

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
April 24, 2023
4:00 P.M.

The Warrick County Commissioners met in regular session with Terry Phillippe, President; Robert Johnson, Vice President; and Dan Saylor, Member. Attorney John Goth and Administrator Heather Soberg were in attendance.

Auditor Michael Dietsch, Chief Deputy Barbi Shelton, and Recording Secretary Kristine Georges attended and recorded the minutes.

President Terry Phillippe called the meeting to order at 4:00 PM.

PLEDGE OF ALLEGIANCE

**AREA PLAN COMMISSION
REQUEST FOR RELEASE OF SURETY
C-20-081**

Area Plan Director Molly Barnhill presented a Request for Release of Surety for C-20-081, 722 South Yankeeetown Road, by Vertical Bridge Holdco, LLC. There is \$15,000.00 being held in escrow guaranteeing entrance construction. They have had two years. The surety expires April 19, 2024. This is the one that was approved to extend at the last Commissioners' meeting. They now have it done. County Engineer Bobby Howard said it has been completed and he recommended approval. Commissioner Dan Saylor made the motion to approve the release. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(C-20-081 is located on Page 14 of these Official Minutes)

**ACTION AGENDA
APPROVAL OF MINUTES
MARCH 27, 2023 REGULAR MEETING MINUTES**

The minutes from the April 10, 2023 Regular Session Meeting were presented. Commissioners Bob Johnson made the motion to approve the minutes as presented. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**PETITION TO INCORPORATE TOWN OF VICTORIA WOODS
ORDINANCE 2023-07**

Jordan Aigner was present for Oakland Holdings on the Petition to Incorporate the Town of Victoria Woods. This was tabled at the March 27th and April 10th Commissioner meetings.

Commissioner Phillippe started off by saying that a lot of due diligence had been done especially with the attorneys and asked Attorney John Goth to speak to what had been done. Attorney Goth stated that they had gone through all the negatives and positives of the incorporation. They received a drafted Ordinance from Victoria Woods that has been reviewed. He stated there were a few minor changes and it was ready to be considered. Attorney Goth offered to answer any questions the Commissioners had.

Jordan Aigner then spoke to the Ordinance and also the agreement making a commitment that would address annexations and growth in the future. If there is growth in the form of annexation, this would have to be something overwhelmingly voluntary for residents of the area. He said it is a protection to say, hey, there's some development in the area, the Golf Course and industrial areas, and this is their agreement to say it's not something they're going to go out and annex. If there is growth and it's a 100% voluntary from an undeveloped area, it allows for that. But, it was mainly for the existing areas that were already developed and taxes already are what they are. Attorney John Goth wanted to clarify that what Mr. Aigner was referring to was a separate, stand-alone agreement in addition to what the Ordinance does. It is poignant for the discussion, but that specific agreement will be discussed later on. He said what they are potentially voting on now is the Ordinance currently in front of them.

President Phillippe felt that all their concerns were addressed with annexations being one of them. He also thought the growth of this new community will exceed anything it may take away from the County. Commissioner Johnson appreciated Mr. Aigner meeting them in the middle on some of the issues and his appreciation for all the Aigner Family and what they've done for Warrick County. He also felt that it would bring in a lot of growth, tax dollars, and economic development. Commissioner Saylor stated he had been concerned about the negative impacts it would have on revenues into the County, but he thought, long term, after meeting with the Economic Development Department and Baker Tilly, it will have a positive impact and he appreciated the due diligence done by everyone.

Mr. Aigner went through a brief review on getting the project to this point. Commissioner Saylor also wanted to add that in the beginning it was exciting, but then things arose which caused concern. Then they slowed things down in order to thoroughly study all impacts that ultimately helped the Commissioners come to a decision today.

Commissioner Bob Johnson made the motion to approve Ordinance 2023-07 granting the Petition to Incorporate Victoria Woods. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Ordinance 2023-07 is located on Page 5 of these Official Minutes)

COUNTY ADMINISTRATOR CONSENT AGENDA

County Administrator Heather Soberg presented the following items on the Consent Agenda:

- County Auditor Claims Voucher Report Date 04/19/2023
- Payroll Voucher Date 04/21/2023
- WSI Technologies Digital Voice Logging System Quote
- Treasurer's Monthly Report for March 2023
- Weights and Measures Monthly Report 03/16/2023 through 04/15/2023
- Anderson/Vann Roundabout Parcel 2 Administrative Settlement

There was no discussion. Commissioner Dan Saylor made the motion to approve the Consent Agenda. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Claims are located on Page 6 through 7 of these Official Minutes)

(Payroll is located on Page 8 of these Official Minutes)

(WSI Technologies Agreement is located on Page 8 of these Official Minutes)

(Treasurer's Report is located on Page 8 of these Official Minutes)

(Weights and Measures Report is located on Page 9 of these Official Minutes)

(Parcel 2 Administrative Settlement is located on Page 9 of these Official Minutes)

COUNTY ATTORNEY ORDINANCE AMENDING CHAPTER SETTING VITAL RECORDS FEES ORDINANCE 2023-08

Attorney John Goth presented an Ordinance to increase the vital records fee from \$15.00 for a certified death record to \$20.00. Health Department Administrator Aaron Franz was present. He stated that the fee went up regularly for the Coroner's Office. There is a fee in turn the Health Department has to pay to them. These are increases that happen every couple of years. Commissioner Bob Johnson made the motion to approve Ordinance 2023-08. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Ordinance 2023-08 is located on Pages 9 through 10 of these Official Minutes)

ORDINANCE AMENDING CHAPTER REGULATING FOOD ESTABLISHMENTS ORDINANCE 2023-09

Attorney Goth presented an Ordinance Amending the Chapter Regulating Food Establishments. This is a comprehensive overhaul of the local regulations of food establishments. This includes any place in Warrick County that serves food. It originally started out as an Ordinance to address food trucks and food vendors coming into Warrick County since it's becoming a big thing and continues to grow. While reviewing the amendments, they decided to take a look at the whole thing. In the wake of the Pandemic, the State Legislature is making a lot of changes to what local health departments can and can't do. So, this is an evolving document more so than ever. But this tries to get the County up to date.

President Phillippe stated that they had just had a meeting on this and the State continues to change the law and that effects our local Ordinances. Warrick County is growing and needs to adjust and pivot and this will get the County up to speed.

Commissioner Bob Johnson made a motion to approve Ordinance 2023-09. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Ordinance 2023-09 Draft is located on Pages 14 through 16 of these Official Minutes)

LANE TOWNSHIP BOARD APPOINTMENTS

There are currently two positions open on the Lane Township Board. One most recently opened due to Linda Orth's appointment to the Lane Township Trustee position. At least one position needs to be filled so that the Board can act with a quorum which would be two. There were several recommendations. Former County employee, J.T. O'Daniel, Jarrod Skelton, and Larissa Lanham. All three Commissioners knew Mr. O'Daniel as he had served the County for many years. Mr. Jarrod Skelton was present and had spoken to Commissioner Phillippe over the weekend. He came before the Commissioners to tell them of his desire to serve the community that he grew up in and gave a brief

background about himself. Ms. Larissa Lanham was recommended by the current Lane Township Trustee as someone that might serve. Commissioner Johnson felt that Mr. Skelton was present and had a genuine desire to serve his community; therefore, he made the motion to approve the appointments of J.T. O'Daniel and Jarrod Skelton. Commissioner Saylor seconded the motion. The motion carried 3-0.

