

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom, on Wednesday February 23, 2022 at 6:00 p.m. with the following members present: Ed Tarantino, Bobbi Plummer, Steve Dellinger, Debra Walker, Henry County Auditor and Joel Harvey County Attorney.

Bobbi Plummer called the meeting to order with the pledge and prayer led by Ed Tarantino.

Bobbi Plummer began the meeting with a Public Hearing for Sale of County Buildings. The county is selling the Annex Building on the corner of 12th and Broad Street and the Hope Initiative building. Bobbi opened the floor for public comment only. Bill brown suggests that the commissioners consider doing requests for proposals rather than auctions.

Bobbi Plummer concludes the Public Hearing portion of the meeting.

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

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

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

A motion was made by Steve Dellinger and seconded by Ed Tarantino to approve the bonds for Meressa Creasy, State of Indiana Treasurer in the amount of \$100,000 and for Nancy E. Webb, Henry Township in the amount of \$30,000. Motion Carried unanimously.

Mike Broyles explains the process of transferring properties that are on Henry County's tax sale list to the City of New Castle. He explains that New Castle Land Bank intends to get these properties back on the tax roll. Ed Tarantino asks if it would be possible to get photographs of the homes. Mike Broyles states that they are all on Beacon and this is the way they have been viewing them, but he can obtain photographs for them. Bobbi

Plummer asks what is done with the monies they receive from selling the properties.
Mike Broyles states that it is used to purchase or demolish other properties.

Ed Tarantino makes a motion to adopt Resolution 2022-02-23-003 Transferring Interest in Tax Sale Certificates to the City of New Castle, seconded by Steve Dellinger. Motion carries unanimously.

RESOLUTION NO.: 2022-02-23-003

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

WHEREAS, Pursuant to Indiana Code §6-1.1-24-6, Henry County has a lien on, and an interest in, properties offered for tax sale that are not sold and such liens are evidenced by a Tax Sale Certificate titled in the name of the Board of Commissioners of Henry County; and,

WHEREAS, the City of New Castle has established a Landbank Corporation for the purpose of disposing of excess properties it owns, to acquire properties in the City of New Castle for rehabilitation, and to promote development and reduce blight within the City of New Castle; and,

WHEREAS, the City of New Castle has requested that the Board of Commissioners transfer Tax Sale Certificates for certain undeveloped properties to allow the City of New Castle to eventually obtain title to the properties and to transfer the properties to its Landbank Corporation for the purpose of rehabilitating the property or transferring the property to a responsible owner that will properly maintain the property and pay taxes and assessments on the property, as such taxes and assessments become due; and,

WHEREAS, the Board of Commissioners of Henry County wishes to transfer its interest in Tax Sale Certificates in the properties set forth on Exhibit "A" to the City of New Castle, which, after acquiring title to the properties, will transfer the properties to its Landbank Corporation.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Henry County, Indiana that all right, title and interest of Henry County in any Tax Sale Certificate 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 as Exhibit "A," are hereby transferred to the City of New Castle, Indiana. The County Auditor shall deliver the Tax Sale Certificates for the properties listed on Exhibit "A" to the City of New Castle.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF HENRY COUNTY, INDIANA, THIS 23rd DAY OF FEBRUARY, 2022.

HENRY

BOARD OF COMMISSIONERS OF
COUNTY, INDIANA

ATTEST:

Debra G. Walker, County Auditor

EXHIBIT A

<u>Parcel ID #</u>	<u>Record Owner</u>
1. 030-31021-00	Booher, Tyson
2. 030-31022-00	Booher, Tyson
3. 030-32624-00	Chandler, James & Helen
4. 030-36432-00	Lincoln, Christopher
5. 030-52619-00	Miller, Dane A. & Arlene
6. 030-52750-00	Kao, Jamie
7. 030-56304-00	Alma, Michael
8. 030-58125-00	Thurman, Cora A. Eugene
Booher 9. 030-58450-00 LLC	Comain XIII Tax Lien Fund

Ed Tarantino makes a motion to adopt Resolution 2022-02-23-004 Transferring Interest in Tax Sale Certificates to the City of Mooreland, seconded by Steve Dellinger. Motion carries unanimously.

RESOLUTION NO.: 2022-02-23-004

**A RESOLUTION TRANSFERRING INTEREST IN TAX SALE
CERTIFICATES
TO THE TOWN OF MOORELAND**

WHEREAS, Pursuant to Indiana Code §6-1.1-24-6, Henry County has a lien on, and an interest in, properties offered for tax sale that are not sold and such liens are evidenced by a Tax Sale Certificate titled in the name of the Board of Commissioners of Henry County; and,

WHEREAS, the Town of Mooreland has requested that the Board of Commissioners transfer the Tax Sale Certificate for a certain property in the Town of Mooreland, Indiana; and,

WHEREAS, the Board of Commissioners of Henry County wishes to transfer its interest in the Tax Sale Certificate in the property set forth on Exhibit "A" to the Town of Mooreland.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Henry County, Indiana that all right, title and interest of Henry County in any Tax Sale Certificate related to the property described on Exhibit "A," and all lien rights it holds as a result of delinquent unpaid taxes on the property described as Exhibit "A," is hereby transferred to the Town of Mooreland, Indiana. The County Auditor shall deliver the Tax Sale Certificate for the property listed on Exhibit "A" to the Town of Mooreland.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF HENRY COUNTY, INDIANA, THIS 23rd DAY OF FEBRUARY, 2022.

