



HENDRICKS COUNTY BOARD OF COMMISSIONERS **MINUTES OF THE MARCH 26, 2019 MEETING**

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, March 26, 2019 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:

Phyllis A. Palmer	Commissioner, President
Matthew D. Whetstone	Commissioner, Vice President
Bob Gentry	Commissioner
R. Todd McCormack	Executive Director
Mila M. Shaffer	Administration and Public Affairs
Graham Youngs	Attorney
John Ayers	Engineer
Kim Galloway	Assistant Engineer
Erin Hughes	Human Resources Administrator
Kevin Cavanaugh	Facilities Manager
Larry Scott	Councilman
Charlene Cuthbertson	Chief Deputy Assessor
Doug Morris	I.T. Director
Ryan Lemley	Parks and Recreation Superintendent
Eric Ivie	Parks and Recreation Assistant Superintendent
Theresa Lynch	Recorder
Sean Horan	Emergency Management Director
Krista Click	Environmental Health Director
Shawn Shelley	Treasurer
Bridgette Collins-George	Director of Work Release
Susan Bentley	Chief Probation Officer
Dave Gaston	Surveyor
Bart Harvey	Highway and Bridge Project Manager
Roger Call	Sheriff's Department Chief Deputy
Dave Richardson	Courthouse Security Deputy
Mark Chmielewski	Government Center Security Deputy
Leanna Truitt	Healthy Families Program Manager
LaDonna Hughes	Animal Shelter Supervisor/Chief Animal Control Officer

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

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

IN THE MATTER OF MINUTES

Commissioner Whetstone moved to approve the Minutes of the March 12, 2019 Commissioners' Meeting as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Whetstone moved to approve Direct Deposit Check Numbers 176600 through 177121 and all Budgetary Claims presented from the Auditor's Office for the period beginning March 14, 2019 and ending March

27, 2019, dated March 27, 2019. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF UNFINISHED BUSINESS

No matters presented.

**IN THE MATTER OF WHITE LICK CREEK ESTATES EMERGENCY INGRESS/EGRESS
EASEMENT**

John Ayers and Wendell Swisher, a Hendricks County resident interested in purchasing a parcel that adjoins White Lick Creek Estates, requested the Commissioners consider vacating the emergency ingress/egress easement for White Lick Creek Estates located on the parcel. John Ayers advised the easement was granted to the Commissioners in 2013 from the owner and doesn't believe the easement is needed now that a bridge was constructed in 2008 to replace the original "low water crossing" and does not foresee an issue with the Commissioners vacating the easement.

Graham Youngs and Mila Shaffer advised there is a statutory process Wendell Swisher would need to follow for the Commissioners to formally vacate the easement; Petition to Vacate, publication, certified mailings to adjoining property owners, and the Commissioners would need to hold a Public Hearing on the matter.

It was the consensus of the Commissioners that the matter would be considered favorably if the statutory process was followed and a formal Petition to Vacate was presented.

IN THE MATTER OF REQUEST FOR TAX ABATEMENT

Jeff Pipkin, Executive Director of the Hendricks County Economic Development Partnership (HCEDP), presented three (3) Statement of Benefit Forms (SB-1s) for tax abatement for MCC Properties #100, LLC. and Exit 22 Partners, LLC. and requested approval to proceed with presenting the request to the Council. Jeff Pipkin reported MCC Properties #100, LLC. and Exit 22 Partners, LLC. plan to construct over 3,000,000+/- square feet of warehouses in the Hendricks Gateway Park in Clayton, Indiana.

Commissioner Whetstone moved to approve the request for tax abatement as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF HAMILTON CENTER OPIOID TREATMENT PROGRAM PRESENTATION

Brock Lough, representative from Hamilton Center, Inc., presented information regarding their new Opioid Treatment Program and facility that will be opening in Plainfield in 2019. Brock Lough reported the facility will accept Medicaid, private insurance, and self-pay patients suffering from opioid withdrawal and will have approximately twenty (20) to twenty-five (25) staff members.

