



HENDRICKS COUNTY BOARD OF COMMISSIONERS **MINUTES OF THE FEBRUARY 27, 2018 MEETING**

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, February 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
Mila M. Shaffer	Administration and Public Affairs
R. Todd McCormack	Executive Director
Nancy Marsh	Auditor
Gregory E. Steuerwald	Attorney
Erin Hughes	Human Resources Administrator
Kevin Cavanaugh	Facilities Manager
Bart Harvey	Highway and Bridge Project Manager
Dr. David Stopperich	Health Officer
Julie Haan	Environmental Health Director
Dave Gaston	Surveyor
Larry Scott	Assessor
Nicole Lawson	Chief Deputy Assessor
Shawn Shelley	Treasurer
Dave Richardson	Government Center Security
Curt Higginbotham	Highway Department Superintendent
Jeremy Weber	Parks and Recreation Superintendent
Tim Dombrosky	Planning Director
Suzanne Baker	Senior Planner
Nicholas Hufford	Planner
LaDonna Hughes	Animal Shelter Director/Chief Animal Control Officer
D.J. Hoskins	Clerk
Jeremy Gooch	Chief Public Defender
Roger Call	Chief Deputy

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, led the Pledge to the Flag in unison, and gave a brief prayer for those who wished to participate.

IN THE MATTER OF MINUTES

Commissioner Gentry moved to approve the Minutes of the February 13, 2018 Commissioners' Meeting as amended. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Direct Deposit Check Numbers 161766 through 162258 and all Budgetary Claims presented from the Auditor's Office for the period beginning February 15, 2018 and ending February 28, 2018, dated February 28, 2018. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF 2018 PROPOSAL FOR GENERAL FINANCIAL CONSULTING

Gregory Guerrettaz, representative of Financial Solutions Group, Inc., presented the 2018 proposal for General Financial Consulting to provide financial consulting services to Hendricks County and requested approval. The total fees for their consulting services shall not exceed \$25,000.00. The Commissioners inquired about receiving multiple proposals from Financial Solutions Group, Inc. in the past. Gregory Guerrettaz advised any special matters for special bonds and/or TIF annual reports would be billed separately under a different proposal. Nancy Marsh advised the costs associated with services provided under this specific proposal should be paid from the Commissioners' Special Contracts line item.

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

IN THE MATTER OF ZA 454/18: HENDRICKS COUNTY HUMANE SOCIETY ARK, INC.

Tim Dombrosky presented an Ordinance to amend and remove the previous Ordinance No. 2000-29 commitments to the zoning map of Hendricks County, in the GB/General Business District, commonly known as ZA 454/18: Hendricks County Humane Society Ark, Inc., S07-T15N-R1E, Center Township, parcel totaling 1.73 acres, located on the southeast side of the intersection of East Main Street and South County Road 300 East and more commonly known as 3033 East Main Street and recommended approval. Tim Dombrosky advised the property was rezoned from Research/Office Industrial District to General Commercial, with a condition to only allow for a car dealership and office uses, but now space is needed to temporarily board animals. Tim Dombrosky stated the Plan Commission unanimously approved this zoning amendment during their February 13, 2018 Meeting, 7-0-0, with the caveat to obtain State approval for the septic system.

Commissioner Palmer reported she had reviewed the information Tim Dombrosky provided and inquired if housing nearby would be affected and if there were any remonstrators. Tim Dombrosky advised there were not.

Commissioner Gentry moved to approve the Ordinance to amend and remove the previous Ordinance No. 2000-29 commitments, commonly known as ZA 454/18: Hendricks County Humane Society Ark, Inc. as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2018-04 to ZA 454/18: Hendricks County Humane Society Ark, Inc.

