

**Hancock County Board of Commissioners**  
**Regularly Scheduled Meeting**  
**July 20, 2021**

Commissioners met for a regular session. Those present were Board of Commissioners President John Jessup, Commissioner Vice President Marc Huber, Commissioner Bill Spalding, Financial Administrator Mary Bowmer and County Attorney Scott Benkie. Commissioner Jessup called to order the July 20 , 2021 Hancock County Commissioners Board meeting at 8:00 AM.

**Highway Department**

- Gary Pool (Highway Engineer) informed Commissioners the 600 W closure continues. This was mainly needed for underwater storage and schedule control because the airport did not sell the county ditch property. The detours combined with I-70, 234 and 600 W has made traffic flow difficult.
- Micro seal on 300 N will start second or third week in August and should be complete in one week. The goal is to not impact schools. This will affect Fortville Pike, 600 N and 1050 E.
- Fortville Pike has culvert work starting next week and should be completed in one week.
- Highway department is down two CDL drivers and one intern. Exploring on call engineering work.
- Moving \$1M ROW money from next year to this year in RDC and will ask for additional appropriation from Council at tomorrow's meeting. Working towards start of construction on 600 W to be prepared for RAB.
- Moving extra single axle funds to materials to cover increasing costs (\$160).
- Open and continuous organic operation covering all detours from US-234 and I-70. Debating culling chip seal operation as cover. We are functioning, but bleeding labor, equipment and material. Accident rates continue to be stable.
- Increase cost and decreased revenue putting a lot of pressure on 1173 and 1176; that and the unique split rule is making management difficult but we are adjusting and believe the planned work will be completed.
- \$1.9M appropriated (material), \$3.6 cash, \$1.9M work scheduled.
- These next two years are the big push to finish county jurisdiction 600 W.

**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 June 29, 2021 and July 6, 2021 minutes as presented. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

**Gibson Teldata Inc. Agreement**

Commissioner Huber made a motion to approve the Gibson Teldata, Inc. agreement, an annual contract billing amount of \$13,491.36 per year. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

**Release Bonds**

- Commissioner Huber made a motion to release the maintenance bond deposit for Arbor Investments LLC for Sagebrook Section 1 storm maintenance for \$102,219. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

- Commissioner Huber made a motion to release the cash bond for Adam Drotar for Rutledge 8” tile for \$2,800. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

#### **Facility Management**

- Dean Mullins (Facility Manager) updated Commissioners on county buildings.
- Sidewalk area at the courthouse will be repaired (city will cover 75%).
- Trees and stumps will be removed at the jail to view the mural. Arbor Tree Company will donate the fee to Shop With a Cop Program.
- Commissioner Huber requested written approval from the Fire Marshal to remove the old fire escape stairs at the Memorial Building. Dean said he will be receiving documentation soon.

#### **Landscaping at Shooting Range/New Jail**

Commissioner Huber made a motion to approve the quote from Nature’s Choice Landscaping to spray the area under the power lines on the old railroad bed (West of 500 East) the lines that service the new jail property in the amount of \$1,336 per spray with the first spray to be paid out of the County Farm Fund. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

#### **Johnson Controls**

- Russ Patrick (Construction Manager for Johnson Controls) updated Commissioners on work in the county buildings.
- Change orders were discussed. Russ suggested looking at local lighting companies to replace the dome lighting at the courthouse. Commissioner Jessup expressed how very displeased the Commissioners were with Johnson Controls for not replacing the difficult lighting fixtures. Russ said he was also and noted there have been discussions at Johnson Controls regarding this.

#### **Homeland Security**

Misty Moore discussed emergency plans for the Annex and Courthouse. She was going to ask for additional appropriation for office chairs but will be pursuing a grant for replacement chairs instead.

