

COMMISSIONERS' MINUTES

MAY 17, 2021

PRESENT: ALL

BE IT REMEMBERED that the White County Commissioners held a regular meeting on May 17, 2021, in the White County Building, 2nd floor John C. Heimlich Conference Room, beginning at 8:15 a.m.

Commissioners present were: President David Diener, Commissioner Steve Burton, and Commissioner James B. Davis. Also present was White County Auditor Gayle Rogers, White County Attorney George Loy, and the Commissioners' Assistant Donya Tirpak.

MINUTES

- Commissioner Burton made a motion to approve the minutes from the regular meeting held on May 3, 2021, seconded by Commissioner Davis. **Vote: Unanimous**

PAYROLL

- Commissioner Diener made a motion to approve payroll for May 17, 2021, seconded by Commissioner Davis. **Vote: Unanimous**

CLAIMS

- Commissioner Davis made a motion to approve and pay the claims as presented, seconded by Commissioner Diener. **Vote: Unanimous**

MEMORIAL DAY

John Shellcrosslee, Marine Corps Elite, appeared asking permission to hold a Memorial Day service for Veterans on the Courthouse lawn on May 31 at 1:00 p.m. **PERMISSION GRANTED**

RESOLUTION FOR ELECTRONIC MEETING

White County Auditor Gayle Rogers presented a resolution to allow the Commissioners to continue having virtual electronic meetings.

- Commissioner Davis made a motion to approve Resolution No. 21-05-17-02, establishing the policy by which members of the Board of County Commissioners may participate by electronic means of communication, seconded by Commissioner Burton. **Vote: Unanimous**

RESOLUTION NO. 21-05-17-02

A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS FO THE BOARD OF COUNTY COMMISSIONERS MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437) SEC. 5, amended I.C. 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending I.C. 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision my participate in a meeting by any electronic means of communication;

WHEREAS, a member of the governing body may participate by any means of communication that:

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by I.C. 5-14-1.5-3.5(d); and

WHEREAS, the Board of County Commissioners (Commissioners) is a governing body of White County, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of White County, Indiana:

Section 1. (a) The provisions of the Act, including definitions, apply to this resolution.

- (b) This resolution shall be known as the "Electronic Meetings Policy" of the Commissioners and applies to the Commissioners and any committee appointed directly by this Board of Commissioners or its presiding officer.

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Section 2. (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

Section 4. (a) The minutes of a meeting at which any member participates by electronic means of communication must:

- (1) Identify each member who:
 - (A) Was physically present at the meeting;
 - (B) Participated in the meeting by electronic means of communication; and
 - (C) Was absent; and
- (2) Identify the electronic means of communication by which:
 - (A) Members participated in the meeting; and
 - (B) Members of the public attended and observed the meeting if the meeting was not an executive session.

Section 5. (a) No member of the Commissioners may participate by means of electronic communication in a meeting at which the Commissioners may take final action to:

- (1) Adopt a budget;
- (2) Make a reduction in personnel;
- (3) Initiate a referendum;
- (4) Impose or increase a fee;
- (5) Impose or increase a penalty;
- (6) Exercise the Commissioners' power of eminent domain; or
- (7) Establish, impose, raise or renew a tax.

Section 6. (a) This resolution shall be effective from and after adoption by this board of Commissioners and compliance with I.C. 36-2-4-8.

PEDDLER'S PERMITS

Auditor Rogers recommended banning Commercial Peddler's permits in White County because of how the world is right now. Election candidates, girl scouts, boy scouts, churches, and other not-for-profit organizations will still be allowed to solicit throughout the County. The County will still have the Transient Merchant license.

The Commissioners will take this under advisement and discuss it at the next meeting.

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PERSONNEL POLICY HANDBOOK

HR Director Leah Hull said that the Personnel Policy Handbook states in Section 3.15 under Pay Corrections that all errors must be corrected on the very next payroll. She discussed a situation where a department didn't turn in military leave orders on an employee. The employee was overpaid five days by the County when they were on military leave. The employee turned in their paperwork like they were supposed to, but the Payroll Clerk entered the hours incorrectly. Since the employee must pay the money back, the employee is requesting to pay the money back in August when he/she attends their annual military training. If the employee leaves employment, the employee is aware that they must pay the money back immediately.

