

## **HENDRICKS COUNTY COUNCIL REGULAR MEETING JANUARY 3, 2023**

The regular meeting of the Hendricks County Council was called to order by President David Wyeth on Tuesday January 3, 2023 with the following in attendance: Councilmen Caleb Brown, David Cox, Larry Hesson, Larry Scott, Eric Wathen, David Wyeth, Financial Administrator Tami Mitchell, Auditor Nancy Marsh, and Legal Counsel Rhonda Cook. Councilman Caleb Brown led the assembly in the Pledge of Allegiance.

### **IN THE MATTER OF THE ORGANIZATION OF THE 2023 HENDRICKS COUNTY COUNCIL**

Council President David Wyeth stated that he had been President for three years and would not be seeking reelection to the office. Mr. Wyeth stated he is proud of the accomplishments made during his tenure. It was moved by Caleb Brown and seconded by David Cox to nominate Eric Wathen as the 2023 Council President. It was moved by Larry Hesson and seconded by Larry Scott to close nominations for president and, by acclamation, elect Eric Wathen as the 2023 Council President. Motion carried 6-0. It was moved by Caleb Brown and seconded by David Cox to nominate Larry Hesson as the 2023 Council Vice President. It was moved by Larry Scott and seconded by David Wyeth to nominate Caleb Brown as the 2023 Council Vice President. By roll call vote of a majority of 4 (LS/DW/LH/DC), Caleb Brown was elected as the 2023 Council Vice President. President Elect Eric Wathen assumed the presidency.

Auditor Nancy Marsh presented the proposed 2023 Council Calendar which included dates for the regular meetings and proposing a special budget adoption meeting on October 24, 2023 and the December meeting be moved to December 19, 2023, to accommodate more year end business. Auditor Marsh stated that while the December 19 date allows more business, it also compresses the time between the December 2023 and January 24 meetings. It was moved by David Wyeth and seconded by Larry Scott to adopt the calendar as presented. Motion carried 6-0.

### **IN THE MATTER OF THE 2023 COUNCIL APPOINTMENTS**

Each Council Member was polled on their willingness to serve their same organizations in 2023. Councilman David Wyeth stated he would like to serve on the Hendricks County Economic Development Partnership to offer his expertise as a farmer and businessman. Eric Wathen stated he would serve on the Hendricks County Recycling Board in place of Brad Whicker. Larry Hesson stated that Larry Scott is the Hendricks College Network appointee and Larry Hesson is serving as a citizen member.

It was moved by David Cox and seconded by Larry Scott to approve the following 2023 Council member appointments. Motion carried 6-0.

| <b><u>BOARD</u></b>               | <b><u>APPOINTEE</u></b> | <b><u>TERM EXPIRES</u></b>        |
|-----------------------------------|-------------------------|-----------------------------------|
| Area Plan Commission              | Brad Whicker            | 12/31/2023                        |
| EMA Advisory Board                | Larry Scott             | 12/31/2023                        |
| Fair Board                        | David Wyeth             | 12/31/2023                        |
| HCEDP                             | David Wyeth             | 12/31/2023                        |
| Health Board Liaison              | Larry Hesson            | 12/31/2023                        |
| Senior Services                   | David Cox               | 12/31/2023                        |
| HC Recycling District Board       | Eric Wathen             | 12/31/2023                        |
| HC Recycling District Board       | Caleb Brown             | 12/31/2023                        |
| Youth Assistance Program (YAP)    | David Cox               | 12/31/2023                        |
| HCCC Advisory Board               | Eric Wathen             | 12/31/2023                        |
| Purdue Extension                  | David Cox & Eric Wathen | 12/31/2023                        |
| HCCVB                             | Caleb Brown             | 12/31/2023                        |
| Regional Transportation Authority | Larry Hesson            | 12/31/2026 (BCC Appointed 4 Year) |

**BOARD**

**APPOINTEE**

**TERM EXPIRES**

Community Corrections Advisory  
Hendricks College Network

Larry Hesson  
Larry Scott

12/31/2026 (BCC Appointed 4 Year)  
3/15/24 (Network Appointment 3 Year)

**OTHER COUNCIL APPOINTMENTS**

Auditor Nancy Marsh stated she had reached out to the appointees and nominees to affirm their interest to continue to serve. It was moved by David Cox and seconded by Larry Hesson to appoint Nicholas G. Schmutte to the Alcohol Beverage Commission for a one year term expiring 12/31/2023. Motion carried 6-0.

