

Board of Commissioners Meeting

8-19-2019

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

Others Present: Jim Leffler, Chuck Bell, Steve Brown, Mark R. Regnier, Brent Snow, Rev. Logan Westrick, Lou Ann Millett, Vicky Boyd, Jason Henderson

The meeting was opened with prayer by Reverend Logan Westrick of the Ash Street Wesleyan Church and the Pledge of Allegiance.

Agenda was changed to delete the Historical Society, Park Board, and Ambulance Service discussions and to add Melissa Wright with Smithville Communications.

Extension of builder's risk on the new jail construction

Motion by Commissioner Henderson to extend builder's risk insurance on the new jail to the end of the year and authorize President Mullins to sign. Second by Commissioner Manier. Motion carries.

President Mullins stated that the balance of expenditures on the new jail was approximately \$12 million dollars, leaving approximately \$3.4 million dollars of bond money available, along with \$2.01 million dollars in the Lit tax fund. He stated that the structure is 65% complete and that the contractor is still indicating that the jail will be completed on time.

Payroll – Crystal Worthy

Motion by Commissioner Henderson to approve payroll, check date August 23, 2019, in the amount of \$156,849.45. Second by Commissioner Manier. Motion Carries.

Resolution BOC2019-02 Mileage Reimbursement at 50 cents per mile

RESOLUTION # BOC 2019-02

A RESOLUTION AMENDING THE AMOUNT OF REIMBURSEMENT FOR MILEAGE OF COUNTY EMPLOYEES AND ELECTED OFFICIALS

WHEREAS, the Tipton County, Indiana has previously reimbursed its employees and Elected officials, at the rate of 38 cents per mile traveled; and,

WHEREAS, the Tipton County Board of Commissioners (hereafter "BOC") desires to now reimburse its employees and elected officials at the rate of 50 cents per mile traveled.

NOW THEREFORE, be it resolved that the BOC does now authorize that all its employees and elected officials shall be reimbursed at the rate of 50 cents per mile traveled, effective immediately.

SO RESOLVED THIS 19TH DAY OF AUGUST, 2019.

TIPTON COUNTY BOARD OF COMMISSIONERS:

James N. Mullins, PhD.
President

Dennis Henderson
Vice President

Mark Manier
Board Member

ATTEST:

Gregg A. Townsend, Auditor
Tipton County, Indiana

Prepared by: Mark R. Regnier, Tipton County Attorney

The resolution was read by County Attorney Regnier.

Motion by Commissioner Henderson to approve Resolution BOC2019-02. Second by Commissioner Manier. Motion carries.

Claims – Katy Kramer

Motion by Commissioner Henderson to approve miscellaneous claims for docket date August 19, 2019, in the amount of \$104,134.16. Second by Commissioner Manier. Motion carries.

Letter from US31 Coalition

President Mullins stated that a letter from the US31 Coalition indicated that the railroad bridge originally scheduled for 4th Quarter, 2019 has been re-scheduled for 4th Quarter, 2020 and that the Division Road decision has not yet been scheduled.

Sheriff - Tony Frawley

Motion by Commissioner Henderson to hire Bruce Thompson as the contractual maintenance man for the new jail and other county-owned properties, effective September 1, 2019, contingent upon completion and signature on an approved contract. Second by Commissioner Manier. Motion carries.

Smithville Communications – Melissa Wright

Melissa Wright requested permission to use their already contracted, third party inspector, Gates Engineering, for their fiber installation project in the county. Surveyor Jason Henderson spoke in favor of the request.

Motion by Commissioner Henderson to approve the requested proposal variance for Smithville to provide their own inspector. Second by Commissioner Manier. Motion carries.

Public Hearing for Ordinance BOC2019-03 Solicitors

BOC ORDINANCE NUMBER 2019-03

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 6 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, abatement, any court costs associated with such enforcement, 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 19 DAY OF August, 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

County Attorney Regnier stated that the hours of solicitation had been amended from the first reading to 9am to 6pm.

President Mullins opened the public hearing on Ordinance BOC2019-03.

There was no public comment.

Motion by Commissioner Henderson to close public hearing on Ordinance BOC2019-03. Second by Commissioner Manier. Motion carries.

Motion by Commissioner Henderson to accept and approve Ordinance BOC2019-03. Second by Commissioner Manier. Motion carries.

Public Hearing for Ordinance BOC2019-04 Broadband Infrastructure

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) Broadband promotes economic development by providing additional businesses, agri-business, educational, medical treatment, and affordable housing options.
- (d) The infrastructure replacement costs make utility placement unlikely without a subsidy.

SO ORDAINED, THIS 19 DAY OF August, 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

County Attorney Regnier stated that the original item (C) on the signature page had been eliminated.

President Mullins opened the public hearing for Ordinance BOC2019-04.

Surveyor Henderson stated that it raises accessibility for internet services.

There was no other public comment.

Motion by Commissioner Henderson to close the public hearing for Ordinance BOC2019-04. Second by Commissioner Manier. Motion carries.

Motion by Commissioner Henderson to approve Ordinance BOC2019-04, as presented. Second by Commissioner Manier. Motion carries.

AT&T Request for variance to open trench – Roger Monroe

Tabled to the next meeting for revised plans. Mr. Monroe is to meet with Surveyor Henderson and Surveyor Henderson will report back his recommendations.

WTH – Proposal for Address Range Layer Creation, ALI Database Comparison – Chuck Bell

Motion by Commissioner Manier to authorize President Mullins to sign the agreement with WTH.

Second by Commissioner Henderson. Motion carries

AT&T FirstNet – First Responder First Priority Calling – Chuck Bell

Motion by Commissioner Henderson to enter into an agreement with FirstNet Cellular. Second by

Commissioner Manier. Motion carries.

IVY Tech Pledge Confirmation

Motion by Commissioner Henderson to authorize President Mullins to sign the confirmation of the pledge to IVY Tech. Second by Commissioner Manier. Motion carries.

Minutes for August 5, 2019

Motion by Commissioner Manier to approve the minutes for August 5, 2019. Second by Commissioner Henderson. Motion carries.

Memorandum of Executive Session for August 15, 2019

Motion by Commissioner Henderson to approve the Memorandum of Executive Session for August 15, 2019. Second by Commissioner Manier. Motion carries.

Public Comment

The Commissioner entertained comments from the public.

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 3rd day of September, 2019

James Mullins, President

Dennis Henderson, Vice President

Mark Manier, Commissioner

Attest:

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