

## **Hancock County Board of Commissioner's Minutes**

**August 6, 2013**

Commissioners met in regular session. Those present were Commissioner Derek Towle, President, Commissioner Brad Armstrong, Vice President and Commissioner Tom Stevens. Auditor Robin D. Lowder was also present.

Hancock County Board of Commissioner's meeting began at 8:00 a.m.

Attorney Ray Richardson arrived at 8:25 a.m.

### **In The Matter of the Highway Department**

Engineer Joe Copeland appeared before the Hancock County Board of Commissioners to discuss the following:

**Asbestos Investigation Proposals** – for the house located at 600 W. and 300 N. First proposal is from Cardno in the amount of \$1,180, the County Attorney advises there are legal issues with the proposal. The second proposal is from Shrewsberry for \$1,800.00, County Attorney advises there are no legal issues with this proposal. Commissioner Armstrong moved to approve Cardno for an amount not to exceed \$1,180 pending satisfaction of legal issues by Thursday or approve Shrewsberry for an amount not to exceed \$1,800.00. Funding is subject by the Redevelopment Commission. Commissioner Stevens seconded the motion. The motion carries 3/0. Legal issues with Cardno were later resolved and the contract was awarded per Commissioners motion to Cardno for an amount not to exceed \$1,180.

**Ball Park 250 W.** – approved the permit for one driveway pending bond. Upon construction of the second driveway, they will be required to have one drive as an entrance and one as an exit.

**Title VI** – We are required to insure contracts are not discriminatory and assign a Title VI coordinator to look at our contracts and verify there is no discrimination. Commissioner Stevens moved to appoint County Engineer Joe Copeland as Title VI coordinator for the Highway Department. Commissioner Armstrong seconded the motion. The motion carried 3/0.

### **In The Matter of Commissioner's Action Items**

**Payroll** – Commissioner Stevens approved claims as presented. Commissioner Armstrong seconded the motion. The motion carried 3/0. The Commissioners requested Auditor Robin Lowder send the Compensatory Time Reports to them for the next few months.

**Minutes** – Commissioner Stevens moved approval of the minutes for July 30, 2013. Commissioner Armstrong seconded the motion. The motion carried 3/0.

### **In The Matter of the Plan Department**

#### **Ordinance 2013-8B - An Ordinance Amending The Hancock County, Indiana Zoning**

**Ordinance.** The Plan Committee gave an unfavorable recommendation to rezoning from Commercial Neighborhood (CN) to Commercial Community (CC) for property located at the Southwest and Southeast corner of U.S. 52 and CR 600 W. and owned by Elksheart Realty LLC/Plaza Utilities LLC. The property is 8.49 acres and the rezoning is only necessary on 1.7 acres. The public spoke beginning with Greg Spivey stating he is not opposed to the gas station but is opposed to all 8.49 acres being rezoned. He is concerned what may be built on the remainder of the acreage. Mr. Hoover stated he has no problem with the gas station but has a problem with the owner's history. The property is large enough for entrance permits. Commissioner Stevens moved to table this until they can revise the zoning map. The motion died for lack of a second. Commissioner Armstrong introduced Ordinance 2013-8B Amending Zoning with auxiliary exhibit A which restricts the rezoning to approximately 1.7 acre as specified with the existing commitments as stated. Commissioner Armstrong moved to adopt Ordinance 2013-8B. Commissioner Stevens seconded the motion. The motion carried 3/0. (Auditor's Note-See more action taken on this Ordinance later in these minutes.)

**Electronic Variable Message Sign** – Commissioner Stevens had requested a time tied to a speed chart not a generalized report. Commissioner Towle stated he would like the Ordinance kept as it is. University Loft representatives state they will acquire their report and present it to the Commissioners. Commissioner Armstrong moved to recommend the Plan Commission to study the effects of changeable copy signs and the refresh rates as compared to speed limits on interstate corridors through Hancock County for speed limit in excess of 55 mph. Commissioner Stevens seconded the motion. The motion carried 2/1. Commissioner Towle opposed.

### **In The Matter of Hancock County Senior Services**

**Resolution 2013-8-1** - Linda Hart appeared before the Commissioners for approval of the 2014 Grant Pass-through of which there is a County contribution of a 50% match. Commissioner Stevens moved to accept the pass through grant agreement for transportation services as presented. Commissioner Armstrong seconded the motion. The motion carried 3/0.

### **In The Matter of Hancock County Surveyor**

**GIS** – Data was requested by Yates Engineering which contracts for Ninestar. They would like the building outlines. County Attorney Ray Richardson states that per Ordinance, they cannot receive them unless they can show how this will be a benefit to taxpayers.

**Beacon** – Citizens requesting to be removed from Beacon. The Commissioners stated that unless it is court ordered or requested by the Sheriff's Department. They need to direct requests to the Sheriff's Department.

### **In The Matter of County Surveyor**

**Credit Application** – Susan Bodkin appeared before the Commissioners to request approval for a credit application with Rinker for reinforced concrete pipe. Commissioner Stevens moved to execute the credit application with Rinker. Commissioner Armstrong seconded the motion. The motion carried 3/0.

**Maintenance Bond** – with Harvey Construction Co. for Woodhaven, Section 2 for storm sewers in the amount of \$21,506.00.

**Cash Bond** – with Platinum Property for Emerald Springs, Section 4A for monuments in the amount of \$6,250.00.

Commissioner Stevens moved to accept the two bonds read into record. Commissioner Armstrong seconded the motion. The motion carried 3/0.

