



HENDRICKS COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE APRIL 23, 2019 MEETING

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, April 23, 2019 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
Matthew D. Whetstone	Commissioner, Vice President
Bob Gentry	Commissioner
R. Todd McCormack	Executive Director
Mila M. Shaffer	Administration and Public Affairs
Graham Youngs	Attorney
John Ayers	Engineer
Erin Hughes	Human Resources Administrator
Brett Clark	Sheriff
Kevin Cavanaugh	Facilities Manager
Nicole Lawson	Assessor
Charlene Cuthbertson	Chief Deputy Assessor
Doug Morris	I.T. Director
Ryan Lemley	Parks and Recreation Superintendent
Eric Ivie	Parks and Recreation Assistant Superintendent
Sean Horan	Emergency Management Director
Dr. David Stopperich	Health Officer
Kandi Jamison	Director of Public Health Nursing
Debbie Hoskins	Clerk
Laura Herzog	Voters Registration Supervisor
Dave Gaston	Surveyor
Gary Sowers	Financial Admin./Drainage Board Coordinator
Tim Dombrosky	Planning Director
Curt Higginbotham	Highway Department Superintendent
James Mardis	Regional Sewer/NPEDS Director
Susan Bentley	Director of Probation
Dwight Stevenson	Home Detention Coordinator

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

Commissioner Palmer opened the meeting at 9:01 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.

IN THE MATTER OF MINUTES

Commissioner Gentry moved to approve the Minutes of the March 26, 2019 Commissioners' Executive Session as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Gentry moved to approve the Minutes of the April 9, 2019 Commissioners' Meeting as amended. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Gentry moved to approve Payroll Check Numbers 110424 through 110425, Direct Deposit Check

Numbers 177641 through 178148, and all Budgetary Claims presented from the Auditor's Office for the period beginning April 11, 2019 and ending April 24, 2019, dated April 24, 2019. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BUILDING FACILITIES CORPORATION APPOINTMENT

Commissioner Palmer recommended Jeffrey Smallwood be appointed to replace Bill Holland on the Building Facilities Corporation.

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

IN THE MATTER OF 2019 MACHINE TECHNICIAN CONTRACT

Commissioner Gentry moved to approve the 2019 Machine Technician Contract as presented by Debbie Hoskins. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

**IN THE MATTER OF PUBLIC HEARING FOR DESIGNATION OF AN INFRASTRUCTURE
DEVELOPMENT ZONE ORDINANCE**

Commissioner Palmer opened the Public Hearing for the proposed Designation of an Infrastructure Development Zone Ordinance No. 2019-11 at 9:04 AM.

Greg Ternet, representative from Hendricks Power, presented the proposed Designation of an Infrastructure Development Zone Ordinance for the unincorporated areas of Hendricks County and reported the Ordinance establishes an Infrastructure Development Zone where broadband service would be provided to residents residing within the Zone and includes a business personal property tax exemption to companies for certain infrastructure associated with the development of broadband technology for five (5) years. The proposed five (5) year tax exemption for certain infrastructure shall only include the installation of fiber to homes, businesses, schools, and publicly owned buildings and shall not be available for maintenance and refurbishment to existing facilities, land that the infrastructure is located on, fiber to cell towers or satellites, or long haul/pass thru fiber infrastructure.

There were no public comments or questions. Commissioner Palmer closed the Public Hearing at 9:06 AM.

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

**IN THE MATTER OF PROCLAMATION DECLARING PEACE OFFICERS MEMORIAL DAY AND
NATIONAL POLICE WEEK**

Sheriff Brett Clark presented the Peace Officers Memorial Day and National Police Week Proclamation to declare May 15, 2019 as Peace Officers Memorial Day and the week of May 12-18, 2019 as National Police Week and requested approval. Sheriff Brett Clark advised there will be a ceremony held at 12:00 PM on May 15, 2019 in the Courthouse Rotunda to read the Proclamation.

It was the consensus of the Commissioners to approve the Proclamation as presented.

IN THE MATTER OF ZA 460/19: YOUR VENTURE CHURCH, INC.

Tim Dombrosky presented an Ordinance to amend the zoning map of Hendricks County, from LI/Light Industrial District to GB/General Business District, commonly known as ZA 460/19: Your Venture Church, Inc., S35-T17N-R1W, Middle Township, parcel totaling 20 acres, located on the east side of North County Road 100 East south of the railroad and recommended approval. Tim Dombrosky advised the Plan Commission unanimously approved this zoning amendment during their April 9, 2019 Meeting, 7-0-0.

