

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom on Wednesday June 14, 2023 at 6:00 p.m. with the following members present: Steve Dellinger, Joe Wiley, Bobbi Plummer and Debbie Walker, Henry County Auditor.

The Public Hearing was opened. Tara Hagan of ARA the grant administrator for the COVID 19 Supplemental Phase 3 Grant. This is the public hearing to provide interested parties to express their views on this grant. This was grant was for small business through the Office of Indiana Community Rural Affairs through the State Community Block Grant Program. The county was awarded \$240,000.00. It provided grants for small businesses that were impacted from the COVID19 pandemic. The County distributed the funds to 39 businesses. No comments from the Public were received by ARA or the County. There was no comment from the public that were in attendance at the Public Hearing.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to adjourn. Motion carried unanimously.

The meeting was opened with the Pledge and a Prayer led by Steve Dellinger.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve the minutes as presented. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve claims as presented. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve payroll as presented. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve the Clerk's monthly report. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve the following Food & Beverage Claims:
 Project #40 Jordan Arena - Pritchett's Backhoe Service for \$1,131.84; IMI \$2,884.62; IMI \$2,163.54; Kyle Kimball \$1,875.00
 Semi Annual Bond Payment for \$60,172.50
 Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve the Annual Information Report for 2022 prepared by Baker Tilly. Motion carried unanimously.

Rebecca Baker, Joy Miller and Kathy Johnson talked with the Commissioners about the 2022 Saddle Club season. They are going to have 150 days of shows and clinics this year. They presented the Commissioners with a 2023 Saddle Club schedule. They also gave the progress of the expansion that is funded by the Food & Beverage Grant.

A motion was made by Joe Wiley and seconded by Bobbi Plummer to approve the Workplace Harassment Training material that has to be done for the County Insurance. Motion carried unanimously.

Joe Copeland requested to trade 2 pieces of equipment in on a smaller excavator. He found a used CASE excavator with less than 700 hours, they have been renting it to make sure it is what they are wanting. They are wanting to trade in the JCB and Gradall. The trade in value for these with RPM Machinery was \$57,000. The cost after trade in would be \$88,325.00, and rental credit of \$13,800.00. Bobbi Plummer asked if he had the money in his budget to purchase these and they do.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to allow the trade in of the equipment to purchase the used CASE excavator. Motion carried unanimously.

Joe Copeland wanted to make the Commissioners aware of the deteriorating bridges on the walking trail from Knightstown to Lewisville that go over county roads. Highway money cannot be used to fix these as they are not a County bridges. He just wanted to make the Commissioners aware of these. They will contact the trail committee and let them know of the problem.

Joe Copeland has been working on the traffic count on Prairie Road and 650N. Mr. Copeland read a portion of an email from Joel Harvey, County Attorney. Mr. Copeland stated that he is updating the software in the traffic counter and they are working on getting the batteries replaced so that these can be set up. Once they get the information he will get that to the commissioners. Bobbi Plummer stated that she has contacted DLZ to do a study on the intersection as well just for another opinion.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve Resolution No.: 2023-06-14 (009), An Ordinance Amending Certain Parts of Title 1 of the Henry County Indiana, Development Code I Order to Allow Urban Chickens.

RESOLUTION NO. 2023.06-14.009

**AN ORDINANCE AMENDING CERTAIN PARTS OF TITLE
1 OF THE HENRY COUNTY INDIANA, DEVELOPMENT
CODE IN ORDER TO ALLOW URBAN CHICKENS**

WHEREAS, to allow homeowners the additional utility of their property and to improve quality of life for the residents of Henry County, the County Commissioners believe it is in the best interest of the County to permit residents in areas zoned Residential (R1 and R2) and under the guidance of the Henry County Office of Planning and Zoning to keep a limited number of chickens on their properties.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY
COMMISSIONERS, AS FOLLOWS:**

SECTION 2.2 Code titled "DEFINITIONS" shall be amended as follows:

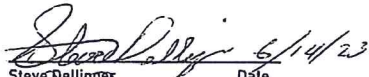
A new definition for the term "URBAN CHICKENS" is added to read:


URBAN CHICKENS. Female chickens of the species *gallus gallus domesticus*, that conform to the restrictions imposed in this code. This definition excluded all other poultry and fowl such as, without limitation, roosters, peacocks, turkeys, and waterfowl.

