



HENDRICKS COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE SEPTEMBER 12, 2023 MEETING

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, September 12, 2023 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
Greg Steuerwald	County Attorney
R. Todd McCormack	Executive Director
Mila M. Shaffer	Administration and Public Affairs
Jack Sadler	Sheriff
Laura Herzog	Recorder
Tiffany Dalton	Chief Deputy Surveyor
John Ayers	Engineer
Kevin Cavanaugh	Facilities Manager
Mark Chmielewski	Government Center Security Deputy
Tim Dombrosky	Planning & Building Director
Dr. David Stopperich	County Health Officer
Krista Click	Health Department Administrator
Ginger Harrington	Environmental Health Team Lead Septic
Erin Hughes	Human Resources Administrator
John Gramling	I.T. Application Support Specialist
Curt Higginbotham	Highway Department Superintendent
Ryan Lemley	Parks & Recreation Superintendent
Nicole Lawson	Assessor (Attended Remotely)
Scott Larsen	Merit Chief Deputy (Attended Remotely)
Catherine Haines	Court Administrator (Attended Remotely)
Joe Percy	Highway Department Assistant Superintendent (Attended Remotely)
Terry Benton	Highway Department Office Manager (Attended Remotely)
Doug Morris	I.T. Director (Attended Remotely)
Jeremy Gooch	Chief Public Defender (Attended Remotely)

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

Commissioner Palmer opened the Meeting at 9:19 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.

IN THE MATTER OF MINUTES

Commissioner Gentry moved to approve the Minutes of the August 22, 2023 Commissioners' Meeting as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Gentry moved to approve Direct Deposit Check Numbers 238181-239232 and Budgetary Claims presented from the Auditor's Office for the period beginning August 24, 2023 and ending September 13, 2023 as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF ONSITE SEWAGE SYSTEM ORDINANCE

Krista Click presented the revised Onsite Sewage System Ordinance and requested approval to proceed with scheduling a public hearing for the matter. Any guidelines stricter than the State's would have to be approved by the Commissioners and then by the State's review panel and the review panel will start reviewing on October 1, 2023. The items in the revised Ordinance stricter than the State's are:

- Require a minimum 1,000-gallon septic tank;
- Require stone all the way around within 6" of the surface;
- Require engineer or land surveyor to design the system;
- Require a certified septic contractor;
- Require an outlet filter on repair permits;
- Require connection to sewer when it is within 300 feet of sewer from the property line;
- Require a secondary septic field easement on any lot requiring approval utilizing the Hendricks County Subdivision Control Ordinance.

There was discussion amongst the Commissioners, Greg Steuerwald, Krista Click, Ginger Harrington, Tim Dombrosky, and John Ayers regarding the matter, the secondary septic field easement and the possibility of the secondary field requirement being reviewed on a case-by-case basis by the Administrative Plat Committee or another committee, including an appeals process. Krista Click stated the secondary septic field easement would only be required on newly created lots and pointed out that this requirement is being added to the Ordinance because it is a listed requirement in the Subdivision Control Ordinance and they wanted to make sure it was transparent and outlined in the Health Department Ordinance as well. Greg Steuerwald inquired if the homeowner could have trees in the easement or if they would have to be removed. Krista Click stated they would only have to reserve the easement and would not be required to remove trees from it, but they would not be allowed to construct any improvements in the easement. Commissioner Dawes stated he understands the public health side of it for the people living in the home and the septic fails but finds it to be onerous to require the secondary septic field. Ginger Harrington and Tim Dombrosky advised the easement protects the homeowner and future homeowner should the septic system fail and need to be replaced. Commissioner Palmer stated she knows how one of her fellow Commissioners feels and advised it is the desire of the Board to be extremely friendly to their constituents and avoid any requirement that would cause them a hardship and want to do what's best but also desire to protect public health.