**IN THE MATTER OF COMMUNITY CORRECTIONS AND PROBATION
IDOC GRANT APPLICATION**

Bridgette Collins-George presented the Community Corrections and Probation IDOC Grant Application for 2020, which includes the Budget, Policies, and Collaboration Plan required to apply for the Grant, and requested the Commissioners support to submit the Application. Bridgette Collins-George reported IDOC recently announced the Grants will now follow the calendar year.

Commissioner Whetstone moved to support the Application as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously.

Bridgette Collins-George inquired if the Commissioners would like a recommendation of a lay person to replace Bill Holland on the Community Corrections Advisory Board or if the Commissioners have a person in mind. Commissioner Palmer requested the matter be placed on the April 9, 2019 Commissioners' Meeting Agenda.

**IN THE MATTER OF PINWHEEL GARDENS AND PROCLAMATION FOR CHILD ABUSE
PREVENTION MONTH**

Leanna Truitt requested permission to place the Pinwheel Gardens on the grounds of the Government Center and Courthouse for the month of April and requested approval of the Commissioners' Proclamation proclaiming April as "*Child Abuse Prevention Month*" in Hendricks County.

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

**IN THE MATTER OF REQUEST FOR PUBLIC HEARING FOR DESIGNATION OF AN
INFRASTRUCTURE DEVELOPMENT ZONE**

Amy Watson, representative from Hendricks Power, and Darin LaCoursiere, representative from Endeavor Communications, reported access to broadband is an issue for many rural areas of Hendricks County and would like to designate an Infrastructure Development Zone to assist with the costs to extend broadband throughout those areas in Hendricks County and requested the Commissioners proceed with a Public Hearing for the Ordinance for Designation of an Infrastructure Development Zone. Darin LaCoursiere advised the proposed Ordinance establishes an Infrastructure Development Zone where broadband service would be provided to residents residing within the Zone and includes a business personal property tax exemption to companies for certain infrastructure associated with the development of broadband technology for five (5) years. The proposed five (5) year tax exemption for certain infrastructure shall only include the installation of fiber to homes, businesses, schools, and publicly owned buildings and shall not be available for maintenance and refurbishment to existing facilities, land that the infrastructure is located on, fiber to cell towers or satellites, or long haul/pass thru fiber infrastructure.

Nancy Marsh suggested Item 2 of the proposed Ordinance be amended to only include the unincorporated areas of Hendricks County as the County does not have taxing authority over the incorporated areas. Nancy Marsh advised an Ordinance would need to be presented to and approved by the incorporated areas for the tax exemption to apply to those areas. Amy Watson and Darin LaCoursiere advised they plan to obtain separate Ordinances from the incorporated areas of Hendricks County.

Commissioner Whetstone moved to approve a Public Hearing for the proposed Ordinance to be held during the April 23, 2019 Commissioners' Meeting, with Item 2 of the Ordinance being revised as Nancy Marsh suggested. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Whetstone requested Graham Youngs review IC 6-1.1-12.5-4 to see if the intent was to not incorporate the entire County.

IN THE MATTER OF COURTHOUSE USE REQUEST

Kevin Cavanaugh presented a Courthouse Use Request from Judge Rhett Stuard for an event on June 8, 2019.

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

**IN THE MATTER OF INDOT LETTER OF UNDERSTANDING FOR
UNOFFICIAL LOCAL DETOUR**

John Ayers presented the INDOT Letter of Understanding for Unofficial Local Detour Letter for State Road 75 and recommended approval. John Ayers reported this Letter states that INDOT agrees to reimburse the County for the costs related to any damage repairs incurred while State Road 75 traffic is detoured to West County Road 250 South, South County Road 800 West, and West County Road 350 South during the closure.

Commissioner Whetstone moved to approve the Letter as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Gentry requested John Ayers instruct the Highway Department to confirm the designated detour path is in good condition prior to the closure, specifically

a corrugated pipe on West County Road 250 South.

