

**Hancock County Board of Commissioners Minutes**

**February 15, 2011**

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

Attorney Ray Richardson arrived at 8:30 am.

The recording began at 8:06 am.

**In The Matter of** )

**Hancock County Highway** )

**Bridge 110** – Engineer Joe Copeland reported to the Commissioners the proposed offer for Right of Way for property owners affected by the project for bridge 110. The total to purchase four properties is \$12,666.54. Commissioner Stevens made a motion to allow the Highway Department to proceed with the purchase of four properties for Bridge 110 as proposed by Engineer Joe Copeland, also to include money to remove fence. Commissioner Towle seconded the motion. The motion carried 3-0.

**Bridge Inspection** – Joe Copeland informed the Commissioners that United Consulting re-evaluated the prestressed box beams and added four additional bridges to have load limits. They are Bridges 60, 97, 76 and 62. The schools have been notified and it has been posted on E.O.C. for emergency vehicles. United Consulting suggested tightening the transverse tie rods running through the beams. However, this will only remove the load limit from two of the bridges, the other two are beyond repair and replacement was recommended. Mr. Copeland requested approval to start design to replace bridge 62. The Commissioners requested Mr. Copeland discuss this with the County Council. Commissioner Stevens made a motion to allow Joe Copeland to pursue a contract with United Consulting to design a replacement for bridge #62. Commissioner Towle seconded the motion. The motion carried 3-0.

**Snow/Ice Removal** – Joe Copeland appeared before the Commissioners to discuss where the Highway Department stands on funds for snow/ice removal. The cost for December 2010 was \$70,327.91 and this will apply to the 2011 budget. The total cost as of January 31, 2011 applied to the 2011 budget is \$96,301.36. The allotted budget for 2011 is \$180,000.00. Mr. Copeland is requesting an additional \$150,000.00 from the County Council. Mr. Copeland is requesting approval from the Commissioners to purchase 75,000 gallons of calcium at a cost of \$30,000.00. Commissioner Towle made a motion to approve the purchase of additional calcium for an amount not to exceed \$30,000.00. Commissioner Stevens seconded the motion. The motion carried 3-0.

**Snow Plows** – Joe Copeland presented to the Commissioner's three quotes for the purchase of four plows. Mr. Copeland recommends Palmer Power and Truck Equipment who gave the lowest quote at \$23,841.00 total for four plows. Commissioner Towle made a motion to allow the purchase from Palmer Power and Trucking Equipment, for four Henderson Reversible Snow Plows in an amount not to exceed \$23,841.00. Commissioner Stevens seconded the motion. The motion carried 3-0.

**MPO** – Joe Copeland presented the 2011 invoice from the MPO for Hancock County's share in the amount of \$7,050.00. The amount is based on 1.34% of the total operating budget of the MPO. Commissioner Towle made a motion for payment of the invoice for the 2011 MPO contract in an amount not to exceed \$7,050.00. Commissioner Stevens seconded the motion. The motion carried 3-0.

**Fortville Pike & 300 N** – Joe Copeland recommended DLZ for construction inspection and requested approval to proceed with negotiation for agreement with DLZ. Commissioner Towle moved to allow negotiation for construction inspection agreement with DLZ on Fortville Pike and 300 N. Commissioner Stevens seconded the motion. The motion carried 3-0.

**Bond Release** – Joe Copeland requested release of a Performance Bond to Woods Bay Development Co., LLC in the amount of \$14,443.00. The original bond was in the amount of \$47,000.00 with \$12,482.00 released to developer and our cost to Milestone for asphalt surface of \$11,075.00 leaving \$14,443.00. Commissioner Towle made a motion to release the performance bond in the amount of \$14,443.00 to Woods Bay Development Co., Inc. Commissioner Stevens seconded the motion. The motion carried 3-0.

**Change Order** – Joe Copeland presented change order #8 for the project on 600E. The change order is for \$0.00, it addresses a change for lineal feet to square feet only. Commissioner Stevens made a motion to approve change order #8 on 600 E for Contract #R29648. Commissioner Towle seconded the motion. The motion carried 3-0.

**Pickup Truck** – Joe Copeland presented four quotes to the Commissioners for the purchase of a pickup truck with a trade in of \$9,300.00. Mr. Copeland recommends the low quote from Dellen for purchase of a 2011 Ram 1500 4WD Quad Cab in the amount of \$16,469.00. Commissioner Towle moves to approve the County Highway's purchase of a Dodge ½ ton Ram 1500 at Dellen for the low quote of \$16,469.00 with the trade in. Commissioner Stevens seconded the motion. The motion carries 3-0.

