



HENDRICKS COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE JULY 9, 2024 MEETING

The Hendricks County Board of Commissioners met in regular session at 9:00 AM on Tuesday, July 9, 2024 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
Greg Steuerwald	County Attorney
Mila M. Shaffer	Administration and Public Affairs
Nancy Marsh	Auditor
John Ayers	Engineer
Jack Sadler	Sheriff
Laura Herzog	Recorder
Nicole Lawson	Assessor
David Gaston	Surveyor
Tiffany Dalton	Chief Deputy Surveyor
Dan Chubb	Chief Deputy Coroner
Doug Morris	I.T. Director
Erin Hughes	Human Resources Administrator
Tim Dombrosky	Planning & Building Director
Brandy Swinford	Planning & Building Office Manager
Mark Chmielewski	Government Center Security Deputy
Jack Swalley	Facilities Manager
Bart Harvey	Highway & Bridge Project Manager
Stephanie Moore	Deputy Coroner
Karen Boals	Chief Deputy Recorder (Attended Remotely)
Kim Galloway	Assistant Engineer (Attended Remotely)
Curt Higginbotham	Highway Department Superintendent (Attended Remotely)
Terry Benton	Highway Department Office Manager (Attended Remotely)
Paula Alkire	Financial Administrator (Attended Remotely)
Jarod Springman	Highway Department Asset Coordinator (Attended Remotely)

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 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 June 25, 2024 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 Numbers 250231-250764 and Budgetary Claims presented from the Auditor's Office for the period beginning June 27, 2024 and ending July 10, 2024. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BID OPENING FOR BRIDGE NO. 290

Commissioner Palmer closed the bids for Bridge No. 290 at 9:02 AM. John Ayers opened and read the following bids:

CONTRACTOR	BID AMOUNT
Beaty Construction	\$22,154,498.74
Milestone Contractors	\$21,458,000.00
Superior Construction	\$18,056,631.75

John Ayers advised the bids would be reviewed and a recommendation presented at a later date.

IN THE MATTER OF 2024 SECTION 5339 VEHICLE CLAIM VOUCHER FOR LINK

Yolanda Kincaid, LINK representative, presented the 2024 Section 5339 vehicle claim voucher for \$217,816.00 for four replacement vans and requested approval.

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

IN THE MATTER OF ENGAGEMENT LETTER WITH BARNES & THORNBURG FOR NEW HIGHWAY FACILITY BONDS

Adam Steuerwald, Barnes & Thornburg representative, was not in attendance to present the Letter of Engagement for G.O. Bonds for the financing of the new Highway Department Facility.

There was discussion amongst the Commissioners regarding the matter.

Commissioner Dawes moved to approve the Letter of Engagement to be able to utilize the services for the G.O. Bonds if the County goes that route for financing. Commissioner Gentry seconded the motion and reiterated this is only for if the County decides to go with the G.O. Bonds. The motion was approved unanimously 3-0-0.

IN THE MATTER OF WAIVER OF APPLICATION FEES FOR BROWNSBURG YOUTH SPORTS

Jeff Banning, Banning Engineering, reported they are getting ready to file the rezone, primary, and secondary development plan applications on behalf of Brownsburg Youth Sports (BYS) for their new baseball/softball facility located at CR 900 E. and CR 700 N. in Brownsburg and requested the Commissioners waive their application fees. Jeff Banning advised BYB is a not-for-profit organization and stated the County is making them go through the PUD process for this specific use, rather than just the rezone process, and stated the PUD process requires a lot more fees than the rezone process. Jeff Banning stated BYB is one of the largest baseball/softball programs in the state.

There was discussion amongst the Commissioners, Tim Dombrosky, Greg Steuerwald, and Jeff Banning regarding the matter. Commissioner Dawes stated he has been involved in this process with BYB for the facility and inquired when Banning would be filing the paperwork. Jeff Banning advised they will begin the filing process on July 12, 2024, followed by other filings along the way. Commissioner Dawes inquired if the County has waived fees for other not-for-profits in the past. Tim Dombrosky stated the way the policy reads, fees are only waived for other governmental entities, and he has no knowledge of fees ever being waived for not-for-profits. Commissioner Dawes inquired the approximate fees requesting to be waived. Jeff Banning stated that for the entire project the fees would be a little over \$5,000.00. Commissioner Dawes stated it should also be understood that a lot of people involved in this project have been doing the work for gratis or for very reduced fees. Commissioner Dawes explained that BYB has a very large program for handicap individuals, enabling them to participate in athletics on these fields that they wouldn't otherwise be able to enjoy. Jeff Banning advised it's called the Challenger Program and stated Banning has completed two other facilities for them; one in Mooresville and one in Plainfield that have paved surfaces where Brownsburg is incorporating them directly onto their typical field. Jeff Banning advised he himself is working for free, but Banning Engineering is getting paid for their

