



HENDRICKS COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE MARCH 27, 2018 MEETING

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, March 27, 2018 in the Commissioners' Meeting Room located on the first floor of the Hendricks County Government Center at 355 S. Washington Street, Danville, IN 46122 with the following Hendricks County personnel in attendance:

Matthew D. Whetstone	Commissioner, President
Phyllis A. Palmer	Commissioner, Vice President
Bob Gentry	Commissioner
R. Todd McCormack	Executive Director
Mila M. Shaffer	Administration and Public Affairs
Nancy Marsh	Auditor
Gregory E. Steuerwald	Attorney
Erin Hughes	Human Resources Administrator
Kevin Cavanaugh	Facilities Manager
Bart Harvey	Highway and Bridge Project Manager
Julie Haan	Environmental Health Director
Tammy Brinkman	Public Health Nursing Director
Dave Gaston	Surveyor
Larry Scott	Assessor
Nicole Lawson	Chief Deputy Assessor
Shawn Shelley	Treasurer
Dave Richardson	Government Center Security
Roger Call	Chief Deputy
Jeremy Gooch	Chief Public Defender
Leanna Truitt	Healthy Families Program Manager
Theresa Lynch	Recorder
Melanie Jones	Financial/Payroll Deputy
Lori Turpin	Veterans Service Officer
Jennifer Navara	Veterans Service Administrative Assistant/Secretary
Jim Mardis	Regional Sewer/NPES Director
Tim Dombrosky	Planning Director
Suzanne Baker	Senior Planner
Nicholas Hufford	Planner
Eric Ivie	Parks and Recreation Assistant Superintendent
Donovan Peoples	Lincoln Township Trustee

PLEDGE TO THE FLAG, PRAYER, AND DETERMINATION OF A QUORUM

Commissioner Whetstone opened the meeting at 9:00 AM with a quorum of all three (3) Commissioners present, Mr. Billingsly led the Pledge to the Flag in unison, and Commissioner Gentry gave a brief prayer for those who wished to participate.

IN THE MATTER OF CLAIMS

Commissioner Palmer inquired why a claim for \$8,697.05 was paid to the United States Postal Service for postage from Voters when the County utilizes Diversified Mail Services for their mail/postage. Nancy Marsh stated that sometimes a department will bypass Diversified Mail Services and send their mailings directly through the Postal Service and believes this may be the case for this claim in question, possibly a mass mailing for the Hendricks County Vote Centers. Commissioner Gentry moved to approve Direct Deposit Check

Numbers 162751 through 163244 and all Budgetary Claims presented from the Auditor's Office for the period beginning March 15, 2018 and ending March 28, 2018, dated March 28, 2018. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF AUTHORIZATION TO RECORD DEDICATED RIGHT-OF-WAY

Kevin Cavanaugh presented a Letter of Authorization to authorize the recording of the right-of-way dedicated as Public Right-of-Way during the March 13, 2018 Commissioners' Meeting and recommended approval.

Commissioner Gentry moved to approve the Letter of Authorization as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CHILD ABUSE PREVENTION MONTH PROCLAMATION

Leanna Truitt presented a corrected Proclamation to proclaim the month of April 2018 as Child Abuse Prevention. Leanna Truitt reported there was a misunderstanding with the Proclamation approved during the March 13, 2018 Commissioners' Meeting and advised that Judge Love will be reading the Proclamation during an upcoming ceremony, but that the Commissioners are proclaiming it, not Judge Love. The Proclamation is as follows:

WHEREAS, *all citizens have a legal responsibility as individuals and a moral obligation as members of a community to ensure the well being of children; and*

WHEREAS, *the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and*

WHEREAS, *effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, families, law enforcement agencies, and the business community; and*

WHEREAS, *all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and should become involved in supporting parents to raise their children in a safe, nurturing environment; and*

WHEREAS, *the State of Indiana, through the Department of Child Services, continues to facilitate progress toward realizing the goal of protecting children and of providing high quality, uniform treatment services for these children and their families; and*

WHEREAS, *Hendricks County, Indiana continues to promote a pro-active response to the problems of child abuse and neglect by supporting the efforts of such organizations as Healthy Families Hendricks County, Department of Child Services, Children's Bureau, Community Partners for Child Safety, MADD, Head Start Hendricks County, and Prevent Child Abuse Hendricks County.*

WHEREAS, *it is imperative that we acquire a working knowledge of the phenomenon of child abuse and neglect and that we demonstrate support for work of both professionals and volunteers involved in providing child protection, rehabilitation, and prevention services;*

