



## **HENDRICKS COUNTY BOARD OF COMMISSIONERS** **MINUTES OF THE JUNE 26, 2018 MEETING**

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, June 26, 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
Gregory E. Steuerwald	Attorney
Nancy E. Marsh	Auditor
John E. Ayers	Engineer
Erin Hughes	Human Resources Administrator
Brett Clark	Sheriff
Kevin Cavanaugh	Facilities Manager
Bart Harvey	Highway and Bridge Project Manager
Curt Higginbotham	Highway Department Superintendent
Larry Scott	Assessor
Nicole Lawson	Chief Deputy Assessor
Tim Dombrosky	Planning Director
Suzanne Baker	Senior Planner
Dr. David Stopperich	Health Officer
Ginger Harrington	Environmental Health Team Leader
LaDonna Hughes	Animal Shelter Director/Chief Animal Control Officer
Theresa Lynch	Recorder
Bridgette Collins	Work Release Director
Jeremy Gooch	Chief Public Defender
Jeremy Weber	Parks and Recreation Superintendent
Rick Morpew	Coroner

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

Commissioner Whetstone opened the meeting at 9:06 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison. Commissioner Palmer gave a brief prayer for those who wished to participate.

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### **IN THE MATTER OF MINUTES**

Commissioner Gentry moved to approve the Minutes of the June 12, 2018 Commissioners' Meeting as amended. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

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### **IN THE MATTER OF CLAIMS**

Commissioner Whetstone moved to approve Direct Deposit Check Numbers 166277 through 166784 and all Budgetary Claims presented from the Auditor's Office for the period beginning June 14, 2018 and ending June 27, 2018, dated June 27, 2018. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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### **IN THE MATTER OF PUBLIC HEARING TO AMEND ORDINANCE NO. 2000-30: HENDRICKS**

## COUNTY ANIMAL CONTROL/SHELTER ORDINANCE MANUAL

Greg Steuerwald presented the proposed amendment to Hendricks County Ordinance No. 2000-30: Hendricks County Animal Control/Shelter Ordinance Manual and requested approval. The Public Hearing was held during the June 12, 2018 Commissioners' Meeting and there were no concerns or objections presented.

Commissioner Gentry moved to approve the Ordinance as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2018-12 to the Ordinance.

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### IN THE MATTER OF ELECTED OFFICIALS

Rick Morphey introduced Noelle Matasovsky, Coroner's Office Intern for the summer, and advised that she is pursuing a forensic science degree at Trine University.

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### IN THE MATTER OF MAXIMUS CONSULTING SERVICES, INC.

Nancy Marsh presented the three (3) year renewal Agreement to Provide Professional Consulting Services from MAXIMUS Consulting Services, Inc. in the amount of \$10,400.00 per year and requested approval.

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

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### IN THE MATTER OF SERVICE AGREEMENT FOR JUROR CALLING

Commissioner Whetstone advised the matter would be tabled until the July 10, 2018 Commissioners' Meeting.

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### IN THE MATTER OF ZA 456/18: FSM PROPERTIES, LLC.

Tim Dombrosky presented an Ordinance to amend the zoning map of Hendricks County, from AGR/Agriculture Residential District to HB/Highway Business District, commonly known as ZA 456/18: FSM Properties, LLC., S09-10-T14N-R1W, Liberty Township, parcel totaling 2.72 acres, located at the northeast quadrant of the intersection of U.S. Highway 40 and County Road 0 and recommended approval. Tim Dombrosky advised the amendment is to allow for a self-storage facility and conversion of the existing home from residential use to business use. Tim Dombrosky stated the Plan Commission unanimously approved this zoning amendment during their June 12, 2018 Meeting, 7-0-0, with no remonstrators present.

Commissioner Gentry moved to approve the Ordinance as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2018-13 to ZA 456/18: FSM Properties, LLC.

