



HENDRICKS COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE OCTOBER 26, 2021 MEETING

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, October 26, 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
Larry Hesson	Councilman
Nicole Lawson	Assessor
Nancy Marsh	Auditor
Catherine Haines	Court Administrator
John Ayers	Engineer
Kevin Cavanaugh	Facilities Manager
Doug Morris	I.T. Director
Erin Hughes	Human Resources Administrator
Tim Dombrosky	Planning & Building Director
LaDonna Hughes	Chief Animal Control Officer
Dawn Mason	Emergency Management Director
Ryan Lemley	Parks & Recreation Superintendent
Theresa Lynch	Recorder (Attended Remotely)
Loren Delp	Prosecutor (Attended Remotely)
Michael Manning	Magistrate (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)
Paula Alkire	Grant Coordinator/Admin. Spec. Deputy (Attended Remotely)
Megen Morgan	Jail Commander (Attended Remotely)
John Gramling	Application Support / Telecom Admin. (Attended Remotely)

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

Commissioner Palmer opened the Meeting at 9:05 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 October 12, 2021 Commissioners' Meeting as presented. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Dawes moved to approve Direct Deposit Check Numbers 212497-213007 and Budgetary Claims

presented from the Auditor's Office for the period beginning October 14, 2021 and ending October 27, 2021 as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF COVID-19 UPDATE

Dr. Stopperich provided a brief update on the COVID-19 pandemic in Hendricks County reporting the County's 7-day positivity rate decreased to 9.4% and advised there have been 23,960 confirmed cases and sadly 383 deaths amongst County residents. 68.8% of residents are fully vaccinated, 3rd highest in Indiana, and amongst school aged children, 55.3% of ages 12-15 and 65.3% of ages 16-19 are fully vaccinated. Vaccination rates by zip code, 46123 is at 80.7%, 46112 is at 78.1%, and 46168 is at 72.9%. Dr. Stopperich encouraged those eligible to get their booster vaccine and advised Moderna, Pfizer, and Johnson & Johnson now all offer them and stated you do not have to receive the same booster you received for the regular vaccine.

Dr. Stopperich thanked IU Health and the NHRA for assisting with the most recent drive-thru vaccine clinic and announced there will be another drive-thru clinic at the Fairgrounds on November 2, 2021 from 12:00 PM-5:00 PM. Dr. Stopperich expressed his appreciation to the volunteers that have assisted the County and advised since December of 2020, 1,152 volunteers logged 22,463 hours, and saved the County over \$557,000.00 in labor costs.

IN THE MATTER OF FSG, CORP. PROPOSED AGREEMENT FOR GENERAL OBLIGATION BONDS

Todd McCormack presented a proposed Agreement for General Obligation Bonds (GEO), Series 2021 for an amount not to exceed \$30,000.00 from FSG, Corp. and requested approval. Todd McCormack advised the Commissioners approved proceeding with the Bonds during the October 26, 2021 Joint Meeting with the Council.

Commissioner Dawes 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 REDISTRICTING

There was discussion amongst the Commissioners and Todd McCormack regarding the need for redistricting and if it is something the County should handle in house or hire an outside firm to complete. The Commissioners stated it is something they intend to have completed before the end of 2021 to be in place for the 2022 filings for the primary election and requested Todd McCormack look further into 39° North to complete the redistricting.

IN THE MATTER OF JOINT RESOLUTION FOR CONTRIBUTION TO BOONE COUNTY

Councilman Hesson presented a Joint Resolution with the Council for a \$25,000.00 contribution to Boone County to assist with legal costs incurred in their big box store assessment lawsuit and requested approval. Councilman Hesson advised Boone County spent in excess of \$740,000.00 in legal fees, but saved over \$250,000.00 a year in tax revenue from the one location with their victory, and the victory benefits all counties.

There was discussion amongst the Commissioners and Councilman Hesson regarding the matter and the tax assessment revenue Boone County will be able to recoup from Meijer, the big box store that initiated the action. Commissioner Dawes advised Boone County will quickly make up their legal fees spent in the lawsuit. Councilman Hesson stated this is tax revenue they will not lose now that they otherwise would have.

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 Resolution No. 2021-60.

IN THE MATTER OF PUBLIC HEARING FOR PROPOSED NUISANCE CONTROL ORDINANCE

Commissioner Palmer presented the proposed Nuisance Control Ordinance to establish recourse against loud, raucous, improper, unreasonable, offensive or unusual noise, disorder or tumult, which disturbs, injures or endangers the comfort, repose, health, peace or safety of welfare of others.

Commissioner Palmer opened the Public Hearing at 9:32 AM. There were no remonstrators present in person or attending remotely and Commissioner Palmer closed the Public Hearing at 9:34 AM.

