

February 25, 2009

BE IT REMEMBERED THAT THE BOARD OF COUNTY COMMISSIONERS met in the Commissioners Courtroom, Henry County Courthouse Wednesday, February 25, 2009 at 7:00 p.m. in the City of New Castle, IN with the following members present: Kim L. Cronk, Samuel R. Beckenbaugh, William D. Cronk, Linda S. Ratcliff, Auditor and Joe Bergacs, County Attorney.

President Cronk opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

A motion to accept the minutes of the February 11th and February 16th meeting was made by Mr. William Cronk and seconded by Mr. Beckenbaugh. Motion carried 3-0.

A motion was made by Mr. William Cronk and seconded by Mr. Beckenbaugh to accept the monthly reports as presented for the following departments.

Clerk

Treasurer

IPEP

SIHO

Weights and Measures

Motion carried 3-0.

A letter was received from former County Attorney, Nancy Brown requesting payment for unused vacation and sick days and stating her desire to continue the County's Health Insurance. President Cronk asked for permission from the other Commissioners to meet with Nancy and the new County Attorney to discuss the county's policy. Mr. Beckenbaugh made a motion for President Cronk to meet with Nancy. The motion was seconded by Mr. William Cronk. Motion carried 3-0.

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

A motion was made by Mr. William Cronk and seconded by Mr. Beckenbaugh to approve payroll, timecards and deductions as presented. Motion carried 3-0.

Joe Wiley, Highway Administrator discussed work patching and repairing pot holes and discussed serving on the Association of Indiana Counties Legislative Committee.

Ken Johnson, Maintenance Department, discussed painting the department was doing and leaks on the Courthouse roof and exterior lights needing repair at the Justice Center. He also discussed the boiler not running in the Justice Center. Mr. Johnson also discussed moving the Auditor's office to the second floor.

Stan Richards discussed the compressor in the Justice Center. The problem may still be warranted but the labor will not be warranted. Mr. Richards has spoken with Duke Energy

and indicated there may have been a power spike. Dietz Electric has looked at the situation. Mr. Richards will submit a proposal for the work to be done.

A report was received from IPEP notifying the County of a potential claim and award for Judy Phillips a Henry County Park employee who was injured at work.

A letter was received and read by President Cronk commending Sheriff Butch Baker and the Henry County Commissioners for the significant efforts to improve the long-standing issue of jail population overcrowding. Reasonable cost effective efforts will continue to ensure the safety and security of the facility.

A letter was received from the Association of Indiana Counties concerning an informational meeting to be held to help plan road and capital projects plans and to qualify for stimulus money. The meeting for East Central Indiana will be held in Anderson on March 2, 2009 at 2:30 p.m.

Notice was received from Memorial Park concerning an injury to a citizen attending an event at the W.G. Smith building of a puncture wound to the leg. Medical treatment was refused.

A notice of Tort Claim was received from the Nunn Law Office concerning an auto injury occurring on or about December 1, 2008. Claim was referred to County Attorney.

Linda Bir-Conn was present to discuss the issues with the animal control contract. The ordinance had not been advertised so the animal shelter was told that they had no authority unless advertisement had taken place. Patricia Crowe, a Humane Society Board member spoke in favor of the ordinance being passed and said that the Humane Society Board and the Commissioners and former County Attorney had worked on the ordinance for approximately two years. A decision on the ordinance was tabled until March 11, 2009. Mr. William Cronk stated that he would not be attending the meeting on March 11, 2009 as he would be at a Commissioners Conference.

Gib Hoover, Weights and Measures gave his monthly report and informed the Commissioners that he would need to purchase a pharmacy scale test kit. This would cost approximately \$800.00. A motion was made by Mr. William Cronk and seconded by Mr. Beckenbaugh to allow the Weights and Measures department to make the purchase. Motion carried 3-0.

A Legal Services Agreement was presented to the Board of County Commissioners from Baker & Bergacs Law Office. Baker and Bergacs were selected to represent the County as Attorneys, at the meeting held on February 16, 2009. A motion to accept and sign the contract was made by President Cronk and seconded by Mr. Beckenbaugh. Motion carried 3-0.

Sheriff Baker reported to the Commissioners that he had a collapsed drain in the jail that needed to be repaired. He said that the Sheriffs Department could do some of the work but

that they would have to hire some of the repairs done. Mr. William Cronk made the suggestion that Chris Wisheart from Indiana Relign be contacted.

A proposal from Mid American Elevator was submitted. A motion was made by Mr. William Cronk and seconded by Mr. Beckenbaugh to accept the proposal from Mid American Elevator for maintenance of the Courthouse and Office Building Elevators. Motion carried 3-0.

Mr. Beckenbaugh updated the Commissioners on progress with updating current data communication areas. President Cronk asked for a motion to send Community Tech Center a letter cancelling their current contract for data services in 30 days. Mr. Beckenbaugh made the motion Mr. William Cronk seconded the motion. Motion carried 3-0.