IN THE MATTER OF ELECTED OFFICIALS

Shawn Shelley reported tax statements went out on March 25, 2019 and anticipates a lot of traffic due to the Avon School Referendum and expressed her advance appreciation to others for helping to assist in any way they can and asked for patience from everyone. Shawn Shelley advised her staff has been educated on the changes in the tax statements and will be able to be of assistance to the taxpayers with their questions.

Commissioner Whetstone inquired if there was an average amount of increase due to the Referendum. Shawn Shelley and Nancy Marsh advised the Referendum was about a twenty-five (25) percent increase, but some parcels were offset due to other factors and had little to no increase at all.

IN THE MATTER OF THE COALITION AGAINST BIGGER TRUCKS OPPOSITION LETTER

John Ayers reported the Coalition Against Bigger Trucks (CABT) has been lobbying for the County's opposition to certain elements of the Federal FAST Act Reauthorization and has requested the Commissioners submit a letter to members of Congress. John Ayers advised part of the Reauthorization bill involve allowing longer and heavier trucks on certain roadways.

It was the consensus of the Commissioners for John Ayers to create a letter supporting the CABT's opposition.

IN THE MATTER OF COUNTY ROAD 300 SOUTH SPEED STUDY

John Ayers reported a speed study will be done on County Road 300 South, west of County Road 800 West, to determine if the current posted speed limit of forty (40) miles per hour is appropriate.

IN THE MATTER OF REQUEST FOR QUALIFICATIONS FOR HIGHWAY GARAGE

John Ayers reported funds have been budgeted for the design of a replacement Highway Garage and requested permission to proceed with developing a Request for Qualifications (RFQ) for building design, site design, and site selection. John Ayers advised the current site has always been of interest to Hendricks Regional Health (HRH) and alternate sites should be considered, as long as the site remains centrally located in the County. Commissioner Whetstone suggested speaking with HRH to see if they are still interested in purchasing the site and to see if they may have other property that could be swapped out for the current property.

Commissioner Whetstone moved to approve development of the RFQ for building design, site design, and site selection for the Highway Garage as discussed. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DECLARING PROPERTY OF NO VALUE

John Ayers reported the plotter and the scanner in the Engineering Department were replaced with a single unit capable of doing both. The scanner was transferred to the Planning and Building Department as it still functions properly. John Ayers requested the plotter be declared of no value as it was obsolete and needs to be disposed of.

Commissioner Whetstone moved to declare the Engineering Department plotter of no value as requested. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 234

John Ayers presented the title sheet for Bridge No. 234, located on Stanley Road (just west of Hendricks Regional Health) in Plainfield, and advised he would be presenting a Notice to Bidders on a later date.

IN THE MATTER OF ENGINEERING EXCELLENCE AWARD

Commissioner Whetstone and John Ayers reported the County was presented with a State Finalist Engineering Excellence Award for the Ronald Reagan Parkway from the American Council of Engineering Companies (ACEC) during the awards luncheon on March 12, 2019. Commissioner Whetstone reported Hendricks County was represented well at the event, noting that the Town of Plainfield also received awards.

IN THE MATTER OF AMERESCO ENERGY USE VERIFICATION REPORTS

Kevin Cavanaugh presented the Ameresco Energy Use Verification Report for Phase 1 and Phase 2 and advised the energy savings expectations are being met, and slightly exceeded. Kevin Cavanaugh reported he plans to continue monitoring the savings with the Reports for the next year or two (2).

Commissioner Palmer requested Kevin Cavanaugh inspect the motion sensors inside certain office areas as they do not appear to be functioning properly, resulting in excess energy use.

IN THE MATTER OF PROPOSED CASA RELOCATION

Kevin Cavanaugh reported he plans to request funding from the Council during their April 2, 2019 Meeting to fund the proposed CASA relocation to the old Beecham building. Kevin Cavanaugh advised that if it is determined the space is not needed as originally stated due to the Probation Department growth not being what was projected, then he will withdraw his request for funding from the Council. Kevin Cavanaugh stated Judge Love has expressed interest in proceeding with the relocation of CASA even if the request is withdrawn by the Probation Department.