Director Hull requested permission to allow a one-time exception to the Personnel Policy and allow the employee to pay the money back in August instead of right now.

- Commissioner Davis made a motion to allow a one-time exception to Section 3.15 in the Personnel Policy Handbook under Pay Corrections, seconded by Commissioner Burton. **Vote: Unanimous**

AREA PLAN

White County Area Plan Director Joe Rogers presented the following amendments to the Zoning Ordinance.

Amendment #A64: Chapter 10 Sign Standards

Director Rogers presented an amendment to Chapter 10 in the Zoning Ordinance over Sign Standards. The change was to bring the chapter into compliance with the Supreme Court Ruling of Reed vs. The Town of Gilbert. It puts a more restrictive approach to "non-essential" signage in a right-of-way and addresses feather flag banners, electronic messaging signs, and signage in residential districts.

The amendments were adequately advertised, and the Area Plan Commission held a public hearing on May 10, 2021. At that time, the APC voted 9 Yes and 0 No to recommend this amendment to the Commissioners.

Commissioner Diener asked if there were any questions or comments regarding the proposed amendments to Chapter 10. No comment.

- Commissioner Davis made a motion to approve Ordinance No. 21-05-17-03, Amendment #64: Chapter 10, Sign Standards in the Zoning Ordinance, Seconded by Commissioner Diener. **Vote: 2 Yes and 1 Abstain (Burton)**

AMENDMENT TO THE ZONING ORDINANCE OF WHITE COUNTY STATE OF INDIANA ORDINANCE NO. 21-05-17-03

WHEREAS, the White County Area Plan Commission has initiated and prepared this ordinance to amend the White County Zoning Ordinance pursuant to I.C. 36-7-4-602(c) and I.C. 36-7-4-607;

WHEREAS, the White County Area Plan Commission has reported that it held a public hearing concerning this ordinance on May 10, 2021, after timely notification of the hearing was given as required by I.C. 5-14-1.5-5;

WHEREAS, the White County Area Plan Commission has reported that it paid reasonable regard to the factors enumerated in I.C. 36-7-4-603 in consideration of the ordinance and determination or recommendation to be made to the legislative body of White County;

WHEREAS, the White County Area Plan Commission has certified this ordinance to the legislative body with a recommendation by a majority vote in favor of adoption pursuant to I.C. 36-7-4-603 before acting on this ordinance amendment;

WHEREAS, the legislative body recognizes that the ordinance is required for the purposes summarized below;

WHEREAS, the legislative body has determined that this ordinance should be adopted without amendment as certified by the White County Area Plan Commission pursuant to I.C. 36-7-4-607; therefore,

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PRESENT: ALL

BE IT ORDAINED AND ADOPTED BY THE BOARD OF COMMISSIONERS, WHITE COUNTY, INDIANA:

THIS AMENDMENT, IDENTIFIED AS AMENDMENT #A64, INCLUDES AMENDING:

Ch 10 Sign Standards-

The purpose of the amendment is to repeal and replace the Sign Chapter to bring it into compliance with the Supreme Court Ruling of Reed vs. The Town of Gilbert and to accommodate signage types absent in the current sign standards.

Amendment #65: Repeal and replace Chapter 8, Parking; Chapter 4, Subsection 4.3.7, Use, storage or parking of recreational vehicles; Chapter 12, Subsection 12.11.2, Improvement Location Permit; Chapter 14, Definitions

Director Rogers said that the reason for this amendment was to address the following:

1. Prepare for electric vehicle charging stations.
2. Simplify and clarify parking requirements.
3. Clarify standards between residential and non-residential uses.
4. Account for the handling of parking for peripheral motor vehicles such as golf carts and motorcycles.
5. Clean up ambiguities and conflicts of various ordinance sections.
6. Adjust specific developmental standards to account for variances regularly submitted and routinely approved and bring them in line with INDOT standards.
7. Add clarifying language to associated ordinance sections to assist the staff with the ability to uniformly.

