real Estate'), subject to (i) all easements, highways, rights-of-way, covenants, conditions, restrictions and other matters of record, (ii) all current, non-delinquent real estate taxes and assessments, and (iii) all matters that would be disclosed by an accurate survey or physical inspection of the Real Estate.

This conveyance is subject to the following additional conditions and covenants:

(i) For a period of no less than fifteen (15) years after the date of recording of this Conditional Quitclaim Deed, the Real Estate may only be used as a facility for providing post-secondary education and vocational education to the public, and for no other purpose;

(ii) If Grantee transfers or conveys all or a portion of the Real Estate within five (5) years after the date of recording of this Conditional Quitclaim Deed, Grantor shall receive seventy-five percent (75%) of the consideration owed to Grantee as a result of the sale or transfer;

(iii) If Grantee transfers or conveys all or a portion of the Real Estate more than five (5) years after, but prior to ten (10) years after, the date of recording of this Conditional Quitclaim Deed, Grantor shall receive fifty percent (50%) of the consideration owed to Grantee as a result of the sale or transfer; and

(iv) If Grantee transfers or conveys all or a portion of the Real Estate more than ten (10) years after, but prior to fifteen (15) years after, the date of recording of this Conditional Quitclaim Deed, Grantor shall receive twenty-five percent (25%) of the consideration owed to Grantee as a result of the sale or transfer.

This Conditional Quitclaim Deed is executed by the Board of Commissioners of Henry County, Indiana, was approved for execution by the Board during a meeting on November 13, 2023, as evidenced and pursuant to Resolution 2023-02-01 (6-11-23).

Send tax statements to: Ivy Tech Community College of Indiana
80 West Ball Creek Parkway, North Drive
Indianapolis, Indiana 46208-8782

EXHIBIT 1

IN WITNESS WHEREOF, the said Grantor has duly executed this instrument this 13th day of November, 2023.

BOARD OF COMMISSIONERS OF HENRY COUNTY, INDIANA

[Signature]

Secretary

STATE OF INDIANA, SS
COUNTY OF HENRY, SS

I, _____, Notary Public in and for said State, on this 13th day of November, 2023, at _____, Indiana, being personally known to me, do hereby certify that the above is a true and correct copy of the original of the foregoing instrument.

[Notary Seal]

[Signature]

Notary Public

My Commission Expires _____

HEALTH CARE DIRECTIVE

I, _____, of the County of _____, State of _____, do hereby certify that the above is a true and correct copy of the original of the foregoing instrument.

HEALTH CARE DIRECTIVE

I, _____, Notary Public in and for said State, on this _____ day of _____, 20____, at _____, Indiana, being personally known to me, do hereby certify that the above is a true and correct copy of the original of the foregoing instrument.

[Signature]

Notary Public

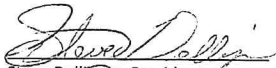
EXHIBIT 1

EXHIBIT 1

EXHIBIT A
GENERAL RESOLUTION

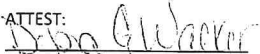
EXHIBIT I

Bobbi Plummer made a motion to adjourn. Motion was seconded by Joe Wiley and carried 3-0.


Steve Dellinger, President


Joe Wiley, Vice President


Bobbi Plummer, Member

ATTEST:

Debra G. Walker, Auditor