

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom, on Wednesday, March 30, 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 March 16, 2016. Motion carried 3-0.

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

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

A motion was made by Mr. Baker and seconded by Mr. Cronk to accept monthly reports presented from: HenCo Meds summary savings and Henry County Sheriff's Jail Maintenance report. Motion carried 3-0.

Mr. Yanos, President, opened the public hearing to vacate a road, alleyway, easement for REMC located in the New Castle-Henry County Industrial Park. Mr. Shields, legal counsel representing REMC, presented an ordinance for approval to vacate the road. Shannon Thom, representing REMC, was present to answer any questions. Mr. Yanos proceeded to ask if anyone present had any objections or questions. Mr. Rust, Surveyor asked if there were any utilities along the easement. Corey Murphy stated it was a good fit for the Industrial Park. A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the Ordinance as presented. Motion carried 3-0.

ORDINANCE NO. _____

**AN ORDINANCE TO VACATE A PORTION OF
AN EASEMENT LOCATED IN THE NEW CASTLE HENRY COUNTY
INDUSTRIAL PARK**

WHEREAS, Henry County Rural Electric Membership Corporation ("Henry County REMC") owns real estate in the New Castle Henry County Industrial Park ("Industrial Park") which is where it will construct its new corporate headquarters; and

WHEREAS, the real estate contain a portion of a platted, yet unimproved easement ("easement"); and

WHEREAS, Henry County REMC has filed a Petition before this Board for the vacation of the easement: and

WHEREAS, the vacation of this easement will not adversely affect any adjoining owner of real estate or any present use or future development in the Industrial Park;

WHEREAS, Henry County has no anticipated need for the easement nor will it be used as a means of ingress of ingress and egress by the public generally or the adjoining landowners; and

WHEREAS, it is in the best interests of Henry County, Indiana, to vacate the easement; and

WHEREAS, Henry County REMC has met the statutory requirements for the granting of its Petition including the publication of the required legal notices and has submitted the publishers' affidavits to the Henry County Auditor's Office; and

WHEREAS, the Henry County Commissioners have the statutory jurisdiction over this matter.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Henry County, Indiana, that the Petition of Henry County REMC to vacate the easement more particularly described as follows shall be granted:

PART of the Northwest Quarter of Section 34, Township 17 North, Range 10 East, Henry Township, Henry County, Indiana, and more particularly described as follows:

COMMENCING at a brass plug at the Northwest Corner of said Section 34; thence South 01 degree 09 minutes 27 seconds West (basis of bearings per Instrument number 20039211 in the office of the Henry County Recorder) 1998.13 feet along the West line of said Section 34; thence South 89 degrees

51 minutes 48 seconds East (and passing through a 5/8" rebar with cap at 39.45 feet) 340.58 to a 5/8" rebar with cap, said rebar being the POINT OF BEGINNING; thence continuing South 89 degrees 51 minutes 48 seconds East 49.94 feet; thence North 02 degrees 29 minutes 06 seconds East 375.28 feet; thence North 89 degrees 59 minutes 28 seconds West 50.01 feet; thence South 02 degrees 28 minutes 26 seconds West 375.17 feet to the POINT OF BEGINNING.

This Ordinance shall become effective immediately upon its passage.

Adopted by the Board of County Commissioners of Henry County, Indiana, this

30th day of March, 2016.

Corey Murphy, EDC Director, presented a Regional Planning District Resolution 2016-03-30-04 for approval. A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the resolution as presented. Motion carried 3-0.

RESOLUTION 2016-_____

RESOLUTION AUTHORIZING THE EAST CENTRAL INDIANA (ECI) REGIONAL PLANNING DISTRICT, INC. TO APPLY FOR HENRY, REPRESENT HENRY COUNTY.

WHEREAS, the ECI Regional Planning District works with all members counties to encourage a regional perspective on development, infrastructure and helps provide a vision for our future, and

WHEREAS, The ECI Regional Planning District works with member counties and their communities to provide technical services, grant writing, and other assistance, and,

WHEREAS, federal government funders now require projects to be listed in the Comprehensive Economic Development Strategy report for consideration, and

WHEREAS, ECI Regional Planning District manages the CEDS report for Delaware, Henry, Grant and Jay Counties, and are applying for designation as an Economic Development District.

NOW, THEREFORE, BE IT RESOLVED that Henry County hereby confirms that ECI Regional Planning District is our designated representative for managing the CEDS report, ECI Regional Planning District is authorized to apply for a grant to help fund the CEDS report and seek Economic Development District designation.