#### **RQAW Update on New Jail**

Dustin Frye, Director of Construction Services for RQAW reported the jail continues to progress on schedule. The jail may be ready mid to late December, but possibly Thanksgiving. RFQ advertised today, due August 26<sup>th</sup>, interviews are September 7<sup>th</sup> and selection is September 21<sup>st</sup>.

#### **Sheriff’s Department**

- Sheriff Burkhart requested out of state travel for a deputy.
- Commissioner Huber made a motion to approve out of state travel for Sergeant Nick Ernstes from 7/24 to 7/30 of 2021 for the 2020/2021 National Interdiction Conference in Baltimore, Maryland. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

#### **Public Hearing: Ronald Schwier Rezone (CR 400S & 100W)**

- Mike Dale (Executive Director Planning Department) returned with the Ronald Schwier request for rezone from last month after the parties had a chance to meet.
- Philip Going (Accura Express Land Surveying) passed out updated information to Commissioners. He updated Commissioners on the meeting with neighbors and discussed updated commitments.
- Auditor Carnes asked if the documents received were the same as being discussed. Director Dale said he did not have Commitments when packets were sent.

- Commissioner Jessup opened the public hearing at 9:12 AM on the Ronald Schwier request to rezone 114 acres and asked if there was anyone to speak against the rezone.
- Several surrounding landowners spoke against the rezone and informed Commissioners they continue to oppose the rezone regardless of the revised commitments.
- Commissioner Huber said for clarification with the commitments added this makes it stricter than what currently could be built as it sits; currently modular homes could be built; square footages are different. What is being offered has more commitments than they currently have in place.
- Landowners continued to speak against the rezone.
- Commissioner Jessup closed the public hearing at 9:30 AM. County Attorney Benkie noted with the change of added commitments the rezone request needs to be returned to the Planning Commission for approval citing IC 6-7-4-606. Director Dale said this will be reviewed at the August meeting.
- *Commissioner Spalding made a motion to reject the original petition and let it go back to the Planning Commission for presentation of a new amendment in accordance with IC 36-7-4-606 as stated by the County Attorney. Commissioner Huber seconded the motion. **Motion carried 3-0.** Revised per Minutes 10-5-21: Commissioner Huber made a motion to amend the meeting minutes for July 20, 2021 referencing the Public Hearing on the Schwier Rezone at CR 400 South and 100 West for the motion to reflect that the petition was not rejected but continued with the intent it be returned to the Planning Commission due to the amendment to the original petition. Commissioner Spalding seconded the motion. **Motion carried 3-0.***

#### **Town of Shirley Overlay District/Zoning Ordinance Text Amendment**

- Mike Dale (Executive Director Planning Department) explained the Town of Shirley has requested a revision to our code establishing development standards only within the Town of Shirley.
- Commissioner Huber introduced Ordinance 2021-7A amending Ordinance 2007-1B Establishing the Shirley Overlay District. Director Dale said this also rescinds and deletes the Fortville Overlay District, since we longer have jurisdiction for the Town of Fortville.
- Commissioner Huber made a motion to adopt Ordinance 2021-7A. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

#### **GDI Holdings Rezone**

- Mike Dale (Executive Director Planning Department) introduced GDI Holdings, which had a 6-1 opposed and one favorable recommendation from the Planning Commission for 196.8 acres from A to IBP at NW corner of CR 300N & CR 300W. Briane House, the Attorney representing GDI Holdings discussed the rezone and requested Commissioners consider the request.
- Commissioners discussed the request. Commissioner Jessup asked if anyone would like to speak against the rezone request?
- Several surrounding landowners spoke against the rezone request.
- Commissioner Jessup suggested remonstrators show up to the County Council meeting tomorrow, because this body has repeatedly asked the County Council to hire a sufficient number of deputies; we have repeatedly asked them to supplement the Fire Department; we have made the request that public safety be funded. We have plenty of money to fund them, but we cannot do that without County Council. I would encourage everyone to show up tomorrow to the all-day budget meeting starting at 8:30 AM. He said, ask the question what the county is doing with the \$37M in reserve funds.