The amendments were adequately advertised, and the APC held a public hearing on May 10, 2021. At that time, the APC voted 9 Yes and 0 No to recommend this amendment to the Commissioners.

Commissioner Diener asked if there were any questions or comments regarding the proposed amendments to Chapter 4, Chapter 8, Chapter 12, and Chapter 14.

Commissioner Burton said that this is the first time he has seen the proposed amendments. He did not receive any paperwork before the meeting. He said this is why he abstained from the first amendment.

Commissioner Diener apologized for moving forward with the last vote and asked if they need to take the amendment under advisement until the next meeting. He did point out that all the municipalities and the APC approved this amendment.

Commissioner Burton was fine with the other Commissioners making the vote today.

- Commissioner Davis made a motion to approve Ordinance No. 21-05-17-04, Amendment #65, Chapter 4, Chapter 8, Chapter 12, and Chapter 14 in the Zoning Ordinance, seconded by Commissioner Diener. **Vote: Unanimous**

**AMENDMENT TO THE ZONING ORDINANCE OF WHITE COUNTY,
STATE OF INDIANA
ORDINANCE NO. 21-05-17-04**

WHEREAS, the White County Area Plan Commission has initiated and prepared this ordinance to amend the White County Zoning Ordinance pursuant to I.C. 36-7-4-602(c) and I.C. 36-7-4-607;

WHEREAS, the White County Area Plan Commission has reported that it held a public hearing concerning this ordinance on May 10, 2021, after timely notification of the hearing was given as required by I.C. 5-14-1.5-5;

WHEREAS, the White County Area Plan Commission has reported that it paid reasonable regard to the factors enumerated in I.C. 36-7-4-603 in consideration of the ordinance and determination or recommendation to be made to the legislative body of White County;

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WHEREAS, the White County Area Plan Commission has certified this ordinance to the legislative body with a recommendation by a majority vote in favor of adoption pursuant to I.C. 36-7-4-603 before acting on this ordinance amendment;

WHEREAS, the legislative body recognizes that the ordinance is required for the purposes summarized below;

WHEREAS, the legislative body has determined that this ordinance should be adopted without amendment as certified by the White County Area Plan Commission pursuant to I.C. 36-7-4-607; therefore,

BE IT ORDAINED AND ADOPTED BY THE BOARD OF COMMISSIONERS, WHITE COUNTY, INDIANA:

THIS AMENDMENT, IDENTIFIED AS AMENDMENT #A65, INCLUDES AMENDING:

Ch 8, parking, repeal and replace, as well as text changes to Ch 4, Subsection 4.3.7, Use, storage or parking of recreational vehicles, Ch 12, Subsection 12.11.2, Improvement Location Permit not required & Ch 14, Definitions

The purpose of this amendment, includes, but is not limited to, creating standards for electric vehicle charging stations, clarification for residential uses, expansion of driveway alternatives and simplification of minimum parking calculations. Also, this amendment clarifies R.V. parking and storage requirements, brings Subsection 12.11.2 in line with Ch 8 as well as modifies and adds to Ch 14, Definitions.

BRIDGE INSPECTION UPDATE

Jacob Isenburg, HWC Engineering, presented the 2021 White County Bridge Status report.

Scheduled bridge work:

- Bridge #95, CR 300 E over McKillp ditch, rehabilitation will bid in August 2021.
- Bridge #315, Lowes Bridge, deck replacement will bid in August 2021.
- Bridge #89, East Shafer at Norway over Pike Creek, rehabilitation will bid in August 2024.
- Ten bridges are planned for maintenance work over the next four years.
- Bridge #180, CR 100 East, and Bridge 240 on CR 1300 S. awarded federal funding for a complete replacement.

APPOINTMENT - COMMUNITY CORRECTIONS ADVISORY BOARD

Commissioner Diener said that Monticello Chief Police Jason Lingenfelter has agreed to sit on the Community Corrections Advisory Board. He will fill the unexpired term of Destiny Vargas with a term expiring December 31, 2023.

