

Hancock County Board of Commissioners
Regularly Scheduled Meeting
March 2, 2021

Commissioners met for a regular session. Those present were Board of Commissioners President John Jessup, Commissioner Vice President Marc Huber, Commissioner Bill Spalding, County Attorney Scott Benkie and Auditor Debra Carnes. Commissioner Jessup called to order the March 2, 2021 Hancock County Commissioners Board meeting at 8:00 AM.

Highway Updates

- Gary Pool (Highway Engineer) requested Commissioner signatures for three items.
- Commissioner Huber made a motion to approve the consulting contract with United Consulting for the Stinemyer road extension DES #1902783 in the amount of \$287,250. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to approve the consulting contract with A & F Engineering LLC for ROW acquisition for 600 W, from CR 400 N & 550 N, DES #1702756 in the amount of \$311,000. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to accept the bid from American Pavements, Inc. for crack sealing at \$.72 per linear foot. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Discussed E-Sign documents and requested signatures for 3 documents (1802940, 1702756 & 1702793).
- House Bill 1527 still requires county commissioner approval for municipal utility work in county.
- Discussed Memorial building options and risks. Option 1 is planning and Option 2 is straight to construction. Option 2 would be completed quickly, but there could potentially be \$61,600 contingency.
- McCordsville was piggy backing 3 MTP, but dropped my applications at McCordsville's request.
- Starting to go through salt. Salt is 100% ordered. 2,000 tons used so far, 800 tons on ground. Lots of snow (with 20 mph wind maybe had night guys out too long. Last crew left 330 AM. Morning guys in at 4 AM. Three stuck trucks between 12-4). Sheriff and HW got a lot of exercise pushing cars. Commissioner Huber said everyone overall did a great job.
- Signal maintenance signed contract for \$400 a year.
- Ninestar line not where it was located (on 300 N). Line currently is encased for the moment, due to stream collapse.
- Highway picked up trail signs and they should be placed when weather permits.
- Senate Bill 208 is dead in committee. The bill took away requirement for dedication of ROW if developer had negative impact on roadway.
- Received \$8.6M for two bridges and 300 N segment to the west of the RAB over the next five years. Due to accidents, 700 W may be getting a RAB.

Hospital Board Reappointment

- Sara Joyner, Vice-Chairperson from the Hospital Board requested reappointment of Dean Felker, MD and appointment of new board member Maria Bond.
- Commissioner Huber made a motion to appoint Dean Felker, MD and Maria Bond to the Hospital Board of Trustees with a term ending June 30th, 2025. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Dedicate ROW Nigh Family Minor Subdivision

Commissioner Huber made a motion to accept the dedicated 35' half ROW for the Nigh Family Minor Subdivision. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Circuit Court Replacement Employee

Commissioner Huber made a motion to approve Judge Sirk to hire a replacement employee. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Claims & Payroll

Commissioner Huber made a motion to approve claims and payroll. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Commissioner Minutes

Commissioner Huber made a motion to approve the Commissioner minutes for February 2, 2021 as presented. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Ratify Approval Claims & Payroll February 16, 2021

Commissioner Huber made a motion to approve claims and payroll for February 16, 2021 due to closing of County Offices. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Greenfield Public Library Annual Report

- Dave Gray, Director of Hancock County Public Library presented Commissioners with the 2020 Annual Report and reviewed it with them.
- Commissioner Huber made a motion to reappoint Zach Schroer to the Hancock County Public Library Board for a term ending December 31, 2024. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

RQAW Update on New Jail

- Dustin Frye, Director of Construction Services for RQAW reported the jail is progressing on schedule.

Purdue Extension Update

- Cheryl Jones (Purdue Health & Human Sciences Educator) introduced Lais McCartney (Agriculture & Natural Resources Educator) and Amber Barks (4-H Youth Development Educator) and discussed areas of expertise for each person. Commissioners were updated on the Purdue Extension office and projects they are working on in Hancock County.
- Commissioners thanked the Purdue Extension Officer for all of their work in Hancock County.

Tourism Update

- Amanda Everidge (President Tourism Board) updated Commissioners on tourism. Bridgette Jones (Director of Tourism) presented Commissioners with brochures and a booklet of information on 2020.
- Commissioners thanked Amanda for the tourism update.