NOW, THEREFORE, WE, *the Board of County Commissioners of Hendricks County, Indiana do hereby proclaim April 2018 as*

CHILD ABUSE PREVENTION MONTH

in Hendricks County, Indiana and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

IN THE MATTER OF WELCOME HOME VIETNAM VETERANS DAY PROCLAMATION

Commissioner Whetstone requested Lori Turpin bring in the Veterans in attendance for introductions and reading of the Proclamation to proclaim March 30, 2018 as Welcome Home Vietnam Veterans Day. Commissioner Palmer read the following:

WHEREAS: throughout our nation's history, service men and women of the United States Armed Forces have faithfully defended the principles of freedom and have worked for the advancement of human rights, and democratic ideals of our country, state, nation and around the world, and

WHEREAS: members of the Armed Forces of the United States stationed in Southeast Asia during the Vietnam War served our nation under the most trying conditions; and

WHEREAS: the citizens of the Hendricks County and the State of Indiana have a tremendous amount of pride in our Vietnam veterans and military personnel for courageously representing our country; and

WHEREAS: during the conflict, more than 304,000 service members were wounded. 75,000 disabled and 58,000 killed. Thousands spent time in prison camps and as of August 2017, 1,604 are still Missing in Action; and

WHEREAS: we must never forget the debt we owe these men and women who have loyally served our nation in battle; we must never take for granted their contributions and sacrifices; and we must remember with honor those who have so unselfishly put themselves in harm's way so that we may live in peace; and

WHEREAS: the citizens of Hendricks County acknowledge the courage, sacrifice, honor and positive achievements of our nations' Vietnam Veterans and their families, that are the backbone of our communities, and firmly represent that we proudly welcome them home;

NOW THEREFORE, We, the Hendricks County Board of Commissioners by virtue of the authority vested in us by the citizens of Hendricks County, Indiana do hereby by proclaim March 30, 2018 as

WELCOME HOME VIETNAM VETERANS DAY

IN WITNESS WHEREOF, We, have hereunto set our hands and caused the Seal of Hendricks County, Indiana to be affixed this 27th day of March, 2018.

IN THE MATTER OF APPEAL REQUEST – TOWNSHIP ASSISTANCE

Steven Proffitt, a Hendricks County resident residing at 10997 Horseshoe Drive in Indianapolis, presented his Appeal Request in response to being denied assistance by Donovan Peoples, the Lincoln Township Trustee. Steven Proffitt reported he was involved in an accident, wasn't working, didn't have transportation and had applied for rent assistance with the Lincoln Township Trustee's Office after falling behind on his rent to Clermont Mobile Home Park (CMHP) and is facing eviction. Steven Proffitt advised he feels the Trustee made the decision to deny assistance before receiving a fax from CMHP and stated he was told by Elaine Goodman, the Trustee's Secretary, that the intent of the program is to provide assistance to keep families in their homes and the amount needed far exceeded what was available. Steven Proffitt stated he is reaching out to other not-for-profit agencies for assistance as well. Commissioner Whetstone advised Steven Proffitt that it is the Commissioners responsibility to decide if the Township Trustee followed proper procedures and guidelines when denying assistance, not to decide eligibility for the assistance.

Donovan Peoples advised he declined Steven Proffitt on February 28, 2018 because the maximum rent assistance of \$500.00 would not be nearly enough to prevent eviction. Donovan Peoples reported his office received a fax from a Fed-Ex location on March 1, 2018 that stated it was from CMHP and advised the fax stated Steven Proffitt was \$1,225.00 behind on rent and that CMHP felt he would be a good person to consider offering assistance to but that they could not do anything to help as the outstanding utilities alone were over \$500.00. Donovan Peoples stated his office followed their guidelines for assistance, which are on file with the Commissioners and that Steven Proffitt only requested rent assistance and has no income.

Leanna Cochran, Steven Proffitt's Aunt, spoke on his behalf and advised that Steven Proffitt has returned to work and needs assistance getting to his next paycheck.

Commissioner Whetstone inquired if Steven Proffitt applied for rent and utility assistance and if he was eligible to reapply. Donovan Peoples advised only rent assistance was applied for, but CMHP stated the utilities were

included in the rent, advised Steven Proffitt would become eligible to reapply for assistance on March 28, 2018, and recommended he reapply.

Commissioner Gentry moved to deny Steven Proffitt's Appeal Request for assistance as the Lincoln Township Trustee's Office followed proper procedures and guidelines and encouraged Steven Proffitt to reapply on March 28, 2018. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ZA 453/17: MI HOMES OF INDIANA, L.P.