Mr. Doug Mathis from the Henry County Health Department presented his Health and Environment Ordinance again with the fee schedule. A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to accept the ordinance as presented. President Cronk indicated that the fee schedule would have to be advertised according to statute before the fees could become effective. Motion carried 3-0. See ordinance below.

TITLE 7 **HEALTH AND ENVIRONMENT**

ORDINANCE **2009-02-02-25**

ARTICLE 15 **HENRY COUNTY HEALTH DEPARTMENT FEE SCHEDULE**

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Preface

WHEREAS, IC 16-20-1-27 provides that the Board of each Health Department may, with the approval of the county or city executive, establish and collect fees, not exceeding the cost of services provided, for specific services and records established by local ordinances and state law; and

WHEREAS, the Henry County Board of Health has established fees as set for the below and requested approval of the Board of Commissioners;

Be it now ordained by the Board of Commissioners of Henry County, State of Indiana, that:

Chapter 1: Environmental

7-15-1-1

Bed and Breakfast and Retail Food Establishment Permit Fees are as follows:

1. Permanent establishments operating annually based on number of employees:
 - a. Having one (1) to nineteen (19) Employees shall pay seventy five (\$75.00) per year;
 - b. Having twenty (20) to forty-nine (49) Employees shall pay one hundred dollars (\$100.00) per year;
 - c. Having fifty (50) or more Employees shall pay one hundred-fifty dollars (\$150.00) per year.
2. New permanent establishments filing applications between June 1st and December 31st will be charged one-half (1/2) of the aforementioned Permit Fee for establishments operating annually.
3. Permanent establishments operating less than six (6) months during and one (1) calendar year shall pay one-half (1/2) the scheduled fee for establishments operating annually.
4. A twenty five percent (25%) Late Fee will be assessed after February 1st to establishments operating annually who are applying late.
5. A Plan Review Fee equivalent to the Permit Fee will be assessed to each Bed and Breakfast and Retail Food Establishment which has not previously obtained a Permit.

7-15-1-2

A Temporary Food Establishment Permit Fee will be assessed as ten dollars (\$10.00) per day for each day of operation, not to exceed fourteen (14) days or one-hundred forty dollars (\$140.00) per event.

7-15-1-3

On-Site Septic System Fees shall be as follows:

1. New Construction permits are one hundred dollars (\$100.00) each;
2. Replacement and/or Expansion permits are seventy-five dollars (\$75.00) each;
3. Repair of a System component permits are twenty-five dollars (\$25.00) each;
4. Connect to an Existing System permits are twenty-five dollars (\$25.00) each.
5. Commercial Projects are two-hundred dollars (\$200.00) each;
6. Existing permit renewals are fifty dollars (\$50.00) each renewal.

7-15-1-4

Fees for tattoo parlor operations and tattoo artist shall be as follows:

1. Permanent tattoo parlor establishments operating annually shall pay one hundred dollars (\$100.00) per year;
2. Each person obtaining an annual Tattoo Artist Permit shall pay fifty dollars (\$50.00) per year.

7-15-1-5

Fees for public and semi-public pools and spas shall be as follows:

1. Pools and spas which operate only during the months of May, June, July, August, and September (seasonal) shall pay a permit fee of twenty five dollars (\$25.00),
2. Pools and spas which operate in months other than May, June, July, August, and September (annual) shall pay a permit fee of fifty dollars (\$50.00),
3. Each additional pool or spa operated by the same owner at the same address shall pay an additional fee of twenty five dollars (\$25.00)

7-15-1-6

Fees for water testing, including but not limited to, drinking water and pool water shall be as follows:

1. Bacterial, coliform \$20.00/sample
2. Bacterial, e. coli \$25.00/sample
3. Fluoride \$25.00/sample
4. Nitrate \$25.00/sample
5. Heterotrophic Plate Count \$20.00/sample
6. Chlorine \$20.00/sample

7-15-1-7

Annual permit fees for each transient residential building shall be as provided under the following schedule:

1. 0 – 50 rooms \$100.00
2. 51 – 100 rooms \$150.00
3. 101 – 200 rooms \$200.00
4. over 200 rooms \$300.00

Chapter 2: Vital Statistics

7-15-2-1

Vital Statistics Fees shall be as follows:

1. Birth Certificate for Active and Veteran of all U. S. Armed Forces Free
2. Standard sized Birth Certificate \$7.00
3. Laminated wallet sized Birth Certificate \$10.00
4. Death Certificate for Active and Veteran of all U. S. Armed Forces Free
5. All other Death Certificate \$10.00
6. Genealogy Certificate \$2.00
7. Affidavit pursuant to Court Order \$10.00

Chapter 3: Nursing

7-15-3-1

Public Health Nursing Fees shall be as follows:

