



HENDRICKS COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE FEBRUARY 9, 2021 MEETING

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, February 9, 2021 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
Bob Gentry	Commissioner, Vice President
Dennis W. Dawes	Commissioner
R. Todd McCormack	Executive Director
Mila M. Shaffer	Administration and Public Affairs
Greg Steuerwald	Attorney
Nancy Marsh	Auditor
David Wyeth	Councilman
John Ayers	Engineer
Doug Morris	I.T. Director
Kevin Cavanaugh	Facilities Manager
David Gaston	Surveyor
Marjorie Pike	Clerk
Laura Herzog	Voters Registration Supervisor
Dawn Mason	Emergency Management Director
Tim Dombrosky	Planning & Building Director
Suzanne Baker	Senior Planner
Mark Chmielewski	Government Center Security Deputy
Ryan Lemley	Parks and Recreation Superintendent
Erin Hughes	Human Resources Administrator (Attended Remotely)
Brett Clark	Sheriff (Attended Remotely)
Roger Call	Chief Deputy Sheriff (Attended Remotely)
Shawn Shelley	Treasurer (Attended Remotely)
Loren Delp	Prosecutor (Attended Remotely)
Susan Bentley	Chief Probation Officer (Attended Remotely)
Kim Galloway	Assistant Engineer (Attended Remotely)
Curt Higginbotham	Highway Department Supervisor (Attended Remotely)
Joe Percy	Highway Department Assistant Superintendent (Attended Remotely)
Terry Benton	Highway Department Office Manager (Attended Remotely)
Gary Sowers	Financial Admin./Drainage Board Coordinator (Attended Remotely)

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. Greg Steuerwald gave a brief prayer for those who wished to participate.

IN THE MATTER OF CLAIMS

Commissioner Dawes moved to approve Direct Deposit Check Numbers 202776 - 203285 and Budgetary Claims presented from the Auditor's Office for the period beginning January 28, 2021 and ending February 10, 2021 as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COVID-19 UPDATE

Dr. Stopperich provided a brief update on the COVID-19 pandemic in Hendricks County reporting the County's 7-day positivity rate decreased to 9.0%.

IN THE MATTER OF ZA 478/21: JC WILSON & COMPANY, INC.

Tim Dombrosky presented an ordinance to amend the zoning map of Hendricks County from AGR/Agricultural Residential District to NB: Neighborhood Business District, commonly known as ZA 478/21: JC Wilson & Company, Inc., S5-T15N-R2E, Washington Township, 1 parcel totaling 0.94 acres, located approximately one quarter mile south of County Road 100 North (10th Street), along the east side of County Road 1050 E., Avon, Indiana, Tax Parcel Number 32-09-05-200-039.000-02. Tim Dombrosky reported the Petitioner has agreed there shall not be a crematorium and stated they have agreed to restricting the permitted uses to: places of worship, nature preserve, recreation (passive), and administrative/professional office as defined by the 2008 Hendricks County Zoning Ordinance. Tim Dombrosky advised the Petitioner has also agreed to restricting the permitted special exception uses to: community center, funeral home/mortuary without crematorium, publicly owned buildings and facilities, and recreation (active) as defined by the 2008 Hendricks County Zoning Ordinance. If approved, the Petitioner would need to go to the Board of Zoning Appeals for approval of the special exception.

Commissioner Dawes moved to approve the Ordinance with the exclusion of a crematorium and the addition of the use restrictions for the property. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2021-02 to ZA 478/21: JC Wilson & Company, Inc.

IN THE MATTER OF ZA 480/21: CLERMONT VILLAGE, LLC.

Tim Dombrosky presented an ordinance to amend the zoning map of Hendricks County from AGR/Agricultural Residential District to PUD: Planned Unit Development District, commonly known as ZA 480/21: Clermont Village, LLC., Section 17, Township 16 North, Range 2 East, Lincoln Township, parcels totaling 80.31 acres, located at 4705 N. County Road 1000 E. in Brownsburg, Indiana. Tim Dombrosky reported the Petitioner has worked with Planning & Building staff to amend the Ordinance to address their architectural requirements and concerns and feel the Ordinance would be enforceable enough for them to support a favorable recommendation.