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### IN THE MATTER OF CHILDCARE PROVIDER COMPLIANCE LETTER

Mila Shaffer presented a Childcare Provider Business Permit/License to Operate Compliance Letter and requested approval. Mila Shaffer reported that effective July 1, 2018 there is a new requirement from the Office of Early Childhood and Out-of-School Learning (Office) for all licensed childcare centers, licensed childcare homes, and legally licensed exempt home providers who are eligible to participate in the CCDF Program. Mila Shaffer advised that the childcare provider must supply a copy of their business permit or license to operate as a business in the county, city, or town in which the provider is located or supply a signed statement from the county, city, or town stating that a business permit or license to operate is not required. Mila Shaffer stated that according to Planning and Building and the Recorder, Hendricks County does not currently require childcare providers to obtain a separate business permit or license to operate within the unincorporated areas of Hendricks County, but stated she could not confirm the requirements of any incorporated cities or towns within the County. Mila Shaffer advised she contacted their Office to inquire if a blanket letter would be sufficient to use for all providers within the unincorporated areas of the County and was told they did not foresee an issue with the County utilizing a blanket letter.

Commissioner Palmer thanked Mila Shaffer for the research conducted on the matter to assist the

Commissioners in rendering their vote. Commissioner Whetstone advised that the providers do have to obtain a state license to operate and must fully comply with all of their requirements.

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

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**IN THE MATTER OF COMMUNICATIONS ADVISORY BOARD SMALL TOWN  
REPRESENTATIVE APPOINTMENT**

Commissioner Whetstone reported the matter is being tabled until after the next Communications Advisory Board Meeting as the small towns would now like to select their own appointment to the Board.

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**IN THE MATTER OF COMMUNITY CORRECTIONS ADVISORY BOARD APPOINTMENTS**

Bridgette Collins requested the appointment term for Pat Cockrum, Larry Hesson, Bill Holland, Terry Kessinger, Maria Larrison, and Jayson Puckett to the Community Corrections Advisory Board be extended through December 31, 2018 in order to allow for matching term dates for the next renewal.

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

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**IN THE MATTER OF AMATEUR RADIO WEEK PROCLAMATION**

Commissioner Whetstone presented the Amateur Radio Week Proclamation proclaiming the week of June 24, 2018 as Amateur Radio Week and recommended approval. Commissioner Whetstone advised that Commissioner Gentry attended Amateur Radio Field Day on June 24, 2018.

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

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**IN THE MATTER OF ROAD RESURFACING**

John Ayers reported Chip and Seal work for 2018 has been completed and work has begun on the Hot Mix paving list that was presented to the Commissioners.

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**IN THE MATTER OF DEVELOPMENTS WITHIN THE TOWN OF BROWNSBURG**

John Ayers reported he is talking with the Town of Brownsburg (TOB) regarding a couple of developments within their corporate limits that affect County road networks and drainage; Copper Creek and Greystone. John Ayers advised that arrangements have been made with the TOB's Planning Department to add the County to their distribution list for new projects so projects affecting County infrastructure can be monitored.

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**IN THE MATTER OF ENGINEERING DEPARTMENT AND HIGHWAY DEPARTMENT  
2019 PROPOSED BUDGETS**

John Ayers presented the Engineering Department and Highway Department 2019 proposed budgets that were submitted to the Auditor's Office.

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**IN THE MATTER OF INDOT AGENDA REQUEST**

John Ayers reported INDOT has requested to be on the Agenda for the July 10, 2018 Commissioners' Meeting to serve as a type of Public Hearing for the proposed I-70/SR 39 interchange, with construction to possibly begin as early as 2019. John Ayers advised that INDOT stated they did not have a good turnout during their last advertised Public Hearing for the matter; mostly just developers were in attendance. Mila Shaffer requested John Ayers confirm INDOT will be handling the Notice of Public Hearing publications for the Meeting. John Ayers advised he would confirm.

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**IN THE MATTER OF EMPLOYEE RECOGNITION**

John Ayers recognized Bart Harvey for achieving his Road Builder Certificate in the Indiana Local Technical Assistance Program (LTAP) Road Scholar Program. The Commissioners congratulated Bart Harvey for his

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achievement.

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### **IN THE MATTER OF HENDRICKS COUNTY EMPLOYEE MANUAL**

Todd McCormack reported that on June 5, 2018 the Council approved the policy changes to the Hendricks County Employee Manual, as adopted by the Commissioners on May 22, 2018. Todd McCormack advised that the Judges have a meeting scheduled for June 27, 2018, where a vote will be taken to adopt the same language for all of the Courts, which is a big step in the right direction. Todd McCormack thanked everyone for their hard work and cooperation in this matter.