IN THE MATTER OF ENTERPRISE FLEET MANAGEMENT

Todd McCormack presented the County's Pricing Menu, to further explain how vehicle incentives result in a cost savings for the County, from Enterprise Fleet Management and the 2018 Enterprise Lease Agreements to order ten (10) replacement vehicles and recommended approval. Commissioner Palmer advised Todd McCormack did explain the savings during the February 13, 2018 Commissioners' Meeting but didn't understand how the County could replace vehicles that are a year old and save money when the profit on a lease is made when the leasing company regains possession of the leased vehicle. Phyllis Palmer further advised the goal is still to reduce the number of fleet vehicles overall. Todd McCormack reported the County is getting to the point of being able to utilize the information recorded by Geotab to further reduce the number of fleet vehicles; the fleet has been reduced by two vehicles so far and the third is currently being evaluated. Todd McCormack advised the 2017 GMC Sierras being replaced will be sold for more than what is owed on them, with the equity going back towards the lease, thus reducing the County's lease payment. Mike Diaz, representative of Enterprise Fleet Management, stated Commissioner Palmer is correct that in a traditional retail lease the benefit of the lease termination goes back to the dealership, but advised that with this lease the County has, the equity goes back directly to the County instead of to the dealer/Enterprise.

Commissioner Whetstone inquired if the vehicles are purchased factory direct from General Motors. Mike Diaz stated the vehicles are purchased factory direct. Commissioner Palmer inquired if there is an inconvenience to the staff by trading out the vehicles on an annual basis with equipment, etc. Todd McCormack advised there could be some inconveniences for any departments that added lights, sirens, snow plows, etc. but the impact is minimal. Todd McCormack stated the new trucks would come with the upgraded tires as requested previously.

Commissioner Gentry moved to approve the 2018 Enterprise Lease Agreements as presented. Commissioner Palmer seconded the motion and the motion was approved by majority 2-0-1. Commissioner Whetstone abstained due to a possible conflict of interest.

IN THE MATTER OF EMPLOYEE HEALTH BENEFITS PLAN AMENDMENT NO. 2

Erin Hughes presented Amendment No. 2 to the Employee Health Benefits Plan to correct the Network Pharmacy 90-day copay amounts for Traditional to “Generic \$5.00/Preferred Brand \$25.00/Non-Preferred Brand \$50.00” and requested approval.

Commissioner Gentry moved to approve Amendment No. 2 as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DUKE ENERGY – LED LIGHTING RETROFIT PROGRAM

Kevin Cavanaugh presented a contract from Duke Energy for LED lighting upgrades to the Highway Department buildings in the amount of \$8,028.18 and recommended approval. Kevin Cavanaugh advised he has funds within his current budget to cover the costs associated for this project.

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

IN THE MATTER OF HENDRICKS COUNTY EMPLOYEE MANUAL

Commissioner Whetstone reported the proposed revisions to the Hendricks County Employee Manual have been reviewed by the Commissioners and Elected Officials and advised he met with Larry Scott, the representative chosen by the Elected Officials to address their concerns/questions, on February 24, 2018 and have come to an overall agreement; except for a few minor matters needing some revision/clarification.

Commissioner Whetstone reported Larry Scott advised the Elected Officials requested the amendment of a line in the Paid Time Off (PTO) section of the manual to read, “No more than two weeks of consecutive PTO may be taken without Commissioner or Elected Official approval.”, instead of it only stating, “Commissioner approval”. Commissioner Whetstone and Todd McCormack advised the addition of the above line and of the line “PTO shall not be effectively paid out by allowing an employee to use all accrued PTO consecutively prior to resignation of employment.” was made to the PTO section of the manual because the last revisions to the manual clarified that PTO was not to be paid out except in the following instances: *“Accrued PTO will only be paid out upon retirement or disability retirement to eligible employees. Eligible employees under this payout provision must, at the time of retirement from the County, qualify to receive retirement benefits under the Indiana Public Retirement System or for Merit Deputies, any pension trust that is allowable under Indiana law.”* Unfortunately, as a way to try and elude this requirement employees are being allowed to use up their accrued PTO consecutively prior to their final employment date, following their notice of resignation. Todd McCormack stated this is the most expensive way of paying out PTO as the County is paying for health insurance and other benefits while the PTO is being taken. Commissioner Whetstone reported these two lines clearly state and clarify the pay-out guidelines and advised the use of more than two weeks of consecutive PTO will need to be approved by a Commissioner or an Elected Official prior to taking it. Commissioner Whetstone advised that Department Heads who report to a Commissioner or to an Elected Official will need to obtain the approval of the Commissioner or Elected Official and not make the approval on their own for accountability purposes. Todd McCormack advised some Elected Officials expressed their concerns regarding this matter not being stated in the previous manual and requested it be added for them to refer to.