Approved this _____ day of _____, 2016.

Mr. Murphy also presented Resolution #2016 03-30-03 for approval. This resolution was approving the order of the Henry County Planning Commission in regards to the Comprehensive Plan. A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the resolution as presented. Motion carried 3-0.

RESOLUTION NO. _____

RESOLUTION OF THE HENRY COUNTY BOARD OF COMMISSIONERS APPROVING ORDER OF THE HENRY COUNTY PLAN COMMISSION

WHEREAS, the Henry County Redevelopment Commission ("Commission") on March 22, 2012, adopted an amending declaratory resolution, as amended on August 2, 2012, November 5, 2012, August 7, 2014, September 9, 2014 and March 16, 2015 (collectively, as amended, "Declaratory Resolution"), as confirmed by its Amending Confirmatory Resolution adopted on June 22, 2012, as amended on February 12, 2013, September 9, 2014, September 29, 2014 and April 7, 2015 (collectively, as amended, "Confirmatory Resolution"), establishing, expanding and consolidating the 2012 Consolidated Economic Development Area ("Area");

WHEREAS, the Declaratory Resolution and the Confirmatory Resolution are hereinafter collectively referred to as the "Area Resolution;"

WHEREAS, the Area Resolution approved the Economic Development Plan, as amended (collectively, as amended, the "Plan"), which Plan contained specific recommendations for economic development in the Area;

WHEREAS, the Commission has adopted its resolution amending the Area Resolution and the Plan to add the acquisition of certain real property in, serving or benefiting the Area;

WHEREAS, the Henry County Plan Commission ("Plan Commission") adopted an order on March 17, 2016 finding that the amendment to the Area Resolution and Plan conforms to the Comprehensive Plan of the County; and

WHEREAS, the Act requires approval of the action of the Plan Commission by the Board of Commissioners of the County prior to the Commission holding a public hearing on the amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HENRY COUNTY, INDIANA, THAT:

1. The action of the Plan Commission on March 17, 2016 is hereby approved by the Board of Commissioners.
2. This resolution shall be effective from and after its passage.

PASSED AND ADOPTED by the Board of Commissioners of Henry County, Indiana, this 30th day of March, 2016, by a vote of _____ ayes and _____ nays.

Action was to be taken on the G.W. Pierce Parkway bids, but Mr. Murphy stated they were not ready to take any action.

Curt Whiteside, representing the town of Blountsville, discussed the need and requested information regarding placing a siren close to the town, stating the one they currently have has not been operational for at least one year. He requested the Commissioners to adopt a siren coverage report.

Deb Lilly, representing South Henry Regional Waste District, presented a resolution for approval authorizing submission and a local match commitment for the District. A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the resolution as presented, subject to legal counsel review. Motion carried 3-0.

HENRY COUNTY

RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH COMMITMENT

RESOLUTION OF THE HENRY COUNTY COMMISSIONERS OF HENRY COUNTY, INDIANA AUTHORIZING THE SUBMITTAL OF THE CDBG PLANNING GRANT APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Henry County Commissioners of Henry County, Indiana recognize the need to stimulate growth and to maintain a sound economy within its corporate limits: and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low-and moderate-income persons and/or the elimination of blight; and

WHEREAS, the County of Henry, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low-and moderate-income residents:

NOW, THEREFORE BE IT RESOLVED by the Henry County Commissioners of Henry County, Indiana that:

1. The Henry County Commissioner President is authorized to prepare and submit an application for grant funding to address concerns of the South Henry Regional Waste District, specifically to determine what system-wide project improvements can be made to the collection system that will allow for growth and for the greatest return on operation and maintenance investments and to determine what cost effective improvements can be made at the wastewater treatment plant to accommodate growth within the district and for permit compliance and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The County of Henry, Indiana hereby commits the requisite local funds in the amount of three-thousand seven-hundred eighty dollars (\$3,780.00) in the form of cash from the South Henry Regional Waste District as matching funds for said program, such commitment is contingent upon receipt of CDBG funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Henry County Commissioners of Henry County, Indiana this 30th day of March, 2016 at _____ PM

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the Indiana Department of Correction TANF Grant agreement in the amount of \$43,500. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve a proposed Development Code Ordinance submitted by Steve Rust, Surveyor. Motion carried 3-0.