Commissioner Gentry moved to approve the Ordinance as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2019-12 to ZA 460/19: Your Venture Church, Inc.

IN THE MATTER OF ZA 461/19: BOSS LAND ACQUISITIONS, LLC.

Tim Dombrosky presented an Ordinance to amend the zoning map of Hendricks County, from LI/Light Industrial District to GB/General Business District, commonly known as ZA 461/19: Boss Land Acquisitions, LLC., S35-T17N-R1W. Middle Township, parcel totaling 37.98 acres, located on the east side of North County Road 100 East between the railroad and US Highway 136 and recommended approval. Tim Dombrosky advised the Plan Commission unanimously approved this zoning amendment during their April 9, 2019 Meeting, 7-0-0.

Commissioner Whetstone moved to approve the Ordinance as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2019-13 to ZA 461/19: Boss Land Acquisitions, LLC.

IN THE MATTER OF ZA 463/19: MICHELLE D. HANKE

Tim Dombrosky presented an Ordinance to amend the zoning map of Hendricks County, from GB/General Business District to RB/Single Family Residential District, commonly known as ZA 463/19: Michelle D. Hanke, S27-T15N-R1E, Guilford Township, parcel totaling 4 acres, located on the west side of State Road 267 just north of its intersection with Northfield Road and recommended approval. Tim Dombrosky advised the Plan Commission unanimously approved this zoning amendment during their April 9, 2019 Meeting, 7-0-0.

Commissioner Gentry moved to approve the Ordinance as presented. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2019-14 to ZA 463/19: Michelle D. Hanke.

IN THE MATTER OF TSA 01/19: AMENDMENT TO THE HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE CHAPTER 3 SUBDIVISION PROCEDURES

Tim Dombrosky presented an Ordinance for an amendment to the Hendricks County Subdivision Control Ordinance Chapter 3 Subdivision Procedures to allow Secondary Approval to be granted if requested on the condition that an Allocation Letter for sanitary sewer service is submitted prior to any construction activity and/or review of construction plans and recommended approval. Currently Secondary Approval is not granted until an Allocation Letter for sanitary sewer service is submitted. Tim Dombrosky advised the Plan Commission unanimously approved this amendment to the Ordinance during their April 9, 2019 Meeting, 7-0-0.

Commissioner Whetstone moved to approve the Ordinance as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2019-15: An Amendment to the Hendricks County Subdivision Control Ordinance Chapter 3 Subdivision Procedures.

IN THE MATTER OF TZA 01/19: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE CHAPTER 4

Tim Dombrosky presented an Ordinance for an amendment to the Hendricks County Zoning Ordinance Chapter 4 to amend Lot Standards for Maximum Lot Coverage from the current cumulative of 5% or 600 SF (whichever is greater) to the cumulative of 7% or 720 SF (whichever is greater) and recommended approval. Tim Dombrosky advised the Plan Commission unanimously approved this amendment during their April 9, 2019 Meeting, 7-0-0.

Commissioner Whetstone moved to approve the Ordinance as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2019-16: An Amendment to the Hendricks County Zoning Ordinance Chapter 4.

IN THE MATTER OF BI INC. ELECTRONIC MONITORING SERVICE AGREEMENT

Susan Bentley and Dwight Stevenson presented the BI Incorporated Electronic Monitoring Service Agreement and requested approval.

Commissioner Gentry moved to approve the Agreement with Counsel's revisions. Commissioner Whetstone seconded the motion and the motion is approved unanimously 3-0-0.

IN THE MATTER OF BI INC. EXTENDED WARRANTY AND SUPPORT SERVICES AGREEMENT

Susan Bentley and Dwight Stevenson presented the BI Incorporated Extended Warranty and Support Services Agreement and requested approval.

Commissioner Whetstone moved to approve the Agreement with Counsel's revisions. Commissioner Gentry seconded the motion and the motion is approved unanimously 3-0-0.

IN THE MATTER OF ENTERPRISE PHONE SYSTEM QUOTES

Doug Morris presented three (3) Enterprise Phone System Quotes and requested permission to proceed with the quote from Nextiva, pending a satisfactory Agreement. There was discussion amongst the Commissioners and Doug Morris on the services offered and the revisions needed in the Agreement.

It was the consensus of the Commissioners to continue the matter to allow time to research the matter further.

IN THE MATTER OF INTERLOCAL COOPERATION AGREEMENT WITH PUTNAM COUNTY

John Ayers presented the Interlocal Cooperation Agreement with Putnam County for the joint road repair project for County Line Road/700 West and recommended approval. John Ayers advised the County's financial commitment shall not exceed \$42,000.00 for the project.