Commissioner Dawes 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. 2021-60.

IN THE MATTER OF RAINDROP, LLC. REQUEST FOR TAX ABATEMENT

Brian Bilger, HCEDP Executive Director, presented an Application for Designation of Economic Revitalization Area and SB1 for Raindrop, LLC.'s ten year tax abatement request for Westpoint Building IV and requested permission to take the matter to the Council for consideration. The estimated cost of the project is \$29,184.671.00.

Commissioner Gentry moved to approve taking the request to the Council for consideration. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF AWARDING OF COUNTY ROAD 900 EAST DRAINAGE IMPROVEMENTS

John Ayers recommended awarding the County Road 900 East Drainage Improvements project to CRM Excavating for \$893,900.00 as the lowest responsive and responsible bidder and presented the Contract.

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

IN THE MATTER OF BRIDGE NO. 290 SUPPLEMENTAL AGREEMENT NO. 4

John Ayers presented Bridge No. 290 Supplemental Agreement No. 4 from Beam, Longest and Neff for \$103,800.00, primarily for design changes by CSX, and requested approval.

Commissioner Dawes 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 NOTICE TO BIDDERS FOR 2022 HIGHWAY DEPARTMENT SUPPLIES

John Ayers presented a Notice to Bidders for 2022 Highway Department Supplies and requested approval. Bids shall be due by 9:00 AM on November 23, 2021.

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

IN THE MATTER OF PROPERTY OWNER AFFIDAVIT & CONSENT FOR HENDRICKS POWER

John Ayers presented a Property Owner Affidavit and Consent for Hendricks Power the replat request submitted by Hendricks Power for property located at the northeast corner of CR 900 E. and CR 750 N. they wish to purchase from the County and requested approval.

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

IN THE MATTER OF ZA 487/21: KEITH WAGONER

Tim Dombrosky presented an ordinance to amend the zoning map of Hendricks County from AGR/Agriculture Residential District to PB/Planned Business Park District, commonly known as ZA 487/21: Keith Wagoner, S20-T16N-R2E, Lincoln Township, 1 parcel totaling 4.153 acres, located on the west side of Raceway Road, approximately one tenth of a mile north of its intersection with US Highway 136 and requested approval. Tim Dombrosky reported there were no remonstrators at the October 12, 2021 Plan Commission Public Hearing and stated it was approved unanimously 5-0-0

Commissioner Gentry moved to approve the Ordinance as presented. Commissioner Dawes seconded the motion and the motion was unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2021-62.

IN THE MATTER OF ZA 486/21: STONE GRAY, LLC.

Tim Dombrosky presented an ordinance to amend the zoning map of Hendricks County from AGR/Agriculture
Commissioners' Meeting Minutes – October 26, 2021

Residential District to GB/General Business District, commonly known as ZA 486/21: Stone Gray, LLC., S5-T15N-R2W, Marion Township, 1 parcel totaling 15.819 acres, located on the north side of US Highway 36, approximately 0.3 mile west of its intersection with State Road 75 and requested approval. Tim Dombrosky reported there were no remonstrators at the October 12, 2021 Plan Commission Public Hearing where it was approved unanimously 5-0-0

Commissioner Dawes moved to approve the Ordinance as presented. Commissioner Gentry seconded the motion and the motion was unanimously 3-0-0. Nancy Marsh assigned Ordinance No. 2021-63.

**IN THE MATTER OF SHELTER PRO SOFTWARE PRO CLOUD SERVICES AND
RDI SERVICE AGREEMENT**

LaDonna Hughes presented a Shelter Pro Software Pro Cloud Services and RDI Service Agreement for a one-time fee of \$1,175.00 and then \$860.00 per month to allow her department access to their database in the field 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.

IN THE MATTER OF VISITOR RELEASE AND WAIVER OF LIABILITY FORM

LaDonna Hughes presented a proposed Visitor Release and Waiver of Liability Form for anyone visiting the Animal Control Shelter and requested approval.

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

**IN THE MATTER OF ETICA GROUP PROPOSAL FOR
PROFESSIONAL CONSULTING SERVICES**

Kevin Cavanaugh presented an Etica Group Proposal for Professional Consulting Services for \$9,500.00 to update the Museum assessment they completed back in 2017 to prepare a bid package for the exterior building repairs and requested approval.

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

IN THE MATTER OF ELECTED OFFICIALS

Nicole Lawson inquired where the Commissioners were at with revising the COVID Policy as she feels it still needs to be addressed.

Commissioner Palmer and Commissioner Dawes advised the Commissioners have been reviewing and discussing it but are not ready to bring any revisions forward at this time.

Nicole Lawson inquired if the Commissioners would like for the employees that are opposed to the new Policy to email them directly.