services and other contractors are doing some work for free. Commissioner Palmer advised she understands all that's been said but wants to think about what Tim Dombrosky said because the policy states only for other governmental entities, and her concern is being consistent, and this could open the door for a lot of other similar requests as well. Commissioner Dawes inquired if the fees have to be paid at the time of filing and if they do and the Commissioners postpone this, would it cause their filing to be postponed. Jeff Banning advised they do have to be paid at the time of filing and BYS would pay them to avoid postponing it. Commissioner Gentry inquired if the County waived the fees when Amo built their facility. Tim Dombrosky stated the fees were not waived. Commissioner Gentry inquired if they asked for them to be waived. Tim Dombrosky advised they informally asked and were told about the policy that states only governmental entities, but stated they never formally asked. Jeff Banning stated Amo redid an existing facility and had a large grant that funded it, unlike BYS. Commissioner Palmer inquired if BYS applied for any of the ARP funding through the Community Foundation that was designated by the County for not-for-profits. Jeff Banning advised he did not think so but stated they did ask for waiver of fees from Drainage Board, that was approved, and would talk with the BYS fundraising person to see if they have looked into funding from the Foundation. Commissioner Gentry inquired if Amo could request reimbursement of their fees or a portion of their fees to make it fair. Nancy Marsh stated there is always a way. Jeff Banning stated Amo's fee was significantly less because it did not have to be rezoned. Commissioner Palmer inquired why the project was required to be a PUD and what would the fees be if it were done as a rezone. Tim Dombrosky stated it is a PUD because of the acreage and overall use and advised he did not know what the exact fees are for a rezone, but thinks they are similar to those for a PUD.

Commissioner Dawes stated he was going to stick his neck out and do something that is probably not what they would like to do and knows that it may open the door for others, but moved to approve waiving the application fees for Brownsburg Youth Sports for this specific project only. Commissioner Gentry seconded the motion. Commissioner Gentry stated it is a worthy cause and advised there are probably other worthy causes out there and guesses it is the Commissioners decision to make to determine if their cause is worthy or not. Commissioner Gentry inquired if there were other applications for projects similar to the zoning for this one and Amo. Tim Dombrosky advised there are, but most recreation applications are from Park Boards and the fees would be waived automatically, and feels the Commissioners need to be very specific as to if this is a one-time specific situation or if this is their new policy moving forward because there are lots of applications from other churches that are not-for profits; why wouldn't they be treated the same way. Jeff Banning advised they are working on projects for a church, Mill Creek Schools, and Cascade High School and haven't asked for this and in his opinion, this is something different. Tim Dombrosky stated it is important for his office to be able to clearly tell applicants what the expectations are. Commissioner Palmer advised that if this were to be approved, we are making a statement that we would only consider recreational uses for not-for-profits. John Ayers stated you're only considering this particular application for this specific project, not a blanket policy. Commissioner Dawes reiterated that his motion is only for BYS for this specific project. Commissioner Gentry inquired if Bethesda requested their fees be waived for their recent project. Tim Dombrosky stated they informally requested and were told no. John Ayers stated they informally requested but did not formally come to the Commissioners to make the request. Commissioner Palmer inquired if granting this waiver would cause a problem for Planning & Building. Tim Dombrosky stated there are no problems, only opportunities. Commissioner Palmer stated she has always preached consistency, and is very careful about it, and advised we have a policy and it's hard to deviate from the policy and explain to others why they are/were not given the same waiver. Commissioner Gentry advised he thinks they need to do something, but also doesn't want people disguising themselves as a not-for-profit when they really aren't. Jeff Banning stated they have clients ask them about it all the time and they tell them no, don't go there, but they feel this project is different and is why they are asking for the waiver. The motion was approved by majority 2-1-0; Commissioner Palmer opposed stating it's only because of consistency and encouraged BYS to contact the Community Foundation.

IN THE MATTER OF RAPID REPRODUCTIONS SERVICE CONTRACT

Tim Dombrosky presented the Rapid Reproductions Service Contract for \$1,500.00 annually to cover their new plotter/printer and requested approval.

There was discussion amongst the Commissioners, Tim Dombrosky, and Brandy Swinford regarding the matter.

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

IN THE MATTER OF AWARDING BRIDGE NO. 88

John Ayers recommended awarding Bridge No. 88 to Duncan Robertson for \$724,527.65 as the lowest responsive and responsible bidder.