Pennsy Trail Art Fair & Music Festival

- Kim Hall (Director of Mental Health Partners) requested use of the Courthouse yard and fountain for the Pennsy Trail Art Fair and Music Festival.
- Commissioner Huber made a motion to allow use of Courthouse lawn and Annex fountains for the Pennsy Trail Art Fair and Music Festival the evening of July 30th and all day July 31st as needed. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

E911 Update

- John Jokantas (Director of E911) discussed open appointments for the EOC Policy Board (32.18) and the EOC Management Board (32.19). John would like to eliminate the EOC Policy Board and continue the EOC Management Board. Scott Benkie, County Attorney said an Ordinance will be required and asked E911 to send again to the County Attorney. Commissioner Jessup asked the County Attorney and the Director of E911 to discuss and prepare a plan.
- John discussed the fire in Shirley and the problem with battery supplies. Batteries usually last 11 hours, but the batteries purchased 5½ years ago only lasted 3-4 hours. Batteries cost \$110 a piece. John would like to purchase 40-50 new batteries for Shirley, Wilkinson, Charlottesville and Green Township (just the volunteer fire departments) from the E911 Cumulative Capital Fund. Currently John can get a 10% off new batteries.
- Commissioner Huber made a motion to allow John Jokantas to purchase up to 50 radio batteries for the Volunteer Fire Departments to be paid out of E911 Cumulative Capital Fund at a cost of \$110 each, not to exceed \$5,500. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Sheriff's Update

- Commissioner Huber made a motion to ratify permission of Deputy Aaron Forshey and Deputy Dillen Sexton to attend the street smart cop/pro-active patrol tactics in Elanger, Kentucky on 3-1-21, due to February 16th meeting being cancelled. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to approve out of state travel for Sergeant Jacob Lewis to attend TAPS rifle pistol combo training in Carthage, North Carolina. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

FSG Proposals

- Commissioner Huber made a motion to ratify the approval of the FSG proposals for financial consulting/sustainability, general TIF consulting, TIF annual report/TIF neutralization and professional services, due to February 16th meeting being cancelled. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber suggested putting financial consulting out for bid next year. He would like to get at least two bids for this service. Commissioner Jessup said to make sure we are doing our due diligence and getting two quotes. Commissioner Huber would like to be sure and get the best deal for the taxpayer. **Commissioners agreed 3-0.**

Public Hearing Re-establishing Cumulative Funds

- Mary Bowmer (Financial Administrator) explained she was present to re-establish the Cumulative Bridge and Capital Fund.
- Commissioner Jessup opened the public hearing at 10:04 AM for re-establishment of Cumulative Funds. Commissioner Jessup asked if anyone would like to speak in favor or

against the establishment of said rates; no comments. Commissioner Jessup closed the public hearing at 10:04 AM.

- Commissioner Huber introduced Ordinance 2021-3A Re-establishing Cumulative Bridge Fund at the rate of \$.05 for 2021 payable in 2022.
- Commissioner Huber made a motion to suspend the rules and allow for adoption on day of introduction of Ordinance 2021-3A. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to adopt Ordinance 2021-3A. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber introduced Ordinance 2021-3B Re-establishing Cumulative Capital Fund at a rate of \$.0333 for 2021 payable in 2022.
- Commissioner Huber made a motion to suspend the rules and allow for adoption on day of introduction of Ordinance 2021-3B. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to adopt Ordinance 2021-3B. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Community Corrections

- Wade Kennedy (Director of Community Corrections) discussed questions with vehicles that are not in use. Commissioner Jessup suggested holding on to vehicles until they were ready to lease and then could trade them in to offset cost of new lease vehicles.
- Sheriff Burkhardt said the Prosecutor is in need of a vehicle due to his being repaired. The Sheriff has provided the Prosecutor with an old unmarked police car for his investigators. Commissioners asked Wade to reach out to the Prosecutor to see if the vehicle meets his needs.

GDI Rezone

- Briane House (Attorney for GDI) requested a rezone IG to IL at 6556 W 400 N.
- Commissioner Huber introduced Ordinance 2021-3C changing the zoning at 6556 W 400 N from IG (industrial general) to IL (industrial light).
- Commissioner Huber made a motion to adopt Ordinance 2021-3C. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Probation Contracts

- Josh Sipes (Chief Probation Officer) discussed his retiring employee and training the replacement employee. He would like the retiring employee to train the new employee. The preferred candidate has 20 years experience working in the Sheriff's department and Community Corrections. If she starts with Probation, she will not have any paid time off. Josh requested Commissioners consider her previous work history and consider her 20 years with Hancock County without jeopardizing policy.
- Commissioner Huber made a motion to allow Probation's new hire to start March 29, 2021 with 11 service years and will begin accruing sick time according to the hire date (basically starting with 15 vacation days on the hire date). Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Josh requested to put signage at the courthouse for Child Abuse Awareness and Prevention for the month of April.
- Commissioner Huber made a motion to allow the use of the courthouse lawn for the month of April to help promote Child Abuse Awareness and Prevention. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