1. Mantoux TB/Tine tests \$5.00
2. Childhood immunizations \$1.00 per shot, maximum \$2.00 per child, maximum \$3.00 per family
3. Adult Immunizations [Prices equal to cost of vaccine, plus nominal administrative fee not to exceed fifteen dollars (\$15.00)]
4. Treatment for Lice \$5.00

Chapter 4: Collection Accounting and Disposition

7-15-4-1

1. All fees collected by the Henry County Health Department shall be accounted for in detail for each program service area.
2. All fees collected by the Henry County Health Department derived from the sources listed in subsections a through g shall be transferred to the Henry County Health Maintenance Fund.
 - a. water testing
 - b. inspection of transient residential buildings
 - c. adult immunizations
 - d. international travel immunizations
 - e. pool permits
 - f. tattoo parlor and artist permits
 - g. Reimbursement from any private insurance or public indemnification (in accordance with IC 16-46-10).
3. All other fees collected by the Henry County Health Department shall be transferred to the Henry County Health Fund.

Chapter 5: Severability

7-15-5-1

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this Ordinance.

Chapter 6: Repeal and Effective Date

7-15-6-1

1. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, including but not limited to: Ordinance 2007-4-4-25; Ordinance 2005-7-11-16 adopted November 17, 2005; Ordinance 4(4-94) adopted April 11, 1994; Amended Henry County Board of Health – Fee Collection Ordinance adopted July 1, 1993; Henry County Board of Health – Fee Collection Ordinance adopted December 15, 1986; Fee Schedule adopted May 31, 1983; and Fee Ordinance adopted February 3, 1969.
2. This Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

Ordinance _____ passed and adopted by the Commissioners of Henry County, State of Indiana, on this _____.

Signed:

Kim Cronk

William Cronk

Sam Beckenbaugh

Henry County Board of Commissioners
New Castle, Indiana

Ordinance _____ published on _____ and _____ in Henry County, Indiana.

Attested to:

Linda Ratcliff

Auditor, Henry County
New Castle, Indiana



Mr. Ron Huffman, Emergency Management presented a grant and wanted the Commissioners to sign the grant. Mr. William Cronk made a motion to accept the grant as presented. President Cronk made the motion to accept the grant as presented pending waivers holding the county harmless for injuries to persons or property by everyone participating at least once each year and the City would have to sign a waiver holding the County harmless also. Mr. Beckenbaugh seconded the motion. Motion carried 3-0.

Ron Huffman Emergency Management requested that a non reverting fund be set up for donations. President Cronk indicated that an ordinance would need to be passed.

A bill was presented by President Cronk from Hayes Copenhaver Crider, LLP for \$17,925.44 to cover expenses for the Memorial Park lawsuit. A motion was made by President Cronk and seconded by Mr. Beckenbaugh to forward the bill to the County Council. Motion carried 3-0.

Mr. Byers County Surveyor presented the letter of acknowledgement from INDOT for the Contract Final Inspection of Henry County Bridge 168. Mr. Byers asked the Commissioners to sign the report. A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to sign the letter. Motion carried 3-0.

Mr. Byers presented the LPA Scoring Tabulation for RFP No. BI-09 Henry County Bridge Inspections for the four year National Bridge Inspection Program. The results were as follows:

USI Consultants were chosen

Beam Longest & Neff were chosen for Bridge 200

Butler, Fairman & Seufert were chosen for Bridge 31

A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to accept the recommendations as presented. Motion carried 3-0.

Mr. Byers presented the minutes and hearing information for the John Judge Drain from the Drainage Board meeting on February 11, 2009. A motion was made by Mr. William Cronk and seconded by Mr. Beckenbaugh to accept the report as presented. Motion carried 3-0.

Mr. Richard Hanna was present to discuss a concern he had about the Healthy Communities Project. He had received notice from the Department of Natural Resources to cease and desist using the land designated for Healthy Communities. President Cronk suggested that Mr. Hanna talk with Mr. Jeff Ray who was working with Healthy Communities on the project.

Mr. and Mrs. Jeff VanArsdoll were present to discuss the closing of the road discussed at the last Commissioners meeting. The road in question, 250 N., was closed on December 10, 2008. President Cronk suggested that because there were so many people interested in this issue all citizens would be allowed to speak and voice their concerns, but that all should remain cordial and orderly. Complaints were heard concerning the dumping that takes place on that road and the suspected drug use and vandalism. Citizens wanting the road opened complained of the inconvenience to them and stated that dumping and the same kind of activities happen on all county roads. After much discussion the commissioners tabled making a decision until the March 11, 2009 meeting. Mr. Beckenbaugh indicated that he would like to take a look at the road before making a decision. President Cronk made a motion to table a decision until March 11, 2009 and Mr. Beckenbaugh seconded the motion. Motion carried 3-0

A motion was made by Mr. Beckenbaugh and seconded by Mr. William Cronk to adjourn.
Motion carried 3-0.

Samuel R. Beckenbaugh

William D. Cronk

Kim L. Cronk, President

Linda S. Ratcliff, Auditor