Todd McCormack advised the request for additional Probation Department staff has been withdrawn, but understands Judge Love's concern of losing the space in the old Beecham building, as additional space will be needed in the future.

IN THE MATTER OF ADVERTISING EXCESS ITEMS FOR SALE

Kevin Cavanaugh reported the advertisement for the excess items for sale has been submitted for publication and bids are due by noon on April 22, 2019 and recommendations will be presented during the April 23, 2019 Commissioners' Meeting. Kevin Cavanaugh advised items that do not sell will need to be declared of no value.

IN THE MATTER OF PROPOSALS FOR LANDSCAPING IMPROVEMENTS

Kevin Cavanaugh requested permission to obtain Proposals for Professional Services from at least two (2) landscape architects for plans for the Courthouse and Probation sites and advised he has current funds available for the Proposals.

It was the consensus of the Commissioners to proceed with obtaining Proposals.

IN THE MATTER OF SODALIS NATURE PARK LEASE TERMINATION AGREEMENT

Todd McCormack presented the proposed Sodalys Nature Park Lease Termination Agreement between the Town of Plainfield (TOP) and the Hendricks County Parks and Recreation Department and recommended approval and direction as to which entity should sign the Agreement; Commissioners, Parks and Recreation Department, or Park Board. Todd McCormack reported the Agreement has a sixty (60) day transition period from the County to the TOP and designates the \$300,000.00 from the TOP to be used solely for the development of W.S. Gibbs Memorial Park for compensation of the County's improvements at Sodalys Nature Park. Todd McCormack advised the Parks and Recreation Department and Park Board is aware of the Agreement and stated the TOP had the Agreement on their Agenda for their March 25, 2019 Meeting.

Ryan Lemley inquired if he needed to present the Agreement to the Park Board during their April 3, 2019 Meeting.

Commissioner Palmer advised that with the Memorandum of Understanding (MOU) between the Commissioners, the Council, and the Park Board, the Commissioners should review and approve contracts prior to being executed by the Park Board and questioned some contracts mentioned in Ryan Lemley's Staff Report. Commissioner Whetstone advised there is a consultation and approval expectation with the MOU, but the actual execution remains with the Park Board.

Commissioner Whetstone moved to approve the Agreement as presented with execution by the Park Board. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF MEETING WITH THE TOWN OF PLAINFIELD

Todd McCormack reported he met with Andrew Klinger and Nate Thorne of the Town of Plainfield (TOP) on March 21, 2019 to discuss various issues, including the possible relocation of the Emergency Management Agency (EMA) Office from the Government Center to the Hendricks County Communications Center (HCCC) in Plainfield to make the EMA Director more accessible, and possibly placing the EMA under the TOP. Todd McCormack advised he was not certain how this would affect funding for the EMA.

Commissioner Whetstone stated the TOP operates the HCCC under a Memorandum of Understanding (MOU) with the County and their Budget is approved annually by the Council. Commissioner Whetstone advised that if it is found to be in the best interests to place the EMA under the TOP, there may be a conflict with the statutory appointment of the EMA Director and would need to be careful not to violate any statutes establishing the EMA. Commissioner Whetstone found it interesting that various law enforcement agencies have voiced concerns to the HCCC about the inability to contact Sean Horan, since that should not be the case, and does not foresee an issue with relocating the Office to the HCCC and opening up the space in the Government Center.

Commissioner Palmer advised the EMA Director is a County employee and the establishment of the Emergency Management Advisory Council is controlled by statute and needs to be reviewed before proceeding.

Sean Horan advised he wishes to relocate the EMA Office to the HCCC but stated he does not want to become a TOP employee.

