

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom, on Wednesday, June 22, 2016, at 6:00 P.M., with the following members present: Ed Yanos, Kim Cronk, Butch Baker, Patricia A. French, Auditor, and Joel Harvey, County Attorney.

The meeting was opened with the Pledge to the Flag, followed with silent prayer.

A motion was made by Mr. Baker and seconded by Mr. Cronk to approve the minutes from the previous meeting held June 1, 2016. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the claims as presented. Motion carried 3-0.

A motion was made by Mr. Baker and seconded by Mr. Cronk to accept a letter from the Mayor on the Enhanced 911 contract. Motion carried 3-0.

Mr. Yanos announced the County would be receiving \$47,526.62 for County Title IV-D Indirect Costs.

Gene Bundy, Treasurer, addressed the Commissioners concerning hiring Buchanan & Bruggenschmidt P.C. as a tax sale legal consultant. Their fee would be \$15.00 per parcel, which would be passed on to the land owner. A motion was made by Mr. Cronk and seconded by Mr. Baker to approve hiring Mr. Schmitt as a tax sale legal consultant. Motion carried 3-0.

Darrin Jacobs, Zoning Administrator, presented for approval a committee to review the County's local wind ordinance. Names submitted were as follows: Randy Jones, Steve Dugger, Butch Baker, Rosalind Richey, Katina Dishman, Corey Murphy and Steve Holmes, with Darrin Jacobs a non-voting member. Mr. Cronk stated he had some issues with the committee since he had suggested during the previous meeting to have at least one farmer and one non-farmer on the committee. Mr. Cronk thanked Mr. Jacobs for putting the committee together and made a motion to approve the committee as presented. Melissa Elmore thought the Commissioner on the committee should be removed (Mr. Baker) along with Corey Murphy and Steve Holmes. She also suggested adding other landowners such as a doctor, realtor or banker. Mr. Cronk withdrew his motion. Mr. Baker stated he thought the committee was formed to re-evaluate the current ordinance the County has for Wind Energy and to make recommendations. He didn't mind serving but if there were objections he would be happy to withdraw his name from the committee. Mr. Yanos stated he felt it was a fair committee and Mr. Baker would do a good job and be fair. He proceeded to make a motion to approve the committee as presented. Mr. Baker spoke up and stated he felt they should approve the committee minus himself and add a real estate, doctor or banker. Mr. Yanos withdrew his motion. A motion was then made by Mr. Baker to approve the committee minus himself. His motion was seconded by Mr. Cronk and passed 3-0. The Commissioners then asked Mr. Jacobs to fill Mr. Baker's position on the committee with the suggestions that had been given and return to the next meeting with his recommendation.

Calpine, a power generation company, gave a short presentation about their company and their interest in developing a windmill project in northern Henry County.

A motion was made by Mr. Cronk and seconded by Mr. Baker to reappoint Jan Crider and Cheryl Tichenor to the Henry County Tourism Commission board for a two year term beginning January 1, 2017 to December 3, 2018. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the Compliance with SEC Rule 15(c)2-12 for the Food & Beverage bonds. Motion carried 3-0.

Joe Copeland, Highway Engineer, updated the Commissioners regarding the certified miles for the County. The total miles certified for 2015 was 779.751 down .4888 from 2014. A motion was made by Mr. Cronk and seconded by Mr. Baker to accept the mileage report as presented. Motion carried 3-0.

Mr. Copeland also requested a bid date for asphalt paving for the Community Crossings Grant Program through INDOT. A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the date of July 29, 2016 for bids to be due. Motion carried 3-0.

A motion was made by Mr. Baker and seconded by Mr. Cronk to approve the bond for Stephanie Morgan, Deputy Treasurer for Blue River Valley School Corporation. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve Ordinance #2016-06 (06-22), requiring the reporting of loss of cash or property and establishing the amount of loss to be considered material. Motion carried 3-0.

ORDINANCE NO. 2016-06 (06-22)

AN ORDINANCE REQUIRING THE REPORTING OF THE LOSS
OF CASH OR PROPERTY AND ESTABLISHING
THE AMOUNT OF LOSS TO BE CONSIDERED MATERIAL

WHEREAS, Henry County has previously adopted and approved the Uniform Internal Control Standards for Indiana Political Subdivisions; and,

WHEREAS, it is necessary to determine the materiality threshold for purposes of invoking the reporting requirement set forth herein; and,

WHEREAS, this ordinance is intended to comply with the Indiana Code 5-11-1-27 and State Examiner Directive 2015-16.