Commissioner Dawes stated they have heard from several people, both pro and con, and not everyone is against it and not everyone is for it.

Nicole Lawson advised she realizes the Commissioners are not going to be able to make everyone happy but stated the Policy is very discriminatory the way it is written now and she is going to keep following up on it.

Shawn Shelley reminded everyone the tax payment due date is coming up on November 10, 2021.

IN THE MATTER OF CR 1000 N. WIDENING

John Ayers reported Lochmueller Associates recently completed an analysis of the CR 1000 N. widening project from SR 267 to the proposed Ronald Reagan Parkway to determine if it can be constructed within the constraints of the funding amount provided through the recent SR 267 Relinquishment Agreement with INDOT. John Ayers advised the original scope of the project could be scaled back to stay within the allotted \$6,000,000.00 for construction and requested permission to proceed with negotiating an agreement with Lochmueller Associates for final design.

There was discussion amongst the Commissioners and John Ayers regarding the matter. Commissioner Palmer advised it is hard for her to see that the scope can be reduced due to the way the area is growing and stated she has concerns with reducing the scope of the project because of it. John Ayers stated that based on traffic projections and modeling, CR 1000 N. is not likely to carry the traffic volume 56th Street does and the modeling does not predict the traffic outgrowing the reduced scope within the next 25 years.

It was the consensus of the Commissioners to proceed with negotiating for final design as requested.

IN THE MATTER OF NEW HIGHWAY DEPARTMENT FACILITY

John Ayers reported the real estate broker for the new Highway Department Facility has been discussing the purchase of a parcel with the property owner and requested permission to proceed with ordering two appraisals. John Ayers advised he spoke with the County's Airport Authority representative about any property they may have to get rid of and stated the representative plans to bring it up at their next board meeting.

It was the consensus of the Commissioners to proceed with the appraisals.

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

John Ayers reported Brian Bilger approached him with an offer from a developer wanting to purchase right-of-way remnants along the west side of the Ronald Reagan Parkway, north of CR 200 S., that adjoin the developers parcel(s) and inquired if the Commissioners would be interested in selling them.

There was discussion amongst the Commissioners, Greg Steuerwald, John Ayers, and Brian Bilger regarding the matter and if the County utilized eminent domain to acquire the parcels as it may change the process of selling them if they were included in the eminent domain complaint.

It was the consensus of the Commissioners for Greg Steuerwald and John Ayers to look into the matter further.

IN THE MATTER OF SURPLUS EQUIPMENT

Kevin Cavanaugh requested the following equipment be deemed as surplus and advertised for sale: eight plan hold flat files with four bases, one 2-door rolled plan cabinet, and seven 2-column plat book roller cabinets.

It was the consensus of the Commissioners to deem the equipment as surplus and to proceed with the sale.

IN THE MATTER OF COURTHOUSE EMPLOYEE LACTATION ROOM

Kevin Cavanaugh presented a Mamava Proposal for \$20,500.00 to purchase a freestanding lactation pod for Courthouse employees and requested approval to proceed. Kevin Cavanaugh stated he plans to install the pod on the third floor, near the Circuit Court Office entrance, and is going to attempt to use ARP funds for the purchase.

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

IN THE MATTER OF LEASE SPACE FOR PROBATION DEPARTMENT

Kevin Cavanaugh presented a proposal for \$5,510.00 per month for five years to lease the space he is looking at to relocate the entire Probation Department. Kevin Cavanaugh stated he spoke with the Town of Danville and

the space is not currently zoned for office use, but can be by a special zoning exception. Kevin Cavanaugh states he still feels this is a very usable space.

IN THE MATTER OF PROPOSED BOT AGREEMENT RESOLUTION

Kevin Cavanaugh presented a proposed BOT Agreement Resolution and requested it be considered for future projects. The Resolution would allow the County to enter into a BOT agreement with an operator for the acquisition, planning, design, development, reconstruction, repair, maintenance, or financing of any public facility on behalf of the governmental body.

Greg Steuerwald requested the matter be tabled to allow time for him to review it further.

It was the consensus of the Commissioners to table it to a later date.

IN THE MATTER OF COURTHOUSE PAVER WALK REPLACEMENT

Kevin Cavanaugh reported the replacement of the Courthouse walk pavers is a budgeted project for 2022 and requested permission to obtain a proposal from DLZ for design for integration of ADA access points for the Town walks and street surfaces.

It was the consensus of the Commissioners to approve obtaining a proposal from DLZ as requested.

IN THE MATTER OF 5307 TRANSPORTATION FUNDING AND REQUEST FOR PROPOSAL

Todd McCormack reported he has been working on the Public Transportation Request for Proposal (RFP) required for the County to keep funding under the new 5307 requirements from INDOT. Todd McCormack stated he will be sending the draft RFP and cover letter to IndyGo for approval, and once approved, he will proceed with advertising it. Todd McCormack advised there will still be additional, more complex requirements for reviewing any responses received, and ultimately awarding the contract.