Commissioner Palmer advised if the EMA Office does relocate to the HCCC, the EMA Director would need to submit Staff Reports to the Commissioners on a regular basis as do other Department Heads who are appointed.

Todd McCormack reported another issue discussed was the issues facing the Plainfield Fire Department and paramedic/emergency medical service runs to Liberty Township, based in part, on the development and the warehouses at I-70 and State Road 39. The TOP advised the reasons they had asked the County to adopt a Local Income Tax (LIT) for the Plainfield Fire Department is directly related to the runs to Liberty Township and the majority of those runs are for emergency medical services, not fire related services. Todd McCormack advised the possibility of extending TOP Fire Territory to include Liberty Township was discussed as a possible solution, if the problem can't be addressed in another way. The possibility of Hendricks Regional Health (HRH) providing emergency medical services to the unincorporated areas of the County was also discussed.

Commissioner Gentry expressed concerns over continuing to increase taxes as the Middle Township residents in the unincorporated areas of Pittsboro were recently assessed a \$0.045 tax per \$100.00 for the Town of Pittsboro's Parks and Recreation.

Commissioner Whetstone advised he has had recent discussions with the developers in the area and HRH addressing the issue of placing an Urgent Care facility in the I-70/SR 39 area. Commissioner Whetstone recommended reaching out to the HCCC OPS Board to discuss the matter and find out what the needs are and have them present the matter to the Commissioners. Commissioner Whetstone advised he would contact Doug Burris with the HCCC Ops Board to initiate the conversation.

IN THE MATTER OF APPEALING DECISION FROM COURT OF APPEALS

Todd McCormack reported a decision needs to be made regarding whether the Court of Appeals decision should be appealed to the Supreme Court or not and is not certain if the Council or the Commissioners make the decision to appeal. Todd McCormack advised the Council was the entity who denied the request and stated Council President Eric Wathen would like to appeal the decision. Todd McCormack reported he believes Greg Steuerwald has stated before that all decisions for litigation are made by the Commissioners.

Commissioner Whetstone and Graham Youngs advised the Commissioners make all decisions for litigation.

Commissioner Whetstone moved to allow the President to make the decision to appeal to the Supreme Court.

Commissioner Gentry seconded the motion. Commissioner Palmer advised she is okay with making the decision, with input from the other Commissioners. Motion was approved unanimously 3-0-0.

IN THE MATTER OF CYPRESS MANOR ADMINISTRATOR'S CELL PHONE

Doug Morris reported James McBryant has requested to keep his County cell phone after the employee transition to Hendricks Regional Health (HRH) as the phone and number have been assigned to him for over fifteen (15) years for the operation of Cypress Manor and would be difficult to change. Doug Morris stated he advised James McBryant that the County could release the cell number to him to transfer to another cell plan, but James McBryant requested to see if the Commissioners would allow him to remain on the County plan and reimburse the County the cost of the plan from Cypress Manor funds. Doug Morris advised James McBryant stated he does not believe HRH will provide him with a cell phone but is discussing the matter with HRH since he is responsible for operating a 24/7 facility.

Commissioner Palmer advised Cypress Manor is a unique situation as with the Agreement with HRH, the Commissioners still appoint the Administrator and the Commissioners are still involved in the acceptance of residents to Cypress Manor. Commissioner Palmer requested Doug Morris confirm HRH will not issue James McBryant a cell phone.

It was the consensus of the Commissioners that if HRH will issue one then release the cell number to transfer to the new device, if they will not, then allow the Administrator's cell phone to remain on the County's plan with Cypress Manor reimbursing the County for the cost of the plan on an annual basis.

IN THE MATTER OF COMMENTS FROM THE FLOOR

Eric Ivie requested clarification from Commissioner Gentry regarding his tax increase for Parks. Commissioner Gentry advised the tax increase was for the Town of Pittsboro Parks, not Hendricks County Parks.