NOW THEREFORE, BE IT ORDAINED that:

1. Each office holder and department head and each employee that has received the training required by I.C. 5-11-1-27 shall immediately report to the Auditor of Henry County all erroneous or irregular material variances, losses, shortages, or thefts of government funds or property. For the purpose of this ordinance, the value of One Hundred Dollars (\$100.00) or more shall be considered material.

2. Upon receiving such report, the Auditor of Henry County shall immediately report the same to the State Board of Accounts and enter the receipt of such report into a permanent log. Additionally, the Auditor shall investigate the report, maintain a record of the evidence obtained in such investigation and work with the reporting office holder, department head or employee to establish procedures to avoid any future losses. To the extent necessary and appropriate, the Auditor shall disclose her investigation materials to the Henry County Prosecutor and such other law enforcement authorities as may require such materials.

3. Upon receiving written recommendations from the State Board of Accounts addressing the method of correcting the condition which caused the loss and the necessary internal control policies and procedures that must be modified to prevent a recurrence of the condition, the Auditor shall cause such recommendations to be implemented promptly.

4. A public officer who has actual knowledge or reasonable cause to believe that there has been a misappropriation of public funds or assets, including information obtained as a result of a police report; an internal audit finding; or another source indicating that a misappropriation has occurred, shall immediately send written notice of the misappropriation to the State Board of Accounts and the Prosecuting Attorney of Henry County.

5. The County Auditor shall investigate all erroneous or irregular variances, losses, shortages or thefts regardless of whether they meet the materiality threshold established by this ordinance. Upon conclusion of each such investigation, the Auditor shall cooperate with the appropriate office holder or department head to cause policies and procedures to be adopted which will prevent any future such losses.

Adopted by the Board of Commissioners of Henry County, Indiana this 22ND day of JUNE, 2016.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the agreement with H.J. Umbaugh for Arbitrage services. Motion carried 3-0.

Darrin Jacobs, Zoning Administrator, presented two re-zoning change proposals for approval. The first one read was for John and Linda Jones, requesting to rezone approximately 2.963 acres from Agricultural (A-1) to Rural Residential (RR). The property owned by Mr. & Mrs. Jones of 5809 W Co Rd 950N, Middletown IN 47356 and in Fall Creek Township. Commissioner, Mr. Yanos stated he was not in favor of "spot zoning". Larry Keller, from Fayette County, spoke against the proposal. Linda Jones, property owner, stated she and her husband owned the property and felt they should be able to rezone that property to protect them from anything that might hurt their property values. After discussion, a motion was made by Mr. Baker and seconded by Mr. Cronk to approve the request as presented. Motion carried 3-0.

Mr. Jacobs continued to read a rezoning request from Sharon Mullen, to rezone approximately 1.61 acres from Agriculture (A-1) to Rural Residential (RR). The property is located at 9515 S Bentonville Rd, owned by Mrs. Mullen and in Dudley Township. A motion was made by Mr. Baker and seconded by Mr. Cronk to approve the rezoning request as presented. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve a bid from Peine Engineering to repair the chiller in the Justice Center, in the amount of \$9872. Motion carried 3-0. Mr. Cronk stated this expense would be paid from the Building Corporation fund.

A resolution transferring interest in Tax Sale Certificate to the City of New Castle was presented for approval. A motion was made by Mr. Baker and seconded by Mr. Cronk to approve the resolution as presented. Motion carried 3-0.

RESOLUTION TO THE
HENRY COUNTY COMMISSIONERS
NUMBER _____

**A RESOLUTION TRANSFERRING INTEREST
IN TAX SALE CERTIFICATE TO CITY OF NEW CASTLE**

WHEREAS, pursuant to Indiana Code §6-1.1-24-6, Henry County has a lien on, and interest in, properties offered for tax sale not sold and such lien is evidenced by a tax sale certificate held in the name of the Board of Commissioners of Henry County; and,

WHEREAS, the City of New Castle, Interlocal Community Action Partners ("ICAP"), Westminster Community Center, the New Castle Redevelopment Commission, Healthy Communities, Inc., and the New Castle Housing Authority, have recently been awarded a grant to acquire real property containing dilapidated structures for the purpose of demolishing the dilapidated structures and thereby eliminating blight; and,

WHEREAS, many of the properties that are targeted for acquisition have substantially delinquent real estate tax liabilities; and,

WHEREAS, in order to assist in the acquisition of the properties, the Board of Commissioners of Henry County wishes to transfer its interest in tax sale certificates, if any, in certain properties set forth on Exhibit "A" to the City of New Castle, which will then transfer its interest to the above-stated not-for-profit entities in an effort to acquire the real estate; and,

WHEREAS, the City of New Castle agrees to accept said tax sale certificates and then transfer same to the above-named entities.