John Kindred Rezone

- Mike Dale (Director of Planning Department) said the Area Planning Commission gave a unanimous favorable recommendation to rezone the Kindred property. Harold Gibson (H Gibson Land Surveying), the surveyor was present for questions.
- Commissioner Huber introduced Ordinance 2021-3D the Kindred rezone at 3862 W US 52 changing from Residential (R1.0) to Commercial Regional (CR) with agreed to commitments.
- Commissioner Huber made a motion to adopt Ordinance 2021-3D. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Zion Estates Amendment to Zoning Commitments

- Harold Gibson (H Gibson Land Surveying), the surveyor requested to amend the zoning commitments for this development. Harold requested to remove zoning commitment #6 All homes shall be on sanitary sewer and municipal water; and #8 All homes shall have an attached 2 or 3 car garage containing a minimum of 600 square feet; and add All homes shall have an attached 2 or 3 car garage or larger, if approved by the developer.
- Commissioner Huber made a motion to drop the zoning commitment for Zion Estates, basically allowing the homes to be on well and septic and all homes shall have an attached 2 or 3 car garage or larger, if approved by the developer. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Hancock Gateway Park PUD Amendment

- Mike Dale (Director of Planning Department) said the Area Planning Commission gave a unanimous favorable recommendation to amend the Hancock Gateway Park PUD. Dave Hahn (Operations Manager for Hancock Regional Hospital) was present for the PUD amendment request.
- Commissioner Huber abstained from the vote due to ownership of the auction company using the building in the PUD amendment. Commissioner Jessup introduced Ordinance 2021-3E an ordinance repealing and replacing Hancock County zoning Ordinance 2019-6F.
- Commissioner Jessup made a motion to adopt Ordinance 2021-3E. Commissioner Spalding seconded the motion. **Motion carried 2-0.** Commissioner Huber abstained from the vote.

Penny Trail

- Mary Ann Wietbrock (President Penny Trail) and Amy Matthews (Penny Trail Board Member) updated Commissioners on the quickly evolving Penny Trails.
- Commissioners discussed a portable caution sign stating, "Trail Closed Due to Field Spraying". Commissioners would like highway department to receive 24 hour notice from the farmers for spraying fields.
- Commissioner Spalding acknowledged the Penny Trail team and their good work.

Hancock County Liability Insurance

- Doug Walker (President, Walker Hughes Insurance) discussed liability insurance for Hancock County with an increase of 5.4%.
- Commissioner Huber made a motion to accept the renewal quote for the county insurance as presented. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Johnson Controls Update

- Jennifer Payne (Account Executive for Johnson Controls) introduced Russ Patrick (Construction Manager for Johnson Controls) to update the Commissioners on work being completed in county buildings.
- **Purdue Extension** mechanical installation (furnace & air conditioner) update will start March 8th and should take five days to complete. New card swipes on the doors and building weatherization was completed in December.
- The lighting contractor will meet at the Annex Monday, March 8th at 8AM to do a walk-through of all of the buildings and set a game plan.
- **Highway Department** two heaters were installed and completed February 15. Furnaces and A/C units for the offices will be completed March 5th. Building weatherization has been completed.
- **Memorial Building** equipment will be completed by the end of March. The boiler will be replaced when the weather is warmer. An asbestos inspector has been contacted for this building. The boiler room needs to be inspected before any work can be completed. There has been asbestos removal from this room, but an inspection is needed before the boiler can be removed. Steam traps are being replaced for the radiators in the building. Thermostats are being replaced in the building. The mechanical systems mini splits have been completed, they are functional and operational. The equipment can be communicated through a building automation system. Information will be given to Dean Mullins. The weatherization for the Memorial Building is complete. Russ met with contractor to repair lentils and tuckpointing on the building. The contractor would like to do more inspections in the next week or two. Lifts will be needed to repair the building and currently the ground is too soft, looking at April/May to do this work.
- **Community Corrections** completed the roof top installations. The roof top unit is running and providing heat. Weatherization is complete.
- **Courthouse** weatherization is complete. PDF will replace all control valves on HVAC.
- Debra Carnes (Auditor) requested a copy of work completed to include with invoices. Russ will provide more information to the Auditor as requested.