### **In The Matter of Bullock Land swap**

**Bullock Land swap** – Duane Bullock has requested the agreement between him and the County be recorded as he is concerned that something could change and the road may never be built and he could lose access. The Commissioners state they intend to build the road and they would like for Attorney Richardson to speak with Mr. Bullock.

### **In The Matter of Woodhaven Plat**

**Plat** – Woodhaven Section 2 plat presented by Mark Bridwell with Fisher Homes, requested the Commissioners approval and signatures on the presented plat. Commissioner Stevens moved to accept the secondary Plat for Woodhaven Section 2. Commissioner Armstrong seconded the motion. The motion carried 3/0.

### **In The Matter of Riley Festival & Christmas Parade**

**Riley Festival**-Tom Billings appeared before the Commissioners for the annual request to use the Courthouse lawn and water at the Riley Festival on October 3<sup>rd</sup> through October 6<sup>th</sup> and use the Courthouse Annex first floor hallways and Commissioner’s Court on October 2<sup>nd</sup> through October 6<sup>th</sup>.

**Christmas Parade**-Tom Billings also appeared before the Commissioners to request use of the Courthouse lawn on December 6<sup>th</sup> and to place an inflatable Santa on the northwest corner on the same date.

Commissioner Stevens moved approval of using the Courthouse lawn and the water for Riley Festival on October 3<sup>rd</sup> through October 6<sup>th</sup> and the Annex on October 2<sup>nd</sup> through October 6<sup>th</sup> and the Courthouse with the inflatable Santa on the northwest corner on December 6<sup>th</sup> for the Christmas Parade. Commissioner Armstrong seconded the motion. The motion carried 3/0.

### **In The Matter of United Way**

**2013 Campaign** – Paula Jarrett and Bobbie Dunn appeared before the Commissioners to make a presentation for the 2013 fundraising campaign. They would like County Employees to participate by donating through payroll. The Commissioners feel the employees have the opportunity on their own to contribute.

### **In The Matter of Zoning Ordinance**

**Ordinance 2013-8A** – Mike Dale consulted Attorney Ray Richardson about State law and it states you cannot amend a rezoning proposal certified by the Plan Commission. The Commissioners are presented with two options, either approve or reject the ordinance. The Ordinance can be amended in terms of making it more restrictive not less restrictive. The ordinance would have to go back to the Plan Commission for less restrictive. Commissioner Stevens moved to rescind the adoption of Ordinance 2013-8A. Commissioner Armstrong seconded the motion. The motion carried 3/0.

Commissioner Stevens moved to reject the current proposal. Commissioner Towle seconded the motion to reject and would like to see it looked at in August for only the 1.7 acre. Commissioner Towle takes back seconding the motion. The motion dies for lack of a second. Commissioner Armstrong introduced to adopt 2013-8A with commitment and summary that states the entire property is rezoned to CC but only 1.47 acre can be developed at CC and any other change of use of building permit on the remaining portion of property will not be allowed until the time that the rest of the property is rezoned back to CN.

Commissioner Armstrong moved to adopt 2013-8B. Commissioner Towle seconded the motion. The motion carried 2/1. Commissioner Stevens opposes due to the fact he felt they should start the process from the beginning again.

### **In The Matter of Precincts**

**Precincts**–Robin Spille appeared before the Commissioners to review the new precincts. The boundaries are not changing only names are changing. All precincts have been changed to be within the required 1200 voters' per precinct. There are now 47 precincts and three non voting precincts. Commissioner Stevens moved approval of the order establishing precincts. Commissioner Armstrong seconded the motion. The motion carried 3/0.

### **In The Matter of Bullock Land Swap**

**Land Swap**–Commissioner Stevens moved to execute the deed to Duane B. and Helen Bullock and receive a deed from them as part of a land swap with Hancock County under terms of I.C. 36-1-11-7 wherein the properties of both parties were appraised by two appraisers and a public hearing was held and the Bullock's have paid the \$50.00 difference between the appraisals to Hancock County the receipt of which is hereby acknowledged. Commissioner Armstrong seconded the motion. The motion carried 3/0.

**In The Matter of The Health Department Trailer**

**Trailer**–Elliott’s Trailers was recommended. Commissioner Stevens moved to accept the quote from Elliott’s Trailers for an amount not to exceed \$2,575.00 to be paid for by the Health Department Grant. Commissioner Armstrong seconded the motion. The motion carried 3/0.

**In The Matter of The Commissioner’s Action Items**

**County Extension** – Commissioner Stevens moved approval of County Extension Amendment #3 M.O.U. agreement with Purdue. Commissioner Armstrong seconded the motion. The motion carried 3/0.

**Ordinance 2013-7C** – Commissioner Stevens moved adoption of Ordinance 2013-7C Limiting Part Time Hours. Commissioner Armstrong seconded the motion. The motion carried 3/0.

**Paving at County Extension** – Commissioner Stevens moved to accept the quote from A.S.A.P. Seal Coating Specialist for seal coating and striping of the parking lot at Purdue Extension subject to his initialing the additional work which includes striping in an amount not to exceed \$3,850.00. Commissioner Armstrong seconded the motion. The motion carried 3/0.

**Hancock County Arts Council** – has requested being able to use a vacant office in the Memorial Building. They are a non-profit and will use the office as is. Commissioner Towle moved approval of the use of the space in the building, “as is” with no expectation of improvements and eviction can be with a sixty day notice. Commissioner Stevens seconded the motion. The motion carried 3/0.

The Hancock County Board of Commissioners meeting adjourned at 11:46 a.m.

Hancock County Commissioners

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Commissioner Derek Towle, President

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Commissioner Brad Armstrong, Vice President

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Commissioner Tom Steven

Attest: \_\_\_\_\_  
Robin D. Lowder, Hancock Co Auditor