Nancy Marsh inquired about the use of more than two weeks of PTO for maternity leave with FMLA. Commissioner Whetstone and Erin Hughes advised FMLA allows for twelve weeks of leave for a qualifying FMLA event, which would qualify for maternity leave. Nancy Marsh stated employees are required to take FMLA concurrently with PTO, and advised she feels one doesn't have anything to do with the other, and further stated there are four pregnant employees on her floor who will need to utilize maternity leave in the future and feels this is too broad. Commissioner Whetstone advised qualified FMLA leave would supersede the two week

continuous maximum use of PTO. Nancy Marsh inquired how to handle instances involving a lengthy vacation or a cruise in excess of two weeks. Commissioner Whetstone advised those instances would need to be approved by the Commissioners or the appropriate Elected Official, prior to being taken. Nancy Marsh expressed her displeasure.

Larry Scott requested clarification regarding the use of Daily Forms in Right Stuff under the Time Records section of the manual. Clarification was given regarding the language for the use of Daily Forms which states, "Daily Forms and Remote web clocks shall not be used unless for meetings, conferences, training, or hours worked outside or in addition to the normal work schedule." Commissioner Whetstone advised that the use of Daily Forms is restricted for the attendance of meetings, conferences, training, and any other hours worked outside or in addition to the normal daily work schedule of an employee. Commissioner Whetstone further advised that if an employee is attending an offsite meeting, conference, or training event that begins before or at their normal daily start time, the employee should use a Daily Form for the hours of the offsite meeting, conference, or training event and then clock in with the time clock upon returning to their office (if in the same day).

Commissioner Gentry moved to approve all of the proposed revisions to the Hendricks County Employee Manual as amended, with the addition of "Elected Official" being added to the line that states "No more than two weeks of consecutive PTO may be taken without Commissioner or Elected Official approval.", under the Paid Time Off section of the manual. Commissioner Whetstone seconded the motion and then inquired if there was any further discussion on the revisions. Commissioner Palmer inquired if Larry Scott, who represents the Elected Officials, was satisfied with the wording and the revisions. Larry Scott advised he could not speak directly for all Elected Officials and stated there was an overall satisfaction with the revisions to the Employee Manual, with the clarification of the items mentioned, and advised this was a step in the right direction. Larry Scott stated he could not guarantee there would not be issues in the future, but stated he was appreciative of the efforts given for clarification and compromise by the Commissioners.

Commissioner Palmer further inquired if the revision made to the PTO section of the manual, specifically the matter brought up by Nancy Marsh regarding maternity leave or an extended cruise, vacation, etc. in excess of two consecutive weeks was satisfactory. Larry Scott stated it was satisfactory as amended. Nancy Marsh requested the record reflect that Nancy Marsh does not feel it is right for an employee to have to come to a Commissioner or to an Elected Official to get approval to use PTO they've earned and stated it is just wrong. Commissioner Whetstone advised that PTO is accrued, not earned. Nancy Marsh inquired why the employee would need to obtain permission to use the PTO if they have accrued it. Commissioner Whetstone replied that the employee needs to obtain approval from their supervisor to use PTO, prior to using it. Commissioner Palmer used the example of an employee wanting to take three weeks off at tax time should need to obtain approval prior to taking the time off. Nancy Marsh stated her staff has to do that now but disagrees with this broad rule being placed in the Employee Manual, and advised she wanted the record to reflect that she completely disagrees with it.

Commissioner Gentry inquired if an employee could take an additional two weeks off unpaid, after being out on FMLA leave for maternity, knowing that their job wouldn't be protected because it would no longer be for a qualifying FMLA event. Nancy Marsh advised an employee is allowed up to twelve weeks of FMLA leave per year, but that these items are two separate matters. Todd McCormack advised that an employee who is out on qualified FMLA leave must concurrently use their accrued PTO hours until they are exhausted, you cannot be out on FMLA leave and not use your accrued PTO hours, but you can continue to be on FMLA leave once your accrued PTO hours are exhausted without pay.

Commissioner Whetstone proceeded with the motion for the matter and the motion was approved by majority 2-0-1. Commissioner Palmer chose to abstain from the vote. Commissioner Whetstone instructed Todd McCormack to assimilate the amended and approved revisions into the Employee Manual for distribution.