Commissioner Dawes requested Jeff Banning, Banning Engineering, give his professional opinion as a civil engineer. Jeff Banning inquired if the County had discussed the secondary septic field easement with a group of professionals that work directly with septic systems (contractors, engineers, etc.) to gather pertinent feedback on the matter. Commissioner Dawes stated no, not directly. Jeff Banning recommended that discussion take place along with researching how many failures the County has had and how many new lots contain the minimum acreage to talk through it to determine what the actual issue is. Krista Click stated the Health Department isn't trying to solve an issue but is simply trying to incorporate the requirement that's already listed in the Subdivision Control Ordinance into their Ordinance for transparency. Commissioner Dawes advised he thinks the discussion is a good idea if the group could be called together quickly and the details provided to the Commissioners.

The Commissioners' requested Krista Click go ahead with the group discussion while the public hearing is being advertised, change the wording in item 6 on page 2 to stipulate that the secondary septic field may be required, and change item C on page 3 from a one year permit to a two year permit to extend the period of time before the permit expires and requires reapplication.

Commissioner Dawes moved to schedule the Public Hearing for Ordinance No. 2023-28 during the October 10, 2023 Commissioners' Meeting, conduct the group discussion, make the amendment to item 6 on page 2, and the amendment to item C on page 3 as discussed. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF WESTPOINT TIF PROPOSAL

Adam Steuerwald, Barnes & Thornburg, and Greg Guerrettaz, Financial Solutions Group, presented the Westpoint TIF Proposal and requested approval. Adam Steuerwald advised this has been going on since 2016 and the developer is now looking for an incentive from the County to complete all the public infrastructure and stated this Proposal does not lock the County into anything but begins the process of approving the development and splitting of the TIF area into two separate TIFs.

There was discussion amongst the Commissioners, Adam Steuerwald, and Greg Guerrettaz regarding the matter. Commissioner Dawes reported he has been pretty deeply involved in this and participated in the discussions with the landowner, developer, and Morgan County and stated considerable effort has been given and supports the Proposal being presented. Greg Guerrettaz stated the Proposal does not give the developer everything they wanted and believes it's a win-win for everyone. Commissioner Gentry inquired if the developer was contributing towards emergency services in Liberty Township. Greg Guerrettaz stated there was \$600,000.00 being contributed for a specific apparatus for Liberty Township and another \$600,000.00 being contributed to Morgan County for a new EMS facility in the vicinity. Commissioner Gentry inquired if this would be harming the school district. Greg Guerrettaz advised that since the TIF District is already there and is only being split into two the school district would not be harmed any more than they currently are.

Commissioner Gentry moved to approve the Proposal as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0. Thanks were given to Commissioner Dawes, Adam Steuerwald, Greg Guerrettaz, Jeff Banning, and Todd McCormack for working through the matter.

IN THE MATTER OF CONSTITUTION WEEK PROCLAMATION

It was the consensus of the Commissioners to present Rhonda Beck and Debby Cullen, D.A.R. representatives, with a Constitution Week Proclamation to proclaim September 17-23, 2023 as Constitution Week in Hendricks County. Commissioner Palmer presented the Proclamation to Debby Cullen.

IN THE MATTER OF DOMESTIC VIOLENCE AWARENESS AND PREVENTION MONTH PROCLAMATION

It was the consensus of the Commissioners to present Jenna Harris, Sheltering Wings, with a Domestic Violence Awareness and Prevention Month Proclamation to proclaim October as Domestic Violence Awareness and Prevention Month in Hendricks County. Commissioner Palmer presented the Proclamation to Jenna Harris.

Jenna Harris reported that in lieu of their normal in person ceremony, they will be spreading awareness through mailings and the following events:

- Dine Out Against Domestic Violence on October 5, 2023 at your favorite Cunningham Restaurant Group restaurant in Hendricks County and a portion of your bill will be donated back to Sheltering Wings;
- Men IN Action Breakfast on October 5, 2023 at 7:30 AM at MADE in Plainfield
- National Purple Day on October 19, 2023.

IN THE MATTER OF AGREEMENT FOR CORRECTIONAL FACILITY HEALTHCARE SERVICES

Sheriff Jack Sadler presented the Comprehensive Correctional Care Agreement for Correctional Facility Healthcare Services for \$946,170.00 and requested approval.