BAIRD ENGAGEMENT LETTER SECURITY CENTER PROJECT BONDS

Attorney Goth asked that this be item tabled until the next meeting to allow them time to gather more information about the engagement. Commissioner Johnson made the motion to table. Commissioner Saylor seconded the motion. The motion carried 3-0.

VICTORIA WOODS AGREEMENT

Attorney Goth presented the Agreement of Understanding with Victoria Woods as it exists today. He stated that Mr. Aigner went over it earlier in the meeting on some of the particulars on any future annexations and the terms agreed upon. It is ready for approval. Commissioner Dan Saylor made the motion to approve the agreement. Commissioner Johnson seconded the motion. The motion carried 3-0.

(Victoria Woods Agreement is located on Pages 10 through 12 of these Official Minutes)

GRANT DEVELOPMENT DIRECTOR DISCUSSION REGARDING COVID-19 SUPPLEMENTAL GRANT FUNDING

Grants Development Director Debbie Bennett-Stearnsman let the Commissioners know that the County had received another \$250,000.00 in Supplemental COVID-19 Funding for small businesses from OCRA. After administration fees of \$6,250.00 are taken out, there will be \$243,750.00 left to award to small businesses in the county. Due to the time sensitive nature, she had already opened up applications starting that day, April 24, 2023 at 4:00 PM. There are many processes that have to be done by June 1st. She also let the Commissioners know that the Town of Newburgh and the City of Boonville also received grant funding. So, only small businesses outside of those areas can apply. She then went over the other stipulations for the businesses. She said the Commissioners needed to decide today whether they wanted to divide the money equally between all the businesses that applied or use an award matrix and reviewed the matrix with them. Commissioner Phillippe asked if the other two units were doing a matrix. Ms. Bennett-Stearnsman stated that the City of Boonville was doing the matrix. The Town of Newburgh is splitting everything equally as they do not have many businesses, but they did open the process for additional applications. She said that the matrix works better for a lot of businesses. After a brief discussion about the grant and the history of the grant, the Commissioners decided to go with the matrix in order to score the approved applications. Ms. Bennett-Stearnsman will keep the Commissioners updated as the matrix could have to be readjusted depending on the number of applications that they get. It was also said, to date, that Warrick County has received over \$1,700,000.00 in funding for small businesses.

(Grant Funding Matrix and Flyer are located on Pages 12 through 13 of these Official Minutes)

E-REP ADDENDUM REVIEW

Ms. Debbie Bennett-Stearnsman also stated that she would bring to the Commissioners an addendum to the E-REP Contract to add the administration of the supplemental grant funds. The County Attorney still needs to review it. Ms. Jenna Richardt was also present for E-REP and expressed her gratefulness for Ms. Bennett-Stearnsman's support on the project and they will get it moving and get the County what they need.

COUNTY COMMUNITY CORRECTIONS AND DRUG COURT ANNUAL GRANT APPLICATION AND APPROVAL COMMUNITY CORRECTIONS - DRUG COURT

Community Correction and Drug Court Administrator Jenny Fuhs presented the Annual Grant Applications for both Community Corrections and Drug Court. She first presented the Community Corrections Grant Application. In Community Corrections, they served fifty-five clients in 2022. Their overall budget in 2022 was \$304,673.02. She gave a brief overview of the program, what services they provide, and participant criteria for eligibility. She reviewed the 2024 budget and all the monetary requests and increases. Ms. Fuhs currently has six employees with four of those being collaborating positions with Drug Court. They do receive user fees. The total budget that they are asking for is \$549,517.06. This would be an increase from last year of \$100,000.00.

Commissioner Saylor asked how their electronic monitoring equipment worked. She stated that they worked with Total Court Services. They are contracted with them and lease the equipment. That technology is ever-changing making it better to lease the equipment to keep it up to date. They do their own internal monitoring and supervising of those participants using the company's equipment and web platform. Ms. Fuhs stated that one of her employees is dedicated to that task of supervising the individuals. Commissioner Saylor asked where the company was based. Ms. Fuhs said that she thought they were out of Kentucky, but are opening a new office in Evansville.

Ms. Fuhs then reviewed Drug Court. Last year, they had an operating cost of \$155,080.30. This also included the user fees they received for the program. They served forty-six participants and had seventeen graduations in 2022. Drug Court was also asked by the Department of Correction to move all collaborated positions over to one agency. So, they pulled all of them into the Community Corrections budget. She then reviewed the program and their services as well as the goals for the coming year. Ms. Fuhs also reviewed the requested amounts for the budget with a total asking amount of \$36,000.00. This is an increase of about \$26,000.00. She also stated that Judge Weiberg, who is

over the Drug Court, is hoping to send staff members for training at a National Association of Drug Court Programs next year and it is reflected in the budget. There are currently three employees for Drug Court.

President Phillippe stated, that for the graduations, the Commissioners' meeting room was always packed. Ms. Fuhs said that it was. It shows that the participants graduating really do have the community support.

Ms. Fuhs asked for an approval to submit the grant applications for the budget to the Department of Corrections. Commissioner Bob Johnson made the motion to approve the submission of both applications. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Grant Paperwork for Drug Court and Community Corrections is on File in the Auditor's Office)

**ITEMS FOR DISCUSSION
TOURISM UPDATE**

Shari Sherman, with the Tourism Board, gave an update. Since 2018, they have brought in over \$761,000.00 in Tourism money. There is also another hotel under construction with more on the horizon. They have also created a strategic plan for what they are wanting to do and are in year three of that plan. One goal was to create a website which they have done. Something to come out of that was to identify I-64 as a corridor for tourism. A lot of people are on the interstate. They focused on some billboards along the interstate and worked with INDOT for signage to try to get people to stop. Other areas of focus would include the Covert and I-69 intersection, north and southbound, to promote Historic Newburgh, I-64 and Lynnville exit, both east and west, for Boonville Square, Lynnville Park, Scales Lake, and Coal Mine Museum. The Tourism Board also created a grant program and have given out twenty-two grants so far to promote tourism. There is currently a Memorandum of Understanding with the Chamber of Commerce for a part-time position to do some of the activities for Visit Warrick. They also just got the bid back for eclipse glasses for 2024. They will be purchasing 5,000 of those. They are also working with Emergency Management on how to best handle the crowds that they expect April 8, 2024. There were no questions from the Commissioners.

COMMISSIONERS ITEMS FOR DISCUSSION

There were no items for discussion.

ADJOURNMENT


The next Warrick County Commissioners' meeting will be held on Monday, May 8, 2023 in the Commissioners' meeting room at 4:00 PM. Commissioner Dan Saylor made the motion to adjourn. Commissioner Bob Johnson seconded the motion. The motion carried 3-0. Meeting adjourned at 4:54 P.M.