Commissioner Whetstone reported communication was received from MI Homes of Indiana, L.P. requesting the matter be continued until the April 10, 2018 Commissioners' Meeting and inquired Tim Dombrosky's opinion regarding the request. Tim Dombrosky advised he does not have an issue with the continuance, except that the continuance needed to be granted and announced during the Public Meeting, as the date of when the matter would be heard by the Commissioners was publicly announced during the March 13, 2018 Plan Commission Meeting. Tim Dombrosky presented an Ordinance to amend the zoning map of Hendricks County to designate the Real Estate as a Planned Unit Development District to be known as the "Sonora PUD District", commonly known as ZA 453/17: MI Homes of Indiana, L.P. Tim Dombrosky recommended approving this amendment and stated the Plan Commission recommended approval during their March 13, 2018 meeting; 4-2-0.

Joe Calderon, Attorney for MI Homes, reported Jonathan Isaacs, Land Acquisition Manager for MI Homes, requested the continuance to allow more time to finalize the fiscal impact study, drainage issues, and building materials that came in to question during the Plan Commission Meeting. Joe Calderon advised the representatives for the two neighborhood associations were notified about the matter possibly being continued until April 10, 2018 and they did not have an issue with it.

Commissioner Palmer expressed concerns regarding the current plan design not meeting the minimum side yard setback recommendation by the Brownsburg Fire Territory Fire Marshall of ten (10) feet to assist in controlling the spread of fire by radiation. This recommendation is Technical Recommendation No. 13¹, Method to Calculate Safe Separation Distances, from the National Institute of Standards and Technology Fire Research Division. Joe Calderon and Tim Dombrosky advised that MI Homes meets the code requirement, which is 7.5 feet, but does not meet the recommendation.

Commissioner Gentry moved to allow the matter to be continued until the April 10, 2018 Commissioners' Meeting as requested. Commissioner Whetstone seconded the matter and the matter was approved by majority 2-1-0; Commissioner Palmer opposed the continuance.

IN THE MATTER OF REQUEST FOR ADDITIONAL PUBLIC DEFENDER CONTRACTS

Jeremy Gooch requested approval to proceed with requesting an additional appropriation of \$180,000.00 from the Council for four (4) additional six (6) month Public Defender Contracts, all of which would be eligible for the 40% reimbursement by the Public Defender Commission. Jeremy Gooch advised he will be proposing the reimbursements received for the third and fourth quarters of 2017 be used to partially fund his request.

It was the consensus of the Commissioners for Jeremy Gooch to proceed with his request to the Council as presented.

IN THE MATTER OF IDEM CLEAN WATER ANNUAL REPORT

Jim Mardis presented the Clean Water Annual Report to be submitted to IDEM and recommended approval.

Commissioner Gentry moved to approve the Report as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PROJECT CLEMENS/GEODIS

Jeff Pipkin, Executive Director for Hendricks County Economic Development Partnership (HCEDP), presented Project Clemens/Geodis and requested approval of the proposed \$75,000.00 reimbursable Relocation Incentive Grant to relocate the Geodis facility to the old Gordman's facility at 1801 Innovation Boulevard. The incentive

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was offered by the Economic Development Team to assist in the relocation to the new facility where Geodis will be signing a sixty-seven (67) month lease and are not currently asking for an abatement on their new personal property equipment. The estimated costs for relocation are \$800,000.00. Geodis plans to have approximately 210 employees for start-up and then will reduce the workforce to approximately 175 employees, with an average wage of \$13.00-\$14.00 an hour.

Commissioner Gentry moved to approve the Relocation Incentive Grant as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0. It was the consensus of the Commissioners to request an Additional Appropriation from the EDIT Fund in the amount of \$75,000.00 to fund the Grant.

IN THE MATTER OF RIGHT-OF-ENTRY AGREEMENT FOR TREE REMOVAL

Kevin Cavanaugh presented a Right-of-Entry Agreement to allow Wabash Valley Power access in order to beat the April 1st environmental deadline for removal of potential bat habitat trees from the parcel they are in the process of purchasing from the County at the East Campus and requested approval. Commissioner Palmer expressed concerns with the number of trees being removed and inquired if any trees would be replaced later. Kevin Cavanaugh stated it was not his understanding that the trees would be replaced due to the location of the structures for the proposed substation.

