



## **HENDRICKS COUNTY BOARD OF COMMISSIONERS**

### **MINUTES OF THE NOVEMBER 9, 2021 MEETING**

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, November 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
John Ayers	Engineer
Kevin Cavanaugh	Facilities Manager
Tiffany Dalton	Chief Deputy Surveyor
John Gramling	Application Support / Telecom Admin.
Jack Sadler	Merit Captain
Erin Hughes	Human Resources Administrator
Dawn Mason	Emergency Management Director
Eric Ivie	Parks & Recreation Assistant Superintendent
Loren Delp	Prosecutor (Attended Remotely)
Shawn Shelley	Treasurer (Attended Remotely)
Catherine Haines	Court Administrator (Attended Remotely)
Susan Bentley	Chief Probation Officer (Attended Remotely)
Doug Morris	I.T. Director (Attended Remotely)
Tim Dombrosky	Planning & Building Director (Attended Remotely)
Kim Galloway	Assistant Engineer (Attended Remotely)
Curt Higginbotham	Highway Department Superintendent (Attended Remotely)
Joe Percy	Highway Department Assistant Superintendent (Attended Remotely)
Terry Benton	Highway Department Office Manager (Attended Remotely)
Krista Click	Environmental Health Director (Attended Remotely)
Megan Morgan	Jail Commander (Attended Remotely)

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

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

Commissioner Dawes moved to approve the Minutes of the October 26, 2021 Commissioners' Meeting as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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

Commissioner Gentry moved to approve Payroll Check Numbers 110530-110532, Direct Deposit Check Numbers 213008-213518, and Budgetary Claims presented from the Auditor's Office for the period beginning

October 28, 2021 and ending November 10, 2021 as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

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#### **IN THE MATTER OF 2022 QBE STOP LOSS PROPOSAL**

Amber Chittenden, representative from Apex Benefits, presented a 2022 QBE Stop Loss Proposal and requested approval. Amber Chittenden advised the Benefits Committee recommended renewing with QBE at their November 2, 2021 meeting and stated the 2022 premiums increased by 1.2% from the 2021 premiums.

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

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#### **IN THE MATTER OF CASA PROGRAM CHILD CONTACT SPECIALIST PROFESSIONAL SERVICES CONTRACT**

Catherine Haines presented a renewal CASA Program Child Contact Specialist Professional Services Contract for \$11,000.00 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.

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#### **IN THE MATTER OF 2022 PURDUE EXTENSION CONTRACTUAL SERVICES AGREEMENT**

Beth Switzer presented a 2022 Purdue Extension Contractual Services Agreement for \$122,600.00, an increase from 2021, 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.

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#### **IN THE MATTER OF 2022 COMMISSIONERS' MEETING SCHEDULE**

Commissioner Palmer reported Mila Shaffer prepared a 2022 Commissioners' Meeting Schedule for approval and advised all meetings will fall on the second and fourth Tuesday of each month, except for the first meeting in November, which will fall on a Wednesday due to elections.

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

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The presenter for Agenda items V. E. and V. F. was not present at this time. The Commissioners proceeded on with the Agenda to allow time for the presenter to arrive.

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#### **IN THE MATTER OF GENERAL OBLIGATION BONDS OF 2021 CLOSING REPORT**

Greg Guerrettaz, representative from Financial Solutions Group, presented a Closing Report for General Obligation Bonds of 2021 and advised the County's net interest rate would be 0.96% because the bonds sold for more than the costs incurred. The \$5,716,327.25 (par amount of the Bonds plus net original issue premium minus underwriter's discount) can be used for capital projects, costs of issuing the Bonds, and the debt service payments.

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

No matters presented.

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#### **IN THE MATTER OF RONALD REAGAN PARKWAY RIGHT-OF-WAY REMNANTS**

John Ayers reported one appraisal has been obtained for the four right-of-way remnants along the west side of the Ronald Reagan Parkway, north of CR 200 S., that a developer is interested in purchasing and he is waiting on the second appraisal. John Ayers advised there are four more similar remnants the County owns that are just north of the ones the developer is interested in and inquired if the Commissioners would like to make a deal with the developer to take all the remnants because the County has no use for them.

There was discussion amongst the Commissioners and John Ayers regarding the matter. Commissioner Palmer expressed her concerns of there possibly being too many access points onto the Parkway by selling these remnants.

It was the consensus of the Commissioners to sell all the remnants to the developer and not just two of them.

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**IN THE MATTER OF COUNTY OWNED HOUSES ON CR 900 E.**

John Ayers reported Brownsburg Fire has completed their training activities in two of the County owned houses on CR 900 E. and requested permission to obtain quotes for a demolition contract for what remains of them.

It was the consensus of the Commissioners for John Ayers to obtain quotes as requested.

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**IN THE MATTER OF LEASE SPACE FOR PROBATION DEPARTMENT**

Kevin Cavanaugh reported he continues to work on the lease details and the special exception zoning process for the proposed space to relocate the Probation Department and requested permission to proceed working with the Town of Danville on the exception. Kevin Cavanaugh stated there currently isn't a funding source in place for the improvements or lease payments of the proposed space.