There was discussion amongst the Commissioners, Tim Dombrosky, David Gaston, and John Ayers regarding the matter and the traffic and flooding/drainage concerns presented by the remonstrators and staff. John Ayers reported the Petitioner completed their own traffic study, stating their peak traffic times would be on Friday afternoons, and advised the Petitioner has agreed to improve the new traffic signal at CR 600 North and to extend the right turn lane at SR 136 at their expense. John Ayers advised these modifications, along with the required improvements at the entrances to the development, should be enough to resolve the traffic concerns assuming the data used for the study was accurate. The Petitioner prefers to fund the modifications/improvements by charging a per lot fee to go into a fund for the County to have the work completed, this is not the method John Ayers would prefer. John Ayers stated he has concerns with this method because the school and recreation center could be built out and in use (increasing traffic) before there is enough money collected. John Ayers stated the Petitioner has agreed to pay the balance in full if either of those structures were to be completed before the estimated \$213,000.00+/- is collected.

Commissioner Dawes inquired about other interests in the site by developers in the past. Tim Dombrosky advised there was a prior application for rezoning withdrawn by another developer. John Ayers and David Gaston advised there had been another interested party conducting preliminary research that stopped pursuing this property reportedly due to site drainage issues and stated there is a long history of flooding and drainage issues in the Clermont Heights subdivision, which is directly south of this proposed project.

Commissioner Palmer stated for years residents have brought genuine concerns to the Commissioners regarding the drainage and flooding issues for this area and the County has not been able to remedy them. Commissioner Palmer advised the Highway Department has made some improvements, but the issues continue. Commissioner Palmer stated she feels a strong obligation to the current property owners and to the future property owners to not

cause them any further stress from adding more drainage concerns. Commissioner Palmer stated the proposed development looks lovely on paper and there is a need for this type of development, but she is concerned about the issues the current and future property owners may face.

Commissioner Palmer and Commissioner Dawes reported a Financial Impact Study was completed by the Petitioner prior to the January 12, 2021 Plan Commission Public Hearing for the matter and it reflects a subsidy by the County would be needed to make it work. Commissioner Dawes stated he assumes the school, community center, sporting fields, etc. would be owned by non-tax paying entities and assumes the tax paying portion of the development would be the residential residences. Nancy Marsh stated these assumptions are reasonable.

Commissioner Gentry reported his questions were answered during the Plan Commission's Public Hearing and his concerns for soil erosion, flooding, clay particles holding water, drainage issues, etc. remain. Commissioner Palmer advised Commissioner Gentry serves as the Commissioners' representative on the Plan Commission and was one of the Commission's nay votes against the rezoning Petition and that weighs heavily on her, along with the fact it was not a unanimous recommendation from the Plan Commission due to their legitimate concerns.

Commissioner Palmer stated she read numerous emails regarding the project, both supporting and against and the majority against expressed concerns of infrastructure and water issues they deal with each time it rains. Commissioner Gentry stated he also read the numerous emails.

Commissioner Gentry moved to deny the Petition to rezone as presented due to the known drainage issues. Commissioner Dawes seconded the motion. Commissioner Palmer called for additional questions or comments. Commissioner Dawes stated he thinks the site plan looks like a very good plan and the way it is laid out is very good, but thinks the site is wrong and is just not the right site for what the Petitioner wants to do. Commissioner Dawes encouraged the Petitioner to look further for sites in Hendricks County, if they want to remain in Hendricks County, as he is sure they could find a site that would be much more acceptable than this one. Commissioner Gentry agreed. The motion to deny the Petition was approved unanimously 3-0-0.

IN THE MATTER OF PROPOSED RENEWAL OF DISTRICT OFFICE LEASE

Greg Steuerwald requested the matter be tabled until the February 23, 2021 Commissioners' Meeting as he has not been able to obtain the answers to his questions.