Jim Mardis advised Kevin Cavanaugh to verify that Wabash Valley Power applies for the appropriate permits from Clean Water, Army Corps. of Engineers, and IDEM due to possible waterways in the area. Kevin Cavanaugh stated all permitting is the responsibility of Wabash Valley Power. Commissioner Whetstone advised Kevin Cavanaugh and Graham Youngs to add an additional stipulation to the Agreement confirming that it is the responsibility of the Purchaser (Wabash Valley Power) to obtain any and all permits required by State or Federal regulating agencies for the tree removal and that the Purchaser will hold Seller (County) harmless and will indemnify the Seller for any failure to obtain the necessary permits.

Commissioner Gentry moved to approve the Agreement with the additional stipulation. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CIRCUIT COURT CARPETING PROPOSAL

Kevin Cavanaugh presented a Proposal from Jack Laurie Group in the amount of \$18,800.00 to replace the carpeting in the Circuit Court Offices and Jury Room and recommended approval.

Commissioner Gentry moved to approve the Proposal as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF INDOT BRIDGE INSPECTION P.O. CLOSING REQUEST LETTER

Bart Harvey presented the INDOT Bridge Inspection Purchase Order (P.O.) Closing Request Letter and recommended approval.

Commissioner Gentry moved to approve the Letter as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 168

Bart Harvey presented the Contract with Duncan Robertson for Bridge No. 168, which is located on County Road 300 South over the East Fork of Mill Creek, and recommended approval.

Commissioner Gentry moved to approve the Contract as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

Bart Harvey reported Clark Dietz, the on-call inspection firm, submitted a Proposal for inspection of Bridge No. 168 in the amount of \$44,800.00 and advised the hourly rates are per their contract and the estimated number of hours seems reasonable. The Proposal was not included for the Commissioners to review and Bart Harvey would check with John Ayers to see if it would be submitted later if approval was needed.

IN THE MATTER OF EAST CAMPUS BUILDING STORAGE CONTAINERS

Kevin Cavanaugh reported the two storage containers were delivered and are in use.

IN THE MATTER OF COURTHOUSE SQUARE EXTERIOR LIGHTS

Kevin Cavanaugh reported the Town of Danville is requesting permission to leave the holiday light strands on the Courthouse Square in place to be lit during the evening hours throughout the year, instead of taking them down and reinstalling to be used only during the holiday season.

Consensus was given by the Commissioners for the lighting to be left up on a trial basis, with the understanding that the lights will need to be used and maintained in working order, for them to remain up year-round. If there are complaints by surrounding businesses, the matter will be revisited.

IN THE MATTER OF HENDRICKS COUNTY EMPLOYEE MANUAL

Todd McCormack reported Karyn McHone's, Labor Law Attorney with Barnes & Thornburg, answers/opinions to the three (3) questions were received and requested permission for Erin Hughes to proceed with emailing the Employee Manual to every County employee. The Manual has been distributed to all Elected Officials and Department Heads and is posted on the County's Intranet for viewing by all County employees. Commissioner Palmer inquired if the answers/opinions had been forwarded to Larry Scott, representative for the Elected Officials who requested the clarification during a meeting with Commissioner Whetstone. Todd McCormack advised he has not forwarded Karyn McHone's response to Larry Scott due to the legal disclaimer stating they are the legal property of the Commissioners. Commissioner Palmer stated in her opinion, the response should be forward to Larry Scott as he is the one who made the request on behalf of the Elected Officials. Commissioner Whetstone advised Karyn McHone's answers/opinions fell in line with the one's of the previous Labor Law Attorney and instructed Todd McCormack to share the response with Larry Scott, so he can share it with the Elected Officials. The Commissioners also gave consent for Todd McCormack to share the response with others who might request it.

Commissioner Whetstone stated the answers/opinions to the questions were explained well and supports the statements contained in the Employee Manual. It was the consensus of the Commissioners to wait to send the Manual out to the remaining employees until after the next Commissioners' Meeting, to allow time for Larry Scott to review and share the response with the Elected Officials.

IN THE MATTER OF WESTPOINT

Todd McCormack reported he met with Jeff Pipkin, Jeff Banning, and Vaughn Wamsley on March 22, 2018 and presented a Letter of Support that Vaughn Wamsley is requesting to present to the Army Corps. of Engineers supporting the development as currently proposed and is not a commitment. Commissioner Whetstone inquired if Morgan County will be submitting the same letter. Jeff Pipkin confirmed that Morgan County would be submitting the same letter in support of the development. Jeff Pipkin advised the Letter of Support is needed for Vaughn Wamsley to apply for the required permits in order to proceed with developing the next phase. Greg Steuerwald reviewed the Letter of Support during the Commissioners' Meeting and recommended approval as it isn't a commitment.

Todd McCormack advised that in the future, Vaughn Wamsley will be proposing a Memorandum of Understanding with the County, for the County's continued commitment to TIF funding for Phase 2 and Phase 3 of the development.