**DEVELOPMENT CODE
ORDINANCE # 2016-03-(03-30)**

Section:

- #1. Purpose and intent.
- #2. Authority.
- #3. Application and interpretation.
- #4. Definitions.
- #5. Permit required.
- #6. Minimum standards.
- #7. Variance Procedures.
- #8. Responsibilities of Landowner.
- #9. Enforcement, Violation, Remedies and Penalties.
- #10. Violations, Remedies and Penalties.
- #11. Fee Schedule.
- #12. Effective Date.

#1. PURPOSE AND INTENT:

It is the purpose and intent of the chapter to provide minimum standards and a permitting process for allowing the development of ponds or lakes within the county.

#2. AUTHORITY:

The Surveyor is hereby authorized and directed to administer and enforce all the provisions of this chapter as applicable.

#3 APPLICATION AND INTERPRETATION:

Whenever any words or phrases used herein are not defined herein but are defined in other applicable county ordinances or state laws regulating development and/or drainage, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

#4 DEFINITIONS:

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY: Henry County, Indiana

COUNTY COMMISSIONERS: The Board of Commissioners of Henry County, Indiana.

DEVELOPMENT: The construction, reconstruction, conversion, structural alternation, relocation or enlargement of any building; or any clearing, grading, or other movement of land.

DRAINAGE BOARD: Henry County, Indiana Drainage Board. See also IC36-9-27.

EXCAVATION: The process in which dirt is hauled into or out of the given area.

IMPROVEMENT: Any structure or man-made feature, which becomes part of; placed upon, or is affixed to land.

LAND PARCEL: A tract or plot of land. The term is usually in the context of land use or legal ownership.

POND: A body of water smaller than a lake, sometimes artificially formed.

SURVEYOR: Henry County Surveyor.

#5 PERMIT REQUIRED:

No pond or lake shall be constructed, or increased in size, without a permit issued by the Surveyor. Said permit shall be issued only in conformity with the provisions of this chapter. The following information shall be submitted with the application for a pond permit.

- (A) Site plan of the property showing the location of the proposed pond. Including:
- (1) The proposed distance of the pond will be from all property lines (as measured in accordance with #6)
 - (2) The direction of flow of water prior to and after the construction of the pond.
 - (3) The size, location, and elevation of the outlet of the pipe, and the direction of the flow of water exiting the property.
 - (4) If any disturbance of the soil is prior to occur in any of the setback areas, spot elevations will need to be performed in those areas prior to the disturbance of the soil. Setback areas will then need to be returned to the original elevation prior to final inspection of the pond.
- (B) A permit fee for \$350.00 shall be paid to the Henry County Surveyor's Office when the permit is issued. This fee shall be deposited into the Surveyor's non-reverting fund.
- (C) Permits shall be valid for one (1) year after the date of issuance. Any change to the plans is that one (1) year period shall require approval by the Drainage Board. After one (1) year has passed, a new permit will need to be issued and an additional permit fee will need to be paid.

#6 MINIMUM STANDARDS:

- (A) All ponds or lakes shall adhere to the following setbacks from property lines.
- (B) The pond shall be separated from any road right of way by no less than fifty (50) feet measured from the top of the bank or the 100 year pool if no defined top of the bank is present. Guard rails, berms or other structural measures may be considered in lieu of the above noted setbacks.
- (C) Forty (40) feet from all other property lines (high water level or excavating /site work, whichever is closet to property lines).
- (D) The setback for the side and rear property lines shall be measured to the toe of the slope of the bank of the pond, or the high water level of the pond, whichever is closer to the property line or roadway. In no case shall any excavation occur, or fill be placed, in the 100 feet building or any structure required setback area or within any regulated drain easement.
- (E) In no case shall the direction or volume of water exiting the property be permanently altered due to the construction of the pond.
- (F) All ponds shall have a safety ledge placed below water level. The minimum width of the safety ledge shall be six feet (6'). The maximum depth of the safety ledge shall be thirty inches (30"). An alternative to the safety ledge is a 4:1 slope for the first eighteen feet (18') of the pond around the entire area of the pond.
- (G) All ponds shall have one foot (1') contours at least two hundred feet (200") from the pond limit.
- (H) The Surveyor shall be notified by the property owner and/or excavation contractor 48 hours before work commences of the pond. Prior to the removal of excavating equipment, the Surveyor will be contacted and will give final approval of the newly constructed pond.
- (I) The pond should be constructed with a drain of sufficient size to drain the pond in a 3 to 7 day period without causing flooding to any downstream landowner.
- (J) An adequate spillway shall be installed to release overflow floodwaters shall be directed to an adequate conveyance configuration that will safely convey the water to an adequate outlet. Water shall not be discharged in a manner that causes erosion at or downstream of the point of discharge.
- (K) The pond dam shall be grassed immediately after the construction to prevent erosion. If this is not applicable, appropriate erosion control measures shall be used until the area can be grassed and any disturbed areas shall be seeded.
- (L) Two sets of plans shall be submitted to the Surveyor for review by the Surveyor and the Drainage Board for compliance with the standards of the Ordinance. Plans shall be sealed by an engineer or surveyor licensed by the State of Indiana.
- (M) Proposed elevations of all disturbed areas shall be approved within the sole discretion of the Henry County Surveyor.
- (N) Upon completion of their review, the Surveyor and the Drainage Board may either approve or deny the project. If the project is approved, then the two copies of the approved project plans will receive the signature and approval of both the Surveyor and the Drainage Board. One copy will be maintained on file in the Henry County Surveyor's Office and the other copy will be returned to the owner.
- (O) Where the outfall from the pond flows through real estate owned by others prior to reaching a regulated drain or private drain, no approval shall be granted until all impacted landowners either consent in writing to such use of their real estate, or are notified of such proposal by way of certified mail and their rights to appeal any approval of the design. Proof of this notification, e.g. a letter granting permission by proof of certified mailing, must be submitted to the Henry County Surveyor's Office.
- (P) The discharge from the pond shall not outlet onto the road right of way. Nor shall discharge be conveyed to a culvert under a road, unless the culvert can adequately handle the water (design calculations shall show the capacity during a 100 year storm).
- (Q) The discharge from the pond shall drain to a tile or open ditch with adequate capacity and a good outlet.