Commissioner Gentry moved to table the matter until the February 23, 2021 Commissioners' Meeting as requested. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

Kevin Cavanaugh reported he evaluated the space and their needs on January 27, 2021 and does not believe reducing the space would be adequate to meet their needs while remaining a functional space.

IN THE MATTER OF DOWNTOWN DANVILLE PARTNERSHIP BANNER

Jerry Vornholt, representative from the Downtown Danville Partnership, and Katie Pourcho, 2020 Indiana Teacher of the Year, requested permission to place a "Wrap the Town in Love" banner on the north side of the Courthouse Square, parallel to Main Street, for the month of February. Kevin Cavanaugh advised he did not see any issues with displaying the banner.

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

IN THE MATTER OF 2021 VOTING SYSTEM AGREEMENT

Marjorie Pike presented the 2021 Voting System Contract with Microvote General Corporation in the amount of \$12,000.00 and requested approval.

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

IN THE MATTER OF NYHART SERVICE AGREEMENT FOR ACTUARIAL VALUATION

Nancy Marsh presented the Nyhart Service Agreement for Actuarial Valuation in the amount of \$9,575.00 for the GAP Financials Actuary Study and requested approval.

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

IN THE MATTER OF INDOT 2ND QUARTER CLAIM VOUCHER FOR LINK

Pat Cockrum, representative from LINK, and Marina Keers, representative from Senior Services, presented the INDOT 2nd Quarter Claim Voucher in the amount of \$210,013.00 and requested approval. Nancy Marsh advised her office has reviewed and approved the documents.

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

IN THE MATTER OF 5307 FUNDING TRANSITION

Pat Cockrum, representative from LINK, and Marina Keers, representative from Senior Services, provided a brief update on INDOT's 5311 funding transition to 5307 funding. Marina Keers reported that due to the population, the County is being changed from a rural area to a suburban area for 2022, which changes the funding. Pat Cockrum advised this will now require the County (assuming the County wishes to continue to participate in the program) to work with a new direct recipient, either IndyGo or CIRTa, to select the provider(s) for transportation services through a competitive bid process.

Pat Cockrum and Marina Keers advised the MPO requested a recommendation from them for their preference of the direct recipient to work with the Commissioners. The MPO will then submit the County's recommendation to INDOT. Pat Cockrum and Marina Keers stated their recommendation to the MPO was IndyGo as IndyGo has offered to waive their administrative fees that would come out of the INDOT funding proceeds, CIRTa has not offered to waive their fees.

There was discussion amongst the Commissioners, Todd McCormack, Pat Cockrum, and Marina Keers regarding the matter and why the Commissioners were not the ones making the direct recipient recommendation to the MPO for INDOT since the County is the entity responsible for the program/funding. Todd McCormack advised this could become a contract issue because the Commissioners had no say in the direct recipient they will contract with for the program.

IN THE MATTER OF 2021 EMPLOYEE HEALTH BENEFITS PLAN DOCUMENT

Jasmine Chong, representative from Apex Benefits, presented the 2021 Employee Health Benefits Plan Document and requested approval. Jasmine Chong stated numerous changes were made in the Document, most being the amendment of names from Narus Health to Corporate Care Management and from Cigna to Encore Combined, and changes to the urologic and dialysis programs. Jasmine Chong stated there were no changes in coverage amounts, just changes to the Plan language.

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

IN THE MATTER OF NYHART FLEXIBLE BENEFITS PLAN CARES ACT AMENDMENT

Jasmine Chong, representative from Apex Benefits, presented the Nyhart Flexible Benefits CARES Act Amendment and requested approval. Jasmine Chong stated there was a mandatory change for the FSA/HSA to allow the purchase of several over-the-counter medications/products without a prescription and an optional change to increase the maximum annual FSA carryover amount from \$500.00 to unlimited for 2021 and 2022 only and requested approval.

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

IN THE MATTER OF SPRINGBUK BUSINESS ASSOCIATE AGREEMENT

Jasmine Chong, representative from Apex Benefits, presented the Springbuk, Inc. Business Associate Agreement for the release of Protected Health Information of individuals covered under the County's Health Benefits Plan from the County or its vendors to Springbuk and/or their subcontractors for data analytics, predictive modeling of monthly claims costs, and other activities related to health care operations and requested approval.