Commissioner Gentry inquired if the school corporations have contributed financially and if their contributions would be applied on top of the County's \$42,000.00. John Ayers stated he had not received an update from the school corporations yet and advised once they commit to an amount, the Commissioners can decide if their contributions would apply on top of the County's contribution or to reduce the County's contribution. Commissioner Gentry stated he wanted to apply the schools' contributions on top of the County's contribution. Commissioner Palmer stated she hoped the schools' contributions would reduce the County's contribution.

Commissioner Palmer stated she is still uncomfortable with the situation and feels the County is setting precedence and could face similar requests in the future.

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

IN THE MATTER OF INDOT/LPA AGREEMENT FOR COMMUNITY CROSSINGS GRANT

John Ayers presented the INDOT/LPA Local Roads and Bridges Matching Grant Agreement in the amount of \$934,798.00 for the Community Crossings Grant and recommended approval.

Commissioner Whetstone 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 RACEMAKER PRODUCTIONS

Lee O'Connor, representative from RaceMaker Productions, presented the map for the May 19, 2019 Try Triathlon Event and requested approval.

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

IN THE MATTER OF ELECTED OFFICIALS

Sheriff Brett Clark requested permission to contact surrounding counties to inquire if there's an interest in discussing a Regional Jail in order to meet the requirements of the Jail Study for RQAW. It was the consensus of the Commissioners to approve the Sheriff's request as presented.

Nicole Lawson reported Form 11s for 2019 assessments, payable in 2020, will be going out this week and advised

IN THE MATTER OF BRIARWOOD ESTATES DRAINAGE ISSUES

Dave Gaston and Tim Dombrosky reported they researched the County's records regarding Briarwood Estates and presented their findings. Dave Gaston advised this was a regulated drain that was taken over by the Town of Coatesville (TOC) in 2017 and the TOC received the remaining money in the regulated drain fund for Briarwood Estates, which was \$10,576.68. Tim Dombrosky advised at some point during construction the owner/developer passed away and construction and inspections stopped for a period of time. Tim Dombrosky stated the inspectors during this time frame are no longer employed with the County, the records are limited, and no one knew where to pick the process back up once construction began again. Tim Dombrosky advised the Bond file was never closed out, a Maintenance Bond in the amount of \$41,600.00 was established but was never posted due to the length of time that had transpired, and Planning and Building ended up waiving the Maintenance Bond. Dave Gaston advised there are various drainage issues with the subdivision, which were disclosed to the TOC prior to them taking over the drainage responsibility from the County, including photos and videos of the drainage tiles.

Commissioner Whetstone inquired what the TOC is requesting from the County. Jerry Decker, representative from the TOC, advised the Town is applying for a \$600,000.00 grant and are requesting the County financially participate to fix the drainage issues in Briarwood Estates because the Town does not have the money for the repairs and does not want to use the new grant funds to fix old drainage issues. Jerry Decker reported the repairs are estimated at \$152,000.00 and the TOC has to put up 20% of the grant amount to be eligible for the grant.

Commissioner Palmer inquired what the residents of Briarwood Estates pay monthly in maintenance assessment fees. Jerry Decker advised they were paying \$50.00 per year but stated the fees have been reduced to \$30.00 per year. Commissioner Whetstone inquired if the TOC plans to increase the fees to cover the deficiencies. Jerry Decker advised the TOC does not plan to increase the fees. Commissioner Whetstone advised this is an issue for him as the County is increasing all fees to \$100.00 to get them to where they need to be and the TOC is requesting the County assist financially with an area the TOC took over from the County knowing it had drainage issues that needed to be repaired.

Commissioner Gentry stated he feels the County has some responsibility to participate but is not sure how much. Commissioner Whetstone advised he understands the area had issues when it was under the County but stated it's harder to participate when the necessary steps aren't being taken by the TOC to increase the fees to where they need to be to generate the revenue needed to repair and maintain the area. Commissioner Whetstone suggested the County take back over Briarwood Estates, complete the repairs, and assess the fees accordingly. There were discussions of various possible ways to fund any kind of assistance the County may provide to the TOC, including a loan to the TOC, if the decision was made to assist. Dave Gaston suggested taking the matter to the Drainage Board to request the Board consider approving funds from their GDIF for the TOC as this has been done before. Dave Gaston advised the Drainage Board would have to request the Council take money from the GDIF and place it in the General Fund with the stipulation the money be used for repairs to Briarwood Estates, a previously regulated drain area. The Commissioners agreed the option presented by Dave Gaston was the best option to consider.