Commissioner Gentry moved to approve the Letter of Support as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF SODALIS PARK

Todd McCormack reported he met with Bill Harrington, representative from the Parks Board, on March 22, 2018 regarding the future of Sodalís Park. Bill Harrington has volunteered to negotiate the value of the improvements the County has made to Sodalís Park with the Town of Plainfield in order to reach an agreement

to terminate the lease early, as the Town of Plainfield is requesting, for the County to be reimbursed for the improvements. Commissioner Whetstone advised he left a message for Bill Harrington on March 26, 2018 but was not able to speak with him yet.

IN THE MATTER OF B & O TRAIL CLEARING

Eric Ivie reported that B & O Trail has asked the Parks Department to assist them with clearing approximately 2.5 miles for the Trail, starting at County Road 500 East, and continuing northwest. Eric Ivie advised the Parks Department has assisted them in the past and requested permission to proceed as they are currently in between seasons and have the availability at this time. Commissioner Whetstone instructed Eric Ivie to confirm that the Parks Department has spoken with John Ayers about the matter before proceeding. Eric Ivie advised contact has already been made with John Ayers.

Commissioner Palmer moved to approve the request to assist B & O Trail with the clearing. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PARKS DEPARTMENT

Commissioner Whetstone reported that discussions continue regarding the structure and Ordinance for the Parks Department and advised the matter would be presented to the Council on April 3, 2018 to discuss restructuring the Ordinance. Commissioner Whetstone and Commissioner Gentry will be presenting the matter; Commissioner Palmer will be unable to attend and requested Commissioner Whetstone provide her with an update following the April 3, 2018 Council Meeting.

IN THE MATTER OF GREEN SUIT

Todd McCormack reported a Hearing date for the Motions for the matter is set for May 4, 2018 and requested permission to attend the Hearing.

Consensus was given for Todd McCormack to attend the Hearing on May 4, 2018

IN THE MATTER OF COMMISSIONERS AND ELECTED OFFICIALS

Commissioner Whetstone reported legislature was recently approved to allow better administrative communication amongst Commissioners and certain Elective Boards outside of a Public Meeting.

Commissioner Whetstone reported a request of concern has been received for the County to help save the home of a resident in Brownsburg before the home collapses in to White Lick Creek and thanked Banning Engineering for their assistance in the matter.

IN THE MATTER OF COUNTY ATTORNEY

No items presented.

IN THE MATTER OF WISHES TO BE HEARD

No items presented.

IN THE MATTER OF QUESTIONS FROM THE PRESS

No items presented.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

CHECKS RECEIVED

1. \$4,000.00 Town of Danville Regional Sewer Partnership Agreement Dues

STAFF REPORTS RECEIVED

1. Receipt was acknowledged for the Human Resources report of March 12, 2018 through March 23, 2018 from Erin Hughes, Human Resources Administrator.
 2. Receipt was acknowledged for the weekly Highway Department reports of February 20, 2018 through February 23, 2018, February 26, 2018 through March 2, 2018, March 5, 2018 through March 9, 2018, and March 12, 2018 through March 16, 2018 from Curt Higginbotham, Highway Department Superintendent.
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3. Receipt was acknowledged for the I.T. Department report of March 27, 2018 from Doug Morris, I.T. Director.
4. Receipt was acknowledged for the County Treasurer's Monthly Report for the month ending February 28, 2018 from Shawn Shelley, Treasurer.

CORRESPONDENCE RECEIVED

1. Memo from Paul Miner, Hendricks County Park Board.
2. Meeting Announcement and Minutes from Cummins Behavioral Health Systems, Inc.
3. Notice of Application to the Avon Plan Commission from Maurer Surveying, Inc. to amend the zoning district classification for a proposed project to be known as Case Number ZA 18-08, Avon Square Senior Apartments.
4. Notice of Application to the Avon Plan Commissioner from Veridus Engineering for a Preliminary Plat of three (3) lots to be known as MAP (P) 18-02, Avon Landing.
5. Notice of Public Hearing by the Plainfield Plan Commission from Doninger Tuohy & Bailey, LLP. for a Petition requesting Architectural and Site Design Review of Docket No. DP-18-004: 10095 Bradford Road.
6. Notice of Right-of-Way Assessment Walking Survey from Marathon Pipe Line, LLC.

IN THE MATTER OF ADJOURNMENT

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 10:13 AM on Tuesday, March 27, 2018. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.



Matthew D. Whetstone, President



Phyllis A. Palmer, Vice President



Bob Gentry, Member