WARRICK COUNTY BOARD OF COMMISSIONERS

TERRY PHILIPPE, PRESIDENT



ROBERT JOHNSON, JR., VICE PRESIDENT



DAN SAYLOR, MEMBER

ATTEST:



MICHAEL J. DIETSCH, AUDITOR
WARRICK COUNTY, INDIANA

Minutes Respectfully Submitted by Kristine Georges, Official Recording Secretary

ORDINANCE 2023-07

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, INCORPORATING THE TOWN OF VICTORIA WOODS, INDIANA.

WHEREAS, on January 3, 2023, the "Verified Petition to Incorporate Town of Victoria Woods, Indiana" (the "Petition") was filed with the Warrick County Board of Commissioners ("Commissioners") pursuant to Indiana Code 36-5-1 *et. seq.*; and

WHEREAS, the Petition seeks the municipal incorporation of the proposed Town of Victoria Woods, Indiana for approximately 594.87 acres of land in Warrick County, depicted and described in EXHIBIT L attached hereto and incorporated herein by reference ("Territory"); and

WHEREAS, the Petition requesting the incorporation was signed by all or nearly all of the owners of land located within the Territory; and

WHEREAS, the City of Boonville, Indiana has, pursuant to City of Boonville Ordinance 2022-15, consented to the Town of Victoria Wood's incorporation as set forth in the Petition; and

WHEREAS, pursuant to Indiana Code 36-5-1-4(a), the Board of Commissioners of Warrick County forwarded the Petition to the Warrick County Area Plan Commission ("APC") for its review; and

WHEREAS, in accordance with Indiana Code 36-5-1-4(b), the APC investigated the proposed incorporation and, on March 15, 2023, reported its favorable recommendation of approval to the Board of Commissioners;

WHEREAS, the Board of Commissioners held a duly noticed public hearing on the Petition on March 27, 2023, and the Board of Commissioners, on March 27, 2023, submitted its report of recommendation for approval to the Board of Commissioners; and

WHEREAS, the Board of Commissioners, having considered the Petition and the proposed Territory, the recommendation of the APC, and the testimony of all who wished to speak at the public hearing, and being duly advised in the circumstances, find that:

- (1) The proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes;
- (2) The proposed town is reasonably compact and contiguous;
- (3) The proposed town includes enough territory to allow for reasonable growth in the foreseeable future;
- (4) A substantial majority of the property owners in the proposed town have agreed that the incorporation of the following municipal services should be provided on an adequate basis:
 - (A) Police protection
 - (B) Fire protection
 - (C) Street lighting, maintenance, and lighting
 - (D) Sanitary sewers

- (E) Storm sewers
- (F) Health protection
- (G) Parks and recreation
- (H) Schools and education
- (I) Planning, zoning, and subdivision control
- (J) One (1) or more utility services
- (K) Stream pollution control or water conservation

(5) The proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation; and

(6) The incorporation is in the best interest of the territory involved, giving consideration to the expected growth and governmental needs of the area surrounding the proposed town; the extent to which another unit can more effectively serve the territory; the extent to which the territory can be served to the extent to which the incorporators are willing to enter into agreements under Ind. Code 36-1-7 with the largest neighboring municipality, if that municipality has proposed such agreements; and

ORDINANCE 2023-07

WHEREAS, no remonstrance against incorporation has been filed by at least fifty-one percent (51%) of the landowners or the owners of at least seventy-five (75%) of assessed value in the proposed incorporation territory; and

WHEREAS, the Board of Commissioners now desire to adopt this Ordinance incorporating the Town of Victoria Woods, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, that:

- 1. The above recitals are incorporated by reference as though fully set forth herein.
- 2. The Territory set forth in Exhibit L is hereby incorporated, pursuant to Indiana Code 36-5-1 *et. seq.*, as the Town of Victoria Woods, Indiana ("Town").
- 3. The Town legislative body shall initially be composed of three (3) members to be elected at large.
- 4. Pursuant to Indiana Code 36-5-1-10.1(b)(2), the Warrick County Election Board is directed to conduct an election in the Town on the date of the next general or municipal election to be held in any precincts in Warrick County.
- 5. This Ordinance shall be filed with the Office of the Secretary of State and the Circuit Court Clerk of Warrick County, Indiana.
- 6. This Ordinance shall be in full force and effect from and after the date of adoption and filing as may be required by law; provided that the Town will acquire jurisdiction over the Territory as may be contemplated and to the extent provided by the laws of the State of Indiana as of January 1, 2024, and the assumption of office of the first legislative body for the Town.

ORDINANCE 2023-07

The provisions of this Ordinance are severable. If any provision is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in effect, and in lieu of each, provision that is found to be invalid, a provision shall be added that is as similar to invalid provision as may be possible and be valid.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby superseded to the extent of such inconsistency or conflict.

Passed and adopted by the Board of Commissioners of Warrick County this 24th day of April, 2023.

WARRICK COUNTY, INDIANA
 BOARD OF COMMISSIONERS

TERRY J. BISHOP, President
 Robert H. Johnson, Jr., Vice President
 Dan Saylor, Member

ATTEST:
 Michael Brestich, Auditor
 Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

TERRY J. BISHOP
 F U N C T I O N A L P R E S I D E N T
 520 N.W. Second Street, P.O. Box 779
 Evansville, Indiana 47705-0779
 Telephone: (812) 425-3592
 Warrick County Attorney

Warrick County Board of Commissioners Meeting Minutes

April 24, 2023



WEIGHTS AND MEASURES MONTHLY REPORT
State Form 44106 (R2) 10-09

Indiana Division of Weights & Measures
15 N Shadeland Ave, Ste D3, Indianapolis, Indiana 46219-17
Office: (317) 356-7078 * FAX: (317) 351-2878
WWW.IN.gov

Inspector: Mike Arnold

Jurisdiction: Warrick County

Date: 16-Mar 15-Apr 2023

INSPECTION ACTIVITIES	STATISTICAL			TOTAL
	Correct	Rejected	Red Tags	
Scales - State Police				0
Vehicle - State Inspection				0
Vehicle - City or County	9			0
Postpaid Scales				0
Belt Conveyor Scales				0
Handheld Scales				0
Portable & Overhead Scales	2	1		0
Highway Scales	5	1		0
Computing Scales	1			0
Strapping Scales				0
Prescription Scales				0
Stair Scales				0
Platform Scales				0
MEASURING DEVICES				0
LPG Meters				0
CNG Meters				0
Vehicle Tire Meters				0
Gasoline, Kerosene, Diesel Tests	137	7	3	147
Motor Oil Fuel Tests				0
Motor Fuel Meters				0
Tire Meters				0
Timing Devices				0
CALIBRATIONS AND TESTS				0
Compass and Weights				0
Pressure Gauges				0
Flow Meters				0
Test Weights				0
Liquid Measures				0
Liquor Measures				0
Mirror Weights				0
OTHER ACTIVITIES				0
Inspection - Campfire				0
Firewood				0
LP Gas Cylinders				0
Occasional Samples				0
Multi				0
Misc. Determinations				0
GRAND TOTAL	164	8	3	166

NARRATIVE

(Explain Miscellaneous Tests and Activities)

1 I hand delivered Chiltons to Superior Ag and Premier scales and had them inspected at the Superior Ag building located about 1/2 mile PM road prior to beginning printing Chilton 3-17-23 was the last day to get a legal for trade scale I stopped to verify the scale it was new but still not legal for trade I printed the requirements again and gave until 4-21-23. 3 vendors with Premier Scales help to cart-pull. Rejected one because the vendor had a scale that was on sale to verify to Superior with Premier Scales. Chiltons for the Superior was changing printing it appears Premier was able to correct the issue. I approved 3 scales. Stopped at Hicks to check and why the find wasn't passed. Reprinted the Chilton it was bad. 3-31-23 Worked With Premier Scales Truck scale Warrick Landfill. they adjusted it had 2 rest on 1 scale. Ascar 7000 Drumwork 3 size 28 tires. The scale was not on a concrete pad. I had them print on Chicago certified the new scales in tomorrow all approved.