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

IN THE MATTER OF QBE INSURANCE AMENDATORY ENDORSEMENT

Jasmine Chong, representative from Apex Benefits, presented the QBE Insurance Amendatory Endorsement changing Narus Health to Corporate Care Management and requested approval.

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

IN THE MATTER OF INDEPENDENT CONTRACTOR AGREEMENT

Doug Morris presented the Independent Contractor Agreement for Noral Terrell in the amount of \$110.00 per hour for IT support services for some custom applications and requested approval.

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

IN THE MATTER OF COUNTY ROAD 700 NORTH INTERLOCAL AGREEMENT

John Ayers presented the Interlocal Agreement with the Town of Brownsburg for certain roadway improvements the Town is doing on County Road 700 North between Access Drive (SR 267) and County Road 900 East and requested approval.

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

IN THE MATTER OF PARKWAY BRIDGE TRANSFER AGREEMENT WITH INDOT

John Ayers presented the Bridge Transfer Memorandum of Agreement with INDOT for the relinquishment and transfer of the bridge on the Ronald Reagan Parkway that goes over SR 136 and requested approval.

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

IN THE MATTER OF ELECTED OFFICIALS

Nancy Marsh reported she would be advertising to re-establish the annual CUME/Bridge funds as required.

Councilman Wyeth reported the Council is taking a new approach with the First Person Compensation Study and it is now a Council top priority and hope to have it implemented for January 1, 2022 for all employees and advised the Council will be holding Workshops to work on the program right away. Councilman Wyeth stated there is a Workshop scheduled at 1:00 PM this afternoon to discuss some issues Nancy Marsh has identified. Councilman Wyeth stated the Council owes this to the employees and thanked them for their patience and requested they continue to be patient as the Council moves forward.

IN THE MATTER OF SCHEDULING AN EXECUTIVE SESSION

John Ayers requested scheduling an Executive Session to discuss right-of-way litigation.

It was the consensus of the Commissioners to schedule the Executive Session for February 12, 2021 at 10:30 AM.

IN THE MATTER OF MAILBOX REPLACEMENT POLICY

John Ayers requested permission to increase the replacement amount from \$40.00 to \$80.00 for mailboxes damaged by the Highway Department. The resident is required to file a claim with the Highway Department, and if approved, they would receive compensation for replacement. John Ayers advised normally thirteen to fifteen mailboxes are damaged in one year but reported thirty-two inquiries had been made for boxes that were damaged over the past weekend due to the wet and heavy snow. John Ayers stated the damage is usually done by the snow itself and not physical contact with the plow, in some cases the damage could be avoided if the driver reduced their speed, but not necessarily, and advised they pass by an estimated 40,000 mailboxes each time snow is plowed.

It was the consensus of the Commissioners to approve increasing the claim amount to \$80.00 as requested.

IN THE MATTER OF INFRASTRUCTURE IMPROVEMENTS FROM TIF FUNDS

John Ayers requested the Commissioners approve his recommendation to present a request to the Redevelopment Commission for some infrastructure improvement funding from the remaining Qualitech/Pittsboro and Heartland Crossing TIFs. \$1,533,962.00 from the Qualitech/Pittsboro TIF and \$744,550.00 from the Heartland TIF.

There was discussion amongst the Commissioners, Nancy Marsh, and John Ayers regarding what the remaining TIF funds could be used for and what entities have requested consideration of funds.

Commissioner Dawes moved to approve John Ayers requesting the funds from the Redevelopment Commission as recommended. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF IPEP SAFETY GRANT

John Ayers reported the Highway Department was the recipient of a \$5,000.00 IPEP Safety Grant to use towards the purchase of PPE and safety gear for the employees. Curt Higginbotham and Joe Percy prepared and submitted the Grant Application.

