

Board of Commissioners Meeting

7-22-2019

Present: James Mullins, PhD., Dennis Henderson, Mark Manier

Others Present: Stan Jones, Jim Leffler, Mark Regnier, Brent Snow, Vicky Boyd, Marlon Webb

The meeting was opened with prayer by Reverend Carl Roudebush of Windfall Christian Church and the Pledge of Allegiance.

Payroll – Crystal Worthy

Motion by Commissioner Henderson to approve payroll, check date July 26, 2019, in the amount of \$152,089.89. Second by Commissioner Manier. Motion Carries.

Claims – Katy Kramer

Motion by Commissioner Henderson to approve miscellaneous claims for docket date July 22, 2019, in the amount of \$242,481.94. Second by Commissioner Manier. Motion carries.

Highway- Bret Morris

Superintendent Morris reported that the F550 Bucket Truck has an engine that has expired. It will have to be replaced with a new or rebuilt engine. He stated that they would be laying pug mix on August 1 or 5. They still have three-quarters of a mile of pads to change out to chip seal. He reported that they have mowed the landfill and are moving dirt to level the slope on the south edge.

County Engineer – Phil Beer

Engineer Beer reported that the 2020 budget for the landfill includes \$650,000 for a new leachate treatment facility. The current leachate wetland treatment facility only handles 5,000 gallons per day, but needs to handle 30,000 to 40,000 gallons per day. The cells have been cleaned and rehabilitated, but the system has reached the limits of its life. Additionally, iron in the water is clogging the pipes. He stated that the work at the landfill was only to buy time to design the new facility and that we need to proceed with the new system.

He also reported that the warranty deed for transfer of the right of way for the roundabout to INDOT has been presented to the county attorney for review. He stated that it is normally presented to INDOT at the end of the project. Love's and Campbell have already transferred the area to the county in fee simple.

Sheriff - Tony Frawley

The Sheriff reported that changes to finishes on some of the furniture for the jail had resulted in a total of \$160,388, which exceeds the \$160,000 authorized by the Commissioners at the last meeting. He requested an increase in authorization to complete the transaction.

Motion by Commissioner Henderson to amend the authorization for the Sheriff to purchase furniture for the new jail, from \$160,000 to \$170,000. Second by Commissioner Mullins. Motion carries.

Clerk – Christy Crawford – Request to paint the Clerk's Office. - No estimate

West Elwood – No report

Solicitation Ordinance - BOC2019-03

ORDINANCE NUMBER BOC2019-03

**AN ORDINANCE ESTABLISHING A PERMIT PROCESS, FEES, AND
HOURS OF OPERATION FOR SOLICITORS, PEDDLERS, AND SALESPERSONS**

WHEREAS, the Board of Commissioners of Tipton County, Indiana (hereafter "BOC") has determined it to be in the best interests of its citizens that door to door solicitors, peddlers, and salespersons who are operating for profit, be regulated; and,

WHEREAS, in order to properly regulate such activity, there needs to be established a permit process, fee schedule, and other regulations necessary to protect the citizens of Tipton County, and at the same time, allow for and promote proper business solicitation, under certain conditions.

NOW THEREFORE, no person shall operate for profit, as a salesperson, peddler, or solicitor, without first obtaining a permit (hereafter "Permit") issued by Tipton County, and the BOC does now establish certain procedures for the issuance of such permits as follows:

1. Every person desiring a Permit required by this Ordinance, shall make application in writing therefor to the Tipton County Auditor (hereafter "Auditor") by giving full and complete information as required on the application form, which form shall be furnished by the Auditor, and by providing the Auditor with the full name, residence, age, and type of work for which the applicant is engaged in, along with a character reference.
2. The applicant shall deposit a permit fee of \$25.00 as required for the particular form of Permit to be issued. Before the Permit shall be issued, the applicant must go to the Tipton County Sheriff's Department and provide the same information to the Sheriff, together with a current photograph furnished by the applicant. Upon satisfactory evidence being submitted to the Sheriff that the applicant is of good moral character and upon the payment of the required fee, there shall be issued to the applicant a Permit in a form approved by the Auditor and the Sheriff, which form shall bear the signatures of these public officers and a photograph of the person to whom the Permit is issued. The Permit shall be carried by the person at all times, and displayed in a manner that the public can clearly see and observe.
3. The Sheriff shall make such investigation as to each applicant, as the Sheriff shall deem proper and no Permit shall be issued until such investigation is completed.
4. No permit shall be issued pursuant to this ordinance to any person who is not of good moral character.
5. The phrase good moral character shall be construed to mean the propensity on the part of the person to serve the public and the permitted area in a fair, honest and open manner.
6. A judgment of guilt in any criminal prosecution or a judgment in and civil action shall not be used, in and of itself as proof of the person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to serve the public in a fair, honest and open manner, that he or she is rehabilitated, or that the substance of

the former offense is not reasonably related to the occupation or profession which he or she is now engaged in.