**Workers Compensation** – Joe Copeland wanted to confirm with the Commissioner's that an employee on Workers Compensation for the first seven days needs to use his own sick time. The Commissioners agree with Mr. Copeland.

**In The Matter of** )

**Hancock County Health Department)**

**Status of Health Department** – Doctor Ray Haas appeared before the Commissioners to discuss the current status of his department. Doctor Haas expects 2011 to be much the same as 2010. The Commissioner's request Doctor Haas to make a quarterly appearance to keep the Commissioners updated on the Health Department. The Commissioner's also requested they be made aware of complaints and what is being done about them.

**In The Matter of** )

**Community Corrections** )

**Grants** – Pat Powers of Community Corrections appeared before the Commissioners to request approval to apply for 2011-2013 grant money. Commissioner Stevens made a motion to approve execution of the Letter to the Indiana Department of Corrections for 2011-2013 grant money. Commissioner Towle seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Inter-local Agreement** )

**Greenfield Central Community School Corporation** – Attorney Dan Strahl presented an Inter-local agreement between Hancock County and Greenfield Central Community School Corporation for the purpose of allowing the Sheriff’s Department to enforce traffic safety laws on behalf of Greenfield Central Community School Corporation. Discussion on the Inter-local Agreement will be taken under advisement by Prosecutor Michael Griffin, the Commissioners tabled the inter-local agreement.

**In The Matter of** )

**Planning Commission** )

**Ordinance No. 2011-2D** – Mike Dale, Planning Department Director, appeared before the Commissioners for approval of Ordinance No. 2011-2D, an Ordinance Amending the Hancock County, Indiana Zoning Ordinance, An Ordinance to Amend Title XV, Chapter 156, of the Hancock County Code. TDM Management requested rezoning for construction of a Senior Living Center and Memory Care Center. The rezoning would be from R1.0 (Residential) to PUD (Planned Unit Development). The Planning Commission gave a favorable recommendation subject to certain conditions. Commissioner Stevens moved for approval of Ordinance No. 2011-2D, an Ordinance Amending the Hancock County, Indiana Zoning Ordinance, An Ordinance to Amend Title XV, Chapter 156, of the Hancock County Code pending conditions as set out in the proposal. Commissioner Towle seconded the motion. The motion carried 3-0.

**Ordinance No. 2011-2E** - Mike Dale, Planning Department Director, appeared before the Commissioners for approval of Ordinance No. 2011-2E, An Ordinance Amending the Hancock County, Indiana Zoning Ordinance, An Ordinance To Amend Title XV, Chapter 156, of the Hancock County Code. Shelby South Farm LLC requested rezoning from CC (Commercial Community) & R1.0 (Residential) to IBP (Industrial Business Park). The Planning Commission gave a unanimous favorable recommendation subject to commitments conditions. Mr. Gibson of the Greenwalt Corp discussed the planned project with the Commissioners. Commissioner Stevens moved to approve Ordinance No. 2011-2E, An Ordinance Amending the Hancock County, Indiana Zoning Ordinance, An Ordinance To Amend Title XV, Chapter 156, of the Hancock County Code subject to Zoning commitments. Commissioner Towle seconded the motion. The motion carried 3-0.

**Ordinance No. 2011-2F** - Mike Dale, Planning Department Director, appeared before the Commissioners for approval of Ordinance No. 2011-2F, An Ordinance Amending The Hancock County, Indiana Zoning Ordinance, An Ordinance to Amend Title XV, Chapter 156, of The Hancock County Code. 300 South Land Owners are requesting the zoning be changed from R2.5 (Residential) to R1.0 (Residential). The land owners would like to have horses on their property. There was a public hearing with no opposition. Jerry Hurst spoke on behalf of all the owners. The Planning Commission gave a unanimous favorable recommendation. Commissioner Stevens moved to approve Ordinance No. 2011-2F, An Ordinance Amending The Hancock County, Indiana Zoning Ordinance, An Ordinance to Amend Title XV, Chapter 156, of The Hancock County Code. Commissioner Towle seconded the motion. The motion carried 3-0.

**East Washington Real Estate, LLC** – Requested two changes to the commitments.

1. Request to revise the signage commitment. The planning Commission gave a favorable recommendation for placement of an additional sign and allowing one change every five minutes on the sign. Commissioner Towle made a motion to allow the amendment to the sign commitment allowing one change every five minutes on the sign. Commissioner Stevens seconded the motion. The motion carried 3-0.
2. Request to revise the Trail commitment. The Commitment requires a trail along 300N and 400W. The Commissioner's agree the trail on 400W should be vacated. The Commissioner's want the trail on 300N to remain in the Commitment. The Planning Commission gave this an unfavorable recommendation. Commissioner Towle moved to allow the amendment to the commitment to vacated the required trail on 400W and retain the required trail on 300N. Commissioner Stevens seconded the motion. The motion carried 3-0.

