

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom, on Wednesday February 9, 2022 at 11:00 a.m. with the following members present: Ed Tarantino, Bobbi Plummer, Steve Dellinger, Debra Walker, Henry County Auditor and Joel Harvey County Attorney.

The meeting was opened with the Pledge and a prayer let by Ed Tarantino.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve the minutes of the January 26, 2022 meeting. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve claims as presented. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve payroll as presented. Motion carried unanimously.

Cory Murphy gave an update on the shell building and the READI Grant. Cory informed the Commissioners that they will have to come up with two projects by February 9, 2022 to present to the state as part of the READI Grant, they will meet with other counties via zoom to come up with a final plan.

A motion was made by Ed Tarantino and seconded by Steve Dellinger to approve the agreements for the Owner Occupied Grant. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve the agreement with DLZ for Henry County Courthouse and Justice Center facility assessments. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to appoint Mike Broyles and Josh Estelle to the Henry County Economic Development Commission. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve the reports from Spiceland Township Assistance Statistical Report for 2021 and Coroners January report. Motion carried unanimously.

Tracy Harrison explained that the Park, Saddle Club and Golf Course split the water bill three ways. The park pays the entire bill then bills the Saddle Club and Golf Course for their portion. She is questioning if one of these do not pay their bill who will be responsible for it, the park cannot afford to pay it. Bobbi Plummer asked if the bills had not been paid and Tracy said they were current. Bobbi Plummer stated that we will figure that out if that should happen. Tracy also questioned why the Park Board was removed from the lease with the Veterans Museum. Steve Dellinger explained that the original agreement was between the Commissioners and the Museum, they are only opened one day per week and is a nonprofit. Tracy explained that they still had to keep the heat and air on all the time and they are not able to rent it out with the Museum being there to help recoup the cost.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve the Bond for Linda Winchester, Henry County Recorder for \$15,000.00. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve Ordinance 2022-001 An Ordinance Amending Chapter 111 of the Henry County Code. Motion carried unanimously.

ORDINANCE NO. 2022-001

AN ORDINANCE AMENDING CHAPTER 111 OF THE HENRY COUNTY CODE

WHEREAS, Henry County has enacted Chapter 111 of the Henry County Code which regulates weights and measuring devices utilized within Henry County; and,

WHEREAS, Henry County believes that Chapter 111 should be amended.

NOW THEREFORE BE IT ORDAINED:

1. The following definitions are added to §111.01:

DEVICE: Any scale, weighing device (digital or analog), fuel dispenser, metering device, or indicator (terminal/head unit);

OWNER: The owner of a device;

OPERATOR: Any person who operates a device;

PERSON: An individual, partnership, corporation, limited liability company, limited liability partnership, association, or other entity.

SERVICE TECHNICIAN: Any person engaged in the buying, selling, repairing, replacing, or placing any device into service.

SEAL: Lead wire, zip-ties, locks, stickers, or other item used to affix or join two (2) or more things together so as to prevent the items from coming apart or to prevent the passage of any matter or substance between the items.

ELECTRONIC SEAL: A piece of data attached to an electronic document or other data, which ensures data origin and integrity.

AUDIT TRAIL: A electronic count or information record of the changes to the values of the calibration or configuration parameters of a device.

2. Section 111.04 *INSTRUMENT REPAIR AND INSTALLATION* shall be amended to read as follows:

A. All owners or operators of an instrument or device shall inform the County Inspector that an instrument or device has been repaired or installed and provide the County Inspector with the location of said instrument prior to that instrument being placed into service. The County Inspector shall thereafter certify its accuracy and affix a security seal or annual approval seal. An owner or operator shall notify the County Inspector at least forty-eight (48) hours prior to the date that the owner or operator intends to place the device or instrument into

service. The owner or operator must be present onsite when the device or instrument is inspected and calibrated by County Inspector.

B. Any instrument or device, which is accessible for use by the public, that is security sealed by the County Inspector or otherwise marked by the County Inspector as being inoperable or unable to be used, shall be repaired and placed into service within seven (7) days after being sealed or marked as unable to be used. The owner or operator of an instrument or device must permanently remove the instrument or device if it is not repaired and placed into service within seven (7) days after being sealed or marked as unable to be used by the County Inspector, or alternatively must notify the County Inspector in writing of the inability to have the device repaired and placed into service within the time required by this paragraph within seven (7) days after the instrument or device is security sealed or marked as unable to be used. Upon receipt of a timely notification of the inability to have the device or instrument repaired and placed into service within the time required by this paragraph, the owner or operator shall have an additional period of time, not to exceed twenty-one (21) days, to repair and place the device or instrument into service.

3. A new §111.09 entitled *FUEL STORAGE TANKS* shall be added and shall read as follows:

A. All underground fuel storage tanks, which are located on a property open to the public for the purpose of purchasing fuel, must have a visible lid that is painted in a color indicating the type of fuel held in the storage tank. A color-coded chart that identifies the type of fuel contained in each underground storage tank must be placed in an open and conspicuous site on the property.

B. Any fuel storage tank containing kerosene, which is located on property that is open for to public for the purchase of fuel, must be secured with a "K-1 lock".

C Any person that violates this section shall be fined \$200.00.

4. §111.06 (F) shall be amended to read as follows:

A person who violates this section shall be fined \$200.00. A person who violates the paragraph (E) of this section shall be fined \$400.00.

5. § 111.09 (A) shall be amended to read as follows:

The County Inspector may issue a citation to any person that violates the provisions of this Chapter, which shall be written on a ticket or other form, and kept on file in the County Office of Weights and Measures. If the owner and operator of a device or instrument that is utilized, operated or maintained in contravention of this Chapter are different persons, the owner and operator shall be jointly and severally responsible for any violation of this Chapter.

6. A new §111.10 entitled *AUDIT TRAIL* shall be added and shall read as follows:

The County Inspector shall be notified in writing prior to altering the audit trail on any device. The owner or operator of any device on which the audit trail is altered, without prior written notice to the County Inspector, shall be fined \$200.00.

7. Section 111.09 shall be recodified as §111.11.

REPEALER: All ordinances or parts of ordinances 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 is rendered invalid, shall be deemed omitted and severed, but the rest and remainder of this ordinance, to the fullest extent permitted by law, shall remain in full force and effect.

EFFECTIVE DATE: This ordinance shall become effective upon passage and publication as required by law.

ALL OF WHICH IS ORDAINED this 9th day of February, 2022.

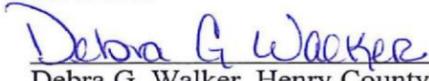
BOARD OF COMMISSIONERS OF HENRY COUNTY,
INDIANA







ATTEST:



Debra G. Walker, Henry County Auditor

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve the Non-Compliance fine form for the Weights and Measurers Department. Motion carried unanimously.

Steve Dellinger informed the Commissioners that bids for the leased farm ground should have been opened today during the meeting. Due to some miscommunication they have been changed to a later date.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to open bids for the Leased Ground February 16, 2022 at 4:00 p.m. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Ed Tarantino to adjourn. Motion carried unanimously.

Bobbi Plummer President

Steve Dellinger, Vice President

Ed Tarantino, Member

ATTEST:

Debra G. Walker, Auditor