#7 VARIANCE PROCEDURES:

Variance from the minimum requirements of this section shall be filed in the Henry County Surveyor's Office to be reviewed by the Henry County Drainage Board.

A request for a variance for the minimum setback requirements or alteration of the direct volume flow from the property shall be submitted to the Henry County Surveyor. A filing fee of one hundred dollars (\$100.00) shall be paid to the county.

#8 RESPONSIBILITIES OF LANDOWNER:

In the event that any tiles are cut, broken down, or rendered less effective in any way during the development activity on a parcel, the landowner shall be solely responsible for the repair, replacement, or relocation of the tile on the land parcel to maintain the amount on drainage through the lot that existed prior to the development act.

Prior to issuance of any permit pursuant to this ordinance, the landowner shall execute a waiver of liability, assumption of risk, and indemnity agreement.

#9 ENFORCEMENT, VIOLATION, REMEDIES AND PENALTIES:

- (A) Complaints regarding violation. Any person may file a written complaint whenever a violation of this Ordinance occurs or is reasonably believed to have occurred. The complaint shall state reasonably, fully and accurately the particulars thereof, and be filed with the Surveyor. The County shall investigate and may take action upon such complaint as provided in this Ordinance.
- (B) Enforcement Official. The Henry County Surveyor or its designee is hereby designated as the enforcement official who is authorized and directed to implement the enforcement of the Ordinance.
- (C) Access to property and inspections.
 - (1) The Enforcement Official, and designated persons acting on its behalf may inspect any property in the County at any reasonable time for the purposes of determining or enforcing compliance with the provisions of this chapter.
 - (2) By making application for a permit as provided in this chapter the landowner is required to sign the application to act on his/her behalf.

#10 VIOLATIONS, REMEDIES AND PENALTIES:

It shall be the duty of the Enforcement Official to enforce the provisions of this Ordinance.

- (A) The following shall constitute a violation of this Ordinance and shall be subjected to the enforcement remedies and penalties provided by this Ordinance.
 - (1) The construction, erection, or location of any improvement – such as buildings along the banks, changes to the structure of the pool, or any improvement not shown on the plan presented to the Drainage Board – that has not been approved by the Drainage Board is in violation of the provisions of this Ordinance.
 - (2) The use or development of property in a manner which does not conform to the provisions of this Ordinance;
 - (3) Any act contrary to the provisions and requirements of this Ordinance; or
 - (4) Altering, damaging, or removing any drainage-related improvements, e.g. spillways, drain pipes, dams, etc., required by the Surveyor and/or Drainage Board as part of a development plan or subdivision approval as part of a variance or special exception approval, or any other action that compromises the development standards.
- (B) Any activity considered a violation of this Ordinance is declared to be a common nuisance.
- (C) A person acting as owner, agent, principal, lessee, contractor, engineer, surveyor, or otherwise who, whether individually or in concert with another, knowingly acts contrary to the provisions and requirements of this Ordinance, shall be liable for maintaining a common nuisance.
- (D) Private covenants or agreements imposing standards different from these in this Ordinance shall not impose an enforcement obligation on the Drainage Board.
- (E) The owner, tenant or occupant of any structure or land and any architect, engineer, surveyor, contractor, or other person who participates in, assist, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided herein.
- (F) The following process shall be followed by the Enforcement Official when pursuing a violation of this Ordinance.
 - (1)
 - (a) The Enforcement Official shall send written notice to the property owner indicating the nature of the alleged violation and ordering the action necessary to correct it.
 - (b) The Enforcement Official may provide up to thirty (30) days for a violation to come into compliance with this Ordinance. If at the time the violations have not been corrected, then:
 - (2) If the violation is not corrected, the Enforcement Official shall send a written notice identified as being the final notice, and shall state what action the Enforcement Official can take if the violation is not corrected. The notice