IN THE MATTER OF ACCIDENT REVIEW BOARD

Todd McCormack reported a proposed meeting of the Accident Review Board is planned for November 8, 2021 and inquired if there is a time that works best.

Commissioner Palmer advised she is flexible on the time. Todd McCormack stated he would check with the Sheriff and John Parmley and then would send out an Outlook invite confirming the time.

IN THE MATTER OF REPORTING AFTER HOURS CALL OUTS FOR TAKE HOME VEHICLES

Todd McCormack reported the Employee Manual states employees with take home vehicles are required to report the number and dates of after hours call outs they have responded to, as a tool to determine the necessity/need for the vehicle being designated as a take home vehicle, and requested approval for himself or Mila Shaffer to send out a reminder email. Responses are due in November and will be reviewed by the Commissioners in December.

It was the consensus of the Commissioners for Todd McCormack or Mila Shaffer to send out the reminder email.

IN THE MATTER OF COMMENTS FROM THE FLOOR

No matters presented.

IN THE MATTER OF COMMISSIONERS

Commissioner Gentry reported he referred John Medlock to Brian Bilger and advised there will be a virtual meeting with them and the Commissioners regarding a ten acre ag ready development he is interested in. Brian Bilger stated John Medlock is wanting someone to cover the overhead for three people to run the facility for ten years. The Commissioners advised they would prefer an in person meeting versus a virtual one.

Commissioner Dawes reported Rick Myers, co-owner of the Hendricks County ICON, passed away recently.

Commissioner Palmer reported Lori Turpin's last day is October 29, 2021 and stated Lori Turpin has served as the County's Veterans Service Officer for twenty years and prior to that served her country and retired as a Captain for the U.S. Navy. Commissioner Palmer expressed her appreciation for all Lori Turpin has done and advised there will be a reception for her in the rotunda on that day at 11:00 AM. Nancy Marsh advised Congressman Baird received approval to read Lori Turpin's bio during a Congress session, making it part of Congress's record.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

CHECKS RECEIVED

- | | | |
|---------------------|-------------------------|---|
| 1. \$720.00 Per Lot | M/I Homes of Indiana | Lot 45, 51, 53, 94, 98, 193, 194, 218, 224, 227, 238, 249 |
| 2. \$3,500.00 | Endeavor Communications | Fairgrounds Easement |
| 3. \$10,006.00 | Travelers | Claim No. 028ADFRW8305M for Totaled Vehicle |

STAFF REPORTS RECEIVED

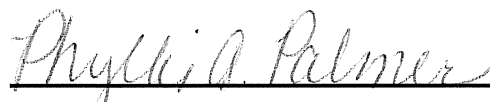
1. Receipt was acknowledged for the Engineering Department Report of October 26, 2021 from John Ayers.
2. Receipt was acknowledged for the Facilities Department Report of October 26, 2021 from Kevin Cavanaugh.
3. Receipt was acknowledged for the Executive Director's Report of October 26, 2021 from Todd McCormack.
4. Receipt was acknowledged for the I.T. Department Report of October 26, 2021 from Doug Morris.
5. Receipt was acknowledged for the HR Report of October 9, 2021–October 22, 2021 from Erin Hughes.
6. Receipt was acknowledged for the Highway Department Report of October 4, 2021–October 8, 2021 and October 12, 2021–October 15, 2021 from Curt Higginbotham.
7. Receipt was acknowledged for the EMA Report of Sept. 25, 2021 – October 22, 2021 from Dawn Mason.
8. Receipt was acknowledged for the Planning and Building Department's Report of Collections for the collections period of September 1, 2021 through September 30, 2021 from Tim Dombrosky.
9. Receipt was acknowledged for the Parks & Recreation Report of October 22, 2021 from Ryan Lemley.

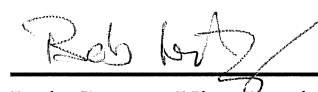
CORRESPONDENCE RECEIVED


1. Notice of Tort Claim from Keller & Keller, representing Samantha C. Brown.
2. Notice of Tort Claim from Ken Nunn Law Office, representing Dana Scott and Rickey L. Martin, Sr.
3. Notice of Public Hearing by the Brownsburg Advisory Plan Commission for Case No. PCMA-09-21-1949, Scannell Properties, from Barnes & Thornburg.
4. Notice of Public Hearing by the Brownsburg Advisory Plan Commission for Case No. PSDP-09-21-1948, Community Rehab. Hospital West, from Crunk Engineering.

IN THE MATTER OF ADJOURNMENT

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 11:03 AM on Tuesday, October 26, 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