Hunters Chase-Shadow Creek & Buck Creek Road Concerns

- Commissioner Jessup requested all who wish to speak to sign in at the podium.
- Susan Thomas showed slides of her neighborhood and events they celebrate. Hunter Chase, Shadow Creek and Buck Creek Road are a community, not just neighborhoods. She expressed appreciation for Commissioner Jessup advocating for the residents with Red Rock. Many views from various households were shown, this is not what they envisioned for their future. They would like to preserve the integrity of these neighborhoods. Commissioners were requested to continue advocating on their behalf with the developers. She mentioned there have been many requests for walking paths at Hunters Chase and hoped they could find a balance with all the encroaching development. She thanked Commissioners for their time.
- Kristan Wulfkuhle and Rick Legner introduced themselves. Rick thanked Commissioner Jessup and Commissioner Spalding for their time and effort talking with them to help better understand the situation. He asked what protection homeowners would have after construction gets underway. Is there a barrier to protect their homes? Commissioner Jessup said there are standards in place for erosion control, the Surveyor's office and Building Department would handle erosion complaints and monitor. Kristan clarified Rick was concerned from an environmental perspective with water contamination. Commissioner Jessup said the Indiana Department of Environmental Management would have input into permits and plans. They dictate the erosion control measures that take place and are overseen

by the Surveyors office and Building Department for compliance. Rick asked about air quality and the powdery substance that could end up on their houses. Commissioner Jessup said contractors have filtration systems in place to assist with mitigating air quality and clarified the Indiana Department of Environmental Management has strict guidelines to follow. Rick asked about construction traffic and mud on the streets. The mud doesn't seem to be cleaned off. Commissioner Jessup said that goes with erosion control, which is monitored by the Surveyor. Commissioner Spalding said with the new jail project the Surveyor has done a really good job with enforcing and fined them when it wasn't done. The Surveyor's office does a really good job of taking a complaint and enforcing as needed. Kristan said we would like to get out in front of this so we don't have many complaints. Rick asked about the construction pattern. Commissioner Jessup said there will be a lot of traffic on Buck Creek Road from the South, there will be signage, but drivers get lost. Commissioner Huber said that is the intent, but truck drivers occasionally stray. Kristan asked if there were plans for any new permanent roads. Commissioner Jessup said there are currently are no plans for new roads. There are future improvement plans for existing roads, but that could change. Rick and Kristan did not want to take anymore time up but said you can email him at the address listed (he does not take phone calls). He said the only other concerns was the airport. Kristan expressed interest to be involved in a design team if it wasn't too late. Commissioner Jessup said they are well under design and he wanted to clarify the new TIF has nothing to do with rezoning or allowing this to happen. By creating the TIF area we are trying to control better for the benefit of the residents and create a mechanism for more money to go to the local schools, fire department, law enforcement and future trails that are being affected by this. The blanket rezoning was detrimental to you guys, but none of the current Commissioners were involved in that. We are in a really weird spot, you ask us to protect your land, but if we downgrade their existing zoning, then we will hurt them, this will make their land worthless. We are trying to find a balance. Kristan said the neighborhood understands the blanket rezoning predated the current Commissioners. Kristan said she was aware there was a New Comprehensive Plan and was concerned another blanket rezone would happen. Commissioner Jessup said he can guarantee there will never be another blanket rezone under the current Commissioners. Kristan requested in the New Comprehensive plan, their residential area remain yellow and she requested Commissioners to advocate for this. Commissioner Spalding said when they open that plan up, it will involve public input. You will have public notice and people will be allowed to come and express what they would like to see. It will not just be the Planning Commission; it will involve the public as well. Commissioner Huber said that is the tough part, things like that happen, there are meetings and no one shows up for input and then we come to meetings like this, we all want to work together, I think that is the intent at the Planning meetings, public comment just like this. Kristan said we are asking for the opportunity to work together with the people moving into our backyards. Kristan said they would like to see site plans prior to permits issued for those sites, if possible. Commissioner Jessup said that is not something they can require due to standards involved. But we can continue to advocate for the neighborhoods. Commissioner Huber said typically this is what is discussed in a Planning meeting. Kristan asked could they look at the site plans. Commissioner Spalding said you could request at the Planning Department. Kristan asked about the airport and the larger jets being discussed and was concerned particularly with the noise from the airport. Commissioner Jessup said he would do everything he could to keep the people asking questions informed, but I think what Commissioner Huber said is a number of boards in the County go through different steps of the processes and unfortunately it is the responsibility of the affected land owner to make sure they go to those meetings. I've tried to take more time over the last six months for you guys

and if you multiply that times 70,000 residents in the county; we have to ask people to do what you are doing, your civic duty, ask the questions and be informed. Kristan said as this develops, we intend to create a group to work in partnership with the you. She thanked the Commissioners for all that they are doing. Commissioner Spalding said please call or email with any questions. Kristan and Rick thanked the Commissioners.