Commissioner Dawes moved to award Bridge No. 88 to Duncan Robertson as recommended. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF INCREASE TO ENGINEERING VISA CREDIT CARD LIMIT

John Ayers requested the credit limit on one of the Engineering Department VISA cards be increased from \$1,500.00 to \$3,000.00 to cover travel expenses for conferences. John Ayers advised his GIS Administrator is attending a conference next week in California and the limit needs to be increased to ensure he doesn't have issues or get stranded.

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

Commissioner Dawes moved to approve the credit limit increase as requested. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0. Nancy Marsh requested John Ayers provide her with the last four digits of the VISA card being increased.

**IN THE MATTER OF PROPOSED ORDINANCE FOR MAXIMUM SPEED LIMIT ON
800 E./725 N./850 E./750 N.**

John Ayers presented a proposed ordinance to reduce the speed limit on the following County roads and requested a public hearing be scheduled for August 13, 2024:

STREET(S)	LOCATION	LIMIT
CR 800 E.	County jurisdiction between CR 700 N. and CR 725 N.	35 MPH
CR 725 N.	County jurisdiction between CR 800 E. and CR 850 E.	35 MPH
CR 850 E.	County jurisdiction between CR 725 N. and CR 750 N.	35 MPH
CR 750 N.	CR 850 E. to railroad crossing	35 MPH

John Ayers stated that after reviewing the area discussed at the last Commissioners' Meeting, the traffic volume has increased from CR 700 N. being closed for the Ronald Reagan Parkway construction possibly until the end of next year. John Ayers reported traffic volumes have increased from about 200 vehicles per day to 1,000 vehicles per day and stated the Sheriff feels strongly about reducing the speed limit as it will help him with enforcement. John Ayers advised he would review the area again once the Parkway opens to see if the speed limit should be changed back to the current 40 MPH limit.

There was discussion amongst the Commissioners, John Ayers, and Sheriff Jack Sadler regarding the matter. John Ayers stated he spoke with the Town of Brownsburg's staff and they are in agreement with reducing the speed in their jurisdiction as well, pending approval by their Town Council.

Commissioner Gentry moved to schedule the public hearing on August 13, 2024 as requested. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0

IN THE MATTER OF PROPOSED ORDINANCE FOR MAXIMUM SPEED LIMIT ON 900 S.

John Ayers presented a proposed ordinance to reduce the speed limit to 50 MPH on CR 900 S. from SR 39 to Tudor Road and requested a public hearing be scheduled for August 13, 2024.

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

Commissioner Gentry moved to schedule the public hearing on August 13, 2024 as requested. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0.

**IN THE MATTER OF RESOLUTION AND QUIT CLAIM DEED TO TRANSFER PARCEL TO
THE TOWN OF AMO**

John Ayers presented the Resolution and Quit Claim Deed to transfer parcel number 13-1-35-52W-375-003 to the Town of Amo for use as a future park and recommended approval. John Ayers stated the Town will have to do a Resolution accepting the parcel for the transfer to be complete.

Commissioner Gentry moved to approve Resolution No. 2024-25 and the Deed as recommended. Commissioner Dawes seconded the motion and the motion was approved unanimously 3-0-0. Greg Steuerwald stated the Deed only has the parcel number on it, not a legal description, and if the Town wants more than that it would be on them to do it.

IN THE MATTER OF COMMENTS FROM THE FLOOR

Tim Dombrosky clarified that the fees for a PUD are not any different than those for a rezone and stated that it was not any recommendation of his that caused any increase in the fees.

IN THE MATTER OF ELECTED OFFICIALS

Nicki Lawson reported that the extended deadline to file a property tax assessment appeal had expired and stated she received 270 commercial appeals, 433 residential appeals, and 664 rental property appeals in total for 2024; only 78 were received during the extended deadline period.

Nicki Lawson invited everyone to come out to the Hendricks County 4-H Fair that starts Sunday (July 14, 2024) and support Family Promise's fundraiser and the Assessor's Office team, 2023 champions, in the 2024 Chopped Challenge benefitting Family Promise of Hendricks County and the Hendricks County Food Pantry Coalition. Nicki Lawson stated those wishing to donate to the team can make donations on their behalf for Family Promise.

Commissioner Dawes inquired if there were more appeals filed than normal. Nicki Lawson advised they were pretty typical for commercial and residential, but more for rentals. Nicki Lawson stated the rental appeals are from investment companies that are out of state that come in and purchase properties for above market value, charge above market value rent, and then file an appeal on their tax assessment. Nicki Lawson advised it is a struggle to go through the process with the companies because of the lack of communication from them, with little to no response to required questions. Commissioner Dawes thanked Nicki Lawson for the work she does.