It was the consensus of the Commissioners to proceed with working on the exception as requested.

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**IN THE MATTER OF PROPOSED SPACE FOR CHIEF PUBLIC DEFENDER'S OFFICE**

Kevin Cavanaugh reported the final lease proposal for the proposed space to relocate the Chief Public Defender's Office is being reviewed by Greg Steuerwald and anticipates requesting formal approval on November 23, 2021. Kevin Cavanaugh advised he does have some remaining 2021 funds he plans to use for improvements and stated there isn't a 2022 budget established for any remaining improvements or for the lease payments.

The Commissioners inquired how long it would take for Kevin Cavanaugh to have the space ready to relocate the Office. Kevin Cavanaugh stated it would take a couple of months minimum after signing the lease.

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**IN THE MATTER OF REDISTRICTING**

Todd McCormack reported he has been in contact with 39° North regarding the redistricting to create a timeline and a quote and inquired how the Commissioners would like to proceed. It's estimated to cost \$7,500.00.

It was the consensus of the Commissioners to proceed with 39° North for the redistricting.

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**IN THE MATTER OF 5307 TRANSPORTATION FUNDING AND REQUEST FOR PROPOSAL**

Todd McCormack reported the Public Transportation Request for Proposal (RFP) has been submitted, approved, and notice posted in The Republican and on the County's website. Todd McCormack advised Mila Shaffer helped on the RFP and expressed his appreciation.

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**IN THE MATTER OF VEHICLE ACCIDENT REVIEW BOARD**

Todd McCormack reported the Vehicle Accident Review Board met on November 8, 2021 and stated they will be conducting quarterly meetings going forward.

Commissioner Palmer advised the meeting went very well and stated the Board decided the recently totaled County Fleet vehicle will not be replaced and advised she continues to work on reducing the number in the Fleet, something that has been a consistent goal of hers.

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**IN THE MATTER OF OSHA COVID VACCINATION/TESTING REQUIREMENTS/COMPLIANCE**

Todd McCormack reported the OSHA Emergency Temporary Standard (ETS) mandates for COVID vaccination/testing and the requirements/compliance procedures have been released and stated the County has to have their policy in place on how to handle the process, as outlined by in the ETS, including obtaining the vaccination status of all employees. The County must have an approved policy by December 4, 2021 and full implementation of the policy must be completed by January 4, 2022.

Commissioner Palmer inquired if the County has a choice to participate or not. Todd McCormack advised that as of right now, the County does not have any choice but to participate.

Todd McCormack stated there are some items that need to be decided upon, such as allowing the option for unvaccinated employees to test weekly and wear a mask at all times in lieu of being fully vaccinated, and whether the employee or the County would be responsible for the costs associated with the weekly testing. The ETS requires an employee to test negative in order to return to work after being off of work for seven days and requires the employer to provide up to two days of paid leave for each vaccination an employee receives, if they should have any symptoms or a reaction to it. Todd McCormack stated the County will incur a \$14,000.00 per violation fine and advised there is a section dedicated solely to the procedures of how to properly wear a mask.

Todd McCormack reported there are challenges in several states and Indiana has given the impression they will be challenging it as well. Todd McCormack advised there is a temporary stay for the 5<sup>th</sup> District Court of Appeals and stated the County is in the 7<sup>th</sup> District where there currently is no stay.

Greg Steuerwald stated he believes there will be a stay on the ETS for the 7<sup>th</sup> District.

Commissioner Palmer advised the policy would have to be approved at the November 23, 2021 Commissioners' Meeting to meet the December 4, 2021 deadline.

Commissioner Gentry inquired how this impacts the request from a few Elected Officials to amend the current COVID Policy that they felt was unfair. Todd McCormack advised he believes it would be a moot point if it is not stayed because the ETS would require everyone to be fully vaccinated or to test weekly and wear a mask.

Commissioner Dawes stated he thinks the whole thing is ridiculous and truly hopes someone overturns it. Commissioner Dawes advised if the ETS stands he favors the County covering the cost of the weekly testing for unvaccinated employees and stated he does not like that the ETS mandates vaccines and masks along with weekly testing as he feels people should be allowed to make the decision themselves.

Commissioner Gentry stated he believes the Commissioners should mitigate the current COVID Policy as he feels it is unfair.

Commissioner Palmer advised she agrees with Commissioner Dawes and does not like the Federal mandates at all but stated she took an oath as Commissioner and swore to uphold the laws of the State of Indiana and of the Constitution of the United States and if the ETS is not stayed, it is her duty and obligation to abide by it.

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**IN THE MATTER OF RESOLUTION APPROVING THE EXPANSION OF THE  
70 WEST COMMERCE PARK EDA**

Adam Steuerwald, representative from Barnes & Thornburg presented a Resolution Approving Amendments to the Declaratory Resolution and the Economic Development Plan for the 70 West Commerce Park Economic Development Area (EDA) to expand the EDA and requested approval. Adam Steuerwald advised that if the Resolution is approved, the next step is for a Public Hearing by the Redevelopment Commission before it's final.

