

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom, on Wednesday, July 12, 2017, at 6:00 P.M., with the following members present: Butch Baker, Kim Cronk, Ed Yanos, Patricia A. French, Auditor, and Greg Crider, County Attorney.

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

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

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

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

A motion was made by Mr. Yanos and seconded by Mr. Cronk to accept the reports as presented: DLGF approval letter of Re-Establishment of CCD Fund, Henry County Clerk's Monthly Report for June, Intech Service Report for June, QBE Insurance Policy Renewal for Aviation, South Henry Regional Waste District's Semi-Annual Sub Recipient Report ending June 30, 2017, and Youth Opportunity Report from Henry County Probation. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve of the Henry County Extension Office being closed from July 10<sup>th</sup> to July 21<sup>st</sup> for the Henry County 4-H Fair at Memorial Park. Motion carried 3-0.

A motion was made by Mr. Baker and seconded by Mr. Yanos to accept a letter declining appointment to serve as an alternate on the Planning Commission Board from Kim L. Cronk. Motion carried 2-0., with Mr. Cronk abstaining.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to accept resignation from Joe Manis, for the Henry County Cemetery Commission Board. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve of Betty Perry to replace Joe Manis on the Henry County Cemetery Commission Board. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to accept the lowest bid by Ashley Thurman for cleaning the Courthouse, Justice Center, Masonic Building and Emergency Medical Services in the amount of \$69,999.96. A bid was also submitted by Clean N Simple Commercial Cleaning Services in the amount of \$105,000.00. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk for the closeout of South Henry Regional Waste Grant. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos for Stoney Creek Township to take acquisition of 3 acres of farmland behind 7292 East SR 35, donated by the Shively family. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Food and Beverage request for the Skate Park in the amount of \$88.50 to be paid to Hudson Tool Rental. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Food and Beverage request for the Skate Park in the amount of \$357.19 to be paid to RCS Contractor Supplies, Inc. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Food and Beverage request for the Skate Park in the amount of \$1,898.25 to be paid to Gillman Home Center. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Food and Beverage request for the Skate Park in the amount of \$18,246.76 to be paid to IMI. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve the Food and Beverage request for the Planning Commission in the amount of \$14,390.00 to be paid to American StructurePoint, Inc. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Food and Beverage request for Memorial Park Roof in the amount of \$23,880.00 to be paid to Neal's Gutter Service. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve the Food and Beverage request for Hall of Fame & Convention in the amount of \$1,520.00 to be paid to L&W Outdoor Advertising. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve bonds for Heather Harmon, Blue River School Extra Curricular Treasurer, Stephanie Morgan, Blue River School Deputy Treasurer, Lisa Parmley, Blue River Elementary School Secretary/Treasurer, Janice Ritchie, Blue River School Treasurer Extra Curricular, Kimberly Riley, Blue River School Treasurer. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve of Sam Beckinbaugh to purchase his gun for \$1 at his retirement. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to start the process to advertise new fees for the Health Department. Motion carried 3-0.

**ORDINANCE NO. 2017-07-12-11**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 50 AND CHAPTER 92  
OF THE HENRY COUNTY CODE AND MORE SPECIFICALLY, SECTIONS DEALING WITH  
PERMIT FEES AND COSTS**

WHEREAS, it is proper for the Commissioners of Henry County to take actions to protect public health, safety and welfare of individuals within the County; and,

WHEREAS, the Henry County Board of Health has recommended certain changes to the Henry County Code, more specifically, changes to those sections regulating permit fees and costs found in Chapters 50 and 92; and,

WHEREAS, the undersigned have determined that these changes are appropriate and should be made.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSIONERS OF HENRY COUNTY, INDIANA that the following amendments to provisions or sections of the Henry County Code enumerated below are hereby adopted:

1. Section 50.18(F) of Chapter 50 shall be changed as follows:

(F) Permit fees shall be paid as follows:

1. \$225.00 for the new installation of an OSS.
2. \$200.00 for the replacement or expansion of an OSS.
3. \$75.00 for the replacement of a component of an OSS, such as a septic tank, distribution box, broken header line and the like.
4. \$50.00 for any residential connection into an existing OSS which is not in failure.
5. \$200.00 for commercial projects.
6. \$75.00 for any request to renew an issued OSS permit which has expired.
7. \$50.00 for any operating permit.

