



## **HENDRICKS COUNTY BOARD OF COMMISSIONERS**

### **MINUTES OF THE OCTOBER 22, 2024 MEETING**

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, October 22, 2024 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
Greg Steuerwald	County Attorney
Mila M. Shaffer	Administration and Public Affairs
John Ayers	Engineer
Jack Sadler	Sheriff
Laura Herzog	Recorder
Cinda Kattau	Chief Deputy Auditor
Erin Hughes	Human Resources Administrator
Jack Swalley	Facilities Manager
Doug Morris	I.T. Director
Tim Dombrosky	Planning & Building Director
Curt Higginbotham	Highway Department Superintendent
Mark Chmielewski	Security Deputy
Stephanie Moore	Deputy Coroner
Ryan Lemley	Parks & Recreation Superintendent

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#### **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 Dawes 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 October 8, 2024 Commissioners' Meeting and of the October 8, 2024 Commissioners' Executive Session as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

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

Commissioner Dawes moved to approve Direct Deposit Numbers 254552-255102 and Budgetary Claims presented from the Auditor's Office for the period beginning October 10, 2024 and ending October 23, 2024 as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

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#### **IN THE MATTER OF COMMUNITY CORRECTIONS ADVISORY BOARD APPOINTMENT**

Commissioner Palmer reported the Commissioners received the information from Bridgette Collins for the appointment. Mila Shaffer advised Bridgette Collins is requesting Yolanda Kincaid be appointed to the Community Corrections Advisory Board (CCAB) to replace Pat Cockrum, her predecessor.

Commissioner Dawes moved to appoint Yolanda Kincaid to the CCAB to replace Pat Cockrum as requested. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

## IN THE MATTER OF HEARTLAND CROSSING PUD

Jeff Banning, Banning Engineering, reported the Heartland Crossing (Cedar Run) PUD was a three county PUD (Hendricks, Marion, and Morgan) approved several years ago and the owners of the Heartland Crossing Golf Course would like to have it rezoned to allow for another use. Jeff Banning stated the golf course itself is solely in Morgan County and advised there was a developer that was trying to get it rezoned for a residential subdivision, but it didn't go well and they withdrew their petition before it ever got to the public hearing phase. Jeff Banning advised the owners are wanting to know what they need to do to try and figure out the rezoning process to have the golf course rezoned to allow other uses. Jeff Banning presented some excerpts from the April 22, 1997 Hendricks County Commissioners' Meeting showing the PUD was approved with the stipulation that the golf course was greenspace and the allowable uses within the PUD. Jeff Banning inquired what is needed from them, for the Hendricks County process, to be able to rezone the golf course in Morgan County to allow for other uses.

There was discussion amongst the Commissioners, Greg Steuerwald, John Ayers, Tim Dombrosky, and Jeff Banning regarding the matter and the County's stipulation for the PUD approval back in 1997 that the golf course was to remain as greenspace. Commissioner Palmer requested Tim Dombrosky's input and advised that to her, it looked like that when the PUD was approved the greenspace, the golf course, was a stipulation of the approval. Jeff Banning stated that was one of the greenspaces, but that Commissioner Palmer was correct. Tim Dombrosky stated he wasn't here when it was done and advised it was not done as a traditional PUD, was a hodge podge of districts for one ordinance across municipal boundaries, and does not know how we would enforce it. Jeff Banning stated that if you really read and look at it, it can be argued many different ways, and if it was technically public open greenspace anyone could go out there and do whatever they wanted to. Jeff Banning advised it is really a business, albeit a long-time failing business, but it really is not public open greenspace and their goal is to get something from Hendricks County as to if they need to come before them or not to have it rezoned. Commissioner Dawes stated he read through it and it says it was approved with the stipulation that the golf course is greenspace, but the golf course is all totally in Morgan County and in his mind Hendricks County doesn't have anything to do with it. Commissioner Dawes advised if the owners want to change it, they will need to follow Morgan County's processes and convince them that the failing golf course would be better as a housing development. Commissioner Dawes stated Hendricks County would be involved on the Cedar Run side that is in Hendricks County, but that's not what they're talking about at all. Commissioner Palmer stated she still thinks about the Hendricks County residents in Cedar Run and the impact it would have on their quality of life and their neighborhood. Greg Steuerwald inquired if they had talked with the neighbors. Jeff Banning stated they had. Greg Steuerwald stated he remembers this project very distinctly and the open space was a huge, huge part of it for Hendricks County, was discussed openly and continually, and it was made very clear that open space for the entire development was made part of the consideration for Hendricks County. Commissioner Dawes stated the open space is still there in Cedar Run then and has not changed. Jeff Banning stated he was correct. John Ayers stated the golf course was part of the required greenspace/open space for the entire development, even though it is not in Hendricks County. Commissioner Palmer stated that if the golf course was allowed to be developed it would remove the greenspace that was required by the Plan Commission and by the Commissioners in 1997 for the PUD's approval. John Ayers stated yes. Commissioner Gentry inquired if the question is if allowing them to develop the golf course/greenspace would be in violation of the PUD approval, and stated that to him it would be. Commissioner Palmer stated it would be to her too. Jeff Banning stated that is what they are trying to decipher, do they need to come to the Commissioners or the Plan Commission in the future because of this potential change, and inquired if Greg Steuerwald needed to review it further and the two of them discuss it.