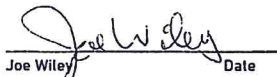
SECTION 6.2 Code titled "PERMITTED USES, ACCESSORY USES AND
COMMISSION APPROVED USES"

The use Urban Chickens be added and be noted as a permitted (P) use is in areas RR 5+ acres, and as a Commission Approved Use (CAU) in areas zoned RR<5 acres, R1 and R2.

- (11) All food and waste material shall be stored in covered containers with tight fitting lids and located a minimum of fifty (50) feet from property lines.
- (12) Chickens and their enclosures shall be kept in neat, clean, and sanitary conditions, free from offensive odors, excessive noise or any other condition that would constitute a nuisance.
- (13) Restrictive covenants regarding the keeping of livestock or poultry that are in existence at the time of adoption of this ordinance are binding.
- (14) The keeping of chickens is an accessory use to a single-family dwelling.
- (15) The sole purpose of keeping Suburban Chickens is for the private consumption of eggs by members of the household and not for commercial purposes. In no case shall any product produced or made as the result of any keeping of Suburban Chickens as provided in this section be offered for sale on any property zoned for residential use.
- (16) An Urban Chicken permit must be obtained from the office of Building and Zoning if a CAU is needed for the property. A CAU becomes non-valid if the property is sold or changes ownership. The new owner may apply for a new CAU.
- (17) During the CAU process, the Planning Commission may increase a setback if an objecting party or parties and an applicant can come to an agreement regarding a setback distance other than the minimum required in this ordinance.


 Steve Dellinger Date


 Bobbie Plummer Date


 Joe Wiley Date

Auditor Walker informed the Commissioners that her office staff agreed they all want to take a vacation or personal day on July 3, 2023 to close the office.

Rita Fisher, President of Memorial Park Board stated that the Bark in the Park is this weekend from 10-4 on Saturday June 17. She explained that they are short \$7,700 for this year's fireworks. She is asking if the Commissioners have any ideas on how to get the remaining funds. They have sent out over 150 letters asking for donations and put it in the paper, they also carried over \$10,000 from last year. They are having a Motorcycle Rally and they are going to sell food at the Bark in the Park and these will go towards the fireworks. She also stated that they had an electrician look at the barns and hopes to know this week, Steve Dellinger stated that the electrician is willing to do the work as long as the Park is willing to pay \$1700 to get the work done. If he does not start this week he will not have it done by the fair. Rita stated she could not make the decision on her own but doesn't see a problem having it done. Rita said from him to go ahead and do the work and she would hold a special meeting to get the board's approval. Don Shaw is the electrician going to do the work.

Butch Baker explained that the active shooter training went well. The mobile 911 equipment was used and they found a few glitches that need to be fixed.

Cindy Brooks updated the Commissioners on events going with the Chamber of Commerce. Henry County now has the largest Memorial Day Parade in the Midwest. The Cash Bonanza will be August 12, 2024.

Quotes were received for the construction of a new Maintenance building on North 12th Street. Quotes were received from Taylor Construction for \$151,000.00; Quality Builders for \$130,000.00 and American Steele Carports for \$51,500.00. Before any work can be done the Commissioners will need to go in front of the Historical Preservation and a contractor does not need to be under contract for this. A motion was made by Bobbi Plummer and seconded by Joe Wiley to table the quotes so they can be reviewed. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve the quote from Havel for the replace of a card reader for the scanner at the Justice Center. Motion carried unanimously.

A letter was received from Mary Ellen Keck resigning as Greensboro Township Trustee.

Bruce Aaron and Mark Joplin from the Guest House men's shelters asked if they would be able to use some of the OPID settlement money to put a new roof on the shelter. He presented a quote from ACR1.com Commercial Roofing for \$100,000.00. The roof is currently leaking and needs to be fixed soon. A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve the \$100,000.00 for the roof repair as it is one of our wraparound services that do actually have in this county and is very successful, this is contingent on the county being able to use the OPID money for this services. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve to advertise a Notice to Accept Proposals for Tree Trimming work for 2023. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Joe Wiley to approve Ordinance 2023-06-04 (006) Vacating a Public Way in Raysville, which is a modification to change the date from March 22, 2021 to March 22, 2001. Motion carried unanimously.

