

Board of Commissioners Meeting

4-11-2022

Present: Dennis Henderson, Nancy Cline, Tracey Powell

Other Present: Jim Leffler, Dick Klein, Dustin Shuck, Christy Dolezal, Patti Elisario, Mike Harlowe, Steve Brown, Jim Ankrum, Ashley Sherard, Michael Terry, Ann Cox

The meeting was opened with prayer by Reverend Ashley Sherard from West Street Christian Church and the Pledge of Allegiance.

Payroll – Katy Kramer

Motion by Commissioner Cline to approve payroll, check date April 15, 2022, in the amount of \$197,000.12. Second by Commissioner Powell. Motion Carries.

Claims – Katy Kramer

Motion by Commissioner Powell to approve early dockets, in the amount of \$520.00 to the Postmaster for Election postage; \$158.740 to TDS from Highway General; \$90.00 to AIC for Auditor Conference registration; and \$10,420.24 to CenterPoint Energy and Constellation for a gas bill. Second by Commissioner Cline. Motion carries.

Motion by Commissioner Cline to approve miscellaneous claims for docket date April 11, 2022, in the amount of \$211,408.65. Second by Commissioner Powell. Motion carries.

Highway- Superintendent Bret Morris

Sealed Bid Opening for Liquid Asphalt

Sealed bids were timely received from Marathon and Asphalt Materials.

Commissioner Cline opened and read the bids from Marathon:

AE90: \$1.989 per gallon AE90 Chip Seal: \$1.989/gallon

Commissioner Powell opened and read the bids from Asphalt Materials:

AE90: \$2.186 per gallon AE90 Chip Seal: \$2.186/gallon

Motion by Commissioner Cline to accept both bids and use the bid that is of greatest benefit to the County. Second by Commissioner Powell. Motion carries.

Salt Storage Barn

Greystone's contract is \$193,500.00, not including asphalt, estimated to cost \$38,920.00.

Motion by Commissioner Cline to move forward with the project. Second by Commissioner Powell. Motion carries.

Motion by Commissioner Powell to authorize Dennis Henderson to sign the contract. Second by Commissioner Cline. Motion carries.

Ordinance BOC2022-03 Excavation Ordinance

ORDINANCE BOC2022-03

**AN ORDINANCE OF THE TIPTON COUNTY INDIANA BOARD OF COMMISSIONERS
AMENDING SECTION 90 OF THE TIPTON COUNTY INDIANA CODE OF ORDINANCES**

WHEREAS, Section 90 of the Tipton County Indiana Code of Ordinances, regulates the installation of cables, pipes, lines, fiber, and any other utilities in the public right-of-way, and the repair of any tiles or drains that might be damaged or destroyed during utility installation; and,

WHEREAS, the temporary removal or alteration of signage during any such installation is always a safety concern for the county and its citizens; and,

WHEREAS, in order to protect the public, the Board of County Commissioners ("Commissioners") has determined that additional regulations are necessary to ensure that the public is protected.

NOW THEREFORE, upon recommendation of the county highway superintendent, the Commissioners do now add the following language to Section 90 of the Tipton County Code of Ordinances:

It shall be hereafter added to Section 90 of the Tipton County Indiana Code of Ordinances, Sections 90.12, 90.13, and 90.14 that will read as follows:

90.12 During the installation of any wire, line, pipe, fiber, or any other utility, there shall be absolutely no removal or obstruction of any regulatory signs, including but not limited to "STOP", "STOP AHEAD", and "SPEED LIMIT", nor any other sign that has been erected by county, city, or state highway officials.

90.13 No utility of any kind shall be installed closer than twenty-four inches (24") to any regulatory sign post.

90.14 No utility shall be installed closer than twenty-four inches (24") to the edge of pavement roadway.

All other provisions of the original Section 90 of the Tipton County Indiana Code of Ordinances in conflict with the foregoing amendments or additions herein, shall be null and void. All other provisions of the Tipton County Indiana Code of Ordinances not otherwise amended herein, shall remain in full force and effect, including those amendments approved by the Commissioners in Ordinance 2008-13 on December 22, 2008 and those amendments dated March 30, 2009.

SO ORDAINED, this _____ day of May 2022.

Board of Tipton County Commissioners by:

Dennis Henderson, President

Nancy Cline, Vice President

Tracey Powell, Member

Attest:

Gregg A. Townsend, Auditor
Tipton County, Indiana

Prepared by:
Mark R. Regnier #13757-80
Tipton County Attorney
120 S. West Street

Tipton, Indiana 46072
765-675-2211
markregnieratty@gmail.com

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. Mark R. Regnier

County Attorney Mark Regnier made the First reading of the ordinance.