NOW THEREFORE, BE IT RESOLVED BY THE HENRY COUNTY COMMISSIONERS that all right, title and interest of Henry County in any tax sale certificate, if any, related to the properties described on Exhibit "A" and all lien rights it holds as a result of delinquent unpaid taxes on the properties described on Exhibit "A", are hereby accepted by the City of New Castle for no consideration, all in accordance with Indiana Code §36-1-11-1 and that the transfer will become effective when a substantially identical resolution is adopted by the Henry County Commissioners, State of Indiana.

Passed and adopted by the Henry County Commissioners, City of New Castle this ____ day of _____, 2016.

Exhibit "A"

Address:	Parcel No:
923 South 15th Street	030-52530-00
908 South 17th Street	030-42371-00
1815 A Avenue	030-42310-90 and 030-42310-80
325 North 29th Street	030-36576-00
1204 South 20th Street	030-51163-00
1212 South 20th Street	030-51162-00
1325 J Avenue	030-35029-00
135 Columbia Avenue	030-45802-00
2830 C Avenue	030-31199-00
1204 South 19th Street	030-42415-50

All of the above are located in New Castle, Henry County, Indiana

Joel Harvey, County Attorney, presented their legal opinion regarding the sale of the Memorial Park Golf Course. During the previous meeting the Commissioners had requested the legal opinion since the Park had requested Food & Beverage monies

and would need a 20% match. Mr. Baker had suggested using part of the monies deposited into the non-reverting Golf Course fund as the match if possible. The letter states legal counsel reviewed minutes from November 16, 2011, December 14, 2011 and Council minutes from November 23, 2011, along with ordinances approved for the sale. In their legal opinion there was no reason the County couldn't use the monies deposited into the non-reverting Golf Course fund. An Ordinance amending Ordinance 2011-8 was presented for approval, which would better clarify and define the use of the sale proceeds based on conflicting statements contained in the minutes. A motion was made by Mr. Baker and seconded by Mr. Cronk to approve the Ordinance as presented. Motion carried 3-0.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 2011-08

WHEREAS, on December 14, 2011, the Board of Commissioners of Henry County established a non-reverting fund entitled "The Henry County Memorial Park Golf Course Sale Proceeds Non-Reverting Fund" which contains the proceeds realized from the sale of the Henry County Memorial Park Golf Course; and,

WHEREAS, the Board of Commissioners wishes to clarify and better define the use of the sale proceeds based upon conflicting statements contained in the minutes of meetings when the creation of the fund was discussed.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Henry County, that the funds contained in the Henry County Memorial Park Golf Course Sale Proceeds Non-Reverting Fund, including all principal and interest generated from monies held in the fund, may be appropriated by the Henry County Council for the purpose of improving Memorial Park, including without limitation, as matching funds for any grant received from revenue generated by the Henry County Food and Beverage Tax.

SEVERABILITY: Any provision contained in this ordinance, which is found by a court of competent jurisdiction to be unlawful or by operation of law, including subsequent legislative enactment, is rendered inapplicable, shall be omitted and the rest and remainder of this ordinance shall remain in full force and effect.

REPEALER: All ordinances that are in conflict with the terms of this Ordinance are hereby repealed.

Adopted by the Board of Commissioners of Henry County, Indiana this 22ND day of JUNE, 2016.

A motion was made by Mr. Yanos and seconded by Mr. Baker to receive bids for the air handlers in the Courtroom. Motion carried 3-0.

Mr. Baker also discussed a liquidation plan for property at the Youth Center. Department Heads and Elected Officials would be able to go and tag any items they may want. A motion was made by Mr. Baker and seconded by Mr. Cronk to proceed forward with the liquidation of equipment and furniture at the former Youth Center. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Baker to accept as presented the Highway's Health & Safety Manual and the Safety Standard and Work Rule Enforcement Policy for OSHA requirements. Motion carried 3-0.

Before the meeting was adjourned Mr. Yanos asked if there were any comments from the public. Jim McShurley, Susan Kovac, Mrs. Gephart, Danny Bennett, Claudia Horvack, Susan Huhn and Gary Rogers all spoke concerning the wind mill project. Mrs. Huhn stated her, along with other people, felt the committee that had been formed was stacked with people for the wind mills. The Commissioner's stated they felt the committee would be fair and unbiased. A similar committee had been formed for CAFO's and it had worked well.

A motion was made by Mr. Baker and seconded by Mr. Cronk to adjourn the meeting. Motion carried 3-0.

Ed Yanos, President

Kim L. Cronk, Vice President

Butch Baker

ATTESTED BY: _____

Patricia A. French, Henry County Auditor