7. The following criminal records shall not be used, examined, or requested by the County in determining good moral character:
 - (a) Records of an arrest not followed by conviction within a reasonable time.
 - (b) Records of a conviction which has been reversed or vacated, or legally expunged, including the arrest records relevant to that conviction.
 - (c) Records of an arrest or conviction for a misdemeanor, felony, or an offense unrelated to the person's likelihood to serve the public in a fair, honest, and open manner.
 - (d) Records of an arrest or conviction for misdemeanor, or an offense or conviction of which a person may not be incarcerated in a jail or prison.
8. When an applicant is found to be unqualified for a permit due to a lack of good moral character, or similar criteria, the person shall be furnished, by the Auditor, with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The applicant shall be entitled, as of right, to a reconsideration on the issue before the Auditor, if the applicant has relevant evidence not previously considered regarding his or her qualifications.
9. The fee for such Permit, if the applicant is approved, shall be \$25 per person, per day.
10. Solicitations shall only be permitted between the hours of 9 AM and 5 PM local time, and shall not be allowed on state or federal holidays, or on Sundays.
11. Any person found to be in violation of this ordinance, or any part thereof, shall be fined and penalized as follows:
 - (a) First offense, \$50.00;
 - (b) Second offense, \$100.00;
 - (c) Third and subsequent offenses, \$250.00;
 - (d) A third and or subsequent offense, shall also, at the discretion of the Auditor, by itself, be grounds for denial of any future Permit to that person.
12. Permits issued under the provisions of this ordinance, may be revoked by the Auditor, after notice and reconsideration, for any of the following reasons or causes:
 - (a) fraud, misrepresentation or false statements, contained in the application for Permit;
 - (b) fraud, misrepresentation or false statements, made in the course of carrying on his or her business as a peddler, solicitor, or salesperson;
 - (c) any violation of this ordinance;
 - (d) peddling, soliciting or selling in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
13. Soliciting, peddling, or selling door to door without the Permit required herein, shall be enforceable under the jurisdiction of the Tipton Circuit Court, subject to injunction or abatement, and all fines not paid within thirty (30) days of issuance by the Auditor, may be enforced by order of the Tipton Circuit Court in the same manner as all other county ordinance violations.

SO ORDAINED, THIS _____ DAY OF _____, 2019.

BOARD OF COMMISSIONERS BY:

James N. Mullins, PhD.
President

Dennis Henderson
Vice President

Mark Manier
Member

Attest:

Gregg A. Townsend
Tipton County Auditor
Prepared by:
Mark R. Regnier
Tipton County Attorney
120 S. West Street
Tipton, IN 46072
765-675-2211

markregnieratty@gmail.com

Ordinance BOC2019-03 was read into the record by County Attorney Mark Regnier.
Motion by Commissioner Henderson to approve on first reading, with amendments, a presented.
Second by Commissioner Manier. Motion carries.

Broadband Ordinance – BOC2019-04

ORDINANCE BOC 2019-04

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY, INDIANA,
DESIGNATING AN INFRASTRUCTURE DEVELOPMENT ZONE**

WHEREAS, Indiana Code (“IC”) Section 6-1.1-12.5-4 et seq. authorizes the county executive to adopt an ordinance designating the geographical territory as an infrastructure development zone; and,

WHEREAS, prior to adopting such an ordinance, IC 6-1.1-12.5-4 et seq. requires the county executive to conduct a public hearing, including the publishing of a notice in accordance with IC 5-3-1, and such hearing having been held on the 19th day of August, 2019; and,

WHEREAS, IC 6-1.1-12.5-4(3) authorizes the ordinance to establish the facilities and technologies used in the development and transmission of broadband service once the County executive finds: (A) adequate broadband service is unavailable in Tipton County; (B) a business personal property tax exemption (other than for real property) is provided to a corporation as a corporation services will provide (i) increased availability of broadband service; and (ii) economic benefits; in the proposed designated zoning area in Tipton County.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Tipton County, Indiana, as follows:

Section 1. Designation of an Infrastructure Development Zone.