Attorney Ray Richardson will revise the amendments as the Commissioners have requested.

**Ordinance No. 2011-2G - Mike Dale**, Planning Department Director, appeared before the Commissioners for approval of Ordinance No. 2011-2G, An Ordinance Amending the Hancock County, Indiana Zoning Ordinance, An Ordinance To Amend Title XV, Chapter 156, of The Hancock County Code. The Ordinance will amend zoning from Commercial Community (CC) and Commercial Neighborhood (CN) to Residential (R1.0). Three land owners requested to stay at Commercial zoning. The Planning Commission gave a unanimous favorable recommendation. Commissioner Stevens made a motion to approve Ordinance No. 2011-2G amending the zoning in the Town of Maxwell. Commissioner Towle seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Sheriff's Department** )

**Combined Public Communications** – Sheriff Mike Shepherd appeared before the Commissioners for approval of a contract with Combined Public Communications for 2011. This will cover the inmate telecommunications system. Commissioner Towle made a motion to approve the agreement entering into a contract with Combined Public Communications for 2011 as per contract. Commissioner Stevens seconded the motion. The motion carried 3-0.

**Snow/Ice Days** – Sheriff Mike Shepherd appeared before the Commissioners to request clarification to the snow/ice days where the Courthouse and Courthouse Annex were closed. It was decided by the Commissioners that since the Sheriff's Office was open, anyone who did not make it into work will need to take a personal day or vacation day.

**Employee Assistance Program** – Major Brad Burkhart appeared before the Commissioners to present an Employee Assistance Program for County employees. Commissioner Armstrong stated that there is already a provision for similar assistance in the County's current insurance. Major Burkhart was asked to compare both programs and present that information to the Commissioners.

**In The Matter of** )

**Pavement Preservation** )

**RejuvTech** – Brock Brown from RejuvTech made a presentation to the Commissioners on the pavement preservation product they offer. The Commissioners stated they will discuss the product with Joe Copeland.

**In The Matter of** )

**NASA** )

**Grants** – Kevin Minnick reported to the Commissioners that the submitted 2011 grants will reopen for two weeks for the treatment intervention programs only.

**In The Matter of** )

**Hancock County Prosecutor** )

**Ordinance No. 2005-4A** – County Prosecutor Michael Griffin appeared before the Commissioners to request an amendment to County code 130.06. This will give the Judges the right to carry weapons into County owned or leased structures. Commissioner Stevens requested that Commissioners be included on the list of officials allowed to carry weapons. The Commissioners agreed with Mr. Griffin and instructed Attorney Ray Richardson to write an ordinance, per their list of officials.

**In The Matter of** )

**Hancock County Surveyor** )

**Pictometry** – Susan Bodkins, Surveyor and Mary Noe, Assessor appeared before the Commissioners for approval to finalize the contract with Pictometry International Corp. The contract is for the year 2011 at a total cost of \$79,564.38. Also, this will require an interlocal agreement with Greenfield, Cumberland, Cumberland Water, Cumberland Sanitary and New Palestine for effects of the images.

Commissioner Towle made a motion to enter into the interlocal agreement with Greenfield, Cumberland, Cumberland Water, Cumberland Sanitary and New Palestine for Pictometry images. Commissioner Stevens seconded the motion. The motion carried 3-0.

Commissioner Towle made a motion to enter into the agreement with Pictometry International Corp. for 2011 not to exceed \$79,654.38. Commissioner Stevens seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Eastern Hancock School** )

**Permit Fee** – Eastern Hancock Community School Corporation is constructing a batting cage and required to obtain a permit at the cost of \$105.00. The Commissioners agree the school should not be charged for the permit. Commissioner Towle made a motion to wave the permit cost of \$105.00 for Eastern Hancock’s construction of a batting cage. Commissioner Stevens seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Commissioner’s Minutes** )

**January 18, 2011 minutes** – Commissioner Towle made a motion to approve the minutes from the January 18, 2011 meeting. Commissioner Stevens seconded the motion. The motion carried 3-0.