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### **IN THE MATTER OF SODALIS NATURE PARK**

Todd McCormack reported the Town of Plainfield made an offer to the Hendricks County Parks and Recreation Board for the value of the improvements at Sodalís Nature Park. Todd McCormack advised that Bill Harrington is handling the preliminary negotiations at this time and stated the offer seemed to be on the low side and Bill Harrington has expressed making a counteroffer.

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### **IN THE MATTER OF YOUTH AT RISK PROGRAM**

Todd McCormack reported he and Commissioner Gentry attended a meeting on June 19, 2018 regarding a Youth at Risk Program and advised more information will be presented from Judge Love and Catherine Haines in the future.

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### **IN THE MATTER OF ENTERPRISE FLEET VEHICLES**

Todd McCormack reported the delivery of the new Enterprise Fleet vehicles has been delayed due to a production issue. Cars should be delivered in September and trucks in December. Todd McCormack advised that because of the delay, Enterprise stated the vehicles will now be 2019's instead of 2018's, with the same terms and lease amounts as previously approved.

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### **IN THE MATTER OF GOVERNMENT CENTER CLOSURE FOR ELECTRICAL OUTAGE**

Todd McCormack requested the Commissioners make a decision regarding payroll compensation related to the Government Center closure on June 21, 2018 at 12:00 PM for the electrical outage; hours to be compensated and applicability to full-time and/or part-time employees who work at the Government Center and were at work during the outage. Nancy Marsh advised there is a form in Right Stuff to assist with entering the compensation information for the closure and stated some employees had already gone to lunch before the decision to close was made. Todd McCormack and Nancy Marsh recommended full-time employees who were working in the Government Center during the outage be compensated with three (3) hours for the closure.

Commissioner Gentry moved to approve three (3) hours compensation for all full-time employees who work at the Government Center and were working on June 21, 2018 during the electrical outage. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whetstone instructed the affected employees, Department Heads/Elected Officials, and Auditor's Office to "do the right thing"; i.e. if you work an alternate schedule of 7:00 AM-3:00 PM you would only receive two (2) hours of compensation and if you were using any type of Paid Time Off that day (morning or afternoon) you would not receive any compensation, just as you would if it were a weather-related closure.

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### **IN THE MATTER OF COUNTY ATTORNEY**

Greg Steuerwald reported the Himsel versus Himsel and Co-Alliance case is being appealed because the Judge reversed his decision after the County filed their Amicus Brief and the neighbors/remonstrators are appealing the ruling against them. Greg Steuerwald advised the County's next Amicus Brief on the matter is due in August and stated the Banker's Association will also be filing an Amicus Brief because of the importance of the issue.

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### **IN THE MATTER OF WISHES TO BE HEARD**

Jay Thompson, a resident of 7722 Quail Creek Trace in Pittsboro, inquired in to the possibility of installing a

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sidewalk along the south side of East Wall Street heading west from Quail Creek Trace to the east side of Deer Meadows in Pittsboro. Jay Thompson reported that Steve Maple, Building Commissioner with the Town of Pittsboro (TOP), advised him that due to the sidewalk having to cross over a bridge that the County would need to be involved in the project.

John Ayers advised he is not sure if there is enough room for an ADA compliant sidewalk on either side of the bridge. Commissioner Whetstone requested the TOP submit a letter to the County requesting the County's participation in the project and advised that once the letter is received, the County would review the matter further.

Paul Miner, Hendricks County Parks and Recreation Board President, confirmed Todd McCormack's report regarding Sodalis Nature Park and stated he does not feel the improvements can be depreciated as the Town of Plainfield is requesting.

Curt Higginbotham questioned how the compensation for the Government Center closure for the electrical outage on June 21, 2018 affects the employees out at the Highway Department. Commissioner Whetstone advised there is no compensation for the employees out at the Highway Department as they were not affected by the electrical outage that occurred at the Government Center. Curt Higginbotham stated that at other times when the Government Center has been closed his Department's employees received the same compensation as employees who work in the Government Center. Commissioner Palmer clarified that in those past closures, the County was closed for inclement weather, and in this instance, it was for an electrical outage that only affected one building.

