

APRIL 28, 2017

SPECIAL SESSION

The LaGrange County Commissioners met in Special Session on Friday, April 28, 2017, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Larry N. Miller and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kay M. Myers. Mr. Terry Martin was absent. Mr. Larry Miller, President, called the meeting to order and led those present in saying the Pledge of Allegiance to the Flag. Mr. Larry Miller made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

RESOLUTION DESIGNATING CERTAIN AREAS AS “STRICTLY FOR UNDERGROUND OR BURIED UTILITIES”

Mr. Kurt Bachman, County Attorney, reported that Senate Enrolled Act 213 was passed recently and has a May 1 deadline regarding the regulation of the construction, placement, or use of small cell facilities and associated supporting structures. Mr. Bachman presented the following Resolution:

COUNTY OF LAGRANGE
RESOLUTION NO. 2017-04-28

A RESOLUTION DESIGNATING CERTAIN AREAS AS “STRICTLY FOR UNDERGROUND OR BURIED UTILITIES.”

WHEREAS, the Board of Commissioners of the County of LaGrange (“Board”), pursuant to Indiana Code § 36-1-4-6, may use, improve, develop, insure, protect, maintain, lease, and dispose of its interests in property in LaGrange County, Indiana (“County”);

WHEREAS, the Board, pursuant to Indiana Code § 36-9-2-7, may regulate the use of public ways;

WHEREAS, the Board, pursuant to Indiana Code § 36-9-2-15, may regulate the furnishing of utility service to the public;

WHEREAS, the Board desires to protect its interests in real or personal property it owns or controls, and/or may own or control in the future;

WHEREAS, the Board desires to regulate the use of the public ways and the furnishing of utility service to improve the general welfare; and

WHEREAS, to the extent the Board needs and/or desires to preserve to the maximum extent possible the ability to regulate the construction, placement, or use of small cell facilities and associated supporting structures, it needs to do so before May 1, 2017 as per Indiana Code § 8-1-32.3-15 (recently enacted legislation).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I – Area Designation.

The Board hereby designates all areas of the County over which it has jurisdiction, whether the area is publicly or privately owned, as “strictly for underground or buried utilities,” except that the physical space occupied by any currently existing aboveground utility, or within two feet around that physical space, is not so designated.

SECTION II – Scope.

The above designation shall be true and effective for any permit authority, as defined by Indiana Code § 8-1-32.3-8 or as amended or renumbered, under the Board’s authority and/or jurisdiction.

SECTION III – Designation of Emergency, Urgent Necessity.

The meeting during which this Resolution was considered was convened under urgent necessity and/or emergency circumstances that present actual or threatened disruption of governmental activity within the County.

SECTION IV – Severability.

No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

SECTION V – Effect.

This Resolution shall take effect immediately upon adoption.

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Mr. Dennis Kratz made a motion to approve the Resolution. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

ADJOURNMENT

There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Larry Miller seconded the motion and it carried unanimously.

Larry N. Miller

Absent

Terry A. Martin

Dennis H. Kratz

ATTEST:

Kay M. Myers
LaGrange County Auditor