Greg Steuerwald recommended it be looked into further because it was a big issue back in the day and Hendricks County residents would not have a say for things in Morgan County. Jeff Banning advised they would send out legal notices to those that are required to receive one. John Ayers expressed concerns that Hendricks County residents would have no legal representation for the rezoning request since the golf course is solely in Morgan County. Commissioner Dawes stated Hendricks County residents could attend any public hearings Morgan County would have to express their concerns. Greg Steuerwald stated that they could do that but the people making the decision would not be the people they voted for. Commissioner Palmer stated that was one of her concerns. Jeff Banning advised he and Greg Steuerwald would stay in contact. Commissioner Palmer requested Tim Dombrosky be included as well. Jeff Banning stated Morgan County's files were all destroyed by a flood

and trying to piece together the PUD ordinances has been very difficult. Commissioner Dawes stated any information Hendricks County has would be shared. Tim Dombrosky and Jeff Banning stated it already has been.

Commissioner Palmer inquired if the prior proposed subdivision for the golf course that didn't make it to the Morgan County Plan Commission was because there was already strong opposition against it. Jeff Banning stated that was part of it but advised there were other things such as due diligence, utilities, and other issues that filtered into why they withdrew it. Commissioner Palmer inquired if Jeff Banning thought this new proposed one would be a plan that would go forward. Jeff Banning stated yes, in some form or fashion.

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#### **IN THE MATTER OF 2025 PURDUE EXTENSION CONTRACTUAL SERVICES AGREEMENT**

Jeff Pell, Purdue Extension Director, presented the 2025 Purdue Extension Contractual Services Agreement for \$137,920.00 and requested approval.

Commissioner Dawes moved to approve the Agreement as presented and Commissioner Gentry seconded the motion. Commissioner Palmer stated Purdue Extension provides a lot of educational opportunities for people that live in Hendricks County and benefit from their work. The motion was approved unanimously 3-0-0.

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#### **IN THE MATTER OF HRH DANVILLE WELLNESS CENTER HOURS**

Erin Hughes requested approval to add five hours monthly to the HRH Danville Wellness Center for \$1,216.75 per month. Erin Hughes advised the Council approved funding the additional hours at their last meeting.

Commissioner Gentry moved to approve adding the hours as requested. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

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#### **IN THE MATTER OF CREDIT CARD FOR CLERK/VOTER REGISTRATION**

Mila Shaffer requested a credit card be issued to Marjorie Pike with a credit limit of \$3,000.00 to use for the Clerk's Office and Voter Registration. Mila Shaffer advised that currently, Marjorie Pike uses her personal credit card and then gets reimbursed by the County.

Commissioner Gentry moved to approve issuing a card for the Clerk/Voter Registration with a \$3,000.00 credit limit as requested. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

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#### **IN THE MATTER OF ECONOMIC DEVELOPMENT INCOME TAX CAPITAL IMPROVEMENT PLAN ORDINANCE**

Greg Steuerwald presented Ordinance No. 2024-45, an Ordinance Adopting the County Economic Development Income Tax Capital Improvement Plan for Hendricks County, and requested approval. Greg Steuerwald advised the Ordinance is in conjunction with items recently approved by the Council.

There was discussion amongst the Commissioners and Greg Steuerwald regarding the matter.

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

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#### **IN THE MATTER OF 2025 HIGHWAY DEPARTMENT EQUIPMENT/VEHICLE PURCHASES**

John Ayers requested permission to purchase a replacement vacuum excavator trailer for \$207,000.00 and two replacement tandem axle dump trucks for \$128,450.00 each for the Highway Department for 2025. John Ayers advised the Council approved the funding for the purchases for 2025 and stated it would take several months for the replacements to arrive. John Ayers and Curt Higginbotham advised the old items would be sold at auction.

There was discussion amongst the Commissioners, John Ayers, and Curt Higginbotham regarding the matter.

Commissioner Gentry moved to approve the replacement equipment and vehicle purchases as requested. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

## **IN THE MATTER OF COMMENTS FROM THE FLOOR**

No matters presented.

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### **IN THE MATTER OF ELECTED OFFICIALS**

Sheriff Jack Sadler reported he is purchasing a new body scanner for the Jail and requested the current body scanner, RADPRO Securepass Serial No. 647, be declared of no value so it can be properly disposed of. Sheriff Sadler stated it would cost approximately \$10,000.00 to have the old scanner removed and reinstalled elsewhere.