- Commissioners agreed to table GDI's request. Commissioners Jessup confirmed the Commissioners will not take action on the GDI request to rezone 196.8 acres and will table at this time.

#### **Eastway Court Expansion Rezone**

- Mike Dale (Executive Director Planning Department) said the request is by Eastway Courts to rezone an operation North of their existing current facility to PUD to accommodate more apartments. The Planning Commission did give a favorable recommendation on the rezone petition. The development consultant discussed commitments.
- Commissioner Huber introduced Ordinance 2021-7B amending 2007-1B for the rezone of Eastway Court Apartments expansion from R2.5 to PUD.
- Commissioner Huber made a motion to adopt Ordinance 2021-7B. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

#### **Public Hearing: Vacate Public Street & Alley (2415 W US40)**

- Tom Billings, Attorney for Martin and Tracy Jennings requested to vacate Center Street and the Alley.
- Commissioner Jessup opened the Public Hearing at 10:44 AM on the vacation of public street and alley at 2415 W US40. Is there anyone that would like to speak in opposition to the vacation. A neighbor wanted to clarify his lots 27 & 28 could access Center Street to Pearl Street; he specifically did not want the part vacated. Commissioners verified Center Street to Pearl Street behind lots 27 & 28 were not included in the vacate request. Commissioner Jessup closed the Public Hearing at 10:50 AM.
- Commissioner Huber introduced Ordinance 2021-7C vacating a public street and alley at 2415 W US40 in Greenfield, town of Philadelphia, per the exhibit; Center Street would be vacated; but Center Street not vacated between Lots 26, 27, 28 and 29; and vacate the alley between Lots 28 & 33.
- Commissioner Huber made a motion to suspend the rules and allow for adoption on the day of introduction for Ordinance 2021-7C. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to adopt Ordinance 2021-7C. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

#### **Talitha Koums Transition House**

Linda Ostewig, Director of Talitha Koum Women's Recovery House thanked Commissioners for their support with growth over the years. Director Ostewig expressed interest in applying for the ARP Grant to assist with transitional housing. A house was located for \$200,000 in Greenfield for transitional housing, the lot would be an additional \$21,000. County Attorney Benkie said an appraisal would be needed. Commissioners were supportive but would like more information. Director Ostewig will email additional information to the Auditor to forward to Commissioners.

#### **Building Department**

- Scott Williams, Building Official explained in August 2019 a permit was issued for renovations for Fred Fentz to add two exterior doors to the previous George's Gas Station in Fortville. Scott said Mr. Fentz indicated the doors would turn it into his man cave/personal storage. The permit was for adding two exterior doors and issued in August 2019. Fortville took over everything in 2020; Scott serviced all of the open permits from 2019. Early 2020 the Health Department notified Scott they wanted to change this building to a pizza shop. Scott informed them the permit was only for the two main doors and anything else would have to go through the state design release, commercial use, etc. At the end of 2020, Mr.

Fentz called for a final and then per procedures with Fortville at that time, we had to get Fortville's construction signoff from the town before the final was completed. Fast forward a couple of months to January of 2021. Mr. Fentz cancelled due to COVID and said they would proceed later through Fortville. The permit was closed, no inspections were completed. Now it is open as Denver's Pizza; there was lot of work completed without anyone's knowledge and through the open permit he issued. Scott questioned does he have any jurisdiction to retroactively write a violation for construction without a permit; Even though this is not his jurisdiction any longer and the permit expired August 2020 and he closed it January of 2021. Terry Hiles, a Fortville resident and neighbor witnessed additional work at the location. There were post on Facebook of work at the location during the time the permit was open. Mr. Hiles pointed out he went through many hoops to open his business; which has been open 25 years.