It was moved by David Wyeth and seconded by Caleb Brown to recommend for appointment Jessica Hyson, to the Avon Economic Development Commission; Gary Avery, to the Brownsburg Economic Development Commission, Jerry Vornholt to the Danville Economic Development Commission; and Scott Slavens to the Plainfield Economic Development Commission for a one year term ending February 1, 2024. Motion carried 6-0.

Auditor Nancy Marsh stated that Greg Irby had been elected to the Danville Town Council but was still interested and willing to serve on the Hendricks County Economic Development Commission if it was deemed not to be a lucrative office. It was moved David Wyeth and seconded by David Cox to recommend Greg Irby for appointment by the Hendricks County Commissioners to the Hendricks County Economic Development Commission for a 2 year term ending December 31, 2024 if he is deemed eligible for appointment. Motion carried 6-0.

It was moved by Larry Scott and seconded by Larry Hesson to reappoint Jud Wolfe and Linda Watson Stansbury for one year terms to the Hendricks County Redevelopment Commission ending on December 31, 2023. Motion carried 6-0.

**BOARD**

**APPOINTEE**

**TERM EXPIRES**

Alcohol Beverage Commission  
Avon EDC  
Brownsburg EDC  
Danville EDC  
Plainfield EDC  
Hendricks County EDC  
HC Redevelopment Commission  
HC Redevelopment Commission

Nicholas G. Schmutte  
Jessica Hyson  
Gary Avery  
Jerry Vornholt  
Scott Slavens  
Greg Irby  
Jud Wolfe  
Linda Watson Stansbury

12/31/2023  
2/1/2024  
2/1/2024  
2/1/2024  
2/1/2024  
12/31/2026  
12/31/2023  
12/31/2023

**IN THE MATTER OF THE DECEMBER 20, 2022 REGULAR COUNCIL MEETING MINUTES**

It was moved by David Wyeth and seconded by David Cox to approve the minutes of the December 20, 2022 meeting as presented. Motion carried 6-0.

**IN THE MATTER OF DISCUSSION OF LONGEVITY FOR PROBATION AND MERIT DEPUTIES**

Noting the Council was not prepared to discuss the subject at the meeting, it was moved by David Wyeth and seconded by Larry Hesson to table discussion until the February meeting. Motion carried 6-0.

**IN THE MATTER OF PUBLIC COMMENT**

Hendricks County Prosecutor, Loren Delp, brought forth the disparity between the one county paid prosecutor supervisor and the five state paid prosecutor supervisors and requested a \$7,500 per person additional supervisor differential for the five state paid prosecutors to bring parity to the one county paid

prosecutor supervisor. Councilman Larry Hesson explained that the county had always tried to keep parity between state paid and county paid prosecutors. For clarity purposes, Prosecutor Delp stated he was only asking for an additional \$7,500 for each of the five state paid prosecutors who also serve as supervisors.

#### **IN THE MATTER OF THE 2023 SALARY ORDINANCE**

Legal Counsel, Rhonda Cook, presented the revisions she had made to Ordinance 2023-1 to incorporate the Court employees into the Salary Ordinance and Longevity payment.

It was moved by David Cox and seconded by David Wyeth to approve the amended Ordinance No. 2023-1 to include the changes as described and approve the increase of \$7,500 for each state paid deputy prosecutor supervisor as requested by the Prosecutor. Motion carried 6-0.

Councilman Caleb Brown asked if there could be a mechanism to address the parity issue. Councilman David Cox stated that in doing due diligence, it would be appropriate to see the number each year. Auditor Nancy Marsh stated her office could calculate that number and make the Council aware during budget workshops.

It was moved by Larry Hesson and seconded by Larry Scott that adjustments be made in future budgets to keep the state paid prosecutor supervisors and county paid supervisor and state paid prosecutors and county paid prosecutors in parity. Motion carried 6-0.

#### **IN THE MATTER OF PROPOSED COUNCIL RULES OF PROCEDURE**

Legal Counsel, Rhonda Cook, stated she had made some changes recommended by Councilman Larry Hesson stating that Mr. Hesson had asked that under the order of the agenda the word "shall" be replaced with "typically". Councilman David Cox stated that he would like to recommend that under C Agenda on page 5, that two members of the Council may request an action item to be moved on the agenda. Council President, Eric Wathen, with the consensus of the Council, stated that the procedure for Council appointments be followed only for the Library Boards and no other Council appointments. Auditor Nancy Marsh stated that since the Council only meets once a month, she has always made every effort to get everyone on the agenda.