Commissioner Gentry inquired what percentage of the rental appeals are approved. Nicki Lawson stated not very many because the rental assessment process is very cut and dry. Nicki Lawson advised if the company is not happy with their assessment they can go before the Indiana State Tax Review Board and stated no one has ever taken it to that point.

Commissioner Palmer thanked Nicki Lawson for mentioning the County Fair that runs from July 14-20, 2024. Commissioner Palmer stated the Fair is a big event for the County with lots of people involved from volunteers, Fair Board Members, junior leaders, etc.

IN THE MATTER OF CULVERT NO. CE-023

John Ayers presented a Proposal from National Gunite for \$74,285.00 for the repair of Culvert No. CE-023 and recommended approval.

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

IN THE MATTER OF COMMISSIONERS

Commissioner Gentry inquired if the Commissioners should ask all not-for-profit applicants to come before them regarding application fees because it makes him awkward for him to vote when he does not know who has applied

and what they've been told. Commissioner Palmer stated her commitment is to be fair and consistent on every one and follow the County policy, which states other governmental entities. Commissioner Gentry stated they are the elected officials that make the decision and inquired if Tim Dombrosky should have a policy. Greg Steuerwald advised they need to have a policy. Nancy Marsh stated the County has a policy. Greg Steuerwald stated the policy was changed today and they need to set some guidelines and advised he would work on it.

Commissioner Dawes thanked Greg Steuerwald for working on the policy. Commissioner Dawes reported the Commissioners do not meet outside of their regular meetings but do talk to each other from time to time, and apologized to Commissioner Palmer for that project, stating he felt differently about it once they started talking about it than he would have otherwise. Commissioner Dawes stated they work well together and wants to continue doing so. Commissioner Palmer stated no apology was needed, agreed they work well together, and will continue to do so. Commissioner Gentry stated a policy created by Greg Steuerwald and Tim Dombrosky would go a long way.

IN THE MATTER OF ACKNOWLEDGMENT OF CORRESPONDENCE

CHECKS RECEIVED

1. \$9,368.00	Travelers	Total loss settlement for Claim No. 028ADF1P7294A
2. 97,017.00	EPIC Insurance	Premium refund due to deductible changes

STAFF REPORTS RECEIVED


1. Receipt acknowledged for the Engineering Department Report of July 9, 2024 from John Ayers.
2. Receipt acknowledged for the Executive Director's Report of July 9, 2024 from Todd McCormack.
3. Receipt acknowledged for the I.T. Department Report of July 9, 2024 from Doug Morris.
4. Receipt acknowledged for the Facilities Department Report of July 9, 2024 from Jack Swalley.
5. Receipt acknowledged for the Highway Department Report of June 3-7, 2024, June 10-14, 2024, June 17-21, 2024, and June 24-28, 2024 from Curt Higginbotham.
6. Receipt acknowledged for the HR Report of June 22, 2024-July 5, 2024 from Erin Hughes.
7. Animal Control/Shelter Report of June 21, 2024-July 3, 2024 from LaDonna Hughes.
8. Receipt acknowledged for the EMA Report of June 21, 2024-July 6, 2024 from Debbi Fletcher.
9. Receipt acknowledged for the Parks & Recreation Report of July 3, 2024 from Ryan Lemley.

CORRESPONDENCE RECEIVED

1. Letter from Todd Rokita's Office regarding House Enrolled Act 1183.
2. Notice of Tort Claim from McNeely Law representing Hastings Mutual Insurance as Subrogee of Donald and Amy Mosson.
3. Notice of Tort Claim from Ball Eggleston representing Sophia Camloh, a minor, by Joseph and Nicole Camloh, as parents and natural guardians, and Joseph and Nicole Camloh, individually.
4. Notice of Public Hearing by the Avon Plan Commission for Case No. MAP (P) 24-08: Rivendell (Preliminary Plat), from Pulte Homes of Indiana.
5. Notice of Public Hearing by the Avon Plan Commission for DPR 24-09, Avon Commons Expansion, from Weihe Engineers.
6. Notice of Public Hearing by the Hendricks County Board of Zoning Appeals for VAR 14-24, Eagle Lakes Condominiums, from Faegre Drinker Biddle & Reath LLP.

IN THE MATTER OF ADJOURNMENT

Commissioner Gentry moved to adjourn the Hendricks County Commissioners' Meeting at 10:05 AM on Tuesday, July 9, 2024. 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