HENRY

BOARD OF COMMISSIONERS OF
COUNTY, INDIANA

ATTEST:

Debra G. Walker, County Auditor

EXHIBIT A

Parcel ID #

1. 023-01320-00

Record Owner

Isenhart, Ronald

Bobbi Plummer opens the discussion on the Farm Ground Lease. Mort Farms bid \$225/acre. Aaron Stigall raised his bid to \$236/acre. Kent and Kristen Koger raised their bid to \$241.25/acre. Steve Dellinger made a motion to table the decision to review all of the financial statements and hold a special meeting, seconded by Ed Tarantino. Motion carries unanimously.

Steve Dellinger makes a motion to accept reports from Weights & Measures, Henry County Treasurer, Henry County Clerk, and IDEM. Seconded by Ed Tarantino. Motion carries unanimously.

Joe Copeland reports that the Bridge Inspection Contract Addendum has new low rating requirements from the state. It will cost the county \$8,809.00 but the state reimburses us 80% leaving a net cost of \$1,761.80. It is a requirement on their standard contract. Steve Dellinger makes a motion to accept the cost of the contract, seconded by Ed Tarantino. Motion carries unanimously.

Joe Copeland speaks about Community Crossings Matching Grant Fund from last year. The account that had the \$1,000,000 from the grant has been closed with INDOT. The highway spent all of the grant except for \$3,325.22. The final amount billed from Milestone was \$1,328,899.71. He presents a copy of the breakdown.

Steve Dellinger makes a motion to accept the Town of Spiceland's Police Protection Agreement, seconded by Ed Tarantino. Motion carries unanimously.

Steve Dellinger makes a motion to approve Resolution 2022-02-23-002 Amending Henry County's Written Plan for the Expenditure of Coronavirus Fiscal Recovery Funds, adding up to \$170,000 for repairs and improvements of the HVAC system in the Justice Center and up to \$750,000 for digitizing records of the Board of Commissioners, County Council, County Auditor, and County Surveyor. Seconded by Ed Tarantino. Motion carries unanimously.

RESOLUTION NO.: 2022-02-23-002

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 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 (42 U.S.C. § 803 (c) (1) (A)), 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 (42 U.S.C. § 803 (c) (1) (A)), four hundred thousand dollars (\$ 400,000.00) to obtain one or more ambulances for use by the Henry County

Emergency Medical Service (42 U.S.C. § 803 (c) (1) (A)); 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 (42 U.S.C. § 803 (c) (1) (A)).

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. 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 42 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.

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.

ADOPTED BY THE BOARD OF COMMISSIONERS OF HENRY COUNTY, INDIANA, THIS ___ DAY OF _____, 2022.

ATTEST:

Debra G. Walker, County Auditor

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. \$ 1,000,000.00 to contribute to the cost of a new sanitary sewer line that will service the Henry County jail (42 U.S.C. § 803 (c) (1) (D)) (authorized in Resolution 2021-11-17-013);

2. 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 (

3. \$ 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 (42 U.S.C. § 803 (c) (1) (A));

4. \$ 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 (42 U.S.C. § 803 (c) (1) (A));

5. \$ 400,000.00 to obtain one or more ambulances for use by the Henry County Emergency Medical Service (42 U.S.C. § 803 (c) (1) (A));

6. \$ 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 (42 U.S.C. § 803 (c) (1) (A)).

7. Up to \$170,000.00 for repairs and improvements to the HVAC and ventilation systems at the Henry County Justice Center (42 U.S.C. § 803 (c) (1) (A));

8. Up to \$720,000.00 for digitizing records of the Board of Commissioners, County Council, County Auditor, and County Surveyor (42 U.S.C. § 803 (c) (1) (A); (c) (1) (C))

Exhibit A

Steve Dellinger moves to accept Ordinance No. 2022-02-23-002 Amending Chapter 111 of the Henry County Code allowing Weights and Measures to fine anyone in violation of the code. Seconded by Ed Tarantino. Motion carries unanimously.

ORDINANCE NO. 2022-2

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 perimeters 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 certified 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 23rd day of February, 2022.

BOARD OF COMMISSIONERS OF HENRY COUNTY,
INDIANA







ATTEST:


Debra G. Walker, Henry County Auditor

Steve Dellinger discusses Duke Energy wanting to trim the tree line of the County's farm property near the YMCA. There are also trees near power lines on Garner Street that they want to take down. No motion is made.

Steve Dellinger moved to adjourn. Seconded by Ed Tarantino. Motion carried unanimously.

Bobbi Plummer President

Steve Dellinger, Vice President

Ed Tarantino, Member

ATTEST:

Debra G. Walker, Auditor