Discussion was held on whether this document was needed as an adopted Ordinance or if it should be used as a guideline only. Councilman Larry Hesson stated he has some reservation that the document is too formal and is not something we need to do at this stage. Councilman Caleb Brown stated he didn't think it was needed and seemed disproportionate at this time. Councilman Larry Hesson stated if it is not broken, don't fix it.

Council President Eric Wathen stated he was not willing to make it an adopted document but could be used as a guideline.

Councilmen David Cox and Larry Scott stated they were in favor of the document. It was moved by David Cox and seconded by Larry Scott to adopted Resolution 2023-02 as amended. Motion lost 3-3 (DC/LS/DW) – (LH/EW/CB).

#### **IN THE MATTER OF FINANCIAL SOLUTIONS GROUP**

Greg Guerrettaz, representing Financial Solutions Group, presented FSG's proposal for Budget, Sustainability/Revenue & Spending Plan, and "1782 Notice" Review. Auditor Nancy Marsh suggested that it seems more practical, and costs savings, to use major account totals in each general fund department rather than the detail of every line. It was moved by Caleb Brown and seconded by Larry Scott to recommend the Commissioners sign the Proposal. Motion carried 6-0.

**IN THE MATTER OF THE EMERGENCY ADDITIONAL APPROPRIATIONS**

Council President Eric Wathen opened the Public Hearing. Judge Stephanie LeMay-Luken stated that she is the supervising Judge for the two Magistrate courts and in that role, has revamped the two magistrate offices for more efficiency. Judge LeMay-Luken asked for the Council's consideration to upgrade a Court Reporter position to an Office Manager/Court Reporter with the County's corresponding grade and wage scale. Councilman Wyeth stated it would be helpful to have a current flow chart provided in the future. Auditor Marsh stated there is a current job description in place for Office Manager/Court Reporter. The Public Hearing was closed.

It was moved by Larry Hesson and seconded by David Cox to approve the position upgrade to an Office Manager/Court Reporter, with the corresponding county grade and wage, and designate that the \$12,074.00 be appropriated in the Salary Ordinance and number 7 of the additional appropriations be approved in the amount of \$12,074.00. Motion carried 6-0.

Facilities Director Kevin Cavanaugh presented Facilities # 1 for Probation Improvements. Mr. Cavanaugh stated everyone is experiencing a little bit of sticker shock as the bids came in higher than expected. Mr. Cavanaugh stated he was rolling \$1,532,062.58 of 2022 appropriations back to the Cumulative Capital Development Fund as he did not have contracts to encumber the funds. Councilman Wyeth expressed dissatisfaction about the delay in moving forward with the project, costing the taxpayers more money. Council President Eric Wathen stated the Council had given their support to the project and cannot control when it will be ready to fund. It was moved by David Cox and seconded by Caleb Brown to approve Facilities emergency additional appropriation number 1 in the amount of \$1,002,000 as presented. Motion carried 4-2 (LS/DW).

It was moved by Larry Scott and seconded by David Cox to approve Facilities emergency additional appropriation number 2 in the amount of \$750,000.00. Motion carried 6-0.

It was moved by Larry Hesson and seconded by Larry Scott to approve Local Health Maintenance emergency additional appropriation number 3 in the amount of \$137,444.00; Local Health Department Trust number 4 in the amount of \$95,969.00; My Healthy Baby number 5 in the amount of \$61,675.00; Alternative Dispute Resolution number 6 in the amount of \$16,000.00; ARPA Medical Reserve Corps number 8 in the amount of \$57,600.00; ARPA Ronald Reagan Parkway Drainage number 9 in the amount of \$3,000,000.00; and ARPA Regional Sewer number 10 in the amount of \$3,000,000.00. Motion carried 6-0.