Motion by Commissioner Powell to approve the first reading of Ordinance BOC2022-03. Second by Commissioner Cline. Motion carries.

Engineer Beer

Engineer Beer presented a marked-up copy of the INDOT Tipton County Transfer Agreement. County Attorney Regnier stated that it would be helpful to have INDOT issue separate checks to the County and City of Tipton. It was suggested that we have a signed agreement with the city agreeing to the split.

Sheriff – Tony Frawley

Sheriff Frawley stated that he had received a text message requesting a tour of the old jail. The request was denied due to safety concerns. He also stated that a semi-truck had damaged the pavement and yard in front of the jail. The Highway Department will repair the damage. He stated that construction at CR100S and US31 will last from April 1 to December1, 2022. Division Road will be shut off to cross traffic, with right on/right off turns only. The light will be shut off. They will not be using law enforcement at the construction site. He urged the public to stay alert and reduce speed, as there have been several accidents. The Sheriff stated that he would be moving the speed trailer around. Commissioner Cline stated that this will result in more road maintenance.

Main Street Food Trucks – Patty Elisario

Motion by Commissioner Cline to approve use of the Courthouse property and restrooms and security officer Kevin Stiner for the Main Street Food Truck events on June 6, July 21, and August 18, from 5:30 to 8pm. Second by Commissioner Powell. Motion carries.

Tipton County Extension Homemakers – Mom’s Night Out- Request to use Courthouse Restrooms May 6, 2022.

Motion by Commissioner Powell to approve. Second by Commissioner Cline. Motion carries.

\$50,000 Reserve for the West Elwood Sewer Project

Motion by Commissioner Cline to transfer \$50,000 in the EDIT Fund to Elwood for the West Elwood Sewer Project. Second by Commissioner Powell. Motion carries.

Doctor’s Park

Motion by Commissioner Powell to accept the relinquishment of Doctor’s Park by IU Health. Second by Commissioner Cline. Motion carried.

Motion by Commissioner cline to authorize Dennis Henderson to sign the paperwork. Second by Commissioner Powell. Motion carried.

Motion by Commissioner Powell to move forward with a contract with Christy Dolezal for a daycare. Second by Commissioner Cline. Motion carried.

Motion by Commissioner cline to authorize Dennis Henderson to sign the paperwork. Second by Commissioner Powell. Motion carried.

AMERICAN RESCUE PLAN – ARPA

Auditor Townsend explained the possible uses of the ARPA grant. He suggested, for now, the possibility of using the ARPA grant money to fund \$300,000 on the West Elwood sewer project; \$1 Million on the US31/SR28 sewer line infrastructure project, connecting the west treatment plant with the City of Tipton 's main treatment plant; and the balance of approximately \$1.6 Million on the relocation and enlargement of the Health Department and Coroner's facilities to the old jail. Commissioners have until December 2024 to finalize the commitment of the grant money and until December 2026 to have spent it.

Courthouse Elevator Upgrade

Auditor Townsend stated that the upgrade will take up to 12 weeks and suggested that plans be made to accommodate those employees and members of the public who are challenged by stairs, by working on access to work at home and having offices send someone to the first floor to assist those who cannot climb the stairs.

Solar Energy Moratorium – Ordinance BOC2022-02 -Steve Niblick

ORDINANCE NO. BOC 2022 – 02

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS FOR COMMERCIAL AND COMMERCIAL SCALE SOLAR ENERGY SYSTEMS

WHEREAS, the current Tipton County Zoning Ordinance does not adequately or fully address Commercial and Commercial Scale Solar Energy Systems; and

WHEREAS, the Tipton County Plan Commission and the Board of Commissioners recognize the potentially significant impact and effect upon existing land uses, and upon the future development of land uses in an orderly, efficient, and desirable manner within the County; and

WHEREAS, the Tipton County Plan Commission and the Board of Commissioners recognize that it is appropriate and desirable to adopt an ordinance, or to adopt amendments to the Zoning Ordinance, which govern the usage, permissible location, installation, operation, maintenance, decommissioning, and drainage requirements for Commercial and Commercial Scale Solar Energy Systems, as permitted by Indiana law; and

WHEREAS, the Board of Commissioners has requested the Tipton County Plan Commission to research, investigate and draft certain amendments to the Zoning Ordinance; and