2. Section 92.036(A)(5) of Chapter 92 shall be amended as follows:

(5) Permit fees based on menu type are as follows:

1. Prepackaged non-potentially hazardous foods. Limited preparation for non-potentially hazardous foods: Annual (operates more than 6 months during any one calendar year shall be considered annual): \$100.00. Seasonal(operates less than 6 months during any 1 calendar year shall be considered seasonal): \$50.00.
2. Limited menu (1 or 2 main items) prepackaged raw ingredients are cooked or prepared to order. Retail food operations exclude deli or seafood departments. Raw ingredients require minimum assembly. Most products are cooked/prepared and served immediately. Hot and cold holding of potentially hazardous foods is

restricted to single meal service. Preparation processes requiring cooking, cooling and reheating are limited to 1 or 2 potentially hazardous foods. Annual: \$125.00. Seasonal (see Section 8 below): \$75.00.

3. Extensive handling of raw ingredients. Preparation, process includes the cooking, cooling and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods. Advance preparation for next day service is limited to 2 or 3 items. Retail food operations include deli and seafood departments. Annual: \$150.00. Seasonal (See Section 8 below): \$100.00.
4. Extensive handling of raw ingredients. Preparation processes include the cooking, cooling and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods. Food processes include advance preparation for next day services. Category would also include those facilities whose service population is highly susceptible. Annual: \$175.00. Seasonal (see Section 8 below): \$125.00.
5. Extensive handling of raw ingredients. Food processing is at the retail level, e.g., smoking and curing; reducing oxygen packaging for extended shelf life. Annual: \$200.00. Seasonal (See Section 8 below): \$150.00.

3. Section 92.036(7) of Chapter 92 shall be amended as follows:

(7) Any person who desires to operate a temporary food establishment in the County shall obtain from the Henry County Health Department a temporary food establishment permit. The County Health Department shall provide the permit upon inspection and approval of the establishment and present it with \$15.00 for each day of operation, not to exceed fourteen (14) days for any continuous operation.

4. Section 92.036(8) of Chapter 92 shall be amended as follows:

(8) Retail food establishments which operate less than six (6) months during any one calendar year shall be considered seasonal and will be charged based upon the menu type, See Section 5 above.

5. Section 92.036(3)(b) of Chapter 92 shall be amended as follows:

(b) All penalties collected by the Henry County Health Department under this sub-chapter shall be transferred to the County Health Fund.

6. Section 92.057(D) of Chapter 92 shall be amended as follows:

(D) Pools and spas which operate only the months of May, June, July, August or September shall pay the Department a seasonal permit fee of \$75.00 which shall be submitted with the seasonal permit application.

7. Section 92.057(E) of Chapter 92 shall be amended as follows:

(E) Pools and spas which operate for periods which include months other than the months listed in division (D) above shall pay to the Department an annual permit fee of \$150.00 which shall be submitted with the annual permit application.

8. Section 92.057(F) of Chapter 92 shall be amended as follows:

(F) In addition, a fee of \$50.00 shall be paid for each additional swimming pool or spa operated by the same owner at the same address.

9. Section 92.057(G) of Chapter 92 shall be amended as follows:

(G) A re-inspection or re-opening fee of \$75.00 shall be paid to the Department prior to the re-opening of any swimming pool or spa which requires a re-inspection by the Department.

10. Section 92.057(H) of Chapter 92 shall be amended as follows:

(H) All annual permit fees shall be payable prior to the expiration date of the permit.

11. Section 92.057(I) of Chapter 92 shall be amended as follows:

(I) Pool permits are non-transferable, and once an establishment has been issued a permit to allow pool operation, the cost of the permit is non-refundable.

12. Section 92.092(A)(1) of Chapter 92 shall be amended as follows:

(A)(1) Prior to commencing business, each tattoo parlor operation shall obtain a permit from the Henry County Health Department. The permit shall provide the name and address of the owner of the business, and the name and address of each and every tattoo artist located at each location. The cost for this permit shall be \$300.00 and shall not be transferrable or refundable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The Henry County Health Department shall provide the appropriate forms for this permit. The permit shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

13. Section 92.092(A)(2) shall be amended as follows:

(2) Tattoo Artist. Every person that desires to perform any tattoo shall obtain a tattoo artist permit from the Henry County Health Department. This permit must be obtained before any tattoos are affixed to any person, and after the requisite training. The applicant must satisfy the minimum requirements as set forth in Section 92.084. The cost of this permit shall be \$100.00 and shall not be transferrable or refundable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The County Health department shall provide the appropriate forms for this permit. The permit shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

IT IS FURTHER ORDAINED that any provision of Chapter 50 and Chapter 92 of the Henry County Code not amended or changed by this ordinance, shall remain in full force and effect.

**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 shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage and publication.

Public input was made by the following people: Steven Peckingpaugh, Jeff Sanders, Dave Howe and Jerry Ellis.

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

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Butch Baker, President

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Kim Cronk, Vice President

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Ed Yanos

Attested by: \_\_\_\_\_  
Patricia A. French, Auditor