4 Rejected test at Casey's correct before 4-21-23 also gave a performance violation on the 83 per acre. The find center Newburgh replaced their scale with a legal for trade scale certified and sealed. 4-13 worked with Premier Scales on a breakdown at Superior Ag to replace a scale. The scale was not on a concrete pad. I had them print on Chicago certified the new scales in tomorrow all approved.

5 room scale at Alcoa also tagged 2 nozzles at Freudenberg's unable to test and had a washing Kerosene nozzle must be replaced. Printers must work also. I reprinted the Kerosene nozzle of service at Chuckie B's esterfield Also pointed out a 1.30 price error in premium fuel price. Store under charging. \$1.30 per gallon.

MEMORANDUM

TO: Bobby Howard, P.E. Warrick County Highway Department

FROM: Kelly Dean American Structurepoint

BUYER: Todd Taylor

DATE: April 11, 2023
PROJECT: Anderson/Vann Roundabout
COUNTY: Warrick
PARCEL: 2
OWNERS: Corruall Excavating, Inc.

SUBJECT: Recommendation for Administrative Settlement

The County's fair market value determination of \$6,400.00 for 0.686 acres of fee simple right-of-way, located on the east side of US Highway 40, was challenged by the owners on February 21, 2023. They rejected this offer stating that they believe their land should have been valued at \$13,500/acre rather than the \$10,000/acre appraised value. The owners provided a recent appraisal report as supporting evidence (see attached). The owners counter-offer was provided to the County's review appraiser, and he concluded a land value of \$13,500/acre could be supported.

Warrick County, Indiana is required to make every reasonable effort to acquire real property expeditiously by agreements with owners, and to avoid litigation and relieve congestion in the courts. Reasonable efforts to negotiate an agreement at the appraised amount have failed. The additional compensation the owners are asking for represents an increase of 28% over the appraised amount. I support a settlement of \$11,798.00 additional compensation, or \$13,500 total compensation.

As an alternative, the condemnation process takes an average of 475 days, adds an average of 30% over the appraised value to the cost of acquisition, and will incur court costs as well. It would cost the County approximately \$10,000.00 to acquire this property through condemnation proceedings. There is also the possibility that up to a \$25,000.00 litigation fee could be paid to the owner's attorney should he receive a favorable jury award.

In the interest of expediting the acquisition and controlling costs, Warrick County, Indiana has determined that an administrative settlement is reasonable, prudent, and in the public interest.

Terry Phillippe, President, Warrick County Board of Commissioners

ORDINANCE 2023-08
AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, AMENDING THE WARRICK COUNTY CODE OF ORDINANCES SECTION 37.38 VITAL RECORDS FEES

WHEREAS, the Warrick County, IN Code of Ordinances Section 37.38 currently sets forth certain fees the Warrick County Department of Health may charge for the certified vital records which they provide to members of the community pursuant to Ind. Code 16-20-1-27;

WHEREAS, Subsections (A) and (B) of Warrick County, IN Code of Ordinances Section 37.38 currently charge fees in the amount of fifteen and 00/100 Dollars (\$15.00) for the provision of each certified copy of a death record; and

WHEREAS, the Warrick County Department of Health recommends increasing in the fees charged for the provision of certified copies of death records;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Warrick County, Indiana, that:

The Code of Ordinances of Warrick County, Indiana, Section 37.38 is hereby amended to read as follows:

(B) *Death record fees.* A fee of Twenty and 00/100 Dollars (\$20.00) for each certified copy of a death record shall be required per order. Upon collection of the fee by the Health Officer, the appropriate Coroners Continuing Education Fee pursuant to Indiana Code 16-37-1-9(B), and as amended from time to time, shall first be transferred to the County Auditor within thirty (30) days of collection, and the balance of the funds collected by the Health Officer shall become a part of the Warrick County Health Fund.

These provisions of Section 37.38 of the Warrick County, IN Code of Ordinances not specifically amended by this Ordinance shall remain unchanged and unaffected.

ORDINANCE 2023-08

Passed and adopted by the Board of Commissioners of Warrick County, Indiana, this 24th day of April, 2023.

WARRICK COUNTY BOARD OF COMMISSIONERS

Perry J. DeWitt, President
Robert H. Johnson, Jr., Vice President
Dan Saylor, Member

ATTEST:

Michael Dietsch, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

John H. Geth, Esq. #34604-41
F I R E & H A T F I E L D, A Professional Corporation
520 N.W. Second Street, P.O. Box 779
Evansville, Indiana 47705-0779
Telephone: (812) 425-3592
Warrick County Attorney

AGREEMENT OF UNDERSTANDING

This Agreement of Understanding (this "Agreement") is entered into and made effective as of the 24th day of April, 2023 by and between Warrick County, Indiana, by and through the Board of Commissioners of Warrick County ("Warrick County"), the petitioners of the proposed incorporation of Warrick County, Indiana, as a separate political entity ("Petitioners"), and Jordan Aigner, in his individual capacity as said petitioners' appointed designee ("Victoria Woods"), and Jordan Aigner, in his individual capacity ("Aigner"), each of whom may be individually referred to as "party" and collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, on January 3, 2023, a Verified Petition to Incorporate Town of Victoria Woods (the "Petition") was filed with Warrick County pursuant to Ind. Code 36-5-1-27 *et seq.*
WHEREAS, the Petition seeks the municipal incorporation of the proposed Town of Victoria Woods, Indiana for approximately 594.87 acres of land in Warrick County depicted and described in Exhibit A, attached hereto and incorporated herein by reference (the "Territory");

WHEREAS, the Parties desire to enter into this Agreement to establish and memorialize the understanding of the Parties as to boundaries of the Territory of Victoria Woods with respect to future annexation.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The above recitals are incorporated herein and made a part hereof.
2. **Term.** This Agreement shall be effective upon execution, approval of the Petition by Ordinance of the Commissioners prior to April 28, 2023 finding that the Territory is eligible for incorporation into the Town of Victoria Woods, and shall terminate December 31, 2033.
3. **Limits on Annexation.** As consideration for the approval of the Petition by Warrick County, Petitioners and Aigner, acting individually or through any third party, shall not propose, introduce, adopt, attempt, or otherwise take any action, including, without limitation, any promotional, encourage, or otherwise communitarian action, by the Board of Commissioners of Warrick County, under Ind. Code 36-4-3, *et seq.* (the "Act"), to involuntarily annex any land or real property that is:
 - a. Located west of the western boundary line of the Territory; and/or
 - b. Within a district zoned as residential, commercial, waterfront, industrial, or recreation and conservancy, as those terms are defined in the Comprehensive Zoning Ordinance for Warrick County, Indiana, whenever such property is located in Warrick County.