Mitchell Armbruster, a resident of 10381 N. County Road 650 E. in Brownsburg, requested clarification of how the decision is made as to what roads are surfaced with Chip and Seal and what roads are surfaced with Hot Mix paving. John Ayers explained that the County visually inspects the roads annually and rates their condition using a rating system called PASER (Pavement Surface Evaluation and Rating) and conducts traffic volume counts every two (2) years to determine the condition and use of the roads throughout the County. John Ayers stated that once the roads are rated, they are prioritized within the allotted paving budget; lower traffic roads are resurfaced with Chip and Seal as it costs approximately \$15,000.00 per mile where Hot Mix costs approximately \$120,000.00 per mile. Mitchell Armbruster requested a new traffic volume count be conducted on N. County Road 650 E. as he feels the volume has increased greatly in the past couple of years. John Ayers advised the road is up to be reviewed this year for its two (2) year rotation schedule.

Mitchell Armbruster inquired why the Highway Department cut a strip of sod approximately two (2) feet in width from the yards along N. County Road 650 E. Curt Higginbotham advised it was cut to regain the full width of the road. Mitchell Armbruster stated the County did not Chip and Seal the area that was cut away and left a seven (7) to eight (8) inch drop off of the road and damaged yards for the residents to have to deal with. Curt Higginbotham requested Mitchell Armbruster send him photos of the areas of concern for him to review.

Commissioner Palmer inquired if the County could place signage before performing Chip and Seal to alert residents in the area ahead of time. John Ayers advised he would look in to doing this but stated the Chip and Seal process moves quickly and isn't sure how signage could be placed in all areas at the same time.

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**IN THE MATTER OF COMMISSIONERS**

No matters presented.

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**IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE**

**CHECKS RECEIVED**

1. \$5,498.00	OB Services	Claim No. 0AB226735-01-01	Total Loss of 2008 Chevy Impala
2. \$535.00	OB Services	Claim No. 0AB226735-01-01	Supplemental Payment for Total Loss
3. \$2,076.94	OB Services	Claim No. 0AB228088-01-01	Repairs to 2017 GMC Sierra (Surveyor)

**STAFF REPORTS RECEIVED**

1. Receipt was acknowledged for the Facilities Department Report of June 26, 2018 from Kevin Cavanaugh.
2. Receipt was acknowledged for the I.T. Department Report of June 26, 2018 from Doug Morris.
3. Receipt was acknowledged for the Human Resources Report of June 11, 2018 through June 22, 2018 from Erin Hughes.
4. Receipt was acknowledged for the weekly Highway Department Report of June 4, 2018 through June 8, 2018 and June 11, 2018 through June 15, 2018 from Curt Higginbotham.
5. Receipt was acknowledged for the County Treasurer's Monthly Report for the month ending May 31, 2018 from Shawn Shelley.

**CORRESPONDENCE RECEIVED**

1. Memo from Paul Miner, Hendricks County Parks and Recreation Board.
2. Notice of Public Hearing by the Plainfield Plan Commission from Doninger Tuohy & Bailey, LLP. regarding a request to rezone, to be known as Docket No. PUD-18-002.
3. Notice of Tort Claim from Isaacs & Isaacs, representing Brandi Holman.
4. Notice of Public Hearing by the Hendricks County Plan Commission from Banning Engineering regarding an application by M/I Homes of Indiana, LP for a Primary PUD Development Plan known as Sonora in Brown Township in Section 5, Township 16 N, Range 2 East, located on the west side of North Raceway Road between E. County Road 650 N. and E. County Road 700 N.


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**IN THE MATTER OF ADJOURNMENT**

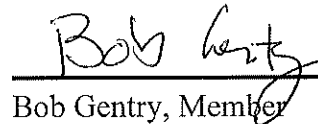
Commissioner Palmer moved to adjourn the Hendricks County Commissioners' Meeting at 9:50 AM on Tuesday, June 26, 2018. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.



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Matthew D. Whetstone, President

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Phyllis A. Palmer, Vice President

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Bob Gentry, Member