Commissioner Whetstone reported Larry Scott, as the representative for the Elected Officials, requested two

matters that were not part of the new revisions be addressed with the County's new Labor Law Attorney for their opinion and stated the matters would be revisited once an answer was received from the Attorney.

1. On pages 28-29 of the revised Manual (pages 26-27 of the 2016 Manual) under "Termination" it states: *Employees terminated forfeit any accrued, sick, vacation, or Paid Time Off.*
2. On page 29 of the revised Manual (page 27 of the 2016 Manual) item number seven (7) under "Examples of the types of conduct for which an employee may face discipline under the progressive discipline policy include, but are not limited to, the following:" states: *Non-exempt employees taking their unpaid lunch break at their work station.*

Nancy Marsh advised the item regarding lunch was added because if a non-exempt employee eats lunch at their desk they must be paid for it, regardless of whether they are clocked in or not.

Larry Scott reported there is an issue with employees clocking in outside of their assigned work areas and then either not showing up for work or not showing up until a later time from when they initially clocked in. Commissioner Whetstone advised this is a supervisor/management/parochial issue that needs to be handled within the department(s) having the issue. Commissioner Palmer stated she wished she would've been included in on the details from the private discussion Larry Scott had with Commissioner Whetstone sooner, but agreed that this issue is a supervisory issue and if there is an employee who is consistently doing this, the disciplinary process needs to be followed to discipline the employee. Commissioner Whetstone thanked Larry Scott for meeting with him on February 24, 2018 and expressed that the meeting was a beneficial meeting.

Commissioner Palmer requested the new Labor Law Attorney also review and provide their opinion regarding exempt/salaried employees being required to clock in/out because at other places of employment exempt means they are exempt from doing so.

IN THE MATTER OF TRAFFIC TECHNICIAN POSITION

Commissioner Palmer reported she had inquired with John Ayers as to why the Traffic Technician position was filled as a full-time position when the prior Traffic Technician had ample time to perform their duties and had ample down time. Commissioner Palmer advised that John Ayers informed her there had been additional duties added to the Traffic Technician's assigned duties to ensure an adequate workload for the full-time position.

IN THE MATTER OF RONALD REAGAN PARKWAY EXTENSION

It was the consensus of the Commissioners for Greg Steuerwald to schedule the meetings with the property owners regarding the right-of-way issues within the next week.

IN THE MATTER OF ASSISTANT ENGINEER

A moment of silence was taken in honor of the County's Assistant Engineer, Jim Andrews, who tragically lost his life in an automobile accident on February 14, 2018. Jim Andrews was an immensely respected and valued employee and will be greatly missed.

IN THE MATTER OF WABASH VALLEY POWER SUBSTATION

Kevin Cavanaugh reported one appraisal has been received, the one from Dan Moore Real Estate Services, Inc., and hopes to receive the appraisal from Lawson & Co. within the next two weeks. Kevin Cavanaugh further reported he has contacted Schneider Engineering to prepare the legal description, etc. for the creation of the right-of-way for the parcel Wabash Valley Power plans to purchase.

IN THE MATTER OF OFFICE CHANGES

Kevin Cavanaugh reported progress continues with the design for relocating some of the staff locations between the Auditor's Office area and the Deeds and Cartography Office area and presented the proposed layout of the two areas. The proposed layout will require new walls, doors, electrical, and HVAC changes to the areas and Kevin Cavanaugh advised he would present more detailed planning and estimating on a later date. Kevin

Cavanaugh stated funds have not been appropriated for this project.

Kevin Cavanaugh reported that with the proposed changes for the Assessor's Office, Auditor's Office, and for the addition of the Investigator in the Public Defender's Office approximately six (6) new desks would need to be purchased at an approximate cost of \$3,000.00 [sic] and requested approval to purchase them. (It was later discovered the cost of the desks are \$3,000.00 each, for a total of \$18,000.00.) Commissioner Palmer inquired splitting the Chief Public Defender's Office. Kevin Cavanaugh advised there is sufficient space in the area to add the additional desk for the Investigator. Kevin Cavanaugh stated funds are available for the purchase of the desks.

Commissioner Palmer moved to approve the purchase of six (6) new desks as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ANIMAL SHELTER ACCESS CONTROL

Kevin Cavanaugh reported installation of the access control has begun at the Animal Shelter.