The limits and restrictions set forth herein shall not apply to any voluntary or super-voluntary annexation requested by one or more property owners as may be permitted by the Act. Aigner

further agrees to immediately notify the President of the Board of Commissioners of Warrick County in the event that Aigner becomes aware of a petition requesting annexation into Victoria Woods or a proposal by Victoria Woods to involuntarily annex any area under the Act.

4. **Representations and Warranties.** The Parties each represent and warrant to each other as follows:
 - a. Each Party has had the benefit and advice of independent counsel and other professional advice in connection with the terms contained herein and in connection with the validity, execution, delivery, and performance of this Agreement.
 - b. The circumstances that any fact, estimate or assumption made in executing this Agreement (either than the assumption that this Agreement will be fully performed according to its terms) may now be, or in the future may prove to be, inaccurate, unreasonable, unfounded, ill-advised or otherwise not as currently perceived will not affect the binding nature or enforceability of this Agreement.
 - c. This Agreement is executed and delivered without reliance upon any statement, representation, promise, or disclosure made by any party, agent, representative, officer, or other than the matters expressly set forth herein; and
 - d. The Parties have not assigned their rights, title or interest to any other person or entity except as herein described.
5. **Good Faith; Further Assurances.** The Parties to this Agreement shall in good faith undertake to perform their obligations under this Agreement and shall carry out promptly in accordance with the terms of this Agreement. Upon the execution of this Agreement and thereafter, each party shall execute such instruments and do such things that may be reasonably requested by the other Party, hereto in order to more effectively consummate or document the transactions contemplated by this Agreement.
6. **Successors and Assigns.** The Parties and their attorneys, agents, employees, contractors, guardians, heirs, executors, administrators, representatives, successors, affiliates, owners, shareholders, directors, members, officers, elected officials, successors and assigns, and anyone acting on their behalf are all bound by this Agreement and receive the complete benefits of its terms.
7. **Choice of Law; Jurisdiction and Venue.** This Agreement shall be construed and enforced in accordance with, and the rights of all Parties shall be governed by, the laws of the State of Indiana (not including the choice of law rules thereof). The Parties each consent to the exclusive jurisdiction of any state or federal court located in Warrick County, Indiana, for any dispute arising out of or relating to this Agreement, including any proceedings commenced in a state court located within Warrick County, Indiana, based upon improper venue or forum non conveniens.
8. **Integration.** The recitals set forth in the above preamble are incorporated herein by reference and are made a part of this Agreement. This Agreement, and the recitals herein, shall be substituted for the singular, and the singular for the plural, where appropriate; and words and

pronouns of any gender shall be meant to include any other gender. The language in all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning, and shall be strictly construed against one (1) Party by reason of any rule of construction to the effect that a document is to be construed more strictly against the Party who personally, or through such Party's agent, prepared the same. All headings set forth herein are included for the convenience of reference only and shall not affect the interpretation hereof, nor shall any weight or value be given to the relative position of any part or provision hereof in this Agreement. Any provision shall be held by any court or other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible and the remaining portion of this Agreement shall remain in full force and effect. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all which together shall constitute one and the same instrument. This instrument contains the entire agreement between the Parties regarding the Agreement, and supersedes all prior oral or written agreements, understandings, negotiations, discussions, and any other provision of this Agreement with respect thereto. This provision, and each and every other provision of this Agreement, may not under any circumstance be modified, changed, amended or provisions hereunder waived verbally, but may only be modified, changed, amended or provisions hereunder waived by an Agreement in writing executed by all Parties hereto.

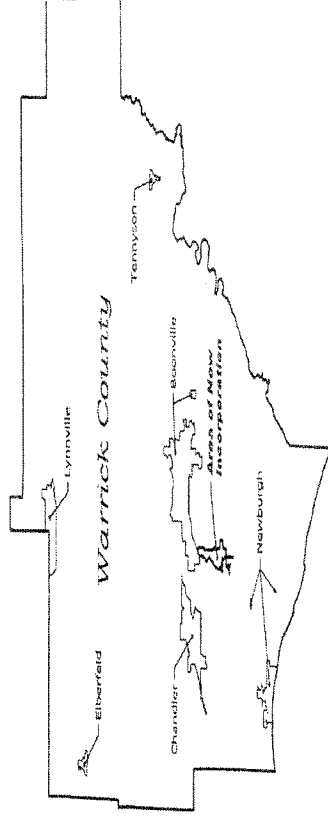
WARRICK COUNTY, INDIANA
BOARD OF COMMISSIONERS

Party Phillips
 Party Phillips, President
 Robert H. Johnson, Jr., Vice President
 Dan Saylor, Member

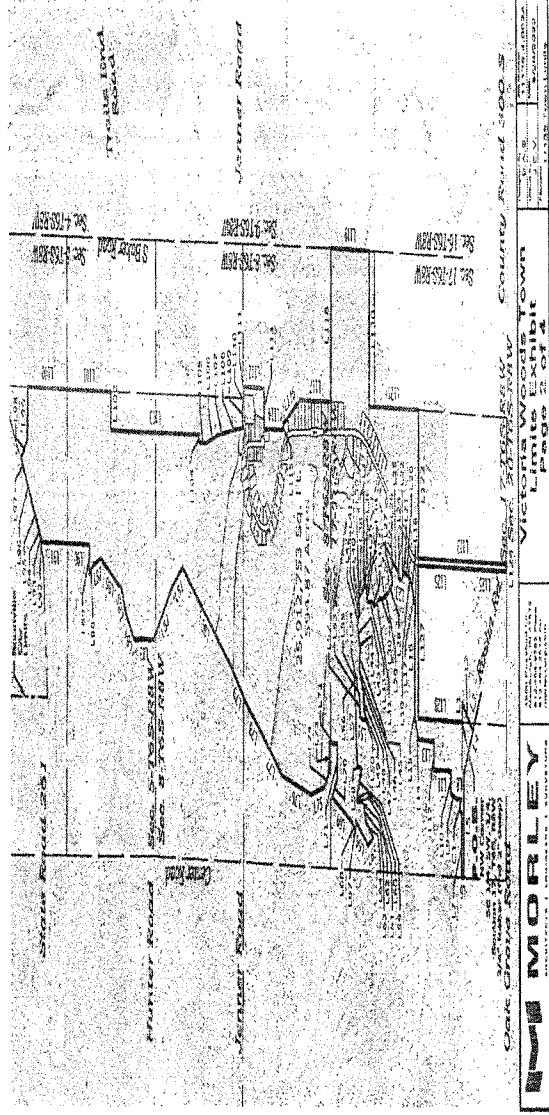
TOWN OF VICTORIA WOODS

Jordan Aigner
 Jordan Aigner,
 Petitioners' Designee
 JORDAN AIGNER
 Jordan Aigner