Eric Ivie reported he would be happy to answer any questions regarding the contracts mentioned in Ryan Lemley's Staff Report with the Commissioners as he was serving as Interim Superintendent at the time of the contracts. The Commissioners advised it is more about the process. Eric Ivie requested clarification of the process as he thought the Memorandum of Understanding (MOU) didn't affect the everyday operations, only larger items. The Commissioners advised the MOU is not meant to affect the day to day operations of the Department, but is in place to establish a consultation and approval expectation between the Parks and Recreation Department and Park Board with the Commissioners and the Council.

Ryan Lemley reported the Park Board is in the final stages of closing on the Buck Arnold property for the east expansion of the Vandalia Trail. Commissioner Whetstone reported the Commissioners have been in communication with the Park Board on this purchase and have been advised the seller is a willing participant in the acquisition and stated the Commissioners do not have an opposition to the purchase as long as there are current funds available for the purchase. Commissioner Gentry instructed Ryan Lemley to make sure the Park Board reaches out to the farmers along the Trail expansion to adequately allow them access to their farms without the interference of the Trail. Commissioner Whetstone and Commissioner Gentry requested the Park Board be more flexibly and consider moving right-of-way for the Trail to the edges of properties instead of through the middle of properties, creating excess waste of taxpayer parcels by running the Trail through them instead of along the edges.

IN THE MATTER OF COMMUNITY CROSSINGS GRANT

John Ayers reported the County was awarded the Community Crossings Grant to assist in paving efforts.

IN THE MATTER OF COMMISSIONERS

Commissioner Gentry thanked the staff and legal counsel involved in the mediation on March 15, 2019 that resulted in a positive outcome.

Commissioner Palmer reported she has been contacted by the Plainfield Town Council regarding a proposed

program with the Plainfield School Corporation for at risk students and the possibility of creating a Memorandum of Understanding. Commissioner Palmer stated she advised the Council the next step would be for them to request to be on the Agenda to present the matter for further consideration.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

CHECKS RECEIVED

- | | | | |
|---------------|-------------|---------------------------|-----------------------------------|
| 1. \$3,977.48 | OB Services | Claim No. 0AB245151-01-01 | 2014 Dodge – Sheriff’s Department |
| 2. \$4,911.40 | OB Services | Claim No. 0AB251135-01-01 | 2018 Dodge – Sheriff’s Department |

STAFF REPORTS RECEIVED

1. Receipt was acknowledged for the Engineering Department Report of March 26, 2019 from John Ayers.
2. Receipt was acknowledged for the Facilities Department Report of March 26, 2019 from Kevin Cavanaugh.
3. Receipt was acknowledged for the Executive Director’s Report of March 26, 2019 from Todd McCormack.
4. Receipt was acknowledged for the I.T. Department Report of March 26, 2019 from Doug Morris.
5. Receipt was acknowledged for the Human Resources Report of March 11, 2019 through March 22, 2019 from Erin Hughes.
6. Receipt was acknowledged for the Highway Department Report of March 3, 2019 through March 8, 2019 and March 9, 2019 through March 15, 2019 from Curt Higginbotham.
7. Receipt was acknowledged for the Parks & Recreation Department Report of March 22, 2019 from Ryan Lemley.

CORRESPONDENCE RECEIVED

1. Notice of Public Hearing by the Plainfield Plan Commissioner for Docket No. DP-18-004B from Pepper Construction.
2. Letter from Plainfield Community School Corporation requesting the relinquishment of planning and zoning authority of Parcel Nos. 32-15-09-200-008.000-011 and 32-15-09-200-009.000-011 from Hendricks County to the Town of Plainfield.
3. Project and Survey Notification Letter for County Road 700 North/Green Street to County Road 900 East from CrossRoad Engineers, P.C.


IN THE MATTER OF ADJOURNMENT

Commissioner Whetstone moved to adjourn the Hendricks County Commissioners’ Meeting at 10:47 AM on Tuesday, March 26, 2019. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.



Phyllis A. Palmer, President

Matthew D. Whetstone, Vice President



Bob Gentry, Member