**Claims** – Commissioner Armstrong, Commissioner Towle and Commissioner Stevens signed claims as presented to them.

**In The Matter of** )

**Hancock County Clerk** )

**Shredding** – Marcia Moore, Clerk requested assistance from the Commissioners for the cost of shredding 2006 documents that were stored in the attic at the Courthouse. Commissioner Towle made a motion to contribute \$300.00 for shredding for the Clerk’s Office. Commissioner Stevens seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Snow Emergency Procedures** )

**Ordinance No. 2011-2H** – Commissioner Towle introduced Ordinance No. 2011-2H, An Ordinance Amending The Snow Emergency Procedures.

Commissioner Stevens made a motion to suspend the rule and allow the same day voting on Ordinance No. 2011-2H. Commissioner Towle seconded the motion. The motion carried 3-0.

Commissioner Towle made a motion to pass Ordinance No. 2011-2H, An Ordinance Amending The Snow Emergency Procedures. Commissioner Stevens seconded the motion. The motion carried 3-0.

**In The Matter of** )

**CGS** )

**Contract** – The County currently has a contract with CGS for solid waste removal and would like to continue with that contract by taking no action. Commissioner Stevens moved to continue service with CGS by taking no action. Commissioner Towle seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Old American Legion Building)**

**Demolition** – Test results came back showing that the sample material from the old American Legion building contained no asbestos fibers. The next step is to acquire bids on the work. Commissioner Stevens will work with Joe Copeland on the proposals.

**In The Matter of** )

**Liability Insurance** )

**Renewal** – The liability Insurance for the County needs to be renewed. Doug Walker, our Insurance agent from Walker & Associates Insurance, will attend our next Commissioners' Meeting for February 22, 2011.

**In The Matter of** )

**Courthouse & Annex Closure)**

**Discussion on closure** – Commissioner Stevens expressed his concerns over the closing of the County Courthouse and the Courthouse Annex on February 1<sup>st</sup> and 2<sup>nd</sup> due to weather. Commissioner Stevens stated that since there was not a level red snow emergency and all three of the Commissioners had not discussed and agreed on the closure it was not valid and the employees should be required to take a personal day or vacation day to be paid for the days not worked. Commissioner Stevens stated that the President of the Commissioners had no authority to act on his own in this situation. Commissioner Towle stated there was not an agreement between the three Commissioners to close the Offices. Commissioner Armstrong, whom made the decision to close the offices, stated he saw it to be in the best interest of the County due to the dangerous condition of the parking lots and entrances to the buildings. Attorney Ray Richardson expressed to the Commissioners that if the Offices are closed and the employees are unable to work, they must be paid. Commissioner Towle made a motion based upon the advice of legal counsel regarding the closure of the County Offices; the employees are entitled to be paid since the Office's they work in were closed, they will be paid.

Commissioner Armstrong seconded the motion. The motion carried 2-1. Commissioner Stevens voted nay.

**In The Matter of** )

**Abandoned House** )

**Complaint** - Commissioner Stevens stated he received a complaint about an abandoned house on 700 N between 1200E and 1300E. The house has broken windows and open doors. The Commissioners agree that the neighbors of the abandoned home need to start by filing a complaint with the building inspector. The funding to demolish abandoned homes is for economic areas rather than rural areas.

**In The Matter of** )

**E911** )

**Contract** – The telecommunications contract for the E911 center terminates August 2011. The Commissioners agree to begin the process of getting quotes and requesting the parties to make presentations to for Commissioners. Attorney Ray Richardson informs the Commissioners they are not required to do bids. The Commissioners requested Auditor Robin Lowder contact AT&T and NineStar Connect (formerly Hancock Telecom) to initiate the process.

**In The Matter of** )

**Disclosure Filings** )

**Service** – Auditor Robin Lowder presented a contract to the Commissioners from Financial Solutions Group, Inc. for providing annual financial information pursuant to disclosure agreements required under the bond issues previously sold by the County. Commissioner Stevens made a motion to approve the contract with Financial Solutions Group, Inc. represented by Greg Guerrettaz for the Bond reporting of Hancock County in an amount not to exceed \$2,000.00 per year. Commissioner Towle seconded the motion. The motion carried 3-0.

**In The Matter of** )

**Visitors Bureau** )

**Concerns** – Some complaints have been received by the Commissioners about the members of the Tourism Commission and the Director of the Visitor’s Bureau, David Scott. Commissioner Towle has spoken with some members of the board and ex-board members. Commissioner Towle will continue contacting the remaining members. The Commissioners would like Dave Scott to appear before them to discuss the standing of the Office.

The meeting and recording stopped at 1:17pm.

Hancock County Commissioners

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Commissioner Brad Armstrong, President

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Commissioner Derek Towle, Vice President

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Commissioner Tom Stevens

Attest: \_\_\_\_\_

Robin D. Lowder,  
Hancock County Auditor