EXHIBIT A



	MORLEY SPECIALTY CONTRACTORS, INC. 1000 W. STATE ST. #100 INDIANAPOLIS, IN 46204 TEL: 317.434.1111	VICTORIA WOODS TOWN LIMITED EXHIBIT PAGE 1 OF 4	DATE: 4/20/23 DRAWN BY: JAA SCALE: AS SHOWN
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Project Line Data Table

LINE #	Description	Location	Quantity
L.1	M 1000000000	10000000	100000
L.2	M 2000000000	20000000	200000
L.3	M 3000000000	30000000	300000
L.4	M 4000000000	40000000	400000
L.5	M 5000000000	50000000	500000
L.6	M 6000000000	60000000	600000
L.7	M 7000000000	70000000	700000
L.8	M 8000000000	80000000	800000
L.9	M 9000000000	90000000	900000
L.10	M 0000000000	00000000	000000
L.11	M 1000000000	10000000	100000
L.12	M 2000000000	20000000	200000
L.13	M 3000000000	30000000	300000
L.14	M 4000000000	40000000	400000
L.15	M 5000000000	50000000	500000
L.16	M 6000000000	60000000	600000
L.17	M 7000000000	70000000	700000
L.18	M 8000000000	80000000	800000
L.19	M 9000000000	90000000	900000
L.20	M 0000000000	00000000	000000
L.21	M 1000000000	10000000	100000
L.22	M 2000000000	20000000	200000
L.23	M 3000000000	30000000	300000
L.24	M 4000000000	40000000	400000
L.25	M 5000000000	50000000	500000
L.26	M 6000000000	60000000	600000
L.27	M 7000000000	70000000	700000
L.28	M 8000000000	80000000	800000
L.29	M 9000000000	90000000	900000
L.30	M 0000000000	00000000	000000
L.31	M 1000000000	10000000	100000
L.32	M 2000000000	20000000	200000
L.33	M 3000000000	30000000	300000
L.34	M 4000000000	40000000	400000
L.35	M 5000000000	50000000	500000
L.36	M 6000000000	60000000	600000
L.37	M 7000000000	70000000	700000
L.38	M 8000000000	80000000	800000
L.39	M 9000000000	90000000	900000
L.40	M 0000000000	00000000	000000
L.41	M 1000000000	10000000	100000
L.42	M 2000000000	20000000	200000
L.43	M 3000000000	30000000	300000
L.44	M 4000000000	40000000	400000
L.45	M 5000000000	50000000	500000
L.46	M 6000000000	60000000	600000
L.47	M 7000000000	70000000	700000
L.48	M 8000000000	80000000	800000
L.49	M 9000000000	90000000	900000
L.50	M 0000000000	00000000	000000

Project Line Data Table

LINE #	Description	Location	Quantity
L.51	M 1000000000	10000000	100000
L.52	M 2000000000	20000000	200000
L.53	M 3000000000	30000000	300000
L.54	M 4000000000	40000000	400000
L.55	M 5000000000	50000000	500000
L.56	M 6000000000	60000000	600000
L.57	M 7000000000	70000000	700000
L.58	M 8000000000	80000000	800000
L.59	M 9000000000	90000000	900000
L.60	M 0000000000	00000000	000000
L.61	M 1000000000	10000000	100000
L.62	M 2000000000	20000000	200000
L.63	M 3000000000	30000000	300000
L.64	M 4000000000	40000000	400000
L.65	M 5000000000	50000000	500000
L.66	M 6000000000	60000000	600000
L.67	M 7000000000	70000000	700000
L.68	M 8000000000	80000000	800000
L.69	M 9000000000	90000000	900000
L.70	M 0000000000	00000000	000000
L.71	M 1000000000	10000000	100000
L.72	M 2000000000	20000000	200000
L.73	M 3000000000	30000000	300000
L.74	M 4000000000	40000000	400000
L.75	M 5000000000	50000000	500000
L.76	M 6000000000	60000000	600000
L.77	M 7000000000	70000000	700000
L.78	M 8000000000	80000000	800000
L.79	M 9000000000	90000000	900000
L.80	M 0000000000	00000000	000000

Project Line Data Table

LINE #	Description	Location	Quantity
L.81	M 1000000000	10000000	100000
L.82	M 2000000000	20000000	200000
L.83	M 3000000000	30000000	300000
L.84	M 4000000000	40000000	400000
L.85	M 5000000000	50000000	500000
L.86	M 6000000000	60000000	600000
L.87	M 7000000000	70000000	700000
L.88	M 8000000000	80000000	800000
L.89	M 9000000000	90000000	900000
L.90	M 0000000000	00000000	000000
L.91	M 1000000000	10000000	100000
L.92	M 2000000000	20000000	200000
L.93	M 3000000000	30000000	300000
L.94	M 4000000000	40000000	400000
L.95	M 5000000000	50000000	500000
L.96	M 6000000000	60000000	600000
L.97	M 7000000000	70000000	700000
L.98	M 8000000000	80000000	800000
L.99	M 9000000000	90000000	900000
L.100	M 0000000000	00000000	000000

Project Line Data Table

LINE #	Description	Location	Quantity
L.101	M 1000000000	10000000	100000
L.102	M 2000000000	20000000	200000
L.103	M 3000000000	30000000	300000
L.104	M 4000000000	40000000	400000
L.105	M 5000000000	50000000	500000
L.106	M 6000000000	60000000	600000
L.107	M 7000000000	70000000	700000
L.108	M 8000000000	80000000	800000
L.109	M 9000000000	90000000	900000
L.110	M 0000000000	00000000	000000

BOONVILLE GRANTS TO SMALL BUSINESSES

Business	No. Year Bus	Employ NO.	Location	Number of Own Business	Bonus	DT ANGE.

SCORE MATRIX

No Year Business	Score
1 Year	5
2 - 5 Years	10
6 - 10 Years	15
11 - 15 Years	20
16 Years and Over	25
1 Employee	5
2 - 10 Employees	10
11 - 20 Employees	15
21 - 100 Employees	20
100+ Employees	25
Own and/or Home	5
Business Ownership	20
Own Brick and Mortar Building (Not Home)	5
Lease Brick and Mortar Building (Not Home)	0
New Applicants	0
Repeat Applicants	0
Yes	5
No	0
TOTAL SCORE	GRANT
80 - 100	\$10,000.00
60 - 75	\$6,000.00
40 - 55	\$4,000.00
20 - 35	\$4,000.00
5 - 15	\$2,000.00



The Warrick County Commission has received federal grant funding of \$250,000 from the Indiana Office of Economic Development (COED) from their COVID-19 Response Program.

The grant program has been created for small businesses, particularly those in the food and beverage industry, including food and beverage, personal care, professional services, and retail. The grant program is designed to provide working capital, continued operations, and support remote work. Grant funds may not be used for capital improvements to buildings.

If application is approved, you will be notified prior to May 20, 2023.



Release of Surety
Commercial Driveaway: 2020-081C
722 S Yanketown Road
April 24, 2023

ELIGIBILITY CRITERIA:

- Applicants Must Satisfy All of the Following:
 - Employed less than 100 FTEs prior to COVID-19 crisis; (no limit on P.T.E.S); and,
 - Demonstrate that 51% of more of employees' quality is low-to-moderate income; and,
 - The direct correlation of their business disruption to COVID-19; and,
 - Registered and in good standing with the Indiana Secretary of State's Office; and,
 - Primary Office or place of business located not within the city/town limits of Boonville or Newburgh.