Greg Steuerwald advised there are a couple language changes being made and there was discussion amongst the Commissioners, Greg Steuerwald, and Jack Sadler regarding the evergreen clause.

Commissioner Gentry moved to approve the Agreement subject to Counsel's language changes being made. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Dawes thanked Sheriff Sadler for all the effort put into implementing this new Agreement with the new provider.

IN THE MATTER OF 2024 HOLIDAY SCHEDULE

Commissioner Palmer reported Mila Shaffer researched and presented four options for the 2024 Holiday Schedule and thanked Mila Shaffer for researching schedules from other counties to give them options to choose from.

There was discussion amongst the Commissioners regarding the matter. Commissioner Palmer stated her preference was option D, which keeps the same number of holidays (15) as the 2023 Holiday Schedule. Commissioner Dawes stated his preference was option C or option D.

Commissioner Gentry moved to approve option D for the 2024 Holiday Schedule. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF AWARDING BRIDGE NO. 197

John Ayers recommended awarding Bridge No. 197 to HIS Constructors for \$1,397,338.00 as the lowest responsive and responsible bidder.

Commissioner Gentry moved to award the Bridge to HIS as recommended. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 39 SUPPLEMENTAL AGREEMENT

John Ayers presented the USI Consultants Supplemental Agreement No. 1 for \$17,000.00 for the design of Bridge No. 39 and recommended approval.

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

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

IN THE MATTER OF HIGHWAY DEPARTMENT SURPLUS EQUIPMENT DISPOSAL

John Ayers requested the following Highway Department equipment be listed as surplus and auctioned: Western snowplow, 3-point hitch mower, walk behind saw, 1992 Rosco broom, 1998 CAT 950F loader, 2002 XL4100 Gradall, 2006 Ford F250 (VIN ending 3258), 2012 Ford F350 (VIN ending 8654), 2013 International single axle dump truck (VIN ending 3168), and a 2015 Superior broom.

Commissioner Palmer requested they check with the Fairgrounds to see if they would be interested in the snowplow.

Commissioner Dawes moved to declare the items as surplus and auctioned as requested. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Dawes stated he assumes that in the new Highway Department Facility the equipment would be stored inside and not outside and inquired if that was correct. Curt Higginbotham said yes, and stated Commissioner Dawes makes a good point because people see the value in storing their cars and equipment inside. Curt Higginbotham advised they had originally planned for it at the new site but had to cut out the \$5,000,000.00 proposed storage building from the new Facility to reduce costs and still aren't able to get to where they need to be cost-wise for the Council. Commissioner Dawes advised his point is if doing so would help prolong the life and use of the equipment purchased it would make sense. Curt Higginbotham stated he completely agreed with Commissioner Dawes and advised a \$5,000,000.00 building could pay for itself in a short period of time. Commissioner Gentry inquired if just a cold storage building would be \$5,000,000.00. John Ayers stated the storage building they had proposed was heated and was large enough to park the dump trucks and other trucks inside along with a lean-to in back for other items.

IN THE MATTER OF CASA OFFICE LEASE

Kevin Cavanaugh presented the five year Lease with Roland Investment Group, LLC. for \$11,400.00 per year for the CASA Office and requested approval. Kevin Cavanaugh advised the Council approved funding for the Lease at their September 5, 2023 meeting.

Commissioner Gentry moved to approve the Lease as presented. 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.

IN THE MATTER OF ELECTED OFFICIALS

No matters presented.

IN THE MATTER OF TOWN OF BROWNSBURG SEWER EXTENSION

John Ayers reported the Town of Brownsburg is asking the County to reconsider allowing them to use the County's right-of-way along the Ronald Reagan Parkway north to extend their sewer system because they are running into some difficulties obtaining their own construction easements with an adjacent landowner. John Ayers stated he is not a proponent of this because the Town's contractor would be doing work in the same area at the same time as the County's and that could cause a lot of issues.

Commissioner Palmer inquired why the Town couldn't go through the same process the County did to obtain right-of-way. John Ayers advised they could but have some time constraints with the READI Grant they're using to fund their project. Greg Steuerwald stated they can but they want to do it this way because it's free.