Commissioner Gentry moved to approve the Resolution as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2021-65.

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**IN THE MATTER OF RESOLUTION APPROVING THE ISSUANCE OF  
GENERAL OBLIGATION BONDS**

Adam Steuerwald, representative from Barnes & Thornburg, presented a Resolution Approving the Issuance of General Obligation Bonds of the County for \$5,575,000.00 for the acquisition of certain land, to purchase certain equipment, and to make improvements to various facilities operated by the County and requested approval.

Commissioner Dawes moved to approve the Resolution as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2021-66.

## IN THE MATTER OF COMMENTS FROM THE FLOOR

Erin Hughes presented a COVID-19 Affidavit form to utilize in the interim until an OSHA policy comes out and requested approval of the form and to send it out. Erin Hughes stated the form will assist the Health Department with contact tracing and will assist Payroll with knowing who should be paid under the current COVID Policy.

Commissioner Gentry inquired what impact this has on the OSHA ETS. Erin Hughes this would be interim until another policy comes into place and helps determine if the employee contracted COVID at work.

Commissioner Palmer inquired how HR can determine where an employee contracted it from. Erin Hughes stated it is hard but with the assistance of the Health Department's contact tracing it can be narrowed down. Erin Hughes advised the Health Department helped her decipher a few of them the other day and she discovered an employee had tested positive and came to work after testing positive.

Commissioner Gentry inquired if the form was invasive. John Ayers stated the whole thing is invasive.

Commissioner Palmer asked Nancy Marsh if the form would assist Payroll. Nancy Marsh advised it probably would help Payroll.

Commissioner Dawes stated he hates to make a motion because he thinks the thing is crazy but moved to approve the Affidavit as presented. Commissioner Gentry, with much hesitancy, seconded the motion and the motion was approved unanimously 3-0-0.

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## IN THE MATTER OF COMMISSIONERS

Commissioner Dawes reported he has been working with Indiana Parents 4 Kids to schedule a date/time for them to meet with him, Greg Steuerwald, and Dr. Stopperich to hear their concerns regarding COVID and the schools. Commissioner Palmer stated she saw where one of the County schools is ending their mask mandate in December and thinks schools are taking action on their own.

Commissioner Gentry inquired if Northwest Hendricks School Corporation received the TIF funds yet. Nancy Marsh stated they have received their funds. Commissioner Gentry thanked Nancy Marsh and Adam Steuerwald for their help on this or it would not have happened.

Commissioner Palmer reminded everyone Thursday, November 11, 2021 is Veterans Day and advised lots of businesses offer free items to Veterans and requested everyone take a moment on the 11<sup>th</sup> to remember those that didn't come home from our wars and those that gave us the freedom that we have.

Commissioner Palmer inquired if CR 100 S. east of Dan Jones was open. John Ayers advised he did not know.

Commissioner Palmer recognized and congratulated EMA Director Dawn Mason for receiving her Professional Emergency Manager certification and stated Dawn Mason is very committed to continuing her education and providing better service to the County.

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## IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

### CHECKS RECEIVED

1. \$720.00 Per Lot	M/I Homes of Indiana	Lot 44, 57, 93, 202, 219, 233, 239
2. \$3,625.28	M & J Farms	Lease of land for farming
3. \$4,488.00	Hession Farms Partnership	Lease of land for farming

### STAFF REPORTS RECEIVED

1. Receipt was acknowledged for the Engineering Department Report of November 9, 2021 from John Ayers.

2. Receipt was acknowledged for the Facilities Department Report of Nov. 9, 2021 from Kevin Cavanaugh.
3. Receipt was acknowledged for the Executive Director's Report of Nov. 9, 2021 from Todd McCormack.
4. Receipt was acknowledged for the I.T. Department Report of November 9, 2021 from Doug Morris.
5. Receipt was acknowledged for the HR Report of October 23, 2021–November 5, 2021 from Erin Hughes.
6. Receipt was acknowledged for the Highway Department Report of October 18, 2021–October 22, 2021 and October 25, 2021–October 29, 2021 from Curt Higginbotham.
7. Receipt was acknowledged for the EMA Report of Oct. 23, 2021–November 5, 2021 from Dawn Mason.
8. Receipt was acknowledged for the Animal Control Report of October 2021 from LaDonna Hughes.
9. Receipt was acknowledged for the Parks & Recreation Report of November 5, 2021 from Ryan Lemley.

### **CORRESPONDENCE RECEIVED**

1. October 2021 Monthly Progress Report from Garmong Construction Services for the new Jail.
2. Notice of Public Hearing by the Hendricks County Board of Zoning Appeals for Kinetrex Energy from Comer Law Office, LLC.
3. Letter from HRH Board of Trustees requesting the reappointment of Dr. Gordon Reed and Kelli Waggoner to the HRH Board of Trustees.

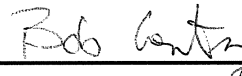
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### **IN THE MATTER OF ADJOURNMENT**

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 9:52 AM on Tuesday, November 9, 2021. 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