- Commissioner Diener made a motion to appoint Jason Lingenfelter to the Community Corrections Advisory Board, seconded by Commissioner Burton. **Vote: Unanimous**

At this time, Council President Butch Kramer called the Council members to order in joint session with the Commissioners. Council members present:

Butch Kramer Denny Carter Jim Annis Janet Faker Art Anderson
Matt McKean

Councilman Casey Crabb was absent.

CAPITAL IMPROVEMENT PLAN

Auditor Rogers said that the County has a Capital Improvement Plan strictly for the Economic Development Income Tax fund. The Commissioners and Council need to adopt one for several funds, including the American Rescue Plan fund. The plan can be amended at any time.

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Auditor Rogers presented the following resolution to adopt a Capital Improvement Plan.

RESOLUTION NO. 21-____-____-____
RESOLUTION OF WHITE COUNTY, INDIANA
TO ADOPT A CAPITAL IMPROVEMENT PLAN

WHEREAS, the County of White desires to complete certain capital projects; and,

WHEREAS, the County of White may have or may receive funds which may be used to promote significant opportunities for the gainful employment of the citizens of the County, to attract a major new business enterprise to the County, or to retain or expand significant business enterprises within the County; and,

WHEREAS, said funds may be used to engage in the construction or purchase of capital projects or for planning and implementing such projects throughout the County.

NOW, THEREFORE, the County of White hereby states that revenues received for capital project purposes may be used as follows:

- A. For capital projects, for paying notwithstanding any other law under a written agreement all or a part of a loan and interest on a loan extended by a financial institution or other lender, if the proceeds of the loan are or are to be used to finance a capital project.
- B. For:
 - (1) The construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute for a capital project;
 - (2) The retirement of bonds issued under any provision of Indiana law for a capital project;
 - (3) The payment of lease rentals under any statute for a capital project;
 - (4) Contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing capital development projects;
 - (5) Operating expenses of a governmental entity that plans or implements capital development projects;
 - (6) Funding substance removal or remedial action in a designated unit;
 - (7) Joint funding of a capital project with another governmental unit; or
 - (8) Any lawful purpose for which money in any of the County of White's other funds may be used.
- C. That said funds shall include the following capital projects which are hereby determined by the County of White:
 - (1) Identification of general description of each project funded by the County economic development revenue:
 - (a) Partnering with the Town of Wolcott to fund the Wolcott Wastewater Treatment Plant which will service White County's Mid-America Commerce Park situated outside the Corporation Limits of the Town of Wolcott.
 - (b) Funding of the collaborative Water Agreement Project between the Town of Remington, Jasper County and the County of White to provide water to the White County Mid-America Commerce Park
 - (c) Funding of demolition of two county-owned buildings to provide for future economic development and to preserve the safety of White County residents and visitors.
 - (d) To develop and construct a White County Morgue to house the expired citizens of White County during the autopsy process and to preserve and protect the chain of evidence when necessary.
 - (e) Funding to repair and construct proper drainage to and from the White County Courthouse and complete the construction of the Courthouse Plaza.
 - (f) Any lawful purpose as determined by the White County Board of Commissioners
 - (2) Estimated cost of each project:
 - (a) Wolcott Wastewater Treatment Plant - \$2,795,000
 - (b) Remington Water Agreement - \$1,776,124
 - (c) County Building Demolition - \$100,000
 - (d) County Morgue - \$1,200,000
 - (e) Courthouse Plaza - 2,750,000
 - (f) Any lawful purpose as determined by the White County Board of Commissioners - Undetermined
 - (3) Sources of funds expected to be used for stated project:
 - (a) Windfarm Economic Development Funds
 - (b) Solar Farm Economic Development Funds