There was discussion amongst the Commissioners, Sheriff Sadler, and Greg Steuerwald regarding the matter.

Commissioner Gentry moved to declare the RADPRO Securepass body scanner of no value and be disposed of as requested. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

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### **IN THE MATTER OF CONTRACTORS FOR SUBDIVISION SNOW REMOVAL**

John Ayers presented a quote from A Cut n'Edge for snow removal of 22 subdivisions and a quote from English Excavating for snow removal of 27 subdivisions and recommended approval.

There was discussion amongst the Commissioners, John Ayers, and Curt Higginbotham regarding the matter.

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

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### **IN THE MATTER OF SPEED LIMIT ON KELLER HILL ROAD/E. HENDRICKS COUNTY ROAD**

John Ayers reported INDOT has asked the County to lower the speed limit to 40 MPH on Keller Hill Road/East Hendricks County Road approaching SR 39 in preparation for the roundabout they will be constructing there for their fiscal year 2027 and requested a public hearing be scheduled for the matter.

Commissioner Gentry moved to schedule the public hearing for November 12, 2024. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

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### **IN THE MATTER OF HIGHWAY DEPARTMENT'S ANNUAL SNOWPLOW ROADEO**

John Ayers reported the Highway Department's Annual Snowplow Rodeo is November 1, 2024 at 9:00 AM.

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### **IN THE MATTER OF SPACE STUDY STATUS**

Commissioner Palmer inquired if the space study was still on track for a mid-November or if it's been delayed.

Jack Swalley advised the space study has been delayed a little bit and stated he was told for 30 days.

Dan Zuerner, Garmon representative, advised the space study is delayed and reported Eric Weflen, Studio View Architecture, is on vacation this week. Dan Zuerner stated he anticipates it will be presented shortly after the first of the year.

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### **IN THE MATTER OF COMMISSIONERS**

Commissioner Palmer reported early voting is going on and has been highly utilized, resulting in long lines and limited parking, and encouraged everyone to vote.

Commissioner Palmer reported the Avon High School Marching Band are Regional Champions and they continue to excel and bring recognition to Hendricks County. The Avon Band narrowly beat Carmel on Saturday, October 19, 2024, at the Bands of America Indianapolis Super Regionals at Lucas Oil Stadium.

Commissioner Palmer reported flu shots are available on Wednesdays in the Government Center.

Commissioner Palmer reported Commissioner Dawes has volunteered to replace her on the Gordon Graham Advisory Council and requested all future correspondence for it be sent to him.

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**IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE**

**STAFF REPORTS RECEIVED**

1. Receipt acknowledged for the Engineering Department Report of October 22, 2024 from John Ayers.
2. Receipt acknowledged for the Executive Director's Report of October 22, 2024 from Todd McCormack.
3. Receipt acknowledged for the I.T. Department Report of October 22, 2024 from Doug Morris.
4. Receipt acknowledged for the Facilities Department Report of October 22, 2024 from Jack Swalley.
5. Receipt acknowledged for the Highway Department Report of September 23-27, 2024, September 28, 2024-October 4, 2024, and October 7-11, 2024 from Curt Higginbotham.
6. Receipt acknowledged for the HR Report of October 5-19, 2024 from Erin Hughes.
7. Animal Control/Shelter Report of October 4-16, 2024 from LaDonna Hughes.
8. Receipt acknowledged for the Treasurer's Monthly Report for the month ending September 30, 2024 from Dawn Mayhood.
9. Receipt acknowledged for the Parks & Recreation Report of October 18, 2024 from Ryan Lemley.

**CORRESPONDENCE RECEIVED**

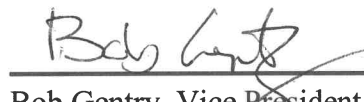
1. Notice of Public Hearing by the Plainfield Plan Commission for DP-24-094, PP-24093, and RZ-24092 from Pace Property Holding.
2. Notice of Public Hearing by the Avon Plan Commission for MAP(A) 24-10, Rivendell, from Pulte Homes.
3. Notice of Tort Claim from Steward Wood representing Daraya Moore and Deanna Okunola.
4. Notice of Tort Claim from Lancaster Gill representing Justine A. Young for Jeffrey Clouser.
5. Medical Malpractice Complaint from Isaacs and Isaacs representing Clifford Wilkinson.
6. Proposed settlement from Parr Richey Frandsen Patterson Kruse representing Samantha Martin.

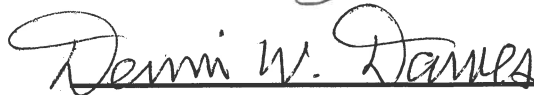
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**IN THE MATTER OF ADJOURNMENT**

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 9:50 AM on Tuesday, October 22, 2024. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

  
Phyllis A. Palmer, President

  
Bob Gentry, Vice President

  
Dennis W. Dawes, Member