shall indicate that an appeal may be filed to the Henry County Drainage Board and the procedure for filing an appeal.

- (3) In all violation notices, a reasonable time period shall be expressed and allotted for compliance.
 - (4) If the compliance is not achieved by the deadline specified in the final notice, the Enforcement Official may impose one or more of the remedies listed in subsection (G) below.
 - (5) The Enforcement Official may file a complaint against the person responsible for and prosecute the alleged violation.
- (G) The Enforcement Official may impose any one or all of the following remedies listed below for any violation of this Ordinance:
- (1) A "STOP WORK ORDER" whereby all work on the construction authorized by issuance of a permit on the property shall cease at the time of the posting. A written "STOP WORK ORDER" shall be sent to the property owner, contractor, and/or other appropriate individual specifying what action is necessary to release the Order within the time limitation. Failure to adhere to this limitation is a violation of this Ordinance.
 - (2) A revocation of any permit issued for work on the property.
 - (3) Bring an action to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance, or action taken under this Ordinance. Further, any violation of this Ordinance is punishable as a Class "A" infraction.
 - (4) Bring action for injunction. This action may seek to enjoin a person or entity from violating, or continuing to violate any provisions of this Ordinance and/or maintaining a common nuisance. Further, it may seek the prevention, removal, or abatement of the violation.
 - (5) Any other remedy or penalty provided for herein, or other applicable authority.
- (H) Any person found to be in violation of this Ordinance in an enforcement action brought under this Ordinance shall be responsible to pay reasonable costs and expenses, including attorney's fees, incurred to the County in connection with the prosecution of such action.

#11 FEE SHCHEDULE:

As a condition of the submittal and the review of the plans by the Surveyor and/or Drainage Board the applicable fee shall be first paid.

#12 EFFECTIVE DATE:

This Ordinance shall go into effect _____, after advertising as required by law.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the bid from Kent Koger in the amount of \$211 per acre for farm ground rent. Motion carried 3-0. Another bid from Lewayne Hilbert was for \$203.65 per acre.

A motion was made by Mr. Baker and seconded by Mr. Cronk to approve bonds for: Lanna Colwell, Deputy Treasurer for Shenandoah School Corporation and Sharon Jessop, Mt. Summit Clerk-Treasurer. Motion carried 3-0.

Joe Wiley, Highway Administrator, informed the Commissioners another county may be interested in purchasing their existing milling machine.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the Maintenance contract with Taylored Systems for one year. Motion carried 3-0.

Discussed was the replacement of the Weights & Measures Tech. The Commissioners had been contacted by Mike Miller from the State inquiring when the position would be filled. The Commissioners stated they would have it filled by May 1, 2016.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve the bid from Regal Roofing & Construction, in the amount of \$49,948 for the Jail roof and \$2,950 for the Ambulance roof, subject to legal counsel bond review. Motion carried 3-0.

Mr. Baker informed the Commissioners the lease agreement between the County and YOC was just "weeks away" from being final. The legal counsel was reviewing the agreement.

A motion was made by Mr. Baker and seconded by Mr. Cronk to approve the Timekeeping system from ADP for the County. Motion carried 3-0.

A motion was made by Mr. Baker and seconded by Mr. Cronk to allow the Court employees to sign an acknowledgment form regarding the Henry County Personnel Policy. This form was modified and adapted by Henry County Circuit Courts and Judges. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Baker to approve travel for Susan Lightfoot, Tiffany Byers and Esther Kaelin to Boston and Santa Cruz, CA for a Youth Symposium and a model site visit. Motion carried 3-0.

Mr. Yanos announced there was no rate increase for Companion Life.

A motion was made by Mr. Cronk and seconded by Mr. Baker 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