PRIZES:

- Grants not to exceed \$10,000 will be awarded on a first-come, first-served basis. The number of grants awarded is limited to 100 grants that all corners of Warrick County are represented in the grant awards.
- Employees are defined as those that receive a W-2 or 1099.
- Non-profit, seasonal, temporarily closed businesses or corporate franchisees are not eligible.

PRIZES:

- Applications and documentation materials open Monday, April 24, 2023, at 4:00 PM CT.
- Applications will close Monday, May 1st at 4:00 PM CT.
- All questions should be directed to the website and submitted via the following website: www.warrickcountygov.com/development/economic-partnership



BOARD OF COMMISSIONERS:

[Signature]
Member

[Signature]
Member

ATTEST:

[Signature]
Auditor
Date: 4/24/2023



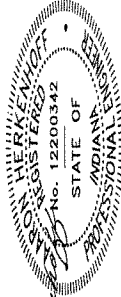
7/13/2023

Address: 722 S. Yanketown Road Boonville, IN 47601
FA Location: 14838733
AT&T Site Name: Maple Grove US-IN-5160

To whom it may concern,
We have reviewed the completed construction at the site and deem it to be installed in general conformance with the original design drawings completed by Muscare (1/21/2021). This includes the site entrance which was installed along the existing roadway.

Respectfully,

Jason Herkenhoff
Jason Herkenhoff, P.E.
Engineering Manager
POD Group
11490 Bluegrass Parkway
Louisville, KY 40299



FILED
APR 23 2023
WARRICK COUNTY
ADMINISTRATIVE DIVISION

ORDINANCE 2022-09

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, AMENDING THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA

WHEREAS, Chapter 134 of the Code of Ordinances of Warrick County, Indiana, sets forth the requirement for the operation of food establishments in Warrick County;

WHEREAS, the Warrick County Department of Health recommends Chapter 134 of the Code of Ordinances of Warrick County, Indiana, be amended to ensure the effective regulation of mobile food vendors operating in Warrick County; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana, desires to amend Chapter 134 of the Code of Ordinances of Warrick County, Indiana, in the process of regulating and permitting of mobile food vendors operating in Warrick County, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, THAT:

The Code of Ordinances of Warrick County, Indiana, Chapter 134, entitled "Food Establishments" is hereby amended in its entirety and replaced as follows:

DEFINITIONS:

(A) The definitions as stated in the Indiana State Board of Health Regulations 410 IAC 7-100.1 through 7-100.11, or any shall be used to enforce this Chapter, **EXCEPT** where the Indiana State Board of Health Regulation 410 IAC 7-24, and 21 CFR 100.1, *et seq.*, shall be on file in the Warrick County Auditor's office;

(B) The definitions as stated in the following terms shall have the following meanings unless otherwise designated:

COUNTY means those rural and urban areas of Warrick County which are under the jurisdiction of the Health Officer;

FOOD ESTABLISHMENT means any establishment that stores, prepares, packages, serves, vends, or otherwise provides food or beverages for human consumption;

The term **FOOD ESTABLISHMENT** includes Mobile Food Vendor for purposes of § 134.03, *et seq.*

ORDINANCE 2022-09

HEALTH OFFICER means the Warrick County Health Officer, or its duly authorized representative;

MOBILE FOOD VENDOR means a food establishment that is:

- (a) Wheeled;
- (b) On skids;
- (c) Mounted on a vehicle;
- (d) A trailer used for;
- (e) Otherwise readily moveable;

Such as a pushcart or trailer.

The term **MOBILE FOOD VENDOR** includes a food establishment that is a wheeled vehicle or trailer that is readily moveable and designed for the service of food from a commissary for supplies, servicing operations, and cleaning such operating day;

PERSON means, without limitation, any individual, partnership, limited liability company, corporation, trust, or any commercial association or venturer, however defined;

TEMPORARY FOOD ESTABLISHMENT means a food establishment that operates at a fixed location for a period of time not to exceed fourteen (14) consecutive days in conjunction with a single event or celebration. The term **TEMPORARY FOOD ESTABLISHMENT** includes any food establishment that are served by a licensed caterer, such as private parties, weddings, or banquets;

VENDING MACHINE UNIT means any or more vending machines for potentially hazardous foods and beverages which are located in the same group;

§ 134.02 PERMITS AND PERMIT FEES.

(A) Permits.

- (1) It shall be unlawful for any person to operate a Food Establishment in the County without first obtaining a permit from the Health Officer. Any person who complies with the applicable requirements of this Chapter shall be entitled to receive and retain such permit;
- (2) A separate permit shall be required for each food establishment operated or to be operated by any person. A permit issued under this chapter is not transferable from person to person or location to location. A separate permit is required for each vending machine unit.

(B) Permit Duration.

An applicant for a permit issued under this Chapter may apply for the following permit types:

- (1) **Annual Food Establishment Permit.** An Annual Food Establishment Permit shall be valid for a term of one (1) year beginning on January 1 and expiring on December 31 of the same year, and may be renewed annually;
- (2) **Partial Year Food Establishment Permit.** A Partial Year Food Establishment Permit shall be valid for a term of six (6) consecutive months beginning from the date of issuance, and may be renewed upon the expiration of such six (6) month period;
- (3) **Temporary Event Food Vendor Permit.** A Temporary Event Food Vendor Permit is available to a Food Establishment that operates at a fixed location for a period of time not to exceed fourteen (14) consecutive days in conjunction with a single event or celebration. The permit shall be valid for a term of (24) hours from the time of its issuance, and may be renewed no more than four (4) times in a fourteen (14) day consecutive period;
- (4) **Vending Machine Unit Permit.** A Vending Machine Unit Permit shall be valid for a term of one (1) year beginning on January 1 and expiring on December 31 of the same year, and may be renewed annually;

(C) Permit Fees.

The following fee structures apply with respect to permits issued under this Chapter:

- (1) **Annual Food Establishment Permit Fees.** An applicant for an Annual Food Establishment Permit shall be required to pay the following fee for the issuance of such permit:
 - i. Seventy-Five and 00/100 Dollars (\$75.00) for a Food Establishment that operates at a fixed location;
 - ii. One Hundred and 00/100 Dollars (\$100.00) for a Food Establishment that employs between six (6) and twenty-five (25) employees;

ORDINANCE 2022-09

from person to person or location to location. A separate permit is required for each vending machine unit.

- (3) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds;
- (4) A permit issued under this Chapter to a Food Establishment shall be posted in a conspicuous place in the Food Establishment;

(B) Permit Duration.