IN THE MATTER OF HVAC BASED DISINFECTION FOR BUILDINGS

Kevin Cavanaugh reported he met with the vendor for the demonstration on January 29, 2021 and believes the technology is worth serious consideration for use in the buildings where it can be most effective and requested a Commissioner work with him on further details before proceeding much further.

Commissioner Dawes volunteered to work with Kevin Cavanaugh on the project.

IN THE MATTER OF REQUEST TO DECLARE PROPERTY OF NO VALUE

Doug Morris requested the following items from the Emergency Management Office be declared of no value and properly disposed of:

ITEM	SERVICE TAG/SERIAL NUMBER
Dell Optiplexes	6ZQ2RW1; 6XM2RW1; 6YH1RW1; 6YO1RW1
Emerson Weather Radio	EWR850
Midland Weather Radios	60424064; WR-100b
Computer Speakers	SP691
Samsung Laptop	AZVP93LB400983D
Gateway Laptop	M350WVN
Lexmark Monitor	8510553128
Monitor (Broken)	06E510444
Computer Power Supplies	JS0638032401; JS0639007677
Battery Modules	N/A

Commissioner Dawes moved to declare the property of no value as requested. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COMMENTS FROM THE FLOOR

No matters presented.

IN THE MATTER OF COMMISSIONERS

No matters presented.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

CHECKS RECEIVED

- | | | |
|---------------------|-----------------------------|------------------------|
| 1. \$720.00 Per Lot | M/I Homes of Indiana, LP | Multiple Lots |
| 2. \$351.00 | Leadership Hendricks County | Rent of Office Space |
| 3. \$489.94 | Travelers | Claim No. FQL0819 |
| | | Animal Control Shelter |

TITLES ENDORSED

- | | | | | |
|---------|---------------|------------------------|--------------------|------------|
| 1. 2009 | International | VIN: 1HTWDAAR39J090465 | Highway Department | To be Sold |
| 2. 2009 | International | VIN: 1HTWDAAR39H126565 | Highway Department | To be Sold |

STAFF REPORTS RECEIVED

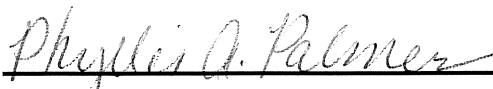
1. Receipt was acknowledged for the Engineering Department Report of February 9, 2021 from John Ayers.
2. Receipt was acknowledged for the Facilities Department Report of February 9, 2021 from Kevin Cavanaugh.
3. Receipt was acknowledged for the Executive Director's Report of February 9, 2021 from Todd McCormack.
4. Receipt was acknowledged for the I.T. Department Report of February 9, 2021 from Doug Morris.
5. Receipt was acknowledged for the HR Report of January 23, 2021–February 5, 2021 from Erin Hughes.
6. Receipt was acknowledged for the Highway Department Report of January 16, 2021–January 22, 2021 and January 24, 2021–January 29, 2021 from Curt Higginbotham.
7. Receipt was acknowledged for the Emergency Management Report of January 1, 2021–February 4, 2021 from Dawn Mason.
8. Receipt was acknowledged for the Animal Control/Shelter Report of January 2021 from LaDonna Hughes.
9. Receipt was acknowledged for the Parks & Recreation Report of February 5, 2021 from Ryan Lemley.

CORRESPONDENCE RECEIVED

1. Numerous emails and letters regarding ZA 478/21: JC Wilson & Company, Inc.
2. Numerous emails and letters regarding ZA 480/21: Clermont Village, LLC.
3. Notice of Public Hearing by the Hendricks County Board of Zoning Appeals for 9387 S. CR 100 E. in Clayton from Studio A of Indianapolis, Inc.
4. Notice of Claim from Ken Nunn Law Office, representing Timothy Edwards and April Edwards.
5. Low Cost Spay Neuter Clinic Hendricks County Statistic Report for December 1 to December 31, 2020.

IN THE MATTER OF ADJOURNMENT

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 11:31 AM on Tuesday, February 9, 2021. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.


Phyllis A. Palmer, President

Bob Gentry

Bob Gentry, Vice President

Dennis W. Dawes

Dennis W. Dawes, Member