It was the consensus of the Commissioners to present the matter to the Council during the May 8, 2019 Council Meeting to discuss and inquire if the Council would be willing to consider participating financially before the Commissioners make a final decision.

**IN THE MATTER OF BIDS FOR EXCESS ITEMS FOR SALE AND DECLARING PROPERTY OF
NO VALUE**

Kevin Cavanaugh presented the winning bids for the excess items advertised for sale and recommended accepting the bids as received and requested the items receiving no bid be declared of no value and be properly disposed of.

Commissioner Gentry moved to accept the bids as presented and to declare the remaining items of no value as requested. Commissioner Whetstone seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PERFORMANCE REVIEW EVALUATIONS

Todd McCormack reported Performance Review Evaluations are due on June 1, 2019 and requested the Commissioners schedule an Executive Session to conduct the Evaluations.

It was the consensus of the Commissioners to schedule an Executive Session on May 28, 2019 at 10:30 AM.

IN THE MATTER OF PUBLIC DEFENDER BOARD APPOINTMENT

Todd McCormack reported a record keeping error was discovered regarding the Commissioners' appointment to the Public Defender Board and advised his appointment expired on December 31, 2017. Todd McCormack advised one of the Judge's appointments also expired and stated he would be contacting Catherine Haines to make her aware.

Commissioner Whetstone moved to appointment Todd McCormack from January 1, 2018 through December 31, 2020. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CYPRESS MANOR ADMINISTRATOR'S CELL PHONE

Doug Morris reported he still does not have an answer back from James McBryant as to if Hendricks Regional Health plans to provide him with a cell phone and advised he would continue to follow up on the matter.

IN THE MATTER OF COMMENTS FROM THE FLOOR

Linda Thompson, a Town of Pittsboro resident, inquired if the Designation of an Infrastructure Development Zone Ordinance works similar to a TIF and if it will have a negative impact on taxpayers. Commissioner Whetstone explained this Ordinance is a tax abatement for the entities installing broadband in the designated areas included in the Ordinance and does not have a negative impact on taxpayers. Linda Thompson inquired if developers sell sewer allocations. Commissioner Whetstone advised they do sell them.

Ryan Lemley and Eric Ivie reported they will be presenting the Design and Engineering Agreement to the Parks Board on May 1, 2019 for Phase 1 of W.S. Gibbs Park, for approximately \$90,000.00, and inquired if the Commissioners would like to review the Agreement beforehand. Commissioner Whetstone advised they do not need to review the Agreement for the Design and Engineering phase of the project.

IN THE MATTER OF COMMISSIONERS

No matters presented.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

TITLES ENDORSED

1. 2012	Chevrolet	Express G1500	VIN: 1FTNE2EW1ADB01980	To Be Auctioned
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CHECKS RECEIVED

1. \$12,150.00	Freije Auctions & Marketing, LLC.	Proceeds from Auctioned Vehicles
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STAFF REPORTS RECEIVED

1. Receipt was acknowledged for the Engineering Department Report of April 23, 2019 from John Ayers.
2. Receipt was acknowledged for the Facilities Department Report of April 23, 2019 from Kevin Cavanaugh.
3. Receipt was acknowledged for the Executive Director's Report of April 23, 2019 from Todd McCormack.
4. Receipt was acknowledged for the I.T. Department Report of April 23, 2019 from Doug Morris.
5. Receipt was acknowledged for the Human Resources Report of April 8, 2019 through April 19, 2019 from Erin Hughes.

6. Receipt was acknowledged for the Highway Department Report of March 25, 2019 through March 29, 2019, March 30, 2019 through April 5, 2019, and April 8, 2019 through April 12, 2019 from Curt Higginbotham.
7. Receipt was acknowledged for the Emergency Management Agency Report of April 23, 2019 from Sean Horan.
8. Receipt was acknowledged for the Parks & Recreation Department Report of April 18, 2019 from Ryan Lemley.

CORRESPONDENCE RECEIVED

1. Letter from Reba Gipson regarding regulations for Cartersburg.
2. Subpoena Duces Tecum and Request for Production of Documents and Records to a Non-Party for Jacob E. Nealy from Carson, LLP.

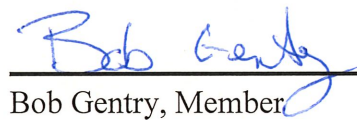
IN THE MATTER OF ADJOURNMENT

Commissioner Whetstone moved to adjourn the Hendricks County Commissioners' Meeting at 11:00 AM on Tuesday, April 23, 2019. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.



Phyllis A. Palmer, President

Matthew D. Whetstone, Vice President



Bob Gentry, Member