- Denny Whelchel said he has lived on Buck Creek Road for 40 years and everything has changed from when he first moved there. He was not aware of the rezoning and feels he should have been made aware. When zoned IVP, my neighbor was building a pole barn and was not allowed to due to the zoning. We had to get a lawyer to go back to residential. Denny said he hoped the current Commissioners take better care of Hunters Chase and Shadow Creek than the former board members did. He said we are stuck in the middle and not sure what our future will be.
- Scott Wilgocki asked how they can be notified of changes in their area. He asked, if it's up to us to ask questions, how are we to be aware when notices are hidden behind bushes. He offered a picture to Commissioners of the notice behind a bush. Commissioner Jessup said it is not supposed to be that way, he will mention that to Planning Commission. He said Planning Commission can put you on an email list to receive their Agenda. Scott said he was on the mailing list and this was not on the Agenda. Commissioner Huber said if it was not on the Agenda, this is something we need to discuss with Planning Department about and they need to stick to their agenda.
- Ron Fleshood said the reaction today is from the action 15 years ago to the rezoning; you (the Commissioners) are stuck with it and so are we. Ron said, before he could see the Milky Way from his back yard and that is not possible now. When this happened, we realized growth was coming our way, regardless, and we were ok with it. Our vision of growth was not a big box building with lights 350 degree around it 24 hours a day. The vision for Hancock County was community attached to the elementary school and high school. The people coming into those buildings have no attachment to the community. A medium priced home in Hancock County is over \$200,000. While the average wage at most of these places is \$16 an hour around \$32,000 a year. You cannot buy a \$200,000 home on \$32,000 a year. These are not the people who will live in our community. That doesn't mean they are not welcome, but where would they live. That means they are brought in from elsewhere.
- Commissioner Jessup asked if everyone understood what was going on with the TIF Resolution; it is not a rezoning. The zoning will remain the same. It's just a redrawing of an economic development area that allows us to better fund the schools, fire department, law enforcement and future amenities. This helps hold the developers to these items.
- Katy Simpson participated by phone. She asked if there were timelines for things to start. Commissioner Jessup said you would have to watch agendas for the Planning Commission. Katy was concerned with construction around her house and notification.
- Zachary Brooksher participated by phone. He had questions with timing of construction North of Buck Creek Road. Commissioner Jessup said that property has not been purchased and there are no current plans at this time. Zach wanted to verify when it is sold, there will be communication to understand what is happening at the back of his property line. Commissioner Jessup said you have the right to attend public meetings, that will be properly advertised to see what is going on and have input. Zach asked what's the best plan to understand if and when that property is sold or purchased by a commercial entity. Commissioner Jessup instructed Zach to contact the Records office or watch real estate transfers. Commissioner Spalding said we can't determine what they would put there, but there is a listing in the industrial zoning that if it fits, they have the right to put whatever is in the zoning. Zach thanked Commissioners.

- Rick Legner wanted clarification if the buildings going in would be warehouses and what kind of buildings. Commissioner Spalding said zoning will give options for warehouses or processing plants, we can't dictate to them, if it fits the zoning and is permitted. Rick expressed concern with well water if processing plants were allowed. Commissioner Jessup suggested if an owner knows a person selling land, they could reach out to them and ask them to go to the BZA to ask for occlusions to be added to the deed that would follow the deed. Commissioner Huber said he could go to the Planning Department and request what's permitted for what zone. Rick thanked Commissioners.
- Commissioner Spalding said our intention is to continue working with you. If there is a problem about getting notified, like Commissioner Huber said we will rectify that.
- A person in the audience asked if there would be notification about the airport expansion. Commissioner Huber said if you keep up on the BZA and Planning Commission Agenda, you should see it on those Agendas.

Resolution for BOC Approving Economic Development Plan – New TIF Area

- Commissioner Jessup introduced Resolution 2021-3-1. A resolution of the Hancock County Board of Commissioners approving an order of the HC Area Plan Commission and read into the minutes the Resolution (basically approving the TIF allocation).
- Commissioner Jessup made a motion to table the Resolution to March 16th, the next Board of Commissioners meeting. Commissioners would like to see the map. Commissioner Huber seconded the motion. **Motion carried 3-0.**

BOC Resolution for Procedures & Decorum

- Commissioner Jessup asked Scott Benkie to look at the language for time limits on agenda and to make sure what's on the agenda is discussed, what's not on the agenda doesn't get discussed.

The Hancock County Board of Commissioners meeting adjourned at 1:35 PM.

Hancock County Commissioners

Commissioner John Jessup, President

Commissioner Marc Huber, Vice-President

Commissioner Bill Spalding

Attest: _____
Debra Carnes, Hancock County Auditor