It was the consensus of the Commissioners for John Ayers to tell the Town of Brownsburg no.

IN THE MATTER OF ROAD CLOSURE ISSUES FOR FARMERS IN BROWNSBURG

Commissioner Dawes and Commissioner Gentry reminded John Ayers the County's contractor needs to make sure the farmers are able to get through on County Road 750 N. in Brownsburg to harvest their fields. John Ayers stated the contractor has been made aware and the farmers will be allowed to get through and will have the roads to grade before they need access.

IN THE MATTER OF OLD JAIL RETIREMENT PROCESS

Kevin Cavanaugh reported the auction for items in the old Jail will be September 19-October 10, 2023.

IN THE MATTER OF WORK RELEASE MODULAR EXPANSION

Kevin Cavanaugh reported the developer's estimate came in at \$1,121,445.00, quite a bit higher than estimated and budgeted, and advised he made a request to the ARPA Committee to cancel two approved projects and transfer those funds to this project. Kevin Cavanaugh stated he will also be requesting an additional appropriation from the Council at their October 3, 2023 meeting.

IN THE MATTER OF ALCOHOLIC BEVERAGE BOARD VACANCY

Commissioner Palmer reported an appointment to the Alcoholic Beverage Board needs to be made and requested the Commissioners be thinking of possible individuals to appoint.

There was discussion amongst the Commissioners, Todd McCormack, and Mila Shaffer regarding the matter and Mila Shaffer advised she would look through applications submitted for other vacancies to see if someone might be interested.

IN THE MATTER OF COMMISSIONERS

No matters presented.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

CHECKS RECEIVED

- | | | |
|-------------|-----------------------------|-----------------------|
| 1. \$351.00 | Leadership Hendricks County | Lease of office space |
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STAFF REPORTS RECEIVED


1. Receipt acknowledged for the Engineering Department Report of September 12, 2023 from John Ayers.
2. Receipt acknowledged for the Facilities Department Report of September 12, 2023 from Kevin Cavanaugh.
3. Receipt acknowledged for the Executive Director's Report of September 12, 2023 from Todd McCormack.
4. Receipt acknowledged for the I.T. Department Report of September 12, 2023 from Doug Morris.
5. Receipt acknowledged for the HR Report of August 19, 2023-September 9, 2023 from Erin Hughes.
6. Receipt acknowledged for the Highway Department Report of August 14, 2023-August 18, 2023 and August 21, 2023-August 25, 2023 from Curt Higginbotham.
7. for the Parks & Recreation Report of September 8, 2023 from Ryan Lemley.

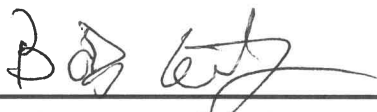
CORRESPONDENCE RECEIVED

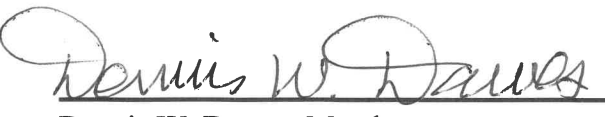
1. Notice of Public Hearing by the Hendricks County BZA for VAR 15-23 from Richard and Linda Van Doel.
2. Notice of Public Hearing by the Avon Plan Commission for ZA 23-04, Avon Christian Subdivision, from Greater Indy Habitat for Humanity.
3. Letter from Senator J.D. Ford and Representative Renee Pack regarding Raceway Road and B&O Trail.
4. Letter from Indiana First Action regarding election integrity.
5. Notice of Tort Claim from Justin Jones, pro se.
6. Notice of Tort Claim from Keller & Keller representing Stacy Hamilton, individually and on behalf of the Estate of Rodger K. Hamilton.
7. Notice of Tort Claim from Ken Nunn Law Office representing Emalei R. Mendenhall.
8. Notice of Tort Claim from Ken Nunn Law Office representing Genny L. and Bruce E. Hardwick.

IN THE MATTER OF ADJOURNMENT

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 10:43 AM on Tuesday, September 12, 2023. 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