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- (c) American Rescue Plan Act Funds
 - (d) Solid Waste Operating and Reserve Funds
 - (e) Rainy Day funds
 - (f) Cumulative Capital Development Funds
 - (4) The planning, development and construction schedule of each project:
 - (a) In Progress:
 - 1. Wolcott Wastewater Treatment Plant
 - 2. Remington Water AgreementCalendar years 2020, 2021 and 2022 funding
 - (b) TBD:
 - 1. County building demolition
 - 2. County morgue
 - 3. Courthouse PlazaCalendar years 2021, 2022, 2023 and 2024 funding
 - (c) Any other purposeCalendar years 2021, 2022, 2023 and 2024 funding
- Commissioner Davis made a motion to adopt Resolution No. 21-05-17-01, adopting a Capital Improvement Plan, seconded by Commissioner Burton. **Vote: Unanimous**
- Councilwoman Faker made a motion to adopt Resolution No. 21-05-17-01, adopting a Capital Improvement Plan, seconded by Councilman Annis. **Vote: Unanimous**

REPORTS PRESENTED AND ON FILE

E-911

Recycling Dept.

Area Plan

Economic Development

Environmental Officer

Highway Department

GRANT APPLICATION – HEALTH DEPT.

Mary Grace Winkle, Office Manager/Vital Records, requested permission to apply for a grant with the Indiana State Department of Health. The Immunization and Vaccines for Children grant are \$49,848.15. The funding will be used to promote COVID-19 vaccinations, provide COVID-19 vaccine services, conduct direct outreach and vaccination to minority and hard-to-reach populations, and other COVID-19 needs as listed within the grant.

- Commissioner Burton made a motion to allow the Health Dept. to apply for the Immunization and Vaccines for Children grant for \$49,848.15, seconded by Commissioner Davis. **Vote: Unanimous**

AIRPORT

Tree Removal Project

Board President George Green reported that the FAA had narrowed the removal of trees south of the Airport. The only trees affected are the airport property and one residential property directly south of the Airport. Ten residential owners are pleased that their trees will not be taken down now. This also significantly reduces the cost of the project. To keep the project moving, the Fish and Wildlife require a bat habitat assessment. Mr. Green requested \$7,400 to pay for the assessment.

Luse Road Project aka CR 225 S.

President George Green said that the Luse Road project will now be 100% funded by FAA because of the American Rescue Plan. No county money will be used for the new road. Construction should begin by the fall of 2021.

- Commissioner Burton approves the expenditure of \$7,400 to do a bat habitat assessment, seconded by Commissioner Davis. **Vote: Unanimous**

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- Commissioner Burton motioned to accept the \$1.3 million grant from FAA for the Luse Road project (CR 225 S.), seconded by Commissioner Davis. **Vote: Unanimous**

EMERGENCY MANAGEMENT

EMA Director Chris Springer said that they are working on a new Multi-Hazard Mitigation plan. In the plan, he will identify widespread or significant potential hazards. He's contracted with The Polis Center with IUPUI to guide him through three meetings for the plan.

TIMEKEEPING SOFTWARE

HR Director Leah Hull said that she has two facilities where she will need to hire an electrician to install the time clocks. She requested permission to hire an electrician.

Commissioner Burton made a motion to approve allow an electrician to be hired to install time clocks at two locations with a cost not to exceed \$10,000, seconded by Commissioner Davis.

AMERICAN RESCUE PLAN FUNDS

White County Community Foundation Director Leslie Goss asked what the County's plans are for the American Rescue Plan funds. She said White County is receiving \$4.67 million, and she would like to see it spent on improving other areas besides roads and bridges. Childcare, housing, healthcare, and education are all areas that were affected from Covid-19. She asked if a committee would be put together so all areas can be looked at when spending the funds. She would like to sit on the committee as well as Niki Jenkinson with the United Way office.

There being no further business for the Council, they adjourned to their meeting.

CHANGE ORDER - REMINGTON/WHITE COUNTY WATER MAIN EXTENSION

Change Order No. 4 for \$6,146.44 for the Remington/White County Water Main Extension project was submitted for approval. The increase is for an invoice from National Railroad Safety Services for railroad flagmen time and travel charges.

- Commissioner Davis made a motion to approve Change Order No. 4 for \$6,146.44 for the Remington/White County Water Main Extension project, seconded by Commissioner Burton. **Vote: Unanimous**

There being no further business to come before the board, their meeting adjourned.

David Diener, President

Steve Burton, Vice President

James B. Davis, Member

ATTEST: _____
Gayle Rogers, Auditor