**EMERGENCY APPROPRIATION RESOLUTION**

Whereas, certain extraordinary emergencies have developed since the adoption of the existing budget, so that it is necessary to appropriate more money than was appropriated in the annual budget; therefore, to meet such extraordinary emergencies;

Be it resolved by the County Council of Hendricks County, Indiana, that for the expense of said County the following additional sums of money are hereby appropriated and ordered set apart out of the several funds as herein and for the purpose herein specified, subject to the laws governing the same.

|    | DEPARTMENT                   | ACCOUNT                | DESCRIPTION                     | AMOUNT         | APPROVED       |
|----|------------------------------|------------------------|---------------------------------|----------------|----------------|
| 1  | CCD/Facilities               | 1138.36609.000.0136    | Probation Improvements          | \$1,002,000.00 | \$1,002,000.00 |
| 2  | CCD/Facilities               | 1138.XXXXX.000.0136    | Work Release Expansion          | \$750,000.00   | \$750,000.00   |
| 3  | Local Health Maintenance     | 1168.Multiple.000.0214 | Environmental Health Support    | \$137,444.00   | \$137,444.00   |
| 4  | Local Health Dept. Trust     | 1206.Multiple.000.0214 | Public Health Education Support | \$95,969.00    | \$95,969.00    |
| 5  | My Healthy Baby              | XXXX.Multiple.000.0214 | Healthy Families Support        | \$61,675.00    | \$61,675.00    |
| 6  | Alternate Dispute Resolution | 2202.31700.000.0160    | Service Contracts               | \$16,000.00    | \$16,000.00    |
| 7  | Title IVI-D Incentive        | 8895.15305.000.0160    | Court Reporter                  | \$12,074.00    | \$12,074.00    |
| 8  | ARPA Medical Reserve Corps   | 8950.30500.000.0102    | Other Services & Charges        | \$57,600       | \$57,600       |
| 9  | ARPA Commissioners RR Pkwy   | 8950.30500.000.0102    | Other Services & Charges        | \$3,000,000.00 | \$3,000,000.00 |
| 10 | ARPA Regional Sewer          | 8950.30500.000.0102    | Other Services & Charges        | \$3,000,000.00 | \$3,000,000.00 |

Dated this 3<sup>rd</sup> day of January 2023.

**AYE**

**NAY**

/s/ Caleb Brown #1-#10

/s/ David Cox #1-#10

/s/ Larry R. Hesson #1-#10

/s/ Larry R. Scott #2- #10

/s/ Eric Wathen #1-#10

/s/ David Wyeth #2- #10

ATTEST: /s/ Nancy L. Marsh

/s/ Larry R. Scott #1

/s/ David Wyeth #1

### **IN THE MATTER OF THE STATUS OF FUNDS**

The Status of Funds was reviewed and noted the outstanding balances presented.

### **IN THE MATTER OF COUNCIL LEGAL COUNSEL**

Legal Counsel Rhonda Cook presented three suggested legislative changes. It was the consensus of the Council that these suggestions should be passed on to the legislature.

Legal Counsel Rhonda Cook presented an Engagement Agreement to provide general legal services to the Hendricks County Council for the Council's consideration. Ms. Cook stated the fees remained the same as in 2023. It was moved by David Wyeth and seconded by David Cox to approve the Engagement of Cook Government advisors, LLC for 2023. Motion carried 6-0.

### **COUNTY COMMENTS**

Commissioner Dennis Dawes stated the Commissioners want to work with the Council and wouldn't throw anyone under the bus because we are on the same bus.

Commissioner Phyllis Palmer stated she did not have the authority to deny anyone anything and the Commissioners work as a team.

Councilman David Wyeth stated the Council had appointed a committee to look at real estate and their decision never went any further.

Councilman Larry Hesson stated the AIC Legislative Conference will be held February 7 and 8, 2023 at the Hilton Hotel Downtown. Councilman Hesson stated the County Council Association has the largest membership and want to show their muscle in numbers.

Councilman David Cox stated he looks forward to working with the Commissioners and wouldn't be opposed to hiring additional help to facilitate the multiple projects on the County's plate at this time.

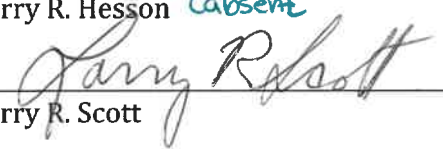
There being no further business to come before the Council, upon motion made by David Wyeth and seconded by David Cox, the meeting was adjourned at 10:51 a.m.

**HENDRICKS COUNTY COUNCIL**


  
Caleb Brown

  
David Cox

Larry R. Hesson *absent*

  
Larry R. Scott

Eric Wathen *absent*

  
Brad Whicker (absent 1.3.23)

  
David Wyeth

ATTEST:

  
Nancy L. Marsh, Auditor