1. In accordance with I.C. IC 6-1.1-12.5-4 the County commissioners do now establish an infrastructure development zone.
2. The infrastructure development zone shall incorporate the areas depicted in exhibit "A", which are all of the unincorporated areas of Tipton County, Indiana.
3. The infrastructure development zone shall provide broadband services Tipton County residents residing in the infrastructure development zone.
4. The infrastructure development zone shall include a business personal property tax exemption available to companies for certain infrastructure associated with the development of broadband technology.
5. The tax exemption for certain infrastructure shall only include the installation of fiber to homes, businesses, schools and publicly owned buildings. The exemption shall not be available for maintenance and refurbishment of existing facilities or land that the infrastructure is located on.
6. The exemption shall only be available to broadband infrastructure projects that are completed within five (5) years from the date of the passage of this ordinance.

Section 2. Findings. After public hearing, the county commissioners make the following findings concerning the creation of an infrastructure development zone.

- (a) Adequate broadband services are not available in the areas depicted on exhibit "A".
- (b) No evidence was presented that would show inadequate gas, public water or wastewater utility in the development zone.
- (c) There are approximately _____ homes in the area on exhibit "A," and studies have shown that broadband provides an annual savings of _____ per home.
- (d) Broadband promotes economic development by providing additional businesses, educational, medical treatment, and affordable housing options.
- (e) The infrastructure replacement costs make utility placement unlikely without a subsidy.

SO ORDAINED, THIS _____ DAY OF _____, 2019.

TIPTON COUNTY
BOARD OF COMMISSIONERS BY:

James N. Mullins, PhD.
President

Dennis Henderson
Vice President

Mark Manier
Member

Attest:

Gregg A. Townsend
Tipton County Auditor
Prepared by:
Mark R. Regnier
Tipton County Attorney
120 S. West Street
Tipton, IN 46072
765-675-2211

markregnieratty@gmail.com

Ordinance BOC2019-04 was read into the record by County Attorney Mark Regnier. Motion by Commissioner Henderson to approve on first reading, Ordinance BOC2019-04, and to authorize Auditor Townsend to advertise for a public hearing on August 19, 2019, at 9am. Second by Commissioner Manier. Motion carries.

Solar Energy in Tipton County

Motion by Commissioner Henderson to create a committee , comprised of Board of Commissioners President Jim Mullins, County Attorney Mark Regnier, and Plan Commission Director Steve Niblick to look at solar energy in Tipton County. Second by Commissioner Manier. Motion carries.

Mileage and Per Diem

Motion by Commissioner Henderson to authorize County Attorney Mark Regnier to prepare a resolution to amend the county travel policy for mileage reimbursement at \$.50 per mile. Second by Commissioner Manier. Motion carries.

Landfill Farming Agreement with Grant Dunn

Motion by Commissioner Henderson to amend the land rental agreement with Grant Dunn to 3 years. Second by Commissioner Manier. Motion carries.

Sheriff – Comments regarding solicitation ordinance

The Sheriff commented on the proposed solicitation ordinance. He stated that background checks would be limited by IDACS rules. He supports no solicitation on Sunday. He stated that he felt that the time limit of 5pm was too early , given the fee charged, and thought 7pm was more reasonable, but could support 6pm to stay in line with the City of Tipton’s ordinance. He stated that he wanted fees to be paid to the Auditor, and that, if the Sheriff says “no”, it is “no”.

Veridus

Marlon Webb, representative of Veridus reported that that Engineer Beer, Surveyor Henderson, and Tipton Municipal Utilities Director Rex Boyer had met and updated the map for US31 and SR28. They found 25 owners to contact and they are preparing a presentation for the end of the month.

Minutes for July 8, 2019

Motion by Commissioner Henderson to approve the minutes for July 8, 2019. Second by Commissioner Mullins. Motion carries.

Public Comment

Jim Leffler stated that the Chrysler dealership is coming to Tipton County.

Stan Jones stated that 4 bids had been received for ambulance service. A presentation will be made to the Board of Commissioners on August 5, 2019.

Tipton County Foundation President Mark Baird stated that the Governor has made US31 limited access a priority. The Kokomo Tribune Editorial Board has proposed a stop sign to replace the light at Division Road. Mr. Baird stated that we need an interchange at Division Road and need to lobby the State. He suggested requesting a meeting with the Kokomo Tribune editorial board to inform them of the importance of the Division Road intersection.

Motion by Commissioner Henderson to end public comment. Second by Commissioner Mullins.
Motion carries.

Motion by Commissioner Henderson to adjourn. Second by Commissioner Mullins.

Approved this 5nd day of August, 2019

James Mullins, President

Dennis Henderson, Vice President

Mark Manier, Commissioner

Attest:

Gregg A. Townsend, Tipton County Auditor
Respectfully submitted by Gregg A. Townsend