IN THE MATTER OF CHIEF PUBLIC DEFENDER'S OFFICE

The Commissioners requested clarification of the addition of the Investigator in the Chief Public Defender's Office. Todd McCormack reported the addition of an Office Manager/Legal Assistant and an Investigator was approved by the Council for 2018. The Office Manager/Legal Assistant position was filled back in January of 2018, but the Investigator position has yet to be filled. Todd McCormack advised hiring these two staff results in keeping the need for additional attorneys down and 40% of the costs associated for their wages and benefits are eligible for reimbursement.

IN THE MATTER OF COUNTY ATTORNEY

Greg Steuerwald reported the Judge ruled in the County's favor regarding the amicus brief recently filed protecting the County processes and decisions.

IN THE MATTER OF WISHES TO BE HEARD

No items presented.

IN THE MATTER OF COMMISSIONERS AND ELECTED OFFICIALS

Commissioner Palmer reported the Government Center Security Officer, Chris Meloy, plans to retire before the March 13, 2018 Commissioners' Meeting.

Commissioner Whetstone requested clarification from Paul Miner and Jeremy Weber regarding the Sodalís Nature Park land acquisition by the Town of Plainfield from the Indianapolis Airport Authority. Paul Miner and Jeremy Weber reported there is an existing lease for the property with Hendricks County that expires in 2029 and advised they have not heard any additional information regarding the acquisition or the lease.

Commissioner Gentry inquired when Jeremy Weber plans to schedule the meetings with property owners in Amo and Clayton. Jeremy Weber advised he would provide further details about the meetings on a later date.

Paul Miner reported the Pancake Breakfast Fundraiser at McCloud Nature Park will be on March 3, 2018 and March 10, 2018 during Maple Syrup Days from 8:00 AM through 3:00 PM.

Nancy Marsh reported she proceeded with publishing the notices to reestablish the Cumulative Funds and maximum rates for approval during the March 13, 2018 Commissioners' Meeting.

IN THE MATTER OF QUESTIONS FROM THE PRESS

Mila Shaffer reported she has been advised by the Hendricks County Flyer that they currently do not have plans to replace Sarah Nahrwold and do not have adequate staff to cover the Commissioners' Meetings.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

CHECKS RECEIVED

- | | | | |
|----|-------------|--------------------|--|
| 1. | \$4,000.00 | Town of Brownsburg | Regional Sewer Partnership Agreement Dues |
| 2. | \$10,941.00 | Town of Brownsburg | 2507 Wheel Tax Revenue Bond – 2017 REF. |
| 3. | \$1,179.40 | OB Services | Claim No. 0AB219745-01-02 Sheriff's Department Repairs to 2016 Dodge Charger |
| 4. | \$6,401.98 | OB Services | Claim No. 0AB208789-01-01 Sheriff's Department Total Loss of 2013 Dodge Charger – Supplemental Payment |
| 5. | \$1,170.00 | OB Services | Claim No. 0AB208789-01-01 Sheriff's Department Total Loss of 2013 Dodge Charger – Supplemental Payment |

STAFF REPORTS RECEIVED

1. Receipt was acknowledged for the Human Resources report of February 12, 2018 through February 23, 2018 from Erin Hughes, Human Resources Administrator.
2. Receipt was acknowledged for the weekly Highway Department reports of January 29, 2018 through February 2, 2018, February 5, 2018 through February 9, 2018, and February 12, 2018 through February 16, 2018 from Curt Higginbotham, Highway Department Superintendent.
3. Receipt was acknowledged for the I.T. Department report of January 8, 2018 from Doug Morris, I.T. Director.


CORRESPONDENCE RECEIVED

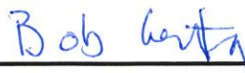
1. Memo from Paul Miner, Hendricks County Park Board.
2. Early Coordination Request letter from DLZ regarding the proposed roundabout construction at Airport Road and Hornaday Road.
3. Notice of Tort Claim from Yosha Cook & Tisch, representing Christina Collier.
4. Letter regarding proposed mitigation site for Ronald Reagan Parkway from American Structurepoint.
5. 2018 Assistance Guidelines from Lincoln Township Trustee.
6. 2018 Assistance Guidelines from Guilford Township Trustee.

IN THE MATTER OF ADJOURNMENT

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 10:00 AM on Tuesday, February 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