WHEREAS, this will include the adoption of an ordinance or amendments addressing regulations for the installation and use of land for Commercial and Commercial Scale Solar Energy Systems, to be presented to the Board of Commissioners for its consideration within the next six (6) months; and

WHEREAS, Tipton County Plan Commission finds that establishing clear rules governing the usage, permissible location, installation, operation, maintenance, decommissioning, and drainage requirements for Commercial and Commercial Scale Solar Energy Systems is essential for the preservation and protection of the public health and safety as permitted by Indiana law; and

WHEREAS, the Tipton County Plan Commission finds that the best way to preserve the public health and safety of the citizens of Tipton County is to impose a temporary moratorium on improvement location permits for Commercial and Commercial Scale Solar Energy Systems pending adoption of the proposed ordinance or amendments.

WHEREAS, the Tipton County Plan Commission finds that the moratorium is necessary to enable the Commission to prepare, adopt and recommend an ordinance or amendments governing Commercial and Commercial Scale Solar Energy Systems that incorporates and considers:

- (1) the comprehensive plan;
- (2) the current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

IT IS THEREFORE ORDAINED:

1. No improvement location permits shall be issued allowing construction of any Commercial or Commercial Scale Solar Energy Systems until the Plan Commission recommends and the Board of Commissioners adopts an ordinance or amendments regulating the installation of Commercial or Commercial Scale Solar Energy Systems.
2. For the purposes of this moratorium ordinance, "Commercial Solar Energy Systems" are defined as: An area of land or other area used for a solar collection system principally intended or used to capture solar energy, convert it to electrical energy or thermal power, and supply electric or thermal power, primarily or solely for off-site or utility grid use, and consisting of one or more free-standing, ground mounted, solar arrays or modules and/or fuels. "Commercial Scale Solar Energy Systems" are defined as any area, or combination of areas in proximity, having a combined area size of 2 acres or more, used for a solar collection system.
3. This moratorium Ordinance shall not apply to any other types of solar collection or solar energy usage, and it shall not apply to free-standing, ground mounted, solar arrays which have a combined area size of less than 2 acres.
4. This moratorium Ordinance shall expire upon adoption of an ordinance regulating the installation of Commercial and Commercial Scale Solar Energy Systems, or _____, 2022, whichever first occurs.
5. This ordinance shall take effect as provided by the procedures in I.C. 36-7-4-607.

Approved, with a favorable recommendation, by a majority vote of the Tipton County Plan Commission on April 7, 2022.

This Ordinance shall be in full force and effective upon passage by the Board of Commissioners of Tipton County and its publications as provided by law.

DULY ADOPTED on this _____ day of _____, 20____ by the Tipton County Board of Commissioners of Tipton County, Indiana.

BOARD OF COMMISSIONERS
OF TIPTON COUNTY, INDIANA

Dennis Henderson – President

Nancy Cline

ATTEST:

Tracey Powell

Gregg A. Townsend – Tipton County Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Mark R. Regnier.

Prepared by Steve Niblick, Tipton Plan Department Executive Director

Reviewed by Mark Regnier, Attorney for the Tipton County Board of Commissioners

The ordinance was read by Plan Commission Director, Steve Niblick.

Motion by Commissioner Cline to approve Ordinance BOC2022-02, An Ordinance Imposing a Temporary Moratorium on the Issuance of Permits for Commercial and Commercial Scale Solar Energy Systems. Second by Commissioner Powell. Motion carried.

Mr. Niblick commented that the Daycare would need City Planning approval.

Proposed Renaming CR550W to Dixon Creek Road – RDC President Mike Terry

Commissioner Cline expressed concern that the renaming would set a precedent, and that it would be easier for out of county people to leave the roads numerical, for ease of navigation.

Commissioner Powell stated that the developer is open to renaming the area as “Dixon Creek”.

Commissioner Cline stated that she would rather see the area renamed than the road.

Mr. Terry suggested having police cars at the construction area and asked how reimbursement could be done. Sheriff Frawley stated that, in the past, he did not fill out the paperwork for reimbursement and that he did not want to bill for reimbursement. He said that the contractor paid the officers directly.

Veridus

Committee Reports

Public Comment

Motion by Commissioner Cline to close public comment. Second by Commissioner Powell. Motion carries.

Motion by Commissioner Powell to adjourn the meeting. Second by Commissioner Cline. Motion carries.

Approved this 11th day of April, 2022

Dennis Henderson, President

Nancy Cline, Vice President

Tracey Powell, Commissioner

Attest:

Gregg A. Townsend, Tipton County Auditor

Respectfully Gregg A. Townsend