ORDINANCE NUMBER 2023-06-14 (006)

AN ORDINANCE AFFIRMING THE VACATION OF A RIGHT OF WAY

WHEREAS, Indiana Code 36-9-2-5, provides that a unit of local government may establish and vacate a public right of way;

WHEREAS, on March 3, 1839, a Plat of Hart and Tate's Eastern Addition to the Town of Knightstown, Indiana, was recorded in the office of Henry County Recorder; and

WHEREAS, the Plat depicts an alley dedicated to public use that is located between lots one (1) through six (6) on the north and lots seven (7) through twelve (12) on the south within Hart and Tate's Eastern Addition's Block 14 ("Alley"); and

WHEREAS, in 2001, the owner of real property adjacent to the Alley petitioned for the vacation of the Alley and on March 22, 2001, a public hearing was held on the proposed vacation; and

WHEREAS, on March 28, 2001, the Board of Commissioners approved the vacation of the Alley; and

WHEREAS, despite the approval of the vacation being reflected in the minutes of the March 28, 2001 meeting, no ordinance or resolution approving the vacation has been located; and

WHEREAS, in order to update the County's tax records and maps to reflect the approved vacation, an Ordinance, which evidences the previously approved vacation, should be adopted and recorded; and

WHEREAS, the alley is not located within any incorporated municipality; and

WHEREAS, vacating the alley will not impair access to any property or impede the flow of travel within Henry County; and,

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Henry County, Indiana that vacation of the public way described below, approved on March 28, 2001, is hereby affirmed and the records of Henry County, Indiana, shall reflect that the right of way described below has been vacated:

That portion of the unimproved east-west alley lying between lots numbered 1 through 6 and lots numbered 7 through 12 along with that portion of the north-south alley lying between lots numbered 9 and 10 all being in Block 14 in Hart and Tate's Eastern Addition to the Town of Knightstown, Indiana, now attached and made a part of Raysville, Indiana, according to the plat thereof recorded in Plat Book 3A, Page 84 in the Office of the Recorder of Henry County, Indiana

A map depicting the area vacated is attached to this Ordinance.

This ordinance shall be in effect from and immediately after its passage.

Adopted by the Board of Commissioners of Henry County, Indiana this 14th day of June 2023.

BOARD OF COMMISSIONERS OF HENRY COUNTY, INDIANA

[Handwritten signatures of Board of Commissioners members]

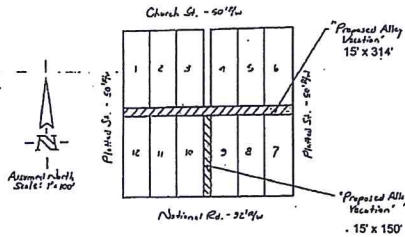
Joe Wiley

ATTEST:

Debra Gilwacker

Debra G. Walker, Henry County Auditor

March 22, 01 B-1825 *East Side Vacating*
Location Exhibit



Land Description

This portion of the unimproved east-west alley lying between Lots numbered 1 through 6 and Lots numbered 7 through 12 along with that portion of the north-south alley lying between Lots numbered 9 and 10 all being in Block 14 of Hart and Tate's Eastern Addition to the Town of Knightstown, Indiana, now attached and made a part of Reynolds, Indiana, according to the plat thereof recorded in Plat Book 3A, Page 94 in the Office of the Recorder of Henry County, Indiana.

This land description was prepared and is based exclusively upon record deed information and prior surveys of the subject premises or its parcel. For purposes of the preparation of this description, no survey of the described real estate was performed and no measurements were set.

FILED

OCT 20 2005

Ch# 2001.083 4/2/05

COOR CONSULTING & LAND SERVICES CORPORATION

COOR Consulting & Land Services Corporation
 203 W. Main Street PO Box 12
 Knightstown, Indiana 46148-0012
 Phone: 765.345.5943 Fax: 765.345.5692

IN 20050725

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A motion was made by Bobbi Plummer and seconded by Joe Wiley to adjourn. Motion carried unanimously.

Steve Dellinger
 Steve Dellinger, President

Joe Wiley
 Joe Wiley, Vice President

Bobbi Plummer
 Bobbi Plummer, Member

ATTEST:
Debra G. Walker
 Debra G. Walker, Auditor