

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

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

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

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

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

A motion was made by Mr. Cronk and seconded by Mr. Yanos to accept the reports as presented: Henry County Arbitrage Calculation on Food and Beverage Tax Revenue and Refunding Revenue Bonds of 2012 prepared by Umbaugh, Henry County Attorney Report for March, Henry County Clerk's Report for March, IGMS Quarterly Report for 3rd Quarter, Impact Statement for Micronutrients Allocation Area prepared by Umbaugh, Intech Service Report for March, Minutes from Public Hearing from Sub-Recipient Blountsville/Stoney Creek Volunteer Fire Department held on March 20, 2017. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to accept the Commissioner's Tax Lien Certificate Sale Report, 168 out of 288 property lien certificates were sold in the amount of \$117,641.11. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Food and Beverage request for New Castle Babe Ruth in the amount of \$3800.00 made payable to Aaron Cole of Colstruction to replace roofs on two dugouts. There were four quotes submitted ranging from \$3800.00 to \$11,975.00 Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Food and Beverage request for New Castle Babe Ruth for purchase of a gator vehicle for field maintenance, subject to council approval. The request is for Smith Implements in the amount of \$7400.00. Quotes were submitted by Smith Implements and Reynolds Farm Equipment. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos for Duke Energy LLC to enhance their bond from \$10,000.00 to \$50,000.00 as per fall utility ordinance that was passed, subject to pending legal review. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve paying a claim in the amount of \$758.00 from the Golf Course non reverting fund (#4913) made payable to Powell Excavating for work done on Golf Course drainage. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve the recommendation of VTF Excavation for Brooks Drive Extension in the amount of \$602,769.00 and sign Form 96. Motion carried 3-0. VTF was not the lowest bidder, the lowest bidder was not a responsive bidder.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to authorize Food and Beverage grant money in the amount of \$200,000.00 for the Brooks Drive Extension project. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to send a letter to INDOT for closure of Purchase Orders for Bridge 3. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to sign the level two design exception on the county's behalf for Bridge 3. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to accept the Title VI Nondiscrimination Implementation Plan and Policy as presented. Motion carried 3-0.

A public hearing to reestablish CCD is set for May 10th.

Bids were submitted by the following for the Skidsteer and Trailer purchase for the Highway Department: Bobcat of Anderson, MacAllister Machinery, Southeastern Equipment, MH JCB and Jack Roberts Trailer Sales. A motion was made by Mr. Cronk and seconded by Mr. Yanos to accept the bid from Bobcat of Anderson for the Skidsteer in the amount of \$49,032.24, and accept the bid from Jack Roberts Trailer Sales for the Trailer in the amount of \$5,400.00. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to accept the update from Hope Initiative. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos for Safe at Home to proceed with a Grant as the In-Kind has been approved. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve a 54 month lease with Pinnacle Mailing Products for the Clerk at \$309.00 a month. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve the renewal of Motorola Service Agreement for 911 center in the amount of \$29,528.76. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve the Quality Plumbing and Heating renewal contract and first quarter invoice in the amount of \$5,972.00 for the Henry County Youth Center. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to move the June 14th meeting to June 19th. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve of selling a 2007 Chevy HHR and using the money for installations costs on new sheriff vehicles. Motion carried 3-0.

Discussion was held about the current WECS ordinance, Rosalind Richey proposed the following:

Good evening. My name is Rosalind Richey, and I represent a group of concerned citizens of Henry County.

We are all in agreement that our current WECS ordinance needs to be updated to protect the citizens as well as the County. There is no procedure for citizens to initiate amending an ordinance.

According to Indiana Code 36-7-4-602 sections (b), (1) and (2) state

(b) After the zoning ordinance for a jurisdiction has been adopted as described in subsection (a), the following procedure applies to a proposal to amend or partially repeal the text (not zone maps) of the ordinance:

- (1) The plan commission may initiate the proposal. (Under the advisory planning law or the area planning law, any participating legislative body also may initiate the proposal and require the plan commission to prepare it.)
- (2) The plan commission must prepare the proposal so that it is consistent with section 601 of this chapter.

I am requesting that you move to direct the Planning Commission to initiate amending our current WECS ordinance. This should be in writing and sent to the Zoning Administrator and members of the Planning Commission as soon as possible.

This is a daunting task. A group of us have worked together and compiled a proposed revision to our current ordinance. This can be used as a solid foundation for amending the current ordinance. You have copies of the proposed revision and copies will be sent to the Planning Commission members and the Zoning Administrator in the near future.

We envision the Planning Commission will:

- Review our proposed revision, seeking public input as they desire
- Make changes or additions for their final proposal
- Hold appropriate hearings to complete this process in good time.

With your endorsement, the process of amending our current WECS ordinance can move quickly to adoption. Please give this process your enthusiastic support.

Suggestion for motion:

Whereas the current Wind Energy Conversion Systems ordinance is outdated,

Whereas, the current WECS ordinance does not provide sufficient protection to ensure the health and safety for the citizens of Henry County, and

Whereas the current ordinance does not provide sufficient financial protection for the future of Henry County,

We, the Board of Commissioners of Henry County, Indiana, do hereby move to request the Planning Commission of Henry County to initiate proceedings to amend the Wind Energy Conversion Systems ordinance, Title 5, Section 9.0 using the proposed revised ordinance as a guide.

The following people made comments: Melissa Elmore, Susan Huhn, Gary Rodgers, and Ron Romine.

Mr. Yanos made a motion, which died to a lack of a second.

Motion to amend Henry County Wind Energy Conversion System ordinance:

Section 154.101

Section A. (2) - To amend setbacks to a minimum of 3 times the tip height from any currently constructed residence, church, or business zoning district unless the owner thereof shall waive the setback distance

Section A.(4) - To amend setbacks to a minimum of 5 times tip height from any town or city limit, platted community under the zoning jurisdiction of a separate municipality, public school, or hospital.

Section B. (2) - To amend setback from any non-participating property's property line to 1.25 times tip height unless waived by the property owner.

Section A. (2) - To strike "New structures built adjacent to wind power facilities shall maintain these same minimum setbacks" in 154.101 Sec. 2

Amend Henry County Development Code:

Section 9.7 A. 2. WECS or meteorological tower may not be nearer than 1.25 tip height to any property line, unless waived by the property owner.

9.7 A. 3. WECS shall be, at a minimum, 3 times tip height from any platted community under the zoning jurisdiction of a separate municipality.

9.7 B. 2. Installation of any WECS or Meteorological tower may not be nearer than 1.25 times the height of the WECS tower tip height to any property lines, unless waived by the property owner.

Mr. Baker made a motion to have the Planning Commission look at Ed's motion and Mrs. Richeys suggested motion to combine the two. The county attorneys stated that this was not possible to do.

A motion was made by Mr. Cronk and seconded by Mr. Yanos for the Henry County Planning Commission to review in its entirety the Henry County WECS ordinance. Motion carried 3-0.

Melissa Elmore presented to the Commissioners copies of e-mails from June 17, 2015, the Henry County Employees' Handbook, adopted January 27, 2016, a map, newspaper articles and the Planning Commission conflict of interest to be available for review in the Auditor's office.

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

Butch Baker, President

Kim Cronk, Vice President

Ed Yanos

Attested by: _____
Patricia A. French, Auditor