- Commissioner Jessup clarified, so Mr. Hiles proceeded correctly according to the permit and Mr. Fentz is the President of the Fortville Board and it is unfair that an elected official went around the process and did what he wanted. Mr. Hiles said exactly and now a Fortville Town Council Board Member has control of the Fortville Building Department. Mr. Hiles said there was structural work in the buildings and there have been no inspections of the building whatsoever.
- Scott said he has been in contact with the State Fire Marshal and he is aware of the situation. The Fire Marshall has the right to not let the business open without a certificate of occupancy, without a construction designer lease from the state to bring him into compliance. Mr. Hiles said there is no evidence the hydraulic lifts were removed; they could be sitting under the eating area; oil could be under the floor that could affect the drinking water; blue stone went on the floors two years ago.
- County Attorney Benkie said a letter should be sent to Mr. Fentz and request a response. Commissioner Huber asked County Attorney Benkie to assist Scott with the letter to Mr. Fentz and send it registered mail.

#### **Clerk**

- Clerk Lofgreen addressed precinct boundary changes. The congressional and state legislative boundaries will be scrutinized and redrawn this year due to the new census. These will be approved in September for our deadline on October 15th. There is a deadline of August 11<sup>th</sup> for the 2022 Precinct Change Survey. Clerk Lofgreen invited Commissioners to attend an Election Board meeting August 19<sup>th</sup> and September 16<sup>th</sup>; she noted meetings are held the third Thursday of the month.
- Requested Commissioners declare surplus 100 single voter booths.
- Commissioner Huber made a motion to declare surplus 100 single voter booths. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Discussed documents in courthouse attic that are being converted to microfilm. She is in need of 15 bookshelves to hold documents. She has talked with Tri State for a proposed price of \$18,840 (\$27,300 to include shelving to place books). Commissioners agreed Clerk Lofgreen can make the changes in the Annex storage area.
- Discussed moving \$2,000 from one employee to another and requested this change take place this year. This is perpetuation funds.
- Commissioners agreed to retroactively approve an increase for additional \$2,000 for the Clerk Public Access Employee out of Perpetuation, if approved by County Council at the meeting on July 21st.

#### **READI Grant Information**

Tom Miller with Thomas P. Miller & Associates passed out information and updated Commissioners READI Grant with finalization on August 27<sup>th</sup>, with a deadline of August 31st. Tom will return to Commissioners on August 3<sup>rd</sup> with an update.

**NineStar Application & Agreement for Services**

Commissioner Huber made a motion to complete the NineStar Application and Agreement for Services for fiber to the new jail and the shooting range with a monthly recurring cost of \$714 and installation cost of \$1,000 to be paid out of Utilities. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

**Purdue Extension**

- Commissioner Spalding reviewed Purdue Extensions request for tree pruning and noted they would use their Repair Budget for funding. Commissioners agreed Purdue will return August 3<sup>rd</sup> for review of contractor and approval.
- Commissioner Huber made a motion to allow Purdue Extension to install the kiosk to be maintained by the Master Gardeners. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

**Enterprise Rental**

Commissioners discussed Enterprise Rental vehicles. Commissioner Jessup asked other Commissioners if they would like to research into a better price for vehicles. Commissioner Spalding volunteered to research into better prices and follow-up at the next Commissioner meeting.

**Animal Control**

Commissioners reviewed the 2022 Budget Worksheet request for Animal Control.

**Barnes & Thornburg Legal Services**

Commissioner Huber made a motion to accept the engagement letter from Barnes & Thornburg for legal counsel pertaining to current economic development issues. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

**The Hancock County Board of Commissioners meeting adjourned at 12:45 PM.**

**Hancock County Commissioners**

\_\_\_\_\_  
Commissioner John Jessup, President

\_\_\_\_\_  
Commissioner Marc Huber, Vice-President

\_\_\_\_\_  
Commissioner Bill Spalding

Attest: \_\_\_\_\_  
Debra Carnes, Hancock County Auditor