An applicant for a permit issued under this Chapter may apply for the following permit types:

- (1) **Annual Food Establishment Permit.** An Annual Food Establishment Permit shall be valid for a term of one (1) year beginning on January 1 and expiring on December 31 of the same year, and may be renewed annually;
- (2) **Partial Year Food Establishment Permit.** A Partial Year Food Establishment Permit shall be valid for a term of six (6) consecutive months beginning from the date of issuance, and may be renewed upon the expiration of such six (6) month period;
- (3) **Temporary Event Food Vendor Permit.** A Temporary Event Food Vendor Permit is available to a Food Establishment that operates at a fixed location for a period of time not to exceed fourteen (14) consecutive days in conjunction with a single event or celebration. The permit shall be valid for a term of (24) hours from the time of its issuance, and may be renewed no more than four (4) times in a fourteen (14) day consecutive period;
- (4) **Vending Machine Unit Permit.** A Vending Machine Unit Permit shall be valid for a term of one (1) year beginning on January 1 and expiring on December 31 of the same year, and may be renewed annually;

(C) Permit Fees.

The following fee structures apply with respect to permits issued under this Chapter:

- (1) **Annual Food Establishment Permit Fees.** An applicant for an Annual Food Establishment Permit shall be required to pay the following fee for the issuance of such permit:
 - i. Seventy-Five and 00/100 Dollars (\$75.00) for a Food Establishment that operates at a fixed location;
 - ii. One Hundred and 00/100 Dollars (\$100.00) for a Food Establishment that employs between six (6) and twenty-five (25) employees;

ORDINANCE 2022-_____

- iii. One Hundred Twenty-Five and 00/100 Dollars (\$125.00) for a Food Establishment that employs between twenty-six (26) and fifty (50) employees.
 - iv. One Hundred Fifty and 00/100 Dollars (\$150.00) for a Food Establishment that employs fifty-one (51) or more employees.
- (2) **Partial Year Food Establishment Permit Fees.** An applicant for a Partial Year Food Establishment Permit shall be required to pay the following fee for the issuance of such permit:
- i. Thirty-Seven and 50/100 Dollars (\$37.50) for a Food Establishment that employs five (5) or fewer employees.
 - ii. Fifty and 00/100 Dollars (\$50.00) for a Food Establishment that employs between six (6) and twenty-five (25) employees.
 - iii. Seventy-Five and 00/100 Dollars (\$75.00) for a Food Establishment that employs between twenty-six (26) and fifty (50) employees.
 - iv. Seventy-Five and 00/100 Dollars (\$75.00) for a Food Establishment that employs fifty-one (51) or more employees.
- (3) **Temporary Event Food Vendor Permit Fee.** An applicant for a Temporary Event Food Vendor Permit shall be required to pay the following fee for each Food Establishment operated:
- (4) **Vending Machine Unit Permit Fee.** An applicant for a Vending Machine Unit Permit shall be required to pay the following fee for each Vending Machine Unit per person or company. An additional fee of Ten and 00/100 Dollars (\$10.00) shall be required for each Vending Machine Unit operated by an applicant that is in excess of twelve (12).
- (5) **Late Fees.** An applicant who fails to pay a permit fee under this Chapter, as applicable, by the specified due date shall be required to pay a late fee of Fifty and 00/100 (\$50.00).
- (6) **Collection of Permit Fees.** All permits fees required under this Chapter shall be collected by the Health Officer and shall become a part of the County Health Fund.
- (7) **Permit Fee Exception.** Not-For-Profit organizations, including charitable, religious, or educational organizations, that do not operate as a Food Establishment for more than fifteen (15) days per year shall not be required to pay a permit fee under this Chapter. However, all Not-For-Profit organizations

ORDINANCE 2022-_____

that operate as Food Establishments in Warrick County are subject to the Indiana Retail Food Sanitation Requirements under 410 IAC 7-24 and shall comply with the provisions of § 134.03.

§ 134.03 MINIMUM SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS.

All Food Establishments shall comply with the minimum requirements specified by the Indiana State Board of Health, as provided under 410 IAC 7-16.1, 410 IAC 7-24, and 21 CFR 100.1, *et seq.*, or as the same may be hereafter changed or amended. Such regulations promulgated are by reference incorporated therein and made a part hereof, two (2) copies of which are on file in the office of the Warrick County Auditor for public inspection.

§ 134.04 SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME, ADULTERATED, OR MISBRANDED FOOD.

- (A) It is unlawful for any person to sell through any Food Establishment any food which is unwholesome, adulterated, or misbranded.
- (B) The Health Officer may take and examine samples of food from any Food Establishment as often as may be necessary, in the Health Officer's sole and absolute discretion, to determine that such food is free from contamination, adulteration, or misbranding. The Health Officer may remove, impound, and/or forbid the sale of any food determined by the Health Officer to be unwholesome, adulterated, or misbranded, or which the Health Officer has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded. However, in the event of misbranding of food which the Health Officer determines to be correctable by proper labeling, such food may be released to the operator of the Food Establishment for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer, in its sole and absolute discretion, determines to be unsound or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise be unsafe.

§ 134.05 INSPECTION OF FOOD ESTABLISHMENTS.

- (A) At least two (2) times each year the Health Officer shall inspect each Food Establishment and Vending Machine Unit for which a permit is required under this Chapter.

ORDINANCE 2022-_____

- (B) A permit issued under this Chapter may be temporarily suspended by the Health Officer upon violation by a permit holder of any of the terms of this Chapter, or revoked after an opportunity for hearing by the Health Officer upon serious or repeated violation, in the sole and absolute discretion of the Health Officer.
- (C) A permit holder whose permit has been revoked pursuant to § 134.05(4) may appeal such revocation to the Warrick County Board of Health if written notice of the appeal is submitted to the Warrick County Board of Health within ten (10) business days from such revocation.
- (D) The Warrick County Board of Health shall hear any timely requested appeal of a revocation or permit pursuant to § 134.05(C) within thirty (30) calendar days following the date of such revocation. The Board shall thereafter promptly make a decision granting or denying, in whole or in part, the appeal.

§ 134.06 DISEASE CONTROL.

- (A) No person shall be permitted to work in a Food Establishment who does not satisfy the health requirements specified by the Indiana State Board of Health as provided in Regulations 410 IAC 7-16.1 - 410 IAC 7-24, and 21 CFR 100.1, et seq.
- (B) If a Food Establishment believes, or has reason to believe, that any employee has contracted any disease in a communicable form or has become a carrier of such disease, the Food Establishment shall immediately notify the Health Officer.

§ 134.07 APPROVAL OF PLANS.

All Food Establishments which are hereafter constructed or altered shall conform with the applicable requirements set forth in § 134.03 of this Chapter. An applicant or permit holder shall submit properly prepared plans and specifications to the Health Officer prior to the commencement of any construction or alteration of a Food Establishment. An applicant or permit holder may only commence construction or alteration of a Food Establishment after obtaining the approval of properly prepared plans and specifications for such construction or alteration by the Health Officer.

§ 134.99 PENALTY.

Any person who violates any of the provisions of this Chapter or who refuses to comply with any lawful orders, rules, or regulations issued and/or enforced by the Health Officer, as provided in this Chapter, shall incur a penalty as follows:

- (A) For a first offense, a fine not to exceed One Hundred and 00/100 Dollars (\$100.00);

Commented [UG1]: Added same form as Permit would be the appropriate hearing authority

ORDINANCE 2022-_____

- (B) For a second and any subsequent offense, a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00).

Each day in which a person operates a Food Establishment of Vending Machine Unit while in violation of this Chapter shall constitute a distinct and separate offense.